



HILLINGDON
LONDON



Residents' and Environmental Services Policy Overview Committee

Councillors on the Committee

Michael Markham (Chairman)
Kay Willmott-Denbeigh (Vice-Chairman)
Lynne Allen
Paul Buttivant
Janet Duncan
Judy Kelly

Date: WEDNESDAY, 18
NOVEMBER 2009

Time: 6.00 PM

Venue: COMMITTEE ROOM 3 -
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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Residents' & Environmental Services Policy Overview Committee

Terms of Reference

To perform the policy overview role outlined below:

1. conduct reviews of policy, services or aspects of service which have either been referred by Cabinet, relate to the Cabinet Forward Plan, or have been chosen by the Committee according to the agreed criteria for selecting such reviews;
2. monitor the performance of the Council services within their remit (including the management of finances and risk);
3. comment on the proposed annual service and budget plans for the Council services within their remit before final approval by Cabinet and Council;
4. consider the Forward Plan and comment as appropriate to the decision-maker on Key Decisions which relate to services within their remit (before they are taken by the Cabinet);

In relation to the following services:

1. culture, arts and sport including the provision and/or management of museums, art galleries, theatres, archives and local history activities, libraries, leisure centres, swimming pools and other like facilities;
2. lifelong learning;
3. community safety;
4. the provision, planning and management of parks and open spaces, allotments, cemeteries, pitches and other like facilities;
5. transport, highways and parking;
6. waste management and recycling;
7. conservation and biodiversity;
8. safety education;
9. licensing and registration;
10. trading standards;
11. consumer protection;
12. environmental health functions
13. planning and building control
14. the Council's planning policies (including the Unitary Development Plan and other plans for the use and development of land), Local Agenda 21 Strategy and Local Transport (Implementation Plan).

Policy Overview Committees will not investigate individual complaints.

Agenda

- 1 Apologies for Absence and to report the presence of any substitutes
- 2 Declarations of Interest in matters coming before this meeting
- 3 To agree the minutes of the meeting held on 8 October 2009 1 - 6
- 4 To confirm that all items Marked Part 1 will be considered in Public and that any items marked Part 2 will be considered in Private
- 5 Street Lighting Review - To consider the Final Report
- 6 Gambling Act 2005 - Statement of Licensing Policy Review 7 - 70
- 7 Forward Plan - November 2009 to February 2010 71 - 78
- 8 2009/2010 Work Programme 79 - 112
 - i. Planning Enforcement – Construction And Use Of Detached Out Buildings (Homes In Back Gardens) (Appendix A)
 - ii. Counterfeit Cosmetics and Illegally Imported Foods (Appendix B)

Minutes

RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE

Meeting held in Committee Room 4 at the Civic
Centre, High Street, Uxbridge



HILLINGDON
LONDON

Thursday 8 October 2009

	<p>Michael Markham (Chairman) Kay Willmott-Denbeigh (Vice-Chairman) Lynne Allen Tim Barker Janet Duncan David Routledge</p>	
1.	<p>Apologies:</p> <p>There were no apologies.</p>	
2.	<p>Declarations of Interest</p> <p>There were no declarations of interest.</p>	
3.	<p>Minutes of the meeting held on 8 September 2009</p> <p>The minutes of the meeting held on 8 September 2009 were agreed as a correct record and signed by the Chairman.</p>	
4.	<p>To confirm that all items marked Part 1 will be considered in Public and that any items marked Part 2 will be considered in Private</p> <p>It was confirmed that all items of business would be considered in public.</p>	
	<p>Consideration of Reports: Reports were considered as set out below.</p>	
5.	<p>Street Lighting Review - Verbal Update from Officers and consideration of draft recommendation</p> <p>The Committee received verbal update on the Street Lighting Review from officers. In considering the draft conclusions and recommendations, conclusion 4 was amended to include reasons for delays in the notification to Ward Councillors in respect of complaints received from residents.</p>	<p>Action By:</p> <p>Tim Edwards/ Jonathan Westell –</p> <p>Environment and Consumer Protection</p>

	<p>In addition, Members noted that communication between officers and Ward Councillor was a vital link in the communication process with residents. Therefore, to this end, officers would notify Ward Councillors of any issues where complaints had been received from residents, giving reasons or causes (if any) for any delays in repair work.</p> <p>Resolved - That the summary of the Committee's draft conclusions and recommendations set out below be noted:</p> <ol style="list-style-type: none"> 1. Publicity – the causes in the delay in repairs as well as the improvements that have been implemented needs to be better publicised to raise public awareness. Communications with members of the public could be improved via: <ol style="list-style-type: none"> i) Hillingdon People, the Council's free monthly magazine ii) Setting up a frequently asked questions section on the Council's website. 2. Regular meetings with other London Boroughs – officers to continue to meet regularly with other London Boroughs to share information and best practice. 3. Improved Technology - continue to use new technology to improve efficiency, particularly in the areas of lamp long life and energy reduction. 4. Notify Local Ward Councillors – ensure that local Ward Councillors are: <ol style="list-style-type: none"> i) Kept informed when new lights are placed, particularly following requests from the Police ii) Notified where issues of complaints had been received from residents, giving reasons or causes for any delays that may have occurred in repair work 	
<p>6.</p>	<p>Safety at Sports Grounds – Update</p> <p>Norman Stanley, the Licensing Service Manager gave an update on the Safety at sports Grounds report. It was noted that any comments received from the Committee would be noted in the report, and the report be sent to the Cabinet Member for Environment for approval.</p> <p>The Chairman thanked Norman Stanley for attending the meeting.</p>	

	<p>Resolved –</p> <p>That the committee noted the report and endorsed its submission to the Cabinet Member for Environment for approval.</p>	
<p>7.</p>	<p>Future Review topics for consideration by the Committee – Short presentations by Officers on Planning Enforcement (homes in back gardens) and Trading Standards (illegally imported food and cosmetics)</p> <p>Planning Enforcement (homes in back gardens)</p> <p>Jim Lynn, the Planning Enforcement Manager advised that this issued could be tackled by departments in the Council pooling intelligence based resources in order to avoid duplication. He added that Housing Benefits and Environment and Protection Unit (EPU) had commenced the process by setting up a protocol to deal with the issue.</p> <p>The committee agreed that the main issues for consideration would be a), how to improve the identification of the properties and the property owners that were unlawful using buildings in their back gardens unlawfully as homes and b), what changes to the current legal process would be needed to ensure convictions.</p> <p>Following discussion, the Committee requested officers to report at the next meeting with the following information for further discussion:</p> <ul style="list-style-type: none"> • How we currently identify unlawful properties and what other methods/partners might be used • How we currently identify owners of the properties and what other methods/partners/organisations might be used • Outline the time (and process) that it takes for enforcement action to come to fruition and what new legal processes ought to be introduced to ensure speedier convictions • Set out proposals for consideration of a way forward <p>The Chairman thanked Jim Lynn for attending the meeting.</p>	<p>Jim Lynn, Planning and Community Services</p>
	<p>Trading Standards (illegally imported food and cosmetics)</p> <p>The Chairman welcomed Sue Pollitt, Trading Standards Manager and Peggy Law, Environmental Protection Unit Manager.</p> <p>Sue Pollitt gave a presentation with a focus on cosmetics and Peggy Law focused on imported foods.</p>	

Given the wide remit and extent of this area, Members agreed that it would be appropriate to look at the issue of illegal cosmetics and imported foods in the following two strands:

- 1) Counterfeit cosmetics
- 2) Imported foods

The Committee indicated that it would be useful to focus on common elements such as Border Control and Manufacturers/Retailers.

Members agreed that the main focus would be on what the Council does and could do to protect residents.

Following discussion, the Committee requested officers to provide a scoping report set out in two strands as follows:

- Counterfeit Cosmetics
- Imported Foods –Border Controls and Manufacturers/Retailers

The Chairman asked officers to set the scoping reports under the following three headings:

- Where we are now?
- What Key issues are we faced with?
- Where do we want to be?

The Chairman thanked Sue Pollitt and Peggy Law for attending the meeting.

Resolved –

That two scoping reports be presented to the next meeting for consideration as review topics:

- **Planning Enforcement (homes in back gardens)**
- **Counterfeit Cosmetics and Illegally Imported Foods**

8.	<p>2009/10 Work Programme</p> <p>The Committee agreed to start future meetings at 6pm.</p> <p>Members agreed that two scoping reports on the following topics would be reported to the meeting on 18 November 2009:</p> <ul style="list-style-type: none"> • Planning Enforcement (homes in back gardens) • Illegally imported foods and cosmetics - it was suggested that this scoping report should be headed Public Protection, with two areas (foods and cosmetics) <p>Resolved – That the 2009/10 Work Programme be noted.</p>	
9.	<p>Forward Plan - October 2009 to January 2010</p> <p>The Committee considered extracts of items in the Forward Plan for the Cabinet meeting on 17 December 2009. With regard to the forthcoming decision on the Council's Budget - Medium Term Financial Forecast 2010/11 – 2013/14, Members were keen to find out what impact or likely outturn the recent situation at Stockley Park and Uxbridge Golf courses had had on the budget.</p> <p>Resolved – That items on the Forward Plan be noted.</p>	
	<p>Meeting closed at: 8.45pm</p> <p>Next meeting: 18th November 2009</p>	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nadia Williams on 01895 277655. Circulation of these minutes are to Councillors, Officers, the Press and Members of the Public.

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HILLINGDON
LONDON

**RESIDENTS' AND ENVIRONMENTAL SERVICES
POLICY OVERVIEW COMMITTEE**

2009/10

REVIEW OF STREET LIGHTING

Members of the Committee

Councillor Michael Markham (Chairman)

Councillor Kay Willmott- Denbeigh

Councillor Lynne Allen

Councillor Paul Buttivant

Councillor Janet Duncan

Councillor Judy Kelly



CONTENTS

Chairman’s Foreword	1
Executive Summary	2
Introduction	3
Committee’s Terms of Reference	4
Background, Context and Methodology	5
• Committee Work Activity	6
• Methodology	6
• Corporate Context	7
Evidence and Findings	8
• Where we are now?	8
• What key issues are we faced with?	14
• Where do we want to be?	15
Conclusions and Recommendations	17

CHAIRMAN'S FOREWARD



Street lighting is one of those Council services that we all take for granted until it goes dark!

With winter approaching, this committee decided that it would be timely to review the policies relating to the provision and maintenance of street lighting, energy efficiency and light pollution issues and the role and impact of new technology in making our streets lighter and safer.

We were encouraged to find that the street lighting service was good and that officers were well aware of the issues involved and highly experienced and knowledgeable in their professional specialisations.

We identified a number of areas that we felt could be improved and these are reflected in our recommendations.

I would like to thank all those who came to give evidence and helped us in this review.

Cllr Michael Markham

EXECUTIVE SUMMARY

This review sought to examine the issue of street lighting from the Hillingdon residents' point of view through their Ward Councillors. We looked at where the Council was now with street lighting, key issues the Council was faced with and where the Council would like to be. The Committee took evidence from officers of the Council as well as from an officer from a neighbouring local authority.

Our conclusions are presented at the end of the report. It must be noted that the Committee was very satisfied with the Council's Street Lighting function, its processes and performance. However, it has made some recommendations for minor improvements in the way in which the public is made aware of the street lighting repair process.

It must be emphasised that these recommendations should be seen in the context in which the investigation was conducted and the framework in which street lighting is carried out. This was not an investigation into a service, but an enquiry set up to help the Committee understand the framework within which street lighting operated and the role the Council could play in improving the experience of residents in the borough in terms of lighting the streets, for example, how quickly repair works is done.

The Committee's recommendations are divided into five areas:

- Networking and information sharing of best practice, use of new technology to improve efficiency
- Notification to Ward Councillors of delays
- Publicity - raising public awareness of the causes of delay in some repair works
- Alerting residents of likely delays in repair work via Ward Councillors
- New technology and improved efficiency

The recommendations are not the result of a comprehensive review of the way in which the Council carries out its functions, but the result of Councillors who have considered street lighting from the Hillingdon residents' points of view.

INTRODUCTION

REASONS FOR THE REVIEW

1. The Committee felt that increasing financial pressures due to energy costs, environmental pressures relating to the use of energy, and emerging technologies which can help us deal with the challenges we face, this seemed a pertinent time to review the Street Lighting Service.
2. This report will firstly outline the methodology for the review and then a summary our findings which we hope would be of use to the Cabinet and officers when deciding how to proceed.

COMMITTEE'S TERMS OF REFERENCE

3. At its meeting on the 28th July 2009, the Committee agreed the following terms of reference for its review of the Street Lighting:
1. To understand and confirm the Council's statutory duties in relation to street lighting and highway based power supplies;
 2. To review how our duties are discharged, including how priorities are arrived at and how resources are allocated;
 3. To review recent performance and the methods of performance measurement that are applied to this area;
 4. To review what service improvements are being implemented and what improvements could be implemented, to improve performance still further.
 5. To review whether the Council's own processes and response rate in dealing with street lighting is timely, effective and cost-efficient, and what effect the responsiveness of the utility companies can have on the service;
 6. To seek out views on this subject from residents, using a variety of existing and also contemporary consultation mechanisms;
 7. To better understand and contrast the community /road safety and light pollution implications of street lighting;
 8. To examine new technologies, e.g. solar power and best practice elsewhere through case studies, policy ideas, witness sessions and site visits and;
 9. After due consideration of the above, to bring forward strategic, innovative and also practical policy recommendations to the Cabinet in relation to street lighting in Hillingdon.

