



HILLINGDON
LONDON

VIRTUAL

Council

To all Members of the Council

Date: THURSDAY, 14 JANUARY
2021

Time: 7.30 PM

Venue: THIS IS A VIRTUAL
MEETING

**Meeting
Details:** Watch a live broadcast of this
meeting on the Council's
YouTube channel:
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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

Agenda

- 1 Apologies for Absence
- 2 Minutes 1 - 8

To receive the minutes of the meeting held on 19 November 2020.
- 3 Roll Call and Declarations of Interest

The Head of Democratic Services will ask each Member in alphabetical order to declare that they are present and whether they have any declarations of interest in any matter before the Council.

Please wait to be called then:

 - a) **unmute your microphone on your PC / tablet etc (if you are joining the meeting by telephone only, then please either locate the mute button or remain as quiet as possible until called upon to speak);**
 - b) **state your name and if you have any declarations of interest to make,**
 - c) **then please remember to, once again, mute your microphone or telephone.**
- 4 Report of the Head of Democratic Services 9 - 14
- 5 Mayor's Announcements
 1. **To receive the Mayoral Announcements**
 2. **The Mayor will call upon the Leader of the Council to make a statement in order to update all Members of the Council regarding the Council's ongoing response to the Covid19 pandemic.**
- 6 Statement of Licensing Policy 15 - 62

To consider the adoption of the Policy
- 7 Council Tax Base and Business rates Forecast 2021/2022 63 - 68

To consider the report of the Corporate Director of Finance (*attached*)
- 8 Members' Questions 69 - 70

To take questions submitted by Members in accordance with Council Procedure Rule 11

9 Motions

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To consider Motions submitted by Members in accordance with Council Procedure Rule 12

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Agenda Item 2

Minutes

COUNCIL

19 November 2020

Meeting held at VIRTUAL - Live on the Council's
YouTube channel: Hillingdon London



HILLINGDON
LONDON

Councillor Teji Barnes (Mayor)
Councillor Roy Chamdal (Deputy Mayor)

	<p>MEMBERS PRESENT: Councillors: Shehryar Ahmad-Wallana Scott Farley John Morse Lynne Allen Duncan Flynn June Nelson Simon Arnold Janet Gardner Susan O'Brien Jonathan Bianco Martin Goddard John Oswell Mohinder Birah Raymond Graham Jane Palmer Lindsay Bliss Becky Haggar Kerri Prince Wayne Bridges John Hensley Sir Ray Puddifoot MBE Nicola Brightman Henry Higgins Devi Radia Keith Burrows Allan Kauffman John Riley Alan Chapman Kuldeep Lakhmana Paula Rodrigues Farhad Choubedar Eddie Lavery Raju Sansarpuri Judith Cooper Richard Lewis Scott Seaman-Digby Philip Corthorne Heena Makwana David Simmonds CBE Peter Curling Michael Markham Jagjit Singh Nick Denys Stuart Mathers Brian Stead Alan Deville Carol Melvin Colleen Sullivan Jazz Dhillon Ali Milani Jan Sweeting Jas Dhot Douglas Mills Steve Tuckwell Janet Duncan Richard Mills David Yarrow Ian Edwards Peter Money Tony Eginton John Morgan</p>
	<p>OFFICERS PRESENT: Fran Beasley, Paul Whaymand, Tony Zaman, Dan Kennedy, Perry Scott, Mike Talbot, Raj Alagh, Lloyd White, Mark Braddock, Morgan Einon, Beth Rainey and Nikki O'Halloran</p>
29.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence had been received from Councillor Vanessa Hurhangee.</p>
30.	<p>MINUTES (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That the minutes of the meeting held on 10 September 2020 be agreed as a correct record.</p>
31.	<p>ROLL CALL AND DECLARATIONS OF INTEREST (<i>Agenda Item 3</i>)</p> <p>The Head of Democratic Services asked each Member in alphabetical order to declare that they were present and whether they had any declarations of interest in any matter before Council.</p>

32.	<p>REPORT OF THE HEAD OF DEMOCRATIC SERVICES (<i>Agenda Item 4</i>)</p> <p>i) Temporary Suspension of Council Procedure Rules for the Virtual Council Meeting Only</p> <p>Councillor Sir Ray Puddifoot moved, and Councillor Bianco seconded, the recommendation as set out in the Order of Business and it was:</p> <p>RESOLVED: That, under Standing Order 26.1, the specific Standing Orders set out in the report be temporarily suspended for the purposes of holding this virtual Full Council meeting only, with immediate effect.</p> <p>ii) Urgent Implementation of Decisions</p> <p>The recent urgent decisions taken were noted.</p>
33.	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 5</i>)</p> <p>The Mayor advised that Councillor Neil Fyfe, a Ward Councillor in Charville, had passed away at the weekend and that her thoughts were with his family. A minute's silence was held.</p> <p>In the six months since the start of her mayoralty, the Mayor had attended 111 events in person and 26 via Zoom and other electronic platforms. She had also posted 29 videos including 10 weekly vlogs on her YouTube channel since September 2020. Her channel had 92 subscribers, had been watched for 157 hours and had had 15,700 impressions. The Mayor would continue to engage with residents via the various means available.</p> <p><u>Statement from the Leader of the Council</u></p> <p>The Mayor invited the Leader of the Council to update all Members of the Council's ongoing local response to the COVID-19 pandemic.</p> <p>Hillingdon was nearing the end of a year that had seen the Coronavirus pandemic have a major effect on many people's lives across the country. Whilst the Council had needed to adapt and provide some services differently, Hillingdon had continued to deliver services to its residents since the start of the pandemic. Residents continued to send their thanks for the performance of Council staff in many areas of service delivery.</p> <p>As stated at the last Council meeting, Hillingdon's ability to manage finance and business processes had provided a firm base to enable the authority to deal with the ongoing pandemic. This financial year, the Council had budgeted to have just under £28m in balances at year end. By the end of September, the Council had been showing a surplus of £2.5m on the current year's budget, increasing the predicted year end balances to £30.5m.</p> <p>Hillingdon's estimated COVID financial pressure at the end of September had been £3.8m which was the difference between additional costs and income loss and the funding receivable from Government. Apart from balances, the Council had a good level of other reserves which had been earmarked for particular purposes. £9.1m had been earmarked to cover COVID costs.</p>

Whilst there would be additional costs attributable to the current lockdown period, there had also been further Government funding available. Accordingly, there would be no financial problems in the current year due to the Council's balances and earmarked reserves.

Over the coming months, the Council's medium financial forecast would be reviewed to plan appropriately for the coming years. For the avoidance of doubt, the Leader of the Council reiterated that he did not anticipate any reduction in service delivery. Whilst other regions of the country were now exceeding London with regard to new COVID-19 cases, the case level in Hillingdon had risen to place the Borough as the seventh highest of the London boroughs. Between 24 March 2020 and 18 November 2020, there had been 315 death registrations in Hillingdon that had contained suspected COVID as the cause of death. Accordingly, the Council and the community could not become complacent and the Leader urged residents and businesses to continue to follow Government guidelines.

The previous week, the Council had become part of the NHS tracing service. NHS Test and Trace would pass details to the Council of residents that had tested positive but who the NHS had not been able to contact. Once in receipt of this information, the Council would try to make contact by text, phone, email or a visit to capture information about the residents' activities in the days prior to their positive result.

It was anticipated that the temporary mortuary that had been situated at Breakspear Crematorium would be re-established in the coming weeks. The Council had also been asked to provide two vaccination hubs which would be located at Ruislip Young People's Centre in Bury Street, Ruislip and William Byrd Pool in Victoria Lane, Harlington.

The Council would continue to put the health and wellbeing of its residents at the forefront of everything it did. Staff, in all aspects of service from social care to finance and administration, continued to deliver for Hillingdon's residents. Whilst having the best parks and open spaces and the best refuse and recycling service in the country was good news in normal times, it was now more important than ever.

On behalf of the authority and the residents that it represented, the Leader offered his thanks to Council staff for their continued dedication to delivering services to residents. It was important to continue to recognise the severity of the current situation and refrain from the traditional political knock about activities and campaign and concentrate all efforts on COVID-19 and its consequences for all residents. The Leader of the Council was grateful to the Leader of the Opposition for his understanding and support on this.

34. **MEMBERS' QUESTIONS** (*Agenda Item 6*)

6.3 QUESTION SUBMITTED BY COUNCILLOR RODRIGUES TO THE CABINET MEMBER FOR HOUSING AND THE ENVIRONMENT - COUNCILLOR CORTHORNE:

"Would the Cabinet Member please provide details of the national award recently received by Hillingdon's Waste and Recycling Service?"

Councillor Corthorne advised that the Local Authority Recycling Advisory Committee (LARAC) Celebration Awards had been founded in 1985 to represent the interests of local authorities on recycling, waste and resource management issues. The LARAC

annual Celebration Awards recognised the hard work and showcased best practice across the UK.

Hillingdon had entered the 2020 Team of the Year category highlighting the Council's excellent work during the first months of lockdown to protect its frontline staff whilst continuing to provide waste services without disruption. Unlike most other local authorities, Hillingdon had maintained all of its free weekly services to residents, despite increased waste and recycling being placed out. This had been achieved with the support of the Council's passenger transport team.

Hillingdon residents had been delighted with the Council continuing all services and had showed their appreciation by attaching letters and cards to their waste bags, sending in emails of thanks and clapping the teams as they worked across the Borough.

The awards took place remotely on 14 October 2020 and Hillingdon won its category against strong competition. The Cabinet Member congratulated the team on winning such a prestigious award.

There was no supplementary question.

