



HILLINGDON
LONDON



Council

To all Members of the Council

Date: THURSDAY, 14 JANUARY
2016

Time: 7.30 PM

Venue: COUNCIL CHAMBER -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

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Contact: Lloyd White, Head of
Democratic Services
Tel: 01895 556743
Email: lwhite@hillington.gov.uk

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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk

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Agenda

Prayers

To be said by Father Nicholas Schofield

- 1 Apologies for Absence
- 2 Minutes 1 - 8
To receive the minutes of the meeting held on 5 November 2015 (*attached*)
- 3 Declarations of Interest
To note any declarations of interest in any matter before the Council
- 4 Mayor's Announcements
- 5 Report of the Head of Democratic Services 9 - 10
- 6 Council Tax Base and Business Rates Forecast 2016/17 11 - 32
To consider the report of the Corporate Director of Finance
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To consider the adoption of a Local Development Scheme
- 8 Statements of Licensing and Gambling Policies 45 - 138
To consider the adoption of the Policies
- 9 Members' Questions 139 - 140
To take questions submitted by Members in accordance with Council Procedure Rule 11
- 10 Motions 141 - 142
To consider Motions submitted by Members in accordance with Council Procedure Rule 12

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Agenda Item 2



HILLINGDON
LONDON

Minutes

COUNCIL

5 November 2015

Meeting held at Council Chamber - Civic Centre, High Street, Uxbridge UB8 1UW

Councillor George Cooper (Mayor)
Councillor John Hensley (Deputy Mayor)

	<p>MEMBERS PRESENT:</p> <p>Councillors: Shehryar Ahmad-Wallana Jem Duducu Carol Melvin Teji Barnes Janet Duncan Douglas Mills Jonathan Bianco Beulah East Richard Mills Mohinder Birah Ian Edwards John Morgan Wayne Bridges Duncan Flynn John Morse Tony Burles Neil Fyfe June Nelson Keith Burrows Janet Gardner Susan O'Brien Roy Chamdal Narinder Garg John Oswell Alan Chapman Raymond Graham Jane Palmer Judith Cooper Becky Haggart Ray Puddifoot MBE Philip Corthorne Henry Higgins John Riley Brian Crowe Patricia Jackson Robin Sansarpuri Peter Curling Phoday Jarjussey Scott Seaman-Digby Catherine Dann Allan Kauffman David Simmonds CBE Peter Davis Judy Kelly Jagjit Singh Nick Denys Eddie Lavery Brian Stead Kanwal Dheer Richard Lewis Jan Sweeting Jazz Dhillon Michael Markham Michael White Jas Dhot Peter Money David Yarrow</p>
	<p>OFFICERS PRESENT: Jean Palmer, Paul Whaymand, Tony Zaman, Raj Alagh, Lloyd White, Morgan Einon and Beth Rainey and Nikki O'Halloran</p>
7.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillors Allen, Gilham, Khatra, Khursheed and Lakhmana.</p>
8.	<p>MINUTES (<i>Agenda Item 2</i>)</p> <p>Under the item 'Members Questions', Councillor Morse moved, and Councillor Nelson seconded, the following amendment to the record of the supplementary question (6.10):</p> <p><i>Councillor Morse, by way of a supplementary question, asked, as Hillingdon residents were funding nearly 80% of the capital funding of the £4.8m for the site of national importance and he was not aware of any efforts to obtain Lottery or Heritage funding, how the business model would sustain the long term financial viability of this site.</i></p> <p>RESOLVED: That the minutes of the meeting held on 10 September 2015, as amended above, be agreed.</p>

9.	<p>DECLARATIONS OF INTEREST (<i>Agenda Item 3</i>)</p> <p>Councillors Birah, Burles, Curling, Dheer, Dhot, East, Gardner, Jarjussey, Morse, Nelson, Oswell, Sansarpuri and Singh declared a non-pecuniary interest in Motion 7.1, as they were members of trade unions, and stayed in the room during the consideration thereof.</p>
10.	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 4</i>)</p> <p>The Mayor advised that, during his mayoralty, he regarded himself as politically neutral. He noted that Hillingdon had won Gold in the recent RHS Britain in Bloom awards and went on to outline a range of events that he and the Mayoress had attended since the last Council meeting and further events that would be taking place in the near future.</p>
11.	<p>REPORT OF THE HEAD OF DEMOCRATIC SERVICES (<i>Agenda Item 5</i>)</p> <p>The urgency decisions detailed in the report were noted.</p>
12.	<p>MEMBERS' QUESTIONS (<i>Agenda Item 6</i>)</p> <p>6.2 QUESTION SUBMITTED BY COUNCILLOR PALMER TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH AND HOUSING - COUNCILLOR CORTHORNE</p> <p>"Would the Cabinet Member provide an update on progress of the fraud team in tackling housing fraud?"</p> <p>Councillor Corthorne was pleased to be able to provide Council with an update in relation to the work that had been undertaken to make best use of the Council's housing stock. In October 2013 legislation was passed that criminalised sub-letting fraud so that tenancy fraudsters could now face up to two years in prison or a fine. In Hillingdon, the Council was using these powers to prosecute suitable cases.</p> <p>The Council's Fraud Team investigated suspected cases of social housing fraud by direct referrals from Housing Officers, by doing its own data matching exercises, or by following up on calls to the fraud hotline. In the first 7 months of this year (to 29 October 2015), the Team had recovered 48 properties, which were now available to be re-let to residents in genuine housing need. In total, since the commencement of the housing fraud project in 2010, the team had recovered 234 housing properties.</p> <p>Councillor Corthorne thanked the Housing Fraud Team for the work that they had undertaken, including the preventative work.</p> <p>There was no supplementary question.</p> <p>6.4 QUESTION SUBMITTED BY COUNCILLOR GARDNER TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH AND HOUSING - COUNCILLOR CORTHORNE</p> <p>"Can the Cabinet Member tell us how many elderly residents (i.e. over 70 years old) have presented as homeless over the last year as a result of family breakdown?"</p> <p>Councillor Corthorne advised that, in the 12 months to 27 October 2015, the Council</p>

had seen 34 households with a main applicant aged 70 or older approach the housing needs service for advice and assistance with a housing issue. Two of these were accepted as homeless as a result of family breakdown.

Councillor Gardner, by way of a supplementary question, asked whether a review of the consequences of homelessness would be undertaken in relation to the prevention of family breakdown and the human impact.

Councillor Corthorne advised that these matters were kept under constant review and that, if there was a particular issue that Councillor Gardner was referring to, she could share this with him.

6.1 QUESTION SUBMITTED BY COUNCILLOR MORGAN TO THE CABINET MEMBER FOR FINANCE, PROPERTY AND BUSINESS SERVICES – COUNCILLOR BIANCO

"Following on from the success in the Green Flag Awards run by the Keep Britain Tidy campaign in conjunction with the DCLG, can the Cabinet Member please tell me how Hillingdon got on at the recent finals of the RHS's Britain in Bloom awards?"

Councillor Bianco was pleased to announce that, thanks to the efforts of the Green Spaces Team and volunteers across the Borough, Hillingdon had won the Gold award in the large city category.

The RHS judges had visited a number of sites in Hillingdon in August 2015 including the Rural Activities Garden Centre (RAGC). Councillor Bianco advised that RAGC was currently open six days each week and would be opening seven days each week in the future.

There was no supplementary question.

6.3 QUESTION SUBMITTED BY COUNCILLOR SWEETING TO THE CABINET MEMBER FOR COMMUNITY, COMMERCE AND REGENERATION – COUNCILLOR D.MILLS

"What are the Council's plans for the delivery of vital additional community infrastructure facilities within West Drayton ward given the very significant increases to this ward's population coming from the thousands of new properties which have been built and are planned for this area?"

Councillor D Mills advised that the Council had been facilitating additional housing in Hillingdon and, through sound financial management, had been able to refurbish or rebuild all of the libraries in the Borough, as well as provide excellent sports facilities and a weekly rubbish collection service. In addition, on 16 November 2015, the refurbishment of Yiewsley and West Drayton community centre would commence and the Council had been working with Crossrail regarding developments and the supporting infrastructure around West Drayton station.

The Council had recognised that an increasing population in the Borough meant an increase in the number of children and, accordingly, had expanded West Drayton Primary School and provided a new school. It was noted that Hillingdon had the largest primary school provision within London.

Where possible, the Council was using its influence and working with partners to

ensure that the supporting infrastructure was in place. This work included improvements to health facilities, supported by Section 106 funding.

Councillor Sweeting, by way of a supplementary question, asked, given residents' concerns over lack of infrastructure and the lack of suitable sites for its provision within West Drayton, whether the Council would take steps to ensure that community facility sites were protected in this ward.

Councillor D Mills advised that the Council looked after the interests of all of its residents, and, accordingly, provided all of them with a Hillingdon First card. The authority would continue to do all that it could to support the provision of community facilities, meet new demand and take advantage of new opportunities when they arose.

6.6 QUESTION SUBMITTED BY COUNCILLOR KHATRA (AND POSED BY COUNCILLOR DHILLON) TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

"As the proposed new Health Centre on the Yiewsley swimming pool site does not now seem to be proceeding, and recognizing the Mayor's Charity aims of improving the health of Hillingdon residents, what is the Council doing to try to ensure that local residents have easy access to GP healthcare given that Yiewsley and West Drayton have seen booming population increases although having inadequate GP facilities based on evidence provided by local residents that they have to wait up to a month for a doctor's appointment?"

Councillor Puddifoot emphasised that the role of the Mayorality remained politically neutral and that the aims of the Mayor's Charity were not part of the official policy making process of the administration. He went on to outline the long and challenging history with regard to the development of the proposed new health centre on the Yiewsley Swimming pool site. At the Health and Wellbeing Board meeting on 22 September 2015, it had been noted that, as NHS Property Services (NHSPS) was unable to afford the rent, the development would not be progressed. The Board had recorded its disappointment and trusted that the provision of a GP surgery on the St Andrews Park development would not also fail.

The NHS was not democratically accountable to the public and the introduction of the Health and Wellbeing Board was a small and welcome first step towards clearer accountability. It was suggested that moving responsibility from NHSPS to local authorities would also help to improve this accountability.

Despite the continuing reduction in funding from Government to local authorities, Hillingdon was one of the most financially stable councils in London. However, Councillor Puddifoot noted that the Council would not subsidise NHS activities.

There was no supplementary question.

6.7 QUESTION SUBMITTED BY COUNCILLOR DHEER TO THE CABINET MEMBER FOR EDUCATION & CHILDREN'S SERVICES - COUNCILLOR SIMMONDS

"Please could the Cabinet Member provide an update on the provision of additional secondary school places in the borough?"

Councillor Simmonds advised that a large amount of information regarding secondary school provision was routinely included in monthly reports to Cabinet. It was noted that, as the population increased, the Council had been increasing primary school provision and that these young people would eventually need a secondary school place.

Although there was currently approximately 10% spare capacity in secondary schools, future pressures were expected around the middle and north of the Borough. To this end, discussions were underway with schools such as Bishopshalt and Uxbridge High School regarding capacity options and expansion. It was noted that there would be a need for one new secondary school in the Borough and that applications had been submitted for free schools.

Councillor Simmonds assured Councillor Dheer that the Council was addressing the provision of good quality school places to ensure that they were available at the time that they were needed.

Councillor Dheer, by way of a supplementary question, asked, following the Bishop of London's suggestion that a new school was needed in the area, when there would be a new secondary school provided in the south of the Borough.

Councillor Simmonds advised that the Council had been in discussion with the London Diocesan Board for Schools who had expressed a desire to open a Church of England secondary school in the Borough. However, this provision would not meet the statutory needs of the area which were in the middle and north of the Borough. It appeared that this message had not been passed on to the Bishop.

6.5 QUESTION SUBMITTED BY COUNCILLOR ALLEN (AND POSED BY THE MAYOR) TO THE CABINET MEMBER FOR PLANNING, TRANSPORTATION AND RECYCLING - COUNCILLOR BURROWS

"Could the Cabinet Member please inform Townfield Ward Councillors and other wards affected if there is going to be any changes to the refuse removal schedule over the Christmas/ New Year period this year to ensure that those whose refuse is usually collected on a Friday will not have to wait two weeks or more for their waste to be removed as has been the case for the last few years?"

Councillor Burrows advised that the Christmas and New Year holidays always necessitated changes to refuse and recycling collections. Hillingdon's approach was to plan its weekly services so as to minimise the number of residents experiencing delayed collections and day changes where possible. Where changes were unavoidable, normal weekly collection schedules were recovered as quickly as possible, unlike residents in some neighbouring boroughs who might not receive a collection for three weeks.

Residents whose weekly refuse and recycling collection day would normally be Friday 25 December this year, would miss one complete collection and their refuse and recycling would be cleared on Saturday 2 January 2016.

Councillor Burrows was aware that Friday's collections had been changed last year. The fact that Friday's collections would also be changed this year was purely due to the way in which the bank holidays had fallen. Therefore, over a period of years, different collection days would have a share of any changes. These changes had been included in Hillingdon People to ensure that residents were aware in advance.

Waste Services had been asked to ensure that staff removed accumulations of bags that might be placed on the highway on the wrong days over the forthcoming holiday period.

There was no supplementary question.

13. **MOTIONS** (*Agenda Item 7*)

7.1 MOTION FROM COUNCILLOR OSWELL

Councillor Oswell moved, and Councillor Morse seconded, the following motion:

"That this Council resolves to support the campaign against the unnecessary, anti-democratic and bureaucratic Trade Union Bill and will seek to continue its own locally agreed industrial relations strategy and will take every measure possible to maintain its autonomy with regard to facility time and the continuing use of check-off.

"This Council recognises the positive contribution that trade unions and trade union members make in our workplaces. This Council values the constructive relationship that we have with our trade unions and we recognise their commitment, and the commitment of all our staff, to the delivery of good quality public services.

"This Council notes with concern the Trade Union Bill which is currently being proposed by the Government and which would affect this Council's relationship with our trade unions and our workforce as a whole. This Council rejects this Bill's attack on local democracy and the attack on our right to manage our own affairs.

"This Council is clear that facility time, negotiated and agreed by us and our trade unions to suit our own specific needs, has a valuable role to play in the creation of good quality and responsive local services. Facility time should not be determined or controlled by Government in London.

"This Council is happy with the arrangements we currently have in place for deducting trade union membership subscriptions through our payroll. We see this as an important part of our positive industrial relations and a cheap and easy to administer system that supports our staff. This system is an administrative matter for the Council and should not be interfered with by the UK Government."

Following debate (Councillors Corthorne, Puddifoot, Seaman-Digby and Simmonds), the motion was put to the vote and lost.

7.2 MOTION FROM COUNCILLOR DUNCAN

Councillor Duncan moved, and Councillor East seconded, the following motion:

"That this Council asks Cabinet to investigate ways and means of erecting a memorial by November 2016 containing a comprehensive list of all the names of West Drayton and Yiewsley men who lost their lives in the first World War, on the West Drayton War Memorial outside West Drayton Cemetery, or some other suitable location, as a permanent and public record of their sacrifice."

Following debate (Councillor Sansarpuri), Councillor Puddifoot moved the following amendment, which was seconded by Councillor Simmonds:

	<p>"That this Council notes that our war memorials are cherished by our residents as a permanent and public record of the sacrifice of Hillingdon residents in wartime.</p> <p>"That Council notes the initiatives taken by Hillingdon Council to ensure that appropriate war memorials in the borough (including those in West Drayton and Yiewsley) contain a comprehensive list of the men and women who lost their lives in the First World War.</p> <p>"That this Council resolves to support the policy of the administration, publicised again in the March 2015 edition of Hillingdon People, that anyone with a verifiable claim will be included on the relevant local memorial."</p> <p>Following debate (Councillor Duncan), the amended motion was put to the vote and it was:</p> <p>RESOLVED: That this Council notes that our war memorials are cherished by our residents as a permanent and public record of the sacrifice of Hillingdon residents in wartime.</p> <p>That Council notes the initiatives taken by Hillingdon Council to ensure that appropriate war memorials in the borough (including those in West Drayton and Yiewsley) contain a comprehensive list of the men and women who lost their lives in the First World War.</p> <p>That this Council resolves to support the policy of the administration, publicised again in the March 2015 edition of Hillingdon People, that anyone with a verifiable claim will be included on the relevant local memorial.</p>
	<p>The meeting, which commenced at 7.30 pm, closed at 8.51 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Lloyd White, Head of Democratic Services on 01895 556743. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) URGENT IMPLEMENTATION OF DECISIONS

Information

1. Subject to the necessary agreements from the relevant Chairman of Policy Overview and Scrutiny Committees, the Constitution allows a Cabinet or Cabinet Member decision to be implemented without notice (*special urgency*) or before the expiry of the 5 day call (*urgency*). All such decisions are to be reported for information only to the next full Council meeting.
2. Recently the following decisions have been made using the two urgency procedures:

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
23/10/2015	Acquisition of Packet Boat House, Packet Boat Lane to supplement affordable housing provision, and associated Capital Release.	Special Urgency - Leader and Cabinet Member for Finance, Property & Business Services
19/11/2015	A decision to invoke interim decision-making arrangements in relation to adverse winter weather emergencies.	Urgency - Cabinet
08/12/2015	Harefield Youth Centre – Appointment of Project Management & Multi – Disciplinary Design Team and associated Capital Release.	Special Urgency - Leader and Cabinet Member for Finance, Property & Business Services
15/12/2015	ICT Single Development Plan: Digital Recording and Broadcasting of Council Meetings - Approval of Single Tender and associated Capital Release.	Urgency - Leader and Cabinet Member for Finance, Property & Business Services
18/12/2015	Universal Free School Meals: Award of Specialist Catering Kitchen Designers, Installers, Suppliers and the Appointment of Multi-Disciplinary Consultants with Capital Release.	Special Urgency - Leader and Cabinet Member for Finance, Property & Business Services
05/01/2016	Appointment of Asset Valuation Consultancy Services for the valuation of Council properties and assets.	Special Urgency - Leader and Cabinet Member for Finance, Property & Business Services

BACKGROUND PAPERS: Decision Notices

(ii) AMENDMENT TO THE COUNCIL CONSTITUTION

Information

1. Following the appointment of Mr Tony Zaman to the Corporate Director of Social Care post in December 2015, it is necessary to amend the following relevant parts of the Council's Constitution to reflect a merger of the two Director posts and Directorates:
 - Article 12 - Officers;
 - Part 3 - Scheme of Delegations to Officers (including individual directorate schemes) and;
 - Part 7 - Management Structure.

OFFICER'S RECOMMENDATION: That the Council's Constitution be amended to reflect the merger of the posts of Director of Adult Social Care Services and Director of Children and Young People's Services into the new post of Corporate Director of Social Care with the combined delegations and responsibilities thereof, including the creation of a new combined Directorate of Social Care.

(iii) MEMBERSHIP OF COUNCIL COMMITTEES 2015/2016

RECOMMENDATION: That, upon the recommendation of the Conservative Group, Councillor Higgins replace Councillor Melvin as a Member of the

- Corporate Services and Partnerships Policy Overview Committee
- North Planning Committee and
- Major Applications Planning Committee

COUNCIL TAX BASE AND BUSINESS RATES FORECAST 2016/17

Reporting Officer: Corporate Director of Finance

SUMMARY

This report sets out the proposed Council Tax Base and Business Rates Forecast for 2016/17 in accordance with legislation. Council is required to calculate both its Council Tax Base as at 30 November 2015 by 31 January 2016 and the Business Rates forecast by 31 January 2016. The report is also asking for approval for amendments to the Council Tax Reduction Scheme, effective from 1 April 2016.

RECOMMENDATIONS: That

- a) **the report of the Corporate Director of Finance for the calculation of the Council Tax Base and the Business Rates Forecast, be approved;**
- b) **in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by the London Borough of Hillingdon as its Council tax Base for 2016/17 shall be 95,770.**
- c) **the Corporate Director of Finance be authorised to submit the 2016/17 NNDR1 return to the Department of Communities & Local Government (CLG) and the Greater London Authority (GLA) in line with the business rates forecast contained within this report.**
- d) **the amended Council Tax Reduction Scheme for 2016/17 be approved with the following changes to be effective from 1 April 2016:**
 - **the maximum amount of reduction a working age household can receive is reduced to 75% of the council tax liability from 80%;**
 - **the maximum amount of reduction a vulnerable household can receive is reduced to 90% of the council tax liability from 100%; and**
 - **align the scheme with recent and impending welfare reforms, including changes to Housing Benefit.**

COUNCIL TAX BASE

The calculation of the Council Tax Base is prescribed under the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 and represents the equivalent number of Band D Properties within the Borough. The calculation of the Council Tax Base is based upon the following formula:

$$\mathbf{((H-Q+E+J)-Z) \times (F \text{ divided by } G)}$$

Where:

H is the number of chargeable dwellings for the band on the relevant day less the number of exempt dwellings on that day;

Q is a factor to take account of the discounts to which the amount of council tax payable was subject on the relevant day;

E is a factor to take account of premiums, if any, to which the council tax payable, was subject on the relevant day;

J is the amount of any adjustment in respect of changes in the number of chargeable dwelling or premiums calculated by the authority;

Z is the total amount that the authority estimates will be applied as a result of the introduction of the Council Tax Reduction Scheme expressed as an equivalent number of chargeable dwellings in that band;

F is the number appropriate to that band which is used in determining the Band D equivalent (i.e. Band A =6, Band B = 7, Band C =8, Band D = 9, Band E = 11. Band F = 13, Band G = 15 and Band H = 18;

G is the number applicable to Band D i.e. 9.

