



HILLINGDON
LONDON



Council

To all Members of the Council

Date: THURSDAY, 14 JANUARY
2010

Time: 7.30 PM

Venue: CIVIC CENTRE, HIGH
STREET, UXBRIDGE

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

This agenda and associated reports can be made available in other languages, in Braille, large print or on audio tape on request. Please contact us for further information.

Published: Wednesday, 6 January 2010

Contact: Lloyd White, Head of
Democratic Services
Tel: 01895 556743
Fax: 01895 277373
Email: lwhite3@hillington.gov.uk

This Agenda is available online at:

<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=117&Year=2010>

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



INVESTOR IN PEOPLE

Useful information

Bus routes 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away. Limited parking is available at the Civic Centre. For details on availability and how to book a parking space, please contact Democratic Services

Please enter from the Council's main reception where you will be directed to the Committee Room. An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

Please switch off any mobile telephones and BlackBerries™ before the meeting. Any recording of the meeting is not allowed, either using electronic, mobile or visual devices.

If there is a FIRE in the building the alarm will sound continuously. If there is a BOMB ALERT the alarm sounds intermittently. Please make your way to the nearest FIRE EXIT.



Agenda

Prayers

To be said by Pastor Derek Page

- 1** Apologies for Absence
- 2** Minutes 1 - 20
To receive the minutes of the meetings held on 5 November and 10 December 2009.
- 3** Declarations of Interest
To note any declarations of interest in any matter before the Council
- 4** Mayor's Announcements
- 5** Public Question Time 21 - 22
To take questions submitted by members of the public in accordance with Council Procedure Rule 10.
- 6** Review of the Council Constitution 23 - 26
To consider some proposed amendments to the Constitution
- 7** Ratification of Objection To Transport and Works Act Order For Airtrack 27 - 32
To consider the recommendations of the Central and South Planning Committee
- 8** Statement of Gambling Principles Review 33 - 84
To consider the recommendation of Cabinet
- 9** Council Tax Base 2010/11 85 - 92
To consider the Council Tax Base 2010/11
- 10** Members' Questions 93 - 94
To take questions submitted by Members in accordance with Council Procedure Rule 11

This page is intentionally left blank

Agenda Item 2

Minutes

COUNCIL

5 November 2009

Meeting held at the Civic Centre, Uxbridge

Come into effect on: Immediately



HILLINGDON
LONDON

Councillor Shirley Harper-O'Neill (Mayor)
Councillor David Yarrow (Deputy Mayor)

	<p>MEMBERS PRESENT:</p> <p>Councillors: Dave Allam Catherine Dann John Major Lynne Allen Santokh Dhillon Michael Markham Bruce Baker Janet Duncan Carol Melvin Mo Bamber Tony Eginton Douglas Mills Ann Banks Janet Gardner Mary O'Connor Tim Barker Sid Garg John Oswell Richard Barnes Paul Harmsworth David Payne Josephine Barrett John Hensley Ray Puddifoot Jonathan Bianco Henry Higgins Andrew Retter David Bishop Graham Horn Jill Rhodes Lindsay Bliss Pat Jackson John Riley Mike Bull Phoday Jarjussey David Routledge Keith Burrows Sandra Jenkins Avtar Sandhu Paul Buttivant Allan Kauffman Robin Sansarpuri George Cooper Judy Kelly Scott Seaman-Digby Judith Cooper Liz Kemp David Simmonds Philip Corthorne Peter Kemp Brian Stead Geoff Courtenay Mo Khursheed Anthony Way Mike Cox Eddie Lavery Michael White Brian Crowe Richard Lewis Kay Willmott-Denbeigh Peter Curling Anita MacDonald</p>
	<p>OFFICERS PRESENT: Hugh Dunnachie, Fran Beasley, Christopher Neale, Chris Spencer, Ed Shaylor, Jeff Maslen, Philomena Bach, Raj Alagh, Lloyd White, Mark Braddock and Nikki Stubbs.</p>
	<p>PRAYERS</p> <p>Prayers were said by Pastor Derek Page.</p>
17	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>An apology for absence was received from Councillor Bartram.</p>

18	<p>MINUTES (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That the minutes of the meeting of 3 September 2009 be agreed as a correct record.</p>
19	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 4</i>)</p> <p>The Mayor advised Members that, as part of the war memorial renovation programme in the Borough, 9 memorials had been restored and two dedication ceremonies had taken place. A new web page was being designed for the Council's website with information on the location of these memorials and the work that had been undertaken.</p> <p>The Mayor was pleased to announce that Hillingdon had been awarded a Silver Gilt in the large city category at the London in Bloom Awards 2009 run by the Royal Horticultural Society.</p> <p>The Mayor informed the meeting that Hillingdon had become a member of the Normandy Veterans Association. She also advised that the BIGfest annual arts event held on 25 October 2009 had been very well attended.</p> <p>It was with sadness that the Mayor informed Members of the recent death of Mrs Janet Routledge, the wife of Councillor David Routledge and former Mayoress of the Borough. All present stood for a minute's silence in her memory.</p>
20	<p>PUBLIC QUESTION TIME (<i>Agenda Item 5</i>)</p> <p>Question 5.1 from Gay Brown of the Yiewsley Community Involvement Group to the Cabinet Member for Planning and Transportation – Councillor Burrows</p> <p>“Following influence from the Chamber of Commerce the Government required rates to be paid on empty buildings. We feel this has backfired since many companies now choose to bank the sites and demolish the buildings leaving us with rubble filled sites looking like World War II bomb sites. This has become a form of intimidation. The company thinks we will approve of a development which is inappropriate or wrong use of the site just to get rid of the eyesore! Will the Council join the move to include a policy in their Sustainable Communities Strategy to require that alternative planning permission is granted before buildings can be demolished regardless of whether they are residential or commercial?”</p> <p>In the absence of the questioner, the Mayor put the question on her behalf and Councillor Burrows advised that a written response would be provided.</p> <p>Question 5.2 from Kenneth Clucas of York Road, Northwood to the Cabinet Member for Planning and Transportation – Councillor Burrows</p> <p>“Given the inducement to vote for this administration, by offering to freeze the Council Tax, can I draw the Cabinet Member's attention to the deplorable state of the Borough's roads and pavements caused by lack of investment in regular planned proper maintenance. Colchester Road and Hilliard Road are prime examples of</p>

	<p>shabby maintenance caused by simply botching the filling of pot holes with a quick fix pile of tarmacadam creating conditions comparable to traffic calming which only last a couple of months. The resultant patchwork quilt of tarmac filled holes damages cars and creates driving hazards. When are these two roads in particular and others in Northwood Hills going to be resurfaced properly?”</p> <p>Councillor Burrows replied that reactive maintenance involved identifying and making safe dangerous defects such as potholes. Once reported, over 99% of these dangerous defects were made safe within 24 hours. These safety repairs were not always aesthetically pleasing, and were not always as smooth as a permanent repair, but they were there to fulfil a purpose. They were designed to prevent both potential accidents and further deterioration of the surface, until a permanent repair could be carried out.</p> <p>Permanent repairs were carried out under planned maintenance, which involved repairs such as patching or resurfacing. The Council’s resurfacing programme was drawn up on a priority–needs basis across the whole of the Borough. The Council considered whether the road had structural problems (which might not be easily discernable from the surface) and also whether there were "serviceability" problems (where the surface was rough and unsightly). However, the number of roads that the Council would like to resurface was greater than the available funding.</p> <p>Hilliard Road was high on the Council’s priority list and funding would be made available to resurface it during this financial year. Although Colchester Road was not so high on the priority list, following discussions with relevant Ward Councillors, officers had been asked to keep it under review to see if it could be resurfaced by the end of this financial year.</p> <p>In the meantime, through inspections, the Council would continue to monitor the condition of both roads and footways, and do any repairs necessary to keep them safe for residents.</p> <p>5.3 Question from Tony Ellis of Kewferry Road, Northwood to the Cabinet Member for Planning and Transportation – Councillor Burrows</p> <p>“The Planning Committee process is undemocratic as an applicant has no right of reply to contest errors made by Planning officials. How do applicants and residents address mistakes in Planning officials’ reports presented to Committee if they do not have the right to challenge the Planning officer in Committee?”</p> <p>In the absence of the questioner, the Mayor put the question on his behalf and Councillor Burrows advised that a written response would be provided.</p>
21	<p>LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 <i>(Agenda Item 6)</i></p> <p>Councillor Puddifoot moved the recommendations as set out on the Order of Business. This was seconded by Councillor Simmonds.</p> <p>Following debate (Councillors Khursheed, Crowe, Cox, Seaman-Digby and Mills) the</p>

	<p>motion was put to a recorded vote.</p> <p>Those voting for: The Mayor (Councillor Harper-O'Neill), the Deputy Mayor (Councillor Yarrow), Councillors Allam, Allen, Baker, Bamber, Banks, Barker, Barnes, Barrett, Bianco, Bliss, Bull, Burrows, Buttivant, George Cooper, Judith Cooper, Corthorne, Courtenay, Crowe, Curling, Dann, Dhillon, Duncan, Eginton, Gardner, Garg, Harmsworth, Hensley, Higgins, Horn, Jackson, Jarjussey, Jenkins, Kauffman, Kelly, Liz Kemp, Peter Kemp, Khursheed, Lavery, Lewis, MacDonald, Major, Markham, Melvin, Mills, O'Connor, Oswell, Payne, Puddifoot, Retter, Riley, Routledge, Sandhu, Sansarpuri, Seaman-Digby, Simmonds, Stead, Way, White and Willmott-Denbeigh.</p> <p>Those voting against: none</p> <p>Those abstaining: Councillors Bishop, Cox and Rhodes.</p> <p>RESOLVED: That:</p> <ol style="list-style-type: none"> 1. the outcome of the public consultation exercise, as set out in Appendix 1 of the report and referred to in the body of the report, be noted. 2. the formal proposals for a change in governance arrangements, as set out in Appendix 2 of the report, be approved. 3. the Head of Democratic Services be authorised to take the following steps in accordance with the specific requirements of the Local Government and Public Involvement in Health Act 2007: <ol style="list-style-type: none"> a) to arrange to make copies of a document setting out the proposals and make them available at the Civic Centre for inspection by members of the public at all reasonable times; b) to arrange to publish a Notice setting out the main features of the proposals in a local newspaper circulating in the Borough; and c) to arrange a special meeting of the Council to be held on Thursday 10 December 2009, commencing at 7.30pm, to confirm the change in governance arrangements.
22	<p>QUESTIONS FROM MEMBERS (<i>Agenda Item 7</i>)</p> <p>Given that questions 7.4 and 7.12 related to the same matter, the Mayor agreed that these questions be taken together and asked jointly.</p> <p>7.4 Question from Councillor Judith Cooper to the Cabinet Member for Social Services, Health & Housing - Councillor Corthorne</p> <p>Following the recent tragedy at Lakhanal House, Camberwell, the Cabinet Member for SSH&H commissioned an independent review of the fire safety procedures in our housing blocks. Please could the Cabinet Member provide an update on that review?</p> <p>7.12 Question from Councillor Bliss to the Cabinet Member for Social Services, Health & Housing - Councillor Corthorne</p> <p>The BBC has received a report from a retired architect, who had worked on the building of Lakhanal House, who believes that the use UPVC windows may have</p>

contributed to the rapid fire spreading in the tower block's recent fire. How many of the high rise blocks in the London Borough of Hillingdon have UPVC windows fitted and has their safety in a fire been the subject of a fire risk assessment?

Councillor Corthorne responded that he had explained at the last Council meeting that, notwithstanding the work and processes already in place, in view of what had happened at Lakhanel House and from a due diligence perspective, in his opinion it was right for a review to be conducted with the involvement of a consultant who had worked for the fire service. He went on to say that the high and low rise blocks and the sheltered housing blocks had had their risk assessments reviewed. Inspections of a sample of dwellings in each block were being undertaken to check the integrity of the fire compartmentation. Hillingdon Homes' fire safety strategy and management plan were being revised following this review.

In addition, the London Fire Brigade had audited a sample of the Council's fire risk assessments and there were no major issues identified. Any necessary further actions were being undertaken.

Officers from Hillingdon Homes, the Council and the London Fire Brigade were meeting later in the month to discuss the risk assessment programme and review any remaining issues and the arrangements in place to address them. Whilst the fire risk would never be fully eliminated, the Council was satisfied that all reasonable steps were being taken to mitigate this. Councillor Corthorne would write to Members detailing the outcome of this meeting later in the month.

The initial investigations into the fire at Lakhanel House had not identified the cause of the fire or why it spread. There was also conflicting information as to whether the windows at Lakhanel House were UPVC or metal and the manner of their installation. It was noted that there was one Council owned high rise block in the Borough which was fitted with UPVC windows. The windows used in the Council's housing stock met the British Standards for the manufacture, installation and use of UPVC windows.

Councillor Corthorne stated that, if a causal link was established between the fire and UPVC windows, there would be a major industry wide problem going well beyond the social housing sector into private sector housing, offices and other buildings.

The Council was awaiting the outcome of the enquiry into the Lakhanel House fire and would carry out any necessary steps which might be deemed appropriate as a result.

There were no supplementary questions.

7.9 Question from Councillor Gardner to the Cabinet Member for Improvement, Partnerships and Community Safety – Councillor Mills

Can the Cabinet Member tell the Council what he and the Safer Communities Partnership are doing in response to the latest figures in the local alcohol profiles for England, which show that in Hillingdon:

- Alcohol-related crimes are significantly worse than the England average
- Alcohol-related violent crimes are significantly worse than the average
- Alcohol-related hospital admissions for both men and women are also above the average?

Councillor Mills responded that the Council's alcohol strategy had been developed by the Safer Hillingdon Partnership, the Drug and Alcohol Action Team and the Primary Care Trust. Although the statistics for alcohol related crimes and violent crimes were higher than the England average, they were thought to be average for all London boroughs. Ealing and Hounslow were thought to have almost identical figures to Hillingdon.

Work that was being undertaken with regard to this issue included:

- The whole of the Borough had been designated as a Controlled Drinking Zone;
- Pub Watch schemes had been introduced;
- Unannounced enforcement visits were undertaken on licensed premises to make effective use of the licence review process; and
- Alcohol awareness had been included in the Healthy Schools Programme and the positive activities for Young People programmes.