6.1 QUESTION SUBMITTED BY COUNCILLOR SWEETING TO THE CABINET MEMBER FOR EDUCATION, CHILDREN AND YOUTH SERVICES - COUNCILLOR O'BRIEN:

"Why is the Council proposing to build the new secondary school in Ruislip when there is:

- A greater need for more secondary places in the south of the borough, which is the area which has far fewer and very limited unfilled YR 7 places in its schools compared to schools in the north of the borough.*
- Where there is a greater child and overall population density, (as is evidenced by the attached map (contained in agenda) showing YR7 offers to secondary schools in September 2020).*
- Where there is currently an extremely limited choice for parents living in the south of the borough, which has necessitated the need for many parents applying for and gaining up to 7 Forms of Entry of places in out borough schools*
- Where the thousands of planned additional housing units are likely to increase the child population in the south of the borough even further, especially in the light of the increased housing density requirements of the recently adopted Hillingdon Local Plan Part 2 which is expected to bring forth more housing capacity to this area?"*

Councillor O'Brien advised that a paper had been considered by Cabinet during the previous week regarding the site of a new secondary free school. The report had made it clear that the proposal for a new free school in the north of the Borough had been directed by the Department for Education (DfE) and not the Council. Any newly built school was now legally required to be a free school which was directly funded by the Government and was not run by the local authority. A free school would typically be an academy-type school which had its own direction and autonomy.

The DfE had identified the need for new schools within its forward plan. Bids were then invited and decided by the DfE which then managed and funded the free school programme. Like many other authorities in London, Hillingdon had experienced a

significant rise in demand for school places over the last decade. The Council had a statutory obligation to offer a school place to all children that needed one that were resident in the Borough. To meet the needs of residents, the Council had been successful in its Building Schools for the Future programme delivering a multi-million pound school expansion programme to increase forms of entry in primary schools across the Borough including three new primary schools.

The number of children needing a primary school place now appeared to have stabilised but remained consistently high. The increased demand for new school places had moved into secondary schools and the Council had already successfully expanded a number of existing schools. This included rebuilding and/or expanding Northwood School, Vyners School and Ruislip High School in the north of the Borough. Oakwood School and Swakeleys School had been rebuilt and expanded in the centre of the Borough. The Council was also currently working with the DfE to expand Harlington School in the south of the Borough.

Given the rising demand for school places, the DfE invited bids in 2016 for secondary free schools in Hillingdon and had agreed two bids, both in the north of the Borough. No bids for secondary free schools had been received or approved by the DfE for the south of the Borough. The DfE had recently reviewed school expansion in the Borough and adjacent areas and had decided to progress with just one bid: Bishop Arden from the Veritas Academy Trust which oversaw Bishop Ramsay School. A new school from an outstanding provider would increase the total number of school places and the choice available across the Borough.

Education case law was clear that parents were able to freely choose to apply for any school. There were more secondary schools in the south of the Borough which provided local choice for local families. Once a child reached secondary school, distances became less of a priority and most Hillingdon secondary pupils travelled within a reasonable distance from home to school. This reflected each family's own reasons, including preferences for selective and faith schools, which could mean a longer travel distance from home to school for these pupils based on their choice of school which some families were prepared to do.

The Council had a statutory duty to have a school place available for every child that lived in the Borough. Therefore, Council officers scrutinised, reviewed and updated its school places forecast using population data forecasts from the GLA and new housing development data to ensure that the Council could meet its obligations. The need for additional primary and secondary school places remained constantly under review, looking at the final educational census figures that were reported back every October, taking into account changing birth rates, migration and changes in the economy which might affect the choices made by families in relation to where they lived as well as the impact of new residential development.

Families wanted good quality educational provision and Hillingdon aimed to provide that.

By way of a supplementary question, Councillor Sweeting stated that Councillor O'Brien's response had not taken into account the very latest statistical information regarding demand in the north of the Borough compared with demand in the south. She asked whether the Council had heeded the Government recommendation to leave 5% of places unfilled and if Hillingdon would work constructively with Government, DfE and others to seek to provide a second new secondary school in the south of the Borough.

Councillor O'Brien stated that the Council was constantly reviewing the situation and forensically looking at forecasts to ensure that school places were available for every child that lived in the Borough. She advised that the query would be investigated further to see how the matter could be moved forward.

6.2 QUESTION SUBMITTED BY COUNCILLOR MORGAN TO THE DEPUTY LEADER OF THE COUNCIL AND THE CABINET MEMBER FOR FINANCE, PROPERTY AND BUSINESS SERVICES – COUNCILLOR BIANCO:

“Could the Cabinet Member please give us his annual update on the success or otherwise of the Borough in this year’s awards of Green Flags?”

Councillor Bianco advised that his annual update on this year’s Green Flag awards had again been a good news story with the total number of Green Flags in Hillingdon increasing from 55 to 60. The new flags had been achieved in Fairway Recreation Ground, Stonefield Park, Field End Recreation Ground, Highgrove Woods and Hale Field Park.

The Council had made a number of ecological and recreational improvements in Field End Recreation Ground, with recent additions including a new skate park and 5,000 new trees to benefit the environment and counter the damaging effects of climate change. In addition, Hale Field Park had opened to the public in the summer of 2019. As part of a planning agreement for a Stockley Park development, the previously derelict land had been regenerated by Prologis and handed back to the Council as public amenity space.

Gaining Green Flags for 60 open spaces had highlighted the Council’s commitment to maintaining its green spaces for residents so that they were able to use good quality facilities. These green spaces had been particularly useful for those residents who did not have access to their own garden.

Of the 60 Green Flags that had been awarded, 22 had been in the north of the Borough and 38 had been in the south. Each of these green spaces had to be re-evaluated every year during the Green Flag process.

The Cabinet Member thanked the Green Spaces team for their hard work and also thanked the residents for the part that they had played in achieving these Green Flags. He looked forward to raising the flags with the Mayor at some point in the New Year.

There was no supplementary question.

6.4 QUESTION SUBMITTED BY COUNCILLOR COOPER TO THE CABINET MEMBER FOR EDUCATION, CHILDREN AND YOUTH SERVICES - COUNCILLOR O'BRIEN:

“Can the Cabinet Member tell us how the Council has supported Schools to return in the next academic year?”

Councillor O'Brien advised that, following the closure of schools earlier in the year, in line with Government guidance and subsequent partial reopening, the Council had supported all schools in the Borough to successfully open fully and safely for all pupils from the start of the new school year in September. A wide range of Council services

had supported this effort which included:

- providing advice and support and keeping lines of communication and engagement open for schools;
- issuing timely advice and guidance to all head teachers in the Borough to ensure compliance with changing Government guidelines;
- supporting schools to complete risk assessments before the start of the new school year and to make changes to the way schools operated to minimise the risk of infection, including staggering start and finish times, enhancing cleaning regimes and providing pavement distancing markers outside school premises;
- making PPE available to all schools irrespective of their designation;
- providing regular communications and briefings with head teachers and school governors;
- promoting walking and cycling to school to reduce the need to use public transport where possible;
- delivering a communications campaign to residents, in line with Government messages on children returning to school following the summer break, to ensure that as many pupils as possible returned to the classroom;
- providing advice and guidance to schools to access national and local resources and technology offers to ensure schools were fully equipped to provide home learning arrangements to pupils who could not be in school. For those occasions when children needed to self-isolate, the Council had worked with schools in July 2020 to ensure vulnerable children and those from low income families had access to IT equipment to continue learning from home; and
- closely monitoring pupil attendance and working with schools and social care services to ensure that children were in school, wherever possible.

The Council continued to work closely with all schools in the Borough to keep schools open and safe, in line with Government guidelines. The Council continued to be committed to putting residents first and had worked tirelessly during the pandemic to keep essential Council services running for residents and businesses during this difficult time, adhering strictly to Government COVID-19 guidance whilst helping to keep residents safe.

There was no supplementary question.

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

7.1 MOTION FROM COUNCILLOR MATHERS

Councillor Mathers moved, and Councillor Allen seconded, the following motion:

“That this Council believes it is important to engage residents in local decision making and acknowledges that the pandemic has made it understandably more difficult for residents to engage in local democratic processes.

“This Council recognises the importance of residents’ petitions in playing a valuable part in enabling residents to resolve issues and concerns they face within our borough.

“Therefore, this Council resolves to reduce the qualifying criteria of the number of required signatures for online petitions from 100 signatories to the current level for paper petitions of 20 signatories.

“This Council further instructs Cabinet to undertake an urgent review to enable the online petition process to be made as accessible as possible by, for example,

- allowing petitioners to start a petition and those signing the petition to do so without having to create a separate login but by simply using their personal details.
- ensuring that online petition pages are part of the new formatted website rather than the older version.”

Following debate (Councillors Duncan, Eginton and Lewis), the motion was put to the vote. The motion was lost.

The meeting, which commenced at 7.30 pm, closed at 8.29 pm.

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

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) TEMPORARY SUSPENSION OF COUNCIL PROCEDURE RULES FOR THE CURRENT VIRTUAL COUNCIL MEETING ONLY

RECOMMENDATION: That, under Council Procedure Rule 26.1, Council agrees to temporarily suspend the specific Council Procedure Rules set out in this report for the purposes of holding this virtual Council meeting only.

Introduction

1. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) (Regulations) 2020 were published on 2 April and came into force on 4 April. They remove the 'place' requirement so meetings can be held virtually. These are temporary national regulations and, unless the Council determines otherwise, will only last until May 2021.
2. To provide for the efficient and effective conduct of virtual Full Council meetings, it is proposed to temporarily suspend parts of the Council's Procedure Rules (Part 4, Schedule A of the Constitution). The proposed suspensions cater for the fact that there cannot be any physical attendance at virtual Council meetings, seek to ensure the meeting runs in a business-like way and, in respect of questions from the public, that technology is not a barrier to those who wish to put their views across and have a response from decision-makers.

