



HILLINGDON  
LONDON



# Residents' and Environmental Services Policy Overview Committee

## Councillors on the Committee

Michael Markham (Chairman)  
Shirley Harper-O'Neill (Vice-Chairman)  
Janet Duncan (Labour Lead)  
Judy Kelly  
June Nelson  
Susan O'Brien

**Date:** TUESDAY, 16 NOVEMBER  
2010

**Time:** 6.00 PM

**Venue:** COMMITTEE ROOM 6 -  
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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<http://lbh-modgov:9071/ieListMeetings.aspx?CId=114&Year=2009>

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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
- 2 Declaration of Interest in matters coming before this meeting
- 3 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
- 4 To agree the Minutes of the meeting held on 7 October 2010 1 - 4
- 5 Annual Safety at Sports Ground Report - Committee update 5 - 12
- 6 Statement of Licensing Policy - consultation update 13 - 40
- 7 Khat Review: Witness Session 3 - Health effects of Khat 41 - 44
- 8 Forward Plan 45 - 52
- 9 Work Programme 2010 53 - 56

**Minutes**

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

7 October 2010



Meeting held at Committee Room 6 - Civic Centre,  
High Street, Uxbridge UB8 1UW

	<p><b>Committee Members Present:</b> Councillors Mike Markham (Chairman), Shirley Harper O'Neill (Vice-Chairman), Janet Duncan (Labour Lead), Judy Kelly and Susan O'Brien.</p> <p><b>Witnesses Present:</b> Mahamoud Ahmed, EACH Brent. Anab Abdala – Sahan Centre Fatima Abdi – Sahan Centre Trevor Bigg – Hillingdon LINK Graham Hawkes – Hillingdon LINK</p> <p><b>LBH Officers Present:</b> Natasha Dogra – Democratic Services</p>	
1.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>None.</p>	<b>Action by</b>
2.	<p><b>DECLARATION OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>	<b>Action by</b>
3.	<p><b>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</b> (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items on the agenda were marked Part 1 and considered in public.</p>	<b>Action by</b>
4.	<p><b>TO AGREE THE MINUTES OF THE MEETING HELD ON 22 SEPTEMBER 2010</b> (<i>Agenda Item 4</i>)</p> <p>The minutes were agreed as an accurate record.</p>	<b>Action by</b>
5.	<p><b>REVIEW 1: WITNESS SESSION 2 - SOCIAL EFFECTS OF KHAT</b> (<i>Agenda Item 5</i>)</p> <p>The Chairman welcomed the witnesses to the meeting which would concentrate on the social effects of the legal high Khat. Witnesses presented their information in five parts:</p>	<b>Action by</b>

### **The selling of Khat**

- Khat entered the UK from Kenya, Ethiopia, Yemen and Somalia.
- Once the Khat consignment was taken off the plane it was taken by an “Arranger” in large trucks to areas of the borough. Dealers would then approach the truck and buy their bundles of Khat and store it in their cars. The Khat was then distributed to users.
- Khat was distributed in cafes (mafreshi) and Khat houses.
- Khat was sold for £3 for a 125g bundle of short sticks (mainly from Kenya). Longer sticks were sold for about £7 (mainly from Yemen). Yemeni Khat was slightly stronger and slightly better quality. However, the shorter sticks were more widely used as they were cheaper but still good quality.
- All types of Khat were available in the UK within 3 days of it being cut in the countries of origin. Khat must be consumed within 3 days of being cut unless it had been frozen or refrigerated.

### **Where is Khat chewed?**

- Khat was either chewed in mafreshis or private houses.
- It was mainly male users who chewed Khat in mafreshis, as culturally women were not widely accepted as users of Khat.
- Men would gather at mafreshis from 6pm till the early hours of the morning and discuss their problems and general conversation with fellow Khat users.
- Men who chewed a large quantity of Khat would return home to sleep throughout the day while resulted in them being unemployed.
- Women chewed Khat in the privacy of their homes, sometimes with other women.

### **What is the profile of a Khat user?**

- According to witnesses from the Somali community the average Khat user was male, above the age of 20 and unemployed.
- In a survey undertaken by Hillingdon LINK in April 2010 the average user of Khat appeared to be of either sex and could be aged as young as 16.
- Children were beginning to wake up to the notion of Khat chewing, with witnesses claiming to have seen people as young as 15 chewing Khat. However, the Somali community did not accept children chewing Khat and users only chewed Khat in public from the age of 20. If younger people chewed Khat they would do it away from their parents and family.
- Women and children of Somali or Yemeni descent would not admit to using Khat, as it was culturally frowned upon.
- Khat users did not use it as an appetite suppressant, and Khat users tend to eat food after chewing it.
- Older Somalis would chew Khat at family events such as weddings. The elders would sit together and chew Khat while discussing issues affecting them or current affairs. It was seen to be a cultural tradition for the elders to gather together to chew Khat.

### **What are the social consequences of Khat chewing?**

- Some Khat users chew Khat to relax and unwind, while others become more alert and hyper.
- Users had also reported hallucinating while under the influence of

	<p>Khat. This would result in damage their mental health.</p> <ul style="list-style-type: none"> <li>• Some male users attend mafreshis to chew Khat throughout the night, which resulted in them sleeping during the day-time. These men would not take responsibility for their families and were unemployed a result of their habit.</li> <li>• The abuse of Khat by some men would lead to a breakdown of their family life and in turn put huge pressure on the women to fend for the family. Women had also reported domestic violence as a result of them trying to lure their husbands off Khat. Men became aggressive and violent towards those who told them to stop using Khat.</li> <li>• Members of the public would be frightened when walking past a person under the influence of Khat.</li> <li>• Khat chewing had led to drug use by some people. Cannabis and Khat had been linked together in some cases. There had been some cases of younger people mixing Khat use with cannabis.</li> </ul> <p><b>How would you address the problem of Khat?</b></p> <ul style="list-style-type: none"> <li>• Banning Khat would not address the problem, but like Cannabis, may result in Khat becoming available on the black market.</li> <li>• Regulating and educating would be the way forward.</li> <li>• Education should be made available to young people. Education on the effects of drugs and withdrawal symptoms must be made readily available to the public.</li> <li>• Children were turning to using Khat because they did not have other things to do. Opportunities such as employment and college courses would give Khat users something else to do in their spare time rather than chew Khat.</li> <li>• Classification of Khat would be a good start as it would result in tougher regulation when it first arrived in the country and would ensure it was free of pesticides and bacteriological contamination.</li> </ul> <p>The Committee thanked the witnesses for their help and for taking the time to share their knowledge with the Committee.</p> <p><b>Resolved:</b>  <b>The Committee noted the information and agreed to use it to form part of their final report.</b></p>	
6.	<p><b>FORWARD PLAN</b> (<i>Agenda Item 6</i>)</p> <p><b>Noted:</b>  <b>The Committee noted the Forward Plan.</b></p>	<b>Action by</b>
7.	<p><b>WORK PROGRAMME 2010</b> (<i>Agenda Item 7</i>)</p> <p><b>Agreed:</b>  <b>The Committee agreed the Work Programme.</b></p>	<b>Action by</b>
<p>The meeting, which commenced at 5.50 pm, closed at 7.15 pm.</p>		

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These are the minutes of the above meeting. For more information on any of the resolutions please contact Natasha Dogra on 01895 277 488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.



<b>SAFETY AT SPORTS GROUNDS</b>	
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<b>Cabinet Member</b>	Councillor Sandra Jenkins
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<b>Cabinet Portfolio</b>	Environment
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<b>Officer Contact</b>	Norman Stanley, Licensing Services Manager
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<b>Papers with report</b>	None
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## HEADLINE INFORMATION

<b>Purpose of report</b>	To inform the Cabinet Member for the Environment of the 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
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<b>Contribution to our plans and strategies</b>	The Active Hillingdon Sport and Physical Activity Strategy
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<b>Financial Cost</b>	There are no direct financial implications beyond the existing budget allocation, unless a decision is made to significantly amend the safety inspection regime.
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<b>Relevant Policy Overview Committee</b>	Residents Policy Overview Committee
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<b>Ward(s) affected</b>	All
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## RECOMMENDATION

**That the Cabinet Member for Environment agrees to maintain the same level of inspection of sports grounds in the year 2011, as was undertaken in 2010.**

## REASONS FOR OFFICER RECOMMENDATION

The Council is the enforcing authority under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987. Following the publication of Lord Chief Justice Taylor's final report in January 1990 in respect of Hillsborough disaster, the Council decided to review its inspection and reporting regimes in respect of enclosed sports grounds located within the borough. A meeting was then arranged with the other agencies involved with safety at sports grounds, these being the Metropolitan Police Service, the London Fire and Emergency Planning Authority and the London Ambulance Service. This group is known as the Safety Advisory Group(S.A.G.). The S.A.G. identified the enclosed sports grounds detailed in Appendix A as premises that should be inspected at least once a year.

## Alternative options considered

To increase, decrease, or maintain, the same level of safety inspections in 2011 that were conducted in 2010

## Comments of Policy Overview Committee

The Residents and Environment Policy Overview Committee is to consider this report on the 16<sup>th</sup> of November 2010.

*Following that meeting RESPOC's comments/recommendations will be inserted here.*

The report will then be sent to Cllr Jenkins.