Table 1 sets out a summary of the Council Tax Base for 2016/17 including the estimated collection rate and allowance made for contributions in lieu of Council Tax in respect of Forces Barracks and Married Quarters. The detailed calculation is set out in Appendix A to this report.

Table 1 Total Number of Band D equivalent properties.	
Band	Number of properties
A	422
B	2,837
C	15,706
D	37,236
E	19,552
F	12,679
G	7,275
H	807
Total	96,514
Equivalent number adjusted for the estimated collection rate (98.5%)	-1,448
Plus the contribution in Lieu of Council Tax in respect of Forces Barracks and Married Quarters	704
Council Tax Base for 2016/17	95,770

CHANGES IN COUNCIL TAX BASE SINCE 2015/16

In calculating the Council Tax Base for 2016/17 the authority has to estimate the various changes that will occur during the financial year, which result in an increase of 4,570 Band D Equivalent Properties to the 95,770 outlined in Table 1 above. This movement consists of: 1,760 increase due to new development in the borough and projected changes to the number eligible for discounts, exemptions and reductions; 911 increase from proposed changes to the Council Tax Reduction scheme

discussed below; 950 from proposed changes to Council Tax Discounts also discussed below; 500 from the review of collection rates and 449 increase from reviewing eligibility for Single Person Discount.

Council Tax Reduction Scheme

The local Council Tax Reduction (CTR) Scheme was first approved by Council on 17 January 2013 for an initial two year period from April 2013 until March 2015 to award localised council tax support for those residents who the council considers to be in financial need. Council subsequently approved an extension of the original Scheme for 2015/16.

The CTR Scheme established by the Council in 2013/14 was designed to be contained within the £15,605k funding envelope available at the time, minimising the impact of Government policy changes on resources to fund local services. The level of support for the scheme is no longer explicitly identified within the Local Government Finance Settlement and therefore is assumed effectively to be falling in line with the overall grant award. Since the implementation of the scheme, funding for the scheme through retained Business Rates and the Revenue Support Grant has declined at a faster rate than the eligibility for the scheme with the funding gap for the London Borough of Hillingdon projected at £1,679k in 2016/17 (equivalent to 1,509 Band D equivalent properties).

In light of these on-going reductions in government funding for the local CTR Scheme, the Council has reviewed options available in managing this gap:

- Raising Council Tax
- Reducing Other Service Provision
- Reducing CTR Scheme Provision
- Use of Capital Reserves

The options of increasing general Council Tax and cutting other services have been disregarded as these would simply transfer the cost of financing the CTR Scheme from national taxation to local taxation, with the Government policy of capping Council Tax increases providing an additional disincentive to raising Council Tax. The use of Capital Reserves to support recurrent expenditure would only represent a time limited option as such reserves represent a finite resource, and would therefore appear contrary to the Council's statutory obligation to set a balanced budget.

In contrast, reducing CTR Scheme provision to reflect declining Government support for the scheme would reflect national Government's stated intention of reducing welfare payments and contribute towards the broader deficit reduction agenda without adversely impacting upon either the cost or quality of other Council Taxpayer funded services.

Additionally a review of the scheme over the first three years of its operation has shown that collection rates have not fallen as expected. It was assumed that there would be difficulty in collecting and enforcing the payment of the tax from residents who previously paid no Council Tax and resulting in the estimated collection rate for the year 2013/14 and subsequent years was being reduced from 98.7% to 98%. However, a review of the collection performance over the last three financial years

has shown that actual collection rates have exceeded the agreed collection target, with 2014/15 being a record year, and it is therefore proposed to increase the collection rate from 98% to 98.5% for 2016/17. This change increases the forecast income to the Collection Fund by £556k (Band D equivalent properties increase by 500).

Proposals to amend the current CTR Scheme and minimise the funding gap for 2016/17 have been subject to public consultation, with the principal recommendations to reduce the maximum reduction for working age households from 80% to 75% and vulnerable households from 100% to 90%. If approved, this revised scheme would reduce the annual cost of the scheme by 911 Band D Equivalent properties and substantially reduce the funding gap.

Consultation with residents on the proposed changes to the CTR scheme was undertaken in November and early December and the results of the consultation show that the majority of respondents to the consultation agreed with the proposals in the revised scheme for 2016/17. The results of the consultation and the Equality Impact Assessment (EIA) on the changes are published on the Council's web site and the EIA is also attached to this report for Member's information (Appendix B).

Council Tax Discounts

As part of the development of the Council's budget for 2016/17, there has been a review of other discounts and exemptions under the powers granted from April 2013, which coincided with the abolition of Council Tax Benefit. The draft budget report proposes that from 1 April 2016 the existing Class B 25% discount available indefinitely on furnished empty properties will be abolished. Class C and D discounts on properties undergoing repair or major structural alteration will be scaled back from the current 6 month and 1 year time limits to a maximum of 21 days. These changes are expected to reduce the cost of such discounts borne by other Council Taxpayers by the equivalent of 950 Band D Properties and so have been built into the calculation of the Council Tax base.

In addition, targeted work by the Corporate Fraud Team on reviewing eligibility for Single Person Discount (SPD) is expected to reduce the numbers claiming by approximately 2,000 from the previously budgeted 30,634 cases. Progress to 30 November 2015 identified 642 cases, with on-going work expected to reduce the cost of the discount borne by other Council Taxpayers by approximately 1,358 cases or further 449 Band D Equivalent Properties.

Estimated Collection Rate

It is a requirement of the Council Tax legislation for the Council to make an estimate of its collection rate in determining the Council Tax Base. The estimated collection rate is reviewed each year taking account of actual collection trends both in year and over a period of time. The estimated collection rate was reduced in 2013/14 from 98.7% to 98% to reflect the forecast increased difficulty of collecting and enforcing the payment of the tax following the introduction of the CTR scheme. However, as discussed above actual collection rates over the last three years have exceeded target, with a record breaking year in 2014/15, and therefore it is proposed to

increase the collection rate from 98% to 98.5% for 2016/17. This change increases the base by 500. Actual collection rates against the forecast will continue to be monitored throughout the year.

Impact on 2016/17 General Fund Budget

The actual impact upon the General Fund budget for 2016/17 of the new Council Tax base is an increase of 4,570 Band D equivalents properties generating £5,086k in additional funding for the General Fund in 2016/17 compared to 2015/16. This position represents an improvement of £556k in General Fund funding on the draft budget approved by Cabinet on 17 December 2015.

Section 106 of the Local Government Finance Act 1992

It is noted that this report falls within the provisions of the Local Government Finance Act 1992. Any member who is two or more months in arrears with his/her Council Tax must declare the fact and not vote on the recommendations in this report.

BUSINESS RATES INCOME FORECAST

The Local Government Finance Act 2012 introduced a mechanism whereby Councils will retain a proportion of business rates as a revenue funding stream and as a result, the business rates income forecast for 2016/17 has a direct impact upon the Council's finances and is therefore submitted to Council for approval alongside the Council Tax Base.

The Business Rates Income forecast for 2016/17 has been derived from the rateable values shown on the Council's local rating list as at 30 November, adjusted for expected growth in the base to 31 March 2016. Following allowance for the current levels of both mandatory and discretionary reliefs, the Council anticipates a gross yield of £383,703k.

As a number of new reliefs have been introduced by Government since the introduction of the Business Rate Retention System, for which the Council and other preceptors receive government funding in lieu of forgone income. An additional £3,108k income is projected with regard to the doubling of small business rate relief and support for small businesses.

This gross yield has been adjusted to provide £1,919k for losses in collection, representing a collection rate of 99.5% and £2,000k against appeals currently outstanding with the Valuation Office. The Council will retain £598k to cover the costs of administration and collection, resulting in forecast a net yield of £379,186k from business rates within the borough in 2016/17.

The Local Government Act 2012 permits the retention of 50% of revenues nationally within the local government sector. As a London Borough, 20% of income is passported to the GLA while 30%, £114,688k, is notionally retained by Hillingdon however this sum is then adjusted downwards by the £60,769k tariff to reflect historic levels of central government funding.

The remaining £53,919k of income is separated into the £43,201k baseline level of funding, as determined by central government and £10,718k growth, which is subject to a levy of 50%. After taking account of this levy, the Council retains £48,560k of business rate income, including £5,359k of growth.

The Council is required to submit a certified NNDR1 return, containing a more detailed analysis of this business rates forecast, to both DCLG and GLA by 31 January 2014. A recommendation to delegate authority to the Corporate Director of Finance to submit this return is included in this report.

Impact on 2016/17 General Fund Budget

The £48,560k income retained by the Council will be reflected in the budget presented to Cabinet for approval in February 2016, an increase of £1,105k from 2015/16. £762k of this increase represents the retained growth arising from the new developments in the borough and is available to support local services. The remaining £343k represents the 0.8% uplift in business rates, the proceeds of which are retained by central government through a topslice on the Council's Revenue Support Grant. This position remains consistent with the draft budget approved by Cabinet on 17 December 2015.

Financial Implications

The forecasts outlined in this report for both Council Tax and NNDR revenues in 2016/17 were included within the draft budget published for public consultation in December 2015. Income collected during 2016/17 will be closely monitored and any variation from the projections outlined above captured through the Medium Term Financial Forecast process.

Legal Implications

In relation to recommendations 1 - 3 the Borough Solicitor confirms that the legal implications are contained within the body of the report.

With regard to recommendation 4 the Borough Solicitor advises as follows:

Section 13 A of the Local Government Finance Act 1992 requires the Council to maintain a Council Tax Reduction (CTR) Scheme for eligible Hillingdon residents. The Scheme must comply with the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and, before revising its scheme, the Council is required to undertake a consultation in accordance with Schedule 1A to the Act. The 2012 Regulations confer an entitlement on qualifying pensioner households to a 100% reduction in their Council Tax, with the Council having discretion as to the level of reduction to be given to other categories of qualifying applicants.

Full details of the consultation that has been undertaken and the responses received are contained in Appendix 1 to the Report. The Council must consider the outcome of this consultation and take this into account in deciding whether to implement the proposed changes.

As stated in the report, the changes to the CTR Scheme are proposed in order to reduce the shortfall in funding faced by the Council. These changes include reducing the length of time for which certain discounts are available, increased Fraud Prevention work and by increasing the collection rate. The remainder of the gap will be recouped by the Council reducing the entitlement of non-pensioner households applicants, including applicants in receipt of disability benefits.

The majority of respondents to the Consultation agreed with the Council's proposals, although many respondents disagreed with the proposal to reduce the entitlement of residents in receipt of disability benefits. In particular, the Z 2K Trust strongly objected to these proposals.

The Council is required to discharge its Public Sector Equality Duty under section 149 of the Equality Act 2010. This requires the Council to have due regard to the effect that a reduction in entitlement under the CTR Scheme will have on residents with protected characteristics and to consider whether to take any steps to alleviate these adverse effects. In this regard a full Equalities Impact Assessment (EIA) has been undertaken and appears at Appendix B. This shows that the proposed reduction in entitlement will have adverse effects on women and persons with a disability.

It is inevitable that any reduction in entitlement under the Scheme will have an adverse impact on affected residents. The only way to eliminate this impact would be for the Council to divert sufficient monies from another budget to make up the shortfall in funding. However, a transfer of monies from another budget would result in other residents experiencing a reduction in their services. Therefore, if the Council wished to make up the shortfall in funding it would have to undertake a further EIA to satisfy itself that this course of action was appropriate.

Further, in November 2015, the High Court considered a legal challenge to changes made to the CTR Scheme of the London Borough of Havering. One of these changes was to reduce the entitlement of disabled applicants to a maximum of 85%. This was challenged on the basis that it constituted disability discrimination.

The High Court dismissed this challenge. It held that the prohibition on discrimination did not confer any protected status on applicants with a disability; the only applicants given protected status under the legislation are pensioner - households.

Given that the Council does not propose to change the entitlement of pensioner - households, the Borough Solicitor advises that the proposed changes to Hillingdon's CTR Scheme are lawful.

Background Papers: None

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Calculation of the Council Tax Base 2016/17

CALCULATION OF 'H' (The number of chargeable dwellings on valuation list)	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
Number of properties in the valuation list as at 01/12/15	913	5,727	23,694	45,410	18,342	9,730	4,992	436	109,244
Exempt Properties	(39)	(253)	(470)	(900)	(439)	(283)	(450)	(6)	(2,840)
Properties re Disabled Persons relief - Drop a Band	0	(6)	(54)	(218)	(139)	(89)	(38)	(22)	(566)
Properties re Disabled Persons relief - Drop a Band	6	54	218	139	89	38	22	0	566
Value of 'H'	880	5,522	23,388	44,431	17,853	9,396	4,526	408	106,404
CALCULATION OF 'Q' (the value of discounts allowed)									
Number of properties entitled to single occupancy discount/ Disregard (i.e. actual number x 25%)	(115)	(833)	(2,583)	(2,621)	(973)	(448)	(154)	(5)	(7,732)
Number of properties entitled to 50% discount as all residents disregarded (i.e. actual number x 50%)	(1)	(6)	(10)	(7)	(8)	(8)	(13)	(6)	(57)
number of properties treated as second homes (i.e. actual number x 25%)	(9)	(22)	(60)	(73)	(25)	(14)	(7)	(3)	(212)
Value of 'Q'	(124)	(861)	(2,652)	(2,701)	(1,006)	(470)	(174)	(14)	(8,000)
CALCULATION of 'E' (Any premiums payable on empty properties)									
Calculable of Premiums applicable	0	0	0	0	0	0	0	0	0
Value of 'E'	0	0	0	0	0	0	0	0	0
CALCULATION OF 'J' (Expected adjustments to number of properties on valuation list)									
New properties added to valuation list since 01/12/15	0	0	0	0	0	0	0	0	0
Properties completed but not yet shown on valuation list	25	27	155	24	14	2	3	9	259
Properties known to be on valuation list but to be taken out of list as demolished	(2)	(16)	(4)	(13)	(6)	(1)	0	0	(42)
Assumed increase in no of properties over year	0	84	302	78	37	12	1	2	516
Policy change on empty property discount	13	71	114	194	79	43	59	1	574
Estimated in year changes to discounts	6	39	105	95	29	11	3	0	288
Estimated in year changes to exemptions	0	0	0	0	0	0	0	0	0
Value of J	42	205	672	378	153	67	66	12	1,595
Value of (H-Q+E+J)	798	4,867	21,408	42,108	17,000	8,994	4,419	407	99,999
CALCULATION of 'Z' (Band adjustment due to Council Tax Reduction(CTR) Scheme)									
Equivalent Band reduction based upon estimated monetary values of Council Tax Support Grant	(186)	(1,348)	(4,081)	(5,264)	(1,068)	(228)	(56)	(3)	(12,234)
Estimated in year changes	21	129	342	392	65	12	3	0	963
Value of 'Z'	(165)	(1,219)	(3,739)	(4,872)	(1,003)	(216)	(54)	(3)	(11,271)
Value of H-Q+E+J-Z	633	3,647	17,669	37,236	15,997	8,777	4,365	403	88,728
Convert to band D equivalent properties (F/G) where G = 9 and F = number shown in column.	6	7	8	9	11	13	15	18	
Band D Equivalent properties by Band Value of ((H-Q+E+J)-Z)*(F/G)	422	2,837	15,706	37,236	19,552	12,679	7,275	807	96,514
Collection rate allowance 2016/17	98.50%								(1,448)
Estimated Collectable Band D Properties									95,066
Ministry of Defence properties									704
COUNCIL TAX BASE 2016/17									95,770

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Impact Assessment

STEP A) Description of what is to be assessed and its relevance to equality

What is being assessed? Please tick

Review of a service Staff restructure Decommissioning a service

Changing a policy Tendering for a new service A strategy or plan

A review of the Council Tax Reduction Scheme

Who is accountable? E.g. Head of Service or Corporate Director

Nancy le Roux - Deputy Director, Strategic Finance

Date assessment completed and approved by accountable person

12 October 2015

Names and job titles of people carrying out the assessment

Vicky Trott, Senior Policy Officer, Equalities and Diversity
Sunita Ghudial, Benefits and Governance Manager

A.1) What are the main aims and intended benefits of what you are assessing?

Aim of proposed changes to local Council Tax Reduction scheme for 2016

The local Council Tax Reduction (CTR) scheme was first implemented on 1 April 2013 for an initial period of two years and then extended for a further year, during which time a review of the scheme's funding and operation has been undertaken.

The key aims for the proposed amendments to the Council's local CTR scheme are to ensure costs would be contained within the central government funding to the Council and that the scheme is simple and easy to understand for residents. There are also some amendments proposed to align the scheme with the impending Governments Welfare and Housing Benefit changes to keep consistency and to ease administration of the processes.

National principles

- No change in the current level of award for pensioners (people who have reached the qualifying age for state pension credit) as this group is protected by legislation

- Consideration of continuing support for other vulnerable groups; and
- Local schemes should support work incentives, and in particular avoid disincentives to move into work

Underpinning principles

- Everyone will be liable to pay something (excluding pensioners and those entitled to war widow's pension, war disabilities pension or armed forces and reserve forces compensation scheme)
- Making work pay
- Restrictions on maximum support
- Simplified backdating arrangements
- Expectation that other adult occupiers within the household will contribute
- Simplified administration arrangements

The proposed amendments to the Council's local CTR scheme effective from 1 April 2016 are:

- the maximum amount of reduction a working age household can receive is reduced from 80% to 75% of the council tax liability;
- the maximum amount of reduction for a household where any disability premium is received is reduced from 100% to 90% of the council tax liability;
- to align the scheme with recent and impending welfare reforms, including changes to Housing Benefit;
- to increase non-dependant charges for working aged households; and
- to reduce capital/savings disregards to align it with Housing Benefit legislation.

Scheme design

Pensioners will be unaffected by this change as their CTR will be calculated as prescribed by legislation.

War widows, war disabled and armed forces compensation scheme applicants will continue to receive support calculated on 100% of their liability.

The proposed changes to the CTR scheme, for 'working age' claimants is set out below:

- Maximum support will be capped at 75%;
- Maximum support will be capped at 90% for customers in receipt of any disability premium
- Non-dependant charges will be increased
- Backdating will be restricted to 1 month;
- Capital restrictions will be changed - the capital limit will be £16k over which no support would be granted and between £6k and £16k, support will be reduced by £1 for every £250 of capital savings.
- The family premium to be withdrawn from April 2016 for new claims to align with Housing Benefit legislation

A.2) Who are the service users or staff affected by what you are assessing? What is their equality profile?

Total population of Council Tax Reduction Scheme claimants

As at October 2015 there were 108,975 properties within the borough with a Council Tax liability. At that time, Hillingdon had 18,660 households receiving CTR, showing that 17.12% of total tax payers receive Council Tax Reduction.

Of the 18,660 households receiving CTR, the breakdown of impacted groups is as follows: 6,520 are pensioners; 3,962 are classed as vulnerable; and 8,178 are working age. This information is provided in greater detail below:

Breakdown of current CTR scheme customer profile			
Type of Customer	Number	Yearly (£)	% of Total
Pensioners	6520	£6,472,670	37.92%
Passported (IS, JSA, ESA)	6563	£6,319,740	37.03%
Working Age Disabled	949	£970,403	5.69%
Single Working	272	£123,062	0.72%
Couple Working	118	£75,455	0.44%
Lone Parents Working	1278	£809,198	4.74%
Families Working	1929	£1,502,793	8.81%
Single non Workers	334	£225,944	1.32%
Couple Non Working	456	£341,936	2.00%
Lone Parents Non Workers	29	£23,270	0.14%
Families Non Workers	212	£202,712	1.19%
	18660	£17,067,183	100%

Breakdown of working age CTR Scheme customer profile by age		
Age of Customer	Number	% of Total
18 to 21	179	1.47%
22 to 30	1801	14.83%
31 to 40	3293	27.12%
41 to 50	3668	30.21%
51 to 63	3200	26.36%
Total	12141	100%

Breakdown of working age CTR scheme customer by gender		
Gender of Customer	Number	% of Total
Male	4210	34.68%
Female	7931	65.32%
Total	12141	100.00%

Breakdown of working age CTR scheme customer by ethnicity	Number	% of Total
White (including Irish, Gypsy Traveller and other)	3943	32
Black Caribbean	226	2
Black African	672	6
Black Other (including Black Mixed and other)	266	2.3
Indian	499	4
Pakistani	414	3
Bangladeshi	143	1
Chinese	31	0.3
Other Asian (including Asian Mixed and other	457	4
Other	2544	21.4
not known	2946	24
Total	12141	100
BAME	8198	44

Breakdown of working age CTR scheme customer by disability	Number	% of Total
In receipt of disability premium	3960	32.62%

A.3) Who are the stakeholders in this assessment and what is their interest in it?