Suspension of standing orders

3. Under Council Procedure Rule 26.1, if at least half of the whole number of members of the Council are present, they can vote to suspend Council Procedure Rules with the exception of Rules 19.6 and 20.2 which are detailed later. Article 15 of the Constitution also requires that where parts of the Council Procedure Rules are to be suspended, to give the reasons for this and the duration of the suspension which is set out in this report.
4. For the avoidance of doubt, it is proposed that this is a temporary measure and will, upon both UK Government advice and if the Council determines, be resumed for traditional meetings.
5. It is also important to note that, as an alternative to suspension, Council can amend the Council Procedure Rules. However, there is no ability to immediately amend them because under Council Procedure Rule 26.2, if a motion is proposed and seconded to amend the Rules it will stand adjourned without discussion to the next ordinary meeting of the Council (which would be in November). Hence, the route proposed to effect these changes is temporary suspension.

Proposals

6. In light of the above, the suspension of the following Council Procedure Rules is, therefore, proposed:

- i) **Recorded Votes (Council Procedure Rule 19.4)** – it is proposed to suspend this Rule which provides for a roll call to be entered into the minutes upon 7 Members present demanding it, e.g. before a vote on a motion. Instead a Group Leader will be able to request a recorded vote on behalf of 7 Members of their Group.

For 'normal' voting the existing (and remaining) Council Procedure Rule 19.3, allows for the Mayor to take a vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

It is proposed that this affirmation be sought by the Mayor asking both Group Leaders to cast a normal or recorded vote on behalf of their whole Group. The Mayor will then ask if any Member wishes to vote differently to their Group. Time will be allowed for responses – either verbally or by using 'chat'. Such votes will then be recorded in the minutes in the usual way (by name in the case of recorded votes).

It is important to note that Council Procedure Rule 19.6 cannot be suspended. This does not relate to any collective recorded vote as above, but relates to an individual Member asking that their vote be recorded in the minutes.

- ii) **Rules of Debate on Motions (Council Procedure Rule 14.5 a-c and Council Procedure Rule 14.9 c)** - It is proposed to suspend these extracts of the two Council Procedure Rules to provide for more structured debate in virtual meetings as follows on any motion:

The proposed Order of Members speaking on Motions would, therefore, be:

- i) Mover
- ii) Seconder

NB :If an amendment is to be moved it will be listed on the Order of Business – move to vi) below:

If no amendment is to be moved then:

- iii) Two other speakers from either Group – pre notified by the Whips (the order of speaking to be determined by the Whips Committee)
- iv) Right of reply (mover of motion)
- v) Vote on motion – in accordance with the above, the Group Leaders to cast the vote on behalf of their Groups.

NB: If a pre-notified amendment is to be moved:

- vi) Mover of amendment
- vii) Seconder of amendment

- viii) Two other speakers from either Group - pre-notified by the Whips (the order of speaking to be determined by the Whips Committee)
- ix) Right of reply (mover of amendment)
- x) Right of reply (mover of original motion)
- xi) Vote – in accordance with the above, the Group Leaders to cast the vote on behalf of their Groups.

To assist in this the Chief Whips will liaise with the Head of Democratic Services to provide a definitive list of notified speakers for each item. This will be the list that the Mayor will use to call those speaking, so all Members should be aware of this. However, Points or Order or Points of Personal explanation will still be permitted. If a Member wishes to utilise these then they should indicate to the Mayor verbally or by using the 'chat' facility.

- iii) **General (Council Procedure Rules 22.1 and 24.1)** – Council Procedure Rule 22.1 relates to Members physically signing attendance sheets when they walk into the meeting. It is proposed to suspend this for virtual meetings because of the attendance roll call that takes place. Council Procedure Rule 24.1 relates to physically standing to speak and addressing their statements through the Mayor. As Members will be taking part virtually this will not be required.

Legal Implications

The Local Authorities and Police and Crime Panels [Coronavirus] [Flexibility of Local Authority and Police and Crime Panel Meetings] [England and Wales] [Regulations] 2020, made pursuant to the Coronavirus Act 2020, permit local authority meetings to be held virtually.

The proposal set out in this report, if agreed by full Council, will allow the virtual meeting on 14 January 2021 to run effectively and democratically by permitting members of the public and Members of the Council to fully participate.

The Borough Solicitor can confirm that, subject to certain exceptions which are set out in the body of the report, Council Procedure Rule 26.1 allows the Rules to be suspended by motion or without notice if at least one half of the whole number of Members of the Council are present and vote accordingly. Suspension can only be for the duration of the meeting on 14 January.

BACKGROUND PAPERS: None

ii) URGENT IMPLEMENTATION OF DECISIONS

RECOMMENDATION: That the Urgency decisions detailed below be noted.

Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5-day call-in provided there is agreement from the Chairman of the Executive Scrutiny Committee to waive this. All such decisions are to be reported for information only to the next full Council meeting.

2. Since those noted at the 19 November 2020 Virtual Council meeting, the following decisions have been made using urgency procedures:

Date of Decision	Decision Type / Nature of Decision	Decision-Maker
12/11/2020	Disabled Facilities Grant and HRA Adaptations Release No 9 - Wet Rooms & Associated Aids & Adaptation Works Pilot Scheme.	Leader of the Council and Cabinet Member for Finance, Property and Business Services
25/11/2020	Disabled Facilities Grant 2020/21 – works to various properties. Draw down release No. 8	Leader of the Council and Cabinet Member for Finance, Property and Business Services
02/12/2020	HRA Major Adaptations to Property 2020/21 – Draw down release No 10	Leader of the Council and Cabinet Member for Finance, Property and Business Services
02/12/2020	Disabled Facilities Grant (DFG) 2020/21 - works to various properties. Draw down release No 10	Leader of the Council and Cabinet Member for Finance, Property and Business Services

Background Papers: Decision Notices

iii) **STATEMENT FROM THE LEADER OF THE COUNCIL**

To receive a statement from the Leader of the Council, Councillor Sir Ray Puddifoot MBE.

iv) **APPOINTMENT OF LEADER OF THE COUNCIL**

1. The Council Constitution stipulates that the Leader of the Council will be a Councillor elected at the annual meeting immediately following the ordinary election of Councillors. The Leader holds office for a four-year period or until:
 - he or she resigns from office or
 - he or she is suspended from being a councillor under Part III of the Local Government Act 2000 (as amended) or
 - he or she is no longer a councillor or
 - upon expiry date of the fixed term save that the full Council may, by resolution, remove the Leader from office at an earlier date.
2. Councillor Sir Ray Puddifoot was elected as the Leader of the Council following the May 2018 elections. He has indicated his intention to resign as the Leader of the Council w.e.f 14 January 2021.
3. The Head of Democratic Services has been notified by the majority group, the Hillingdon Conservative Group, that Councillor Ian Edwards is to be nominated as the new Leader of the Council.

RECOMMENDATION: That Councillor Ian Edwards be appointed as Leader of the Council until the Annual Meeting immediately following the ordinary election of Councillors in May 2022.

v) **VOTE OF THANKS**

To give consideration to a vote of thanks to the outgoing Leader, Councillor Sir Ray Puddifoot MBE.

RECOMMENDATION: That a vote of thanks to the outgoing Leader, Councillor Sir Ray Puddifoot MBE, be approved.

vi) **STATEMENT FROM THE LEADER OF THE COUNCIL & APPOINTMENT OF CABINET**

Subject to the approval of iv) above, to receive a statement from the Leader of the Council and to note the appointment by the Leader of the Council of the Deputy Leader and Cabinet for the remainder of the Municipal Year 2020/21 as follows:

Position/Portfolio	Councillor
Deputy Leader and Property & Infrastructure	Councillor Jonathan Bianco
Finance	Councillor Martin Goddard
Environment, Housing & Regeneration	Councillor Eddie Lavery
Corporate Services & Transformation	Councillor Douglas Mills
Families, Education & Wellbeing	Councillor Susan O'Brien
Health & Social Care	Councillor Jane Palmer
Public Safety & Transport	Councillor John Riley

NB: In accordance with the Council Constitution the Cabinet Scheme of Delegations will be amended and an updated version published for all Members shortly.

vii) **CHANGES TO COMMITTEE MEMBERSHIPS**

RECOMMENDATION: That Council approves the following changes to committee memberships for 2020/2021 as proposed by the Conservative Group:

- **Executive Scrutiny Committee** – Councillors Burrows and Corthorne to replace Councillors Higgins and Riley.
- **External Services Select Committee** – Councillor Graham to replace Councillor Riley.
- **Corporate Services, Commerce and Communities Policy Overview Committee** – Councillor Goddard to be replaced by Councillor (*to follow*).
- **Social Care, Housing and Public Health Policy Overview Committee** – Councillor Corthorne to replace Councillor Edwards.
- **North Planning Committee** - Councillor Yarrow to replace Councillor Lavery.
- **Major Applications Planning Committee** – Councillor Chapman to replace Councillor Lavery.
- **Major Applications Planning Sub-Committee** – Councillor Higgins to replace Councillor Lavery.
- **Appointments Committee** – Councillors Edwards, O'Brien and Lavery to replace Councillors Burrows, Corthorne and Sir Ray Puddifoot as members of the Committee.

- **Appointments Sub-Committee** - Councillor Edwards to replace Councillor Sir Ray Puddifoot as a member of the Committee and substitute members to comprise the remaining members of the Cabinet.
- **Registration and Appeals Committee** – Councillor Arnold to replace Councillor Goddard as a member of the Committee.
- **Audit Committee** – Councillors Graham and R.Mills to replace Councillors Goddard and Lavery. *Substitutes to follow.*
- **Licensing Committee** - Councillors Graham and Hensley to replace Councillors Goddard and Lavery.
- **Investigating and Disciplinary Sub-Committee** – Councillor Edwards to replace Councillor Sir Ray Puddifoot as a member of the Committee and substitute members to comprise the remaining members of the Cabinet.
- **Health and Wellbeing Board** – In accordance with the Constitution all Cabinet members are members of the Board and, therefore, Councillors Edwards, Goddard, Lavery and Riley will become members of the Board and Councillors Burrows, Corthorne, Lewis and Sir Ray Puddifoot will be removed from the Board. The Chairman will remain the same, but the Vice-Chairman will become the Cabinet member for Families, Education & Wellbeing. This will be reflected in the amended Cabinet Scheme of Delegations

viii) **CHANGES TO COMMITTEE CHAIRMANSHIPS**

In addition, Members are asked to note the following proposed changes to the Chairmanship / Vice-Chairmanship of Committees etc.