It was noted that Hillingdon was significantly better than the England average for alcohol attributable admissions for under 18s and binge drinking. The Safer Hillingdon Partnership had discussed the problem of young people drinking too much and a decision made to ensure that young people admitted to hospital due to alcohol received proper follow up treatment.

Councillor Gardner, by way of a supplementary question, asked when the Council's alcohol strategy would be formalised. Councillor Mills advised that the Council had made significant progress on the production of the strategy and he would ensure that officers sent a copy to Councillor Gardner.

7.1 Question from Councillor Cox to the Cabinet Member for Improvement, Partnerships and Community Safety – Councillor Mills

Can the Cabinet Member for partnerships detail what efforts Hillingdon Council made to ensure that proposals under the Sustainable Communities Act 2007 were submitted to the LGA in advance of the deadline of the 31 July 2009?

Councillor Mills assured Members that a lot of effort had gone into the consideration of how and whether Hillingdon could benefit from the Sustainable Communities Act.

Councillor Cox, by way of a supplementary question, asked whether there were any plans for the Council to support the Sustainable Communities Act.

Councillor Mills advised that the Council would use legislation to its advantage whenever the opportunity arose. It was noted that information had been forthcoming on the total spend of the PCT and the Metropolitan Police in Hillingdon but that no information had been released on the quangos relating to Hillingdon or the money spent on empty properties in the Borough.

7.5 Question from Councillor O'Connor to the Cabinet Member for Planning and Transportation – Councillor Burrows

Can the Cabinet Member provide Members with an update on the Third Runway proposal?

Councillor Burrows thanked Councillor O'Connor and other Members from all parties, in particular the Leader, who had tirelessly campaigned for years with local residents and NoTRAG against the most unprecedented environmental and social threat the Borough had ever faced. The Council's long and determined fight against the third runway was being fought on a number of fronts - locally, legally and politically – and this fight was nearly won.

Locally, the Council was continuing its successful partnership with NoTRAG, residents and local authorities in the 2M Group, through a wide variety of event, campaign and publicity activities. Council officers were also well-prepared to look after the interest of residents, should a planning application for a third runway ever be submitted. All Members would continue to be briefed through regular monthly updates from the Council's Planning Team.

Members would also be aware that recently BAA had sent letters to affected residents to say that it would buy properties ahead of announcing its intention to submit a planning application. Councillor Burrows expressed concern that BAA's decision to start buying homes, at a time when a third runway had never seemed more unlikely, was a cold and calculated move.

On the legal front, Members would be aware that on 5 August 2009, the Council had been informed that it could challenge the Government's decision to approve a third runway at the airport. The judge, the Honourable Mrs Justice Dobbs, highlighted the 'significant public interest' in the case and ordered a 'rolled up' hearing. A 'rolled up' hearing was in effect a full public hearing of the Council's judicial review claim against the Secretary of State for Transport. The latest position was that the Council was still awaiting formal notification of the date of the hearing, but it would be sometime next year and all Members would be kept fully informed.

Councillor Burrows felt that BAA had let the Government down and not supported it as an interested party in the legal challenge. On the other hand, this Council had not been let down. The Council was fortunate to have the support of many organisations representing millions of people. Joining the authority in the legal challenge were Hammersmith and Fulham, Hounslow, Richmond upon Thames, Wandsworth and Windsor and Maidenhead councils, Greenpeace, World Wide Fund for Nature, the Council for the Protection of Rural England, HACAN and NOTRAG. The RSPB and The Mayor's Transport for London were also backing the case.

On behalf of all Members, Councillor Burrows thanked the first rate team of officers at Hillingdon, who had (and would continue to) made a fantastic effort in supporting this campaign and legal challenge. Even though the Council might win any legal challenge, the political world was where the fate of the third runway would be decided once and for all.

Councillor Burrows announced that, in the last month, Theresa Villiers and David Cameron had re-confirmed their party's policy to abandon plans for a third runway. They had even warned BAA not to sign contracts for a project they would stop. As an alternative to Heathrow expansion, Mayor Boris Johnson and others were continuing with their vision of a green airport, privately funded, on an island in the Thames Estuary.

In contrast, Councillor Burrows stated that BAA was having difficulties in that it had announced a pre-tax loss of more than £785m and would sell off Gatwick Airport to raise much needed money. On top of this, Heathrow had just been voted as the worst airport in the world.

According to the Sunday Times, BAA had stated that it would give up the fight if the Conservatives were to win the next election. Within 24 hours of this article, BAA announced that it remained fully committed to it. The Council had promised residents that it would take this fight all the way and it was doing this.

There was no supplementary question.

The Council's Head of Legal Services informed the meeting that the legal challenge in the High Court had been scheduled for Monday 22 February 2010.

7.10 Question from Councillor Khursheed to the Cabinet Member for Improvement, Partnerships and Community Safety – Councillor Mills

Can the Cabinet Member explain what action he proposes to take in response to the fact that, after all the investment in community safety the Home Secretary has identified Hillingdon as one of only 62 Councils in the country needing challenge and support because at least 25% of the local population remain concerned about unsolved anti-social behaviour?

Councillor Mills responded that the data referred to in the question was from the Place Survey 2008/09 but that the statement was partially incorrect. The public, when surveyed by MORI, had not been asked about "unsolved" anti-social behaviour. The survey (and preceding Local Government (Best Value) User Satisfaction surveys in 2003/4 and 2006/7) had asked to what extent respondents perceived seven different types of anti-social behaviour to be a problem. The percentages were then aggregated to one figure for anti-social behaviour. In the Council's Crime and Disorder Survey, only 19% of respondents said that they had experienced any form of anti-social behaviour in the last 12 months.

Councillor Mills advised that any survey should have a 3% margin of error built in and, as such, the Place Survey figure could be as low as 22% and the Council's Survey as much as 22%. Despite reservations about the Home Office's analysis, the Council was happy to be challenged about its approach to anti-social behaviour. Furthermore, despite the having a perception of anti-social behaviour figure of over 25%, Hillingdon had been selected by the Home Office for a fact finding visit in January 2010 regarding examples of best practice that could be promoted elsewhere. The Council's Community Safety Manager had also been chosen by the Home Office to join its Expert Squad to provide the support referred to in Councillor Khursheed's question.

There was no supplementary question.

7.2 Question submitted by Councillor Rhodes to the Cabinet Member for Environment - Councillor Jenkins

Can the Cabinet Member responsible for the environment agree that if the Council have decided that an alleyway cannot be gated as it is a highway then will the Council

take responsibility for clearing any dumped rubbish?

Councillor Jenkins responded that there were a small number of alleyways to the rear of properties that were registered as Highway land. Responsibility to remove dumped rubbish or fly tipped waste therefore fell to the Council and the waste services team undertook the necessary clean up. If evidence was found as to who had dumped the rubbish or where it originated from, enforcement action would be taken.

Councillor Rhodes, by way of a supplementary question, asked if it would be possible to put this in writing so as to avoid any misunderstanding and to perhaps include the information in the Hillingdon People. Councillor Jenkins advised that she would look into this.

7.6 Question from Councillor Baker to the Cabinet Member for Planning and Transportation – Councillor Burrows

Can the Cabinet Member for Planning and Transportation inform this Council of the agreed policies and procedures to be followed when developers submit planning applications to the Local Planning Authority in respect of property, or of land, they do not own or have legal title to?

Councillor Burrows responded that, when making a planning application, an applicant had to complete a Certificate which provided details of the ownership of the site. The certificate had to relate to all the land the applicant had included in the application site by outlining the site in red and this should contain all the works and changes covered by the application.

There were four different circumstances where the applicant was required to complete Certificates (Certificates A, B, C and D) and the completion of each related to different situations. Councillor Burrows outlined the four circumstances in detail and stated that the Local Planning Authority (LPA) was required to check applications to ensure that the Certificates had been filled out and, in the event that they had not been completed correctly or not at all, the application would not be validated.

The LPA was not responsible for checking with the Land Registry that the correct Certificate had been submitted. That was the responsibility of the applicant. It was noted that it was a criminal offence to knowingly or recklessly issue a false or misleading certificate. However, such cases were rare and the Principal Planning Solicitor was not aware of such circumstances which had arisen in this authority.

Councillor Baker, by way of a supplementary question, asked whether the Council would write to the occupier of a property to advise them of their rights if a developer had submitted an application with Certificate B.

Councillor Burrows advised that the Council was not permitted to offer such advice. However, he had asked officers to update the Council's website with information on where residents could obtain advice on planning matters.

7.17 Question from Councillor Harmsworth to the Cabinet Member for Education & Children's Services – Councillor Simmonds

Can the Cabinet Member for Education and Children's Services assure the Council

that the £1.2m allocated to Hillingdon for the Playbuilder programme will be spent according to the deprivation criteria specified?

Councillor Simmonds responded that, at a previous Cabinet meeting, it had been agreed that each of the Playbuilder schemes would be considered on an individual basis. It was noted that deprivation was one of the main criteria for the selection of sites which had been approved by Play England and was in line with the funding requirements.

Councillor Harmsworth, by way of a supplementary question, stated that deprivation was an important criteria and that Northwood was not as deprived as other parts of the Borough. He asked if the money could be spent in the south of the Borough where it was needed. Councillor Simmonds advised that the Council was undertaking this programme of work to address areas of deprivation in the whole of the Borough.

7.7 Question from Councillor Melvin to the Cabinet Member for Improvement, Partnerships and Community Safety – Councillor Mills

Has any analysis of usage been carried out since the introduction of the Hillingdon First Card?

Councillor Mills responded that there were currently 161,793 valid cards in the scheme and that the card readers had been used for parking and at the Harefield amenity site 403,015 times. Cards had been used on the card readers at the Council's libraries 128,951 times. Councillor Mills stated that it had been three months since the launch of the Hillingdon First Card and congratulated officers on its success. It was noted that this scheme was the first of its kind amongst local authorities to adopt a blanket coverage and it had been well received by residents.

The income generated by visitors to the Borough was in line with the financial forecast and the tonnage at Harefield amenity site had dropped by 446 tonnes since the card's introduction. Conversely, the tonnage at the Hertfordshire landfill site had increased since the card went live. This reduction was expected to generate a saving of £70,000 per year and it was anticipated that this figure would increase.

Additional businesses had also enquired about joining the scheme since its launch. Members were advised that a survey would soon be undertaken with the business community to gauge how the scheme was working for them.

Councillor Melvin, by way of a supplementary question, asked, in view of the concerns expressed by the Northwood Residents' Association, was there any evidence to suggest that usage of the card had decreased. Councillor Mills advised that the Council was aware of the support that Northwood Residents' Association had given to non-residents in their request for a non-residents residents' card but that this suggestion had not been taken forward. Although it had only been 3 months since the launch of the card, there was nothing to indicate that parking in Northwood was not in line with what had been expected.

7.8 Question from Councillor Hensley to the Cabinet Member for Education & Children's Services – Councillor Simmonds

Can the Cabinet Member for E&CS update me on recent Ofsted inspections on

schools in the Borough?

Councillor Simmonds advised that a new Ofsted inspection regime had been introduced and a number of issues had been flagged by Councillors. The inspections were bringing forward recommendations which the schools were finding challenging. The Council was supporting the schools in the implementation of these recommendations.

There was no supplementary question.

7.11 Question from Councillor Eginton to the Cabinet Member for Finance and Business Services – Councillor Bianco

Will the Cabinet Member please let me know the number of businesses operating in Hillingdon?

Councillor Bianco responded that the last Government figures the Council had for businesses were for 2007 (published 28/11/08) which showed that, within Hillingdon, there were 9,615 active enterprises, 1,315 of which were new start-ups during 2007. Unfortunately the Office for National Statistics published statistical information at the end of November each year so the figures for 2008 were not yet available.

Whilst the majority of businesses in Hillingdon were small, the Borough had over 7,500 which employed between 1 and 4 people. Hillingdon also had a greater proportion of large employers than many Outer London boroughs because of its proximity to Heathrow. It also had significant concentrations of company headquarters, especially within the Uxbridge and Stockley Park areas.

However, it was difficult to assess the effects of the current recession on businesses in Hillingdon

Councillor Eginton, by way of a supplementary question, asked why there were fewer than 2,000 businesses included in the Hillingdon Directory on the website. Councillor Bianco advised that the Hillingdon Directory was a voluntary arrangement and, as such, the inclusion of 2,000 business on it was good.

As the 45 minutes time limit had been reached, written responses would be provided to Councillors in relation to the following questions.

7.14 Question submitted by Councillor Jarjussey to the Cabinet Member for Environment - Councillor Jenkins

Given that the Civic Amenity Site in Rigby Lane, Hayes has now been closed for some months and re-development is to take place, which will take even longer, what arrangements are being made to provide civic amenity site facilities for people in the south of the Borough?

7.13 Question from Councillor Major to the Cabinet Member for Social Services, Health & Housing - Councillor Corthorne

Can the Cabinet Member inform the Council of the latest position on the action being taken to bring the management of Hillingdon Homes back under Council control?

7.15 Question Submitted by Councillor Duncan to the Cabinet Member for Environment - Councillor Jenkins

Can the Cabinet Member please inform the Council how many fixed penalty notices have been issued for dropping litter since the start of the current campaign and in which areas of the Borough?

7.16 Question from Councillor Allen to the Cabinet Member for Planning and Transportation – Councillor Burrows

Members will recall that some months ago I raised a question regarding the speed limits that had been put in place on the Townfield Estate: 20 mph in Central Avenue and 30 mph in the surrounding roads. I had requested that all roads on the Estate be 20 mph and Cllr Burrows informed us all that he would be looking into this.

Since then many more residents have raised concerns about this issue and some have told me that they have witnessed near misses due to cars picking up speed in the side roads. In most cases it has only been through the quick reflexes of those concerned that an accident has been avoided.

As the dark nights and mornings are now upon us, the unbalanced unsafe speed limits on the Estate need to be urgently addressed. I would respectfully suggest that the time for looking into this matter should come to an end and could action be taken immediately?

7.3 Question from Councillor Bishop to the Leader of the Council - Councillor Puddifoot

How many members of staff cycle to work in the Civic Centre?