Stakeholders	Interest
Council Tax Reduction Claimants	To ensure any changes to the scheme are applied in a fair and transparent manner following a full consultation process.
Local interest groups e.g CAB, DASH, Hillingdon Carers	These groups may work with the affected claimants and will need to have the right information to provide support and advice.
Head of Revenues and Benefits	To ensure any changes to the scheme are applied in a fair and transparent manner following a full consultation process.
Corporate Director of Finance	To ensure any changes to the scheme are applied in a fair and transparent manner following a full consultation process and that the administration of the scheme is providing value for money to the council and Hillingdon residents.

Chief Executive	To ensure any changes to the scheme are applied in a fair and transparent manner following a full consultation process and that the administration of the scheme is providing value for money to the council and Hillingdon residents.
Cabinet Member for Finance, Property and Business Services	To ensure any changes to the scheme are applied in a fair and transparent manner following a full consultation process and that the administration of the scheme is providing value for money to the council and Hillingdon residents.
Council Cabinet	To ensure any changes to the scheme are applied in a fair and transparent manner following a full consultation process and that the administration of the scheme is providing value for money to the council and Hillingdon residents.
Leader of the Council	To ensure any changes to the scheme are applied in a fair and transparent manner following a full consultation process and that the administration of the scheme is providing value for money to the council and Hillingdon residents.
Hillingdon residents	Not implementing the scheme may put increased financial pressures on other Council services which may have an impact on some Hillingdon residents.

A.4) Which protected characteristics or community issues are relevant to the assessment?

Age		Religion or belief	
Disability		Sex	
Gender reassignment		Sexual Orientation	
Marriage or civil partnership		Carers	
Pregnancy or maternity		Community Cohesion	
Race/Ethnicity		Community Safety	

STEP B) Consideration of information; data, research, consultation, engagement

B.1) Consideration of information and data - what have you got and what is it telling you?

Impact of the proposals by equality characteristic

Sex - The data indicates that women are over represented in claiming CTR when compared to the working age borough population as a whole (65.32% to 49.8%¹). As a result, the proposals are likely to impact women more than men.

Race - The data indicates that the largest group of claimants for CTR are White British at 32% which is below the total White British borough working age population of 54%². BAME people make up 44% of claimants which is in line with the total BAME borough working age population of 46%. The largest percentages of claimants are in the Other race category at 21.4% compared to 5% of the total Other borough working age population. As data is unavailable for 24% of claimants and the race breakdown for the 'Other' category is not provided, it is not possible to analyse the impact with any statistical significance.

Age - The data shows that those claimants aged 41 to 50 (30.21%) are more likely to be affected by the proposals compared to those aged 31 to 40 and 51 to 63 (27.12% and 26.36% respectively). When compared to the total borough working age population, the number is more than double for those aged 41 to 50 (30.21%³) and the proposals are therefore more likely to have an impact on this group.

Disability - The data shows that 32.62% of CTR scheme working age claimants have a disability and will be directly affected by the proposals. This is double the amount of total borough working age population with a disability at 16%⁴.

Consultation

B.2) Did you carry out any consultation or engagement as part of this assessment?

No specific consultation has been carried out as part of this assessment however a full public consultation on the changes to the scheme was undertaken.

Full details can be found here: <http://www.hillingdon.gov.uk/article/30416/Council-tax-reduction-scheme-consultation-201617>

¹ ONS population projections (2012 based), 2015

² Greater London Authority Ethnic Group Projections (2013 based), 2014

³ ONS population projections (2012 based), 2015

⁴ Annual Population Survey (2012)

B.3) Provide any other information to consider as part of the assessment

Background information

Impact of specific changes proposed for Council Tax Reduction Scheme

Each of the options being proposed on its own would not reduce the cost of the scheme sufficiently to maintain the scheme as self funding. However, a combination of the options as recommended does go further towards bridging the gap.

As part of the review of the scheme, a review of Council Tax collection rates for Council Tax since the introduction of the CTR in April 2013 demonstrates that whilst it is taking longer to collect the tax, there is very little impact on the total amount of tax collected for each of the 3 years CTR has been in operation. The in-year collection rate in 2012/13 was 97.30%, in 2013/14 96.86% and then it rose to a record level in 2014/15 of 97.31%. In addition, the review also looked at the impact of CTR on court summonses issued and liability orders granted. These figures remain fairly consistent year on year, before and after the introduction of the CTR scheme. Total summons issues in 2012/13 were 12,487, in 2013/14 this rose to 12,735 but of those 4,231 were in respect of CTS cases and then in 2014/15 total summons issued again rose to 12,783 but the number for CTR cases decreased to 3,509. Final figures are not yet available for 2015/16 but comparing the period from April to October, 2014/15 there were 6,754 summons issued, 1,870 for CTR cases and in 2015/16 5,978 summons were issued, 1,642 for CTR cases. This analysis provided assurance that the CTR scheme was not making a significant impact on the Council's ability to collect.

As a result of the introduction of CTR in April 2013 the council amended its recovery procedures to include additional stages to assist those affected by the changes. This involved sending additional letters, allowing weekly payments and sending payment cards in advance to all CTR recipients. The council also held discussions with the CAB and we work closely with them to enable us to refer cases who need budgetary support or monetary/debt management advice.

Maximum Support will be capped at 75%;

This will further restrict the maximum amount of CTR that the majority of working age residents claiming a reduction can receive. Currently most working aged claimants with no non-dependants receive CTR are capped to 80% of their Council Tax liability.

CTR is currently received by 12,141 working age households of which 30% are low paid working households. The proposed changes to the scheme is the most equitable in that it will equally affect all working age households not deemed vulnerable, irrespective of income. By applying a standard reduction to all working age claimants, the impact is spread across the widest possible group, thereby minimising the impact on each individual affected claimant. The proposed CTR scheme will be the most efficient to deliver and the easiest to communicate to residents.

Under this proposal the weekly Council Tax payment for a claimant in a property band D would increase by £1.34.

Maximum support will be capped at 90% for customers in receipt of any disability premium

The proposal is to lower the level of financial support available to working aged households in receipt of any disability premium from 100% to 90%. This means claimants would become liable for the payment of 10% of their council tax liability.

This is in line with many other authority schemes that require everyone to pay something towards the service they receive, but still continue to provide a significant amount of protection to disabled applicants/families. All other working aged council tax reduction households currently receive no more than a maximum of 80% financial support to help pay their council tax. This widens the number of claimant contributing towards the council tax and in doing so stops a disproportionate of burden falling on all other working aged council tax reduction recipient.

Under this proposal the weekly council tax payment for a claimant in a property band D would increase by £2.69. This payment is still lower than the payments made by all other working aged claimants who currently pay £5.38.

Non-dependant charges will be increased

Increase non-dependant charges for working aged households. The current CTR scheme non-dependant charges have not increased at the same pace as the Housing Benefit non-dependant charges. These changes are being proposed in order to align and have some consistencies between the Housing Benefit and CTR charges.

Non-dependant deductions for Council Tax Reduction Scheme

Description of deduction	Amount of weekly reduction in 2015/16	Proposed weekly reduction 2016/17
In receipt of Pension Credit	Nil	Nil
In receipt of assessment phase Employment & Support (ESA (IR)	Nil	Nil
In receipt of main phase ESA (IR)	Nil	£6.00
Aged under 25 and in receipt of Income Support or Jobseeker's Allowance (JSA(IB)	Nil	Nil
Aged 25 or over and in receipt of Income Support or Jobseeker's Allowance (JSA(IB)	Nil	£6.00
Aged under 25 in receipt of Universal Credit without any earned income	Nil	Nil
Aged 25 or over in receipt of Universal Credit without any earned income	Nil	£6.00
Aged 18 or over and in remunerative work (16 or more hours a week) or on Universal		

Credit with earnings (these are the current income band which are likely to change from April 16) :-		
- gross income less than £189 per week	£3.74	£6.50
- gross income £189 - £327.99 per week	£7.52	£13.50
- gross income £328 - £407.99 per week	£9.49	£16.50
- gross income £408 or more per week	£11.36	£19.50

However, not all claimants have non-dependant resident and where the claimant or partner receive DLA care there is no non-dependant charge.

Backdating will be restricted to 1 month

This proposal will limit backdating to 1 month for working aged customers. The current CTR Scheme allows three months backdating providing applicants can show continuous good cause for not applying earlier. Many claims are received but do not meet the legal conditions to allow back date.

Capital restrictions will be amended - the capital limit will be £16k over which no support would be granted and between £6k and £16k, support will be reduced by £1 for every £250 of capital savings.

Remove family premium from April 2016

The proposal is to remove family premium for new claims from April 2016 to align with the proposed Housing Benefit legislation.

Under this proposal the weekly Council Tax payment for a claimant would increase by £3.49.

Whilst clearly all residents entitled to Council Tax Support through the CTRS scheme will see their Council Tax liability 2016/17 increase (excluding Pensioners and other groups who will remain fully protected), the impact upon both the ability to pay and the income the Council receives will be monitored closely to ensure there is no adverse impact upon any particular groups. The EIA currently identifies negative impacts upon women who make up nearly two thirds of claimants and people with a disability who will be impacted by the new proposals. The key actions to mitigate these impacts will continue to be deployed, such as increasing the number of payment options to ensure residents are given a choice over how they pay their council tax and for those residents with a disability will still receive extra premiums and higher earnings disregards both of which increase CTR entitlement.

Legal context

The council has a public duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations (Equality Act 2010)

Financial context

Since 2010, the Business Improvement Delivery (BID) programme has driven transformation across the Council, reducing costs and improving efficiency to ensure we continue to deliver high quality services that put residents first. During this period over £84m of savings have been achieved.

Through sound financial management, the Council remains in a very strong financial position. However, going forward, we will continue to face very tough financial challenges with funding from Government being significantly reduced year on year, making the savings increasingly harder to achieve.

Following on from £12.8m savings delivered in 2014/15, the budget for 2015/16 contains a further £10m of savings and our latest projections estimate that Hillingdon will need to achieve further savings of around £59m over the subsequent 5 years. By 2015/16 the funding Hillingdon receives from Central Government will have been cut by over 50% since the Comprehensive Spending Review in 2010.

CTR Scheme Funding

Funding to support the local CTR scheme has been contained within the Council's Settlement Funding Assessment which consists of Revenue Support Grant and baseline Business Rates income. Upon the introduction of local schemes in 2013/14, the Council received funding at 90% of the current level of Council Tax Benefit expenditure, with Hillingdon's scheme being designed to operate within this initial £15,603k resource envelope.

From 2014/15 onwards the level of support for the scheme is no longer explicitly identified within the Local Government Finance Settlement and is therefore assumed to be falling in line with the overall grant award. The trend of declining government support is expected to continue until 2019/20, with further cuts in the region of 33% expected over this period to leave only £8,414k available to fund the local CTR scheme.

While the declining levels of eligibility noted above have been sufficient to contain the cost of the scheme within available resources until 2015/16, it is expected that from 2016/17 a local subsidy would be required to maintain the current scheme on the basis of current projections. Assuming eligibility remains constant and allowing for 2% per annum Council Tax increases from 2016/17, the deficit on providing a local scheme is forecast to reach £5,914k by 2019/20. Assumed Council Tax changes contribute approximately £700k towards this gap, with the remainder arising from funding reductions.

National context

From April 2013, local authorities across England were given the power to devise their own systems of Council Tax Support (CTS) for working-age adults. It replaced the national system of the Council Tax Benefit (CTB) which ensured that the poorest households did not have to pay council tax. Each year the local authority decides how CTR should work in their area. There is a legal requirement for the Secretary of State to carry out a review of all CTR schemes in England.

For more information, please see appendix A - REVIEW OF LOCAL COUNCIL TAX REDUCTION SCHEME as presented to Council Cabinet on 22 October 2015.

C) Assessment

C.1) Describe any **NEGATIVE** impacts (actual or potential):

Equality Group	Impact on this group and actions you need to take
Women	<p>Nearly two-thirds of CTR claimants are women and the proposals will therefore have a potentially negative effect on this group.</p> <p>The Council will continue to monitor the impact of the proposed changes and where necessary extend Council Tax payment option for this group which includes introducing extra communication prior to recovery action.</p>
People with a disability	<p>People with a disability will be directly, negatively affected by the proposals. The payment this group will have to make however is still lower than the payments made by all other working aged claimants.</p> <p>The Council will continue to monitor the impact of the proposed changes and where necessary extend Council Tax payment option for this group which includes introducing extra communication prior to recovery action.</p>

C.2) Describe any **POSITIVE** impacts

Equality Group	Impact on this group and actions you need to take
Those in receipt of state pension	<p>Pensioners are protected from changes in support introduced as part of the CTR Scheme.</p>
Claimants in receipt of War widow's pension, war disabilities pension or armed forces and reserve forces compensation scheme.	<p>This group is protected and is calculated on 100% of the liability.</p>
People with disability	<p>People with a disability will still receive extra premiums which increases the CTR entitlement.</p> <p>There are still no non-dependant deductions when the claimant or partner receive Disability Living Allowance (Care Component), Attendance Allowance, are registered blind, or get the daily living component of Personal Independence Payments.</p>

	Certain classes of disabled people will still get higher earnings disregards which increase the entitlement to CTR.
--	---------------------------------------------------------------------------------------------------------------------

D) Conclusions

The council has taken care to review and update the CTR Scheme to ensure that it is simple, efficient and meets the requirements made under the Government’s statement of intent.

It is inevitable that some groups will be affected by the changes proposed to the Scheme, in addition to the broader changes being implemented under Welfare Reform.

The proposed changes will not affect pensioners. This is mandatory as legislation prescribes that CTR schemes in respect of pensioners must adhere to one national scheme. The reduction in CTR that the Council is looking to achieve can only therefore be made in respect of working age claimants so a differential impact is inevitable.

The Council is proposing a scheme which will be adopted for a year, during which time its impact alongside the broader sweep of Welfare Reforms will be monitored.

Signed and dated:

12 October 2015

Name and position: Nancy Leroux, Deputy Director Strategic Finance

LOCAL DEVELOPMENT SCHEME

Reporting Officer: Head of Democratic Services

SUMMARY

Cabinet on 19 November 2015 recommended Council to consider the adoption of a revised Local Development Scheme (LDS) for the Council, which sets out timescales for the production of forthcoming Local Plan documents.

RECOMMENDATION: That the revised Local Development Scheme be adopted with effect from 17 January 2016.

SUPPORTING INFORMATION

The LDS is a project plan for the production of the Local Plan and other planning policy documents. It sets out the documents that the Council intends to produce and the timescale for their production. In order to be considered legally compliant in accordance with the Planning and Compulsory Purchase Act 2004, the Council's Local Plan documents should be in general conformity with the LDS. This means that they should be listed in the LDS and prepared in accordance with the timescales set out in the document.

The previous LDS was prepared in 2009 and whilst the Local Plan Part 2 documents approved by Cabinet for Public Consultation on 24 September 2015 are listed, the timescales for document production are now out of date. A new, up to date LDS is therefore required to ensure that the Local Plan is found to be legally compliant with the necessary regulations at Examination. Not to update the LDS could result in a suspension of the examination process and a delay in the adoption of the Plan.

Financial comments

The cost of preparing the Local Development Scheme will be contained within existing revenue budgets.

Legal

The Council is required to prepare a LDS in accordance with the requirements of section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The Planning and Compulsory Purchase Act 2004 (as amended) requires the LDS to be revised at such times as the Local Planning Authority considers appropriate.

Section 19 of the Planning and Compulsory Purchase Act 2004 (as amended) requires Development Plan Documents to be prepared in accordance with the LDS. As such it is vital that the LDS is updated to ensure the Council's Local Plan can be found legally complaint in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and relevant supporting legislation.

Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires a resolution of the Council, which must specify the date from which the LDS is to have effect.

Background Papers: Cabinet reports September 2015 and November 2015

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London Borough of Hillingdon Local Development Scheme

Effective 17 January 2016

1 INTRODUCTION

In accordance with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) the London Borough of Hillingdon must prepare a Local Development Scheme (LDS).

1.1 Background and Purpose

This LDS was approved by the Council's Cabinet on [date] and takes effect from [date]. It will replace the previous version which was published in August 2009.

The LDS is essentially a project plan which identifies the documents to be prepared and an indicative timetable for preparation, including milestones to be achieved. It must be made publicly available and kept up-to-date. This enables the public and stakeholders to find out about planning policies in their area, the status of those policies and the details of and timescales for the production of all relevant documents.

2 THE ADOPTED DEVELOPMENT PLAN

At the time of writing the adopted Development Plan for Hillingdon consists of the following documents:

- The Local Plan Part 1: Strategic Policies (November 2012)
- The Unitary Development Plan (UDP) Saved Policies (September 2007)
- The Unitary Development Plan Proposals Map (September 1998)
- The West London Waste Plan (July 2015)¹
- The London Plan: The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (March 2015)²

Some of the strategic policies in the Local Plan Part 1 are supported by Supplementary Planning Documents, which provide greater detail to assist in the interpretation of the parent policy. The adopted Supplementary Planning Documents that form part of Hillingdon's planning framework are set out in Appendix 2 of this LDS.

Whilst there may be a need for the Council to revise and/or prepare Supplementary Planning Documents, they do not form part of the statutory Development Plan for Hillingdon. As such, the programme for future SPDs is not identified in this LDS.

¹ The West London Waste Plan was prepared jointly by the London Boroughs of Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames

² The London Plan is prepared by the Mayor of London and represents the Regional Spatial Strategy for London

3 EMERGING DOCUMENTS

The Council is currently preparing the Local Plan Part 2, which comprises the following documents:

- Site Allocations and Designations
- Development Management Policies
- Policies Map Atlas of Changes

These three documents are being progressed concurrently and were subject to pre-submission consultation in late 2014, with a further round of pre-submission consultation anticipated to commence in October 2015. Appendix 1 sets out the indicative timetable for the remaining stages in the preparation of the Local Plan Part 2. Once adopted, the Local Plan Part 2 will supersede and fully replace the Unitary Development Plan Saved Policies (September 2007).

4 DOCUMENTS TO BE REVIEWED/PREPARED

4.1 Local Plan Part 1: Strategic Policies

Following the publication of the latest version of the London Plan in March 2015, Hillingdon's annual average housing supply monitoring target currently stands at 559 units. A full review of the London Plan is now underway and is likely to result in further changes to strategic growth targets. The Council is therefore proposing an update to its Local Plan Part 1 which will broadly follow the timescales of the production of the new London Plan. The review is expected to commence in 2017 and will conclude with the adoption of the new Local Plan Part 1 in 2020. Further details of this timetable are contained at Appendix 1.

4.2 Community Infrastructure Levy Charging Schedule

A review of the Council's Community Infrastructure Levy (CIL) Charging Schedule will commence in early 2016 and is expected to take approximately two years to complete.

4.3 West London Waste Plan

The West London Waste Plan was adopted in July 2015. During the examination process the West London Boroughs jointly agreed to carry out an early review to take account of changes to waste apportionment targets in the current version of the London Plan. The review is expected to commence in 2016.

4.4 Heathrow Opportunity Area Planning Framework

Opportunity Areas are London's major source of brownfield land with significant capacity for new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. The London Plan 2015 identifies the Heathrow Opportunity Area as one of 38 Opportunity Areas in London with the capacity to accommodate 9,000 homes and 12,000 jobs. The Heathrow Opportunity Area extends across the southern part of the London Borough of Hillingdon into Hounslow. The London Plan states that boroughs should develop more detailed policies for these areas.

An indicative timetable for the preparation or review of plans and planning policy documents is set out in Appendix 1.

5 MONITORING

The Local Development Scheme will be monitored and updated as necessary, in accordance with the timescales set out in Hillingdon's Authority Monitoring Report.

Appendix 1: Indicative Timetable for the Preparation of Plans and Planning Policy Documents

Document /Plan	Nature of Plan	Plan Area	Status and forward work plan
Local Plan Part 2	<ul style="list-style-type: none"> • Site Allocations and Designations • Development Management Policies • Changes to Policies • Map Atlas of Changes 	Borough-wide	Currently at Regulation 19 consultation stage. Documents to be progressed in accordance with the following timetable.