BACKGROUND, CONTEXT AND METHODOLOGY

BACKGROUND, CONTEXT

4. The Council's duty as Highway Authority under the Highways Act 1980, is to maintain highways maintainable at public expense and to take such care as is reasonably required to secure the safety of the highway for all types of traffic using the Highway. The Highways Act does not require the Highway Authority to provide lighting; although section 97 states that a Highway Authority may provide lighting. Street Lighting on the Highway is considered to be part of the Highway and therefore the Highway Authority is required to maintain it under section 41 of the Act.
5. The Council also has a duty under the Crime and Disorder Act 1998 "to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area." This could be interpreted that where street lighting could help to prevent crime and disorder the local authority has a duty to provide, maintain and improve street lighting.
6. As those responsible for maintaining of the Street Lighting, the Public Lighting Section serves all the residents of the Borough, any visitor to the Borough and anyone travelling through or over it. It also serves local businesses, partners and key external organisations. In addition the Public Lighting Section works closely with other groups within the Council, maintaining lighting in public car parks, roads and footpaths owned by Hillingdon Homes and some Housing Associations.
7. In 2008/09 1,428 lights out or day burners were reported by residents, road users and lighting section staff, these were attended to in an average of 1.4 calendar days. The regular night patrols detected 2,153 lights needing attention; these were attended to in an average of 1.3 calendar days. Requests for lighting improvements in 24 areas that had not previously been identified were also received. There were 176 lights affect by electricity supply failures and these were repaired by the Electricity Boards in an average of 45.10 calendar days.
8. The Public Lighting Section is responsible for the installation and maintenance of lighting and is also responsible for the installation and maintenance of road signs and road markings. It carries out:
 - Routine and Responsive Maintenance of lighting installations
 - Lighting Improvements in the "public realm"
 - Road markings & signs for Parking Schemes
 - Implementation of works for road improvements and safety schemes
 - Services to other Groups (generally lighting services)
9. It is responsible for the maintenance of:
 - 22,750 Street Lights (constantly changes as maintenance work is completed)
 - 205 School and Zebra Crossing Beacons

- 1805 Illuminated Bollards and centre island columns
- 3020 Illuminated Signs
- 11 Subways

COMMITTEE WORK ACTIVITY

10. At its meeting on 28 July 2009, the Committee selected Street lighting as a topic for review. A scoping report and briefing paper was then submitted to the meeting on 8 September 2009.
11. A witness session was also held at this meeting and Members focused on the present street lighting provision and sought the views from a neighbouring local authority. The witnesses included the Council's Street Lighting Officer, the Street Maintenance Officer, the Procurement Officer and a Street Lighting officer from London Borough of Harrow.
12. The Committee then took evidence on the review from the witnesses and came up with a number of recommendations.

METHODOLOGY

13. The Committee began the review with a background report from officers to explain the Street Lighting Service. Then Committee then held one witness session on 8th September 2009 with the following witnesses:
 - Tim Edwards – Lighting Officer, London Borough of Hillingdon
 - Jonathan Westell – Highways Maintenance, London Borough of Hillingdon
 - John Bowdrey – Street Lighting Officer, London Borough of Harrow
 - Bob Alabaster – Procurement Officer, London Borough of Hillingdon

The Committee made use of views of the Councillors on the Committee (as Ward representatives), to gauge public views on this matter.

CORPORATE CONTEXT

14. Energy Policy

The Council is preparing for the forth coming Carbon Reduction Commitment by ensuring that our energy usage level is based lined, monitored and that consumption is reduced in line with the Carbon Management Plan.

15. Carbon Management Reduction Plan

Street lighting will contribute toward the Council' Carbon Management Plan (agreed by Cabinet in April 2009). The plan sets out our aspirations for how, across all operation, we can reduce carbon emissions and our carbon footprint by 40% by 2015. Specifically on street lighting we will:

- ensure that we use the most efficient and reliable light sources
- provide lighting to the recommended lighting levels without over lighting
- Investigate and where applicable implement developments in new technology

However, where there is demand to provide new lighting to unlit areas or to improve existing lighting; this may lead to an increase in Carbon Emissions.

EVIDENCE AND FINDINGS

16. The Committee's report, evidence and findings are set out in three areas: Where we are now, what key issues we are faced with and where do we want to be?

RECOMMENDATION 1 - NETWORKING AND INFORMATION SHARING: Officers should continue with the practice of meeting regularly with other London Boroughs to share information and best practice.

From the report and at the witness session on 8 September 2009, officers outlined the policy and statutory framework (set out below) that Street Lighting department was required to work within. The witness from a neighbouring authority echoed the common issues often encountered and confirmed supported officers' evidence of how useful current networking with Street Lighting officers from other local authorities was. The Committee supported the continuation of this arranged and set it as one of their recommendations.

WHERE WE ARE NOW?

Current Street Lighting Policy

17. There is currently no formal Street Lighting policy document. The Institution of Lighting Engineers is shortly due to publish a guidance document for producing a Street Lighting Policy. Once this is available the Council will be able to produce a formal policy document.

Codes of Practice and Standards

18. Current practices in Hillingdon are based upon published British Standards, European standards, codes of practice and industry technical reports.

Maintenance Regimes

19. All lighting and electrical items have a routine maintenance regime. The time interval is determined by the light source. "Low pressure Sodium" is a high efficiency light source that is generally found in older lanterns it produces orange light; over the last few years these have been replacing them with "High Pressure Sodium" lights which give a more golden yellow light, with better colour rendering.

Light source or equipment type	Lamp change and visual inspection	Clean optical and electrical parts	Electrical test
Low Pressure Sodium	3 years	With lamp change and 18 months after	6 years (at alternate lamp changes)
High pressure sodium 50w & 70w	4 years	With lamp change	With lamp change

High Pressure Sodium 100w and above	5 years	With lamp change	With lamp change
Keep left bollards	1 year	With lamp change and extra in the winter months as determined by inspection	5 years
Illuminated Sign	1 year	With lamp change	5 years
Subways	1 year	With lamp change	5 years
Feeder Pillars	N/a	With electrical test	5 years includes visual inspection

- 20 In 2008 a regime of structural inspection and testing of steel lighting columns was started for columns that are over 12 years old. The result of the testing determines subsequent test intervals. Typically the columns in good condition are guaranteed for 5 or 6 years and an insurance certificate issued to this effect. All concrete columns are visually inspected for defects on an annual basis.

Statutory Duties

The Provision of Street Lighting

21. **Highways Act 1980** - Section 97 states that a Local Highway Authority may provide lighting for any Highway or proposed Highway. Section 41 places a duty on the Highway Authorities to maintain highways maintainable at public expense. This implies that whilst a Highway Authority does not have to provide lighting on the Highway, where it does it is required to maintain it.
22. **Crime & Disorder Act 1998** - Section 17 Duty to consider crime and disorder implications. This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority and states:

(1) "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

23. This could be interpreted that where the provision of street lighting could help to prevent crime and disorder the local authority has a duty to provide and maintain lighting. This could be expanded further to indicate that the local authority has the duty to improve street lighting if it could reduce crime and disorder.

The Maintenance of Street Lighting

24. There are a number of Acts of Parliament and Statutory Instruments that apply to the installation and maintenance of street lighting and effect the way things are done and they are as follows:

Statutory Instruments

25. 1989 No 635 The Electricity at Work Regulations 1989.
This is a legal requirement to ensure that we comply with the wiring regulations, integrity of the insulation and safe management of the electrical circuit including the environmental protection of the installation.
26. 1992 No 2793 Manual Handling Operations Regulations 1992
This is a legal requirement that states that the Employer will as far as reasonably practicable introduce measures to reduce the risk of injury.
27. 2001 No 3263 The Electricity (Un-metered Supply) Regulations 2001
These regulations relate to the Electricity Act 1989 and set criteria for the provision of un-metered supplies by the District Network Operator (DNO).
28. 2002 No 2665 The Electricity Safety, Quality and Continuity Regulations 2002
These regulations state that the user and providers of electrical infrastructure use materials, working methods and reporting procedures that comply with Electrical safety, Quality and continuity regulations.
29. 2002 No 3113 The Traffic Signs Regulations and General Directions 2002
Traffic signs and regulations on the highway shall comply with these general directions 2002.
30. 2005 No 735 The Work at Height Regulations 2005
This regulation in conjunction with the Health and Safety at Work act 1974 and the Construction and Health and Safety regulations 1996. The employer shall introduce measures where working at height is safe.
31. 2006 No 3289 The Waste Electrical and Electronic Equipment Regulations
Aim is to reduce the amount of electrical / electronic equipment being produced and to encourage all parties to reduce, reuse, and recycle equipment.
32. 2007 No 320 The Construction (Design and Management) regulations 2007
This regulation states that all parties in the construction Industry have the right people for the right job at the right time. These regulations also ensure that designs consider how future maintenance will be undertaken to ensure that this can be done safely. This will enable better management of risk and works can be coordinated which will lead to efficient and affective work practices.

Acts of Parliament

33. Health and Safety at Work Act 1974 - The Health and Safety at Work etc Act 1974, also referred to as HASAW or HSW, is the primary piece of legislation covering occupational health and safety in the United Kingdom
34. Traffic Management Act 2004 - The Traffic Management Act was introduced in 2004 to tackle congestion and disruption on the road network. The Act places a duty on local traffic authorities to ensure the expeditious movement of traffic on their road network and those networks of surrounding authorities. The Act gives authorities additional tools

to better manage parking policies, moving traffic enforcement and the coordination of street works. This means that a notice has to be issued before any excavation can take place on the Highway.

European Parliament

- 35. *Directive 2005/32/EC Eco-design Energy using Products Regulation No 245/2009 eco-design requirements for Fluorescent and High Intensity Discharge Lamps.*

Numbers

- 36. The total number of lighting columns is 22,800; the other lighting installations are listed below:

Highway footpaths	Roads	Car Parks	EY&L	Housing	Property	Recreation	Floodlights
1,198	21,071	163	39	275	5	50	
	218						
	14						
	373						
	1,543						
	1,874						
131							
15	10	2		18			20
3	151	17	6	4		6	1
1337	25,144	172	45	287	5	56	21

Age Profile of Lighting Columns in Hillingdon

- 37. This information is taken from the detailed GIS lighting inventory system that was implemented in 1996. There is limited data before this date regarding the age of the columns.

Column material	Age in years							Total columns
		5m (or less)	6m	8m	10m	12m	Over 12m	
Steel & cast iron	0 – 20	2505	1275	414	1157	60		5411
	21 – 30	616	53	301	264	21	6	1261
	31 – 40	138	16	2	127	0		283
	Over 40 or unknown	10989	787	932	2251	58		15017
	Total	14248	2131	1649	3799	139	6	21972
Concrete	0 – 20							0
	21 – 30							0

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	31 – 40								0
	Over 40 or unknown	824							824
	Total	824	0	0	0	0	0	0	824

All	Total	15072	2131	1649	3799	139	6	22796
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Service Delivery

RECOMMENDATION 2 - NOTIFICATION OF WARD COUNCILLORS: The Street Lighting department should ensure that local Ward Councillors are kept informed as to the placing of new lighting. In particular where new lighting is being installed, following requests from the Police.

An outcome of the witness session was that officers already worked closely with the Police when deciding where lighting improvements would be undertaken. They also took into consideration list sent in by Ward Councillors and complaints received from residents.

Whilst the Committee welcomed this form of communication, they felt that residents should also be notified through their Ward Councillors and this is reflected in recommendation 2.

The Public Lighting Section

38. The Section consists of a Manager, a Lighting Engineer, a Lighting Technician, a Sign Engineer, a Road Markings Engineer and a part time Costing Assistant. The manager is also responsible for the Operational Team currently based at Harlington Road Depot this consists of a Supervisor, an administrator, a charge-hand and 9 lamp attendants. Two apprentices were appointed in October one as a Lamp Attendant and one as a Lighting Technician.

Electricity Suppliers

39. The regional electricity suppliers for Hillingdon are EDF Energy and Scottish Southern Electric (SSE), known as District Network Operators (DNOs). They are responsible for the transfer of power either from adjacent columns or the provision of a new supply from the Low Voltage Main.
40. EDF are the more expensive of the two providers and they are on a typical 3-6 week programme to complete their works from the date that the lamp column is certified as for connection ready.
41. SSE is the provider for the 60% of the Borough and they are on a 3-8 week programme to complete their works from the date we certify the lamp column is certified as for connection ready.

Works Contractors

RECOMMENDATION 3 – PUBLICITY IN RAISING PUBLIC AWARENESS: The Council should raise awareness of some of the causes in the delay in repairs, and highlight some of the improvements that have been implemented. One such improvement is attaching a sticker on faulty lamp posts, which indicates that the fault had been notified to the Council and alerts members of the public that it was being followed-up. Communication with members of the public could be improved further by:

- i) Placing an article in the Council’s free monthly magazine (Hillingdon People), which is distributed to all homes of residents.
- ii) Setting up a frequently asked questions section on the Councils website in answer to common concerns and problems encountered or raised by members of the public.

RECOMMENDATION 4 - ALERTING RESIDENTS OF LIKELY DELAYS IN REPAIR WORK: Where there are likely to be delays in repair works, Ward Councillors should be notified with reasons for the delay, so they can inform residents.

From the witness session, the committee established that the installation and replacement of columns required a number of different specialist skills and machinery in order to complete some tasks. In addition, there were a number of problems that they may encounter such as, problem of physical access, network conditions and volumes.

The Committee felt that the public should be made aware of these issues and indicated that Ward Councillors should be alerted to any delays in repair so that they could then notify residents.

Column installations are done in-house if the columns being replaced are 5m or 6m in height. If the lamp columns being replaced are 8m, 10m, 12m, then these are installed by our external contractor Enterprise Mouchel.

Before columns can be installed we need to ensure we have the columns and lanterns in stock or place orders as required.

Revenue Budgets 09/10

42.	Lighting Maintenance	£614,610
	Signs Maintenance (inc non illuminated)	£258,570
	Lighting Energy	£709,330
	Signs Energy	£65,670
	Recharge for 3 rd party damage	Income £31,500

Capital Budget 09/10

43. The Capital allocation for 2009/10 is £300,000. £60,000 of this is reserved for the capitalisation of revenue, typically for the replacement of brackets and lanterns on existing columns. The remainder will be split between replacing structurally defective columns, structural testing and lighting improvements. Prioritising requests for new and replacement streetlights throughout the borough is by an agreed mechanism, based on problems relating to community safety, crime or road safety.