23

MOTIONS (*Agenda Item 8*)

8.1 MOTION FROM COUNCILLOR MILLS:

Councillor Mills moved the following motion:

“This Council notes the Mayor of London’s recently published consultation documents on the London Plan, Transport strategy and Economic Development strategy.

This Council welcomes the focus given by the Mayor on a wide range of issues concerning Hillingdon residents, including but not limited to:

- the rejection of a third runway at Heathrow
- the removal of arbitrary targets for affordable housing
- the ability to provide greater protection against inappropriate development of gardens
- the importance of the car in outer London
- the need to support our town centres

The Council further notes the Cabinet's success in winning support from the Outer London Commission on a number of key points which are now incorporated into the future plans. Council asks the Cabinet to continue dialogue with all relevant parties to build upon these themes and in particular the discussions about:

- two new Express north to south bus routes
- appropriate funding for both the social infrastructure required to support the expected growth and for the regional theatre to be sited within the revised Uxbridge town centre."

The motion was seconded by Councillor Burrows.

The following amendment was moved by Councillor Major:

No changes to first paragraph.

Amend second paragraph to read: "This Council welcomes the focus given by the Mayor on a wide range of issues concerning Hillingdon residents, in particular the rejection of the Third Runway at Heathrow and others including:" The delete the first and second bullet points.

The remainder of the motion to be unchanged.

The amendment was seconded by Councillor Way.

Following debate (Councillors Barnes, Corthorne and Eginton), the amended motion was put to the vote and lost.

Following further debate (Councillors Harmsworth, Duncan and Barnes), the original motion was out to the vote and agreed.

RESOLVED: That this Council notes the Mayor of London's recently published consultation documents on the London Plan, Transport strategy and Economic Development strategy.

This Council welcomes the focus given by the Mayor on a wide range of issues concerning Hillingdon residents, in particular the rejection of the Third Runway at Heathrow and others including:

- **The ability to provide greater protection against inappropriate development of gardens**
- **The importance of the car in outer London**
- **The need to support our town centres**

The Council further notes the Cabinet's success in winning support from the Outer London Commission on a number of key points, which are now incorporated into the future plans. Council asks the Cabinet to continue dialogue with all relevant parties to build upon these themes and in particular the discussions about

- **Two new Express north to south bus routes**
- **Appropriate funding for both the social infrastructure required to support the expected growth and for the regional theatre to be sited within the revised Uxbridge town centre.”**

8.2 MOTION FROM COUNCILLOR ALLEN

Councillor Allen moved the following motion:

“Once again I feel compelled to put another motion on this issue. We all know that there are some buildings going up in many back gardens across the borough, which the owners are calling Games rooms, although in a number of cases they are being rented out as homes.

Time and again when an investigation is requested, the owners of said properties get given time to empty the property before a visit is made by an Enforcement Officer. Within days or weeks after a visit from an Enforcement Officer the building is once again rented out.

These buildings bring hidden costs for the Council as no data is collected/available to assist in the management of need, be it Housing, Health and Educational provision etc. Also as these are separate properties and the tenants are not on the Electoral register no Community charges are collected from them to pay for the services they use.

The anger from surrounding residents is further heightened by what they perceive as a doorstep service being supplied by the Planning Department to those who flout the rules. Residents are aggrieved that someone who ignores planning rules and puts up a building without permission is then assisted by being given advice by an Enforcement Officer on how to make changes to enable them to make a retrospective planning application. Although the building may, in some cases be permitted development, the use as a separate dwelling requires permission. It appears to residents that all assistance is given to people carrying out unauthorised development while those acting within the law often do not receive this level of personal help.

In view of the above the Council calls upon the Cabinet Member to look at this issue in depth and then take appropriate action.”

The motion was seconded by Councillor Garg.

The following amendment was moved by Councillor Burrows:

Delete paragraphs 1, 2, 3, and 4 and replace with:

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

This Council notes that it is a growing problem not helped by the Government’s changes to the planning system with regard to permitted development rights. It is pleased to note that officers for Planning Enforcement, Private Sector Housing and

the Councils Tax collection teams are now working together on this issue and that this issue will be given full scrutiny through the RESPOC and through the HIP process.”

Paragraph 5 - delete *“In view of the above the Council calls upon the Cabinet Member”* and replace with *“This Council calls upon the Cabinet Member for Planning & Transportation”*.

Paragraph 5 - after *“...take appropriate action.”* add *“including lobbying Central Government to review this long ignored area of Planning Legislation to give it more teeth to prevent this spread of what is often un-neighbourly development.”*

The amendment was seconded by Councillor Corthorne.

Following debate (Councillors Simmonds, Major, Duncan, Way and Markham), the amended motion was put to the vote and agreed.

The substantive motion was then put to the vote and agreed.

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

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

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

The meeting, which commenced at 7.30pm, closed at: 9.50pm

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nikki Stubbs on 01895 250472. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

LONDON BOROUGH OF HILLINGDON

PROPOSALS FOR CHANGES TO GOVERNANCE ARRANGEMENTS

1. In accordance with section 33E of the Local Government Act 2000, the London Borough of Hillingdon ["the Council"] has drawn up formal proposals for changes to its governance arrangements, following consultation with residents in the borough.
 2. The executive model which the Council wishes to adopt is the "new-style" Leader and Cabinet Executive [England].
 3. The size of the Cabinet is likely to be between eight and ten Members, including the Leader, but the final decision will be taken by the Leader following the date of the local elections to be held in 2010.
 4. The extent of individual Cabinet Member delegations will also be determined following the date of the local elections to be held in 2010.
 5. Section 33E of the Local Government Act 2000 states that the proposals may provide for a change in governance arrangements to be subject to approval in a referendum. The Council will not hold a referendum for the following reasons. Firstly, the low level of responses arising from the public consultation exercise, asking for a referendum to be held, suggests that the Council would not be justified in spending a considerable amount of time and public money in holding it. Secondly, as the Council is proposing to adopt a "new-style" Leader and Cabinet Executive model, which represents only a minor change from the current arrangements, this would amount to a further justification for not holding a referendum.
 6. The Council is required to set up a timetable for the implementation of the proposals and to provide details of any transitional arrangements which are necessary for the implementation. This timetable is outlined as follows:
 - 6 November 2008 - The Council decided its preferred model i.e. the "new-style" Leader and Cabinet Executive [England].
 - Beginning of September 2009 - 15 October 2009 - public consultation exercise.
 - 5 November 2009 - Council approval of these proposals.
 - 10 December 2009 - Council resolution to adopt the "new-style" Leader and Cabinet Executive [England]
 - May 2010 - Implementation of new governance arrangements to take effect three days after the date when the local elections are held.
 7. With regard to the transitional arrangements, the Council is not in any way prohibited from continuing to operate its current "old-style" Leader and Cabinet Model which will expire three days after the date when the 2010 local elections are held. It will therefore continue to operate this model until this time when the "new-style" model will replace it.
-

8. The Local Authorities [Functions and Responsibilities] [England] Regulations 2000 set out those functions which may, but do not have to be, the responsibility of an authority's executive. They are more commonly known as the "local choice" functions. These functions, which are currently set out on page 46 of the Council's Constitution, will continue to be discharged by the current Cabinet but this arrangement will be reviewed by the Council's new administration following the local elections in 2010.

9. Finally, the Council is obliged to consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The "new style" model will build on the already successful way in which the Council manages its improvement programme and will ensure continued effective decision making. This is demonstrated by the Council currently being recognised as the most efficient in London and the eighth best in the UK. This model will ensure the continued drive on improvement is maintained. It will also positively support and enhance the Council's efficiency programme at a critical time of ever increasing demands on services and the continued need to reduce the level of the overall Council budget.

This page is intentionally left blank

Minutes

EXTRAORDINARY COUNCIL

10 December 2009

Meeting held at the Civic Centre, Uxbridge



HILLINGDON
LONDON

Councillor Shirley Harper-O'Neill (Mayor)
Councillor David Yarrow (Deputy Mayor)

	<p>MEMBERS PRESENT:</p> <p>Councillors: Dave Allam Peter Curling John Major Lynne Allen Catherine Dann Michael Markham Bruce Baker Santokh Dhillon Carol Melvin Mo Bamber Tony Eginton Douglas Mills Ann Banks Sid Garg Mary O'Connor Tim Barker John Hensley John Oswell Josephine Barrett Henry Higgins David Payne Kenneth Bartram Graham Horn Ray Puddifoot Jonathan Bianco Pat Jackson Andrew Retter David Bishop Phoday Jarjussey John Riley Mike Bull Sandra Jenkins David Routledge Keith Burrows Allan Kauffman Avtar Sandhu Paul Buttivant Judy Kelly Scott Seaman-Digby George Cooper Liz Kemp David Simmonds Judith Cooper Peter Kemp Brian Stead Philip Corthorne Mo Khursheed Anthony Way Geoff Courtenay Eddie Lavery Michael White Mike Cox Richard Lewis Kay Willmott-Denbeigh Brian Crowe</p>
	<p>OFFICERS PRESENT: Hugh Dunnachie, Christopher Neale, Chris Spencer, Jean Palmer, Jeff Maslen, Philomena Bach, Raj Alagh, Lloyd White, Morgan Einon and Nikki Stubbs.</p>
	<p>PRAYERS</p> <p>Prayers were said by Pastor Derek Page.</p>
24	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillors Bliss, Duncan, Gardner, Harmsworth, MacDonald, Rhodes and Sansarpuri.</p>
25	<p>LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 (<i>Agenda Item 3</i>)</p> <p>Councillor Puddifoot moved the recommendations as set out in the report. This</p>

was seconded by Councillor Khursheed.

Following debate (Councillor Cox) the motion was put to a recorded vote.

Those voting for: The Mayor (Councillor Harper-O'Neill), the Deputy Mayor (Councillor Yarrow), Councillors Allam, Allen, Baker, Bamber, Banks, Barker, Barrett, Bartram, Bianco, Bull, Burrows, Buttivant, George Cooper, Judith Cooper, Corthorne, Courtenay, Crowe, Curling, Dann, Dhillon, Eginton, Garg, Hensley, Higgins, Horn, Jackson, Jarjussey, Jenkins, Kauffman, Kelly, Liz Kemp, Peter Kemp, Khursheed, Lavery, Lewis, Major, Markham, Melvin, Mills, O'Connor, Oswell, Payne, Puddifoot, Retter, Riley, Routledge, Sandhu, Seaman-Digby, Simmonds, Stead, Way, White and Willmott-Denbeigh

Those voting against: Councillors Bishop and Cox.

Those abstaining: none.

RESOLVED: That:

- 1. the "new-style" Leader and Cabinet Executive [England] form of governance, as provided for by the Local Government and Public Involvement in Health Act 2007, be adopted with effect on the third day after the date on which the 2010 local elections are held;**
- 2. the Head of Democratic Services be authorised to take the following steps in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007:**

[a] to secure that copies of a document setting out the provisions of the new governance arrangements are available at the Civic Centre for inspection by members of the public at all reasonable hours, and

[b] to arrange to publish a Notice in a local newspaper circulating in the borough which complies with the requirements of section 29[2] [b] of the Local Government Act 2000; and
- 3. the amendments to the Constitution, as previously approved by Council on 6 November 2008, and attached as Appendix B to the report, be confirmed.**

The meeting, which commenced at 7.30pm, closed at 7.45pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nikki Stubbs on 01895 250472. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

QUESTIONS FROM MEMBERS OF THE PUBLIC

5.1 QUESTION FROM GAY BROWN OF THE YIEWSLEY COMMUNITY INVOLVEMENT GROUP TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR BURROWS

We have several times asked why the car parking charges vary so much from one end of the Borough to the other. Since it appears that prices in the South, for example in struggling Yiewsley are as high as £1.20 per hour whilst thriving Ruislip and other centres in the North pay only 40p per hour. Would you please explain the rationalisation for the differences in scale of charges?

This page is intentionally left blank

REVIEW OF THE COUNCIL CONSTITUTION

Reporting Officers: Head of Democratic Services and Borough Solicitor

INFORMATION

1. The Constitution of the London Borough of Hillingdon sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Many of these processes are required by law, while others are a matter for the Council to choose. The Constitution contains 16 Articles, which set out the basic rules governing the Council's business.
2. The Constitution is reviewed on a regular basis to keep it up to date with legislative changes, best practice and to continue to meet the needs of the political interface, which is integral to the effective running of the Council.
3. Recent changes within the Council have necessitated a review of certain sections of the Constitution to reflect transfer of functions between Directorates, the departure of certain Heads of Service and the introduction of the new Corporate Landlord role as agreed by Cabinet on 17 December 2009.

RECOMMENDATION: That the proposed amendments to the Constitution, as detailed below be approved with immediate effect.

PROPOSED AMENDMENTS TO THE CONSTITUTION:

Part Three – Scheme Of Delegations to Officers

4. Deputy Chief Executive's Office – it is recommended that the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to make the necessary amendments to job titles and responsibilities etc. within the scheme of delegations to reflect:
 1. the removal of 'Major Construction Projects' from this Directorate
 2. the departure of the Head of Performance Improvement and Organisational Development and the redistribution of this post's responsibilities.
5. Planning and Community Services Directorate – it is recommended that the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to make the necessary amendments to job titles and responsibilities etc. within the scheme of delegations to reflect:
 1. The inclusion of the Corporate Landlord role as approved by Cabinet on 17 December including:
 - delegations for all planning matters to be to the Head of Planning and Enforcement Service – delegated to that post by the Director of Planning and Community Services as permissible under S101 of the Local Government Act 1972,
 - delegations for Local Land Charges matters to be to the Director of Planning and Community Services, the Deputy Director of Planning and Community Services and the Building Control Manager,
 - delegations for traffic matters to be to the Director of Planning and Community Services,

- The delegation for the new function of ‘Corporate Landlord’ to be to the Director of Planning and Community Services including a new set of delegations to read as follows (as recommended by Cabinet on 17 December):
 - i. To manage a projects team that will include asset review, options appraisal and feasibility, refurbishment and supporting the client management of all major property projects within the Council.
 - ii. To be responsible for managing and overseeing a Technical and Compliance Team which will be responsible for the maintenance of all Council property assets and also for all technical areas where the Council has a legal duty to comply with designated standards.
 - iii. To be responsible for Corporate Construction which not only includes all major construction projects but also all corporate building projects.
 - iv. To be responsible for Facilities Management Services and Contract Management.
 - v. to provide back office services in relation to:
 - Commercial and voluntary sector lease negotiation and management
 - Valuation of properties
 - Sales and acquisition of properties
 - Property information management, reporting and benchmarking
 - Strategy and asset management planning.