NB: At this point The Head of Democratic Services will not ask each Committee in turn to vote but will, rather, ask each Committee in turn if there are any objections to, or any other nominations for the Chairmen and Vice-Chairmen as shown below.

If there are none, it will be taken that those Chairmen and Vice-Chairmen have been elected.

- **Executive Scrutiny Committee** - PROPOSED Chairman - Councillor Burrows & PROPOSED Vice-Chairman - Councillor Bridges.
- **External Services Select Committee** - PROPOSED Chairman - Councillor Denys and PROPOSED Vice-Chairman – Councillor Radia.
- **Social Care, Housing and Public Health Policy Overview Committee** – PROPOSED Chairman – Councillor Corthorne.
- **North Planning Committee** – PROPOSED Chairman - Councillor Higgins and PROPOSED Vice-Chairman – Councillor Morgan.
- **Major Applications Planning Committee** – PROPOSED Chairman – Councillor Higgins.
- **Major Applications Planning Sub-Committee** – PROPOSED Vice- Chairman - Councillor Higgins.
- **Appointments Committee** – PROPOSED Chairman – Councillor Edwards.
- **Audit Committee** – PROPOSED Vice-Chairman - Councillor Flynn.
- **Licensing Committee** – PROPOSED Chairman - Councillor Arnold and PROPOSED Vice-Chairman – Councillor Chapman.

STATEMENT OF LICENSING POLICY

Reporting Officer: Head of Democratic Services

SUMMARY

Cabinet on 10 December 2020 reviewed the Council's Statement of Licensing Policy and resolved to refer it to Full Council for adoption in line with the legal and constitutional requirements for policy framework documents. The full Statement of Licensing Policy is available on the Council website and in the Group Offices.

RECOMMENDATION: That the Statement of Licensing Policy be adopted w.e.f 14 January 2021 to 14 January 2026

SUPPORTING INFORMATION

The Council is required to review its licensing policies at regular intervals to ensure that it is carrying out licensing functions in accordance with current legislation. Cabinet at its meeting on 24 September 2020 approved the draft Policy to be consulted between 5 October and 22 November 2020. Responses were then considered by Cabinet, including those from the Licensing Committee, at its meeting on 10 December 2020.

Members wishing to view the responses can find these in the Cabinet report. The revised Statement of Licensing Policy include updates in legislation and reflect current working practices. They will provide residents, licensing applicants and service users with an up to date and fit for purpose policy document.

Finance comments

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

Legal comments

The Council has a statutory duty under Section 5 of the Licensing Act 2003 to review and republish its Statement of Licensing Policy every 5 years. Pursuant to this statutory timeframe, Council is advised that the current Statement of Licensing Policy will expire in January 2021 and therefore needs to be renewed.

Background Papers: None

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HILLINGDON

LONDON

Statement of Licensing Policy The Licensing Act 2003

Effective – January 2021 to January 2026

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1.0 Introduction & Background

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

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

1.2 The London Borough of Hillingdon currently has approximately 850 premises authorisations in force and 4100 personal licences held by individuals.

2.0 Policy Statement

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

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

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

2.4 In determining its policy, the Council will take into account the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 (last updated on 24th April 2018).

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

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

Each objective is of equal importance.

2.6 Determining and publishing a statement of its policy is a licensing function and so the Licensing Authority must have regard to the Guidance issued under Section 182 of the Act. The Licensing Authority may depart from this policy if the individual circumstances of any case

merit such a decision in the interests of the promotion of the licensing objectives. However, if this is done then the Licensing Authority shall give full reasons for departing from its policy.

3.0 Consultation

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

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

4.0 General Principles and the Role of the Licensing Authority

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

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

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

in normal activities in the area, fall within the scope of the licensing regime.

- 4.4 Anti-social behaviour of patrons in and around a licensed premises and disturbance or nuisance which can be proved to be emanating from particular premises, will be a consideration for the Licensing Authority in its enforcement and decision-making role.

5.0 Integration of Strategies and avoidance of duplication

- 5.1 Many people and organisations are involved with, or affected by, the ways in which licensed premises are operated. Most are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Amongst the various stakeholders there will be a wide range of strategies that relate to, or are influenced by, the exercise of the Council's licensing function.

- 5.2 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes. Some regulations, however, do not cover the unique circumstances of some licensable activities. The Licensing Authority will consider attaching conditions to Premises Licences and Club Premises Certificates where; these are appropriate, reasonable and proportionate for the promotion of the licensing objectives; these are not already provided for in any other legislation; these are not contained within the applicant's operating schedule and if there are relevant representations

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

- 5.4 Planning and public nuisance legislation carry the highest risk of duplication with the Licensing regime. While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Relevant legislation may include the following:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005

- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

Planning

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

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

Enforcing Authority for Public Nuisance

5.6 The Environmental Protection Unit is charged with enforcing regulations relating to Public Nuisance and is also a responsible authority for Public Nuisance matters under the Act.

5.7 It is accepted that the Licensing Authority will often work hand in hand with the Environmental Protection Unit where nuisance related issues occur at licensed premises. Whilst the Authority has a duty to uphold the prevention of public nuisance, it should be recognised that this duty will not replace the Authority's responsibilities under other legislation.

6.0 Partnership Working and Initiatives

6.1 The Licensing Authority encourages work between the Licensing Authority, relevant authorities such as Police, Environmental Health, Trading Standards and the licence holder themselves in order to solve licensing problems and to promote the licensing objectives.

6.2 Groups representing licence holders are encouraged to participate in their local crime and disorder reduction partnerships, such as Pubwatch schemes.

6.3 The Licensing Authority has a duty to work with all partners in order to deliver the promotion of the licensing objectives.

Business Improvement Districts

- 6.4 The Licensing Authority support and encourage further developments for Business Improvement Districts (BID's) where partnership arrangements and joint responsibility are formed with local businesses and stakeholders. BID's can play an important and positive role in discussing and tackling local issues and they have the ability to put forward appropriate schemes that are of benefit to the community.

More information on BID's can be found at:

<https://www.gov.uk/government/publications/business-improvement-districts-guidance-and-best-practice>

Best Bar None

- 6.5 The Licensing Authority recognise the value of the Best Bar None Scheme in improving standards in the Evening and Night Time Economy. For example, they reduce alcohol related crime and disorder, build positive relationships between the licensed trade, police and local authorities and responsible owners are recognised and able to share good practice with others. Furthermore, they promote the town or city as a safe and vibrant city to go at night and shows a willingness to address alcohol related crime and anti social behaviour through the promotion of good practice and education.

More information on Best Bar None can be found at:

<https://bbnuk.com>

Purple Flag

- 6.7 The Licensing Authority acknowledge that that Purple Flag status, an accreditation recognising a well managed night time economy, can bring real benefits which include:

- A raised profile and an improved public image for the location
- A wider patronage, increased expenditure
- Lower crime and anti-social behaviour
- A more successful mixed use economy in the longer term

More information on Purple Flag can be found at:

<https://www.atcm.org/purple-flag>

7.0 Equality Duty

7.1 The Licensing Authority have a public sector equality duty to the following protected characteristics:

- Age
- Disability
- Sex, gender reassignment, sexual orientation
- Pregnancy and maternity
- Race, religion or belief
- Marriage and civil partnership

7.2 Under the Equality Act 2020 (S.149) a Public Authority must, in the exercise of its functions, have due regard to the need to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the 2010 Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

7.3 The Licensing Authority has considered the Equality and Diversity issues that may arise from the Policy. The Local Authority considers that this policy does not raise any concerns with regards to equality and diversity.

8.0 Immigration Act

8.1 Following the implementation of the Immigration Act 2016, the Licensing Authority will ensure that the “Entitlement to Work” test is checked and scrutinised for Personal Licence Holders and individual Premises Licence Holders, where the Premises Licence permits the sale of alcohol or late night refreshment.

8.2 Where an individual holding a Premises Licence within the Borough ceases to be entitled to work in the United Kingdom on or after 6th April 2017, the Premises Licence lapses immediately, and will lapse completely unless transferred or an Interim Authority lodged within 28 days of when the individual’s right to work ended.

8.3 A Personal Licence issued by the Licensing Authority will lapse when an individual is no longer entitled to work in the United Kingdom on or after 6th April 2017.

8.4 The Licensing Authority will work closely with the Home Office Immigration Enforcement (HIOE) as a Responsible Authority. The Licensing Authority will advise the HIOE where applicants have committed immigration offences and furthermore provide the HIOE assistance when entering and carrying out their enforcement duties at licensed premises within the Borough.

9.0 Modern Day Slavery

- 9.1 The Licensing Authority acknowledges the implementation of the Modern Day Slavery Act 2015 and will therefore fully take on their responsibilities and statutory duties under the Act
- 9.2 This Licensing Authority recognises the role it can play in proactively preventing modern slavery, which includes consideration of:-
- Identification and referral of victims during inspections and visits
 - Reporting and referring for investigation via the National Crime Agency's national referral mechanism any of its licence holders or managers of premises as a cause for concern
 - Assisting partners with Community safety services and disruption activities.

10. Licensing Objectives - The Prevention of Crime and Disorder

- 10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police Licensing Officer and Licensing Authority Officers prior to making any application as early advice can alleviate representations being made once an application is submitted. Full contact details for both are contained within the Responsible Authorities contact in appendix B.
- 10.2 Applicants should, where appropriate, take account of local planning and transport policies, and tourism, cultural and crime prevention strategies, when preparing their operating plans and schedules.
- 10.3 Where a number of premises may be in close proximity it may be difficult to attribute the disorder to patrons of particular premises, however there is a duty on Premises Licence Holders or Club Management Committees to act responsibly to ensure their own customers do not contribute to crime and disorder whilst in their premises and in the vicinity of their premises.
- 10.4 When addressing crime and disorder, the applicant should identify any particular issues that are likely to affect adversely the promotion of the crime and disorder objective. They should then include in the operating schedule how they will deal with those matters.
- 10.5 Operating schedules should then show how they will address the issues identified. Further guidance on these measures is contained in Appendix B.