2016				2017				2018	
Jan - March	April - June	July - Sept	Oct - Dec	Jan - March	April - June	July - Sept	Oct - Dec	Jan - March	April - June
P	S	EP	EP	EP	A				

P	Plan preparation and Consultation
S	Submission to Examination
EP	Examination in Public
A	Adoption

Document/ Plan	Nature of Plan	Plan Area	Status and forward work plan
Local Plan Part 1	Strategic Policies	Borough-wide	To be commenced in July 2017 and progressed in accordance with the following timetable.

2017				2018				2019	
Jan - March	April - June	July - Sept	Oct - Dec	Jan - March	April - June	July - Sept	Oct - Dec	Jan - March	April - June
		EG	EG	P	P	P	P	P	P

2019		2020			
July - Sept	Oct - Dec	Jan - March	April - June	July - Sept	Oct - Dec
S	EP	EP	EP	A	

EG	Evidence Gathering
P	Plan Preparation and Consultation
S	Submission to Examination
EP	Examination in Public
A	Adoption

Document/Plan	Nature of Plan	Plan Area	Status and forward work plan
Community Infrastructure Levy Charging Schedule.	Sets out charging rates for different types of development	Borough-wide	To be commenced in 2016 and progressed in accordance with the following timetable.

2016				2017				2018	
Jan - March	April - June	July - Sept	Oct - Dec	Jan - March	April - June	July - Sept	Oct - Dec	Jan - March	April - June
EG	P	P	P	P	S	E	E	A	

EG	Evidence Gathering
P	Document Preparation and Consultation
S	Submission to Examination
EP	Examination in Public
A	Adoption

Document/Plan	Nature of Plan	Plan Area	Status and forward work plan
West London Waste Plan	Joint Local Plan Document, including strategic policies and site allocations	West London, including the London Boroughs of Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames	To be confirmed
Heathrow Opportunity Planning Framework	Joint non-statutory planning framework	Heathrow Opportunity Area	Likely to commence in mid 2017

Appendix 2: Supplementary Planning Documents (SPD)

1. Planning Obligations SPD (July 2014)
2. Accessible Hillingdon SPD (January 2010)
3. RAF Uxbridge Planning Project (January 2009)
4. Hillingdon Design and Accessibility Statement: Residential Extensions (December 2008)
5. Affordable Housing SPD May 2006
6. Noise SPD May 2006
7. Live/Work SPD May 2006
8. Hillingdon Design and Accessibility Statement: Shopfronts (July 2006)
9. Hillingdon Design and Accessibility Statement: New Residential Layouts July (2006)
10. Hillingdon Design and Accessibility Statement: Transport Interchanges July (2006)
11. Porters Way Planning Brief SPD December 2005
12. Air Quality SPD 2002

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STATEMENTS OF LICENSING AND GAMBLING POLICIES

Reporting Officer: Head of Democratic Services

SUMMARY

The Council has recently reviewed its key licensing policies, two of which were referred from Cabinet on 17 December 2015 to full Council for adoption in line with the legal and constitutional requirements for policy framework documents.

RECOMMENDATIONS: That

- a) the Statement of Licensing Policy be adopted with effect 17 January 2016 to 17 January 2021 and,
- b) the Gambling Policy be adopted with effect 17 January 2016 to 17 January 2019.

SUPPORTING INFORMATION

The Council is required to review its licensing policies at regular intervals to ensure that it is carrying out licensing functions in accordance with current legislation. Cabinet at its meeting on 24 September 2015 approved drafts of the policies to be consulted between 5th October and 20th November 2015. Responses were then considered by Cabinet, including those from the Licensing Committee, at its meeting on 17 December 2015. Members wishing to view the responses can find these in the Cabinet report. The revised policies to the licensing and gambling policies include updates in legislation and reflect current working practices. They will provide residents, licensing applicants and service users with up to date and fit for purpose policy documents. The recommended policies to be adopted are available on the Council website and in the Group Offices.

Finance comments

There are no material financial implications associated with implementation of the revised licensing policies attached to this report. No amendments to the cost of licences for individual businesses or the overall income receivable by the Council are expected to arise from these amended policies.

Legal comments

The Council has a statutory duty under Section 5 of the Licensing Act 2003 to review and republish its Statement of Licensing Policy every 5 years. Further, the Council has a statutory duty under Section 349 of the Gambling Act 2005 to review and republish its Gambling Policy every 3 years. Pursuant to those statutory timeframes, the Cabinet is advised that the current Statement of Licensing Policy and Gambling Policy expire in January 2016, therefore need to be renewed.

Background Papers: Reports to Cabinet - 24th September 2015 and 17 December 2015

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HILLINGDON

LONDON

Statement of Licensing Policy The Licensing Act 2003

Effective – January 2016 to January 2021

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1.0 Introduction & Background

1.1 The London Borough of Hillingdon is the Licensing Authority under the Licensing Act 2003 and is responsible for the administration and enforcement of the provisions relating to:

- Alcohol sales/supplies
- Regulated Entertainment
- Late Night Refreshment

1.2 The London Borough of Hillingdon currently has approximately 800 premises authorisations in force and 3500 personal licences held by individuals.

2.0 Policy Statement

2.1 The Licensing Authority exercises a range of responsibilities including helping to develop a thriving food, drink and entertainment economy whilst safeguarding the local community against issues which may arise from licensed premises.

2.2 The London Borough of Hillingdon is required by Section 5 of the Licensing Act 2003, to determine and publish a statement of licensing policy at least once every five years. The Licensing Policy will provide the Authority with the fundamental principles in respect of carrying out its licensing functions.

2.3 The Policy is also intended to inform applicants, residents and other stakeholders about the way in which the Licensing Authority will make decisions and the operating standards expected from licensed premises in accordance with the licensing objectives.

2.4 In determining its policy, the Council will take into account the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

2.5 In respect of all licensing functions and determination of any licensing policy, the Council has a duty to promote the four licensing objectives:

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

Each objective is of equal importance.

3.0 Consultation

3.1 In reviewing the Council's Statement of Licensing Policy, the Council sought observations and comments from the following persons, organisations and groups and their comments have been incorporated into this policy where relevant:

- Chief Officer of Police for Hillingdon
- London Fire Brigade
- Chief Planning Officer
- Hillingdon Safeguarding Children Board
- Health and Safety Executive and Hillingdon's Health and Safety Enforcement Team
- Public Health
- Trading Standards
- Enforcing Authority for Public Nuisance
- Bodies representing holders of current authorisations
- Residents Associations
- Ward Members
- Hillingdon's Anti-Social Behaviour Investigations Team
- Transport for London (TfL)
- The London Boroughs of Hounslow, Harrow, Ealing
- The Borough Councils of South Bucks, Three Rivers, Spelthorne, Slough
- Hillingdon Arts Council
- Individuals who have requested a copy of the draft policy.

4.0 General Principles and the Role of the Licensing Authority

4.1 The role of the Licensing Authority is to ensure control of the licensable activities at licensed premises, qualifying clubs, temporary events and the conduct of the personnel involved with the licensable activities as required under the Act.

4.2 Terms and conditions attached to the Premises Licences and Club Premises Certificates granted by the Licensing Authority will relate to matters over which the Premises Licence Holder or Club Management Committees have direct control.

4.3 The focus will be on the licensed premises and the activities in the vicinity of those premises. Those activities, on licensed premises, that have a direct impact on members of the public living, working or engaged in normal activities in the area, fall within the scope of the licensing regime.

4.4 Anti-social behaviour of patrons in and around a licensed premises and disturbance or nuisance which can be proved to be emanating from

particular premises, will be a consideration for the Licensing Authority in its enforcement and decision making role.

5.0 Integration of Strategies and avoidance of duplication

- 5.1 Many people and organisations are involved with, or affected by, the ways in which licensed premises are operated. Most are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Amongst the various stakeholders there will be a wide range of strategies that relate to, or are influenced by, the exercise of the Council's licensing function.
- 5.2 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes. Some regulations, however, do not cover the unique circumstances of some licensable activities. The Licensing Authority will consider attaching conditions to Premises Licences and Club Premises Certificates where; these are necessary for the promotion of the licensing objectives; these are not already provided for in any other legislation; these are not contained within the applicant's operating schedule and if there are relevant representations
- 5.3 The Licensing Committee will be prepared to accept reports from other relevant departments of the Council regarding the state of the borough. These reports may include contributions from those responsible for the promotion of tourism, cultural development, planning, transport, reduction of crime or anti-social behaviour, community safety, social, and health and community development. This should enable the various agencies or departments with their own strategies, aims and objectives to keep the Licensing Committee aware of the wider picture in pursuance of the licensing objectives.
- 5.4 Planning and public nuisance legislation carries the highest risk of duplication with the Licensing regime and are specifically mentioned in the Section 182 Guidance.

Planning

- 5.5 The licensing function is and should remain distinct from the planning process. It will be for the planning process to determine land/building use decisions and the market place to determine need for particular types of premises/activities. Licensing decisions will be made with regard to the furtherance of the Licensing Objectives with regard to the particular use sought. However, it is strongly recommended that applicants ensure that:
- The proposed licensable activities do not contravene planning legislation;

- The hours sought are within the limits authorised by any planning permission.

Enforcing Authority for Public Nuisance

- 5.6 Environmental Health Services officers and officers from the Environmental Protection Unit are charged with enforcing regulations relating to Public Nuisance and is also a responsible authority for Public Nuisance matters under the Act.
- 5.7 It is accepted that the Licensing Authority will often work closely with Environmental Health Services officers and officers from the Environmental Protection Unit where nuisance related issues occur at licensed premises. Whilst the Authority has a duty to uphold the prevention of public nuisance, it should be recognised that this duty will not replace the Authority's responsibilities under other legislation.

6.0 Promotion of Equality

- 6.1 The Council, as the Licensing Authority, seeks the elimination of all forms of discrimination in respect of age, sex, religion, race, disability and sexual orientation in accordance with its established equal opportunities policy (as amended from time to time).
- 6.2 This policy has been subject to an Equalities Impact Assessment and it does not have an adverse effect on equality issues.

7.0 Licensing Objectives - The Prevention of Crime and Disorder

- 7.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police Licensing Officer and Licensing Authority Officers prior to making any application as early advice can alleviate representations being made once an application is submitted. Full contact details for both are contained within the Responsible Authorities contact in appendix B.
- 7.2 Applicants should, where appropriate, take account of local planning and transport policies, and tourism, cultural and crime prevention strategies, when preparing their operating plans and schedules.
- 7.3 Where a number of premises may be in close proximity it may be difficult to attribute the disorder to patrons of particular premises, however there is a duty on Premises Licence Holders or Club Management Committees to act responsibly to ensure their own

customers do not contribute to crime and disorder whilst in their premises and in the vicinity of their premises.

- 7.4 When addressing crime and disorder, the applicant should identify any particular issues that are likely to affect adversely the promotion of the crime and disorder objective. They should then include in the operating schedule how they will deal with those matters.
- 7.5 Operating schedules should then show how they will address the issues identified. Further guidance on these measures is contained in Appendix B.
- 7.6 Applications referred to the Licensing Sub-Committee where relevant objections have been received will be determined on the individual merit of each case. The Licensing Sub-Committee has the power to impose specific conditions when considered necessary in respect of the Crime and Disorder objective.
- 7.7 The Council's Licensing Officers will work closely with the Metropolitan Police Service to ensure licence conditions are met, matters relating to crime and disorder are resolved, and that licensed premises are being operated according to the requirements of the Act.
- 7.8 Following the grant of a premises licence, the Metropolitan Police Service, Elected Members and/or interested parties such as local residents and Ward Councillors can apply to the Licensing Authority for a review of the licence if they consider that the Prevention of Crime and Disorder objective has not been met and are relevant.
- 7.9 When making decisions about an application the Licensing Sub Committee will have regard to the Borough's Crime Prevention Strategy and any conditions attached to licences or certificates will so far as possible reflect local crime prevention strategies
- 7.10 High risk or poorly managed premises will be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.
- 7.11 In the interest of public order and the prevention of terrorism, the Licensing Authority would expect that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events (see examples set out in Appendix B), the Licensing Authority recommends those applicants address the Risk Assessment and debrief processes in their operating schedule.
- 7.12 The Licensing Authority recommends the Metropolitan Police Promotion / Event Risk Assessment Form 696 and the After Promotion / Event Debrief Risk Assessment Form 696A as useful and effective

tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks for any promotion or event, the Licensing Authority would normally expect that they will be completed following consultation with the Metropolitan Police Service. This procedure should also be considered by the applicant when completing their Operating Schedule.

- 7.13 Personal Licence applicants will have to meet specific standards with regard to their suitability. There are a number of obligations on Personal Licence Holders including those who are named as Designated Premises Supervisors, the breach of which could mean appearing before the Magistrates Court.
- 7.14 The Council recognises that effective Pub Watch schemes can contribute greatly to the prevention of crime and disorder objective in licensed premises. Upon grant of any licence, licence holders and/or Designated Premises Supervisors of alcohol licensed premises will be expected to participate in their local Pub Watch scheme.

8.0 Licensing Objectives - Public Safety

- 8.1 The Licensing Act 2003 Act covers a range of premises and activities, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of risks to public safety, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 8.2 The Licensing Authority will expect operating schedules to satisfactorily address these issues and applicants are advised to seek advice from the Borough's Licensing Officers and the London Fire Brigade contact details can be found in appendix F, before preparing their plans and schedules. Where an applicant identifies an issue relating to public safety (including fire safety) that is not covered by existing legislation, the applicant should identify in their operating schedule the steps that they will take to ensure public safety. Where representations are received and upheld at a hearing, the Licensing Authority will consider attaching conditions to licences and permissions to promote safety.
- 8.3 If relevant representations are received from a Responsible Authority, Elected Members or interested parties the application will be determined by a Licensing Sub-Committee.
- 8.4 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee has the power to impose specific conditions when considered necessary in respect of the Public Safety objective.

- 8.5 Following the grant of a premises licence, the London Fire and Emergency Planning Authority, Elected Members and/or the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence if they consider that the Public Safety objective has not been met.
- 8.6 The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the approved safety standards are being maintained and that licence conditions are being complied with.
- 8.7 High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.
- 8.8 The Council's Licensing Officers, Fire Safety Officers and Health & Safety Officers will work closely together to resolve matters relating to public safety in licensed premises.

9.0 Licensing Objectives - The Prevention of Public Nuisance

- 9.1 Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.
- 9.2 Appendix D provides a list of examples of activities which could give rise to public nuisance and measures which can be taken to prevent such nuisance occurring.
- 9.3 Applicants should give particular consideration to measures to reduce the occurrence of public nuisance associated with accommodating smokers outside the premises, following the introduction of smoke free areas in enclosed or substantially enclosed places.
- 9.4 In relation to smoking outside licensed premises, it is expected that:
- Suitable receptacles for customers will be provided and maintained to dispose of cigarette litter in areas used, or likely to be used, for smoking

- Licensees will take all reasonable steps to discourage smoking on the public highway close to residential premises, particularly after 10pm. This could include measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors, or imposing a time after which re-admissions to the premises will not be permitted
 - Garden areas to be cleared at a reasonable time where not doing so could cause nuisance to neighbouring residents.
- 9.5 Where an application includes provision of a smoking shelter then the Licensing Authority expects the shelter to be situated as far as possible from neighbouring residential premises.
- 9.6 If relevant representations are received from a Responsible Authority, Elected Members or interested parties, the application will be determined by a Licensing Sub-Committee.
- 9.7 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Prevention of Public Nuisance objective.
- 9.8 Following the grant of a premises licence, the Council's Environmental Health Services officers, or officers from the Environmental Protection Unit, Elected Members and/or interested parties such as local residents and businesses can apply to the Licensing Authority for review of the licence if they consider that the Prevention of Public Nuisance objective has not been met.
- 9.9 The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the conditions relating to the prevention of public nuisance are being complied with.
- 9.10 High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.
- 9.11 The Council's Licensing Officers, Environmental Health Services officers and Environmental Protection Officers will work closely with the Council's Anti-Social Behaviour enforcement officers requesting monitoring visits of specific premises and receiving feedback regarding the witnessing of statutory noise and public nuisance or the breach of licence conditions.
- 10.0 Licensing Objectives - The Protection of Children from Harm**
- 10.1 The range of 'licensed premises' under the Licensing Act 2003 is very broad. It includes pubs, cinemas, theatres, restaurants, off licences etc.

- 10.2 Under the Licensing Act 2003, unaccompanied children under the age of 16 are not allowed on premises such as public houses which are used exclusively or primarily for the supply of alcohol for consumption on the premises.
- 10.3 This restriction does not apply to premises such as restaurants and bowling alleys etc. where the supply of alcohol is not the principal use of the premises. However, unaccompanied children under the age of sixteen are not permitted in such premises between the hours of midnight and 5 a.m. Admission of children will always be at the discretion of those managing the premises unless specifically prohibited by way of licence conditions.
- 10.4 Applicants and licence holders are encouraged to be mindful of the adult nature of licensed premises and to make adequate provision for the protection of children from harm in their operating schedules. Applicants are advised to contact the Safeguarding Children and Quality Assurance team directly to seek advice prior to submitting their application.
- 10.5 It is recognised that the Mandatory Conditions attached to premises licences where alcohol is sold/supplied must have in place an age verification scheme. The Licensing Authority would normally expect this scheme to include a challenge for photo identification to all persons who appear to be under the age of 25 years i.e. 'Challenge 25'
- 10.6 If relevant representations are received from a Responsible Authority, Elected Members or interested parties the application will be determined by a Licensing Sub-Committee.
- 10.7 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Protection of Children from Harm objective.
- 10.8 Following the grant of a premises licence, the Council's Safeguarding Children and Quality Assurance team, Elected Members and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence if they consider that the Protection of Children from Harm objective has not been met.
- 10.9 The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the conditions relating to the protection of children from harm are being complied with.
- 10.10 High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.

- 10.11 The Licensing Authority will expect that each operator dealing in the sale and supply of alcohol implements a proof of age policy in line with the Mandatory Licence conditions. The Authority expects premises licence holders to ensure that their staff are adequately trained and in every case where there is any doubt as to whether the customer is aged eighteen or over: 'No ID- No sale'.
- 10.12 Trading Standards Officers and Police Officers will carry out test purchases of alcohol using young volunteers. Where sales are made, enforcement action will be taken against all responsible persons.

Children's access to cinemas

- 10.13 The Licensing Authority accepts that the British Board of Film Classification (BBFC) is the recognised authority in categorising films. It therefore accepts the BBFC classifications with respect of children's films. The Licensing Authority will expect applicants to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to BBFC recommendations.

Children and Regulated Entertainment

- 10.14 There are many kinds of regulated entertainment which are specifically arranged for children, such as plays, concerts, film shows, some of which may be school based. When it is proposed to present an entertainment specifically for children, then additional safety measures may need to be considered. The Council's Licensing Officers and the Safeguarding Children and Quality Assurance team are able to offer advice and guidance in respect of such presentations and organisers of such events are encouraged to seek such advice.

11.0 Public Health & Licensing

- 11.1 The Director of Public Health in Hillingdon is a responsible authority under the Licensing Act 2003, and may make representations in respect of premise licence applications and club premise certificates, and may also apply to review premise licences and certificates.
- 11.2 At the time of writing, there is no licensing objective correlating purely to public health, and as such any representations or applications made by the Director for Public Health must be based upon one or more of the current licensing objectives. Representations relating solely to public health issues are 'not relevant' under the Act.
- 11.3 A range of public health issues may relate directly to one or more of the Licensing Objectives; for example, violent assaults, cases of alcohol poisoning at licensed premises, issues with loud noise emanating from premises. The Licensing Authority will work with the Director of Public

Health and his staff in order to identify and utilise relevant public health data within the licensing process.

12.0 Licensing Committee

- 12.1 A Licensing Committee consisting of at least ten, but not more than fifteen Councillors has been appointed. The Licensing Committee will be kept informed by way of reports from officers on a wide range of matters which may impact on their role.
- 12.2 The Licensing Act 2003 dictates that uncontested applications shall be granted and that such applications should be dealt with by specific officers who have been so delegated by the Licensing Authority.
- 12.3 Whenever relevant representations have been received from Responsible Authorities; Elected Members and/or Interested Parties in respect of an application, that application will be referred to a Licensing Sub-Committee for determination.
- 12.4 Although the Licensing Authority welcomes views from all members of the community, Government guidance states that the Council as the Licensing Authority should be aware that the views of vocal minorities should not be allowed to predominate over the general interests of the community that the Licensing Committee represents.