Part Two – Article 8 - Council Committees and Bodies

6. Licensing Committee – The Committee has powers to consider and approve Street Trading licence applications. To improve the level of public accountability to this process it is recommended that an additional Term of Reference be added to allow the Committee to establish and appoint sub-committees to determine applications for permanent Street Trading Licences and to consider applications for temporary licences where objections have been received or Ward Members have asked for consideration by the Sub Committee.
7. Appointments Committee – The roles and responsibilities of the Appointments Committee include Performance Appraisal arrangements for the Chief Executive and Directors. This function is carried out through an informal Panel comprising the Leader and relevant Cabinet portfolio holders who then make a report to the Appointments Committee itself. It is recommended that the Terms of Reference of the Committee be amended to reflect this process.

Updating and publication of the Constitution

8. The updated Constitution will also be available electronically on the Council’s intranet site HORIZON and the Council’s public website www.hillingdon.gov.uk .

FINANCIAL IMPLICATIONS

9. There are no direct financial implications arising directly out of this report.

LEGAL IMPLICATIONS

10. The Borough Solicitor has checked the proposed amendments to the Constitution and confirms that they are compliant with relevant legislation.
11. Under the terms of the Constitution, it is for full Council to decide whether or not to approve the proposed amendments.

BACKGROUND PAPERS :none

This page is intentionally left blank

RATIFICATION OF OBJECTION TO TRANSPORT AND WORKS ACT ORDER FOR AIRTRACK

Cabinet Member	Councillor Burrows
Cabinet Portfolio	Planning and Transportation
Officer Contact	Aileen Carlisle
Purpose of report	This report seeks the ratification of the Central and South Planning Committee's Decision to object to the proposed Airtrack Scheme being promoted by BAA on the grounds of the principle of development and on green belt grounds. Under the Transport and Works Act 1992, this decision is required to be ratified by Full Council.
Contribution to our plans and strategies	Community Strategy Local Development Framework
Financial Cost	There are unlikely to be any financial costs unless the issues raised in the Report cannot be resolved through negotiation prior to the public inquiry in late Spring 2010. If the reasons for objection cannot be resolved, it is likely to cost between £10k and £35k to put forward our case at the Inquiry. These costs if they were to arise would be covered by the contingency for planning inquiries.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	Heathrow Villages

RECOMMENDATIONS: That

1. in accordance with section 239 of the Local Government Act, the Council resolves
 - (a) to oppose the draft Order promoted pursuant to the Transport and Works Act 1992 (the draft Order) by Heathrow Airport Limited submitted to the Secretary of State for Transport on 24 July 2009 and known as the Heathrow Airtrack Order (and any other application or Order made to the Secretary of State under related legislation in connection with the promotion of such Order);
 - (b) to delegate to the Council's Central and South Planning Committee the passing of such resolutions as may be necessary or expedient in connection with the Council's opposition to such Order; and
 - (c) to ratify adopt and endorse the resolutions, and recommendations made by the Central and South Planning Committee to object to the Transport and

Works Act Order for Heathrow Airtrack Order under the Transport and Works Act 1992 made by it at its Committee meeting on 15 September 2009

- (d) **that the Director of Planning and Community Services may conduct the day to day opposition to such Order as may be necessary or expedient in connection with the opposition to such Order (including the withdrawal of opposition to such Order) subject to the direction of the Central and South Planning Committee, and subject to any further resolutions made by the Central and South Planning Committee as may be necessary or expedient in connection with the opposition to such Order.**

2. **the progress that has been made to date in resolving the issues raised in the report to the Central and South Committee be noted.**

INFORMATION

Reasons for recommendations

Alternative options considered

- I. Agree with the recommendation of the Central and South Planning Committee to object to the Proposed Scheme on the grounds of the principle of the development and green belt issues.
- II. Overturn the recommendation of the Central and South Planning Committee to object to the Proposed Scheme and support it

Comments of Policy Overview Committee(s)

The Residents and Environmental Services Policy Overview Committee have not commented on the report.

Supporting Information

1. BAA is promoting the Airtrack Scheme through the Transport and Works Act 1992. A consultation on the proposed Transport and Works Act Order took place between 24 July and 18 September 2009.
2. The proposed Scheme would connect Heathrow Airport to the south and south west of London and the surrounding regions. Services would operate to Reading, Guildford and London Waterloo and would be in addition to those already operating on these lines. At the same time, some Heathrow Express services would be extended through Heathrow Terminal 5 to Staines. The proposed scheme would also safeguard a potential route to the north.
3. The proposed Scheme includes:
 - A new connection at Staines linking the two existing railway lines there and providing a link from Heathrow to Reading and Guildford
 - A new station at Staines High Street
 - A new 4km length of track across Staines and Stanwell Moors, linking the Windsor line at Staines with Terminal 5 at Heathrow

- Fitting out the AirTrack platforms at Terminal 5, which were safeguarded for development to the west as part of the Terminal 5 planning permission.
4. It is anticipated that the scheme will achieve between 1-2% modal shift in public transport use at Heathrow. However, the business case for the scheme is yet to be finalised.
 5. The scheme within Hillingdon would involve the construction of a tunnel from Bedfont Court to the south west under the Colne River and Airport Way, and to the east under the A3044 on green belt land. While the land would be restored upon completion of this tunneling work, there would be a number of substantial permanent structures including intervention and escape buildings and shafts up to eight metres in height and an access road that would be retained. These permanent physical structures would adversely impact upon the visual amenity value and openness of the Green Belt.
 6. During construction, there will be a worksite in the vicinity of Bedfont Court. The scale of activity is unclear but would be subject to a Construction Strategy agreed with the local planning authority prior to the commencement of works.

Objection to Proposed Scheme

7. Whilst, in principle, public transport schemes such as Airtrack are welcomed, the Council finds itself in a difficult position. It was consulted on a proposal for a scheme which was supported by the Secretary of State in making his decision on the third runway. This is a decision that the Council contends is irrational and unlawful and is the subject of a separate legal challenge.
8. As a result of this and concerns about impact of the development on the Green Belt, the Central and South Planning Committee agreed the recommendations to object to the scheme on the grounds that:
 - (a) Insufficient evidence has been provided to justify the special circumstances that exist to justify development in the Green Belt
 - (b) Clarification is required that the proposed development is required for the existing two runway, 5 terminal airport and is not for the purpose of supporting the third runway development.
9. Because this is an objection to the proposal under the Transport and Works Act 1992, the recommendation of the Central and South Planning Committee has to be ratified by Full Council under Section 239 of the Local Government Act 1972. A holding objection has been sent to the Department for Transport, which is responsible for dealing with Orders such as this, pending the resolution of full Council to ratify the Central and South Planning Committee recommendation.

Progress Made to Address Reasons for Objection

10. A Public Inquiry will take place to hear objections to the Order in late Spring 2010. The Council will want to take its case to this Inquiry unless the issues raised in the report can be resolved. At this stage, Officers are hopeful that this will be the case.

11. The consultants for the promoters of the Scheme have contact Council Officers and initiated discussions in relation to the Council's objections to the Scheme.
12. A letter has been received by the Corporate Director of Planning and Community Services from Heathrow Airport Limited confirming that:
The Airtrack Project is included within the airport's Capital Investment Plan for a two runway, 5 terminal airport. It has always been HAL's intention to promote and implement this project irrespective of the government's decision on airport expansion.
13. The consultants have also confirmed that the case for allowing for development in the Green Belt needs to be strengthened. The business case for the proposal will be put forward along with the Applicants Statement of Case. If this matter is resolved to the satisfaction of Officers through the provision of this information, the other matters raised can be addressed through conditions and any related section 106 agreement.

Financial Implications

As noted in the previous section, progress is being made through negotiations with the applicant's consultants towards overcoming the reasons for objection set out in the Report to the Central and South Planning Committee. If these matters cannot be satisfactorily resolved, then the Council will have the opportunity to put its case forward at the Public Inquiry towards the end of Spring. Bearing in mind that legal and expert advice is likely to be required, it is anticipated that the costs of the Inquiry will be between £10k and £25k. These costs if they were to arise would be covered by the contingency for planning inquiries.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

There will be no long term impact on residents, however, there will be impacts on residents in Spout Lane North and potentially Longford residents during construction. As with Terminal 5, it is anticipated that these impacts will be addressed through the Code of Construction Practice that will be approved by Council Planning Officers prior to the commencement of construction.

Consultation Carried Out or Required

None required

CORPORATE IMPLICATIONS

Corporate Finance

A corporate finance officer has reviewed this report and is satisfied that the financial implications above set out in full the resource implications for the Council arising from the decisions recommended in the report.

Legal

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies that are identified in this report. This will enable them to make an informed decision in respect of an application.

Under the provisions of the Transport and Works Act, the Council has power to promote or power to oppose Bills in Parliament, and also has power to apply for, or as the case may be power to object to this order proposed under the Transport and Works Act 1992. However, that power is conditional on compliance with the requirements of section 239 of the Local Government Act 1972.

The Act requires the Council to resolve to oppose the order in full Council passed by a majority of the whole number of the members of the authority at a meeting of the authority held after the requisite notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority. The notice must give 10 clear days notice of the Council meeting where the resolution is to oppose the order. At the date of this report arrangements have been made to publish the advertisements on 16 December 2009 which is more than ten clear days from the date of the Council meeting.

In addition, Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

BACKGROUND PAPERS: Report to the Central and South Planning Committee on the Proposed Heathrow Airtrack Order (Consultation under Sections 1 and 5 of the Transport and Works Act Order)

This page is intentionally left blank

STATEMENT OF GAMBLING PRINCIPLES REVIEW (POLICY FRAMEWORK DOCUMENT)

Cabinet Member	Councillor Jenkins
-----------------------	--------------------

Papers with report	Appendix 1 - Draft Statement of Gambling principles 2010 – 2013 Appendix 2 - Consultation response table
---------------------------	---

HEADLINE INFORMATION

Purpose of report	To seek the approval for full Council approval of the draft statement of gambling principles, a policy framework document.
--------------------------	--

Contribution to plans and strategies	The Gambling Act 2005 requires the London Borough of Hillingdon to publish a statement of gambling principles every 3 years
---	---

Financial Cost	There are no additional financial implications directly associated with the recommendation of this report.
-----------------------	--

Relevant Policy Overview Committee	Residents' and Environmental Services
---	---------------------------------------

Ward(s) affected	All
-------------------------	-----

RECOMMENDATION: That, following Cabinet recommendation of 17 December 2009, Council approves the changes to the Gambling Policy / Statement of Principles as set out in Appendix 1.

INFORMATION

Reasons for recommendation

Cabinet has approved the draft statement of gambling principles and it is now submitted to full Council for full adoption on 14 January 2010.

Alternative options considered / risk management

None as the Gambling Act 2005 requires the Council, as the Licensing Authority, to publish a statement of gambling principles every 3 years.

Comments of Policy Overview Committee(s)

The Residents' and Environmental Services POC reviewed the draft policy and changes (in accordance with the policy framework procedure rules) at its meeting on 18 November. It endorsed them for consideration by the Cabinet.

Supporting Information

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

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

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

The full Licensing Authority were informed of the process and invited to make any comments or proposals for the new policy. This included Members of the Licensing Committee.

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

In summary, the changes to the policy include:

- Para 3.3 – 3.4 – New paragraphs added to replace old paras 3.3 – 3.18 as the working party felt that they were superfluous to the needs of the policy.
- Para 5.7 – Changes to the stakes and prizes of gaming machines have been made in line with the new statutory limits.
- Para 5.30 and 5.43 – The last sentence was removed as this was a duplication of other provisions within the Licensing Act 2003.
- Para 5.32 – The working party felt that the requirement for an applicant to submit a full detailed premises plan for a gaming machine permit was a duplication of the premises licence application process under the Licensing Act 2003. A new para 5.32 was added to cover the location of gaming machines.
- Para 6.1 – Revised to expand the definition of a 'Temporary Use Notice'.
- Para 6.5, 6.7 & 6.8 – Expanded to clarify the 'Temporary Use Notice' procedure.
- Para 8.4 – Revised by new paras 8.4 and 8.5 to expand the decision making powers of the Licensing Authority.

The draft policy was presented to the full Licensing Committee and subsequently endorsed on 1 October 2009.

Approval process and time-line

- Draft policy to be approved by the full licensing committee (*Approved on 1st October 2009*)
- Draft policy to RESPOC for review 18/11/09
- Draft policy to Cabinet for approval 17/12/09 (Cabinet endorsed the policy and recommended it to full Council).

- Policy to full Council 14/01/10 for adoption
- Policy comes into force until 2013

Financial Implications

The recommendation of the report has no direct financial implications beyond existing budget allocations.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The Gambling Act 2005 requires the Council, as the Licensing Authority, to have a Statement of Gambling Principles. This legislation requires the Licensing Authority to promote the three prime licensing objectives being:-

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

The Statement of Gambling Principles will therefore have an impact on local residents, service users, local businesses and communities.

Consultation Carried Out or Required

Full consultation on the minor amendments was carried out between 17 July 2009 and 28 August 2009.

Consultees included:

- Elected Members (Cabinet Member, Licensing Committee and RESPOC)
- Gambling trade representatives
- Responsible Authorities
- Neighbouring local authorities
- Local residents associations and local community groups
- Licensing Solicitors
- Licensed premises

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

CORPORATE IMPLICATIONS

Corporate Finance

A Corporate Finance Officer has reviewed the report and is satisfied that there are no direct financial implications arising from the recommendation of this report.