- 10.6 Applications referred to the Licensing Sub-Committee where relevant representations have been received will be determined on the individual merit of each case. The Licensing Sub-Committee has the power to impose specific conditions when considered appropriate in respect of the Crime and Disorder objective.
- 10.7 The Council's Licensing Officers will work closely with the Metropolitan Police Service to ensure licence conditions are met, matters relating to crime and disorder are resolved, and that licensed premises are being operated according to the requirements of the Act.
- 10.8 Following the grant of a premises licence, the Metropolitan Police Service, Elected Members and/or interested parties such as local residents and Ward Councillors can apply to the Licensing Authority for a review of the licence if they consider that the Prevention of Crime and Disorder objective has not been met and are relevant.
- 10.9 When making decisions about an application the Licensing Sub Committee will have regard to the Borough's Crime Prevention Strategy and any conditions attached to licences or certificates will so far as possible reflect local crime prevention strategies
- 10.10 High risk or poorly managed premises will be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.
- 10.11 In the interest of public order and the prevention of terrorism, the Licensing Authority would expect that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events (see examples set out in Appendix B), the Licensing Authority recommends those applicants address the Risk Assessment and debrief processes in their operating schedule.
- 10.12 The Licensing Authority strongly encourages applicants to carry out a detailed and thorough risk assessment when carrying out promotions or events. Where the risk assessment identifies significant risks for an event or promotion then the Licensing Authority would normally expect the applicant to consult with the Police and the Licensing Authority.
- 10.13 Personal Licence applicants will have to meet specific standards with regard to their suitability. There are a number of obligations on Personal Licence Holders including those who are named as Designated Premises Supervisors, the breach of which could mean appearing before the Magistrates Court.

11.0 Licensing Objectives - Public Safety

- 11.1 The Licensing Act 2003 Act covers a range of premises and activities, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of risks to public safety, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 11.3 The Licensing Authority will expect operating schedules to satisfactorily address these issues and applicants are advised to seek advice from the Borough's Licensing Officers and the London Fire Brigade contact details can be found in appendix F, before preparing their plans and schedules. Where an applicant identifies an issue relating to public safety (including fire safety) that is not covered by existing legislation, the applicant should identify in their operating schedule the steps that they will take to ensure public safety. Where representations are received and upheld at a hearing, the Licensing Authority will consider attaching conditions to licences and permissions to promote safety.
- 11.4 If relevant representations are received from a Responsible Authority, Elected Members or interested parties the application will be determined by a Licensing Sub-Committee.
- 11.5 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Public Safety objective.
- 11.6 Following the grant of a premises licence, the London Fire and Emergency Planning Authority, Elected Members and/or the Enforcing Authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence if they consider that the Public Safety objective has not been met.
- 11.7 The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the approved safety standards are being maintained and that licence conditions are being complied with.
- 11.8 High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.
- 11.9 The Council's Licensing Officers, Fire Safety Officers and Health & Safety Officers will work closely together to resolve matters relating to public safety in licensed premises.

12.0 Licensing Objectives - The Prevention of Public Nuisance

- 12.1 Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. This may also include patrons outside a premises and the dispersal of customers. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.
- 12.2 Appendix D provides a list of examples of activities which could give rise to public nuisance and measures which can be taken to prevent such nuisance occurring.
- 12.3 Applicants should give particular consideration to measures to reduce the occurrence of public nuisance associated with accommodating smokers outside the premises, following the introduction of smoke free areas in enclosed or substantially enclosed places.
- 12.4 In relation to smoking outside licensed premises, it is expected that:
- Suitable receptacles for customers will be provided and maintained to dispose of cigarette litter in areas used, or likely to be used, for smoking
 - Licensees will take all reasonable steps to discourage smoking on the public highway close to residential premises, particularly after 10pm. This could include measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors, or imposing a time after which re-admissions to the premises will not be permitted
 - Garden areas to be cleared at a reasonable time where not doing so could cause nuisance to neighbouring residents.
 - Appropriate signage to be displayed prominently at the premises.
- 12.5 Where an application includes provision of a smoking shelter then the Licensing Authority expects the shelter to be situated as far as possible from neighbouring residential premises.
- 12.6 If relevant representations are received from a Responsible Authority, Elected Members or interested parties, the application will be determined by a Licensing Sub-Committee.
- 12.7 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have

the power to impose specific conditions when considered necessary in respect of the Prevention of Public Nuisance objective.

- 12.8 Following the grant of a premises licence, the Council's Environmental Protection Unit, Elected Members and/or interested parties such as local residents and businesses can apply to the Licensing Authority for review of the licence if they consider that the Prevention of Public Nuisance objective has not been met.
- 12.9 The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the conditions relating to the prevention of public nuisance are being complied with.
- 12.10 High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.
- 12.11 The Council's Licensing Officers and Environmental Protection Officers will work closely with the Council's Anti-Social Behaviour Investigations Team, requesting monitoring visits of specific premises and receiving feedback regarding the witnessing of statutory noise and public nuisance or the breach of licence conditions.

13.0 Licensing Objectives - The Protection of Children from Harm

- 13.1 The range of 'licensed premises' under the Licensing Act 2003 is very broad. It includes pubs, cinemas, theatres, restaurants, off licences etc.
- 13.2 Under the Licensing Act 2003, unaccompanied children under the age of 16 are not allowed on premises such as public houses which are used exclusively or primarily for the supply of alcohol for consumption on the premises.
- 13.3 This restriction does not apply to premises such as restaurants and bowling alleys etc. where the supply of alcohol is not the principal use of the premises. However, unaccompanied children under the age of sixteen are not permitted in such premises between the hours of midnight and 5 a.m. Admission of children will always be at the discretion of those managing the premises unless specifically prohibited by way of licence conditions.
- 13.4 Applicants and licence holders are encouraged to be mindful of the adult nature of licensed premises and to make adequate provision for the protection of children from harm in their operating schedules. Applicants are advised to contact the Safeguarding Children and Quality Assurance team directly to seek advice prior to submitting their application.
- 13.5 It is recognised that the Mandatory Conditions attached to premises licences where alcohol is sold/supplied must have in place an age verification scheme. The Licensing Authority would normally expect this

scheme to include a challenge for photo identification to all persons who appear to be under the age of 25 years i.e. 'Challenge 25'

- 13.6 If relevant representations are received from a Responsible Authority, Elected Members or interested parties the application will be determined by a Licensing Sub-Committee.
- 13.7 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Protection of Children from Harm objective.
- 13.8 Following the grant of a premises licence, the Council's Safeguarding Children and Quality Assurance team, Elected Members and/or interested parties such as local residents and businesses can apply to the Licensing Authority for a review of the licence if they consider that the Protection of Children from Harm objective has not been met.
- 13.9 The Licensing Authority's Licensing Officers will conduct inspections of licensed premises to ensure that the conditions relating to the protection of children from harm are being complied with.
- 13.10 High risk or poorly managed premises will therefore be subject to a higher frequency of inspections than low risk and well managed premises. Some of these inspections will be unannounced and conducted whilst the premises are in use for the purpose of the licence.
- 13.11 The Licensing Authority will expect that each operator dealing in the sale and supply of alcohol implements a proof of age policy in line with the Mandatory Licence conditions. The Authority expects premises licence holders to ensure that their staff are adequately trained and in every case where there is any doubt as to whether the customer is aged eighteen or over: 'No ID- No sale'.
- 13.12 It is expected that all refusals of alcohol shall be recorded by the operator in a Refusal or Incident Log. This Log should be made available for inspection to a Police Officer or authorised officer from the Local Authority when requested to produce it.
- 13.13 Trading Standards Officers and Police Officers will carry out test purchases of alcohol using young volunteers. Where sales are made, enforcement action will be taken against all responsible persons.

Children's access to cinemas

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

Children and Regulated Entertainment

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

14.0 Public Health & Licensing

14.1 The Director of Public Health in Hillingdon is a responsible authority under the Licensing Act 2003 and may; make representations in respect of premise licence applications and club premise certificates and may also apply to review premise licences and certificates.

14.2 Public Health may hold useful information which may be used by them to make representations in its own right or to support representations by other responsible authorities. These representations can potentially be made on the grounds of all four licensing objectives.

14.3 A range of public health issues may relate directly to one or more of the Licensing Objectives; for example, violent assaults, cases of alcohol poisoning at licensed premises, issues with loud noise emanating from premises.

14.4 Public Health may record data where intoxication of patrons at specific premises has led to accidents and injuries from violence including those resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. This information can be relevant to the public safety, public nuisance and crime and disorder objectives.

14.5 The Licensing Authority recognises the potential for Public Health to participate in the licensing process in relation to the protection of children from harm. This objective concerns the physical safety of children and also their moral and psychological wellbeing. Public Health may present evidence relating to under 18's alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol linked to a specific premises and their practices.

14.6 The Licensing Authority will work with the Director of Public Health and his staff in order to identify and utilise relevant public health data within the licensing process. In addition, the Licensing Authority will support the

NHS and alcohol charities to raise awareness of the dangers of excess consumption of alcohol.”