## Supporting Information

1. Following Lord Justice Taylor's recommendations after the Bradford City fire and the Hillsborough Stadium disaster, local authorities were advised to review their arrangements for discharging their responsibilities under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987. In addition, local authorities were advised to ensure that an accountable structure was in place, whereby the enforcing department/personnel were regularly and effectively supervised by Senior Officers who would then report direct to elected Members on the action instigated. The object is to ensure that Senior Officers and elected Members are fully aware of the action being instigated on their behalf in discharging the Authority's duties.
2. The principal instruments aimed at achieving a framework for safety of spectators at sporting events are:
  - a) Safety of Sports Grounds Act 1975
  - b) The Fire Safety and Safety of Places of Sport Act 1987
  - c) The Guide to Safety at Sports Grounds (5<sup>th</sup> edition Department of Culture, Media and Sport).
3. The Fire Safety and Safety of Places of Sport Act 1987 makes provision for the safety of stands at sports grounds. It requires the local authority to issue a 'Safety Certificate' in respect of covered spectator stands which accommodate 500 or more people. There is only one stand within the London Borough of Hillingdon's boundaries which comes into that category which is the North Stand at Hayes Football Club
4. The Safety of Sports Grounds Act 1975 makes provision for safety at sports stadia and other sports grounds. It governs the issue of safety certificates in respect of "designated sports grounds". It is for the Secretary of State to set the criteria for designation and in the case of football grounds the trigger spectator capacity for designation is 5,000. For other sports stadia it is 10,000. The Act also empowers a local authority to issue a Prohibition Notice in respect of all or part of any sports ground, irrespective as to whether or not it is a "designated" ground, where it feels that spectators cannot be accommodated safely. The legislation also requires the local authority to consult the police and fire authorities in respect of safety at sports grounds within their boundaries. It also places a duty on the Council to conduct periodic inspections of any "designated" sports ground and at any sports ground at which there is a regulated spectator stand which is subject to a Safety Certificate.

5. None of the sports grounds listed in Appendix A are 'designated' and are therefore not subject to a safety certificate. However, if the Council or a member of the Safety Advisory Group were of the opinion that the unrestricted admission of spectators to a ground for a particular game or event could present a significant safety risk, then the Council would have a duty to use its powers under the Safety of Sports Grounds Act 1975 to serve a 'Prohibition Notice'. The Prohibition Notice would stipulate the number of people that the Council has determined that could be safely accommodated within the sports ground.
6. The Guide to Safety at Sports Grounds advises the managers/owners of sports grounds to consult with the Local Authority, the Fire Brigade, the Ambulance Service and the Metropolitan Police in regard to safety issues. In order to ensure good liaison between all the responsible authorities, the Council required the Licensing Service to organise the Safety Advisory Group inspections and to co-ordinate the input, observations and advice from each authority, which is then to be transmitted in a single communication to the managers/owners of the sports grounds. The Licensing Service Manager acts on behalf of the Council as the Senior Liaison Officer for the Safety Advisory Group.
7. Whenever the Licensing Service, or any member of the Safety Advisory Group, becomes aware of a particular game or event that may attract large numbers of spectators (normally in excess of 1,000), the Licensing Service Manager contacts the club's officials to request that they submit their risk assessments, emergency contingency plans etc for consideration and approval prior to the proposed event. If time permits, the Licensing Service will convene a meeting of the Safety Advisory Group at the ground to discuss the club's proposed safety plans/arrangements. The Licensing Service then, on behalf of the S.A.G, advises the Club's management team of any additional safety precautions that they require to be implemented to ensure the safety of the spectators. In addition the S.A.G. inform the club's management team of the maximum number of persons who may be admitted into the stadium/ ground.
8. If the Safety Advisory Group were concerned that the Club's management were not going to follow their advice, the Licensing Service Manager would be requested to issue a 'Prohibition Notice' on behalf of the Council. The Licensing Service Manager would report back to the Deputy Director of Public Safety to seek his/her instruction as to whether or not a notice under section 10 of the Sports Grounds Act 1975 should be issued.
9. The procedures and inspections detailed in this report and as set out in Appendix A are considered as reasonable and correct in discharging the Council's responsibilities under the afore-mentioned legislation. These procedures and inspections were implemented in 2010.
10. The Member with the Portfolio for Environment can decide whether to maintain these procedures and inspections in 2011. Alternatively, the level of inspections can be increased, or decreased,

## **Conclusion**

The Member with the Portfolio for Environment is advised that the inspection and reporting regimes as detailed in Appendix A would appear to comply with the recommendations and guidelines issued by the Department of Culture, Media and Sport.

## **Financial Implications**

The recommendation to approve the report and action taken has no direct financial implications beyond the existing budget allocations, given that previous levels of inspections are being maintained.

## **Legal Implications**

Members will note from the contents of the report that the Council is responsible for regulating the safety of sports grounds. There are two pieces of legislation which govern this area. Both Acts impose a duty on the Council to carry out periodic inspections of the grounds to ensure that they are complying with the requirements of the legislation.

As indicated in the report, officers are required to advise Members of the inspections they carry out. This requirement stems from guidance which was issued following inquiries into the Bradford Stadium fire and the Hillsborough Stadium disaster.

If the Council failed to carry out inspections of the relevant sports grounds it would be in breach of its statutory duties under these two pieces of legislation covering this area.

## **EXTERNAL CONSULTATIONS CARRIED OUT**

When required (as set out in Appendix A, see item 3) the following authorities are consulted:-

The Metropolitan Police Service  
The London Fire and Emergency Planning Authority  
The London Ambulance Service

## **BACKGROUND DOCUMENTS**

### **Published**

Safety of Sports Grounds Act 1975  
Interim Report on Hillsborough Stadium Disaster  
Final Report on Hillsborough Stadium Disaster  
The Fire Safety and Safety of Places of Sport Act 1987  
Guide to Safety at Sports Grounds  
Home Office Statutory Guidance under Section 26(8) and 34(2) of the  
Fire Safety and Safety of Places of Sport Act 1987  
Home Office Circular 11/1990  
Guidance on Safety of Sports Grounds Act 1975 published by  
The Department Culture Media and Sport– November 1995  
The Guide to Safety at Sports Grounds (5<sup>th</sup> edition issued by the Department of Culture Media  
and Sport)

### **Not published**

The annual committee reports on this subject to the relevant committees from June 1987.

## APPENDIX A

### Standard Procedures Currently In Place Under The Safety of Sports Grounds Act 1975 and The Fire Safety And Safety Of Places Of Sports Act 1987

1. The following enclosed sports grounds are inspected once a year and recommendations are made to the management of each club on measures that they should implement to improve safety. Brief details of each club are set out in Appendix B
  - AFC Hayes (formally know as Brook House) Football Club
  - Gaelic Athletic Association sports ground
  - Harefield Football Club
  - Hayes and Yeading Football Club
  - Hillingdon Athletics Stadium
  - Hillingdon Borough Football Club
  - Northwood Football Club
  - Uxbridge Football Club
  - Wealdstone (formally Ruislip Manor) Football Club
  - Yeading Football Club (now used as Hayes and Yeading Reserves ground)
2. The North Stand at Hayes and Yeading Football Club is subject to a Safety Certificate. It is therefore inspected once a year and the terms and conditions of the Safety Certificate are reviewed to ensure that they are still appropriate.
3. Whenever it becomes known that a larger than average number of spectator (normally over 1,000) may be attracted to a special game/event, then the Licensing Service Manager contacts the S.A.G. representatives from the Fire Brigade, the Metropolitan Police Service and the Ambulance Service to seek their requirements. The S.A.G.'s requirements/recommendations are then communicated to the club's management committee. If necessary, enforcement action is instigated to ensure the safety of the spectators who may be attracted to that particular game/event. This procedure is also implemented whenever Uxbridge Cricket Club is used for "special" matches that attract large numbers of spectators e,g when Middlesex County Cricket Club stage 20:20 games at the ground.
4. Whenever possible, an officer from the Licensing Service attends the special game/event to ensure that the Safety Advisory Group's requirements/recommendations are being implemented.
5. In addition, when considered necessary, an officer from the Licensing Service inspects any temporary electrical installation, spectator stands and/or marquees that have been erected in respect of such a "special" sporting event, to ensure that they are safe and will not put the public at risk.

### **Reporting Procedures**

- a) The Council's Licensing Services Manager is responsible for ensuring the matters detailed above are implemented and he reports directly to the Deputy Director Of Public Safety
- b) A annual report is prepared by the Licensing Service Manager and it is then submitted to the Deputy Director of Public Safety for approval.

- c) Once approved by the Deputy Director, the report is submitted to the Residents Policy Overview Committee, for consideration and approval.
- d) Following scrutiny by RESPOC, the report is passed to the Cabinet Member for Environment for formal approval on behalf of the Council.

## **APPENDIX B**

Guidance in regard to the safety of spectators at sports grounds is detailed in the publication **Guide to Safety at Sports Grounds**. This publication has 20 chapters and contains 223 pages of very detailed specific safety requirements. The following is just a very brief resume of each ground. If required full detailed information on each ground can be obtained from the Licensing Service.

### **AFC Hayes (formally known as Brookhouse) Football Ground**

This ground is not suitable for large numbers of spectators in that it does not have:-

- a) An emergency lighting system.
- b) A public address system with a secondary source of power.
- c) A suitable alternative means of escape route
- d) Crush barriers.

### **Gaelic Athletic Association's Sports Ground**

This ground does not have:-

- a) An emergency lighting system.
- b) A public address system.
- c) A suitable purpose made alternative means of escape route.
- d) Crush barriers.

In addition to its normal weekly games the ground is usually used once a year for a "special" game between two professional Gaelic Football Clubs. Such games normally attract approximately 3,000 to 4,000 spectators. Prior to this "special" match, the club notifies the Licensing Service's Manager who then consults members of the Safety Advisory Group.

Following consideration of the club's safety proposals by the SAG, the Licensing Service's Manager notifies the club of any additional safety measures that may be required in order to safe guard the large numbers of spectators that are to be accommodated within the ground.