Legal

The London Borough of Hillingdon is required to reconsider and produce a revised Statement of Principles under Section 349 of the Gambling Act 2005 which states:

- (1) A licensing authority shall before each successive period of three years:
- (a) Prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period and,
 - (b) Publish the statement

The Statement of Principles has to be determined in consultation with the police, those representing the interests of persons carrying on local gambling businesses, those representing the interests of residents likely to be affected, the Gambling Commission and others that are suggested in the guidance. The process outlined in this report complies with the requirements of the Gambling Act 2005.

When carrying out its functions under the Gambling Act 2005, the Council's Licensing Committee, will apply this Statement of Principles, the Act itself, any Regulations, and Guidance from the Gambling Commission when determining its decisions.

As set out in Article 4 of the Council's Constitution, the Council's Statement of Gambling Policy is a policy framework document and therefore any approvals of such documents are required by full Council.

BACKGROUND PAPERS: The Gambling Act 2005; Gambling Commission Guidance to Local Authorities 3rd Edition

Contents	Page
Preface	

Additional text added shown in **bold**

Text deleted shown as ~~struck through~~

Preface

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

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

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

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

PART 1 THE GAMBLING ACT 2005

INTRODUCTION

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

The Licensing Framework

- 1.2 In exercising most of our decision-making functions we are required to have regard to the three Licensing Objectives set out in Section 1 of the Gambling Act, namely:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.3 We are also bound by section 153 of the Act, which requires us, in making decisions concerning Premises Licences and Temporary Use Notices, to aim to permit the use of premises for gambling insofar as we think fit, subject to such decisions being:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives; and
 - In accordance with this Statement of Licensing Principles

The Policy

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

Council meeting – 14 January 2010

- 1.5 **Part 1** of the principles document gives a summarised overview of the statutory framework within which most of our decisions will be made. It also includes a short profile of the Borough of Hillingdon, which is intended to set the scene from a local perspective.
- 1.6 The Council's approach to addressing the licensing objectives is discussed in detail in **Part 2**, but will be referred to, where relevant, throughout this document.
- 1.7 **Part 3** reflects that we have taken an integrated approach, as far as is possible, to ensure that the key objectives of the Act are met as well as provide important support to the Council's Community Strategy, "*Working together for a better future*" and various other core council objectives, initiatives and strategies. It also addresses the principle of non-duplication with other regulatory regimes.
- 1.8 **Parts 4 - 7** inclusive, sets out in detail the main principles this authority intends to apply when making decisions in respect of Premises Licences, Gaming and Gaming Machine Permits, Notices and Lottery Registrations.
- 1.9 **Part 8** describes our decision-making responsibilities and the allocation of those responsibilities and Part 9 comprises the various appendices referred to within the document.
- 1.10 Nothing in this policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in this policy will undermine the right of any person to make representations on an application, or seek a review of a licence where there is a legal power to do so.
- 1.11 This document should be read in conjunction with the Act, Regulations made under the Act and Guidance issued by the Gambling Commission. Our Statement of Principles is designed to be a strategic (Gambling) Licensing Policy, not an operational guide to the Gambling Act or a guide to the application process.
- 1.12 This policy is supplemented by guidance documents for residents and the trade on the application and licensing process. These documents will assist applicants and objectors in understanding their rights and responsibilities under the Act in respect of:
- applying for licences and other gambling permissions
 - making representations
 - complaints about a premises licensed under the Act and review rights
 - committee hearings and the decision making process
- The information is available on the Council's website or on request by contacting the Hillingdon Licensing Service.

CONSULTATION

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

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

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

- (i) The Chief Officer of Police for the London Borough of Hillingdon
- (ii) Persons who appear to this authority to represent the interests of persons carrying on gambling businesses in the borough of Hillingdon and neighbouring boroughs
- (iii) Persons who appear to us to represent the interests of persons who are likely to be affected by the exercise of this authority's functions under the Gambling Act 2005

1.15 A comprehensive list of the persons and/or bodies we have consulted is attached at Appendix A. A summary of the consultation responses can be found on the Council's website. The full list of comments made and consideration given to those responses is available on request by contacting the Authority's Licensing Team.

DECLARATION

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

PROFILE OF HILLINGDON

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

1.18 A Map of Hillingdon is attached at Appendix B showing the geographical area covered by this Policy.

AUTHORISED ACTIVITIES

- 1.19 Gambling' is defined in the Act as either gaming, betting or taking part in a lottery:
- (i) Gaming means playing a game of chance for a prize
 - (ii) Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true
 - (iii) A Lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process that relies wholly on chance.
- 1.20 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.
- 1.21 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Team where appropriate.

LICENSING AUTHORITY FUNCTIONS

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

Council meeting – 14 January 2010

RESPONSIBLE AUTHORITIES

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

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

- i) London Borough of Hillingdon Council Licensing Authority
- ii) The Gambling Commission
- iii) The Chief Officer of Police for the London Borough of Hillingdon (where relevant, Chief Officer of Police for Heathrow)
- iv) London Fire & Emergency Planning Authority, Hillingdon Fire Station
- v) London Borough of Hillingdon Council Planning Authority
- vi) London Borough of Hillingdon Council Environmental Protection Unit (*i.e. authority responsible for pollution and harm to human health*)
- vii) Hillingdon Local Safeguarding Board
- viii) HM Revenue and Customs
- ix) Authority for Vulnerable Adults
- x) A Licensing Authority in whose area the premises is situated (*i.e. the Council itself and also any adjoining Council where premises straddle the boundaries between the two*).

For Vessels only:

- (xi) Section 211(4) of the Act provides that the following are Responsible Authorities in addition to the authorities listed under section 157 of the Act:
 - (a) The Navigation Authority (*whose statutory functions are in relation to waters where the vessel is usually moored or berthed*)
 - (b) The Environment Agency,
 - (c) British Waterways and
 - (d) The Secretary of State for Culture, Media and Sport (DCMS)

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

DESIGNATED BODY PROTECTING CHILDREN FROM HARM

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

1.27 The principles are that:

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

Council meeting – 14 January 2010

- 1.28 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board (~~formally Hillingdon's Area Child Protection Committee~~) for this purpose.
- 1.29 The remit of the Board is to co-ordinate and scrutinise arrangements for safeguarding and promoting the welfare of Hillingdon's children. It operates throughout the Borough, is responsible for the area covered by the Licensing Authority and this Policy; and has specialist knowledge and experience in the protection of children to fulfil this role.

INTERESTED PARTIES

- 1.30 Interested parties can make representations about licence applications, or apply for a review of an existing licence. For the purposes of the Gambling Act 2005 interested parties will include persons who:
- (i) Live sufficiently close to premises carrying out gambling activities
 - (ii) Have business interests that might be affected; and
 - (iii) Represent persons listed above
- 1.31 We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. This Licensing Authority's principles are set out in the following paragraphs:

Statement Of Principles

- 1.32 Each case will be decided upon its merits. We will not apply a rigid rule to our decision- making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.
- 1.33 Interested parties can include trade associations and unions; and residents' or tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Within the meaning of the Act, interested parties can also be persons who are democratically elected such as Councillors and MPs.
- 1.34 Generally, the principles we will apply when deciding whether or not a person is an interested party will include looking at the size of the premises where larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities and the nature of the activities being conducted on the premises. As to the different elements of the definition of "Interested Party", the Licensing Authority will take into account the following specific matters of principle:
- 1.35 **Persons living "Sufficiently Close"**
The Licensing Authority recognises "sufficiently close to be likely to be affected" could have a different meaning for, for instance, a private resident, a residential school for children with problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its individual merits.

Council meeting – 14 January 2010

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

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

1.37 Persons with business interests likely to be affected

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

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

1.38 Persons/bodies representing persons named above

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

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

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

EXCHANGE OF INFORMATION

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

1.42 As Licensing Authority we are required to include in our policy statement the principles we intend to apply in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between us and the

Council meeting – 14 January 2010

Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act.

Statement of Principles

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

ENFORCEMENT

- 1.47 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 1.48 This Licensing Authority's principles are that:
- (i) It will be guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:
- Proportionate: we will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised
 - Accountable, with decisions being justifiable, and be subject to public scrutiny

Council meeting – 14 January 2010

- Consistent: rules and standards will be joined up and implemented fairly
- Transparent and Open: Licence conditions will be kept simple and user friendly
- Targeted: regulation will be focused on the problem, and minimise side effects.

(ii) The Council will avoid duplication with other regulatory regimes so far as possible.

(iii) This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

(iv) We note the Gambling Commission's guidance that: in order to ensure compliance with the law, this Licensing Authority must prepare a Risk - based Inspection Programme and that we carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories High, Medium High, Medium and Low; and that we also carry out 'non routine' evening programmed inspections. Where one-off events are taking place under a Temporary Use Notice or Occasional Use Notice, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.

(v) High-risk premises are those premises that require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

1.49 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which is authorised.

150. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission. This authority also understands from LACORS that the Gambling Commission will be responsible for compliance as regards unlicensed premises.

1.51 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act 1998, in particular:

- i) Article 1, of the First Protocol: that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
- ii) Article 6: that in the determination of civil rights and obligations everyone is entitled to a fair hearing within a reasonable time by an independent and impartial tribunal established by law.
- iii) Article 8: that everyone has the right to respect for his or her home and private family life
- iv) Article 10: that everyone has the right to freedom of expression within the law.

- 1.52 Any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.

PART 2 PROMOTING THE LICENSING OBJECTIVES

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

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

- 2.3 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 2.4 Anyone applying to the Council for a Premises Licence will have to hold an Operating Licence from the Gambling Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant. However, if during the course of considering a Premises Licence application or at any other time, the Licensing Authority receives such information that causes it to question the suitability of the applicant, those concerns will be brought to the immediate attention of the Gambling Commission.
- 2.5 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council will, in consultation with the Police and other relevant Responsible Authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. In appropriate circumstances, the Licensing Authority may consider appropriate conditions to be attached to the Licence, such as Door Supervisors.
- 2.6 Issues of disorder should only be dealt with under the Act if the disorder amounts to a form of activity, which is more serious and disruptive than mere nuisance, and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police or ambulance assistance was required to deal with it. Another factor which could be taken into account is

how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

- 2.7 The Licensing Authority recognises that disorder may be focused on premises and therefore recommends an applicant takes such controls as necessary to prevent such disorder and nuisance. Examples may include thought given to the way that gambling is conducted on the premises, sighting of large payout machines, levels of noise from public address systems that should ideally be sited at the back of the premises away from residential areas.
- 2.8 Where there are persistent levels of disorder, the Licensing Authority will liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.

ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

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

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

- 2.12 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.

- 2.13 This Authority notes and endorses the Gambling Commission statement that: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".
- 2.14 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. In relation to casinos only, the Gambling Commission will be issuing a code of practice about access to casino premises for children and young persons.
- 2.15 When considering whether to grant a premises licence or permit the Council will consider whether any measures are necessary to protect children or vulnerable young persons from being harmed or exploited by gambling, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc. These measures will be particularly relevant on mixed use premises, tracks where children have freedom of movement in betting areas on race days and in particular to the non-gambling areas of casinos. Other such measures may include appropriate signage, location of machines and numbers of staff on duty.
- 2.16 Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling; each application will be treated on its own merit. The term "vulnerable persons" has not been defined under the Act, but in seeking to protect vulnerable people the Council will consider that "vulnerable persons" include (but not limited to):
- (i) People who gamble more than they want to
 - (ii) People who gamble beyond their means, and
 - (iii) People who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs
- 2.17 Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:
- i) Betting Shops cannot admit anyone under 18
 - ii) Bingo Clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines
 - iii) Adult Entertainment Centres cannot admit those under 18
 - iv) Family Entertainment Centres and premises with an alcohol premises licence such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over 18

- v) Clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines
 - vi) Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- 2.18 With this Licensing Objective in mind, the Licensing Authority will take particular care when considering applications for more than one licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping malls. Where relevant, applicants will be expected to take measures to ensure young persons, and children are not in close proximity to gambling. Such measures could include sighting machines at the back of a premises so as to ensure young children do not have sight of such machines, not advertising gambling so as to encourage children and ensuring there is no accidental access to observe or enter premises used for gambling.
- 2.19 The Licensing Authority recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, physically separating Family Entertainment Centres and Adult Gaming Centres, and supervision of entrances.
- 2.20 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through another premises and will consider whether or not children can gain access; the compatibility of the two establishments and its ability to comply with requirements of the Gambling Act. The Licensing Authority will also consider whether the co-location of the licensed premises with other facilities will create an arrangement that is likely to be prohibited under the Act.
- 2.21 The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings carefully if they seek to develop multi purpose developments and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling. Applicants are also requested to consider entrances and exits from parts of the building covered by one or more licences. These exits and entrances should be separate and identifiable to ensure children do not 'drift' into a gambling area.
- 2.22 The Licensing Authority recommends that all staff is suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines. Appropriate measures should be taken to prevent under age use of such machines, including clear and appropriate signage, an approved Proof of Age scheme, a requirement for staff to be vigilant and aware at all times and ensuring the Adult Gaming area is not visible from the street.
- 2.23 The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people it will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

Council meeting – 14 January 2010

- 2.24 When determining the location of proposed gambling facilities, this Licensing Authority in appropriate circumstances, will consider very carefully the following factors when considering applications for Premises Licences, permits and other permissions:
- i) Proximity of premises to local schools
 - ii) Proximity of premises to centres that pose a high risk to vulnerable and young persons
 - iii) Proximity of premises to residential areas where there is a high concentration of children and young people
 - iv) Proximity of premises to places of worship, particularly where Sunday Schools are in operation

PART 3 INTEGRATING STRATEGIES AND OTHER REGULATORY REGIMES

INTEGRATING STRATEGIES

- 3.1 The Council considers that the Licensing Statement of Principles should provide clear indications of how we, as Licensing Authority, will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, equalities and diversity schemes together with other council plans introduced for the management of town centres and the night-time leisure economy. Many of these strategies are not directly related to the promotion of the three licensing objectives, but indirectly impact upon them. Coordination and integration of such policies, strategies and initiatives, so far as is possible and consistent with the licensing objectives, is therefore important to us. We will liaise with the relevant authorities or its directorates with regard to this and in doing so adopt a multi-disciplinary approach to ensure proper integration of local and national strategies to promote the licensing objectives, including making arrangements for the Council's Licensing Committee to receive reports from time to time on the:
- i) Needs of the local tourist economy;
 - ii) Cultural strategy for the area;
 - iii) Employment situation in the area and the need for new investment and employment where appropriate;
 - iv) Local Crime Prevention Strategies
 - v) Race Equality Schemes
 - vi) Enforcement Policy
- 3.2 Reports to the Licensing Committee from other relevant departments should enable the various agencies or departments with their own strategies, aims and objectives to keep the Licensing Committee aware of the wider picture in pursuance of the licensing objectives. It is our intention that we will, through the Council's Licensing Committee, monitor how the matters above set out impact on the licensing of gambling activities and facilities and other functions in order to achieve seamless integration of our licensing function with other relevant strategies and initiatives.