15.0 Licensing Committee

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

16.0 Authorisations and Applications

16.1 Here are a number of authorisations relating to:

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

These are;

Premises Licences

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

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

- 16.5 Applications which are incomplete or illegible will be returned to the applicant with an explanation for the return. Reasons may include incomplete or missing forms, incomplete Operating Schedule, the absence of the fee, absence of required plans or insufficient information detailed on the plans, as required under Section 23 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates Regulations 2005). For personal licences also the absence of certificates or photographs.
- 16.6 Applicants are advised to seek advice from the Council's Licensing Officers and the Responsible Authorities concerning the licensing requirements for premises and/or licensable activities being applied for prior to completing their operating schedule. Large or unusual events need particular consideration and applicants are advised to consult the Council's Licensing Officers for guidance and to submit applications as far in advance as possible. When required, the Council's Licensing Officers will provide all applicants with advice and guidance in respect of completing their application forms and, in particular, how they should address each one of the four licensing objectives in their operating schedules.
- 16.7 Notwithstanding 13.6 above, it is the applicant's responsibility to complete the application to a satisfactory standard and they should seek professional legal advice as necessary.

Members Clubs

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

Temporary Event Notices

- 16.10 Anyone may give the Licensing Authority a Temporary Event Notice (TEN). This procedure allows people to hold an event involving

licensable activities without having to apply for a Premises Licence or Club Premises Certificate.

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

Personal Licences

- 16.12 To sell alcohol in licensed premises at least one person needs to hold a ‘Personal Licence’ which has been granted by the Licensing Authority where they live. This requirement does not apply to ‘qualifying clubs’.
- 16.13 In some premises there may be more than one person holding a ‘Personal Licence’ and it is important that one person is named as being in control, this person is called the ‘Designated Premises Supervisor’. The Designated Premises Supervisor is the key person who will usually be responsible for the day to day management of the premises.
- 16.14 There is one exemption from the need for a personal licence holder and “Designated Premise Supervisor” in line with the mandatory requirements of the Licensing Act 2003 section 19(2) and 19(3). That is in the case where a community premises (church, community and village halls etc.) has applied for and been granted an application to disapply these mandatory conditions.
- 16.15 In determining applications for personal licences the Licensing Authority will have regard to the guidelines issued by the Secretary of State under section 182 of the Licensing Act 2003 and any secondary legislation. The promotion of the four licensing objectives applies to the consideration of applications for personal licences equally as it does to applications for premises licences.

17.0 Representations

- 17.1 This policy will not seek to exclude any rights enshrined in the Act or any other legislation for applicants or those making representations against applications. Each application and representation will be treated on its merits taking into account the legislation, the Guidance issued under section 182 of the Licensing Act 2003 and this policy.
- 17.2 Representations can be made to the Council, as Licensing Authority, by a ‘Responsible Authority’ or by ‘Interested Parties’ which include individuals such as residents or bodies such as a residents association, trade associations and other businesses operating. Representations can be made concerning:-

- Applications for new premises licences or club premises certificates
 - Applications to vary premises licences or club premises certificates
 - Personal licence applications on criminal grounds (only by the Police)
- 17.3 Responsible Authorities are the public authorities specifically designated under the Licensing Act 2003 to be consulted on all licence applications and are also entitled to make representations. A full list of Responsible Authorities is attached as Appendix F.
- 17.4 The Licensing Authority expect other responsible authorities, where they have concerns, to raise representations that fall within their remit. For instance, where there are concerns of crime and disorder, then the police should submit a representation.
- 17.5 The Licensing Authority is not generally expected to act as a responsible authority on behalf of other parties such as residents. However, there may be times where the Licensing Authority may feel it is appropriate to do so. For instance, this may be where the relevant responsible authority have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation.
- 17.6 Where the Licensing Authority does act as a responsible authority and wishes to submit a representation, they may do so by assessing the application, visiting the premises if they feel it is appropriate to do so and look at the potential impact the application will have on the Licensing objectives. In addition, the Licensing Authority shall check the history of the premises, assess the level of confidence it has with management and the compliance with conditions of the licence.
- 17.7 Each responsible authority has equal standing and may act independently without waiting for representations from any other responsible authority.
- 17.8 In cases where the Licensing Authority is also acting as responsible authority the Licensing Authority will ensure a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. For example, the Licensing Authority will distinguish the licensing case officer with the officer nominated to act as the responsible authority by allocating clear and distinct functions.
- 17.9 The Licensing Act 2003 also permits Elected Members to make representations on their own behalf as well as on behalf of their constituents. Members of the public who are making representations may also request that their Ward Councillor speaks on their behalf at public hearings to determine applications.
- 17.10 Representations about an application must be made in writing to the Council's Licensing Team within the statutory time limits.

- 17.11 Written representations include letters and emails. Representations received after the end of the public consultation period cannot legally be accepted and will not be considered by the Licensing Authority.
- 17.12 Representations must contain;
- a) The name, full address & post code, of the person making them;
 - b) The reasons for their representation;
 - c) Which of the four Licensing Objectives the representation relates to i.e. Crime and disorder; Public Nuisance; Public safety; Protection of children from harm.
- 17.13 Representations which do not meet this requirement may be rejected as being irrelevant or frivolous or vexatious.
- 17.14 Representations based on 'Need' for licensed premises, concerns the commercial demand for another pub, restaurant, off licence or hotel. This is not a matter for the licensing authority in discharging its licensing functions. 'Need' is a matter for planning committees and for the market. Representations made on the basis of need are likely to be rejected.
- 17.15 All valid representations will form part of a committee report that will become a public document. It will be given to the applicant, their agent, responsible authorities, other persons making representations and any other party requesting a copy as well as the Licensing Sub-committee 10 working days prior to the hearing. Anonymous representations will not be accepted.
- 17.16 Petitions may be submitted as (or as part of) a representation, but may not be as informative as individual correspondence and as such may be given less weight when considered by a Licensing Sub-Committee.
- 17.17 Petitions will only be accepted if on each sheet it clearly shows:
- The name and address of the application site,
 - Reasons for the representation, and
 - Which of the four Licensing Objectives are relevant.
- 17.18 Each petitioner must give their name, full address including post code.
- 17.19 Failure to comply with any of the above requirements could lead to the petition being rejected as a representation.
- 17.20 The Licensing Authority follows the guidance of the Secretary of State concerning the judgments of representation as being irrelevant, vexatious and frivolous. A representation would be 'irrelevant' if it does not relate to the application or to the promotion of the licensing objectives in the context of the application.
- 17.21 In considering whether or not a representation is 'vexatious or frivolous' the Licensing Authority must determine whether any ordinary and reasonable person would consider the matter to be vexatious or frivolous.

Vexation may arise where, for example, there is a dispute between rival businesses. Frivolous representations would be categorised by a lack of seriousness.

17.22 Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed and that representation will be disregarded.

18.0 The Role of the Ward Councillor

18.1 Ward Councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations as an interested party in their own right (see annex A with regard to Councillors making representations).

18.2 Ward Councillors may apply for a review of a licence if problems are brought to their attention which justify intervention and relate to the licensing objectives.

18.3 Ward Councillors are informed of all new applications and any application to vary a licence in their ward. Individual Councillors may publicise an application locally in addition to the statutory publication and advertising carried out by the applicant.

18.4 Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. Details on how to contact Ward Councillors may be obtained from the Council's Website.

18.5 Ward Councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if;

- They have made a personal representation;
- They have made a representation on behalf of local residents or businesses as 'community advocates'
- They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.

Note: Where a Ward Councillor makes representations upon an application within their ward, in writing, to the Head of Administrative, Technical and Business Services within the appropriate statutory period of consultation for the application, and this representation has been forwarded to the Licensing Authority, that application shall then be scheduled to be heard by the Licensing Sub-Committee for determination. The Ward Councillor must include in their representations the reasons why they wish the application to be determined by the Sub-Committee and how the

application adversely affects the licensing objectives. [policy clarification added by full Council on 7 September 2017]

- 18.6 If a Councillor as a Member of the Licensing Sub-Committee has been involved in campaigning about a particular application, they should declare any such interest and not take part in any licensing sub-committee hearing considering that application. This does not apply to a ward councillor attending a hearing in their capacity following representations, as an interested party or advocate in support or against a particular application

19.0 Decision Making and Licensing Hearings

- 19.1 Applications for premises licences, club premises certificates, interim authorities, provisional statements, variation of designated premises supervisors and personal licences that do not attract representations will be granted under delegated authority and any conditions, apart from mandatory conditions, will reflect and be consistent with the applicant's operating schedule.
- 19.2 The Licensing Authority and other Responsible Authorities , where appropriate, may choose to mediate with the applicant and other parties with a view to alleviate concerns from the application and discuss potential conditions or further measures so agreement may be reached and that there is no longer a need to go to a formal hearing.
- 19.3 The Licensing Authority will form Sub-Committees consisting of three elected members led by one Chairman.
- 19.4 The full Licensing Committee will sit when it is considered appropriate to comply with any requirements of the Licensing Act 2003 or accompanying Regulations.
- 19.5 A Licensing Sub-Committee will sit to hear all applications for premises licences, club premises certificates, interim authorities, provisional statements, designated premises supervisors and personal licences which have attracted relevant representations from either a 'responsible authority' or 'other person'. A full scheme of delegations can be found at Appendix A
- 19.6 A Licensing Sub-Committee will also sit to hear cases where the police and/or the Council's Noise and Nuisance officers have opposed a Temporary Event Notice on the basis that, should the event go ahead, one or more of the licensing objectives would not be promoted.
- 19.7 Members will, at all times, comply with the council's member code of conduct which should set out the standards that members must observe.
- 19.8 Licensing Sub-Committee hearings will be broadcasted live on Hillingdon Council's YouTube Channel. Parties attending hearings will

be made aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.

- 19.9 It is important for the licensing authority and its committee to ensure that there is no unforeseen biasness in its decision-making.
- 19.10 The rules of natural justice will apply. For example, a party must know the case against them; anyone affected by a decision has a right to be heard; and no one should be a judge in his own cause.
- 19.11 All the parties will be given a full and fair hearing, that shall be conducted in an open, transparent and accountable manner.
- 19.12 Applications will be considered on the basis of whether they promote the four licensing objectives. Each application will be considered on its own merits and whilst consistency is important similar applications may be decided in different ways.
- 19.13 Any decisions made by the Licensing Sub Committee will be announced verbally at the end of the hearing where possible, and a Decision Notice will be sent in writing to the applicant and any person who has made a valid representation within five working days.