WHAT KEY ISSUES ARE WE FACED WITH?**Budget**

44. In real terms costs increase above inflation and the service is growing. Over the past two years the number of lighting columns has increased by an average of 0.75% PA, Contractors cost by 4.7% PA. In April 2008 EDF Energy's charge for a new connection rose by 23.6%, although there has been no increase this year.

Increasing Energy Costs

45. Over the past five years there have been very large increases in energy costs. Until this year Hillingdon's street lighting has been fortunate to avoid most of these increases. This has been due to the timing of when the fixed price energy contracts were renewed, see table below, in both the 2005 and the 2007 contracts the two year fixed rate was cheaper than the one year rate.

Supply period	Date agreed	Southern Area rate	EDF area rate
April 04 to March 05	26/02/04	4.454p	4.196p
April 05 to March 07	28/01/05	5.457p	5.241p
April 07 to March 09	4/12/06	6.028p	5.911p
April 09 to September 09		7.457p	7.017p

46. During the past two years the unit rates for some contracts else where in the country have been as high as 13p.
47. In June 2007 the Pan Government Energy Project was launched, it has developed best practice for energy procurement. The recommendation is that all public sector organisations adopt aggregated, flexible and risk-managed procurement.
48. The Council has adopted these recommendations and energy is now procured by flexible contract. The price for the first period of the current financial year is shown above. The price for the second half is project to be 8.3p per unit, currently about 80% of the electricity for this period has been purchased.

Increased Demand for Lighting in New Locations for Enhanced Security

49. There is more demand for lighting solutions based on security issues. Without good quality lighting the fear of crime cannot be lifted and any investments in CCTV solutions are not utilised to their full potential without good quality lighting.

Need to Reduce Light Pollution

50. The Department is mindful of the increases in lighting for residential, main road, security. As such it tries to utilise the best value modern lanterns that keep the lighting pollution to a minimum. The aim of a good lighting installation is to provide illumination on the highway just where it is needed and to reduce to a minimum wasted upward light, typically to less than 3%.

WHERE DO WE WANT TO BE?

51. We want to get to the point where we are able to increase the number of reliable, energy-efficient, adaptable, less polluting and brighter lighting units at lower cost by 2015. The Committee noted that this will be achieved by continually introducing new technology such as :

Technology

52. Technology is moving at a fast pace and careful consideration is given to the trial and introduction of developments that can reduce costs, improve efficiency and improve the service.

The use of “White light” sources

53. “White Light” refers to a light source with a colour-rendering index of 60 or more. The British Standard BS5489 part 1 2003 recommends that where a “White light” source is for lighting of subsidiary roads the standard of lighting can be lowered by one lighting class. This is due to the shift in the colour sensitivity of the eye at low light levels. This can lead to savings in Energy and CO₂.

High-output Light Emitting Diodes (LEDs)

54. This is the latest in lighting technology and is still in the early stages of development for street lighting. LEDs offer low energy and long life; typical values being claimed are lamp lives of up to 50,000 hours which is equal to about 12 years with energy savings of up to 40%. A few manufacturers are producing lanterns and a trial of 60 lanterns has been installed on a footpath and in residential roads in the Borough. There are a number of exaggerated claims and therefore a number of factors have to be verified and to be taken into account when considering the use of LEDs in public lighting. For example the reduction in light output and a change in colour as the LEDs age.

Remote monitoring:

55. This is a feature that can be used to identify and in some cases predict lighting faults remotely. It is expensive to implement, as a monitoring unit needs to be installed in every piece of equipment and connected to a communication network. The units need to communicate with a central management system which is in the process of being implemented. It is therefore not a viable option until the management system has been implemented.

Variable Lighting Levels (Dimming) on Traffic Routes:

56. The level of lighting on traffic routes is determined by the type of road and the traffic flow. By profiling the traffic flow with the time of day it could be possible for the lighting to be dimmed at times when the traffic flows are low. This could result in energy savings and carbon dioxide emission reductions. To implement this accurate traffic flow data would be needed for each road and the lighting would need to be controlled by a remote monitoring system to allow changes to be made if future traffic flows change.
57. At the witness session, Members focussed on the present street lighting provision within the Borough and sought the views from another local authority.

RECOMMENDATION 5 – NEW TECHNOLOGY AND IMPROVED EFFICIENCY: The Street Lighting department should continue to use new technology to improve efficiency, particularly in the areas of lamp long life and energy reduction.

From the witness session, notwithstanding the other areas set out above, one of the key issues that became apparent was the development of new technology to improve efficiency and improve service. This was therefore included as part of the Committee's recommendation.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

58. Whist the Committee was very satisfied with the Council's Street Lighting function, its processes and performance. The recommendations make suggestions as to some improvements that could be made in Hillingdon, to the way in which the public is made aware of the street lighting repair process.
59. The Committee felt that that was vital for the Authority to improve the experience of residents in the borough in terms of lighting the streets (how quickly repair works is done) through better communication. This was felt could be enhanced through communicating delays to Ward Councillors.

Recommendation

60. We therefore make these conclusions and ask that they are taken into account when officers and Members consider how to proceed:
- a) **Recommendation 1 - Networking and Information Sharing:** Officers should continue with the practice of meeting regularly with other London Boroughs to share information and best practice.
 - b) **Recommendation 2 - Notification of Ward Councillors:** The Street Lighting department should ensure that local Ward Councillors are kept informed as to the placing of new lighting. In particular where new lighting is being installed, following requests from the Police.
 - c) **Recommendation 3 – Publicity in Raising Public Awareness:** The Council should raise awareness of some of the causes in the delay in repairs, and highlight some of the improvements that have been implemented. One such improvement is attaching a sticker on faulty lamp posts, which indicates that the fault had been notified to the Council and alerts members of the public that it was being followed-up. Communication with members of the public could be improved further by:
 - ii) Placing an article in the Council's free monthly magazine (Hillingdon People), which is distributed to all homes of residents.
 - ii) Setting up a frequently asked questions section on the Council's website in answer to common concerns and problems encountered or raised by members of the public.
 - d) **Recommendation 4 - Alerting Residents of Likely Delays in Repair Work:** Where there are likely to be delays in repair works, Ward Councillors

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to be notified with reasons for the delay, so that residents could be informed.

- e) **Recommendation 5 - New Technology and improved Efficiency:** The Street Lighting department should continue to use new technology to improve efficiency, particularly in the areas of lamp long life and energy reduction.

Recommendation:

1. **That the Committee provide comments on the review, its conclusions and recommendations and endorse it.**
2. **To allow Democratic Services in consultation with the Chairman to update this review based on changes in forth coming situations that may arise before submission to Cabinet.**

GAMBLING ACT 2005 – Statement of Licensing Policy Review

Contact Officer: Stephanie Waterford
Telephone: 01895 277232

REASON FOR ITEM

The Gambling Act 2005 requires the Council, as the Licensing Authority, to review its statement of gambling licensing policy every 3 years. This is the first review since the implementation of the Act in 2007. The Council will need to approve and adopt the revised policy which will be effective from 2010 to 2013.

OPTIONS AVAILABLE TO THE COMMITTEE

- The committee note and comment on the proposed changes made to the policy.

INFORMATION

In April 2009, a working party was convened to carry out the first review of the Council's Statement of Gambling Licensing Policy. The working party was made up of the following officers:

- Norman Stanley, Licensing Service Manager
- Stephanie Waterford, Licensing Officer
- Sue Pollitt, Deputy Consumer Protection Manager
- Beejal Soni, Licensing Lawyer
- Natasha Dogra, Democratic Services
- Sgt Ian Meens, Police Licensing Sergeant
- Paul Hewitt, Local Safeguarding Children Board

The working party agreed that the current gambling licensing policy has worked well since its implementation in 2007 and has not been subject to any challenge. It was therefore agreed by the working party not to change the content or format to any great degree, however some minor changes were proposed and full consultation began on 17th July 2009.

Consultees included:

- Elected Members
- Gambling trade representatives
- Responsible Authorities
- Neighbouring local authorities

- Local residents associations and local community groups
- Licensing Solicitors
- Licensed premises

Consultation closed on 28th August 2009 with a total of 5 responses (attached).

The working party was re-convened on 10th September 2009 to discuss the responses and the policy was amended accordingly.

Approval process and time-line

- Draft policy needs to be approved by the full licensing committee
- Draft policy to RESPOC for scrutiny 17/11/09
- Draft policy to Cabinet for approval 17/12/09
- Draft policy to full Council 14/01/10
- Policy comes into force until 2013

BACKGROUND PAPERS

The Gambling Act 2005
Gambling Commission Guidance to Licensing Authorities

London Borough of Hillingdon
Gambling Act 2005
Statement of Principles

Contents Page

Preface

Contents to be updated upon completion of consultation

Preface

London Borough of Hillingdon Council recognises that gambling today has become part of the mainstream of leisure activity and the potential impact it has on the community within the Borough, including the valuable cultural, social and economic importance of the leisure industry and the benefits it brings to the area and its citizens. We also recognise some of the downsides, such as gambling presenting particular risks to children and the vulnerable that other forms of leisure do not.

We are aware that the three licensing objectives underpinning the legislation highlight an important need for businesses offering commercial gambling to operate in a socially responsible manner and we endorse this as a central principle in our Statement of Principles and decision-making responsibilities.

Our principles statement also aims to reflect that everyone in the community has a stake in the licensing decisions made by us, the licensing policies and strategies applied and how competing needs and aspirations will be met to achieve a fair balance between local stakeholders. Ultimately, this will involve striking a balance between the different aspirations and needs of local businesses, residents and visitors to the borough.

In adopting this policy, we seek to address the needs and concerns of residents and businesses to ensure a safe and healthy environment in which to live and work, together with safe and well-run entertainment premises that will promote and sustain a forward-looking and prosperous local economy.

PART 1 THE GAMBLING ACT 2005

INTRODUCTION

- 1.1 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 are required to 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

Residents & Environmental Policy Overview Committee - 18 November 2009

PART 1 – MEMBERS, PUBLIC AND PRESS

- 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 **Part 1** of the principles document gives a summarised overview of the statutory framework within which most of our decisions will be made. It also includes a short profile of the Borough of Hillingdon, which is intended to set the scene from a local perspective.
- 1.6 The Council's approach to addressing the licensing objectives is discussed in detail in **Part 2**, but will be referred to, where relevant, throughout this document.
- 1.7 **Part 3** reflects that we have taken an integrated approach, as far as is possible, to ensure that the key objectives of the Act are met as well as provide important support to the Council's Community Strategy, "*Working together for a better future*" and various other core council objectives, initiatives and strategies. It also addresses the principle of non-duplication with other regulatory regimes.
- 1.8 **Parts 4 - 7** inclusive, sets out in detail the main principles this authority intends to apply when making decisions in respect of Premises Licences, Gaming and Gaming Machine Permits, Notices and Lottery Registrations.
- 1.9 **Part 8** describes our decision-making responsibilities and the allocation of those responsibilities and Part 9 comprises the various appendices referred to within the document.
- 1.10 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.
- 1.11 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.
- 1.12 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:

Residents & Environmental Policy Overview Committee - 18 November 2009

PART 1 – MEMBERS, PUBLIC AND PRESS

- applying for licences 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 Hillingdon Licensing Service.

CONSULTATION

~~1.13 Consultation on Hillingdon's Statement of Licensing Principles lasted 12 weeks, commencing on 30th June 2006 and ending on 25th September 2006.~~

1.13 Consultation on Hillingdon's Statement of Licensing Principles lasted 6 weeks, commencing on 17th July 2009 and ending on 28th August 2009.

1.14 The Council has, in accordance with the section 349(3) of the Gambling Act, consulted with:

- (i) The Chief Officer of Police for the London Borough of Hillingdon
- (ii) Persons who appear to this authority to represent the interests of persons carrying on gambling businesses in the borough of Hillingdon and neighbouring boroughs
- (iii) 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

1.15 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 Team.

DECLARATION

1.16 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.

PROFILE OF HILLINGDON

Residents & Environmental Policy Overview Committee - 18 November 2009

PART 1 – MEMBERS, PUBLIC AND PRESS

- 1.17 Hillingdon is a vibrant outer London Borough. Its 42 square miles make it London's second largest borough. Buckinghamshire, Hertfordshire, Surrey and the London Boroughs of Hounslow, Harrow and Ealing are our neighbours. It is home to approximately 248,000 people, representing a vast range of cultures and nationalities. Hillingdon contributes greatly to the economic success of the capital, yet it remains one of London's greenest boroughs. As the home of Heathrow airport it is also London's foremost gateway to the world. The 2001 UK census suggested that Hillingdon was a relatively affluent area. Unemployment overall was lower than the national average with 2.7% of 16 to 74 year olds registered unemployed compared to a national average of 3.4%. 26% of Hillingdon's population is children and young people aged 0-19 years.
- 1.18 A Map of Hillingdon is attached at Appendix B showing the geographical area covered by this Policy.

AUTHORISED ACTIVITIES

- 1.19 '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.
- 1.20 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.
- 1.21 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 Licensing Team where appropriate.

LICENSING AUTHORITY FUNCTIONS

- 1.22 Under the Act, the Council will be responsible for:

Residents & Environmental Policy Overview Committee - 18 November 2009

- 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 Licences issued (see section on Information Exchange)
- Maintaining Register of Licences 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.

RESPONSIBLE AUTHORITIES

1.23 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.

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

- 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

Residents & Environmental Policy Overview Committee - 18 November 2009

- 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*).

For Vessels only:

- (xi) 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)

1.25 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

1.26 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.

1.27 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.

1.28 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board (~~formally Hillingdon's Area Child Protection Committee~~) for this purpose.

1.29 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

1.30 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

1.31 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

1.32 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.

1.33 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.

1.34 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:

1.35 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.

1.36 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

1.37 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); and
- 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.

1.38 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.

1.39 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.