13.0 Authorisations and Applications

13.1 There are a number of authorisations relating to:

- Sale/Supply of alcohol
- Regulated entertainment
- Late Night Refreshment

These are;

Premises Licences

- 13.2 Any person aged eighteen years or over who is carrying on, or who proposes to carry on, a business that involves the use of premises for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period. 'A person' in this context includes a business or partnership.
- 13.3 A premises licence lasts indefinitely and may be transferred or varied at any time.
- 13.4 The premises licence application form and operating schedule should be completed clearly and concisely to reflect the exact nature of the

business and how the four licensing objectives will be addressed. All sections of the application form must be completed. Guidance as to what type of information should be included in the operating schedule is given in the appendices to this Policy.

- 13.5 Applications which are incomplete or illegible will be returned to the applicant with an explanation for the return. Reasons may include incomplete or missing forms, the absence of the fee, absence of required plans or insufficient information detailed on the plans, as required under Statutory Instrument 42 and the operating schedule. For personal licences also the absence of certificates or photographs.
- 13.6 Applicants are advised to seek advice from the Council's Licensing Officers and the Responsible Authorities concerning the licensing requirements for premises and/or licensable activities being applied for prior to completing their operating schedule. Large or unusual events need particular consideration and applicants are advised to consult the Council's Licensing Officers for guidance and to submit applications as far in advance as possible. When required, the Council's Licensing Officers will provide all applicants with advice and guidance in respect of completing their application forms and, in particular, how they should address each one of the four licensing objectives in their operating schedules.
- 13.7 Notwithstanding 13.6 above, it is the applicant's responsibility to complete the application to a satisfactory standard and they should seek professional legal advice as necessary.

Members Clubs

- 13.8 Some activities carried out by clubs need to be licensed under the Act but generally, members clubs are treated differently to proprietary clubs and commercial premises. A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club'.
- 13.9 Where there is doubt about the eligibility for a club premises certificate, the Licensing Authority will seek assurances and evidence from applicants that they are a qualifying club for the purposes of the Act. Such evidence may include membership records, minutes of committee meetings etc.

Temporary Event Notices

- 13.10 Anyone may give the Licensing Authority a Temporary Event Notice (TEN). This procedure allows people to hold an event involving licensable activities without having to apply for a Premises Licence or Club Premises Certificate.

13.11 The Act provides a system for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the licensing authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event.

Personal Licences

13.12 To sell alcohol in licensed premises at least one person needs to hold a ‘Personal Licence’ which has been granted by the Licensing Authority where they live. This requirement does not apply to ‘qualifying clubs’.

13.13 In some premises there may be more than one person holding a ‘Personal Licence’ and it is important that one person is named as being in control, this person is called the ‘Designated Premises Supervisor’.

13.14 There is one exemption from the need for a personal licence holder and “Designated Premise Supervisor” in line with the mandatory requirements of the Licensing Act 2003 section 19(2) and 19(3). That is in the case where a community premises (church, community and village halls etc.) has applied for and been granted an application to disapply these mandatory conditions.

13.15 In determining applications for personal licences the Licensing Authority will have regard to the guidelines issued by the Secretary of State under section 182 of the Licensing Act 2003 and any secondary legislation. The promotion of the four licensing objectives applies to the consideration of applications for personal licences equally as it does to applications for premises licences.

14.0 Representations

14.1 This policy will not seek to exclude any rights enshrined in the Act or any other legislation for applicants or those making representations against applications. Each application and representation will be treated on its merits taking into account the legislation, the Guidance issued under section 182 of the Licensing Act 2003 and this policy.

14.2 Representations can be made to the Council, as Licensing Authority, by a ‘Responsible Authority’ or by ‘Interested Parties’ which include bodies or individuals who live in the vicinity of such a premises, and residents association, trade associations and other businesses operating in the vicinity. Representations can be made concerning:-

- Applications for new premises licences or club premises certificates
- Applications to vary premises licences or club premises certificates

- Personal licence applications on criminal grounds (only by the Police)
- 14.3 Responsible Authorities are the public authorities specifically designated under the Licensing Act 2003 to be consulted on all licence applications and are also entitled to make representations. A full list of Responsible Authorities is attached as Appendix F.
- 14.4 The Licensing Act 2003 also permits Elected Members to make representations on their own behalf as well as on behalf of their constituents. Members of the public who are making representations may also request that their Ward Councillor speaks on their behalf at public hearings to determine applications.
- 14.5 Representations about an application must be made in writing to the Council's Regulatory Services Team within the statutory time limits.
- 14.6 Written representations include letters and emails. Representations received after the end of the public consultation period cannot legally be accepted and will not be considered by the Licensing Authority.
- 14.7 Representations must contain;
- a) The name, full address & post code, of the person making them;
 - b) The reasons for their representation;
 - c) Which of the four Licensing Objectives the representation relates to i.e. Crime and disorder; Public Nuisance; Public safety; Protection of children from harm.
- 14.8 Representations which do not meet this requirement may be rejected as being irrelevant or frivolous or vexatious. The decision in this respect will be delegated to the Deputy Chief Executive and Corporate Director for Residents Services who may sub delegate the matter to an appropriate senior officer.
- 14.9 Representations based on 'Need' for licensed premises, concerns the commercial demand for another pub, restaurant, off licence or hotel. This is not a matter for the licensing authority in discharging its licensing functions. 'Need' is a matter for planning committees and for the market. Representations made on the basis of need are likely to be rejected.
- 14.10 All valid representations will form part of a committee report that will become a public document. It will be given to the applicant, their agent, responsible authorities, other persons making representations and any other party requesting a copy as well as the Licensing Sub-committee 10 working days prior to the hearing. Anonymous representations will not be accepted.

- 14.11 Petitions may be submitted but are not as informative as individual correspondence and as such may be given less weight when considered by a Licensing Sub Committee.
- 14.12 Petitions will only be accepted if on each sheet it clearly shows
- The name and address of the application site
 - Reasons for the representation and
 - Which of the four Licensing Objectives are relevant
- 14.13 Each petitioner must give their name, full address including post code.
- 14.14 Failure to comply with any of the above requirements could lead to the petition being rejected.
- 14.15 The Licensing Authority follows the guidance of the Secretary of State concerning the judgments of representation as being irrelevant, vexatious and frivolous. A representation would be 'irrelevant' if it does not relate to the application or to the promotion of the licensing objectives in the context of the application.
- 14.16 In considering whether or not a representation is 'vexatious or frivolous' the Licensing Authority must determine whether any ordinary and reasonable person would consider the matter to be vexatious or frivolous. Vexation may arise where, for example, there is a dispute between rival businesses. Frivolous representations would be categorised by a lack of seriousness.
- 14.17 Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed and that representation will be disregarded.

15.0 The Role of the Ward Councillor

- 15.1 Ward Councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations as an interested party in their own right
- 15.2 For example, ward Councillors may apply for a review of a licence if problems at specific premises, which justify intervention, are brought to their attention.
- 15.3 Ward Councillors are informed of all new applications and any application to vary a licence in their ward. Individual Councillors may publicise an application locally in addition to the statutory publication carried out by the applicant.

- 15.4 Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. Details on how to contact Ward Councillors may be obtained from the Council's Website.
- 15.5 Ward Councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if;
- They have made a personal representation;
 - They have made a representation on behalf of local residents or businesses as 'community advocates'
 - They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.

16.0 Decision Making and Licensing Hearings

- 16.1 Applications for premises licences, club premises certificates, interim authorities, provisional statements, variation of designated premises supervisors and personal licences that do not attract representations will be issued as applied for; any conditions, apart from mandatory conditions, will reflect the applicant's operating schedule.
- 16.2 The Licensing Authority will form Sub-Committees consisting of three elected members led by one Chairman.
- 16.3 The full Licensing Committee will sit when it is considered appropriate to comply with any requirements of the Licensing Act 2003 or accompanying Regulations.
- 16.4 A Licensing Sub-Committee will sit to hear all applications for premises licences, club premises certificates, interim authorities, provisional statements, designated premises supervisors and personal licences which have attracted relevant representations from either a 'responsible authority' or 'other person'. A full scheme of delegations can be found at Appendix A
- 16.5 A Licensing Sub-Committee will also sit to hear cases where the police and/or the Council's Noise and Nuisance officers have opposed a Temporary Event Notice on the basis that, should the event go ahead, one or more of the licensing objectives would not be promoted.
- 16.6 Any decisions made by the Licensing Sub Committee will be announced verbally at the end of the hearing where possible, and will be sent in writing to the applicant and any person who has made a valid representation within five working days.

17.0 Licence Conditions

17.1 Conditions on premises licences and club certificates are determined by:

- The measures put forward on the Operating Schedule
- Mandatory conditions within the Act (current list included as Appendix G)
- Measures decided at a hearing by the Licensing Sub Committee

17.2 Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises.

They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity.

17.3 The Licensing Authority will not impose standard conditions upon every licence issued, however it may have regard to model conditions produced by the Government and/or the Institute of Licensing and it may choose to impose these in appropriate circumstances.

18.0 Enforcement

18.1 Any enforcement action taken in relation to the duties of this Licensing Authority under the Licensing Act 2003 will comply with the current Residents Services Enforcement Policy.

18.2 The Council also supports the 'Hampton Principles' of avoiding duplication when carrying out inspections and will endeavour to carry out its inspections of licensed premises in accordance with those principles.

18.3 Officers will also comply with the 'Regulators Code', which can be accessed at: <https://www.gov.uk/government/publications/regulators-code>

18.4 The Licensing Authority's Officers may carry out joint enforcement inspections with Metropolitan Police officers.

19.0 Reviews

19.1 At any stage following the grant of a premises licence or a club premises certificate, an application for a review application can be submitted to the Licensing Authority by a Responsible Authority, any Elected Member or an Interested Party in connection with any of the four licensing objectives.

- 19.2 The Council, as Licensing Authority, will reject an application for review where it considers that the complaint is:
- Not relevant to any of the Licensing Objectives
 - Vexatious, frivolous or repetitious
- 19.3 The Licensing Authority will be prepared to facilitate mediation between the licensee and those who may be intending to review the licence, depending upon the severity of the individual circumstances.
- 19.4 It is recommended that applications for review of premises licences are not made until at least six months after the grant of a licence in order to allow time for evidence to be gathered on the grounds for review.
- 19.5 Premises subject to review must display a statutory notice so that it is visible to passers-by, stating the ground for review and advising those who wish to make a representation to write to the Licensing Authority.
- 19.6 The Licensing Authority will also place similar notices at the Civic Centre and on the Council's website.
- 19.7 The Violent Crime Reduction Act 2006 gives the police power to review a premises licence with immediate effect where a senior police officer considers there is the risk of serious crime or disorder at the premises. This is known as an 'expedited review'.
- 19.8 Where an 'expedited review' has been applied for by the Police, the Licensing Authority will convene a Licensing Sub-Committee who will consider any interim immediate steps that may include modifying the licence conditions, suspending the licence or removing the designated premises supervisor (DPS). Interim steps will be imposed by the Licensing Sub-Committee within two working days from receipt of the application.
- 19.9 The Licensing Sub-Committee may impose interim steps without consulting with the licence holder, however, every effort will be made to contact the licence holder and inform him of the review. If interim steps are imposed, the Licensing Authority shall immediately notify the licence holder and the police. The licence holder is entitled to make representations at this stage and a hearing will be held to facilitate this.

20.0 Cumulative Effect

- 20.1 Whilst the London Borough of Hillingdon does not have a concentration of licensed premises as found in central London boroughs, it nevertheless has a relatively large number of pubs and restaurants in Town Centre areas. Most of these Town Centre areas are also home to many residents. However, the Council, as the Licensing Authority, does not propose, at this stage, to set quotas for particular types of licences.

- 22.2 Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensable activity are fully considered. If crime and disorder or general disturbance/nuisance do prove to be linked to the concentration of customers of licensed premises in any particular areas, then the Licensing Authority will consider introducing controls over the issue of new licences through a 'Special Policy' (to limit the number of licensed premises).
- 22.3 It would first be necessary to establish that, because of the number and density of licensed premises selling alcohol in a particular area, there are exceptional problems of nuisance, disturbance and or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identified as being responsible for the problems it may be possible to take specific measures against those individual Premises Licence Holders or Club Management Committees following relevant representations.
- 20.4 Where there is public disorder from a minority of people who display anti-social behaviour away from licensed premises, there are other measures available to the Police Authority to address such issues.
- 20.5 Before deciding whether to adopt a Special Policy (to limit the number of licensed premises), the Council as the Licensing Authority must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council as the Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder. It must be sure it has met its obligations under the Crime and Disorder Act 1998 and in terms of its promotion of the licensing objectives under the Licensing Act 2003.
- 20.6 If objector representations are made as to the cumulative effect of a new application and hence the need for a Special Policy (to limit the number of licensed premises), the onus will be on the objector to provide the evidence that the additional premises would produce the impact claimed.
- 20.7 If a Special Policy (to limit the number of licensed premises) is introduced it will be reviewed regularly to assess whether or not it is still needed.

21.0 Licensing Hours

- 21.1 Prior to the introduction of the Licensing Act 2003, it was believed that fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times and one of the causes of disorder and

disturbance when large number of customers were required to leave the premises simultaneously.

- 21.2 The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times.
- 21.3 Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case.
- 21.4 In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance.
- 21.5 Shops, stores and supermarkets licensed to sell alcohol will normally be allowed to do so for the full duration of their trading hours. Restrictions may be applied, for example where representations are made indicating the particular premises or patrons of the premises are linked to disorder and or disturbance.

22.0 Exemptions

- 22.1 There are a number of circumstances where entertainment related activities are exempt from regulation. These activities are specifically addressed in detail in the Section 182 Guidance. In summary, these are:
- Live Music
 - Recorded Music
 - Plays
 - Performances of Dance
 - Indoor Sport
 - Any entertainment provided by a local authority, school or hospital
 - Community exhibitions of film
- 22.2 The exemption for entertainment is subject to certain conditions relating to the timings of the entertainment and maximum audience numbers, i.e. between the hours of 08.00 and 23.00 and for audiences of no more than 500 people.

- 22.3 In licensed premises, where the exemptions apply, any conditions relating to entertainment would be suspended between the hours of 08.00 and 23.00. However, the Licensing Authority is empowered to lift the suspension of licence conditions upon a licence review where there are demonstrable effects on one or more of the licensing objectives.
- 22.4 It should be noted that any dance performances of an adult nature, involving nudity, are still regulated under the Local Government (Miscellaneous Provisions) Act 1982 and separate permission would apply.

Appendix A

TABLE OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	SUB-COMMITTEE	OFFICERS
Application for a personal licence	If a Police objection	If no objection made
Application for personal licence, with unspent convictions	If a Police objection	If no objection made
Application for premises licence/club premises certificate	If a relevant representation made	If no representation made
Application for provisional statement	If a relevant representation made	If no representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		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 certificate	All cases	
Decision on whether a representation/objection is irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of an objection to a Temporary Event Notice	All cases	
Revocation of Personal Licence where convictions come to light after grant	All cases	
Determination of application by Community Premises to include alternative licence condition	If a Police objection	All other cases
Decision whether to consult other responsible authorities on minor variation applications		All cases
Determination of minor variation applications		All cases

APPENDIX B – PREVENTION OF CRIME AND DISORDER

Examples of measures to prevent crime and disorder which applicants are encouraged to give when completing their Operating Schedules:

- The setting of a safe capacity limit – This is important in order to prevent overcrowding giving rise to risk of crime and disorder
- Use of crime prevention notices – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers
- Publicising details of the premises operation – Display details of the premises opening and closing times
- Installing CCTV – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a thirty one day library of recordings maintained at all times
- Removing low cost high strength alcohol from offer – To help reduce street crime and violence and anti-social behaviour from public drunkenness
- Developing a drugs policy in conjunction with the police – Establish a clear written anti-drugs policy and publicise this to customers
- Preventing counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises
- Exercising control over the removal of open drink containers – To prevent the use of containers as weapons in the street
- Using plastic containers and toughened glass – Consideration should be given to the use of safer alternatives to glass which would inflict less severe injuries if used as weapons. Note: That any glass alternatives used for measuring draft beer and cider must be lawful for trade use under weights and measures legislation.
- Introducing bottle bans – Decant drinks into glasses before being handed across a bar
- Providing seating for customers – sufficient to ensure that the majority of customers do not have to stand
- Ensuring good availability of soft drinks and food

- Employing an appropriate number of SIA registered door supervisors – Valuable for maintaining orderly behaviour in queues; searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures
- Making personal searches by door supervisors a condition of entry – Including the provision of signage and female SIA for personal searches conducted on female customers and performers
- Providing door supervisors with search wands / search arches – Maintained in good working order and used on all occasions
- Providing a drugs and weapons box – Kept under the direct control of premises management with all seized drugs and weapons to be handed over to the police in accordance with the police code of practice
- Installing ID scanning and recording equipment – Requiring all patrons to provide ID and agree to being recorded. Provide notices to this effect in conjunction
- Establishing a last admissions policy – For both admissions and readmissions. Publicise this at the premises
- Establishing a dispersals policy – Helping to reduce the potential for disturbance to local residents
- Co-operating with the police and Council on venue hire agreements – Providing good notice (at least one month) of all internal and external promoters engaged at the premises. Also comply with requests from the police not to engage a specific promoter where this is recommended by the police for crime and disorder

Premises Licence Holders and representatives from Clubs are expected to participate in Pub Watch, Club Watch, Business Watch and Radio Link and similar schemes.

Dispersal

The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering any application for the grant or variation of a licence serious consideration will be given to the dispersal arrangements from the premises and the effect that granting the licence might have on the dispersal arrangements of other licensed premises in the area. The Licensing Authority will pay particular attention to an application which may delay orderly dispersal or is likely to encourage people to remain in the vicinity.

Drugs

The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises however it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the Crime and Disorder licensing objective.

If relevant representations are received to following an application for the grant or variation of a licence, special conditions may be imposed to support the prevention of the sale, supply and consumption of drugs.

In premises where drugs misuse is problematic and where the Police or others apply for a 'Review' of the licence, the Licensing Authority will consider this as being very serious and will give appropriate consideration to the full range of options available including the suspension and revocation of the licence. The Licensing Authority recognises that each case is individual and will be decided on the facts and its specific merits.

Nightclubs and other similar venues

Nightclubs and other similar venues should, when completing their operating schedule, consider including reference to the use of risk assessments for the different types of music and DJ's/MC's or similar that they propose to use.

In addition, if it is proposed, on occasions, to stage significant events or promotions, then applicants should also consider when completing their operating schedule, submitting a separate risk assessment for each individual event or promotion followed by the submission of a subsequent 'de-brief' report.

Detailed below are examples of conditions that applicants may wish to considering offering in their operating schedule:-

1. The premises licence holder shall undertake a risk assessment of any promotion or event (as defined over) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy to the Metropolitan Police Service using the email as detailed below and the Licensing Authority not less than fourteen days before the event is due to take place.
2. Where an 'event' has taken place, the premises licence holder shall complete follow up feedback using form 696a and submit this to the Metropolitan Police by email as detailed below within three days of the conclusion of the event.

Licensing-xh@met.pnn.police.uk

ClubsFocusDesk-CO14@met.police.uk

Definition of an 'Event'

The recommended guidance to music event organisers, management of licensed premises or event promoter on when to complete Form 696 is where you hold an event that is –

- promoted / advertised to the public at any time before the event, and
- predominantly features DJs or MCs performing to a recorded backing track, and
- runs anytime between the hours of 22.00 hours and 04.00 hours, and
- is in a nightclub or a large public house.

APPENDIX C – PUBLIC SAFETY

Publications which applicants should consider when preparing their operating schedules:-

- British Standard 9999 - Code of Practice for Fire Safety
- Regulatory Reform (Fire Safety) Order 2005 – clause 14(2) (a)-(h)
- British Standard 7671 - Requirements for Electrical Installations (I.E.E. Wiring Regulations)
- British Standard 5266 - Code of Practice for emergency lighting systems
- British Standard 5839 - Fire detection and alarm systems for buildings
- Model National Standard Conditions for Places of Entertainment – Published by LDSA Publications, PO Box 266, Bromley, Kent, BR2 9ZN
- Technical Standards for Places of Entertainment - Published by LDSA Publications, PO Box 266, Bromley, Kent, BR2 9ZN
- Purple Guide - A guide to health, safety and welfare at large events <http://www.thepurpleguide.co.uk/>
- Managing Crowds Safely, HSG154 (ISBN 0-7176-1834-X)
- 5 Steps to Risk Assessment, Case Studies (HSE 1998) (ISBN 0-7176-1580-4)
- The Guide to Safety at Sports Grounds published by HMSO, The Green Guide (ISBN 0-11-341072-7)
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances, www.streetartsnetwork.org/pages/publications
- Home Office and London Drug Policy Forum guidance 'Safer Clubbing'

APPENDIX D – PREVENTION OF PUBLIC NUISANCE

Relevant issues might include:

- Preventing noise and vibration escaping from the premises, including music, noise from plant and patrons
- Preventing disturbance by patrons arriving at, gathering outside of, being admitted or re-admitted to or departing from the premises, particularly, but not exclusively between 11pm and 7am hours
- Preventing vehicle queues forming outside of the premises, or where some form of queuing is necessary, the steps to prevent disturbance or obstruction
- Ensuring clear up operations conducted by staff do not cause a nuisance and that staff leave the premises quietly
- Addressing arrangements made for parking by patrons
- Considering whether there is sufficient public transport provision and where licensed taxis or private hire vehicles are likely and any arrangements made to prevent disturbance to local residents
- Controlling disturbance that may be caused by the use of gardens / terraces / external and other open-air areas including the highway, particularly in relation to smoking and the passage of patrons between internal and external areas
- Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation plant, condensers
- Restricting delivery and collection times (waste, equipment and consumables) to between 8am and 8pm hours
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises
- The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours.