Whenever possible, a Licensing Officer attends the match to monitor the number of spectators present and to check that the S.A.G.'s safety requirements are being implemented.

### **Harefield Football Club**

This ground could accommodate about 1,000 spectators. However, additional safety measures should be implemented in the event of a game that would attract that number of people.

- a) The public address system is not to the required standard.
- b) The installed emergency lighting system is limited and does not cover all the public areas
- c) Crush barriers have not been installed.

### **Hayes and Yeading Football Club**

This ground can accommodate 4,000 spectators. However if the proposed number of spectators were to exceed 4,000 then additional safety measures would have to be implemented.

The covered spectator stand located on the north side of the ground is a *Regulated Stand* and is therefore subject to a *Safety Certificate*.

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Some crush barriers have been installed on the North side of the ground.

The side and rear barriers to some of the spectator standing areas do not comply with the safety standards required.

The emergency lighting system does not cover the whole stadium.

### **Hillingdon Athletics Stadium**

The stadium's public address system does not have a secondary source of power.

The stadium does not have a designated alternative means of escape route for spectators and participants should the main/exit route not be available (e.g. a suspect package in a car parked immediately in front of the main entrance to the stadium).

Note:- However whenever the stadium is used for an event that attracts a large number of participants and spectators, such as a combined schools sports meeting, then the Sports and Leisure Team and Fusion (the stadium managers) inform the Licensing Service who then meet to agree the maximum accommodation number and the additional safety provisions.

### **Hillingdon Borough Football Club**

Exit A and Exit B are located immediately adjacent to the main social club-house building, consequently a fire or suspect package would effectively take out those two exit routes.

Exit C is remote from the social club-house, however this alternative means of escape pathway is routed up to, and adjacent to, the social club-house.

The installed public address system does not have a secondary source of power.

The ground has not been provided with crush barriers.

### **Northwood Football Club**

This ground is not suitable for large numbers of spectators in that it does not have:-

- a) An emergency lighting system.
- b) A public address system with a secondary source of power.
- c) The main entrance/exit to the ground, and the alternative means of escape from the grounds are not clearly identified..
- d) Crush barriers have not been installed.

Occasionally this ground is used for a "special" game that attracts many more spectators than the normal league games, for example, Northwood sometimes play a pre-season friendly match against a Championship side and such games attract large numbers of spectators. On being notified that such a match is to be played, the Licensing Service Manager will contact the other members of the Safety Advisory Group in regard to what additional safety measures should be implemented and then those requirements are passed onto the club's management committee.

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### **Wealdstone (formally Ruislip Manor) Football Club**

This ground is not suitable for large numbers of spectators in that it:-

- a) Does not have an emergency lighting system
- b) Does not have public address system with a secondary source of power.
- c) Crush barriers have not been installed.

In addition the changing rooms, the refreshment hut and all the outbuildings are constructed from wood. These buildings are surrounded by vegetation and if the leaves, litter, twigs etc, are not removed on a regular basis then there is a significant fire risk.

A number of pre-season friendly matches are normally played at the ground and these are sometimes Championship teams. When this occurs and in accordance with the agreed procedure between the club and the Licensing Service, the Licensing Service's Manager is notified and (if time permits) he will convene a meeting of the SAG to obtain their requirements/recommendations.

If possible a Licensing Officer will attend the match to monitor the number of spectators admitted into the ground and to check to see if the S.A.G.'s recommendations are implemented..

### **Uxbridge Football Club**

This ground is not suitable for large numbers of spectators as it does not have:-

- a) A comprehensive emergency lighting system
- b) The public address system does not have a secondary source of supply.
- c) Crush barriers have not been installed.

### **Yeading Football Club (now used as Hayes and Yeading Reserves ground)**

This ground is not suitable for large numbers of spectators in that it does not have:-

- a) A comprehensive emergency lighting system.
- b) The public address system does not have a secondary source of supply.
- c) Crush barriers have not been installed.

### **Notes:-**

The safe accommodation of spectators depends on all the factors, set out in the **Guide to Safety at Sports Grounds** document. Particular consideration must be to be given to each individual ground's infrastructure such as the pitch perimeter fence, the structural stability of walls and fences, the disposition and size of exits and the experience, competency and training of the management team and stewards.

All the above clubs are advised to consult with the Licensing Service's Manager/Safety Advisory Group before they stage any match that will attract more than the normal match day numbers.



## REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY

**Committee**

Residents' &amp; Environmental Services

**Officer Contact**

Sharon Garner – Planning, Environment and Community Services

**Papers with report**

Revised Statement of Licensing Policy

**Ward(s) affected**

All

### RECOMMENDATION

**That the Committee provide comments on the revised Statement of Licensing Policy for presentation to the Cabinet.**

### SUMMARY

The Licensing Act 2003 requires the Council, as the Licensing Authority, to review its statement of licensing policy every 3 years. This is the second full review of the policy since the implementation of the Act in 2005. The policy is the key reference document to the work of the Licensing sub-committees in determining applications and licenses.

As this is a policy framework document, the Constitution requires consultation with the relevant Policy Overview Committee before it is presented to Cabinet and then Council for approval. Following the necessary approvals the revised policy will be effective from 2011 to 2014. The revised policy has already been considered by the Licensing Committee who endorse it and the Cabinet Member has been kept informed during the process.

### INFORMATION

In January 2010, a working party was convened to carry out the second full review of the Council's Statement of Licensing Policy. The working party was made up of the following officers:

- Norman Stanley – Licensing Services Manager
- Sharon Garner – Licensing Officer (the co-ordinating Officer in respect of the review)
- Kathryn Sparks – Deputy Director, Environment and Consumer Protection
- Ed Shaylor – Head of Community Safety
- Sue Pollitt – Trading Standards Service Manager
- Jaspal Wadra – Principle Environmental Health Officer
- Beejal Soni – Licensing Lawyer from Legal Services
- Natasha Dogra – Democratic Services Officer
- Sgt Ian Meens – Metropolitan Police Service
- Station Commander Martin Green (represented by Inspecting Officer Derek Bird) – London Fire & Emergency Planning Authority
- Paul Hewitt – Safeguarding Children and Quality Assurance Service Manager

The working party were of the opinion that the existing format of the current policy should be retained as it was concise and easy for Members, Officers and members of the public to use.

It was suggested that some sections of the policy needed to be amended in order to include the recent changes to the legislation, such as the new mandatory conditions relating to the sale of alcohol, which can be found on pages 14 and 15 of the policy. In addition, some members of the working party suggested changes to reflect the current working practices between the *'Responsible Authorities'*.

The proposed changes were subsequently circulated to all members of the working party for consideration. On finally achieving a consensus of opinion, the proposed changes/amendments were inserted into the current policy (all changes were highlighted in red).

The revised policy was then submitted to the full licensing committee for consideration on 22<sup>nd</sup> April 2010. Following this, the revised policy was sent out for full consultation. The full list of consultees is detailed on page 2 and 3 of the policy which is annexed hereto.

The consultation period commenced on the 14<sup>th</sup> May 2010 and ended on 6<sup>th</sup> August 2010.

A further working party meeting was convened on 1<sup>st</sup> September 2010 to discuss any observations, comments or proposals that were received. All observations, comments or proposals which were considered relevant have been inserted into the revised policy document, again highlighted in red.

Following this, the Licensing Committee met on 30<sup>th</sup> September 2010 to consider these further comments.

The Residents' and Environmental Services Policy Overview Committee is now asked for their comments. Following this, the revised policy will be put before Cabinet on 16<sup>th</sup> December 2010 and finally full Council on 13<sup>th</sup> January 2011 for approval.

## **LEGAL IMPLICATIONS**

This report has been considered by Legal Services for its legal implications in accordance with Council's procedures. There are no issues that need to be brought to the specific attention of Members other than those highlighted in the report.

## **BACKGROUND PAPERS**

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

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## **Introduction**

Under the Licensing Act 2003 (The Act) the London Borough of Hillingdon is the Licensing Authority for all of the licensable activities specified under the Act within the borough. The Council as the Licensing Authority has the responsibility for administering and determining applications for, and representations against, Premises Licences, Club Premises Certificates, Temporary Permitted Activities and Personal Licences.

The activities included in the scope of the Act are:-

- The sale of alcohol by retail
- The supply of alcohol by or on behalf of a club, or a member of a club;
- The provision of regulated entertainment
- The provision of entertainment facilities
- The provision of late night refreshment (between 23.00 hours and 05.00 hours)

In carrying out these responsibilities the Council as the Licensing Authority will have regard to its Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003, the four Licensing Objectives and any other relevant information.

The four Licensing Objectives are:-

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

Each objective is of equal importance

This Policy covers the period from 7<sup>th</sup> January 2011 to 6<sup>th</sup> January 2014 and will be kept under review and following consultation, revised and amended.

## **1 Consultation**

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

- The Chief Executive of the London Borough of Hillingdon
- All Corporate Directors of the London Borough of Hillingdon
- All elected Members of the London Borough of Hillingdon
- Chief Officer of Police for the London Borough of Hillingdon
- Chief Officer of British Transport Police
- Chief Officer of Police for Heathrow Airport
- Area Child Protection Committee
- Bodies representing businesses and residents in the London Borough of Hillingdon
- Bodies representing currently licensed premises in the London Borough of Hillingdon
- Community Safety Team

- Groups representing Liquor Licence holders in the London Borough of Hillingdon
- Harefield Hospital
- Healthy Hillingdon
- Hillingdon Community and Police Consultative Group
- Hillingdon Drug and Alcohol Services
- Hillingdon Federation of Community Associations
- Hillingdon Hospital
- Hillingdon Sports Council
- Hillingdon Youth Offending Service
- Hotels in the London Borough of Hillingdon
- Licensing Solicitors representing premises licence holders in the London Borough of Hillingdon
- Local Strategic Partnership
- London Borough of Ealing
- London Borough of Harrow
- London Borough of Hounslow
- London Buses
- London Fire and Emergency Planning Authority
- London Underground Ltd
- Magistrates Court
- Mount Vernon Hospital
- Primary Care Trust
- Registered Clubs in the London Borough of Hillingdon
- Residents Associations
- Tenants Associations
- The Hillingdon Action Group on Addiction Management
- Uxbridge Initiative
- British Beer and Pub Association

## **2 Licensing Committee**

2.1 A Licensing Committee consisting of at least ten, but not more than fifteen Councillors has been appointed. The Licensing Committee will be kept informed by way of reports from officers on a wide range of matters that impact on their role.