1.40 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

- 1.41 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.
- 1.42 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

- 1.43 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.
- 1.44 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.
- 1.45 The Licensing Authority will work closely with the Gambling Commission, Local Police Enforcement in Hillingdon; and with other Responsible Authorities where there is a need to determine whether there is a need for exchange of information on specific premises.
- 1.46 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

1.47 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.

1.48 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 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.

Residents & Environmental Policy Overview Committee - 18 November 2009

- 1.49 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 authorises.
150. 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 from LACORS that the Gambling Commission will be responsible for compliance as regards unlicensed premises.
- 1.51 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.
- 1.52 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, 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

Residents & Environmental Policy Overview Committee - 18 November 2009

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 Operators Licence from the Gambling Commission, the role of the Licensing Authority is more significant. The Licensing Authority, in

Residents & Environmental Policy Overview Committee - 18 November 2009

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 persons 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. 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.

Residents & Environmental Policy Overview Committee - 18 November 2009

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 18
- ii) Bingo Clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines
- iii) Adult Entertainment Centres cannot admit those under 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 18
- v) Clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 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 multi purpose 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 is 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.

~~3.3 The following sub-sections outlines some of the Councils related strategies and how the Council intends to seek to meet the aim of integrating its licensing functions with them as far as possible:~~

~~Community Strategy 2005-2015~~

~~3.4 The Community Strategy for Hillingdon, entitled "*Working together for a better future*", describes the sort of place we would like Hillingdon to be in the future based on how local residents, community groups and businesses have told us Hillingdon should develop over the ten years of the Strategy's life. It is a collaborative piece of work developed by a group of leading figures in the council, police and health services; business and educational institutions and community groups. The partnership is called "*Hillingdon Partners*".~~

~~3.5 Of these partners, our borough's Police Service, in particular, have a statutory and key role to play in assisting the Council to deliver its licensing service and the licensing objectives under the Act, and so we are committed to develop this relationship specific to this service area. We are already building on local policing initiatives to develop stronger neighbourhoods, where the police and their partners can share information with local businesses and the rest of Hillingdon.~~

~~3.6 Our Community Strategy identifies a series of short, medium and long-term targets and goals for our community. Namely, we want to make Hillingdon:~~

- ~~● A borough of learning and culture~~
- ~~● A safe borough~~
- ~~● A clean and attractive borough~~
- ~~● A borough with improving health, housing and social care~~
- ~~● A prosperous borough~~
- ~~● A borough where opportunities are open to all; and~~
- ~~● A borough where children and young people are healthy, safe and supported~~

~~3.7 We, as Licensing Authority, share and support the hopes, concerns and desires of the local peoples as expressed in the strategy. The Licensing Authority also shares and supports the aim of Hillingdon becoming a diverse, attractive and successful borough. This includes, amongst other~~

things, a place where our children and young people will be well educated and better equipped to prosper in their adult lives; and where enterprise is encouraged, businesses supported and new jobs created for local people. Insofar as is consistent with the promotion of the licensing objectives, we will seek to exercise our powers so as to achieve these aims.

Community Safety Strategy 2005 – 2008

3.8 Again, this strategy is the result of collaborative work of the Hillingdon Community Safety Partnership, which was formed following the introduction of the Crime and Disorder Act 1998. In brief, this strategy outlines 6 key priorities for successful crime and disorder reduction in Hillingdon:

- Feeling safer
- Anti-social behaviour
- Hate crime
- Motor vehicle crime
- Residential burglary; and
- Violent crime

3.9 The strategy also recognises that business crime, amongst others that did not emerge as a priority for the borough, could have a major impact on crime and disorder and anti-social behaviour in Hillingdon. This may include gambling-related crime. The strategy recognises that the cost of business crime can be considerable and that improved dialogue with businesses will enable resources and projects to be better targeted to specific business needs and problem areas. Hillingdon Community Partnership encourages the development of a Business Crime Reduction Partnership, which the Licensing Authority fully supports.

3.10 Similarly, with one of the licensing objectives being "preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime" this policy clearly supports the priorities of the Community Safety Strategy. We also endorse the partnerships pledge not to treat the identified target areas as set in stone, since circumstances can change as new crimes or community concerns emerge. It is our view that responsible licence holders can significantly contribute towards these aims directly and indirectly through the proper management of their premises and by supporting the police in their efforts to detect crimes and their perpetrators.

3.11 In the same connection, local authorities must fulfil obligations under Section 17 of the Crime and Disorder Act 1998 which places a duty on

~~them to do all they can to reasonably prevent crime and disorder in their area when carrying out their various functions. This obligation applies equally when carrying out our licensing functions under the Gambling Act. The purpose behind the Section 17 obligation is that the level of crime and its impact is influenced by decisions and activities taken in the day-to-day business of local bodies and organisations like us. It is aimed at giving the vital work of crime and disorder reduction focus across the wide range of local services and putting it at the heart of decision making.~~

~~Children And Young People's Plan 2006-2009~~

~~3.12 Hillingdon's Children and Young People's Partnership Board (GYPSPB) have developed a plan for creating a better life for Hillingdon's children and young people, with the aim of being a borough where children and young people are healthy, safe and supported, valued, properly educated and given the opportunity to thrive. It is a comprehensive strategic document, which sets out the Council's vision for children and young people and a strategy for achieving it. It also complements other developments currently underway, all aimed at improving the outcomes for children and young people of Hillingdon so that they can fulfil their full potential in the community and society at large.~~

~~3.13 Although the strategy recognises the importance of leisure and recreation, it also clearly underlines the need to prevent harm and provide support for our children and young people. This policy clearly supports this priority and it is in the Licensing Authority's view an important one that we take very seriously. Not least, the third objective under the Gambling Act is "protecting children and other vulnerable persons from being harmed or exploited by gambling". We are aware that the Gambling Commission has stated that: "the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling". In this context we expect licence holders to work with the local community and the police to decrease the risk of harm to children and young people that may be caused by the activities taking place in their premises. This includes protecting them from falling victim to gambling-related crime or being tempted into criminal activity. We will in turn consider whether or not specific measures are necessary to protect children and young people at particular premises.~~

~~Planning And Building Control Policies~~

~~3.14 When determining an application, the Hillingdon Licensing Authority cannot take into account the likelihood of the applicant obtaining planning permission, listed building consent or building regulations approval. This~~

~~policy seeks to stress that the planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency.~~

~~3.15 Licence applicants need to know that if a premises licence is granted in the absence of planning permission, this does not make consent from the Planning Authority a formality. Equally, having obtained planning permission beforehand does not guarantee a successful licence application. Consequently, licensing applications should not be seen as a re-run of previous planning applications and should not cut across decisions taken by other committees of the Council or following appeals against decisions taken by those committees.~~

~~3.16 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Planning Committee, where appropriate, on the situation regarding premises licensed for gambling in the area, including the general impact of gambling-related crime and disorder to enable the Planning Committee to have regard to such matters when making its decisions and avoid unnecessary overlap.~~

~~AVOIDING DUPLICATION WITH OTHER REGULATORY REGIMES~~

~~3.17 In addition to planning and building control, the Council enforces many other statutory requirements that relate to licensed premises. These include health and safety, food safety, control of nuisances and anti-social behaviour etc, each enshrined in separate pieces of legislation. When exercising its licensing functions the licensing authority will, so far as is possible, seek to avoid duplication of other regulatory regimes.~~

~~3.18 The non-duplication principle should also be taken to mean that, as far as possible, the Council 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.~~

PART 4

PREMISES LICENCES

GENERAL PRINCIPLES

- 4.1 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
- 4.2 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.
- 4.3 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.
- 4.4 We as the Licensing Authority will be able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.
- 4.5 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:
- 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 this Statement of Licensing Principles
- 4.6 The Council appreciates that gambling can be an emotive subject but acknowledges and endorses the Gambling Commission Guidance that

Residents & Environmental Policy Overview Committee - 18 November 2009

“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.

- 4.7 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.
- 4.8 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*.
- 4.9 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

- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 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

Residents & Environmental Policy Overview Committee - 18 November 2009

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

- 4.14 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.
- 4.15 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.

Location

- 4.16 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.
- 4.17 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.
- 4.18 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

Residents & Environmental Policy Overview Committee - 18 November 2009

should be noted that any such future policy will not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how any potential concerns can be overcome.

Duplication with other regulatory regimes

- 4.19 This authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including the statutory planning regime.
- 4.20 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.
- 4.21 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.

Conditions

- 4.22 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.
- 4.23 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.

- 4.24 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) and
 - iv) Conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

- 4.25 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.
- 4.26 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.
- 4.27 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

- 4.28 This Licensing Authority has not passed a '*no casino*' resolution, under Section 166 of the Gambling Act 2005, to prohibit casinos in the Borough at present, but is aware that it has the power to do so. The Council reserves its right to review this situation and may at some time in the future resolve not to permit casinos.
- 4.29 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

Residents & Environmental Policy Overview Committee - 18 November 2009

- 4.30 Bingo is a class of equal chance gaming and will be 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.
- 4.31 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.
- 4.32 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.
- 4.33 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.
- 4.34 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.
- 4.35 A limited number of gaming machines may also be made available at Bingo licensed premises. 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 18.
- 4.36 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

- 4.37 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.
- 4.38 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.
- 4.39 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

- 4.40 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.
- 4.41 Children and young persons will not be able to enter premises with a betting premises licence.
- 4.42 Betting premises will be able to provide a limited number of gaming machines and some betting machines.

- 4.43 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

- 4.44 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.
- 4.45 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.
- 4.46 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.
- 4.47 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.
- 4.48 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.

- 4.49 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 persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 4.50 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.
- 4.51 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).
- 4.52 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

Residents & Environmental Policy Overview Committee - 18 November 2009

- 4.53 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.
- 4.54 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

- 4.55 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

- 4.56 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.
- 4.57 As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare.
- 4.58 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.

FAMILY ENTERTAINMENT CENTRES (FECs)

4.59 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

4.60 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.

4.61 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.

4.62 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.

4.63 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

4.64 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 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

- 4.65 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.
- 4.66 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

- 4.67 A Premises Licence may be reviewed by the Licensing Authority itself following an application or on its own volition. An Interested Party or Responsible Authority may also request that a premises licence be reviewed.
- 4.68 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.
- 4.69 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.
- 4.70 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.
- 4.71 The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate. This can extend to a review of a class of licences where it considers particular issues have arisen.

PART 5 GAMING PERMITS

INTRODUCTION TO PERMITS

- 5.1 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.
- 5.2 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
- 5.3 The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.
- 5.4 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

- 5.5 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.
- 5.6 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.
- 5.7 There are four classes of gaming machines: Categories A, B, C and D, with category B further divided in sub-categories B1, B2, B3 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	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D*	-	-
D non-money prize (other than crane grab machine)	30p	£8
D non-money prize (crane grab machine)	£1	£50
D money prize	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)	10p	£15 (of which no more than £8 may be a money prize)

* 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 44 below):

NUMBER OF GAMING MACHINES BY PREMISES TYPE

TYPE	GAMING TABLES (MINIMUM)	GAMING MACHINES
REGIONAL CASINO	40	25 GAMING MACHINES CATEGORY A TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM OF 1,250 MACHINES
LARGE CASINO	1	5 GAMING MACHINES CATEGORY B TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM OF 150 MACHINES
SMALL CASINO	1	2 GAMING MACHINES CATEGORY B TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM 80 MACHINES
BINGO PREMISES	N/A	4 GAMING MACHINES CATEGORY B3 AND B4 UNLIMITED MACHINES CATEGORY C UNLIMITED CATEGORY D MACHINES
BETTING PREMISES	N/A	4 GAMING MACHINES CATEGORY B2 TO D
TRACK BETTING PREMISES WHERE POOL BETTING LICENCE HELD	N/A	4 GAMING MACHINES CATEGORY B2 TO D
ADULT GAMING CENTRE	N/A	4 GAMING MACHINES CATEGORY B3 TO D UNLIMITED CATEGORY C UNLIMITED CATEGORY D
FAMILY ENTERTAINMENT CENTRE WITH OPERATING LICENCE	N/A	UNLIMITED GAMING MACHINES CATEGORY C TO D
FAMILY ENTERTAINMENT CENTRE WITH GAMING PERMIT	N/A	UNLIMITED GAMING MACHINES CATEGORY D
MEMBERS CLUB PREMISES	N/A	3 GAMING MACHINES CATEGORY B4 TO D
ON SALES ALCOHOL LICENSED PREMISES WITHOUT FOOD RESTRICTION	N/A	2 GAMING MACHINES CATEGORY C TO D BY NOTIFICATION UNLIMITED CATEGORY C TO D WITH ALCOHOL PREMISES GAMING PERMIT

(UNLICENSED) FEC GAMING MACHINE PERMITS

- 5.9 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.
- 5.10 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.
- 5.11 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

- 5.12 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.
- 5.13 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.
- 5.14 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.

5.15 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, showing 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.

5.16 The above statement of principles will apply in relation to initial applications only and not to renewals.

5.17 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.

5.18 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.

- 5.19 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.
- 5.20 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

5.21 Members Clubs and Miners' Welfare Institutes (not Commercial Clubs) may apply for a Club Gaming Permit or Club Gaming Machine Permit.

5.22 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.

5.23 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.

5.24 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.

5.25 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

5.26 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.

- 5.27 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.
- 5.28 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.
- 5.29 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

- 5.30 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. ~~The Licensing authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.~~
- 5.31 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.
- ~~5.32 A plan must accompany applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.~~

- 5.32 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.
- 5.33 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.
- 5.34 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 these) cannot be attached.
- 5.35 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.
- 5.36 Notifications and applications for two or three machines will be determined by Licensing Officers. Those for four to five machines will be determined by Licensing Officers' in consultation with the Chairman of the Licensing (Licensing Act 2003) Committee. Applications for more than five machines will be referred to a Licensing sub-Committee for determination.

PRIZE GAMING PERMITS

- 5.37 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 propose to consider in determining the suitability of the applicant for a permit.
- 5.38 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.
- 5.39 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.