Management controls should be considered for:

- The numbers of persons using any licensed external area at any one time
- The hours of operation of any licensed external area, requiring patrons to return back into the premises at a specific time. In residential areas, this is particularly important
- The numbers of smokers allowed outside of the premises at any one time
- The taking of drinks outside of the premises when patrons step outside to smoke. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises
- Queues of patrons awaiting admission and how these are arranged
- The areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises
- The times within which live music and / or amplified sound may be played in any external area or marquees or relayed by external speakers (where permitted under the terms of the licence)
- The times within which barbecues or other cooking facilities may be provided within any external area
- Terminal hour for last admissions and readmissions to the premises
- The supervision of patrons using any external area so as to prevent nuisance and disturbance
- Arrangements made with local cab companies calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street
- The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving
- The display of notices at exit points asking patrons to ' please leave quietly' and be mindful of local neighbours when leaving the premises
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time

- The clearance of any litter created by the operation of the premises
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance
- Applicants are advised to seek advice from the Council's Environmental Health Officers contact details can be found in appendix F before preparing their plans and operating schedules. Where representations are received and upheld at a hearing the Licensing Authority will consider attaching conditions to licences and permissions to prevent public nuisance.

Publications which should be considered when preparing operating schedules:

- a) British Standard 4142 2014: Methods for rating and assessing industrial and commercial sound
- b) London Borough of Hillingdon Supplementary Planning Guidance - Noise
- c) Control of 'Noise' published by the British Beer and Pubs Association

APPENDIX E – PROTECTION OF CHILDREN FROM HARM

The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- Limitations on the hours when children may be present.
- Limitations on the presence of children under certain ages when particular specified activities are taking place.
- Limitations on the parts of premises to which children might be given access.
- Limitations on ages below eighteen.
- Requirements for an accompanying adult.
- Full exclusion of people under eighteen from the premises when any licensable activities are taking place.

The following are examples of premises that will raise concern:

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- A known association with drug taking or drug dealing.
- Where there is a strong element of gambling on the premises.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

APPENDIX F

Responsible Authorities

<p>The Licensing Authority c/o Regulatory Services London Borough of Hillingdon Civic Centre 4W/01 High Street Uxbridge UB8 1UW licensing@hillington.gov.uk</p>	<p>Chief Officer of Police c/o Licensing Dept. Uxbridge Police Station 1 Warwick Place Uxbridge UB8 1PG Attn The Licensing Sergeant Licensing-xh@met.pnn.police.uk</p>
<p>Chief Officer of Police Heathrow Police Station Unit 3, Polar Park Bath Rd West Drayton Middlesex UB7 0DG Martin.baird@met.pnn.police.uk</p>	<p>London Fire and Emergency Planning Authority London Fire Brigade 169 Union Street London SE1 0LL Attn: North West Area Team fsrnorth@london-fire.gov.uk</p>
<p>Safeguarding Children and Quality Assurance Social Services London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW jaltenor@hillington.gov.uk</p>	<p>Public Nuisance Enforcing Authority Environmental Protection Unit London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW environmentalhealthcp@hillington.gov.uk</p>
<p>Weights and Measures Enforcing Authority Trading Standards Service London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW tradingstandards@hillington.gov.uk</p>	<p>Planning Authority London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW Planning@hillington.gov.uk</p>
<p>Public Health Authority London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW shajioff@hillington.gov.uk</p>	<p>Health & Safety Enforcing Authority London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW environmentalhealthcp@hillington.gov.uk</p>
<p>Canal & River Trust (where applicable) Docklands Office 420 Manchester Road London E14 9ST enquiries.london@canalrivertrust.org.uk</p>	

Appendix G - Current Mandatory Conditions under the Licensing Act 2003

All Premises Licence authorising supply of alcohol

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
6. The responsible person shall ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

(a)“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b)“permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.



HILLINGDON

LONDON

Statement of Gambling Policy The Gambling Act 2005

Effective – January 2016 to January 2019

Draft

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PART 1 THE GAMBLING ACT 2005

INTRODUCTION

1.1 The London Borough of Hillingdon Council is the Licensing Authority under the Gambling Act 2005. This means that the Council is responsible for granting Premises Licences in respect of betting premises, bingo premises, casino premises, adult gaming centres and family entertainment centres as well as issuing a range of gaming permits and other authorisations for gambling within the Borough. As Licensing Authority, we are also empowered under the Act to impose conditions and review licences, as well as take enforcement action when an offence under the Act has been committed or when premises or activities are unlicensed, or licence conditions are not complied with. This is coupled with powers of entry and inspection to ensure compliance.

The Licensing Framework

1.2 In exercising most of our decision-making functions we **must** have regard to the three Licensing Objectives set out in Section 1 of the Gambling Act, namely:

- 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

1.3 We are also bound by section 153 of the Act, which requires us, in making decisions concerning Premises Licences and Temporary Use Notices, to aim to permit the use of premises for gambling insofar as we think fit, subject to such decisions being:

- 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 this Statement of Licensing Principles

The Policy

1.4 Section 349 of the Act requires us to publish a *Statement of Principles* (or policy) that we will apply when exercising our various functions under the Act. This Statement of Principles fulfils that statutory requirement and details throughout the document the Council's general approach to the making of licensing decisions.

- 1.5 Nothing in this policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in this policy will undermine the right of any person to make representations on an application, or seek a review of a licence where there is a legal power to do so.
- 1.6 This document should be read in conjunction with the Act, Regulations made under the Act and Guidance issued by the Gambling Commission. Our Statement of Principles is designed to be a strategic (Gambling) Licensing Policy, not an operational guide to the Gambling Act or a guide to the application process.
- 1.7 This policy is supplemented by guidance documents for residents and the trade on the application and licensing process. These documents will assist applicants and objectors in understanding their rights and responsibilities under the Act in respect of:
- Applying for licenses and other gambling permissions.
 - Making representations.
 - Complaints about a premises licensed under the Act and review rights.
 - Committee hearings and the decision making process.
 - The information is available on the Council's website or on request by contacting the Licensing Authority.

CONSULTATION

- 1.8 The Council has, in accordance with the section 349(3) of the Gambling Act, consulted with:
- i) London Borough of Hillingdon Council Licensing Authority
 - ii) The Gambling Commission
 - iii) The Chief Officer of Police for the London Borough of Hillingdon (where relevant, Chief Officer of Police for Heathrow)
 - iv) London Fire & Emergency Planning Authority, Hillingdon Fire Station
 - v) London Borough of Hillingdon Council Planning Authority
 - vi) London Borough of Hillingdon Council Environmental Protection Unit (*i.e. authority responsible for pollution and harm to human health*)
 - vii) Hillingdon Local Safeguarding Board
 - viii) HM Revenue and Customs
 - ix) Authority for Vulnerable Adults
 - x) A Licensing Authority in whose area the premises is situated (*i.e. the Council itself and also any adjoining Council where premises straddle the boundaries between the two*).
- (i) Persons who appear to this authority to represent the interests of persons carrying on gambling businesses in the borough of Hillingdon and neighbouring boroughs

- (ii) Persons who appear to us to represent the interests of persons who are likely to be affected by the exercise of this authority's functions under the Gambling Act 2005
- 1.9 A comprehensive list of the persons and/or bodies we have consulted is attached at Appendix A. A summary of the consultation responses can be found on the Council's website. The full list of comments made and consideration given to those responses is available on request by contacting the Authority's Licensing Service.
- 1.10 Our consultation took place between 5th October and 20th November 2015 the HM Government Code of Practice on Consultation (published July 2008) was followed.
- 1.11 This Policy was approved by Council on **XXX (target date January 2016)**. It was published on our website on **XXX (date to be confirmed)**. Copies are available from the Council's Regulatory Services Team.

DECLARATION

- 1.12 In producing the final Statement of Principles, this Licensing Authority declares that it has had regard to the Licensing Objectives and the Gambling Act 2005, the Guidance issued by the Gambling Commission and responses from those consulted on the policy statement.

AUTHORISED ACTIVITIES

- 1.13 Gambling' is defined in the Act as either gaming, betting or taking part in a lottery:
- (i) Gaming means playing a game of chance for a prize
 - (ii) Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true
 - (iii) 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.
- 1.14 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. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

1.15 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Regulatory Service Team where appropriate.

LICENSING AUTHORITY FUNCTIONS

1.16 Under the Act, the Council will be responsible for:

- Licensing of premises where gambling activities are to take place by issuing premises licences.
- Issuing Provisional Statements.
- Regulating Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits.
- Issuing Club Machine Permits to commercial clubs.
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.
- Receiving Notifications from Alcohol Licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines.
- Granting licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.
- Registering Small Society Lotteries below prescribed thresholds.
- Issuing Prize Gaming Permits.
- Receiving and endorsing Temporary Use Notices.
- Receiving Occasional Use Notices.
- Providing information to Gambling Commission regarding details of Licenses issued (see section on Information Exchange).
- Maintaining Register of Licenses and Permits issued under these functions.
- Exercising its powers of enforcement under the Act in partnership with the Gambling Commission and other relevant responsible Authorities.

1.17 It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licenses.

RESPONSIBLE AUTHORITIES

1.18 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

1.19 Within the meaning of Section 157 of the Act, those authorities are:

- a) London Borough of Hillingdon Council Licensing Authority.
- b) The Gambling Commission.

- c) The Chief Officer of Police for the London Borough of Hillingdon (where relevant, Chief Officer of Police for Heathrow).
- d) London Fire & Emergency Planning Authority, Hillingdon Fire Station.
- e) London Borough of Hillingdon Council Planning Authority.
- f) London Borough of Hillingdon Council Environmental Protection Unit (*i.e. authority responsible for pollution and harm to human health*).
- g) Hillingdon Local Safeguarding Board.
- h) HM Revenue and Customs.
- i) Authority for Vulnerable Adults.
- j) A Licensing Authority in whose area the premises is situated (*i.e. the Council itself and also any adjoining Council where premises straddle the boundaries between the two*).

For Vessels only:

Section 211(4) of the Act provides that the following are Responsible Authorities in addition to the authorities listed under section 157 of the Act:

- (a) The Navigation Authority (*whose statutory functions are in relation to waters where the vessel is usually moored or berthed*)
- (b) The Environment Agency,
- (c) British Waterways and
- (d) The Secretary of State for Culture, Media and Sport (DCMS).

1.20 Subject to any other person being prescribed in Regulations by the Secretary of State. The contact addresses for these authorities are illustrated at Appendix C, or available via the Council's website.

DESIGNATED BODY PROTECTING CHILDREN FROM HARM

1.21 The Council 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 Licensing Authority about the protection of children from harm.

1.22 The principles are that:

- (i) The designated body must be responsible for an area covering the whole of the Licensing Authority's area.
- (ii) The designated body must be answerable to democratically elected persons, rather than any particular vested interest group etc.

1.23 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose.

1.24 The remit of the Board is to co-ordinate and scrutinise arrangements for safeguarding and promoting the welfare of Hillingdon's children. It operates throughout the Borough, is responsible for the area covered by the Licensing Authority and this Policy; and has specialist knowledge and experience in the protection of children to fulfil this role.

INTERESTED PARTIES

1.25 Interested parties can make representations about licence applications, or apply for a review of an existing licence. For the purposes of the Gambling Act 2005 interested parties will include persons who:

- (i) Live sufficiently close to premises carrying out gambling activities.
- (ii) Have business interests that might be affected; and
- (iii) Represent persons listed above.

1.26 We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. This Licensing Authority's principles are set out in the following paragraphs:

Statement of Principles

1.27 Each case will be decided upon its merits. We will not apply a rigid rule to our decision- making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.

1.28 Interested parties can include trade associations and unions; and residents' or tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Within the meaning of the Act, interested parties can also be persons who are democratically elected such as Councillors and MPs.

1.29 Generally, the principles we will apply when deciding whether or not a person is an interested party will include looking at the size of the premises where larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities and the nature of the activities being conducted on the premises. As to the different elements of the definition of "Interested Party", the Licensing Authority will take into account the following specific matters of principle:

1.30 Persons living "Sufficiently Close"

The Licensing Authority recognises "sufficiently close to be likely to be affected" could have a different meaning for, for instance, a private resident, a residential school for children with problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its individual merits.

1.31 In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities the Council may take account of the:

- (i) Size of the premises.
- (ii) Nature of the premises.
- (iii) Nature of the authorised activities being proposed.
- (iv) Distance of the premises from the person making the representation.
- (v) Characteristics of the complainant.
- (vi) Potential impact of the premises.

1.32 Persons with business interests likely to be affected

With regard to those persons with business interests that could be affected, the Licensing Authority will (in addition to factors set out in paragraph 1.38 above) need to be satisfied that the relevant business is indeed likely to be affected and the following factors will therefore be taken into account:

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

1.33 Persons/bodies representing persons named above

With regard to persons representing persons living sufficiently close and persons having business interests that may be affected, the Licensing Authority will include trade associations and unions.

1.34 Where a Councillor represents an interested party, in order to avoid conflict of interest, the Councillor cannot be part of the Licensing Committee dealing with the licence application. When in doubt, Councillors are asked to contact the Council's Legal Services to gain further advice.

1.35 Other than Councillors and MPs, this authority will require written evidence that a person represents someone who either lives sufficiently close to the premises to be likely to be affected by authorised activities and/or business interests that might be likewise affected. A letter from one of these persons confirming their wish to be represented will be sufficient.

Exchange of Information

1.36 Under the Gambling Act, we will have a key role in providing information to the Gambling Commission to assist it in carrying out its functions. This Licensing Authority recognises the need to work closely with the Gambling Commission in exchanging information as and when required.

- 1.37 As Licensing Authority we are required to include in our policy statement the principles we intend to apply in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between us and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act.

Statement of Principles

- 1.38 This Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 1.39 Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.
- 1.40 The Licensing Authority will normally share the information it holds about licensed premises with the Gambling Commission, Local Police Enforcement in Hillingdon; and with other Responsible Authorities where there is a need for exchange of information on specific premises.
- 1.41 We are aware that the Gambling Commission recommends in its Guidance to Local Authorities that a Protocol for the sharing of such information should be established between, us, the Licensing Authority, the Gambling Commission itself and relevant Responsible Authorities in order to target agreed problem and high risk premises that require greater attention while providing a lighter touch in respect of well-run, low risk premises.

Enforcement

- 1.42 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.

1.43 This Licensing Authority's principles are that:

- (i) It will be guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:
 - Proportionate: we will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised.
 - Accountable, with decisions being justifiable, and be subject to public scrutiny.
 - Consistent: rules and standards will be joined up and implemented fairly.
 - Transparent and Open: Licence conditions will be kept simple and user friendly.
 - Targeted: regulation will be focused on the problem, and minimise side effects.
- (ii) The Council will avoid duplication with other regulatory regimes so far as possible.
- (iii) This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- (iv) We note the Gambling Commission's guidance that: in order to ensure compliance with the law, this Licensing Authority must prepare a Risk - based Inspection Programme and that we carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories High, Medium and Low; and that we also carry out 'non routine' evening programmed inspections. Where one-off events are taking place under a Temporary Use Notice or Occasional Use Notice, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.
- (v) High-risk premises are those premises that require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

1.44 Enforcement may include test purchasing activities to measure compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchase activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed an appropriate course of action.

1.45 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 is authorised.

- 1.46 The Gambling Commission will be the enforcement body for the Operator and Personal Licences. 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.
- 1.47 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act 1998, in particular:
- i) Article 1, of the First Protocol: that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
 - ii) Article 6: that in the determination of civil rights and obligations everyone is entitled to a fair hearing within a reasonable time by an independent and impartial tribunal established by law.
 - iii) Article 8: that everyone has the right to respect for his or her home and private family life.
 - iv) Article 10: that everyone has the right to freedom of expression within the law.
- 1.48 Any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.

PART 2
PROMOTING THE LICENSING OBJECTIVES

- 2.1 In exercising its functions under the Gambling Act 2005, London Borough of Hillingdon Council will have regard to the three statutory licensing objectives, which are:
- (i) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - (ii) Ensuring that gambling is conducted in a fair and open way.
 - (iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 In promoting these objectives, the Council has considered the Gambling Commission's Guidance to Local Authorities and makes the following observations as to the principles it intends to apply when considering the three objectives:

PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER, BEING ASSOCIATED WITH CRIME OR DISORDER OR BEING USED TO SUPPORT CRIME.

- 2.3 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 2.4 Anyone applying to the Council for a Premises Licence will have to hold an Operating Licence from the Gambling Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant. However, if during the course of considering a Premises Licence application or at any other time, the Licensing Authority receives such information that causes it to question the suitability of the applicant; those concerns will be brought to the immediate attention of the Gambling Commission.
- 2.5 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime or crime directly associated with gambling premises, the Council will, in consultation with the Police and other relevant Responsible Authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. In appropriate circumstances, the Licensing Authority may consider appropriate conditions to be attached to the Licence, such as Door Supervisors.

- 2.6 Issues of disorder should only be dealt with under the Act if the disorder amounts to a form of activity, which is more serious and disruptive than mere nuisance and it, can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police or ambulance assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 2.7 The Licensing Authority recognises that disorder may be focused on premises and therefore recommends an applicant takes such controls as necessary to prevent such disorder and nuisance. Examples may include thought given to the way that gambling is conducted on the premises, sighting of large payout machines, levels of noise from public address systems that should ideally be sited at the back of the premises away from residential areas.
- 2.8 Where there are persistent levels of disorder, the Licensing Authority will liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.

ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

- 2.9 All gambling should be fair in the way it is played with transparent rules such that players know what to expect. Examples may include easily understandable information being made available on the rules and probability of winning/losing, ensuring the rules are fair and that advertising is not misleading. Further recommendations would be to ensure that the results of competitions/events are made public; and that machines, equipment and software meet the required standards set by the Gambling Commission.
- 2.10 Generally, it is for the Gambling Commission to ensure this Licensing Objective is complied with through the Operating and Personal Licence regime covering the management of a gambling business and the suitability and actions of an individual.
- 2.11 However, with regard to Race Tracks, where Betting Track Operators do not need an Operator's Licence from the Gambling Commission, the role of the Licensing Authority is more significant. The Licensing Authority, in certain circumstances, may seek to impose conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority may wish to know the nature of the venue, have sight of a plan of the track which would include access to the tent where gambling is to take place, where the operators will conduct on course betting and whether or not there are any off course betting operators.

PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS FROM BEING HARMED OR EXPLOITED BY GAMBLING

- 2.12 Apart from one or two limited exceptions, the intention of the Act is that children and young person's should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 2.13 This Authority notes and endorses the Gambling Commission statement that: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".
- 2.14 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. The advertising of Gambling services is regulated by the Gambling Commission under the Gambling (Licensing and Advertising) Act 2014. In relation to casinos only, the Gambling Commission will be issuing a code of practice about access to casino premises for children and young persons.
- 2.15 When considering whether to grant a premises licence or permit the Council will consider whether any measures are necessary to protect children or vulnerable young persons from being harmed or exploited by gambling, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc. These measures will be particularly relevant on mixed use premises, tracks where children have freedom of movement in betting areas on race days and in particular to the non-gambling areas of casinos. Other such measures may include appropriate signage, location of machines and numbers of staff on duty.
- 2.16 Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling; each application will be treated on its own merit. The term "vulnerable persons" has not been defined under the Act, but in seeking to protect vulnerable people the Council will consider that "vulnerable persons" include (but not limited to):
- (i) People who gamble more than they want to.
 - (ii) People who gamble beyond their means, and
 - (iii) People who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

- 2.17 Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:
- i) Betting Shops cannot admit anyone under the age of 18.
 - ii) Bingo Clubs may admit those under the age of 18 but must have policies to ensure they do not gamble, except on category D machines.
 - iii) Adult Entertainment Centres cannot admit those under the age of 18.
 - iv) Family Entertainment Centres and premises with an alcohol premises licence such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over the age 18.
 - v) Clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under the age 18 do not play machines other than category D machines.
 - vi) Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- 2.18 With this Licensing Objective in mind, the Licensing Authority will take particular care when considering applications for more than one licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping malls. Where relevant, applicants will be expected to take measures to ensure young persons, and children are not in close proximity to gambling. Such measures could include sighting machines at the back of a premises so as to ensure young children do not have sight of such machines, not advertising gambling so as to encourage children and ensuring there is no accidental access to observe or enter premises used for gambling.
- 2.19 The Licensing Authority recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, physically separating Family Entertainment Centres and Adult Gaming Centres, and supervision of entrances.
- 2.20 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through another premises and will consider whether or not children can gain access; the compatibility of the two establishments and its ability to comply with requirements of the Gambling Act. The Licensing Authority will also consider whether the co-location of the licensed premises with other facilities will create an arrangement that is likely to be prohibited under the Act.