Council meeting – 14 January 2010

3.3 In order to avoid duplication with other statutory regimes, the Licensing Authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

3.4 Similarly, where other legislation confers powers on inspection and enforcement agencies in relation to separate activities and concerns relating to licensed premises, this policy does not affect the continued use of such powers by the relevant agency.

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

~~**Community Strategy 2005 – 2015**~~

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

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

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

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

~~3.7 We, as Licensing Authority, share and support the hopes, concerns and desires of the local peoples as expressed in the strategy. The Licensing Authority also shares and supports the aim of Hillingdon becoming a diverse, attractive and successful borough. This includes, amongst other things, a place where our children and young people will be well educated and better equipped to prosper in their adult lives; and where enterprise is encouraged, businesses supported and new jobs created for local people. Insofar as is consistent with the promotion of the licensing objectives, we will seek to exercise our powers so as to achieve these aims.~~

~~**Community Safety Strategy 2005 – 2008**~~

Council meeting – 14 January 2010

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

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

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

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

~~3.11 — In the same connection, local authorities must fulfil obligations under Section 17 of the Crime and Disorder Act 1998 which places a duty on them to do all they can to reasonably prevent crime and disorder in their area when carrying out their various functions. This obligation applies equally when carrying out our licensing functions under the Gambling Act. The purpose behind the Section 17 obligation is that the level of crime and its impact is influenced by decisions and activities taken in the day to day business of local bodies and organisations like us. It is aimed at giving the vital work of crime and disorder reduction focus across the wide range of local services and putting it at the heart of decision-making.~~

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

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

~~3.13 — Although the strategy recognises the importance of leisure and recreation, it also clearly underlines the need to prevent harm and provide support for our children and young people. This policy clearly supports this priority and it is in the Licensing Authority's view~~

~~Council meeting – 14 January 2010~~

~~an important one that we take very seriously. Not least, the third objective under the Gambling Act is "protecting children and other vulnerable persons from being harmed or exploited by gambling". We are aware that the Gambling Commission has stated that: "the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling". In this context we expect licence holders to work with the local community and the police to decrease the risk of harm to children and young people that may be caused by the activities taking place in their premises. This includes protecting them from falling victim to gambling-related crime or being tempted into criminal activity. We will in turn consider whether or not specific measures are necessary to protect children and young people at particular premises.~~

~~Planning And Building Control Policies~~

- ~~3.14 When determining an application, the Hillingdon Licensing Authority cannot take into account the likelihood of the applicant obtaining planning permission, listed building consent or building regulations approval. This policy seeks to stress that the planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency.~~
- ~~3.15 Licence applicants need to know that if a premises licence is granted in the absence of planning permission, this does not make consent from the Planning Authority a formality. Equally, having obtained planning permission beforehand does not guarantee a successful licence application. Consequently, licensing applications should not be seen as a re-run of previous planning applications and should not cut across decisions taken by other committees of the Council or following appeals against decisions taken by those committees.~~
- ~~3.16 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Planning Committee, where appropriate, on the situation regarding premises licensed for gambling in the area, including the general impact of gambling-related crime and disorder to enable the Planning Committee to have regard to such matters when making its decisions and avoid unnecessary overlap.~~

~~AVOIDING DUPLICATION WITH OTHER REGULATORY REGIMES~~

- ~~3.17 In addition to planning and building control, the Council enforces many other statutory requirements that relate to licensed premises. These include health and safety, food safety, control of nuisances and anti-social behaviour etc, each enshrined in separate pieces of legislation. When exercising its licensing functions the licensing authority will, so far as is possible, seek to avoid duplication of other regulatory regimes.~~
- ~~3.18 The non-duplication principle should also be taken to mean that, as far as possible, the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.~~

PART 4 PREMISES LICENCES

GENERAL PRINCIPLES

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

Council meeting – 14 January 2010

- 4.8 Where there are age restrictions on entry to certain premises, the Licensing Authority recommends applicants consider and adopt BACTA's and GamCare's joint training initiative on a *Site Age-of-Entry Control Policy*.
- 4.9 We also recognise that most customers are able to enjoy and control their gambling, however, where there are those who are unable to control gambling, the Licensing Authority recommends that applicants adopt BACTA's and GamCare's *Site Self-Exclusion Policy* for those particular clients to request their exclusion for a fixed period.

Definition of Premises

- 4.10 Premises are defined in the Act as "any place". Different premises licences cannot apply in respect of a single premise at different times. It is however possible for a single building to be subject to more than one premises licence, providing that each licence is for a different part of the building and such different parts can reasonably be regarded as different premises.
- 4.11 The Council will judge each case on its individual merits to decide as a matter of fact, whether different parts of a building can be properly regarded as being separate premises.
- 4.12 We note that the Gambling Commission, in their guidance, do not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. We support this view.
- 4.13 This licensing authority takes particular note of the Gambling Commission's Guidance for Local Authorities, which states that:
- i) Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
 - ii) Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and the ability to comply with the requirements of the Act. But in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

Provisional Statement

- 4.14 Under the Act an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The

Council meeting – 14 January 2010

Gambling Commission has advised that reference to the term, “the premises” are to the premises in which gambling may now take place. Therefore a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling.

- 4.15 It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the Licensing Authority can, if necessary, inspect it fully, as can other responsible authorities, with inspection rights under the Act.

Location

- 4.16 The Gambling Commission Guidance stipulates that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the licensing objectives can.
- 4.17 In accordance with the Gambling Commission’s Guidance for Local Authorities, this Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 4.18 This authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon, this policy statement will be updated accordingly. It should be noted that any such future policy will not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how any potential concerns can be overcome.

Duplication with other regulatory regimes

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

Conditions

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

Council meeting – 14 January 2010

- i) Relevant to the need to make the proposed building suitable as a gambling facility
 - ii) Directly related to the premises and the type of licence applied for;
 - iii) Fairly and reasonably related to the scale and type of premises: and
 - iv) Reasonable in all other respects.
- 4.23 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult-only areas etc. There are specific comments made in this regard under each of the licence types below.
- 4.24 This policy acknowledges that there are conditions that the licensing authority cannot attach to premises licences:
- i) Any condition on the premises licence which makes it impossible to comply with an operating licence condition
 - ii) Conditions relating to gaming machine categories, numbers, or method of operation
 - iii) Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
 - iv) Conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

- 4.25 The Gambling Commission advises in its Guidance for local authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- 4.26 This policy recognises that door supervisors at bingo or casino premises cannot be licensed by the Security Industry Authority (SIA). This Licensing Authority does not have specific requirements for door supervisors working at bingo or casino premises. Each case will be determined on its individual merits.
- 4.27 It is noted that for premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances or machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

CASINO PREMISES

- 4.28 This Licensing Authority has not passed a '*no casino*' resolution, under Section 166 of the Gambling Act 2005, to prohibit casinos in the Borough at present, but

Council meeting – 14 January 2010

is aware that it has the power to do so. The Council reserves its right to review this situation and may at some time in the future resolve not to permit casinos.

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

BINGO PREMISES

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

Council meeting – 14 January 2010

- iv) The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
 - v) At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 4.36 With regard to segregation of Category B and C machines from Category D machines, there is a requirement that there must be clear segregation between these types of machine so that children do not have access to Category B or C machines and the Licensing Authority will take into account any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.

Members' Clubs and Commercial Clubs

- 4.37 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a Bingo Operators Licence and the corresponding Personal and Premises licences.
- 4.38 With regard to turnover, where the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will inform the Gambling Commission accordingly.
- 4.39 The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

BETTING PREMISES

- 4.40 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Anyone wishing to operate a betting office will require a Betting Premises Licence from the Council.
- 4.41 Children and young persons will not be able to enter premises with a betting premises licence.
- 4.42 Betting premises will be able to provide a limited number of gaming machines and some betting machines.
- 4.43 The Council has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things: the size of the premises, the level of management, supervision and ability of staff to monitor the use of machines especially where children and young or vulnerable people are concerned; and the number of counter positions available for person-to-person transactions.

TRACKS

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

Council meeting – 14 January 2010

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

Betting Machines at Tracks

- 4.53 In addition to the comments above at betting machines in betting premises, similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. The licensing authority may consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.
- 4.54 This licensing authority notes the Commission's view, that it would be preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Condition on rules being displayed

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

ADULT GAMING CENTRES

- 4.56 As no one under the age of 18 is permitted to enter an Adult Gaming Centre, this Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Applicants are recommended to consider this Licensing Objective very carefully when applying for an Adult Gaming Centre.
- 4.57 As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare.
- 4.58 Where the Adult Gaming Centre is situated in a complex such as an airport, shopping area or motorway services station, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access.

FAMILY ENTERTAINMENT CENTRES (FECs)

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

(Licensed) Family Entertainment Centres

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

Statement of Principles

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

TRAVELLING FAIRS

- 4.65 Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements on the way the machine operates. They may provide an unlimited number of Category D gaming machines and it will fall to the licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 4.66 The Licensing Authority will consider whether or not a travelling fair falls within the statutory definition of a travelling fair and recognises that the 27 day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with the neighbouring authorities to ensure that land that crosses joint boundaries is monitored so that the statutory limits are not exceeded.

REVIEW OF PREMISES LICENCES

- 4.67 A Premises Licence may be reviewed by the Licensing Authority itself following an application or on its own volition. An Interested Party or Responsible Authority may also request that a premises licence be reviewed.
- 4.68 However, it is for the Licensing Authority to decide whether or not the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the Authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous requests for review.
- 4.69 The review will be:

Council meeting – 14 January 2010

- i) In accordance with any relevant Code of Practice issued by the Gambling Commission
 - ii) In accordance with any relevant Guidance issued by the Gambling Commission
 - iii) Reasonably consistent with the Licensing Objectives and
 - iv) In accordance with the Licensing Policy Statement.
- 4.70 Licensing Authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted.
- 4.71 The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate. This can extend to a review of a class of licences where it considers particular issues have arisen.

PART 5 GAMING PERMITS

INTRODUCTION TO PERMITS

- 5.1 Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
- 5.2 The Licensing Authority is responsible for issuing the following permits:
- Family Entertainment Centre (FEC) Gaming Permits
 - Club Gaming Permits and Club Machine Permits
 - Alcohol –licensed Premises Gaming Machine Permits
 - Prize Gaming permits
- 5.3 The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.
- 5.4 There are different considerations to be taken into account when considering the different types of permit applications. Please refer to the relevant parts of this below.

GAMING MACHINES

- 5.5 A gaming machine can cover all types of gambling activity, which can take place on a machine, including betting on virtual events. A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of chance imparted by the action of the machine would cause it to be a gaming machine.

- 5.6 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 5.7 There are four classes of gaming machines: Categories A, B, C and D, with category B further divided in sub-categories B1, B2, B3 and B4. The table below sets out the current maximum stakes and prizes that apply to each category:

CATEGORIES OF GAMING MACHINES

CATEGORY	MAXIMUM STAKE	MAXIMUM PRIZE
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D*	-	-
D non-money prize (other than crane grab machine)	30p	£8
D non-money prize (crane grab machine)	£1	£50
D money prize	10p	£5
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

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

- 5.8 The Gambling Act also prescribes the maximum number and category of gaming machines that are permitted in each type of gambling premises. This includes premises with permit entitlements, as well as licensed premises (see table on page 44 below):

Council meeting – 14 January 2010

NUMBER OF GAMING MACHINES BY PREMISES TYPE

TYPE	GAMING TABLES (MINIMUM)	GAMING MACHINES
REGIONAL CASINO	40	25 GAMING MACHINES CATEGORY A TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM OF 1,250 MACHINES
LARGE CASINO	1	5 GAMING MACHINES CATEGORY B TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM OF 150 MACHINES
SMALL CASINO	1	2 GAMING MACHINES CATEGORY B TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM 80 MACHINES
BINGO PREMISES	N/A	8 GAMING MACHINES CATEGORY B3 AND B4 UNLIMITED MACHINES CATEGORY C UNLIMITED CATEGORY D MACHINES
BETTING PREMISES	N/A	4 GAMING MACHINES CATEGORY B2 TO D
TRACK BETTING PREMISES WHERE POOL BETTING LICENCE HELD	N/A	4 GAMING MACHINES CATEGORY B2 TO D
ADULT GAMING CENTRE	N/A	4 GAMING MACHINES CATEGORY B3 TO D UNLIMITED CATEGORY C UNLIMITED CATEGORY D
FAMILY ENTERTAINMENT CENTRE WITH OPERATING LICENCE	N/A	UNLIMITED GAMING MACHINES CATEGORY C TO D
FAMILY ENTERTAINMENT CENTRE WITH GAMING PERMIT	N/A	UNLIMITED GAMING MACHINES CATEGORY D
MEMBERS CLUB PREMISES	N/A	3 GAMING MACHINES CATEGORY B4 TO D
ON SALES ALCOHOL LICENSED PREMISES WITHOUT FOOD RESTRICTION	N/A	2 GAMING MACHINES CATEGORY C TO D BY NOTIFICATION UNLIMITED CATEGORY C TO D WITH ALCOHOL PREMISES GAMING PERMIT

Council meeting – 14 January 2010

(UNLICENSED) FEC GAMING MACHINE PERMITS

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

Statement of Principles

- 5.12 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include background checks on staff, training for staff in dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.
- 5.13 Applicants will be expected to demonstrate:
- i) A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
 - ii) That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
 - iii) That staff are trained to have a full understanding of the maximum stakes and prizes; and
 - iv) An awareness of local school holiday times and how to identify the local education office should truants be identified.
- 5.14 Compliance with the Code of Practice in relation to FECs, issued by BACTA, will be taken by the Licensing Authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.
- 5.15 As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:
- (i) A plan of the premises to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers and indicating

the location of appropriate clear and prominent notices and barriers, such Notices to state:

- (a) That no unaccompanied child will be permitted to remain on the premises if that person is required by law to attend school;
 - (b) Highlighting the need to play responsibly;
 - (c) The number and location of Category D machines;
- (ii) Evidence of staff training by way of a Premises Log Book, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises;
 - (iii) The amount of space around gaming machines to prevent jostling of players or intimidation.
 - (iv) Location and supervision of Automated Teller Machines
 - (v) Proof of Age scheme
 - (vi) Evidence that the applicant has complied with Health and Safety and Fire Safety legislation.
 - (vii) Details of opening hours.
 - (viii) Details of external appearance of premises
 - (ix) Numbers of staff employed
 - (x) Insurance documents and any other such information the Licensing Authority will from time to time require.
 - (xi) Any other policies or procedures in place to protect children from harm.
- 5.16 The above statement of principles will apply in relation to initial applications only and not to renewals.
- 5.17 With regard to renewals, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.
- 5.18 Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.
- 5.19 Where the Permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed.
- 5.20 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues and will also consider an applicant's suitability for FEC permits and factors taken into account will include the Applicant's criminal record and previous history and experience of running similar premises, if any.