- 5.40 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.
- 5.41 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.
- 5.42 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

- 5.43 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. ~~The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.~~
- 5.44 A plan must accompany applications indicating where, and what type, of prize gaming is to be provided.
- 5.45 The grounds for decision making as regards renewals are the same as for initial applications.
- 5.46 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 6 TEMPORARY AND OCCASIONAL USE NOTICES

TEMPORARY USE NOTICES (TUN)

~~6.1 A Temporary Use Notice may only be granted to a person or company holding a relevant Operating Licence and there are 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 of a notice.~~

6.1 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 of a TUN.

6.2 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.

6.3 The Licensing Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site.

6.4 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.

6.5 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.

6.6 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.

- 6.7 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.
- 6.8 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.
- 6.9 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)

- 6.7 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.
- 6.8 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.
- 6.9 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 7 REGISTRATION OF SMALL SOCIETY LOTTERIES

DEFINITION OF SMALL SOCIETY LOTTERY

7.1 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)

7.2 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

7.3 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

7.4 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.

7.5 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.

- 7.6 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.
- 7.7 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.
- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 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.

- 7.12 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.

PART 8 DECISION MAKING

THE LICENSING COMMITTEE

- 8.1 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.
- 8.2 Where a councillor who is a member of the licensing 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.
- 8.3 The Licensing Committee will not place themselves in situations where their honesty or integrity may be questioned, will make decisions on their merit and will reach their own conclusions on the issues laid before them and will act in accordance with those conclusions taking into account as necessary and proper, the views of others.
- ~~8.4 The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other legislation. 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.~~
- 8.4 Licensing Authorities must have regard to the licensing objectives when exercising their functions in relations to premises licences, temporary use notices and some permits.
- 8.5 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

- 8.5 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 8.6 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.
- 8.7 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 9

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
 British Casino Association
 British Holiday & Home Parks Association
 British Greyhound Racing Board
 British Institute of Innkeeping
 Business in Sport and Leisure Ltd
 Casino Operators Association, UK
 Community Trade Union
 Federation of Licensed Victuallers
 Gamcare
 Help the Aged
 Hillingdon Chamber of Commerce
 Leisure Link Group
 Remote Gambling Association
 Responsibility in Gambling Trust
 Rugby Football Union
 Society of Independent Brewers
 The Bingo Association
 The Football Association
 The Lotteries Council x 2
 The Racecourse Association
 The Working Men’s Club & Institute Union

All Elected (Ward) Councillors, London Borough of Hillingdon Council
 All “Responsible Authorities” as defined under the Gambling Act (*see Appendix 3 for list and contact details*)
 All six Directorates within London Borough of Hillingdon Council
 Alcoholics Anonymous (AA)
 Community Safety and Strategic Partnership; and /or
 Crime and Disorder Reduction Partnership
 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 and Ealing Citizens Advice Bureau (HECA): Hayes, Ruislip & Uxbridge Bureaus
 Hillingdon Law Centre
 Hillingdon Mind
 Hillingdon Primary Care Trust
 Hillingdon Public Libraries (*for members of the public*)
 Hillingdon Salvation Army
 Hillingdon Samaritans
 Hillingdon Youth Offending Service
 Hillingdon Tenants and Residents Associations

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

Hillingdon Federation of
Community Associations & similar
bodies
Local Licensing Solicitors in
Hillingdon
Local Strategic Partnership
(*Hillingdon Partners*) – (*See
Council website for list of
members*)
Uxbridge Initiative
Uxbridge Magistrates Court

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

NEIGHBOURING LONDON,
COUNTY AND DISTRICT
COUNCILS

CURRENT HOLDERS OF
LICENCES, PERMITS etc. IN
HILLINGDON:

Persons holding Amusement
Arcade Permits
Persons holding bingo licences or
bingo certificates
Persons holding betting and
bookmakers permits
Representatives of Premises
Licence holders with section 34
gaming permits (including
Breweries that hold Premises

Licences for premises that sell
alcohol)
Gaming Machine suppliers who
regularly apply for Gaming Permits
in Hillingdon
Representatives of Qualifying
Clubs with Club Premises
Certificates
Persons/representatives who hold
Society Lottery Registrations in
Hillingdon

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

APPENDIX B

MAP OF HILLINGDON



APPENDIX C

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 The Licensing Service Manager Dept of Environment & Consumer Protection London Borough of Hillingdon Civic Centre, Uxbridge UB8 1UW	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 Northwood Police Station 2 Murray Road Northwood HA6 2YW	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 Greenock Accounting Centre Custom House Custom Quay, Greenock PA15 1EQ
London Fire and Emergency Planning Authority Hillingdon Fire Station Uxbridge Road Hillingdon UB10 0PH	Authority for Vulnerable Adults <i>(Yet to be decided by the Secretary of State)</i>
Hillingdon Planning Authority c/o The Development Control Manager Department of Planning & Transportation London Borough of Hillingdon	Authorities for Vessels: Navigation Authority The Enforcement Agency The British Waterways Board The Secretary of State

APPENDIX D

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
Decision to give a counter notice to a temporary use notice		X	

Comments from	Summary of comments	Action
Paul Hewitt, Local Safeguarding Children Board	I have read the draft policy and I am happy with what is included in relation to the protection and safeguarding of children. I have also checked it with other LSCB key members. Please record that the LSCB has been consulted and is satisfied with the draft policy.	No action required
Eileen Kingham, Marketing Director, GamCare	Welcomes paragraphs relating to self exclusion, self barring and the provision of leaflets/posters/information within licensed premises and also staff awareness and training in relation to responsible gambling. Suggestions relating to more training and distributing of more posters and leaflets.	No action required
Page 89 Cllr Judith Cooper	Suggests we add a note to para. 3.3 indicating the main key statutory regimes that would provide cover in relation to the duplication of other LA functions.	With the vast amount of primary legislation, the list could be endless. Consequently, the working party felt this would be un-necessary as each application will be dealt with on a case-by-case basis.
Holly Robarts, Racecourse Assc.	Advised that the Assc. do not have any premises in our borough and would therefore not be commenting on our policy.	No action required
Rita King, British Beer & Pub Assc.	<ul style="list-style-type: none"> - BBPA are concerned about the relevance of para. 5.30 in relation to children on licensed premises and see no need for it to be addressed in a Gambling policy. They suggest this part is deleted. - They support the approach outlined in para. 5.36 in relation to the determination of permit applications. - They support our proposal to delete the paragraph relating to the submission of plans with permit applications. 	After discussion the working party agreed to implement the changes proposed by the BBPA. It was also agreed to remove a similar sentence in para. 5.43

FORWARD PLAN: NOVEMBER 2009 – FEBRUARY 2010

Contact officer: Gill Brice
Telephone 01895 250693

REASON FOR ITEM

The Committee is required by its terms of reference to consider the Forward Plan and comment as appropriate to the decision-maker on key decisions which relate to services within its remit (before they are taken by Cabinet or Cabinet Member).

OPTIONS OPEN TO THE COMMITTEE

- To comment on items going to the Cabinet or Cabinet Members for decision.
- Or to note the items and decide not to comment.

INFORMATION

The Forward Plan

1. The Forward Plan for **November 2009 till February 2010** has been published. Those items that are within this Committee's remit are shown on the attached version of the Forward Plan. The Committee may wish to consider these items and comment to the decision-maker.

The next Cabinet meeting

2. The subsequent Cabinet is due to meet on Thursday 15th October 2009.
3. Committee Members are requested to send in any questions they have on any items in the attached Forward Plan or in the published Cabinet agenda and reports, and to request any officers that they wish to be present to give advice.

SUGGESTED COMMITTEE ACTIVITY

- To consider whether there are comments or suggestions that the Committee wishes to make that will aid Cabinet's decision-making.

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The Cabinet Forward Plan

Period of Plan - November 2009 to February 2010

Ref	Report Title	Advance information	Ward(s)	Report to Full Council	Cabinet Member(s) Responsible	Officer Contact	Consultation	Background Documents	NEW ITEM
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ASCH&H = Adult, Social Care, Health & Housing; DCEO = Deputy Chief Executive's Office; E&CS = Education & Children's Services; E&CP = Env't & Consumer Protection; F&R = Finance & Resources; P&CS = Planning & Community Services

CABINET - 19 NOVEMBER 2009

386	Minet Cycle Circuit Clubhouse	This report will inform Cabinet on the funding received from the British Cycling Federation to match the Council's capital funding to develop a clubhouse as part of the cycle circuit facilities at Minet Country Park. Cabinet will be asked to approve the outcome of the tender exercise to proceed with the development of the clubhouse and also agree the terms of use of the clubhouse with the Minet Cycle Circuit Users Group.	Townfield		Cllr Henry Higgins & Cllr Scott Seaman-Digby	P&CS Jean Palmer / Mohammed Bhimani			NEW
379	Review of the Local List of Buildings of Architectural or Historical Importance	The Local List of Buildings of Architectural or Historical Importance is an essential tool in the protection and enhancement of the Borough's local heritage. This report to Cabinet seeks approval of the revised work programme for the project, agreement for the draft list (compiled following pre-consultation with local groups) and approval for undertaking borough-wide public consultation on the draft document.	All		Cllr Keith Burrows	P&CS Nairita Chakraborty/ Sarah Harper	Councillors, local groups the LSP to date.	Cabinet report on 19th February 2009, existing Local List and Planning Policy Guidance 15	

CABINET MEMBER DECISIONS - NOVEMBER 2009

379	Acceptance of Tender and agreed sites for the DCSF funded Playbuilder Scheme	This report is being brought forward following Cabinet's decision in October to delegate authority to Cabinet Members to approve a tender for the playbuilder scheme, subject to sign-off and Ward Councillor consultation. The scheme, funded by the DCSF, will create or refurbish a total of 22 play areas across the Borough by March 2011. 11 of these play areas must be completed by March 2010.	Various		Cllrs David Simmonds & Jonathan Bianco	E&CP / E&CS Stephanie Jenkins / Alison Booth	The Children and Families Trust Board, Playbuilder Project Board, Play England, Schools		NEW
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Ref	Report Title	Advance information	Ward(s)	Report to Full Council	Cabinet Member(s) Responsible	Officer Contact	Consultation	Background Documents	NEW ITEM
394	Response to consultation on Ealing's Local Development Framework	This report summarises the implications of Ealing's Local Development Framework for Hillingdon and seeks Cabinet Member for Planning and Transportation approval for the suggested response to public consultation.	All		Cllr Keith Burrows	P&CS Victoria Manning	Ealing Local Development Framework September 2009 comprising:- Core Strategy (Ealing Development Strategy 2026: Initial Proposals) Development Management Policy Document: Issues and Options Background Papers 1 to 5		NEW
378	Safety at Sports Grounds	This is the annual report to inform the Cabinet Member of action taken by officers in respect of the Council's responsibilities under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987. The Cabinet Member will be asked to approve action taken by officers to ensure the safety of the public (as spectators) at sports grounds within the Borough during 2009 and to determine the level of safety inspections which should be implemented in 2010.	All		Cllr Sandra Jenkins and Cllr Henry Higgins	E&CP Norman Stanley 01895 277418	Residents' & Environmental Services POC. Other members of the Safety Advisory Group (Metropolitan Police, London Fire and Emergency Planning Authority, London Ambulance Service).	Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sport Act 1987, Guide to Safety of Sports Grounds.	

CABINET - 17 DECEMBER 2009

Ref	Report Title	Advance information		Ward(s)	Report to Full Council	Cabinet Member(s) Responsible	Officer Contact	Consultation	Background Documents	NEW ITEM
		ASCH&H = Adult Social Care, Health & Housing; DCEO = Deputy Chief Executive's Office; E&CS = Education & Children's Services; E&CP = Env't & Consumer Protection; F&R = Finance & Resources; P&CS = Planning & Community Services								
387	Street Trading Regulations	This report to Cabinet will detail amendments to the Council's existing Street Trading Regulations. It will present plans, following consultation, in relation to mobile ice cream trading outside schools and within town centres, where nuisances and local concerns have been raised. Cabinet will also be asked to confirm designations for tables and chairs licensing, shop front licensing and street trading. The proposals will be based on a consultation currently being undertaken with Street Traders.	All	All		Cllr Keith Burrows	DCEO Beejal Soni	Borough Solicitor and licensed traders	Cabinet report dated 13 August 2003	NEW
392	Acceptance of Tenders for Fencing Framework Agreement	This report to Cabinet will be to approve a tender for a Fencing and Gating Framework Agreement for the supply, delivery, erection, maintenance and replair of fencing and gating within the Borough. The two main end users are Green Spaces and Community Leadership Teams, although the contract will be designed with sufficient flexibility for use by other groups such as schools, Hillingdon Homes and the Major Projects Team.	All	All		Cllr Sandra Jenkins / Cllr Scott Seaman-Digby	E&CP Stephanie Jenkins	Corporate Procurement, Legal and Corporate Finance		NEW

Ref	Report Title	Advance information	Ward(s)	Report to Full Council	Cabinet Member(s) Responsible	Officer Contact	Consultation	Background Documents	NEW ITEM
354	The Council's Budget - Medium Term Financial Forecast 2010/11 - 2013/14	This report will set out the Medium Term Financial Forecast (MTFF), which includes the draft General Fund reserve budget and capital programme for 2010/11 for consultation, along with indicative projections for the following three years.	All		Cllr Jonathan Bianco	F&R Paul Whaymand	Internal only with Council departments - the proposals will then be subject to public consultation through the Policy Overview Committee in accordance with the Budget and the Policy Framework rules and statutory consultation with business ratepayers	Local government finance settlement information on DCLG website	
368	Gambling Act 2005 & Licensing Policy Review 2009 TO BE RECOMMENDED TO FULL COUNCIL	The Gambling Act 2005 requires the Council, as the licensing authority, to review the Gambling Policy every 3 years. This is the first review of the policy since the implementation of the Act in 2007. As a policy framework document, a revised policy must be approved by the full Council and it will be effective between 2010 and 2013.	All	Council on 14 January 2010	Cllr Sandra Jenkins	ECP Stephanie Waterford	Licensing Committee and Responsible Authorities	Gambling act 2005, Gambling Commission Guidance to Licensing Authorities	
SI	Quarterly Planning Obligations Monitoring report - Quarter 2	Regular monitoring report with information about spending on section 106 (developer contribution) monies.	All		Cllr Keith Burrows	P&CS Jales Tippell / Vanessa Scott 01895 250402		Previous Cabinet Reports	