- 2.21 The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings carefully if they seek to develop multipurpose developments and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling. Applicants are also requested to consider entrances and exits from parts of the building covered by one or more licences. These exits and entrances should be separate and identifiable to ensure children do not 'drift' into a gambling area.
- 2.22 The Licensing Authority recommends that all staff are suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines. Appropriate measures should be taken to prevent under age use of such machines, including clear and appropriate signage, an approved Proof of Age scheme, a requirement for staff to be vigilant and aware at all times and ensuring the Adult Gaming area is not visible from the street.
- 2.23 The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people it will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.
- 2.24 When determining the location of proposed gambling facilities, this Licensing Authority in appropriate circumstances, will consider very carefully the following factors when considering applications for Premises Licences, permits and other permissions:
- i) Proximity of premises to local schools.
 - ii) Proximity of premises to centres that pose a high risk to vulnerable and young persons.
 - iii) Proximity of premises to residential areas where there is a high concentration of children and young people.
 - iv) Proximity of premises to places of worship, particularly where Sunday Schools are in operation.

PART 3
INTEGRATING STRATEGIES AND OTHER REGULATORY REGIMES

INTEGRATING STRATEGIES

- 3.1 The Council considers that the Licensing Statement of Principles should provide clear indications of how we, as Licensing Authority, will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, equalities and diversity schemes together with other Council plans introduced for the management of town centres and the night-time leisure economy. Many of these strategies are not directly related to the promotion of the three licensing objectives, but indirectly impact upon them. Coordination and integration of such policies, strategies and initiatives, so far as is possible and consistent with the licensing objectives, is therefore important to us. We will liaise with the relevant authorities or its directorates with regard to this and in doing so adopt a multi-disciplinary approach to ensure proper integration of local and national strategies to promote the licensing objectives, including making arrangements for the Council's Licensing Committee to receive reports from time to time on the:
- i) Needs of the local tourist economy;
 - ii) Cultural strategy for the area;
 - iii) Employment situation in the area and the need for new investment and employment where appropriate;
 - iv) Local Crime Prevention Strategies;
 - v) Race Equality Schemes;
 - vi) Enforcement Policy.
- 3.2 Reports to the Licensing Committee from other relevant departments should enable the various agencies or departments with their own strategies, aims and objectives to keep the Licensing Committee aware of the wider picture in pursuance of the licensing objectives. It is our intention that we will, through the Council's Licensing Committee, monitor how the matters above set out impact on the licensing of gambling activities and facilities and other functions in order to achieve seamless integration of our licensing function with other relevant strategies and initiatives.
- 3.3 In order to avoid duplication with other statutory regimes, the Licensing Authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 3.4 Similarly, where other legislation confers powers on inspection and enforcement agencies in relation to separate activities and concerns relating to licensed premises, this policy does not affect the continued use of such powers by the relevant agency.
- 3.5 This authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including the statutory planning regime.

- 3.6 We emphasise that under section 210 of the Act this Licensing Authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building control.
- 3.7 The Planning Department are a Responsible Authority under this Act and have the opportunity to make representations should they desire so to do. The Licensing Authority will therefore consider relevant representations from the local planning authority about the effect of the grant of a premises licence on an extant planning permission where this relates to the licensing objectives, a Commission code of practice, or this Statement of Policy. This authority will also listen to, and consider carefully, any concerns about conditions that cannot be met by licensees due to planning restrictions, should such a situation arise. Otherwise the two regimes will be treated as completely separate.

PART 4
LOCAL RISK ASSESSMENTS
AND
LOCAL AREA PROFILE

Local Risk Assessments

- 4.1 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for operators to consider local risks.
- 4.2 Social Responsibility (SR) code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate the risks. In undertaking the risk assessments, they must take into account the relevant matters identified in this policy statement.
- 4.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- When applying for the variation of a premises licence.
 - To take account of significant changes in local circumstances, including those identified in this policy statement.
 - Where there are significant changes licensee's premises that may affect their mitigation of local risks.
- 4.4 The SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. Both provisions take effect from 8 May 2015
- 4.5 Where concerns do exist, perhaps prompted by new or existing risks, the licensing authority will request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce occasions on which a premises review and the imposition of licence conditions are required.
- 4.6 Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

Local Area Profile

- 4.7 The licensing authority can complete their own assessment of the local environment as a means of 'mapping out' local areas of concern, which will be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the licensing authority to complete a local area profile; however benefits for both licensing authority and operators would be in having a better awareness the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.
- 4.8 There is no mandatory requirement to have a local area profile and the licensing authority will, where appropriate, engage with responsible authorities ensure any new or variation application assessed taking the local area profile and any risks into account.

PART 5 PREMISES LICENCES

GENERAL PRINCIPLES

- 5.1 Premises Licences authorise the provision of gambling facilities on the following:
- i) Casino Premises.
 - ii) Bingo Premises.
 - iii) Betting Premises, including race tracks used by betting intermediaries
 - iv) Adult Gaming Centres.
 - v) Family Entertainment Centres.
- 5.2 Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be issued to people with the relevant Operating Licences.
- 5.3 Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State.
- 5.4 We as the Licensing Authority will be able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.
- 5.5 Under the Act the Hillingdon Council has no discretion to grant Premises Licences in circumstances where that would mean departing from the Gambling Commission Guidance and Codes of Practice and this Licensing Authority's own Statement of Licensing Principles. Therefore, our primary focus shall be to aim to permit the use of premises for gambling in so far as we think it is:
- i) In accordance with any relevant Code of Practice issued by the Gambling Commission.
 - ii) In accordance with any relevant Guidance issued by the Gambling Commission.
 - iii) Consistent with the Licensing Objectives.
 - iv) In accordance with this Statement of Licensing Principles.
- 5.6 The Council appreciates that gambling can be an emotive subject but acknowledges and endorses the Gambling Commission Guidance that "moral objections to gambling are not a valid reason to reject applications for premises licences " (except as regards any "no casino resolution") and also that unmet demand is not a criterion for a Licensing Authority.
- 5.7 We recognise that the responsibility for an individual's gambling is his or her own and that the responsibility to exercise a duty of care lies with the site operator. However, the Licensing Authority recommend applicants for Adult Gaming and Family Entertainment Centres to consider adopting BACTA's *Code of Social*

Responsibility and Good Practice and where gaming machines are concerned, applicants are recommended to adopt BACTA's *Code of Practice for AWP*s in Family Entertainment Centres and Adult Gaming Centres.

- 5.8 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*.
- 5.9 We also recognise that most customers are able to enjoy and control their gambling, however, where there are those who are unable to control gambling, the Licensing Authority recommends that applicants adopt BACTA's and GamCare's *Site Self-Exclusion Policy* for those particular clients to request their exclusion for a fixed period.

Definition of Premises

- 5.10 The Council will act in accordance with the gambling commission guidance on ensuring the primary activity of the licensed premises. Gaming machine may be available in licensed betting premises only at times when there are also sufficient facilities or betting operators. They will also need to demonstrate that betting will continue to be the primary activity of a premise when seeking variations to licences.

In making this determination, the licensing authority will have regard to the six indicators on betting as a primary gambling activity:

- The offer of established core product (including live events pictures and its range).
- The provision of information on products and events.
- The promotion of gambling opportunities and products.
- The actual use made of inspecting facilities.
- The size of premises.
- The delivery of betting facilities.

- 5.11 Premises are defined in the Act as "any place". Different premises licences cannot apply in respect of a single premise at different times. It is however possible for a single building to be subject to more than one premises licence, providing that each licence is for a different part of the building and such different parts can reasonably be regarded as different premises.

- 5.12 The Council will judge each case on its individual merits to decide as a matter of fact, whether different parts of a building can be properly regarded as being separate premises.

In addition to other relevant factors, the Council will have regard to the Gambling Commission guidance which lists the following factors which may be taken into account:

- Do the premises have a separate registration for business rates?
 - Is the premises' neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or public passageway?
 - Can the premises only be accessed from another gambling premises?
- 5.13 We note that the Gambling Commission, in their guidance, do not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. We support this view.
- 5.14 This licensing authority takes particular note of the Gambling Commission's Guidance for Local Authorities, which states that:
- i) Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
 - ii) Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and the ability to comply with the requirements of the Act. But in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

Provisional Statement

- 5.15 Under the Act 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 reference to the term, "the premises" are to the premises in which gambling may now take place. Therefore a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling.
- 5.16 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 ensures that the Licensing Authority can, if necessary, inspect it fully, as can other responsible authorities, with inspection rights under the Act.

- 5.17 In deciding whether a premises licence can be granted where there are construction works, at existing premises, the Council will determine applications on their merits, applying a two-stage consideration process:
- First, whether the premises ought to be permitted to be used for gambling.
 - Second, whether appropriate conditions can be put in place to cater for that situation.
- 5.18 Applicants should note that the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

Location

- 5.19 The Gambling Commission Guidance stipulates that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the licensing objectives can.
- 5.20 In accordance with the Gambling Commission's Guidance for Local Authorities, this Licensing 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.
- 5.21 This authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon, this policy statement will be updated accordingly. It should be noted that any such future policy will not preclude any application being made with the onus upon the applicant showing how any potential concerns can be overcome.
- 5.22 Each case will be decided on its merits and will depend, to a large extent, on the type of gambling that it is proposed will be offered on the premises.
- 5.23 If an applicant can demonstrate appropriate measures to overcome concerns, that will be taken into account by the Council.

Conditions

- 5.24 Any conditions attached to licences will be proportionate and will be:
- i) Relevant to the need to make the proposed building suitable as a gambling facility.
 - ii) Directly related to the premises and the type of licence applied for;
 - iii) Fairly and reasonably related to the scale and type of premises: and
 - iv) Reasonable in all other respects.
- 5.28 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for

adult-only areas etc. There are specific comments made in this regard under each of the licence types below.

5.29 This policy acknowledges that there are conditions that the licensing authority cannot attach to premises licences:

- i) Any condition on the premises licence which makes it impossible to comply with an operating licence condition.
- ii) Conditions relating to gaming machine categories, numbers, or method of operation.
- iii) 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).
- iv) Conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

5.30 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 of 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.

5.31 This policy recognises that door supervisors at bingo or casino premises cannot be licensed by the Security Industry Authority (SIA). This Licensing Authority does not have specific requirements for door supervisors working at bingo or casino premises. Each case will be determined on its individual merits.

5.32 It is noted that for premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances or machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

CASINO PREMISES

5.33 To date, the Licensing Authority has chosen not to pass a resolution under section 166 (5) of the Gambling Act to prohibit casinos in the Borough.

5.34 Should the Council choose to make such a resolution, this will be a resolution of full Council following considered debate and the reasons for making the resolution will be given.

BINGO PREMISES

5.35 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it

will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

- 5.36 The holder of a Bingo Operating Licence will be able to provide any type of bingo game including cash and prize bingo. Where bingo is permitted in alcohol licensed and non-gambling premises, this must not become a predominant commercial activity; otherwise a bingo operating licence will be required.
- 5.37 Commercial bingo halls will require a bingo premises licence from the Council. Amusement arcades providing prize bingo will require a prize gaming permit from the Council.
- 5.38 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on category D machines. When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.
- 5.39 The Licensing Authority recognises that there is no ban on children or young people having access to Bingo premises, that it is illegal for Under 18s to play or use Category B and C machines and that they cannot be employed in providing facilities for gambling or bingo premises. In any event, children under 16 cannot be employed in any capacity at a time when facilities for playing bingo are being offered. 16 and 17 year olds may be employed while bingo is taking place provided the activities on which they are employed are not connected with the gaming or gaming machines. Where children aged 16 and 17 are employed in bingo premises, the Licensing Authority would expect to see sufficient controls restricting access to Category B and C machines.
- 5.40 A limited number of gaming machines may also be made available at Bingo licensed premises. A list of categories of gaming machines is on page 32. Where category C or above machines are available in premises to which children are admitted, the licensing authority will seek to ensure that:
- i) All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
 - ii) Only adults are admitted to the area where these machines are located.
 - iii) Access to the area where the machines are located is supervised.
 - iv) 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
 - v) 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 the age of 18.

5.41 With regard to segregation of Category B and C machines from Category D machines, there is a requirement that there must be clear segregation between these types of machine so that children do not have access to Category B or C machines and the Licensing Authority will take into account any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.

Members' Clubs and Commercial Clubs

5.42 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a Bingo Operators Licence and the corresponding Personal and Premises licences.

5.43 With regard to turnover, where the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will inform the Gambling Commission accordingly.

5.44 The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

BETTING PREMISES

5.45 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Anyone wishing to operate a betting office will require a Betting Premises Licence from the Council.

5.46 Children and young people will not be able to enter premises with a betting premises licence.

5.47 Betting premises will be able to provide a limited number of gaming machines and some betting machines. A table showing the number and category of gaming machines permitted in betting premises is on page 33.

5.48 In premises licensed for alcohol consumption, the Council has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things: the size of the premises, the level of management, supervision and ability of staff to monitor the use of machines especially where children and young or vulnerable people are concerned; and the number of counter positions available for person-to-person transactions.

TRACKS

- 5.49 Only one Premises Licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 5.50 Track operators are not required to hold an 'Operators Licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 5.51 Although there will primarily be a betting premises licence for the track, there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 5.52 Licensing authorities have a power under the Gambling Act 2005 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 exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
- 5.53 This Licensing Authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.
- 5.54 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young person's will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

- 5.55 Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare will be considered suitable in relation to the protection of children and vulnerable people.
- 5.56 Where appropriate, in order for the Licensing Authority to gain a proper understanding of what it is being asked to licence, applicants will be asked to:
- i) Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the race track;
 - ii) In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facilities;
 - iii) Evidence measures taken to ensure the third Licensing Objective will be complied with;
 - iv) Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for, that purpose.
 - v) Define the areas of the track that will be used by on course operators visiting the track on race days.
 - vi) Define any temporary structures erected on the track for providing facilities for betting.
 - vii) Define the location of any gaming machines (if any).
- 5.57 Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

Betting Machines at Tracks

- 5.58 In addition to the comments above at betting machines in betting premises, similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. The licensing authority may consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.

- 5.59 This licensing authority notes the Commission's view, that it would be preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Condition on rules being displayed

- 5.60 In line with guidance from the Gambling Commission the Council will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

ADULT GAMING CENTRES

- 5.61 As no one under the age of 18 is permitted to enter an Adult Gaming Centre, 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 Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Applicants are recommended to consider this Licensing Objective very carefully when applying for an Adult Gaming Centre.

- 5.62 The Council will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licensing conditions may cover issues such as:

- Proof of age schemes.
- CCTV – this should be of sufficient quality that it will use evidence.
- the provision of entrances/machine areas
- physical separation areas
- location of entry
- notices/signage
- specific opening hours
- self exclusion schemes - these are schemes whereby individuals who acknowledge they have a gambling problem ask be barred from certain premises
- 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 that the Council can consider implementing.

- 5.63 Where the Adult Gaming Centre is situated in a complex such as an airport, shopping area or motorway services station, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access.
- 5.64 A table showing the number and category of gaming machines permitted in adult gaming centres is on page 33.

FAMILY ENTERTAINMENT CENTRES (FECs)

- 5.65 There are two classes of family entertainment Centres. Licensed FECs provide Category C and D machines and require a Premises Licence. Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits.

(Licensed) Family Entertainment Centres

- 5.66 Children and young persons may enter FECs but are not permitted to play Category C machines. 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 ensure that there will be sufficient measures to prevent under 18 year olds having access to the adult only gaming machine areas.
- 5.67 With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self barring schemes, provision of information leaflets/help line numbers for organizations such as GamCare as appropriate measures.
- 5.68 With regard to segregation of Category C machines in licensed FECs, there is a requirement that there must be clear segregation between the two types of machine so that children do not have access to Category C machines and the Licensing Authority will take into account any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.
- 5.69 Applicants are recommended to visit the Gambling Commission's web site in order to familiarise themselves with the conditions applicable to these premises.

Statement of Principles

- 5.70 As these premises are open to children and young persons, the Licensing Authority will wish to see additional information, such as:

- i) A plan of the premises showing clear segregation of Category C and D machines.
- ii) Clear Notices excluding under 18 year olds from the designated areas where Category C machines are located;
- iii) Age Restriction Policy;
- iv) Evidence of ongoing staff training in administering all aspects of age restriction policy;
- v) Solid physical barriers separating adult gaming area from the main floor, i.e. the barriers to be a min. of 1 metre in height from the floor;
- vi) Completion of a training programme in social awareness in respect of gambling
- vii) Evidence of compliance with BACTA's Code of Practice

TRAVELLING FAIRS

- 5.71 Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements on the way the machine operates. They may provide an unlimited number of Category D gaming machines and it will fall to the licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 5.72 The Licensing Authority will consider whether or not a travelling fair falls within the statutory definition of a travelling fair and recognises 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. The Licensing Authority will work with the neighbouring authorities to ensure that land that crosses joint boundaries is monitored so that the statutory limits are not exceeded.

REVIEW OF PREMISES LICENCES

- 5.73 A premises licence may be reviewed by the Licensing Authority of its own volition or following receipt of an application for a review, which is essentially a request by a third party to the Licensing Authority to review a particular licence.
- 5.74 However, it is for the Licensing Authority to decide whether or not 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 the Authority to wish to alter/revoke/suspend the licence or whether it is

substantially the same as previous requests for review. The decision in this respect will be delegated to the Deputy Chief Executive and Corporate Director for Residents Services who may sub delegate the matter to an appropriate senior officer.

5.75 The review will be:

- i) In accordance with any relevant Code of Practice issued by the Gambling Commission.
- ii) In accordance with any relevant Guidance issued by the Gambling Commission.
- iii) Reasonably consistent with the Licensing Objectives and
- iv) In accordance with the Licensing Policy Statement.

5.76 Licensing Authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. An application for review must be granted, unless it decides to reject the application in accordance with the act.

5.77 The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate with regard to the licensing objectives. This can extend to a review of a class of licences where it considers particular issues have arisen.

PART 6 GAMING PERMITS

INTRODUCTION TO PERMITS

- 6.1 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 a specific premises.
- 6.2 The Licensing Authority is responsible for issuing the following permits:
- Family Entertainment Centre (FEC) Gaming Permits
 - Club Gaming Permits and Club Machine Permits
 - Alcohol –licensed Premises Gaming Machine Permits
 - Prize Gaming permits
- 6.3 The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.
- 6.4 There are different considerations to be taken into account when considering the different types of permit applications. Please refer to the relevant parts of this below.