20.0 Licence Conditions

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

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

20.2 Conditions attached to licences by the Licensing Authority that have been proposed by the applicant in their operating schedule should be consistent with the steps set out in the operating schedule. This means that the effect of these conditions should be substantially the same as that intended by the terms of the operating schedule.

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

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

Conditions imposed by the Licensing Authority shall be appropriate, reasonable, and proportionate and should be determined on a case-by-case basis.

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

21.0 Enforcement

- 21.1 The Licensing Authority expects all licence holders to adhere to conditions attached to their premises licence and to fully promote the licensing objectives. This is also expected from holders of Club Premises Certificates, users of Temporary Event Notices and Personal Licence holders of the Borough.
- 21.2 Authorised officers of the Council will carry out both pro-active risk rated inspections and re-active inspections to investigate complaints and referrals to ensure compliance.
- 21.3 The Licensing Authority shall focus on agreed problem and high-risk premises which require greater attention, while providing a lighter touch for low risk premises or those that are well run. This should ensure that the Council resources are used efficiently and effectively. Factors to be taken into account when determining whether a premises is considered high risk or not include: history of compliance from pro-active licensing inspections, history of complaints, information or referrals from Responsible Authorities and confidence in management at the premises.
- 21.4 The Licensing authority reminds operators of licensed premises that it is incumbent on them to provide appropriate training for their staff to ensure the promotion of the licensing objectives. For example, this includes training in relation to age verification and the prohibition of the sale and supply to intoxicated persons.
- 21.5 It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities other than in accordance with a licence or other authorisation under the 2003 Act. **It is also an offence for a person to knowingly carry out this unauthorised licensable activity.** The fine for this offence is unlimited. The local authority, the Police and other authorised persons under the Act have powers to take action in relation to premises carrying on unauthorised activities.
- 21.6 Any enforcement action taken in relation to the duties of this Licensing Authority under the Licensing Act 2003 will comply with the London Borough of Hillingdon Council's current 'Prosecutions and Sanctions Policy'

- 21.7 The Council also supports the 'Hampton Principles' of avoiding duplication when carrying out inspections and will endeavour to carry out its inspections of licensed premises in accordance with those principles.
- 21.8 Enforcement Officers will also comply with 'The Code for Crown Prosecutors published by the Crown Prosecution Service which can be accessed at:
<https://www.cps.gov.uk/publication/code-crown-prosecutors>
- 21.9 The Licensing Authority's Officers may carry out joint enforcement inspections with Metropolitan Police officers and other authorised officers of the Responsible Authorities.

22.0 Reviews

- 22.1 At any stage following the grant of a premises licence or a club premises certificate, an application for a review application can be submitted to the Licensing Authority by a Responsible Authority, any Elected Member or an Interested Party in connection with any of the four licensing objectives.
- 22.2 The Council, as Licensing Authority, will reject an application for review where it considers that the complaint is:
- Not relevant to any of the Licensing Objectives
 - Vexatious, frivolous or repetitious
- 22.3 The Licensing Authority will be prepared to facilitate mediation between the licensee and those who may be intending to review the licence, depending upon the severity of the individual circumstances.
- 22.4 It is recommended that applications for review of premises licences are not made until at least six months after the grant of a licence in order to allow time for evidence to be gathered on the grounds for review.
- 22.5 Premises subject to review must display a statutory notice so that it is visible to passers-by, stating the ground for review and advising those who wish to make a representation to write to the Licensing Authority.
- 22.6 The Licensing Authority will also publish similar notices on the Council's website.
- 22.7 The Violent Crime Reduction Act 2006 gives the police power to review a premises licence with immediate effect where a senior police officer considers there is the risk of serious crime or disorder at the premises. This is known as an 'expedited review'.

- 22.8 Where an 'expedited review' has been applied for by the Police, the Licensing Authority will convene a Licensing Sub-Committee who will consider any interim immediate steps that may include modifying the licence conditions, suspending the licence or removing the designated premises supervisor (DPS). Interim steps will be imposed by the Licensing Sub-Committee within two working days from receipt of the application. There is no requirement for a formal hearing to be held in order to take interim steps. Therefore, the relevant sub-committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.
- 22.9 The Licensing Sub-Committee may impose interim steps without consulting with the licence holder, however, every effort will be made to contact the licence holder and inform him of the review. If interim steps are imposed, the Licensing Authority shall immediately notify the licence holder and the police. The licence holder is entitled to make representations at this stage and a hearing will be held to facilitate this. The Licensing Authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application.

23.0 Cumulative Effect

- 23.1 Whilst the London Borough of Hillingdon does not have a concentration of licensed premises as found in central London boroughs, it nevertheless has a relatively large number of pubs and restaurants in Town Centre areas. Most of these Town Centre areas are also home to many residents. However, the Council, as the Licensing Authority, does not propose, at this stage, to set quotas for particular types of licences.
- 23.2 Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensable activity are fully considered. If crime and disorder or general disturbance/nuisance do prove to be linked to the concentration of customers of licensed premises in any particular areas, then the Licensing Authority will consider introducing controls over the issue of new licences through a 'Special Policy' (to limit the number of licensed premises)
- 23.3 It would first be necessary to establish that, because of the number and density of licensed premises selling alcohol in a particular area, there are exceptional problems of nuisance, disturbance and or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identified as being responsible for the problems it may be possible to take specific measures against those individual Premises Licence Holders or Club Management Committees following relevant representations.

- 23.4 Where there is public disorder from a minority of people who display anti-social behaviour away from licensed premises, there are other measures available to the Police Authority to address such issues.
- 23.5 Before deciding whether to adopt a Special Policy (to limit the number of licensed premises), the Council as the Licensing Authority must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council as the Licensing Authority has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder. It must be sure it has met its obligations under the Crime and Disorder Act 1998 and in terms of its promotion of the licensing objectives under the Licensing Act 2003.
- 23.6 If objector representations are made as to the cumulative effect of a new application and hence the need for a Special Policy (to limit the number of licensed premises), the onus will be on the objector to provide the evidence that the additional premises would produce the impact claimed.
- 23.7 If a Special Policy (to limit the number of licensed premises) is introduced it will be reviewed regularly to assess whether or not it is still needed.

24.0 Mobile, Remote and Internet Sales

- 24.1 The Licensing Authority may receive applications for the sale of alcohol where payment is not necessary taken at the same place where alcohol is appropriated to the contract. This situation occurs when sales are made online, by telephone, or mail order. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed.
- 24.2 In these cases, the Licensing Authority will ensure that the subsequent premises licence will be subject to appropriate conditions including the times of day during which alcohol may be sold and also the mandatory licence conditions such as age verification measures.
- 24.3 Operators who run premises providing 'alcohol delivery services' should advise the licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate to attach to the applicant's premises licence.
- 24.4 Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.
- 24.5 The Licensing Authority may also receive mobile, remote, internet sales for late night refreshment such as fast food orders. Applicants should be mindful of the impact of such applications on the licensing objectives particularly the prevention of public nuisance. For instance, there may

be concerns of vehicles or noise created by waiting vehicles or drivers outside the premises for pick up. Applicants should put in place appropriate measures and address these issues in their operating schedule.

25.0 Licensing Hours

- 25.1 Prior to the introduction of the Licensing Act 2003, it was believed that fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously.
- 25.1 The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times.
- 25.3 Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case.
- 25.4 In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance.
- 25.5 Shops, stores and supermarkets licensed to sell alcohol will normally be allowed to do so for the full duration of their trading hours. Restrictions may be applied, for example where representations are made indicating the particular premises or patrons of the premises are linked to disorder and or disturbance.

26.0 Exemptions

- 26.1 There are a number of circumstances where entertainment related activities are exempt from regulation. These activities are specifically addressed in detail in the Section 182 Guidance. In summary, these are:
- Live Music
 - Recorded Music
 - Plays

- Performances of Dance
- Indoor Sport
- Any entertainment provided by a local authority, school or hospital
- Community exhibitions of film

26.2 The exemption for entertainment is subject to certain conditions relating to the timings of the entertainment and maximum audience numbers, i.e. between the hours of 08.00 and 23.00 and for audiences of no more than 500 people.

26.3 In licensed premises, where the exemptions apply, any conditions relating to entertainment would be suspended between the hours of 08.00 and 23.00. However, the Licensing Authority is empowered to lift the suspension of licence conditions upon a licence review where there are demonstrable effects on one or more of the licensing objectives.

26.4 It should be noted that any dance performances of an adult nature, involving nudity, are still regulated under the Local Government (Miscellaneous Provisions) Act 1982 and separate permission would apply.