CABINET - 21 JANUARY 2010

Ref	Report Title	Advance information		Ward(s)	Cabinet Member(s) Responsible	Officer Contact	Consultation	Background Documents	NEW ITEM
		Report to Full Council	Report to Full Council						
385	Accessible Hillingdon' Supplementary Planning Document	ASCH&H = Adult Social Care, Health & Housing; DCEO = Deputy Chief Executive's Office; E&CS = Education & Children's Services; E&CP = Env't & Consumer Protection; F&R = Finance & Resources; P&CS = Planning & Community Services	Following Cabinet approval of the SPD in September 2009 for consultation purposes, a report will be brought back to Cabinet for it to consider responses to the SPD and to approve the document.	All	Cllr Keith Burrows	P&CS Ali Kashmiri		Cabinet Report 24 September 2009	NEW
391	London Common Permit Scheme for the management of Street Works and Road Works		As part of his decision in September to approve a deferment of the adoption of the scheme in Hillingdon, the Cabinet Member has agreed that a report to Cabinet is produced to consider utilising the London Permit Scheme as part of an overall review of the Management of Street and Road Works to be undertaken this year.	All	Cllr Keith Burrows	E&CS James Birch		Traffic Management Act 2004 Code of Practice for Permits March 2008 Traffic Management Act 2004 Statutory Guidance for Permits March 2008 The Traffic Management Act 2004 The New Roads and Street Works Act 1991 London Permit Scheme	NEW

Ref	Report Title	Advance information	Ward(s)	Report to Full Council	Cabinet Member(s) Responsible	Officer Contact	Consultation	Background Documents	NEW ITEM
375	The Council's Budget - Medium Term Financial Forecast 2010/11 - 2013/14 TO BE RECOMMENDED TO FULL COUNCIL	Following consultation, this report will set out the Medium Term Financial Forecast (MTFF), which includes the draft General Fund reserve budget and capital programme for 2010/11 for recommendation to full Council for approval.	All	25 February 2010	Cllr Jonathan Bianco	F&R Paul Whaymand	Public consultation through the Policy Overview Committee in accordance with the Budget and Policy Framework rules and statutory consultation with business ratepayers	Local government finance settlement information on DCLG website	

ASCH&H = Adult, Social Care, Health & Housing; DCEO = Deputy Chief Executive's Office; E&CS = Education & Children's Services; E&CP = Env't & Consumer Protection; F&R = Finance & Resources; P&CS = Planning & Community Services

2009/10 WORK PROGRAMME: DRAFT SCOPING REPORTS AND DISCUSSIONS

Contact Officer: Gill Brice
Telephone: 01895 277655

REASON FOR ITEM

To enable the Committee to consider 2 draft scoping reports and select them as potential review topics for 2009/10.

INFORMATION

At the Committee meeting on the 8th October 2009, Members discussed potential review topics for 2009/10 and requested officers to prepare draft scoping reports on the following potential areas for review:

1. Planning Enforcement (Homes in back gardens) (Appendix A)
2. Counterfeit Cosmetics and Illegally Imported Foods (Appendix B)

The draft scoping reports are attached for Members' consideration as **appendices A-B**. It is usual for a Policy Overview Committee to take forward one review topic at a time; however, Members have indicated that they wished to consider two review topics simultaneously.

SUGGESTED COMMITTEE ACTIVITY

1. To consider the draft scoping reports and ask any further question from officers;
2. To agree whether to undertake the two scoping reports as minor reviews in 2009/10;
3. To agree the terms of reference for the two minor reviews selected;
4. To agree the order in which they will undertake the reviews, i.e. which one will be the first minor review;
5. Subsequently, to agree the programme and the scheduling of witness sessions and amend or update the work programme overleaf accordingly.

**RESIDENTS' AND ENVIRONMENTAL SERVICES
POLICY OVERVIEW COMMITTEE**

2009/10

WORK PROGRAMME

18th November 2009	Street Lighting – Final Report agreed
	Choosing Review Topics
	Gambling Act 2007-10 – report sent to Committee for comments. Stephanie Waterford & Norman Stanley
	Work Programme for 2009/10
	Cabinet Forward Plan – review forthcoming decisions
15th December 2009	Review topic (tbc): Witness Session
	Work Programme for 2009/10
19th January 2010	Review topic (tbc): Witness Session
	Budget Reports and Group Plans 2010
	Work Programme for 2009/10
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.
17th February 2010	Review topic (tbc):
	Work Programme for 2009/10
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.
10th March 2010	Review topic (tbc): Witness Session
	Work Programme for 2009/10
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.

13th April 2010

Cabinet Forward Plan - review forthcoming decisions and if appropriate, comment to the decision-maker.

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**RESIDENTS' AND ENVIRONMENTAL SERVICES
POLICY OVERVIEW COMMITTEE**

2009/10

DRAFT REVIEW SCOPING REPORT

Proposed review title:

**PLANNING ENFORCEMENT – CONSTRUCTION AND USE OF
DETACHED OUT-BUILDINGS (HOMES IN BACK GARDENS)**

Aim of review:

The committee will review the construction and use of unlawful detached out-buildings (Homes in Back Gardens) in the Borough and the enforcement role the Council plays tackling this.

Proposed outcome

A report summarising the Committee's findings would be completed and presented to the Council's Cabinet. The report will present recommendations in relation to the Council's enforcement role against unlawful detached outbuildings being used as homes.

Draft Terms of reference

1. To understand the Council's statutory duty enshrined in planning legislation in relation to the enforcement process in relation to illegal use of outbuildings as homes.
2. To examine how the owners of unlawful properties are identified and dealt with.
3. To review the timescales and processes dealing with unlawful properties by the council and other bodies involved, e.g. enforcement, private sector housing, council tax and building control.
4. To investigate whether existing legislation assist the council in tackling the problem effectively.
5. To seek out views from a number of key witnesses and stakeholders
6. To make recommendations to Cabinet, as appropriate.

Reasons for the review

To consider whether there are any improvements that can be made to the processes currently used to improve the enforcement action.

Key Issues

- Concerns about the length of time currently taken in identifying breaches in relation to homes in back gardens?
- What process are currently in place?
- The number of complaints/enquiries in relation to use of buildings in back gardens as homes?
- How can we improve the public perception of our enforcement function and partnership working?

Methodology

The committee will look at the information provided and receive evidence from Officers and other key witnesses, including case studies where there have been prosecutions.

Witnesses/Evidence providers

Officers from Enforcement, Environment, Private Sector Housing, Council Tax Collections, District Valuations Office, Local Police, Elected Members, Fire Brigade,

Connected work (recently completed, planned or ongoing)

Following a review of the Enforcement function undertaken in 2005, the need for an increase in resources was acknowledged by Members and officers alike. As a result, the formation of the Team was enhanced both in terms of management and number of case (Enforcement) officers.

In early 2008 Members agreed to a further increase in the number of permanently employed officers.

Since 2006 working procedures have progressively been evaluated against recognised Best Practice. As a consequence, a number of initiatives have been introduced both in terms of internal procedures and Partnership working. The improved effectiveness of the Enforcement function can be measured against a number of indicators, namely:

- Ability of the Team to investigate/process a marked increase in the number of complaints
- increased number of reports submitted to Planning Committees,
- The number of Enforcement Notices served

- The number of Enforcement Notices complied with
- Number of successful Court prosecutions - resulting in the imposition of substantial fines and awarding of costs,
- The significant number of cases resolved through negotiation - resulting in a financial saving to the Council, and a less combative approach

Proposed timeframe & milestones

Meeting	Action	Comments
15/12/09	Evidence session from officers and key stakeholders	2-4 witnesses
16/01/09	To receive a final draft report for consideration by the committee	Sign off the final report

Risk assessment

Inability of the Council to provide a resourced planning enforcement function capable of providing an adequate level of service may result in:

1. Aggrieved parties complaining to the local Ombudsman resulting in a finding of mal-administration
2. Legal Challenge on behalf of an aggrieved party by way of Judicial Review,
3. Inability to recruit & retain experienced staff.

The review needs to be resourced and to stay focused on its terms of reference in order to meet this deadline.

DOCUMENTS ATTACHED

Information on current position – Appendix A1

Example of a recent Enforcement Case setting out timescales – Appendix A2

Considerations for a way Forward – Appendix A3

Motion agreed at Council on 5 November 2009 – Appendix A4

APPENDIX A1

CURRENT PROCESS

Current Planning Enforcement resources do not enable the concentration of efforts upon individual area(s) of concern, one of which is the unauthorised erection and use of outbuildings within existing residential properties (dwellinghouses).

Primarily, the Council's Planning Enforcement section relies upon nearby residents/ neighbours to advise them of unauthorised outbuildings. Generally neighbours will advise the Enforcement team through emails, the internet or direct phone calls through to the Council's Call Centre.

The Enforcement team also work in co-operation with the Private Sector Housing Team who report potential unauthorised outbuildings. The Enforcement also has strong links with Council Tax Collections who advise of property owners having applied to obtain separate Council Tax rating on outbuildings. The District Valuations Office informs the Council where their officers have seen potential breaches of planning control on site.

The Enforcement team liaise with the local Police who contact the Council where they suspect person(s) to be living in outbuildings. Elected Members, via PCS Enquiries, contact the Enforcement in circumstances where local constituents complain to them direct or where Members have identified outbuildings during their ward walks.

The workload of the Enforcement Team has risen significantly in recent months. Officers contribute the increase to both a heightened awareness on the part of the public of the Enforcement function within the Borough and an overall trend toward non-compliant behaviour resulting from the 'down-turn' in the national economy. This situation, which according to a number of reliable sources is likely to continue for the foreseeable future.

In addition to the above together with the effects of both legislative constraints imposed upon Planning Authorities and the complexity of certain of the cases, concern has been expressed over the ability of the Council to provide an adequate and robust response.

APPENDIX A2

CASE STUDY LARGE OUT BUILDING BUILT IN REAR GARDEN OF 3 BEDROOM SEMI DETACHED HOUSE IN THE SIPSON AREA.

The outbuilding in question first came to the attention of the planning department in November 2006 via complaints from nearby residents. A site visit was made by the planning Enforcement officer on the 30 November 2006. Investigations revealed that a large out building had been constructed in the rear garden which was twice the ground floor area of the parent building being 99 sq m in area.

Letters were sent out to the owner in both December 2006 and February 2007 advising the owner of the planning breach and requesting that they contact Planning Services. A telephone call was received from the owner on the 3 May 2007; the owner was advised to reduce the size and height of the building. The owner advised officers that he would be submitting a planning application to retain the building as built. Further phone calls from the owner were received on the 10 May and 5 June 2007.

An application for planning permission for retention of the outbuilding, submitted on the 10 December 2007, was refused by the Council on the 19 May 2008 and the matter passed back to the Enforcement.

A subsequent enquiry of H M Land Registry established details of parties with an interest in the land. Liaison with Public Sector Housing officers revealed prior knowledge of the outbuilding/use as a separate dwelling. The Council Tax Collections were also advised of the breach in planning control.

On 30 September 2008 a further site visit undertaken by the Enforcement case officer provided evidence (including photographic) of both sleeping and kitchen facilities were present and in use. With the assistance of the Building Control Surveyors, plans submitted as part of an application for approval under Building Regulations were inspected.

On 9 October 2008, in an effort to ascertain further information: when the outbuilding was built and details of person(s) resident, a PCN was issued/served. A further check of the site revealed a lady (a North Korean national) to be residing in the outbuilding.

Subsequently, the land-owner submitted an application for the grant of a Certificate of Lawfulness of Existing Development (CLUED) - later to be withdrawn.

The PCN questionnaire, having been completed, was received on the 21 October 2008.

On 6 January 2009 a report was placed in front of the Planning Committee, as a result of which Members authorised the taking of formal Enforcement action. On 29 January 2009 a Notice was served upon both the owner and person

with an interest in the property. Subsequently, the land-owner submitted an Appeal against the service of the Notice which resulted in a hearing taking place on 3 September 2009.

On 17 September 2009 the Decision letter was published, dismissing the Appeal and upholding the Notice. As a consequence of the Appeal process, the date for compliance with the requirements of the Enforcement Notice has been re-scheduled until 17 December 2009 by which time the outbuilding is to be demolished and all materials, plant and machinery associated with the works removed from the site.

APPENDIX A3

CONSIDERATIONS FOR A WAY FORWARD

- A review of IT systems to identify ready access/exchange of intelligence,
- Put in place a mechanism for inter-Service working - forum for Team Managers to discuss cases/strategy,
- Encourage a Corporate approach in terms of both speed and level of response.

The ability to efficiently access information would not only minimise the time taken to progress investigations, Services/officers would be encourage to adopt a 'corporate approach'. All too often the public are frustrated by the time taken to bring about a resolution to matters perceived to impact adversely upon their lives.

Several of the legal/procedural processes Planning Enforcement have to adhere to, are both complex and time consuming. Although, in terms of securing a long-term planning solution this would remain to be the case, in order to bring about a more immediate and tangible improvement a 'lateral' approach could be adopted.

By encouraging a corporate approach as a result of which robust and timely action is taken against the abuse of statutory controls, the Council would both enhance its image in the eyes of the public and provide a deterrent to all those intent upon non-compliant behaviour.

Proposal for working closely/what would work well

As stated above, the ability for officers to readily access (share) intelligence would constitute a major step forward, likely to result in enhanced inter-departmental working and the more efficient use of resources (officer time/effort).

Such facility would have benefits across the Council, lessening the time taken to progress investigations and instigate the taking of action as appropriate.