2.2 Government guidance states that uncontested applications should be granted and that such applications should be dealt with by specific officers who have been so delegated by the Licensing Committee.

The scheme of delegation to officers is shown in **Appendix A**.

2.3 Whenever representations from Responsible Authorities, **Elected Members** or Interested Parties have been received in respect of an application, that particular application will be referred to a Licensing Sub-Committee for determination.

The scheme of delegation to a Licensing Sub-Committee is shown in **Appendix A**.

2.4 Although the Licensing Authority welcomes views from all members of the community, Government guidance states that the Council as the Licensing Authority should be aware that the views of vocal minorities should not be allowed to predominate over the general interests of the community that the Licensing Committee represents.

2.5 The Licensing Committee will receive periodic reports detailing the licences issued by Officers under delegated authority.

### **3 Integration of Strategies and avoidance of duplication**

3.1 The licensing function is and should remain distinct from the Town Planning process. It will be for the planning process to determine land-use decisions and the market place to determine need for particular types of premises/activities. Licensing decisions will be made with regard to the furtherance of the Licensing Objectives with regard to the particular use sought. However, it is strongly recommended that applicants ensure that:-

- The proposed licensable activities do not contravene planning legislation, and
- The hours sought are within the limits authorised by any planning permission.

3.2 The Licensing Committee ~~should receive~~ **will be prepared to accept** reports ~~from time to time~~ from other relevant departments of the Council regarding the state of the borough. These reports may include contributions from those responsible for the promotion of tourism, cultural development, planning, transport, reduction of crime and anti-social behaviour, community safety, social, health and community development etc. This should enable the various agencies or departments with their own strategies, aims and objectives to keep the Licensing Committee aware of the wider picture in pursuance of the licensing objectives.

3.3 ~~A formal Protocol has been agreed between the Metropolitan Police Service and the Council's Licensing Authority with regard to their enforcement work in respect of licensed premises and personal licence holders. Some of the enforcement may be carried out jointly with the Licensing Authority's Licensing Officers. Enforcement activity will be consistent, transparent and proportional to the nature of the licensed premises.~~

### **4 Promotion of Equality**

The Council as the Licensing Authority seeks the elimination of all forms of discrimination in respect of sex, religion, race, disability and sexual orientation in accordance with its established equal opportunities policy (as amended from time to time).

This policy has been subject to an Equalities Impact Assessment and it does not have an adverse effect on equality issues.

## **5 General principles of policy and the role of licensing**

5.1 The role of licensing is the control of the licensable activities at the licensed premises, qualifying clubs, temporary events and the conduct of the personnel involved with the licensable activities as required under the Act. Terms and conditions attached to the Premises Licences and Club Premises Certificates granted by the Licensing Authority will relate to matters over which the premises licence holder or Club Management Committees have direct control. The focus will be on the licensed premises and the activities in the vicinity of those premises. Those activities on licensed premises that have a direct impact on members of the public living, working or engaged in normal activities in the area fall within the scope of the licensing regime. Anti-social behaviour of patrons, disturbance or nuisance which can be proved to be emanating from a particular premises will be a consideration for the Licensing Authority in its enforcement and decision making role.

5.2 The prevention of anti-social behaviour away from the vicinity of a particular licensed premises is outside the licensing regime and must be dealt with by other means.

Such as:

- Positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other departments of the local authority
- Powers of local authorities to designate parts of their own boroughs as Controlled Drinking Zones where alcohol may not be consumed publicly when it causes nuisance or distress

Note: The whole of the London Borough of Hillingdon is designated as a Controlled Drinking Zone

- The confiscation of alcohol from adults and children where appropriate
- Enforcement of underage sales of alcohol by Trading Standards
- Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- Positive ways to deal with the consequences of alcohol abuse through the Council's policies on community safety, domestic violence and health education.

## **6 Licensing Objectives**

6.1 The Act states four Licensing Objectives for Licensing Authorities to promote

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

## 6.2 The Prevention of Crime and Disorder

6.2.1 It is recognised that licensed premises offering alcohol or entertainment can be the source of disturbance and sometimes crime and disorder. Where a number of premises may be in close proximity it may be difficult to attribute the disorder to patrons of particular premises. There is a duty on Premises Licence Holders or Club Management Committees to act responsibly to ensure their own customers do not contribute to crime and disorder whilst in their premises and in the vicinity of their premises.

6.2.2 Applicants should state in their Operating Schedule (which forms an integral part of the licence application process) how they intend to address the licensing objective of the *Prevention of Crime and Disorder* and applicants are advised to give serious consideration to the measures set out in Part 1, Annex D of the Guidance issued under Section 182 of the Licensing Act 2003. The Metropolitan Police Service and the Council's Licensing Officers ~~will be~~ **are** able to offer advice and guidance in regard to such matters.

However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix B**

6.2.3 The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is [the Council's policy] likely that such applications will not be granted.

6.2.4 If representations are received from a Responsible Authority, **Elected Members or interested parties** the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.2.5 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Crime and Disorder objective.

6.2.6 The Council's Licensing Officers will work closely with the Metropolitan Police Service to ensure licence conditions are met and that licensed premises are being operated according to the requirements of the Act.

6.2.7 Following the grant of a premises licence, the Metropolitan Police Service, **Elected Members** and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence (see item 12) if they consider that the Prevention of Crime and Disorder objective has not been met.



6.2.8 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the ~~standards~~ **licence conditions** relating to crime and disorder are being ~~maintained and that licence conditions are being~~ complied with.

6.2.9 ~~Inspections will be risk based. Consequently,~~ High risk or poorly managed premises will be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.

6.2.10 ~~A liaison protocol has been agreed between the Licensing Authority and the Metropolitan Police Service with regard to their involvement and responsibilities in respect of crime and disorder in licensed premises.~~ **The liaison protocol that has been agreed between the Licensing Service and the Metropolitan Police Service with regard to their involvement and responsibilities in respect of crime and disorder associated with licensed premises, will be subject to an annual review between the Metropolitan Police's Licensing Officer and the Licensing Service's Manager.**

6.2.11 In the interest of public order and the prevention of terrorism, the Licensing Authority would expect that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events {see examples set out in Appendix B} the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

The Licensing Authority recommends the Metropolitan Police Promotion / Event Risk Assessment Form 696 and the After Promotion / Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks for any promotion or event, the Licensing Authority would normally expect that they will be completed following consultation with the Metropolitan Police Service. This procedure should also be considered by the applicant when completing their Operating Schedule.

6.2.11 Personal Licence applicants will have to meet specific standards with regard to their suitability. There are a number of obligations on Personal Licence Holders including those who are named as Designated Premises Supervisors, the breach of which could mean appearing before the Magistrates Court.

## **6.3 Public Safety**

6.3.1 Applicants should state in their Operating Schedule (which forms an integral part of the licence application process) how they intend to address the licensing objective of *Public Safety* and applicants are advised to give serious consideration to the measures set out in Parts 2 and 3 of Annex D of the Guidance issued under Section 182 of the Licensing Act 2003. The London Fire and Emergency Planning Authority and the Council's Licensing Officers ~~will be~~ **are** able to offer advice and guidance in regard to such matters. However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix C**

6.3.2 If representations are received from a Responsible Authority, **Elected Members or interested parties** the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.3.3 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Public Safety objective.

6.3.4 The Council's Licensing Officers will work closely with the London Fire and Emergency Planning Authority to ensure licence conditions are met and that licensed premises are being operated according to the requirements of the Act.

6.3.5 Following the grant of a premises licence, the London Fire and Emergency Planning Authority, **Elected Members** and/or the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence (see item 12) if they consider that the Public Safety objective has not been met.

6.3.6 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the approved safety standards are being maintained and that licence conditions are being complied with.

6.3.7 ~~Inspections will be risk based~~ High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.

6.3.8 ~~A liaison protocol has been agreed between the Licensing Authority and the London Fire and Emergency Planning Authority with regard to their involvement and responsibilities in respect of fire safety in licensed premises.~~ **The liaison protocol that has been agreed between the London Councils and the London Fire and Emergency Planning Authority with regard to their involvement and responsibilities in respect of public safety associated with licensed premises, will be subject to a local annual review between the LFEPA's representative for Hillingdon and the Licensing Service's Manager.**

## 6.4 The Prevention of Public Nuisance

6.4.1 The types of business and the range of premises covered under the licensing legislation could potentially lead to nuisance being caused to neighbours. This is particularly relevant for late night businesses when ambient noise levels are relatively low and noise from equipment such as extractors, music or patrons could be more readily detected than in the daytime. Public nuisance such as noise disturbance, light pollution and noxious smells can be prevented or mitigated by effective management. **Appendix D** provides a list of examples of activities which could give rise to public nuisance and measures which can be taken to prevent such nuisance occurring. The Licensing Authority working jointly with the Police also has powers to close down instantly for up to 24 hours any licensed premises or a temporary event if excessive noise is emanating from that particular premises or event.