GAMING MACHINES

- 6.5 A gaming machine can cover all types of gambling activity, which can take place on a machine, including betting on virtual events. A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of chance imparted by the action of the machine would cause it to be a gaming machine.
- 6.6 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 6.7 There are four classes of gaming machines: Categories A, B, C and D, with category B further divided in sub-categories B1, B2, B3, B3A and B4. The table below sets out the current maximum stakes and prizes that apply to each category:

CATEGORIES OF GAMING MACHINES

CATEGORY	MAXIMUM STAKE	MAXIMUM PRIZE
A	Unlimited	Unlimited
B1	£5	£10,000*
B2	£100 (in multiples of £10)	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D**	-	-
D non-money prize (other than crane grab machine)	30p	£8
D non-money prize (crane grab machine)	£1	£50
D money prize (other than a coin pusher or penny falls machine)	10p	£5
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

*** Category B1 where the prize value available through its use is wholly or partly determined by reference to use made of one or more other sub-category B1 machines, no more than £20,000**

****Category D machines with a 10p stake are entitled to offer prizes of up to £5 in cash, or up to £5 in cash and £3 in non-monetary prizes. Category D machines with a 30p stake can offer £8 in non-monetary prizes only.**

- 5.8 The Gambling Act also prescribes the maximum number and category of gaming machines that are permitted in each type of gambling premises. This includes premises with permit entitlements, as well as licensed premises (see table on page 35):

NUMBER OF GAMING MACHINES BY PREMISES TYPE

TYPE	GAMING MACHINES
BINGO PREMISES	<p>MAXIMUM OF 20% OF THE TOTAL NUMBER OF GAMING MACHINES WHICH ARE AVAILABLE FOR USE ON THE PREMISES FOR CATEGORIES B3 AND B4.</p> <p>NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES</p>
BETTING PREMISES	<p>MAXIMUM OF 4 GAMING MACHINES CATEGORIES B2 TO D (EXCEPT B3A MACHINES)</p>
TRACK BETTING PREMISES WHERE POOL BETTING LICENCE HELD	<p>MAXIMUM OF 4 GAMING MACHINES CATEGORIES B2 TO D (EXCEPT B3A MACHINES)</p>
ADULT GAMING CENTRE	<p>MAXIMUM OF 20% OF THE TOTAL NUMBER OF GAMING MACHINES WHICH ARE AVAILABLE FOR USE ON THE PREMISES FOR CATEGORIES B3 AND B4.</p> <p>NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES</p>
FAMILY ENTERTAINMENT CENTRE WITH PREMISES LICENCE	<p>NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES</p>
FAMILY ENTERTAINMENT CENTRE WITH GAMING PERMIT	<p>NO LIMIT ON CATEGORY D MACHINES</p>
MEMBERS CLUB PREMISES	<p>MAXIMUM OF 3 GAMING MACHINES IN CATEGORIES B3A OR B4 TO D (ONLY ONE B3A MACHINE CAN BE SITED AS PART OF THIS ENTITLEMENT)</p>
COMMERCIAL CLUBS	<p>MAXIMUM OF THREE GAMING MACHINES IN CATEGORIES B4 TO D</p>
ON SALES ALCOHOL LICENSED PREMISES	<p>MAXIMUM OF 2 GAMING MACHINES IN CATEGORIES C TO D BY NOTIFICATION NUMBER OF</p>
ON SALES ALCOHOL LICENSED PREMISES WITH GAMING MACHINE PERMIT	<p>CATEGORY C TO D MACHINES AS SPECIFIED ON PERMIT</p>

(UNLICENSED) FEC GAMING MACHINE PERMITS

- 6.9 Where Premises do not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that under section 238 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 6.10 The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 6.11 A FEC gaming machine permit may be granted only satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application. The Licensing Authority may grant or refuse a permit but cannot impose conditions upon the grant of a permit. Therefore the licensing authority will wish to be satisfied as to the applicant's suitability before granting a permit. Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.

Statement of Principles

- 6.12 Applicants will be expected 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 background checks on staff, training for staff in dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.
- 6.13 Applicants will be expected to demonstrate:
- i) A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
 - ii) That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).
 - iii) That staff are trained to have a full understanding of the maximum stakes and prizes; and
 - iv) An awareness of local school holiday times and how to identify the local education office should truants be identified.

- 6.14 Compliance with the Code of Practice in relation to FECs, issued by BACTA, will be taken by the Licensing Authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.
- 6.15 As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:
- (i) A plan of the premises to a scale of 1:100. If a 1:100 scaled plan cannot be submitted the plans must be clear and legible in all material respects. All plans must show the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers and indicating the location of appropriate clear and prominent notices and barriers, such Notices to state:
 - (a) That no unaccompanied child will be permitted to remain on the premises if that person is required by law to attend school;
 - (b) Highlighting the need to play responsibly;
 - (c) The number and location of Category D machines;
 - (ii) Evidence of staff training by way of a Premises Log Book, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises;
 - (iii) The amount of space around gaming machines to prevent jostling of players or intimidation;
 - (iv) Location and supervision of Automated Teller Machines;
 - (v) Proof of Age scheme;
 - (vi) Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
 - (vii) Details of opening hours;
 - (viii) Details of external appearance of premises;
 - (ix) Numbers of staff employed;
 - (x) Insurance documents and any other such information the Licensing Authority will from time to time require;
 - (xi) Any other policies or procedures in place to protect children from harm.
- 6.16 The above statement of principles will apply in relation to initial applications only and not to renewals.
- 6.17 With regard to renewals, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

- 6.18 Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.
- 6.19 Where the Permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed.
- 6.20 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues and will also consider an applicant's suitability for FEC permits and factors taken into account will include the Applicant's criminal record and previous history and experience of running similar premises, if any.

CLUB GAMING AND CLUB MACHINES PERMITS

- 6.21 Members Clubs and Miners' Welfare Institutes (not Commercial Clubs) may apply for a Club Gaming Permit or Club Gaming Machine Permit.
- 6.22 **Club Gaming Permit**
Club gaming permits allow the premises to provide:
- i) Up to three machines of categories B, C or D.
 - ii) Equal chance gaming; and
 - iii) Games of chance as set out in regulations.
- 6.23 **Club Gaming Machine Permit**
A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.
- 6.24 Before granting a permit, the Licensing Authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Gambling Act and may grant the permit provided the majority of members are over 18 years of age.
- 6.25 The Licensing Authority recognises that there is a 'fast track' procedure for premises holding a Club Premises Certificate under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which the Licensing Authority can refuse a permit are reduced.

ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS

- 6.26 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises licence holders merely need to notify the Licensing Authority that they intend to exercise their automatic entitlement to gaming machines in their premises.
- 6.27 Under section 284 the Licensing Authority can remove the automatic authorisation in respect of any particular premises if:
- i) Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
 - ii) 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).
 - iii) The premises are mainly used for gaming; or
 - iv) An offence under the Gambling Act has been committed on the premises.
- 6.28 Should it necessary to issue section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. The authority will hold a hearing if the licensee requests it.
- 6.29 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and 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."

Statement of Principles

- 6.30 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.
- 6.31 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 that 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.

- 6.32 The Licensing Authority will usually expect holders of gaming machine permits to ensure that the gaming machines are sited in accordance with any relevant code of practice issued by the Gambling Commission and to ensure that they can be adequately supervised whilst in use.
- 6.33 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an adult entertainment centre premises licence.
- 6.34 It should be noted that the Licensing Authority is empowered to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than those restricting the number or category of machines) cannot be attached.
- 6.35 It should also be noted that the holder of a permit to must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

PRIZE GAMING PERMITS

- 6.37 The licensing authority may prepare a statement of principles which they propose to apply in exercising their functions which may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit.
- 6.38 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs providing none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.
- 6.39 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.
- 6.40 Applicant should set out the types of gaming they are intending to offer and should be able to demonstrate:
- i) That they understand the limits to stakes and prizes that are set out in Regulations; and
 - ii) That the gaming offered is within the law.

- 6.41 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:
- i) The limits on participation fees, as set out in regulations, must be complied with.
 - ii) 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.
 - iii) 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
 - iv) Participation in the gaming must not entitle the player to take part in any other gambling.
- 6.42 Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.

Statement of Principles

- 6.43 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 unequal chances prize gaming.
- 6.44 A plan must accompany applications indicating where, and what type, of prize gaming is to be provided.
- 6.45 The grounds for decision making as regards renewals are the same as for initial applications.
- 6.46 Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and offering the applicant an opportunity to make representations orally or in writing or both.

PART 7 TEMPORARY AND OCCASIONAL USE NOTICES

TEMPORARY USE NOTICES (TUN)

- 7.1 A Temporary Use Notice (“TUN”) is a notice which authorises a person or an organisation to conduct gaming activities for a temporary period of time, at a particular premises. However, a TUN may only be granted if the premises user is already in possession of a relevant Operating Licence. The London Borough of Hillingdon is bound by a number of statutory limits as regards TUNs. Section 218 of the Act refers to a ‘set of premises’ and provides that a set of premises is the subject of a temporary use notice if ‘any part’ of the premises is the subject to a TUN.
- 7.2 The reference to a ‘set of premises’ prevents one large premise from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.
- 7.3 The Licensing Authority will decide what constitutes a ‘set of premises’ where Temporary Use Notices are received relating to the same building/site.
- 7.4 In considering whether a place falls within the definition of a ‘set of premises’ the Licensing Authority will look at the ownership/occupation and control of the premises and the Licensing Authority will consider whether different units are in fact different ‘sets of premises’. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as one premise and would not be granted a temporary use notice for each of its exhibition halls.
- 7.5 A TUN must be lodged with the Licensing Authority not less than three (3) months and one (1) day before the day on which the gambling event will begin. The person who is giving the TUN must ensure that the notice and copies are with the Licensing Authority and named responsible authorities within seven (7) days of the date of the notice.
- 7.6 On receipt of a TUN the Licensing Authority will send a written acknowledgement as soon as is reasonably practicable and this may be by way of e-mail.
- 7.7 If no objections are made within 14 days of the date of the temporary use notice, the Licensing Authority will grant and return the notice with an endorsement of validity.
- 7.8 If objections are received within 14 days of the date of notice, a hearing will be held to consider the issue of a TUN. Those who raise objections may offer modifications to the notice that will resolve their objections.

If all participants to a hearing agree that a hearing is unnecessary, the hearing may be dispensed with.

- 7.9 The Licensing Authority may 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. The Licensing Authority and other bodies to which the notice is copied may give notice of objection but they must have regard to the Licensing Objectives and where there are such objections, they must give a notice of objection to the person who gave the TUN, such notice will be copied to the Licensing Authority.

OCCASIONAL USE NOTICES (OUN)

- 7.10 An Occasional Use Notice may be used where there is betting on a track on 8 days or less in a calendar year. The OUN dispenses with the need for a Betting Premises Licence for a track and the Licensing Authority will maintain a register of all applications.
- 7.11 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. The licensing authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.
- 7.12 Tracks are normally thought of as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify.

PART 8 REGISTRATION OF SMALL SOCIETY LOTTERIES

DEFINITION OF SMALL SOCIETY LOTTERY

8.1 The Gambling Act repeals the Lotteries and Amusements Act 1976. The Licensing Authority will register and administer smaller non-commercial lotteries. Promoting or facilitating a lottery will fall within 2 categories:

- i) Licensed Lotteries (requiring an Operating Licence from the Gambling Commission); and
- ii) Exempt Lotteries (registered by the Licensing Authority).

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

- i) Small Society Lotteries;
- ii) Incidental Non-Commercial Lotteries;
- iii) Private Lotteries;
- iv) Private Society Lottery;
- v) Work Lottery;
- vi) Residents' Lottery;
- vii) Customer Lotteries.

8.3 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. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits will be made available on the Council's website or by contacting the Licensing Authority.

THE LICENSING AND REGISTRATION SCHEME

8.4 Applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

8.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's Guidance.

- 8.6 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of his registration. In addition, the Licensing Authority will make available for inspection by the public; the financial statements/returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned.
- 8.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an Operating Licence held by the applicant for registration has been revoked, or an application for an Operating Licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 8.8 The Licensing Authority may refuse an application for registration if in their opinion:
- i) The applicant is not a non-commercial society;
 - ii) A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
 - iii) Information provided in or with the application for registration is false or misleading.
- 8.9 The Licensing Authority will ask applicants to set out the purposes 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 from the Society.
- 8.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available on its website its procedures on how it handles representations.
- 8.11 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

- 8.12 Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an Operator's Licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.
- 8.13 The Licensing Authority will expect registered small society lottery societies to renew their registrations each year. It is not the responsibility of the Licensing Authority to issue reminders to small society lottery societies to advice of renewals. Registrations will expire if they are not renewed in a timely way. Cancellation of a small society lottery will be confirmed in writing by the Licensing Authority.

PART 9 DECISION MAKING

THE LICENSING COMMITTEE

- 9.1 The Licensing Committee will consist of at least 10 Members. Licensing Sub-committees consisting of 3 Committee Members will hear any relevant representations from Responsible Authorities and interested parties. Any of these individuals or groups may specifically request a representative to make representations on the applicant's behalf. This could be a legal representative, a friend, an MP or a Ward Councillor.
- 9.2 Where a Councillor who is a member of the Licensing Sub-Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.
- 9.3 Licensing Authorities must have regard to the licensing objectives when exercising their functions in relations to premises licences, temporary use notices and some permits.
- 9.4 The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to being reasonably consistent with the Licensing Objectives; the Human Rights Act 1998; any relevant code of practice under Section 24 of the Gambling Act 2005; any relevant guidance issued by the Commission under Section 25 of the Gambling Act 2005; and this Statement of Policy. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable.

DELEGATION OF DECISION MAKING RESPONSIBILITIES

- 9.6 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 9.7 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at Appendix D.
- 9.8 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, will be delegated to Council Officers.

PART 10

APPENDIX A

SCHEDULE OF CONSULTEES TO DRAFT POLICY

PERSONS OR BODIES
REPRESENTING THE
INTERESTS OF THOSE
CARRYING ON GAMBLING
BUSINESSES IN THE BOROUGH

Association of British Bookmakers
Association of Licensed Multiple Retailers
British Amusement Catering Association
British Beer and Pub Association
National Casino Industry Forum
British Holiday & Home Parks Association
Greyhound Board of Great Britain
British Institute of Inn keeping
Business in Sport and Leisure Ltd
Casino Operators Association, UK
Community Trade Union
Federation of Licensed Victuallers
Gamcare
AGE UK
Hillingdon Chamber of Commerce
Remote Gambling Association
Responsibility in Gambling Trust
Rugby Football Union
The Bingo Association
The Football Association
The Lotteries Council
The Working Men's Club & Institute Union

PERSONS OR BODIES
REPRESENTING THE
INTERESTS OF THOSE WHO
ARE LIKELY TO BE AFFECTED
BY THE EXERCISE OF THE
AUTHORITY'S FUNCTIONS

All Elected (Ward) Councillors,
London Borough of Hillingdon
Council

All "Responsible Authorities" as defined under the Gambling Act
(see *Appendix C for list and contact details*)

Alcoholics Anonymous (AA)
Gamblers Anonymous
Government Organisations: (LGA, ODPM, LACORS)
Hillingdon Action Group for Addiction Management (HAGAM)
Hillingdon Association of Voluntary Services
Hillingdon's Children and Young People's Partnership Board (CYPSPB)
Hillingdon Community and Police Consultative Group
Hillingdon Drug and Alcohol Services
Hillingdon Law Centre
Hillingdon Mind
Hillingdon NHS
Hillingdon Salvation Army
Hillingdon Samaritans
Hillingdon Youth Offending Service
Hillingdon Tenants and Residents Associations
Hillingdon Federation of Community Associations & similar bodies
Local Licensing Solicitors in Hillingdon
Local Strategic Partnership
Uxbridge Initiative
Uxbridge Magistrates Court

NEIGHBOURING LONDON,
COUNTY AND DISTRICT
COUNCIL'S

London Boroughs of: Brent, Ealing, Hammersmith & Fulham, Harrow and Hounslow

(West London Alliance Members)

And:

Slough Borough Council

Spelthorne Borough Council

Hertfordshire County Council

South Bucks District Council

Three Rivers District Council

Note: This list was not intended to be exhaustive. Comments and observations were welcomed from anyone affected by this policy.

APPENDIX B

SCHEDULE OF RESPONSIBLE AUTHORITIES

For the purposes of the Act, Responsible Authorities are public bodies that must be notified of all applications and who are entitled to make representation in relation to Premises

Hillingdon Licensing Authority
c/o Regulatory Services
Residents Services
London Borough of Hillingdon
Civic Centre, Uxbridge
UB8 1UW

Hillingdon Planning Authority
Head of Planning and Enforcement
Residents Services
London Borough of Hillingdon
Civic Centre, Uxbridge
UB8 1UW

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Authority for Pollution & Harm to
Human Health
c/o Divisional Environmental Health
Officer
Environmental Protection Unit
London Borough of Hillingdon
Civic Centre, Uxbridge
UB8 1UW

Chief Officer of Police, London
Borough of Hillingdon
c/o Licensing Sergeant
Uxbridge Police Station
1 Warwick Place
Uxbridge
UB8 1PG

Local Safeguarding Children Board
c/o Director of Children Services
London Borough of Hillingdon
Civic Centre, Uxbridge
UB8 1UW

Chief Officer of Police, Heathrow
Metropolitan Police,
East Ramp
London Heathrow Airport
TW6 2DG

HM Revenue & Customs
Betting and Gambling Department
Portcullis House
21 India Street
Glasgow
G2 4PZ

London Fire and Emergency
Planning Authority
Hillingdon Fire Safety Team
Hillingdon Fire Station
Uxbridge Road
Hillingdon
UB10 0PH

Authorities for Vessels:
Navigation Authority
The Enforcement Agency
The Canal and River Trust
The Secretary of State

**Appendix C SUMMARY OF
DELEGATION OF POWERS**

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Notifications and applications for two or three gaming machines			X
Applications for four to five gaming machines			Officers in consultation with the Chairman of the Licensing Sub-Committee
Applications for more than five gaming machines		By way of a report	
Decision to give a counter notice to a temporary use notice		X	
Section 284 Order to revoke the automatic entitlement for 2 gaming machine notifications		X	

QUESTIONS FROM MEMBERS

9.1 QUESTION SUBMITTED BY COUNCILLOR EGINTON TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

How will the "freeze" in Council Tax in 2016/17 in Hillingdon affect vulnerable and disadvantaged households?

9.2 QUESTION SUBMITTED BY COUNCILLOR DAVIS TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

Given that you have long supported local residents as regards inappropriate developments, are you aware that Powerday have submitted another planning application for a material recycling facility on the Coal Yard site in Yiewsley?

9.3 QUESTION SUBMITTED BY COUNCILLOR BRIDGES TO THE CABINET MEMBER FOR EDUCATION & CHILDREN'S SERVICES - COUNCILLOR SIMMONDS

Would the Cabinet Member please tell me what progress is being made in negotiations with the Education Funding Agency (EFA) to ensure appropriate drop-off and pick-up arrangements at the new Abbotsfield and Swakeleys schools, as I am concerned that, unlike the Council-managed project to rebuild Northwood school, the EFA are causing extensive delays?

9.4 QUESTION SUBMITTED BY COUNCILLOR PALMER TO THE CABINET MEMBER FOR COMMUNITY, COMMERCE AND REGENERATION – COUNCILLOR D.MILLS

Can the Cabinet Member outline the additional sports opportunities residents will have with the arrival in the Borough of "Make a Splash" and "Street Velodrome"?

9.5 QUESTION SUBMITTED BY COUNCILLOR KAUFFMAN TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

Would the Leader of the Council please let us know how much the Council received for recycled textiles in the last financial year?

9.6 QUESTION SUBMITTED BY COUNCILLOR FYFE TO THE CABINET MEMBER FOR COMMUNITY, COMMERCE AND REGENERATION – COUNCILLOR D.MILLS

Residents and traders are already seeing the benefits of our town centre improvement programme in Hayes. What further improvements are still to be carried out?

9.7 QUESTION SUBMITTED BY COUNCILLOR LAKHMANA TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

Can the Leader of the Council please update us on the feedback from the NHS Trust (Hillingdon) on the use of 'Hillingdon First Cards' in Hillingdon Hospital car parks? This request was put forward at the September Council meeting and the Leader had said that he would ask the question.

9.8 QUESTION SUBMITTED BY COUNCILLOR SWEETING TO THE LEADER OF THE COUNCIL - COUNCILLOR PUDDIFOOT

What are the Council's plans for the redevelopment of the Swimming Pool site in Yiewsley, which was given to the people of Yiewsley for leisure purposes and protected by covenant?

MOTIONS

10.1 MOTION FROM COUNCILLOR MORSE

That this Council will amend Part Four, Schedule D (Access to Information Procedure Rules), Paragraph 22 (Filming, Recording and Reporting of Meetings), of the Council Constitution, to include the following additional paragraphs:

- i) The Council will make reasonable facilities available to the public to assist in recording meetings as far as is practical.
- ii) The Council has no responsibility or liability for, any filmed/ recorded/ photographed material made by any persons or its subsequent use or publication.
- iii) The Council will record Full Council and Cabinet Meetings to maintain a raw, unedited film and audio record of proceedings. The content of the recordings will be retained for 5 years and be available to all residents of the borough and councillors to provide full public access to proceedings.

For ease of reference the current wording of Paragraph 22 is reproduced below:

22. FILMING, RECORDING & REPORTING OF MEETINGS

- 22.01 Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law. Reporting means:-
- filming, photographing or making an audio recording of the proceedings of the meeting;
 - using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
 - reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.
- 22.02 Anyone present at a meeting as it takes place, is not permitted to carry out an oral commentary or report and must remain seated throughout the meeting. This is to prevent the business of the meeting being disrupted.
- 22.03 Anyone attending a meeting is asked to advise the Head of Democratic Services that they wish to report on the meeting and how they wish to do so. This is to enable Democratic Services staff to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.
- 22.04 Any person present to film the proceedings of a meeting must respect the wishes of members of the public who do not wish to have their image recorded
- 22.05 For meetings held at the Civic Centre, members of the public are welcome to use the Council's public Wi-Fi facilities. Occasionally, meetings take place in

venues not run by the Council and in such circumstances members of the public are advised to check with the venue whether Wi-Fi is available.