Although a number of officers (particularly those with an investigatory background) seek assistance from colleagues within other disciplines, current Council processes not encourage the taking of a corporate approach.

In addition to the introduction of compatible IT systems, other improvements to working practices need to be considered: agreed protocols for inter-Directorate working, regular case review meetings and a forum for Managers to explore further initiatives/partnership working.

Some, if not all, of the regulatory controls administered by the Council are complex, particularly in terms of legislation and Governmental guidance. In order that complaints (and other matters) are thoroughly investigated and action taken, it is essential that officers are employed appropriate to their given area of expertise/qualifications.

It is recognised that some form of 'over-arching' management would be required to enable the various Teams within the Council to function efficiently. However, the Council should avoid the trap of bringing all regulatory functions/staff within one centralised Team. In the case of other Local Authorities, experience has shown such an approach to have been unsuccessful, resulting in the re-creation to specialist Teams with counter-productive consequences i.e. loss of staff and expertise.

APPENDIX A4

MOTION FROM COUNCIL – 5 NOVEMBER 2009

This Council is aware that there is strong public concern about the development of out buildings in back gardens particularly for use as rented homes.

This Council notes that it is a growing problem not helped by the government's changes to the planning system with regard to permitted development rights. It is pleased to note that officers for Planning Enforcement, Private Sector Housing and the Councils Tax collection teams are now working together on this issue and that this issue will be given full scrutiny through the RESPOC and through the HIP process.

This Council calls upon the Cabinet Member for Planning & Transportation to look at this issue in depth and then take appropriate action including lobbying Central Government to review this long ignored area of Planning Legislation to give it more teeth to prevent this spread of what is often un-neighbourly development.

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**RESIDENTS AND ENVIRONMENTAL SERVICES
POLICY OVERVIEW COMMITTEE**

2009/10

DRAFT SCOPING REPORT

Proposed Area for Review

Counterfeit Cosmetics and Illegally Imported Foods

Aim of the review

To review and consider improvements to the Council's arrangements for combating the issue of Counterfeit Cosmetics and Illegally Imported Foods.

Draft Terms of Reference

- 1. To review the Council's statutory duties in relation to illegal cosmetics and illegally imported food at Border Controls and at Whole sale/retail.**
- 2. To examine the role of the Food Health and Safety Team**
- 3. To investigate the Food Standards Inspection process including checks for composition and labelling of all foods**
- 4. To review the steps taken to matters relating to imported foods**
- 5. To identify what checks are in place for discovering illegal cosmetics**
- 6. To make recommendations to Cabinet as appropriate**

Background and importance

- To investigate procedures in place to prevent the sale of illegal cosmetic to Hillingdon residents
- To establish measure in place by the Council to protect Hillingdon residents from fraudulent or deceptive practices which may be misleading in the sale of imported foods.

Reasons for the review

At its last meeting on 8th October 2009, the Residents' and Environmental Services Policy Overview Committee considered that it had been a long time since this service area had been reviewed.

In order to provide initial information to the Committee to help them in their review, officers have prepared 3 briefing notes covering:

Appendix B1 – Imported Illegal Cosmetics

Appendix B2 – Imported Food – Border Controls

Appendix B3 – Imported Food – Whole sale and Retail

Who is this review covering?

1. All people living or working in Hillingdon and visitors to the borough.
2. Environment and Consumer Protection:
 - Trading Standards
 - Imported Food Office - Border Controls
 - Food Health and Safety
3. External partners e.g. UK Border Agency and Her Majesty's Revenue and Customs (HMRC).

Key issues

1. Concerns about imported illegal cosmetics?
2. What effective measures are in place in dealing with illegal consignments?
3. What is the scale of the illegally imported foods in Hillingdon and what implications are there for public safety?
4. How is the problem of unlicensed small food business addressed in ensuring compliance of food legislation?

Methodology

The Committee will examine background documents and receive evidence from officers and case studies of successful prosecutions.

Relevant Documents

To be provided at the review process.

Witnesses/evidence providers

Officers, Border agency staff and HMRC

Connected work (recently completed, planned or ongoing)

- Intelligence work undertaken through the Council's Home Leads companies
- National and regional initiatives which draw on intelligence gathered from across the UK
- New database introduced in April 2009 (to distinguish between officer activity on imported foods to enable easier reporting)

Proposed timeframe & milestones

Members will decide the length of the review process. It is likely this will be a short review.

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RESIDENTS' AND ENVIRONMENTAL SERVICES
POLICY OVERVIEW COMMITTEE
2009/10

IMPORTED ILLEGAL COSMETICS

Aim of the review:

To review and improve the Council's arrangements for combating the issue of illegally imported foods.

Legislation

The Cosmetic Products (Safety) Regulations 2008 came in to force on 18th June 2008. The Regulations consolidate earlier Regulations and implement current European Directives.

What is a cosmetic product?

The Regulations define a cosmetic product as:

"Any substance or preparation intended to be placed in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, correcting body odours, protecting them, or keeping them in good condition except where such cleaning, perfuming, protecting, changing, keeping or correcting is wholly for the purpose of treating or preventing disease."

The last part of this definition means that products used solely as medicines are not covered by these Regulations.

The Regulations further define "cosmetic product intended to come into contact with the mucous membranes" as:

"A cosmetic product intended to be applied in the vicinity of the eyes, on the lips, in the oral cavity or to the external genital organs, and does not include any cosmetic product which is intended to come only into brief contact with the skin."

Where we are now:

It is an offence to supply a cosmetic product which may cause damage to human health when applied under normal conditions of use, or reasonably foreseeable conditions of use,

There are many substances that are either prohibited or restricted for use in cosmetic products. There are restrictions on animal testing of cosmetic products and ingredients and certain labelling is required such as:

The name and address of the manufacturer/importer into the EU
Durability
Precautions
Batch code
Function
Ingredients

Consumers can be assured that cosmetics which comply with the above regulations are safe to use. In the event that a problem arises the product can be traced back to source and appropriate action taken.

The key issues we are faced with:

Cosmetics which do not comply with the Regulations:

May contain banned ingredients such as hydroquinone or mercury
May contain permitted ingredients but in concentrations above that allowed
May not have an ingredients list – thus causing problems for persons with allergies
May not declare a shelf life – some cosmetics deteriorate with age
Are difficult to trace and remove from the market if identified as unsafe and need to be destroyed

The most common type of illegal cosmetics

Skin lightening creams are popular - those containing hydroquinone are banned in this country. However, the demand for it in certain sections of the community means that it continues to be imported, usually from Africa. Because of their illegal status, these cosmetics are not declared on import documents and are often distributed among other imported goods, sometimes food. At retail level, they may be sold “under the counter”.

Grey imports of cosmetics such as toothpaste are found in retailers. It is unlikely that these contain banned ingredients, but the other issues highlighted above may be present. These are probably imported because of price differences allowing a larger profit to be made throughout the supply chain. These are unlikely to be “under the counter” and are often sold without the retailer realising that they may be illegal. These imports are usually found in cheaper retail outlets and market stalls.

The Current Position in Hillingdon:

Small quantities of skin lightening creams containing hydroquinone have been found in shops in Hillingdon during routine inspections and a small project carried out a few years ago. However, while officers are always on the look out for this type of cosmetic, because of the ethnic make up of the Borough it is not prevalent. Because of the unsafe nature of the product, any discoveries are seized and a voluntary forfeiture sought from the retailer.

The major issue arises around consignments discovered at the Airport by Customs or at the Imported Food Office. When notified of these consignments, Trading Standards Officers work with Customs to prevent the goods reaching the market. While there is the power to seize and destroy the goods, if the consignment is large the costs of storage and destruction can be high. In most cases, the importer is persuaded to abandon the shipment and must then bear the

costs of destruction. Should they choose not to do this, Trading Standards would need to take more formal action with the attendant costs.

Non-compliant grey imports may be discovered in shops and in markets. Again the retailer is given advice regarding the law, and is told to ensure that they buy from reputable wholesalers and importers and to check dates and labelling.

While illegal imported cosmetics are not commonly found in retail outlets in Hillingdon, consumers assume that every cosmetic product is safe to buy and use or it would not be able to be supplied in the UK. However, this is clearly not so. Consumer education and a refusal to buy these types of illegal products would further reduce their availability.

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**RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE
2009/10**

DRAFT SCOPING REPORT

IMPORTED FOOD – BORDER CONTROLS

AIM OF THE REVIEW

To review and improve the Council's arrangements for combating the issue of illegally imported foods at Border Controls.

WHERE ARE WE NOW?

A recent study by the Food Standards Agency estimated that approximately half of the food that is on sale in United Kingdom (UK) shops has been imported. Because of this, it is therefore important that effective controls are in place at points of entry across the UK such as London Heathrow Airport (LHR).

However despite effective import controls being in place, illegal imports still arrive at points of sale, as a result of smuggling activities, poor knowledge of import controls and incorrect declaration of food items by importers and their representatives.

Products of Animal Origin (POAO)

POAO regularly inspected at LHR include fishery products, shellfish, dairy products etc. Customers that follow correct legal channels import a vast quantity of these goods. However, a significant number of consignments are introduced illegally.

There are a number of reasons why a consignment may be considered to have been illegally introduced. These include:

- Introduced with no prior notification
- Introduced without being presented at a Border Inspection Post (BIP)
- Introduced from a country not permitted to export to the UK

Whilst it is an offence to introduce POAO from Non-EU countries into the UK except at a BIP, it should be noted that a number of exemptions apply. These include:

- Personal imports of certain products from certain countries
- Trade samples accompanied by necessary documentation

POAO Check Regime

The checks undertaken can be divided into 4 phases:

1. **Pre-notification** – The Importer/Agent must notify the Imported Food Office of the arrival of a consignment before it has been unloaded from the aircraft.
2. **The Documentary Check** – Each consignment must be accompanied by a health certificate, airway bill and invoice. These documents must be presented to the Imported Food Office along with the necessary payment.
3. **The Identity Check** – The majority of consignments must also undergo an identity check. An officer will inspect the consignment at a border inspection post to ensure that it corresponds with the accompanying documentation.
4. **The Physical Check** – A certain percentage of consignments are subject to physical examination dependent on the origin and the type of product. Officers will confirm if the product has been transported at the correct temperature and if it is fit for use, for example human or animal consumption. This may also include sampling the product for Histamine, Heavy Metals, Malachite Green, Nitrofurans, Sulphites, or Polycyclic Aromatic Hydrocarbons (PAHs).

Where the above checks are satisfactory, Part II of the CVED is completed and the consignment can continue to its onward destination. Rejected consignments are re-exported or destroyed depending on the reason for rejection.

Products not of Animal Origin (PNAO)

There are currently few requirements in place that oblige an importer or their agent to notify a BIP of the intended arrival of most PNAO. PNAO that are considered high risk are however subject to enhanced checks and include products such as Chilli Powder, Palm Oil, Iranian Pistachios, Almonds from the USA.

Despite this, it is important that priority is given to identifying imported foods inland because of there being no requirement in pre-notify most PNAO.

PNAO Check Regime

Checks carried out on PNAO are similar to those carried out on POAO:

1. **Documentary check** - The documentary check involves inspecting invoices, health certificates and sampling results. The documentary check itself will often determine whether further checks are required.

Where a documentary check is deemed satisfactory, the importer is advised of this so that the goods can continue to their onward destination.

2. **Identity check** - During the identity check, the labels on the boxes and packages are inspected. This information is compared to the information contained in accompanying documentation for example analytical reports and invoices.

Where the information on the labels does not allow for full traceability, an officer may

detain the consignment to undertake further sampling. In some cases, a consignment may be rejected and subsequently destroyed or re-exported.

3. **Physical check**

A physical check is a 'check of the product itself.' This often involves both formal and informal sampling. Products that are sampled are often done so in a targeted fashion, for example:

- Emergency control products,
- Products with previously unsatisfactory results

Routine surveillance sampling is also undertaken to identify new and emerging risks. Products can be subject to sampling for aflatoxins, ochratoxins, lead, unpermitted colours, sulphites, microbiological contamination (ie salmonella, E.Coli), pesticides, irradiation, composition, authenticity, colour migration of packaging into the food etc.

Enforcement Responsibilities at Heathrow - London Borough of Hillingdon – Imported Food Office (IFO)

Officers of the IFO are responsible for carrying out food hygiene and food standards checks on imported foods arriving at LHR. This includes checks set out in European legislation under the veterinary checks regime.

Officers of the IFO are not responsible for detecting smuggled POAO, with the exception of that found in the BIP. If illegally introduced products are uncovered while undertaking checks in a premises other than a BIP, a detention notice will be issued and the UK Border Agency (UKBA) contacted.

UK Border Agency (UKBA)

The UKBA is responsible for locating illegally introduced POAO and for deterring this practice. UKBA do not however have responsibility for seizing POAO in BIP's or inland. Because of this, the IFO retains an important role in the control of illegally introduced POAO at borders.

UKBA have adopted a risk-based approach to enforcement and target their resources where it believes that the greatest contribution can be made to reduce the introduction of disease. The action taken by UKBA is not restricted to simply seizing goods. Additional enforcement action can be taken where there has been a deliberate attempt to evade checks, or where a repeat offender has been identified.

Legislation

Product of Animal Origin (POAO)

Imported food legislation is driven by the implementation of European Community law. Much of the legislation that is focused on controls of POAO is implemented by the Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (as amended).

Regulation 5 (3) of these Regulations states the following:

'In cases where an officer of a local authority, when exercising any statutory function, discovers at a point of entry a consignment or product that he considers may have been brought in breach of regulation 16, he must notify an officer of Revenue and Customs and detain the consignment or product until an officer of Revenue and Customs takes charge of it.'

Regulation 16 states:

'No product may be brought into England from a third country except at a border inspection post designated and approved for veterinary checks on that product.'