6.4.2 Applicants should state in their Operating Schedule (which forms an integral part of the licence application process) how they intend to address the licensing objective of the *Prevention of Public Nuisance* and applicants are advised to give serious consideration to the measures set out in Part 4, Annex D of the Guidance issued under Section 182 of the Licensing Act 2003. The Council's Environmental

Protection Unit and the Council's Licensing Officers ~~will be~~ **are** able to offer advice and guidance in regard to such matters. However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix D**

6.4.3 Applicants should give particular consideration to measures to reduce the occurrence of public nuisance associated with accommodating smokers outside the premises, following the introduction of smoke free areas in enclosed or substantially enclosed places.

6.4.4 If representations are received from a Responsible Authority, **Elected Members or interested parties**, the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.4.5 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Prevention of Public Nuisance objective.

6.4.6 Following the grant of a premises licence, the Council's Environmental Protection Unit, **Elected Members** and/or interested parties such as local residents and businesses can apply to the Licensing Authority for review of the licence (see item 12) if they consider that the Prevention of Public Nuisance objective has not been met.

6.4.7 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the ~~standards~~ **conditions** relating to the prevention of public nuisance are ~~being maintained and that licence conditions are~~ being complied with.

**6.4.8 High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.**

**6.4.9 The Council's Licensing Officers will work closely with the Council's Noise Team, requesting monitoring visits of specific premises and receiving feedback regarding the witnessing of statutory noise and public nuisance or the breach of licence conditions.**

## **6.5 The Protection of Children from Harm**

6.5.1 The range of 'licensed premises' is very broad. It includes pubs, cinemas, theatres, restaurants, off licences etc. Under the Licensing Act 2003, unaccompanied children under the age of 16 are not allowed on premises such as public houses which are used exclusively or primarily for the supply of alcohol for consumption on the premises.

This restriction does not apply to premises such as restaurants and bowling alleys etc where the supply of alcohol is not the principal use of the premises. However, unaccompanied children under the age of 16 are not permitted in such premises between the hours of midnight and 5 a.m. Admission of children will always be at the discretion of those managing the premises.

6.5.2 Applicants should state in their Operating Schedule, (which forms an integral part of the licence application process), how they intend to address the licensing objective of the *Protection of Children from Harm* and applicants are advised to give serious consideration to the measures set out in Part 5, Annex D of the Guidance issued under section 182 of the Licensing Act 2003 **and with particular regard to Box N on the Operating Schedule concerning adult entertainment.** . The Council's ~~Child Protection Team in Social Services~~ **Safeguarding Children and Quality Assurance Team on behalf of the local Safeguarding Children Board (LSCB)** and the Council's Licensing Officers are able to offer advice and guidance in regard to such matters. However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.

**See Appendix E**

6.5.3 If representations are received from a Responsible Authority, **Elected Members or interested parties** the application will be determined by a Licensing Sub-Committee (see item 2.3).

6.5.4 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Protection of Children from Harm objective.

6.5.5 Following the grant of a premises licence, the Council's ~~Child Protection Team in Social Services~~ **Safeguarding Children and Quality Assurance Team, Elected Members** can and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence (see item 12) if they consider that the Protection of Children from Harm objective has not been met.

6.5.6 The Licensing Authority's Licensing Officers will conduct ~~periodic~~ **risk rated** inspections of licensed premises to ensure that the ~~standards~~ **conditions** relating to the protection of children from harm are being ~~maintained and that licence conditions are being~~ complied with.

**6.5.7 High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.**

6.5.8 The Licensing Authority will usually expect that each operator dealing in the sale and supply of alcohol requires that personal identification is mandatory in every case where there is any doubt as to whether the customer is aged 18 or over: 'No ID- No sale'. Best practice would be to adopt the 'Challenge 21' policy. Recommended forms of personal identification include a passport, a photo driving licence, or a PASS (Proof of Age Standards Scheme) accredited proof of age identity card. Trading Standards Officers and Police Officers will carry out test purchases of alcohol using young volunteers. Where sales are made, enforcement action will be taken against all responsible persons.

## **Children's access to cinemas**

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

children from viewing age-restricted films classified according to BBFC recommendations.

## **Children and Public Regulated Entertainment**

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

## **Other key issues**

### **7 Cumulative effect**

7.1 Whilst the London Borough of Hillingdon does not have a concentration of licensed premises as found in central London boroughs, it nevertheless has a relatively large number of pubs and restaurants in Town Centre areas. Most of these Town Centre areas are also home to many residents. However, the Council, as the Licensing Authority, does not propose, at this stage, to set quotas for particular types of licences. Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensable activity are fully considered. If crime and disorder or general disturbance/nuisance do prove to be linked to the concentration of customers of licensed premises in any particular areas, then the Licensing Authority will introduce controls over the issue of new licences through a 'Special Policy' (to limit the number of licensed premises).

It would first be necessary to establish that, because of the number and density of licensed premises selling alcohol in a particular area, there are exceptional problems of nuisance, disturbance and or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identified as being responsible for the problems it may be possible to take specific measures against those individual Premises Licence Holders or Club Management Committees following relevant representations. Where there is public disorder from a minority of people who display anti-social behaviour away from licensed premises, there are other measures available to the Police Authority to address such issues.

7.2 Before deciding whether to adopt a Special Policy (to limit the number of licensed premises), the Council as the Licensing Authority must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council as the Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder. It must be sure it has met its obligations under the Crime and Disorder Act 1998 and in terms of its promotion of the licensing objectives under the Licensing Act 2003.

7.3 If objector representations are made as to the cumulative effect of a new application and hence the need for a Special Policy (to limit the number of licensed premises), the onus will be on the objector to provide the evidence that the additional premises would produce the impact claimed.

7.4 If a Special Policy (to limit the number of licensed premises) is introduced it will be reviewed regularly to assess whether or not it is still needed.

7.5 The Metropolitan Police Service report that the ~~new~~ licensing regime appears to be working well in the London Borough of Hillingdon and it is not therefore necessary to introduce a Special Policy at present.

## **8 Licensing Hours**

8.1 The **previous** Government strongly believed that, prior to the introduction of the Licensing Act 2003, fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times; and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously.

8.2 The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times. Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided.

8.3 The four licensing objectives will be paramount at all times and the council will always consider the individual merits of each case.

8.4 In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the ~~new~~ legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance.

8.5 Shops, stores and supermarkets licensed to sell alcohol will normally be allowed to do so for the full duration of their trading hours. Restrictions may be applied for example where representations are made indicating the particular premises or patrons of the premises are linked to disorder and or disturbance.

## **9 Applications**

9.1 The application form and accompanying Operating Schedule should be completed clearly and concisely to reflect the exact nature of the business and how the four licensing objectives will be addressed. All sections of the application form must be completed, in particular Box N. Guidance as to what type of information should be included in the operating schedule is given in the appendices to this Policy.

9.2 Applications which are incomplete **or illegible** will be returned to the applicant with an explanation for the return. Reasons may include incomplete or missing forms, the absence of the fee, absence of required plans or insufficient information detailed on the plans, **as required under Statutory Instrument 42 and the operating schedule**. For personal licences also the absence of certificates or photographs.

9.3 Applicants are advised to seek advice from the **Council's Licensing Authority Officers** and the Responsible Authorities concerning the licensing requirements for



premises and/or licensable activities being applied for prior to completing their operating schedule. Large or unusual events need particular consideration and applicants are advised to **consult the Council's Licensing Officers for guidance and to submit applications as far in advance as possible. When required,** the Council's Licensing ~~Service~~ **Officers** will provide all applicants with advice and guidance in respect of completing their application forms and, in particular, how they should address each one of the four ~~prime~~ licensing objectives in their operating schedules.

**9.4 Notwithstanding 9.3 above, it is the applicant's responsibility to complete the application to a satisfactory standard and they should seek professional legal advice if necessary.**

## **10 Rights of applicants and those making representations against applications.**

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

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

- Applications for premises licences
- Variations of such licences
- Personal licence applications on criminal grounds (only by the Police)

10.3 The Licensing Act 2003 ~~does not~~ also permits ~~Ward Councillors~~ **Elected Members** to make ~~general~~ representations on **their own behalf as well as on** behalf of their constituents. ~~However, persons~~ **Members of the public** who are making representations may **also** request that their Ward Councillor speaks on their behalf at public hearings to determine Premises Licence and/or Club Premises Certificate applications.

## **11 Conditions of licence**

11.1 Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will be used to ensure the premises are safe and do not create a nuisance. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity. They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity.

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

- The measures put forward on the Operating Schedule
- Mandatory conditions within the Act
- Measures decided at a hearing by the Licensing Sub Committee

### 11.3 **Mandatory conditions** determined by the Act are:-

#### Alcohol

- No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
- No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended
- Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence

#### Films

- The admission of children shall be restricted according to the classification given by the British Board of Film Classification for the film being shown.

#### Door Supervisors

- All Door Supervisors employed at the premises shall be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of section 4 of that Act.

### 11.4 The following **mandatory conditions** were introduced in 2010:-

1.1 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

1.2 In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);



(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.1 The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

4.2 The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

## **12 Reviews**

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

Prevention of Crime and Disorder – see Appendix B

Public Safety – See Appendix C

Prevention of Public Nuisance – See Appendix D

Protection of Children from Harm – See Appendix E

However, the Council as Licensing Authority, will reject an application for review where it considers that the complaint is:

- Not relevant to any of the Licensing Objectives
- Vexatious, frivolous or repetitious

12.2 It is recommended that applications for review of premises licences are not made until at least three months after the grant of a licence in order to allow time for evidence to be gathered on the grounds for review.