CLUB GAMING AND CLUB MACHINES PERMITS

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

5.22 Club Gaming Permit

Club gaming permits allow the premises to provide:

- i) Up to three machines of categories B, C or D
- ii) Equal chance gaming; and
- iii) Games of chance as set out in regulations.

5.23 Club Gaming Machine Permit

A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.

5.24 Before granting a permit, the Licensing Authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Gambling Act and may grant the permit provided the majority of members are over 18.

5.25 The Licensing Authority recognises that there is a 'fast track' procedure for premises holding a Club Premises Certificate under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which the Licensing Authority can refuse a permit are reduced.

ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS

5.26 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises licence holders merely need to notify the Licensing Authority that they intend to exercise their automatic entitlement to gaming machines in their premises.

5.27 Under section 284 the Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

5.28 Should it necessary to issue section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. The authority will hold a hearing if the licensee requests it.

5.29 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based

upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

Statement of Principles

- 5.30 This Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to the adult-only gaming machines. ~~The Licensing authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.~~
- 5.31 Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- ~~5.32 A plan must accompany applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.~~
- 5.32 The Licensing Authority will usually expect holders of gaming machine permits to ensure that the gaming machines are sited in accordance with any relevant code of practice issued by the Gambling Commission and to ensure that they can be adequately supervised whilst in use.**
- 5.33 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an adult entertainment centre premises licence.
- 5.34 It should be noted that the Licensing Authority is empowered to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 5.35 It should also be noted that the holder of a permit to must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 5.36 Notifications and applications for two or three machines will be determined by Licensing Officers. Those for four to five machines will be determined by Licensing Officers’ in consultation with the Chairman of the Licensing (Licensing Act 2003) Committee. Applications for more than five machines will be referred to a Licensing sub-Committee for determination.

PRIZE GAMING PERMITS

- 5.37 The licensing authority may prepare a statement of principles which they propose to apply in exercising their functions which may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit.
- 5.38 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs providing none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.
- 5.39 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 5.40 Applicant should set out the types of gaming they are intending to offer and should be able to demonstrate:
- i) That they understand the limits to stakes and prizes that are set out in Regulations; and
 - ii) That the gaming offered is within the law.
- 5.41 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing authority cannot attach conditions. The conditions in the Act are:
- i) The limits on participation fees, as set out in regulations, must be complied with
 - ii) All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
 - iii) The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - iv) Participation in the gaming must not entitle the player to take part in any other gambling.
- 5.42 Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.

Statement of Principles

- 5.43 This licensing authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to unequal

~~chances prize gaming. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.~~

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

PART 6 TEMPORARY AND OCCASIONAL USE NOTICES

TEMPORARY USE NOTICES (TUN)

~~6.1 A Temporary Use Notice may only be granted to a person or company holding a relevant Operating Licence and there are a number of statutory limits as regards TUNs. Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a notice.~~

6.1 A Temporary Use Notice ("TUN") is a notice which authorises a person or an organisation to conduct gaming activities for a temporary period of time at a particular premises. However, a TUN may only be granted if the premises user is already in possession of a relevant Operating Licence. The London Borough of Hillingdon is bound by a number of statutory limits as regards TUNs. Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a TUN.

6.2 The reference to a 'set of premises' prevents one large premise from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.

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

6.4 In considering whether a place falls within the definition of a 'set of premises' the Licensing Authority will look at the ownership/occupation and control of the premises and the Licensing Authority will consider whether different units are in fact different 'sets of premises'. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as one premise and would not be granted a temporary use notice for each of its exhibition halls.

6.5 A TUN must be lodged with the Licensing Authority not less than three (3) months and one (1) day before the day on which the gambling event will begin. The person who is giving the TUN must ensure that the

notice and copies are with the Licensing Authority and named responsible authorities within seven (7) days of the date of the notice.

- 6.6 On receipt of a TUN the Licensing Authority will send a written acknowledgement as soon as is reasonably practicable and this may be by way of e-mail.
- 6.7 **If no objections are made within 14 days of the date of the temporary use notice, the Licensing Authority will grant and return the notice with an endorsement of validity.**
- 6.8 **If objections are received within 14 days of the date of notice, a hearing will be held to consider the issue of a TUN. Those who raise objections may offer modifications to the notice that will resolve their objections. If all participants to a hearing agree that a hearing is unnecessary, the hearing may be dispensed with.**
- 6.9 The Licensing Authority may object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. The Licensing Authority and other bodies to which the notice is copied may give notice of objection but they must have regard to the Licensing Objectives and where there are such objections, they must give a notice of objection to the person who gave the TUN, such notice will be copied to the Licensing Authority.

OCCASIONAL USE NOTICES (OUN)

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

PART 7 REGISTRATION OF SMALL SOCIETY LOTTERIES

DEFINITION OF SMALL SOCIETY LOTTERY

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

- i) Licensed Lotteries (requiring an Operating Licence from the Gambling Commission); and
 - ii) Exempt Lotteries (registered by the Licensing Authority)
- 7.2 Exempt Lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:
- i) Small Society Lotteries;
 - ii) Incidental Non-Commercial Lotteries;
 - iii) Private Lotteries:
 - iv) Private Society Lottery
 - v) Work Lottery
 - vi) Residents' Lottery
 - vii) Customer Lotteries
- 7.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category, and therefore registered by the Licensing Authority, because their proceeds are below specified levels. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits will be made available on the Council's website or by contacting the Licensing Authority.

THE LICENSING AND REGISTRATION SCHEME

- 7.4 Applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 7.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's Guidance.
- 7.6 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of his registration. In addition, the Licensing Authority will make available for inspection by the public, the financial statements/returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned.
- 7.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an Operating Licence held by the applicant for registration has been revoked, or an application for an Operating Licence made by the applicant for registration has been refused. Where the Licensing

Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.

- 7.8 The Licensing Authority may refuse an application for registration if in their opinion:
- i) The applicant is not a non-commercial society;
 - ii) A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
 - iii) Information provided in or with the application for registration is false or misleading.
- 7.9 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society.
- 7.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available on its website its procedures on how it handles representations.
- 7.11 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 7.12 Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an Operator's Licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.

PART 8 DECISION MAKING

THE LICENSING COMMITTEE

- 8.1 The Licensing Committee will consist of at least 10 Members. Licensing Sub-committees consisting of 3 Committee Members will hear any relevant representations from Responsible Authorities and interested parties. Any of these individuals or groups may specifically request a representative to make representations on the applicant's behalf. This could be a legal representative, a friend, an MP or a Ward Councillor.
- 8.2 Where a councillor who is a member of the licensing committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from

any involvement in the decision-making process affecting the licence in question.

8.3 The Licensing Committee will not place themselves in situations where their honesty or integrity may be questioned, will make decisions on their merit and will reach their own conclusions on the issues laid before them and will act in accordance with those conclusions taking into account as necessary and proper, the views of others.

~~8.4 The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other legislation. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable.~~

8.4 Licensing Authorities must have regard to the licensing objectives when exercising their functions in relations to premises licences, temporary use notices and some permits.

8.5 The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to being reasonably consistent with the Licensing Objectives; the Human Rights Act 1998; any relevant code of practice under Section 24 of the Gambling Act 2005; any relevant guidance issued by the Commission under Section 25 of the Gambling Act 2005; and this Statement of Policy. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable.

DELEGATION OF DECISION MAKING RESPONSIBILITIES

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

8.6 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at Appendix D.

8.7 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, will be delegated to Council Officers.

PART 9

APPENDIX A

SCHEDULE OF CONSULTEES TO DRAFT POLICY

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

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

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

All Elected (Ward) Councillors, London Borough of Hillingdon Council
 All "Responsible Authorities" as defined under the Gambling Act (*see Appendix 3 for list and contact details*)
 All six Directorates within London Borough of Hillingdon Council
 Alcoholics Anonymous (AA)

Community Safety and Strategic Partnership; and /or
 Crime and Disorder Reduction Partnership
 Gamblers Anonymous
 Government Organisations: (LGA, ODPM, LACORS)
 Hillingdon Action Group for Addiction Management (HAGAM)
 Hillingdon Association of Voluntary Services
 Hillingdon's Children and Young People's Partnership Board (CYPSPB)
 Hillingdon Community and Police Consultative Group
 Hillingdon Drug and Alcohol Services
 Hillingdon and Ealing Citizens Advice Bureau (HECA): Hayes, Ruislip & Uxbridge Bureaus
 Hillingdon Law Centre
 Hillingdon Mind
 Hillingdon Primary Care Trust
 Hillingdon Public Libraries (*for members of the public*)
 Hillingdon Salvation Army
 Hillingdon Samaritans
 Hillingdon Youth Offending Service
 Hillingdon Tenants and Residents Associations
 Hillingdon Federation of Community Associations & similar bodies
 Local Licensing Solicitors in Hillingdon
 Local Strategic Partnership (*Hillingdon Partners*) – (*See Council website for list of members*)
 Uxbridge Initiative
 Uxbridge Magistrates Court

NEIGHBOURING LONDON, COUNTY AND DISTRICT COUNCILS

London Boroughs of: Brent, Ealing, Hammersmith & Fulham, Harrow and Hounslow
 (*West London Alliance Members*)
 And:
 Slough Borough Council
 Spelthorne Borough Council
 Hertfordshire County Council

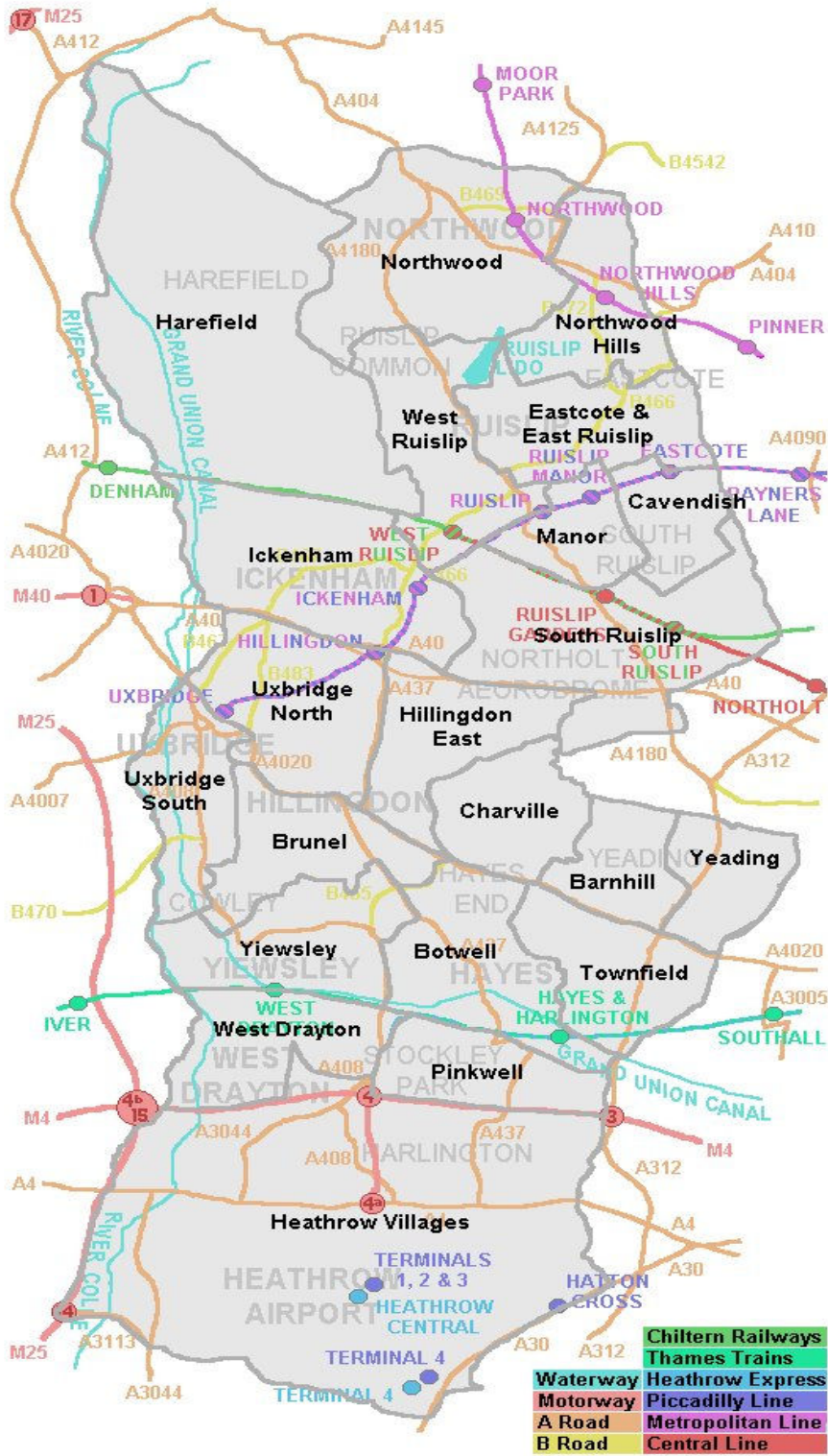
South Bucks District Council
Three Rivers District Council
CURRENT HOLDERS OF LICENCES,
PERMITS etc. IN HILLINGDON:
Persons holding Amusement Arcade
Permits
Persons holding bingo licences or
bingo certificates
Persons holding betting and
bookmakers permits
Representatives of Premises Licence
holders with section 34 gaming
permits (including Breweries that hold

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

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

APPENDIX B

MAP OF HILLINGDON



APPENDIX C

SCHEDULE OF RESPONSIBLE AUTHORITIES

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

Hillingdon Licensing Authority
c/o The Licensing Service Manager
Dept of Environment & Consumer
Protection London Borough of
Hillingdon
Civic Centre, Uxbridge
UB8 1UW

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

Chief Officer of Police, London
Borough of Hillingdon
c/o Licensing Sergeant
Northwood Police Station
2 Murray Road
Northwood
HA6 2YW

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

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

Hillingdon Planning Authority
c/o The Development Control Manager
Department of Planning &
Transportation
London Borough of Hillingdon

Civic Centre, Uxbridge
UB8 1UW

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

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

HM Revenue & Customs
Greenock Accounting Centre
Custom House
Custom Quay, Greenock
PA15 1EQ

Authority for Vulnerable Adults
*(Yet to be decided by the Secretary of
State)*

Authorities for Vessels:
Navigation Authority
The Enforcement Agency
The British Waterways Board
The Secretary of State

APPENDIX D

SUMMARY OF DELEGATION OF POWERS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be proposed by officers and then approved by Cabinet)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX 2 - consultation responses

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

Page 83

This page is intentionally left blank

COUNCIL TAX BASE 2010/11

Reporting Officer: Director of Finance and Resources

SUMMARY

This report sets out the Council Tax Base for the year 2010/2011, in accordance with the legislation, for approval by the Council.