Additional enforcement options that can be used by officers of the IFO to combat illegally introduced POAO include:

- Regulation 8 – Notices may be served requiring consignments of POAO be stored under the supervision of the IFO employees until such time that it is decided that correct import procedures have been followed. Such a Notice may be served when it is unclear if a product is indeed a POAO.
- Regulation 24 – Notices are served on the importer or his representative when illegally introduced POAO are discovered / identified in the BIP

Products of Non-Animal Origin (PNAO)

Much of the legislation that is focused on controls of PNAO is implemented by the Official Feed and Food Controls (England) Regulations 2007 (as amended). This, as well as Council Regulation 882/2004 provide the main controls for PNAO imported in the UK from non-EU countries.

The legislation provides powers to inspect PNAO products and allows for them to be detained pending the results of any examination that is undertaken as part of the controls. Products that are subsequently found to have been introduced in contravention of the above legislation are detained with following options given to the importer or his representative:

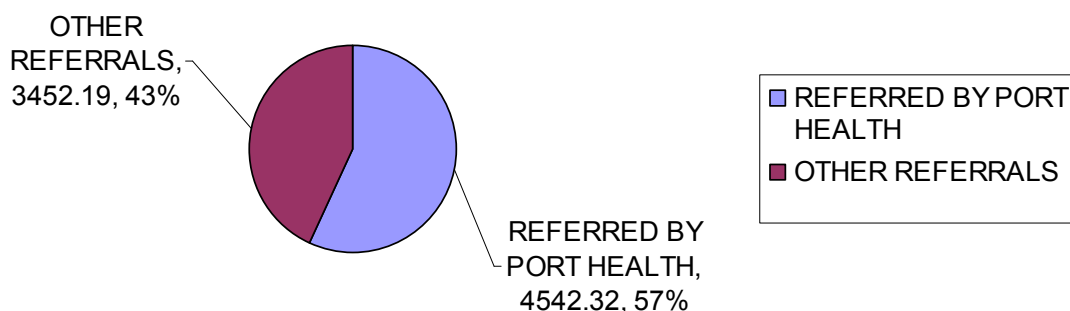
- Destruction
- Re-export
- Re-processing or alternative use for food

In addition to the above controls, the European Commission (EC) may at any time introduce emergency controls when it is decided that a certain product is implicated in a certain risk.

Statistics

The following chart details the percentage and weight of Port Health illegally imported referrals to the UKBA.

POAO SEIZURES APR 09 TO SEPT 09



THE KEY ISSUES WE ARE FACED WITH:

1. Products illegally imported outside normal office hours ie evening and weekends
2. Potential of inconsistency of enforcement between agencies
3. UKBA staff lack of knowledge of up to date imported food legislation due to other priorities and legislative responsibilities
4. Agents and importers lack of knowledge on imported food control requirements
5. Lack of resources for the imported food office

CURRENT MEASURES IN PLACE AND WHERE WE WANT TO BE:

Raising Awareness

- Guidance packs and guidance notes on imported food controls are available to importers and agents.
- Agents and importers are regularly emailed imported food updates via email and advisory letters.
- During 2008, an advisory campaign was conducted by the imported food office and an imported food control information pack issued to agents regarding official controls on imported food matters.

Co-ordinated Working Approach

Port Health and the UKBA recognise that they can only successfully tackle illegal imports with a combined effort across both agencies as a result they have a co-ordinated approach to illegal imports and have undertaken the following joint working project during 2009 to improve consistency and detection of illegally imported food controls.

Operation Codex 3

Operation Codex 3 commenced September 2009. The main objectives of the operation were to risk test all POAO issues at the Border Inspection Post. This included risk testing for known hunting areas in Africa and South America for hunting trophies imported as freight to increase POAO awareness and detections, to pass relevant information onto the Detection 4 Freight Teams and to monitor and identify manifest and un-manifested freight for POAO to include the commodity of animal trophies.

The UKBA made the following comments in conclusion from the operation:

“At the Border Inspection Post (BIP) following examinations by the D4 Outdoor Co-ordination Team (OCT) with Port Health, it could be concluded that these goods are produced voluntarily and therefore that reduces the risk of illegal importations. Our conclusion would be that working in this area would not increase detection significantly. OCT conducted extensive examinations targeting hunting trophies in freight shed around the airport.”

“The Freight Forwarding Team were tasked with finding targets for examination. Our conclusion would be that POAO did not appear to be smuggled within the hunting trophies. The hunting trophies appear to be shipped by well known companies dealing with them. After lengthy discussions with Port Health and several joint examinations, it is thought that POAO may be actively smuggled when Port Health officers are not on duty. They have skeleton cover at weekends and on late shifts. Our conclusion would be to test this risk with a joint exercise in the future.”

“With more joint working with Port Health it is hoped that this will lead to a greater understanding of working practices and this should improve detections”

(UKBA D4 Team)

In response to the above, further Operation Codex 3 joint exercises are due to be undertaken during the evenings of the 27th November and 18th December 2009 within the transit sheds surrounding Heathrow Airport.

Training:

Port Health is currently in the process of devising a training program to be executed to D4 Outdoor Co-ordinated Team and Compliance Team.

Furthermore, a meeting is due to be held with the HMRC tariff Team to discuss co-ordinated work.

- Increase joint inspections between Port Health and UKBA within the Transit Sheds surrounding the Airport. Particularly when importers/agents least expect inspections will be undertaken i.e. late evening & weekends
- Commodity codes tagged on HMRC CHIEF System – alert customs to products that require official checks by Port Health.
- Regular meetings to ensure updates, consistency and sharing of information on to enable improved service delivery.

- Training days to be conducted with Agents and Importer.

Methodology

1. The Committee will examine background documents and receive evidence from officers.
2. The Committee may also make a visit to Heathrow Airport.

Witnesses/evidence providers

Potential witnesses from UK Border Agency and HMRC

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**RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE
2009/10****DRAFT SCOPING REPORT****IMPORTED FOOD – WHOLE SALE AND RETAIL****Aim of the review**

To review and improve the Council's arrangements for combating the issue of illegally imported foods.

Where are we now:

Part of the role of Food, Health and Safety Team is to carry out a series of programmed risk based food safety and food standards inspections within the London Borough of Hillingdon (outside the boundary of London Heathrow Airport). This is so as to ensure the safety of food at all stages of production. Part of these inspection activities include 'inland checks' for imported foods and are similar to those made by all other local authorities in England and Wales. There are in the region of 2,500 registered food businesses in Hillingdon and typically just under 1,000 inspections and are undertaken each year. Current records show that there are 18 Importers situated in London Borough of Hillingdon (Businesses where the main activity is importing).

Inspections make up the majority of the all food intervention activities, the frequency of inspections are determined by individual risk rating scores determined at the time of the previous inspection.

Inland checks form part of the inspection process and extend to a range of food businesses including distributors, wholesalers, restaurants, manufacturers and retailers. Inspections include food hygiene and food standards checks and food sampling of all foods.

Food standards inspections include checks for composition and labelling of food and further consider the advertising and marketing of the product and how it may mislead the consumer.

Outside the routine programme of inspections some intelligence led work takes place through the Council's Home authority leads for companies such as Coca Cola, HJ Heinz UK, and United Biscuits. In this regard complaints will often be received via other local authorities concerning the lawfulness of food labelling. Such matters often arise out of consumer complaints and subsequent sampling and analysis.

The Food Health and Safety Team also carries out a series of routine food samples in line with a food sampling programme. Officers will from time to time take samples by way of further checking a part of their inspection, for example that accurate labelling is being applied, or that there are no contaminants in a product.

The team will also react to complaints from consumer located in Hillingdon, often these will be concerning hygiene practices.

Liaison

Imported foods by their nature do not respect boundaries so addressing any matters relating to imported food clearly requires an approach encompassing national and regional initiatives which will draw on intelligence gathered from across the UK. For this reason food sampling work will sometimes target imported foods as part of regional and national surveys. Surveys are agreed by the Food Standards Agency in conjunction with the Local Authority Co-ordinator of Regulatory Services (LACORS), further studies are discussed and agreed between Environmental Health Officers, the Health Protection Agency and Public Analyst.

Liaison Groups across London provide a suitable forum for officers from the team to discuss such matters as well as particular enforcement issues and or intelligence, which may include imported food checks.

Officers will routinely attend the North West London Sector Group Meetings. Otherwise any more urgent matters may be notified through the Food Standards Agency Incidents Alert System. This notifies all local authorities on food related matters for information or for action, dependant upon the level of risk involved. In response, the team may divert its resources into site-specific inspection, correspondance or other communication in ensure product withdrawals from the market place.

Illegally imported food and Illness

There is no data concerning the number of people made ill as a result of illegally imported food. Outbreak surveillance data in all of England and Wales does not shed any further light on this owing to the variation of evidence obtained about the origin of implicated food and their ingredients. Furthermore reports are not often produced to document conclusions. As a consequence there is little evidence concerning the involvement of imported foods in food poisoning. The same must be said in Hillingdon.

Bush Meat

There is no evidence that sales of bush meat are taking place in Hillingdon. Such foods are certainly suspected of being imported, often in personal luggage from third countries, and are known to fetch a high value on the black market. Trade of Bush meat is understood to be popular in West and Central Africa and so it is reasonable to expect that some quantity of these foods may turn up from time to time in communities, including people from this area of the world. Further intelligence and advice may be provided by our Imported Food Office.

Halal Meat

The assessment of the legitimacy of describing or presenting food is a matter of judgement. Guidance exists from the Food Standards Agency on terms such as Fresh Pure Natural, Home Made etc, European Community (EC) Regulations deal with things such as nutrition and health claims. Not withstanding this, the market is fast moving and evolving with companies seeking to add value to their products all the while. The meaning of terms and descriptions are often open to interpretation. This also extends to the interpretation of Halal meat. Certainly many small businesses are selling meat which they claim to be Halal; broadly speaking officers will accept the description based upon limited traceability checks, mostly checking invoices.

In any case determining whether a consumer has been or is being misled by anyone placing for sale a Halal food on the market is a matter of fact to be proven in a court of law. To the best of my knowledge there is no current case law. The matter is further complicated by the existence of a number of certification bodies and no accredited list. A number of non- government organisations exist that monitor and approve Halal Slaughter and include The Halal Food Authority and the UK Halal Corporation. Other interest groups that may be able to advise are the Muslim Council of Great Britain. There is no current evidence to suggest the sale of widespread fraudulent sale of Halal Meat.

Legal Position

When food is imported from other European Countries they have free movement, this is known as intra community trade. So as to ensure free movement of safe and wholesome food a series of EC Regulations are applied to each member state. Any food from third countries should comply with similar requirements unless a specific agreement exists between the Community and the exporting country.

The general principles and requirements of food law for member states are set out in EC regulation, which deal with protecting consumer interests with its aim of preventing fraudulent or deceptive practices. This includes the preventions of the adulteration of food and other practices, which may mislead the consumer and preventing unsafe food being placed on the market. Another key aim is to ensure good traceability of food and general hygiene requirements for all food business operators with specific hygiene requirements for foods of animal origin.

All food businesses in Hillingdon are required to be registered, so as to enable inspections and inland checks to take place.

Enforcement powers are provided by the Food Safety Act 1990, General Food Regulations 2004, Food Hygiene (England) Regulation 2006 and the Food Labelling Regulations 1996.

During the course of food inspections where imported foods are suspected the traceability of the product will be investigated and mostly dealt with according to a hierarchy of enforcement, normally beginning with a warning. Liaison with other enforcing authorities will take place and as necessary and the involvement and advice of the Food Standards Agency will be sought.

If food is considered unsafe detention and seizure powers enable consignments to be removed from sale, moreover where unsafe food is suspected, food businesses will be made aware that it is an offence to place on the market any food which it has processed, produced, manufactured distributed or imported where it does not comply with food safety requirements. Moreover they are required to cooperate with the council to ensure an effective product withdrawal failure to do so is also an offence.

Prosecutions

The Food Health and Safety Team have not completed any prosecutions that are directly related to Imported Foods. Many of the matters dealt with by the team including complaints from members of the public relate to poor hygiene practices often resulting from third country immigrants setting up small food businesses. It has been long argued that part of the failing in the legislation is that there is no requirement to hold a permit or licence before opening a food business, which in effect means anyone without any prior knowledge or experience can open a

food business. There is currently no evidence to suggest a particular problem with illegal imported foods.

The key Issues we are faced with:

There is no data currently available to the Food Health and Safety Team, which would allow the council to draw any conclusions concerning the scale of the illegal imported foods in Hillingdon and the implications for public safety.

It is widely understood that over half of foods in the UK are imported, and it would be reasonable to assume that the same is true of foods within Hillingdon.

There is a sizeable immigrant population carrying on small food businesses in the Hayes and general compliance with Food legislation is poor, although no wider imported food issues have been identified.

Current Measures in place and where we want to be:

The Food Health and Safety Team are currently consolidating inspection activities with a more intelligent and directed approach to allow enough flexibility for officers to be more responsive to intelligence on, or suspicion of things such as imported foods. In this regard it is anticipated that the introduction of a Food Intervention Strategy will permit officers to tightly focus limited resources on those businesses that have difficulty, or show little willingness to comply with food law.

Using a full range of interventions will remove the burden of full inspections, allowing officer to adopt a more investigative approach and more intensive regulation to those food businesses that present the greatest risk to health.

The team are working off a new database introduced in April 2009 and are continuing to develop this, a further enhancement will be considered so as to distinguish officer activity on imported foods in order to be able to report on it, if so required.

A recommendation would be for intelligence gathering by Trading Standards and Food Health and Safety Team officers within consumer protection to target premises, such as wholesalers and retailers so as to establish any local issues, and carry out any necessary enforcement work. Such an approach may be adopted during the Council's Streets Ahead Events.

Publicity may be delivered by raising awareness in an article in Hillingdon People. Information Booklets could be targeted toward wholesalers, retailers, distributors, and importers.

Street champions could be briefed and asked to refer any matters by way of further developing intelligence.

Methodology

1. The Committee will examine background documents and receive evidence from officers.
2. The Committee could also make a visit to relevant retail premises/butchers/Halal butchers.

Witnesses/evidence providers

Officers, retail organisations and the Halal Food Authority.