### **13 Live music, dance and theatre**

13.1 The Council, as the Licensing Authority will encourage the promotion of live music, dance and theatre for the wider cultural benefit of the community, particularly in pursuance of any cultural strategy. It will carefully balance the potential for limited disturbance in particular areas with the wider benefits to the community, particularly children. Any conditions attached to such a licence or certificate following relevant representations will reflect this balance and the licensing objectives. The conditions should not be a deterrent to holding the activity because of the cost of implementation.

### **14 Further information:-**

Further information, application packs and guidance notes on:-

- Premises Licences (new and variation)
- Reviews of Premises Licences
- Making representations and committee procedures
- Personal Licences
- Temporary Event Notes

can be obtained from:-

The Licensing Service,  
Civic Centre (3S/09)  
Uxbridge  
UB8 1UW

Tel: 01895 277433  
Fax: 01895 250011

Email: [licensing@hillingdon.gov.uk](mailto:licensing@hillingdon.gov.uk)

Or the Council's website: [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

## Appendix A

### TABLE OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	SUB-COMMITTEE	OFFICERS
Application for the grant or renewal of a personal licence	If a Police objection	If no objection made
Application for personal licence, with unspent convictions	If a Police objection	If no objection made
Application for premises licence/club premises certificate	If a representation made	If no representation made
Application for provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for Interim Authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation/objection is irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Revocation of Personal Licence where convictions come to light after grant or renewal	All cases	
Determination of a police representation to a temporary event notices	All cases	

## APPENDIX B – PREVENTION OF CRIME AND DISORDER

It should be noted that it is unlawful under the 2003 Act to:

- Knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk **or under the statutory minimum age**
- Knowingly to allow disorderly conduct on licensed premises
- For the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.
- To allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

### **Examples of measures to prevent crime and disorder which could be included **where applicable** in Operating Schedules**

- Provision of Door Supervisors registered with the Security Industry Agency
- Door Supervisors to wear distinctive reflective jackets or arm bands at all times.
- No entry or re-entry after a certain time
- Searches using metal detectors if necessary
- Staff alarms fitted to doors
- A system of queuing inside or outside the premises
- Any condition which the Licensing Committee would consider to prevent crime and disorder
- Bottle bans
- Plastic containers and toughened glass
- ~~• CCTV to be installed (police can assist with placement and numbers of cameras), where possible a digital system should be used and recordings should be kept in a secure management position, upon the premises, for a minimum period of thirty days.~~
- **A digital CCTV recording system should be considered and recordings should be kept in a secure management position, upon the premises, for a minimum period of thirty days. Advice and guidance can be obtained from the Metropolitan Police in regard to the numbers and location of the cameras. Technical advice on the specification of the equipment can be obtained from the London Borough of Hillingdon's CCTV manager.**
- Open containers not to be taken from the premises
- Restrictions on Drinking Areas
- Capacity Limits

- Proof of Age Cards
- Crime Prevention Notices
- ~~Drinks Promotions~~
- Direct phone links to taxi companies
- Premises should be designed to ensure that all areas can be monitored visually
- **Ensure entrances and exits are well lit**

Note: Premises Licence Holders and representatives from Clubs are encouraged to participate in Pub Watch, Club Watch, Business Watch such as UBAC (Uxbridge Business Against Crime) and Radio Link schemes

### **Nightclubs and other similar venues**

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

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

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

1. The premises licence holder shall undertake a risk assessment of any promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy\* to the Metropolitan Police Service using the email as detailed below and the Licensing Authority not less than 14 days before the event is due to take place.

2. Where an 'event' has taken place, the premises licence holder shall complete **follow up feedback using form 696a** ~~an MPS After Promotion/Event Debrief Risk Assessment (Form 696A)~~ and submit this to the Metropolitan Police ~~using the~~ **by** email as detailed below ~~and the Licensing Authority,~~ within 3 days of the conclusion of the event.

[Licensing-xh@met.pnn.police.uk](mailto:Licensing-xh@met.pnn.police.uk)

[ClubsFocusDesk-CO14@met.police.uk](mailto:ClubsFocusDesk-CO14@met.police.uk)

\*submission of electronic documents by e-mail is preferred.

### **Definition of an 'Event'**

~~An event will be deemed to be: any occasion in any location licensed under the provisions of the Licensing Act 2003, where there will be a live performer/s~~

~~— meaning musicians, DJs, MCs or other artists; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.~~

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

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

Note:

Further advice is available from:

~~Crime Prevention Office, West Drayton Police Station 020 8246 1769~~

~~Crime Prevention Office, Ruislip Police Station 020 8246 1822~~

The Licensing Officer, Northwood Police Station 020 8246 1933

[Licensing@hillingsdon.gov.uk](mailto:Licensing@hillingsdon.gov.uk)

## APPENDIX C – PUBLIC SAFETY

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

- ~~British Standard 5588 Part 6 – Code of Practice for places of assembly~~
- ~~British Standard 5588 Part 8 – Means of escape for Disabled People~~
- **British Standard 9999 - Code of Practice for Fire Safety**
- **Regulatory Reform (Fire Safety) Order 2005 – clause 14(2) (a)-(h)**
- British Standard 7671 - Requirements for Electrical Installations (I.E.E. Wiring Regulations)
- British Standard 5266 - Code of Practice for emergency lighting systems
- British Standard 5839 - Fire detection and alarm systems for buildings
- ~~British Standard 5588 Part 9 – Code of Practice for ventilation and air conditioning ductwork~~
- Model National Standard Conditions for Places of Entertainment – Published by LDSA Publications, PO Box 266, Bromley, Kent, BR2 9ZN
- Technical Standards for Places of Entertainment - Published by LDSA Publications, PO Box 266, Bromley, Kent, BR2 9ZN
- The Event Safety Guide - A guide to health, safety and welfare at music and similar events, HSG195 (ISBN 0-7176-2453-6)
- Managing Crowds Safely, HSG154 (ISBN 0-7176-1834-X)
- 5 Steps to Risk Assessment, Case Studies (HSE 1998) (ISBN 0-7176-1580-4)
- The Guide to Safety at Sports Grounds published by HMSO, The Green Guide (ISBN 0-11-341072-7)
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances, [www.streetartsnetwork.org/pages/publications](http://www.streetartsnetwork.org/pages/publications)
- Home Office and London Drug Policy Forum guidance 'Safer Clubbing
- ~~British Standard 5588 Part 11 – Code of Practice for shops~~

## **APPENDIX D – PREVENTION OF PUBLIC NUISANCE**

### **Examples of public nuisance**

- Anti-social behaviour including other disturbances caused by persons leaving the premises
- Noise, including amplified music, emanating from the premises including extended areas such as beer gardens
- Noise from vehicles delivering and collecting customers
- Nuisance caused by persons, whether consuming alcohol or not, either waiting or entering, or leaving, or spilling outside the premises
- Litter and refuse storage including fly posters and illegal placards
- Fireworks
- Disturbance and obstruction caused by queuing, either by pedestrian or vehicular traffic
- The inappropriate siting of external lighting, including security lighting which could cause light pollution to neighbouring properties
- Nuisance from persons smoking outside
- Nuisance caused by cigarette smoke
- Cigarette litter

### **Examples of measures to prevent public nuisance which could be included in Operating Schedules**

- Effective management control of noise levels
- Keep music at a reasonable level
- Noise limiters
- The provision of mechanical ventilation and air conditioning systems so as to prevent windows and doors being opened.
- Double glazing
- The provision of lobbies to the main entrance/exit doors so as to prevent the escape of noise causing nuisance to local residents when the doors are opened
- Alarms (staff warning devices) on doors other than the main entrance/exit so as to alert management if the doors are opened
- Notices to request patrons to leave quietly
- Placing used bottles in waste containers at responsible times
- Diverting queues away from neighbouring premises and using Door Supervisors to control queues
- Provision of suitably located smoking areas and cigarette bins
- Any condition which the Licensing Committee would consider to prevent public nuisance



~~Examples of when it may be necessary to initiate the Review process in respect of public nuisance:-~~

- ~~• When the prevention of public nuisance objective is not being met. (See examples of public nuisance above)~~
- ~~• A failure by the premises licence holder to respond to relevant concerns identified by the Environmental Protection Unit~~
- ~~• When the Police have closed down the premises for a period of up to 24 hours on the grounds of noise nuisance~~
- ~~• When the Council has closed down the premises under the Anti-Social Behaviour Act 2003 on the grounds of noise nuisance~~
- ~~• When an abatement notice under Part 3 of the Environmental Protection Act 1990 has been served by the Council~~

~~Publications which should be considered when preparing operating schedules:-~~

- ~~a) British Standard 4142 1997 - Method for rating industrial noise affecting mixed residential and industrial areas~~
- ~~b) Good Practice Guide on the Control of Noise from Pubs and Clubs (Institute of Acoustics)~~
- ~~c) Control of 'Noise' published by the British Beer and Pubs Association~~

## APPENDIX E – PROTECTION OF CHILDREN FROM HARM

Examples of measures to protect children from harm which could be included in Operating Schedules

- Limitations on the hours when children may be present
- Age limitations (below 18)
- Limitations or exclusions when certain activities are taking place
- Requirements for accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

~~Examples of when it may be necessary to initiate the Review process:~~

- ~~• where there have been instances of serving alcohol to minors, or a reputation for underage drinking~~
- ~~• where sales are made during test purchase operations led by Officers of the Council's Trading Standards Service and the Police.~~
- ~~• with a known association with drug taking or dealing~~
- ~~• where there is a strong element of gambling on the premises  
Note: This will not apply to a small number of AWP (Amusement with Prizes) machines~~
- ~~• where entertainment of an adult or sexual nature is commonly provided without appropriate safeguards for the protection of children~~