It shows a net increase in the Council Tax Base of 1,417 (1.47%). The following are the main factors that have helped to increase the Council Tax Base:

- An increase of 810 in the number of new properties in Valuation List.
- A reduction of 76 in the number of Single Occupancy Discounts, due to a full review of all persons claiming the discount which was carried out in 2009-10
- A reduction of 200 in the number of exemptions, following a review carried out in 2009-10
- A reduction of 241 in the estimated number of exemptions for 2010-11.

RECOMMENDATIONS: That

- 1) **the report of the Director of Finance, for the calculation of the Council Tax Base for 2010/2011, be approved.**
- 2) **pursuant to the report of the Director of Finance, and in accordance with the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003, the amount calculated by the London Borough of Hillingdon as its Council Tax Base for the year 2010/2011 shall be 97,952.**

INFORMATION

The Council is required to calculate its Tax Base as at 30 November 2009, by 31 January 2010.

The calculation for determining the relevant amount for each band is prescribed under the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003. The calculation is based on the following formula:

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

Where:

H = The number of chargeable dwellings for the band on the relevant day, less the estimated number of exempt dwellings on that day.

Q = Is a factor to take account of the discounts to which the amount of council tax payable was subject on the relevant day.

J = An estimation of any adjustments in respect of changes in the number of chargeable dwellings, discounts or exemptions calculated by the authority.

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

G = The number applicable to Band D (i.e. 9).

The relevant date for 2010/2011 is 30th November 2009.

Calculation of Council Tax Base 2010/2011

Set out below is a summary of the Council Tax Base, showing the estimated collection rate and allowance made for contributions in lieu of Council Tax in respect of Forces Barracks and Married Quarters. The detailed calculation of the Council Tax Base by Band is shown at Appendix A to this report.

TOTAL OF BAND D EQUIVALENT PROPERTIES	
Band	Number
A	399
B	3,318
C	16,129
D	39,465
E	19,395
F	12,180
G	6,798
H	695
Total	98,379
Equivalent Number Adjusted for Estimated Collection Rate (98.7%)	97,100
Allow for contribution in lieu of Council Tax in respect of Forces Barracks and Married Quarters	852
COUNCIL TAX BASE FOR 2010/2011	97,952

Estimated Collection Rate

It is a requirement of the Council Tax legislation (SI 1992 No 612) for the Authority to make an estimate of its collection rate in determining the Council Tax Base. The estimated collection rate is reviewed each year taking account of actual collection trends both in year and over a period of time. For information the estimated collection rate used for 2009/2010 was also 98.7%.

Changes in the Council Tax Base since 2009/2010

In calculating the Council Tax Base for 2010/2011 the authority has to estimate the various changes that will occur during the financial year. Due consideration also has to be given to the actual level of activity experienced in the current financial year 2009/2010. The changes are detailed by Band in Appendix A and summarised in Appendix B.

Section 106 of the Local Government Finance Act 1992

It is noted that this report falls within the provisions of Section 106 of the Local Government Finance Act 1992. Any Member, who is two or more months in arrears with his/her Council Tax, must declare the fact and not vote on the recommendations.

FINANCIAL COMMENTS

This report details the calculations of the Council Tax Base for 2010/2011. The figure for the total Band D equivalents, 97,952, is 1.47% higher than the current year's figure of 96,535. This is due to a number of factors set out above and shown in Appendix B to this report.

The factors with the most significant individual impact on the Council Tax base are the increase in the number of properties on the Valuation List and the decreased number of exemptions throughout the year. This has resulted in an overall increase in the Council Tax Base between 2009/2010 and 2010/2011 of 1.47%

LEGAL IMPLICATIONS

The Borough Solicitor reports that the legal implications are contained in the body of the report.

This page is intentionally left blank

Calculation of Council Tax base (Band D equivalents) for 2010-2011 as at January 2010

Line	CALCULATION OF 'H' (The number of chargeable dwellings on valuation list)	source	+/-	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
1	Number of properties in the valuation list as at 01/12/09 (effective date) (Document C(1))	C1	+	755	5,450	21,540	44,296	17,532	9,322	4,516	389	103,800
2	Less exempt Properties	D2	-	67	291	756	1,386	476	317	211	18	3,522
3A	LESS Properties re Disabled Persons relief - Drop a Band	D3	-	0	9	58	256	153	108	43	21	648
3B	PLUS Properties re Disabled Persons relief - Drop a Band	D4	+	9	58	256	153	108	43	21	0	648
4												
5	Value of 'H' (Sum of line 1 less line 2,& 3 plus line 4)	CALC	+	697	5,208	20,982	42,807	17,011	8,940	4,283	350	100,278
	CALCULATION OF 'Q' (the value of discounts allowed)											
6	Number of properties entitled to single occupancy discount	D5		418	3,465	10,898	12,207	4,227	1,855	630	23	33,723
7	Line 6 above converted into common factor (ie actual number x 25%)	CALC	+	105	866	2,725	3,052	1,057	464	158	6	8,433
8	Number of properties entitled to a 50% discount as all residents disregarded	D6		0	13	17	15	15	16	28	12	116
9	Line 8 above converted into common factor (ie actual number x 50%)	CALC	+	0	7	9	8	8	8	14	6	58
10	Number of properties treated as a second home (ie unoccupied and furnished)	D7		37	157	387	398	132	60	41	3	1,215
11	Line 10 above converted into common factor (ie actual number x 25%)	CALC	+	9	39	97	100	33	15	10	1	304
12	Number of properties treated as long term empty	D8		31	65	196	248	96	61	49	10	756
13	Line 12 above converted into common factor (ie actual number x 0%)	CALC	+	0	0	0	0	0	0	0	0	0
14	Value of 'Q'	CALC	-	114	912	2,831	3,160	1,098	487	182	13	8,797

Calculation of Council Tax base (Band D equivalents) for 2010-2011 as at January 2010

CALCULATION OF 'J' (Expected adjustments to number of properties on valuation list)												
15	New properties added to valuation list since relevant date	G	+	0	0	0	0	0	0	0	0	0
16	Properties completed but not yet shown on valuation list	F1+ F2	+	32	22	57	39	29	28	12	11	230
17	Properties known to be on valuation list but to be taken out of list as demolished	F2	-	2	0	15	15	0	2	1	0	35
18	Assumed increase in no of properties over year	H	+	0	5	101	71	22	18	9	3	229
19	Estimated change to discounts	J	+	0	0	0	0	0	0	0	0	0
20	Estimated changes to exemptions	K	-	13	58	151	277	95	63	42	4	704
21	Value of J	CALC	+	17	-31	-8	-182	-44	-19	-22	10	-280
22	Value of (H-Q+J)	CALC		600	4,265	18,143	39,465	15,869	8,434	4,079	347	91,201
23	Convert to band D equivalent properties (F/G) where G = 9 and F = number shown in column.			6	7	8	9	11	13	15	18	
24	Band D Equivalent properties by Band	CALC		399	3,318	16,129	39,465	19,395	12,180	6,798	695	98,379
30	Collection rate allowance	98.70%								1.30%		-1,279
31	Estimated Collectable Band Properties											97,100
32	Ministry of Defence properties	MOD		852								852
33	COUNCIL TAX BASE											97,952

Table showing the changes to the 2009/2010 Council Tax Base to arrive at the 2010/2011 Council Tax Base

	Count of Band D equivalent properties	Ministry of Defence Properties	Collection Rate Allowance 1.3%	Tax Base
2009/10 Council Tax Base as reported to Council on 22 nd January 2009	97,022	774	-1,261	96,535
Increase in tax base due to increase in properties in the Valuation List as at 30/11/09 (effective date)	810			
Decrease in tax base due to decreased in numbers of properties completed but not yet shown on Valuation List	-16			
Decrease in tax base due to increase in the number of properties on valuation list to be taken off as demolished	-21			
Increase in tax base due to an increase in estimate of additional properties to be completed over the year	52			
Increase in tax base due to decrease in exemptions	200			
Decrease in tax base due to increase in number of properties with Disabled Persons relief	-2			
Increase in tax base due to estimated decrease in exemptions over year.	241			
Increase in tax base due to decrease in single occupancy discount cases	76			
Decrease in tax base due to increase in number of properties where all residents disregarded	-1			
Increase in tax base due to decrease in 2 nd homes	18			
Other Changes		78	-18	
TOTAL Changes in tax base	1357	78	-18	1,417
Council Tax Base 2010/11	98,379	852	-1,279	97,952

This page is intentionally left blank

QUESTIONS FROM MEMBERS

10.1 QUESTION FROM COUNCILLOR MARKHAM TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR BURROWS

Is the recent settlement from Transport for London the best response Hillingdon has ever received?

10.2 QUESTION SUBMITTED BY COUNCILLOR JUDITH COOPER TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR BURROWS

Can the Cabinet Member for Planning and Transportation please inform me of the gritting undertaken within the Borough during the recent bad weather?

10.3 QUESTION SUBMITTED BY COUNCILLOR PETER KEMP TO THE CABINET MEMBER FOR ENVIRONMENT – COUNCILLOR JENKINS

Can the cabinet member for the Environment please give me an update on our 40% recycling target for 2010?

10.4 QUESTION SUBMITTED BY COUNCILLOR ALLEN TO THE CABINET MEMBER FOR CULTURE, SPORT AND LEISURE – COUNCILLOR HIGGINS

Can the Cabinet Member please provide the Council with an opening date for the new Botwell Green Sports and Leisure Centre and an assurance that community groups using the current Hayes Library in Golden Crescent will be provided with equivalent accommodation in the new Centre?

10.5 QUESTION SUBMITTED BY COUNCILLOR EGINTON TO THE CABINET MEMBER FOR FINANCE AND BUSINESS SERVICES – COUNCILLOR BIANCO

Can the Cabinet Member inform the Council of the timetable for the disposal of the Hayes Swimming Pool site once the new Botwell Sports and Leisure Centre is open and what consultation there will be with the local community about the future uses of the site?

10.6 QUESTION SUBMITTED BY COUNCILLOR JARJUSSEY TO THE CABINET MEMBER FOR CULTURE, SPORT AND LEISURE – COUNCILLOR HIGGINS

Can the Cabinet Member inform the Council what action will be taken to prevent the vacated Hayes Swimming Pool building becoming a target for vandalism, intruders and graffiti, pending its demolition?

10.7 QUESTION SUBMITTED BY COUNCILLOR KHURSHEED TO THE LEADER OF THE COUNCIL – COUNCILLOR PUDDIFOOT

As a Councillor for Hayes, I am pleased to see that both Hillingdon and Ealing Councils have agreed to oppose the granting of planning permission for the current

scheme to develop the former Southall Gas Works site. However, I am concerned that the final decision will now be taken by the Mayor of London in view of the fact that the Greater London Authority has previously expressed support in principle for the development of the site and appears to have given little attention to the potential adverse effects on this Borough, particularly with regard to the impact on Minet Country Park and excess traffic on the Hayes By-Pass and in Hayes Town. In view of this, can the Leader of the Council explain what action he is taking to ensure that Hillingdon's views are given proper weight by the Mayor?

10.8 QUESTION SUBMITTED BY COUNCILLOR GARDNER TO THE LEADER OF THE COUNCIL – COUNCILLOR PUDDIFOOT

Does the Leader of the Council agree that the developers of Stockley Park have, to date, failed to take sufficient action to provide jobs for local people and to involve the local community?

10.9 QUESTION SUBMITTED BY COUNCILLOR KAUFFMAN TO THE CABINET MEMBER FOR CULTURE, SPORT AND LEISURE – COUNCILLOR HIGGINS

I have had many reports from people who enjoyed using the ice rink this year, will the Cabinet Member for Culture, Sport and Leisure assure me that this facility will be available again next Christmas?

10.10 QUESTION SUBMITTED BY COUNCILLOR RILEY TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR BURROWS

What can the Council do for residents to provide practical support during the consultation period once the High Speed 2 proposals are announced in March?

10.11 QUESTION SUBMITTED BY COUNCILLOR BANKS TO THE LEADER OF THE COUNCIL – COUNCILLOR PUDDIFOOT

Would the Leader of the Council please inform me of the protocols and any problems that may arise if the general election is called for on the same day as the local election?