## APPENDIX F

### RESPONSIBLE AUTHORITIES FOR GRANT, VARIATION OR REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE WITHIN THE LONDON BOROUGH OF HILLINGDON

The applicant must send the *original* application to the Licensing Service and a complete copy of the application including the form, operating schedule and plan in the prescribed form to each responsible authority as follows:-

<p>The Licensing Service London Borough of Hillingdon Civic Centre 3S/09 High Street Uxbridge UB8 1UW <i>Licensing Authority</i></p>	<p>Chief Officer of Police <b>Licensing Officer</b> c/o Northwood Police Station Murray Road Northwood HA6 2YW <i>Hillingdon Police Enforcement</i> <i>*for all areas except Heathrow</i></p>
<p>Chief Officer of Police Licensing Officer c/o ACIT Heathrow Police Station East Ramp Hounslow TW6 2DJ <i>Heathrow Police Enforcement</i> <i>*for Heathrow area only</i></p>	<p><b>Fire Safety Regulation: North West Area 1</b> <b>London Fire Brigade</b> <b>169 Union Street</b> <b>London</b> <b>SE1 0LL</b> <i>Hillingdon Fire Authority</i></p>
<p><b>Service Manager – Safeguarding Children and Quality Assurance 4S/07</b> <b>Education and Childrens Services</b> London Borough of Hillingdon Civic Centre, Uxbridge UB8 1UW <i>A body involved in the Protection of Children from Harm</i></p>	<p><b>Food, Health and Safety Team</b> London Borough of Hillingdon Civic Centre, Uxbridge UB8 1UW  <b><i>Enforcing Authority for the Health and Safety at Work Act 1974 and the Health Act 2006</i></b></p>
<p>Trading Standards Service London Borough of Hillingdon, Civic Centre, Uxbridge, UB8 1UW <i>Enforcing Authority under the Weights and Measures Act 1985</i></p>	<p>Environmental Protection Unit London Borough of Hillingdon, Civic Centre, Uxbridge UB8 1UW <i>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</i></p>
<p><b>Head of Planning and Enforcement</b> London Borough of Hillingdon, Civic Centre, Uxbridge UB8 1UW <i>The Local Planning Authority</i></p>	<p>* Health and Safety Executive Rose Court, 2 Southwark Bridge London SE1 9HS <i>Enforcing Authority for The Health and Safety at Work Act 1974</i></p>
<p>* <b>British Waterways, Willow Grange</b> Church Road Watford, Hertfordshire WD17 4QA <i>Navigation Authority for navigable waterways in the London Borough of Hillingdon</i></p>	

\* where appropriate

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## **What problems are posed to Hillingdon, and beyond, by the legal high Khat and what can we do to tackle them?**

### **Witness Session 3: Health**

Contact Officer: Natasha Dogra  
Telephone: 01895 277488

### **REASON FOR ITEM**

To enable the Committee to gather the evidence for their in-depth review of the legal high Khat

### **OPTIONS OPEN TO THE COMMITTEE**

1. Question witnesses on the importation and distribution of Khat, making use of the suggested questions and asking additional questions as required.
2. Identify issues for further investigation at later witness sessions.
3. Highlight potential issues for the Committee's recommendations in the final report.

### **Background**

This is the first meeting that Residents' and Environmental Services POC has considered the topic of Khat. At its meeting of 8 June 2010 the Committee considered a scoping report for the review of Khat. Members agreed that the aim of the review would be:

*"A review into the problems caused by Khat leading to recommendations to help Hillingdon deal with the problems associated with the legal high."*

### **Terms of Reference**

1. Members also agreed that the terms of reference for the review should be:
2. To learn about the production of Khat: where it is grown, who grows it and how much it costs to produce it;
3. To examine the importation of Khat: how the UK Border Agency deal with Khat dealers at Heathrow Airport;
4. To analyse the distribution patterns in the borough: where is it sold and the cost;
5. To examine the usage of Khat: the profile of the average user, social effects, health side effects;
6. To investigate the link, if any, between Khat use and anti-social behavior;
7. To analyse whether the use of Khat is spreading in the UK and what can be done to discourage this in the future: would it be possible to grow Khat in the

Residents' and Environmental Services Policy Overview Committee report  
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UK and could this lead to expansion of use not only within communities renowned for consuming Khat now but more wide-spread usage;

8. To investigate how the London Borough of Hillingdon could work with external agencies to tackle the problem of Khat in the future;
9. To identify ways in which the London Borough of Hillingdon can raise awareness of the problem.
10. To report to Cabinet recommendations based upon comprehensive evidence.

### Witnesses

<b>Date of RESPOC meeting</b>	<b>Witnesses Invited</b>
<b>22<sup>nd</sup> September 2010</b>	<u>Importation &amp; Distribution</u> <b>Viv Pullha</b> , UKBA <b>Joanne Kingham</b> , UKBA <b>Shabeg Nagra</b> , Health Control Officer, Heathrow
<b>7<sup>th</sup> October 2008</b>	<u>Social</u> <b>LBH Councillors</b> <b>Mahamoud Ahmed</b> – EACH <b>Trevor Biggs</b> – Chair, Hillingdon LINK <b>Graham Hawkes</b> – Interim Manager, Hillingdon LINK <b>Fatima Abdi</b> – Sahan Centre <b>Anab Abdala</b> – Sahan Centre <b>Mr Amri</b> – Hayes Islamic Centre
<b>16<sup>th</sup> November 2008</b>	<u>Health</u> <b>Dr Ellis Friedman</b> , Joint Director of Public Health, LBH and NHS Hillingdon <b>Mustafa Aden</b> – Tageero, Inequalities Group <b>Liam Kenny</b> – Vice Chair, Community & Police Consultative Group. <b>Ali Saka &amp; Kola Makoyowo</b> , Hillingdon Action Group
<b>14 December 2010</b>	<u>Crime &amp; Anti-Social Behavior</u>
<b>14 January 2011</b>	<u>National</u>

### **Suggested Questions / Lines of Enquiry for Witness Session 3**

1. What short and long term health problems are caused by Khat?
2. What problems are caused by using Khat in conjunction with cigarettes and alcohol?
3. Do Khat users tend to also use other drugs?
4. What assistance is available to help Khat users wishing to give up?
5. Is usage confined to particular ethnic groups?
6. What educational activities do you carry out to warn of the harmful effects of Khat?
7. What, if any, measures would you like to see introduced and by whom?

#### **SUGGESTED COMMITTEE ACTIVITY**

Members question the witnesses and use this information to formulate recommendations for their final report.

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## **FORWARD PLAN: 2010 – 2011**

**Contact officer: Natasha Dogra  
Telephone: 01895 277488**

### **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 the following months 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.
2. 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

Ref	Report Title	Advance information	Ward(s)	Report to Full Council	Cabinet Member(s) Responsible	Officer Contact	Consultation	Background Documents	NEW ITEM
<small>ASCH&amp;H = Adult Social Care, Health &amp; Housing; DCEO = Deputy Chief Executive's Office; E&amp;CS = Education &amp; Children's Services; F&amp;BS = Finance &amp; Business Services; PECS = Planning, Environment &amp; Community Services</small>									
<b>CABINET - 18 NOVEMBER 2010</b>									
510	<b>Counter-terrorism Supplementary Planning Document</b>	As a required part of the Local Development Framework, Cabinet will be asked to consider a counter-terrorism SPD. The information contained within will be suitable for the public domain.	All		Cllr Keith Burrows / Cllr Douglas Mills	PECS - James Rodger			
519	<b>Draft West London Waste Plan: Proposed Sites and Policies Consultation Document</b>	This consultation document is the latest stage in the preparation of a joint waste plan for the six West London boroughs - Hillingdon, Brent, Ealing, Harrow, Hounslow and Richmond-upon-Thames. When published, the document will provide an up-to-date policy framework to assess planning applications for waste management facilities forming part of the Local Development Framework for each Borough.	All		Cllr Keith Burrows	PECS - Jales Tippell			
494	<b>CCTV Framework Agreement and Civic Centre Project</b>	The report will seek Cabinet approval to award a four year Framework Agreement to the four top scoring suppliers with the top scoring tender being recommended to complete the Civic Centre CCTV project. Over the duration of the Framework Agreement, all four contractors will be required to complete a mini competition for	All		Cllr Douglas Mills / Cllr Scott Seaman-Digby	PECS - Richard Stainthorpe	Corporate Teams		
490	<b>Acceptance of Tender for Road Signage Term Contract</b>	Cabinet will be asked to award a new Term Contract for road signage. The Term Contractor is to provide the service for an initial period of three years, with the possibility of extending the Contract on an annual basis for a further 2 years, depending on Contractor performance.	All		Cllr Keith Burrows / Cllr Scott Seaman-Digby	PECS - Tim Edwards	Corporate Teams		

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; F&BS = Finance & Business Services; PECS = Planning, Environment & Community Services									
503a	<b>Gatehill Farm Estate Conservation Area Status</b>	As part of the ongoing review of the Borough's Conservation Areas, Gatehill Farm Estate Area of Special Local Character (ASLC) has been reconsidered and may now be eligible for designation as a conservation area. The report seeks Cabinet's approval of this and whether to go out to public consultation on the proposed designation.	Northwood Hills		Cllr Keith Burrows	PECS - Nairita Chakraborty		Various	
504	<b>Determination of Statutory Proposals to enlarge the premises at seven Primary Schools</b>	Following further consultation through the publication of Statutory Notices in September, this report summarises the full statutory consultation about enlarging the premises at 7 primary schools (Brookside Primary School; Cranford Park Primary School; Grange Park Infant School; Grange Park Junior School; Whitehall Infant School; Whitehall Junior School; William Byrd Primary School). A Cabinet decision is required to determine the proposals because objections have been received.	Various		Cllr David Simmonds	E&CS - Terry Brennan	There has been public / statutory consultation on these proposals	Consultation papers including all responses received	
507	<b>Phase III Libraries Refurbishment Programme</b>	A report will be presented to Cabinet following the outcome of the tendering exercise undertaken to select the Council's preferred partner to carry out this phase of the refurbishment programme of the Borough's libraries.	Various		Cllr Henry Higgins and Cllr Scott Seaman-Digby	PECS - Mohammed Bhimani	Corporate Teams		
SI	<b>Voluntary Sector Leases Report</b>	Regular report on discounted leases to voluntary sector organisations that benefit residents and the wider community	All		Cllr Jonathan Bianco	PECS Gregory Morrison			
<b>CABINET - 16 DECEMBER 2010</b>									
527	<b>Control of 'Chuggers'</b>	Cabinet will be asked to consider proposals for the control of Charity clipboard representatives (Chuggers) in Town Centres.	Town Centre Wards		Cllr Jonathan Bianco	David Frost / Bill Hickson	Town Centre Management		<b>NEW</b>

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; F&BS = Finance & Business Services; PECS = Planning, Environment & Community Services									
506	<b>Cattle Feed Barn, Whiteheath Farm</b>	Cabinet will be asked to accept a tender for the construction of a Cattle Feed Barn at Whiteheath Farm in Harefield	Harefield		Cllr Jonathan Bianco	PECS - Michael Kinsella	Corporate Teams		
509	<b>Licensing of Sex Establishment Venues</b>	On 19th January 2010, the Licensing Committee were consulted on the adoption of recent national legislation (Policing and Crime Act 2009) which would give local authorities greater control over sex establishments. The provisions, if adopted by Cabinet, would require all existing and new premises to apply for a "sex establishment licence". The Council is required to prepare a policy and procedure related to the award of any such licenses and subject to Cabinet's approval this will need to be recommended to full Council for adoption (similar to both Licensing and Gambling Policies). A transitional period of 12 months will provide existing venues with time to comply with the provisions of the legislation.	N/A	TBC	Cllr Jonathan Bianco	PECS - Stephanie Waterford	Licensing Committee, Residents, Businesses Interested parties and stakeholders.	Licensing Act 2003 Policing and Crime Act 2009 Home Office consultation on the Regulation of Lap Dancing Clubs	
510	<b>West London Home Energy Retrofit programme</b>	The London Development Agency have awarded West London £1,281,875 over 2010 - 12 for the delivery of their pan London home energy efficiency retrofit programme, entitled "RE:NEW". Hillingdon has been selected as the lead borough for this programme in West London and are responsible for the procurement of contractors off the LDA procured Framework Agreement. This report will seek authorisation to award the contract to the winning tenderer/s for the delivery of the programme across West London	Charville		Cllr Philip Corthorne / Cllr Scott Seaman-Digby	ASCH&H - Jo Gill	LBH Legal, Finance and Procurement teams including West London Housing Partnership		

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; F&BS = Finance & Business Services; PECS = Planning, Environment & Community Services

465	<b>Review of Statement of Licensing Policy</b>	The Licensing Act 2003 requires the Licensing Authority to review its Statement of Licensing Policy every three years. Cabinet will be asked to recommend to full Council a policy to take effect from February 2011 to February 2014.		13-Jan-10	Cllr Jonathan Bianco	PECS - Norman Stanley	Wide consultation, including the Licensing Committee, relevant partners and the public	Licensing Act 2003	
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## COUNCIL - 13 JANUARY 2011

530	<b>Amendments to Regulation of Street Trading</b>	Cabinet will be asked to consider the consultation responses and final approval of additions and amendments to Street Trading Terms & Conditions (Regulations) under London Local Authorities Act to accommodate streamlining of the application process for community events and delegation of authority.	Town Centre Wards		Cllr Jonathan Bianco	David Frost / Bill Hickson			<b>NEW</b>
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482	<b>Security Contract</b>	Cabinet will be asked to consider the Council's Security Contract following a tender exercise.	All		Cllr Scott Seaman-Digby & Cllr Jonathan Bianco	F&BS - Steve Smith	Corporate Teams		
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SI	<b>Reports from Policy Overview Committees</b>	Major Policy Review recommendations for consideration by the Cabinet as and when completed.	TBC		as appropriate	DCEO - Democratic Services			
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SI	<b>Monthly Council Budget - monitoring report</b>	The Cabinet receives a monthly report setting out in detail the council's revenue and capital position.	All		Cllr Jonathan Bianco	F&BS - Paul Whaymand			
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## CABINET - 17 FEBRUARY 2011

Ref	Report Title	Advance information	Ward(s)	Report to Full Council	Cabinet Member(s) Responsible	Officer Contact	Consultation	Background Documents	NEW ITEM
<small>ASCH&amp;H = Adult Social Care, Health &amp; Housing; DCEO = Deputy Chief Executive's Office; E&amp;CS = Education &amp; Children's Services; F&amp;BS = Finance &amp; Business Services; PECS = Planning, Environment &amp; Community Services</small>									
533	<b>Regulation of Street Entertainment (Busking)</b>	Cabinet will be asked to consider consultation responses and final approval for regulation of street entertainment (Busking).	Town Centre Wards		Cllr Jonathan Bianco	David Frost / Bill Hickson			<b>NEW</b>
516	<b>Schools Budget 2011/12</b>	To agree the Schools budget following consultation.	All		Cllr David Simmonds	F&BS - Amar Barot / Georgina Ayling	Schools Forum		
503b	<b>Gatehill Farm Estate Conservation Area Status</b>	Subject to Cabinet approval in November 2010, this report will present the outcome of the consultation on designating the Gatehill Farm Estate Area of Special Local Character as a Conservation Area.	Northwood Hills		Cllr Keith Burrows	PECS - Nairita Chakraborty	Ward Councillors, local residents, owners and other interested groups within the proposed area	Various	
513	<b>Supporting People Contracts</b>	Cabinet will be asked to approve tenders for Housing Related support - extra support and floating support for offenders and people with substance misuse.	All		Cllr Philip Corthorne	ASCH&H - Barry Newitt			
SI	<b>Reports from Policy Overview Committees</b>	Major Policy Review recommendations for consideration by the Cabinet as and when completed.	TBC		as appropriate	DCEO - Democratic Services			
SI	<b>Monthly Council Budget - monitoring report</b>	The Cabinet receives a monthly report setting out in detail the council's revenue and capital position.	All		Cllr Jonathan Bianco	F&BS - Paul Whaymand			

**CABINET - 17 MARCH 2011**

<b>Ref</b>	<b>Report Title</b>	<b>Advance information</b>	<b>Ward(s)</b>	<b>Report to Full Council</b>	<b>Cabinet Member(s) Responsible</b>	<b>Officer Contact</b>	<b>Consultation</b>	<b>Background Documents</b>	<b>NEW ITEM</b>
<small>ASCH&amp;H = Adult Social Care, Health &amp; Housing; DCEO = Deputy Chief Executive's Office; E&amp;CS = Education &amp; Children's Services; F&amp;BS = Finance &amp; Business Services; PECS = Planning, Environment &amp; Community Services</small>									
SI	<b>Reports from Policy Overview Committees</b>	Major Policy Review recommendations for consideration by the Cabinet as and when completed.	TBC		as appropriate	DCEO - Democratic Services			
SI	<b>Monthly Council Budget - monitoring report</b>	The Cabinet receives a monthly report setting out in detail the council's revenue and capital position.	All		Cllr Jonathan Bianco	F&BS - Paul Whaymand			



# Agenda Item 9

## RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE 2010-11

**Contact Officer:** Natasha Dogra

**Telephone:** 01895 277488

### REASON FOR ITEM

**All Committee meetings will begin at 6.00 p.m.** That the Committee consider revisions to the scheduling of existing meetings based upon review topics during 2010/11 as set out below:

### WORK PROGRAMME

<b>8 June 2010</b>	Work Programme – review the annual work programme
	Review Discuss – to discuss potential review topics for 2010/11.
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.
<b>27 July 2010</b>	Work Programme – review the annual work programme
	Review 1 – to consider various scoping reports and decide on one or two review topics for 2010/11.
	LDF - Core Strategy: Consultation on Policy Framework document.
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.
<b>22 September 2010</b>	Work Programme – review the annual work programme
	Review 1 – Witness Session: Importation and Distribution
	Review 2 – Consideration of Scoping Report
	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

PART 1 – MEMBERS, PUBLIC AND PRESS

<b>7 October 2010</b>	Work Programme – review the annual work programme
	Review 1 – Witness Session: Social
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.
<b>16 November 2010</b>	Work Programme – review the annual work programme
	Statement of Licensing Policy - consultation update
	Annual Safety at Sports Ground Report – Committee update.
	Review 1 – witness session: Health
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.
<b>07 December 2010</b>	Work Programme – review the annual work programme
	Review 1 – witness session: crime and anti-social behaviour
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.
<b>18 January 2011</b>	Work Programme – review the annual work programme
	Review 1 – witness session: national
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.
<b>15 February 2011</b>	Work Programme – review the annual work programme
	Review 1 – witness session: women’s association?
	Review 2 – Committee to agree final report
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.
<b>9 March 2011</b>	Work Programme – review the annual work programme
	Review 1 – discussion of conclusions and recommendations
	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

PART 1 – MEMBERS, PUBLIC AND PRESS

<b>12 April 2011</b>	Work Programme – review the annual work programme
	Review 1 – agree final report
	Cabinet Forward Plan – review forthcoming decisions and if appropriate, comment to the decision-maker.

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