Appendix A

TABLE OF LICENSING FUNCTIONS

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

APPENDIX B – PREVENTION OF CRIME AND DISORDER

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

- Use of crime prevention notices – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers
- Publicising details of the premises operation – Display details of the premises opening, closing times and permitted times for licensable activities
- Installing CCTV – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a thirty one day library of recordings maintained at all times. In addition, a staff member who is able to operate the CCTV system shall be on the premises at all times when the premises is open. The staff member shall be able to provide the Police or authorised officer copies of recent CCTV images or data with minimum delay when requested.
- An incident log shall be kept at the premises and made available on request to a Police Officer or an authorised officer. The following incident should be recorded in the log:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
- Removing low cost high strength alcohol from offer – To help reduce street crime and violence and anti-social behaviour from public drunkenness
- Developing a drugs policy in conjunction with the police – Establish a clear written anti-drugs policy and publicise this to customers
- Preventing counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises
- Exercising control over the removal of open drink containers – To prevent the use of containers as weapons in the street

- Using plastic containers and toughened glass – Consideration should be given to the use of safer alternatives to glass which would inflict less severe injuries if used as weapons. Note: That any glass alternatives used for measuring draft beer and cider must be lawful for trade use under weights and measures legislation.
- Introducing bottle bans – Decant drinks into glasses before being handed across a bar
- Providing seating for customers – sufficient to ensure that the majority of customers do not have to stand
- Ensuring good availability of soft drinks and food
- Employing an appropriate number of SIA registered door supervisors – Valuable for maintaining orderly behaviour in queues; searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures
- Making personal searches by door supervisors a condition of entry – Including the provision of signage and female SIA for personal searches conducted on female customers and performers
- Providing door supervisors with search wands / search arches – Maintained in good working order and used on all occasions
- Providing a drugs and weapons box – Kept under the direct control of premises management with all seized drugs and weapons to be handed over to the police in accordance with the police code of practice
- Installing ID scanning and recording equipment – Requiring all patrons to provide ID and agree to being recorded. Provide notices to this effect in conjunction
- Establishing a last admissions policy – For both admissions and readmissions. Publicise this at the premises
- Establishing a dispersals policy – Helping to reduce the potential for disturbance to local residents
- Co-operating with the police and Council on venue hire agreements – Providing good notice (at least one month) of all internal and external promoters engaged at the premises. Also comply with requests from the police not to engage a specific promoter where this is recommended by the police for crime and disorder
- Specifying that there shall be a personal licence holder on duty on the premises at all times when the sale of alcohol can take place

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

Dispersal

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

Drugs

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

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

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

Nightclubs and other similar venues

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

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

APPENDIX C – PUBLIC SAFETY

Examples of measures to promote Public Safety may include:

- The setting of a safe capacity limit – This is important in order to prevent overcrowding
- Escape routes to be clear, unobstructed, well maintained, immediately available and clearly identified in accordance with the plans provided.
- The approved arrangements at the premises, including the means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment shall at all times be maintained in good condition and full working order.

Appropriate measures to ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway Publications which applicants should consider when preparing their operating schedules:-

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

- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances, www.streetartsnetwork.org/pages/publications
- Home Office and London Drug Policy Forum guidance 'Safer Clubbing'

APPENDIX D – PREVENTION OF PUBLIC NUISANCE

Relevant issues might include:

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

Management controls should be considered for:

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

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

Publications which should be considered when preparing operating schedules:

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

APPENDIX E – PROTECTION OF CHILDREN FROM HARM

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

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

The following are examples of premises that will raise concern:

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

APPENDIX F

Responsible Authorities:

<p>The Licensing Service</p> <p>London Borough of Hillingdon Civic Centre 4W/01 High Street Uxbridge UB8 1UW</p> <p>licensing@hillingsdon.gov.uk <i>Licensing Authority</i></p>	<p>Police Licensing Dept</p> <p>Uxbridge Police Station 1 Warwick Place Uxbridge UB8 1PG</p> <p>xh@met.pnn.police.uk</p> <p><i>Hillingdon Police Enforcement</i> For all Areas</p>
<p>Fire Safety Regulation: North West Area 1</p> <p>London Fire Brigade 169 Union Street London Se1 0LL Attn: North West Area Team</p> <p>FSR-AdminSupport@london-fire.gov.uk</p>	<p>Service Manager- Safeguarding Children and Quality Assurance 4S/07</p> <p>Social Services London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>safeguardingchildrenadmin@hillingsdon.gov.uk</p> <p>A body involved in the Protection of Children from Harm</p>
<p>Health & Safety Executive</p> <p>Rose Court 2 Southwark Bridge London SE1 9HS www.hse.gov.uk</p> <p><i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>	<p>Trading Standards Service</p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>Attn Divisional Trading Standards Officer</p> <p>tradingstandards@hillingsdon.gov.uk</p> <p><i>Enforcing Authority under the Weights and Measures Act 1985</i></p>
<p>Environmental Protection Unit</p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>asbinvestigations@hillingsdon.gov.uk</p>	<p>Head of Planning</p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>Planning@hillingsdon.gov.uk</p> <p><i>The Planning Authority</i></p>

<p><i>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</i></p>	
<p>Public Health</p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>shajioff@hillingdon.gov.uk</p> <p><i>Health Authority Body</i></p>	<p>Food, Health & Safety Team</p> <p>London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW</p> <p>EnvironmentalhealthCP@hillingdon.gov.uk</p> <p><i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>
<p>London Waterways</p> <p>Canal & River Trust Docklands Office 420 Manchester Road London E14 9ST</p> <p>enquiries.london@canalrivertrust.org.uk</p>	<p>Home Office (Immigration Enforcement)</p> <p>Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY</p> <p>alcohol@homeoffice.gsi.gov.uk</p>

Appendix G - Current Mandatory Conditions under the Licensing Act 2003

All Premises Licence authorising supply of alcohol

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula—

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

Where—

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

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

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

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

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

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

If the Premises Licence allows Exhibition of Films

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

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

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

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

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

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

Annex A

Clarification added by full Council on 7 September 2017 with respect to ward councillors making representations:

Where a Ward Councillor makes representations upon an application within their ward, in writing, to the Head of Administrative, Licensing, Technical and Business Services within the appropriate statutory period of consultation for the application, **and this representation has been forwarded to the Licensing Authority** that application shall then be scheduled to be heard by the Licensing Sub-Committee for determination. The Ward Councillor must include in their representations the reasons why they wish the application to be determined by the Sub-Committee **and how the application adversely affects the licensing objectives.**

COUNCIL TAX BASE AND BUSINESS RATES FORECAST 2021/22

Reporting Officer: Corporate Director of Finance

SUMMARY

This report sets out the proposed Council Taxbase and Business Rates Forecast for 2021/22 in accordance with the legislation for approval by the Council. The Council is required to calculate both its Council Taxbase as at 30 November 2020 by 31 January 2021 and the Business Rates forecast for the forthcoming year by 31 January 2021.

RECOMMENDATIONS: That:

- a) the report of the Corporate Director of Finance for the calculation of the Council Taxbase and the Business Rates Forecast be approved;
- b) in accordance with the Local Authorities (Calculation of Council Taxbase) (England) Regulations 2012 the amount calculated by the London Borough of Hillingdon as its Council Taxbase for 2021/22 shall be 102,071.
- c) authority be delegated to the Corporate Director of Finance to submit the 2021/22 NNDR1 return to the Ministry of Housing, Communities & Local Government (MHCLG) and the Greater London Authority (GLA).
- d) the continuation of the Council's policy of passporting Government discounts and reliefs applied to Business Rates to the ratepayer be approved.

COUNCIL TAXBASE

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

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

Where:

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

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

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

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

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

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

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

Table 1 sets out a summary of the Council Taxbase for 2021/22 including the estimated collection rate and allowance made for contributions in lieu of Council Tax in respect of Forces Barracks and Married Quarters. The detailed calculation is set out in Appendix 1 to this report.

Table 1: Total Number of Band D equivalent properties

Band	Number of properties
A	521
B	3,201
C	17,514
D	39,461
E	20,241
F	13,000
G	7,528
H	862
Total	102,328
Equivalent number adjusted for the estimated collection rate (99%)	(1,023)
Plus the contribution in Lieu of Council Tax in respect of Forces Barracks and Married Quarters	766
Council Taxbase for 2021/22	102,071

Changes In The Council Taxbase Since 2020/21

In calculating the Council Taxbase for 2021/22, the authority has to estimate the various changes that will occur during the financial year, which are expected to result in a net reduction of 36 Band D equivalent properties from the 2020/21 Taxbase. Within this movement, an increase of 1,144 Band D equivalent properties relates to normal activities, with a 1,180 decline projected in respect of COVID-19 due to continued elevated numbers of residents on the Council Tax Reduction Scheme.

This non-COVID-19 related movement reflects an expected 1,012 Band D uplift from new development, 144 Band D equivalent increase from the unwinding of historic protections through normal attrition rates on the Council Tax Reduction Scheme being netted down by a 12 Band D equivalent decrease in the allowance for non-collection. Of those additions from new developments, 911 have been identified from the pipeline of major developments across the borough, with a further 233 from smaller developments.

During 2020/21 the Council has seen a marked increase in demand for the Council Tax Reduction Scheme, with over 2,000 additional claimants in December 2020 compared with April 2020 as a result of the economic impact of COVID-19. It is expected that this demand will decline alongside the anticipated economic recovery following the pandemic, albeit that there can be no certainty on the timing of this. For planning purposes, it has been assumed that the current elevated demand for CTRS

will continue for the first six months of 2021/22 and returns to normal levels over the remainder of the year. This would see a loss of income equivalent to 75% of the pressure in the current financial year and is reflected through a 1,180 reduction in Band D equivalent properties within the taxbase.

Impact on 2021/22 General Fund Budget

The draft budget for 2021/22 considered by Cabinet on 10 December 2020 was published prior to confirmation from Government on the precise mechanism by which local authorities would be supported with additional demand for the Council Tax Reduction Scheme. The consultation budget therefore outlined the financial impact of the 1,144 Band D equivalent uplift for the taxbase, which secures £1,354k additional funding for General Fund services, while assuming that COVID-19 related impacts would be managed through specific Government support.

The Council has been provisionally awarded £2,734k to manage the impact of COVID-19 on Council Tax and the Council Tax Reduction Scheme in 2021/22, with £1,463k of this sum replacing the forgone income from the 1,180 Band D equivalent uplift in demand for the Council Tax Reduction Scheme and the remaining £1,271k remaining available to finance further support to residents in hardship with their Council Tax over the 2021/22 financial year

The overall impact on the 2021/22 budget is therefore unchanged from that assumed in the consultation budget in December 2020, with the normal changes to the Council Tax base remaining as assumed in that report and the COVID-19 impact on the Council Tax Base fully funded by government grant.

Section 106 of the Local Government Finance Act 1992

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

BUSINESS RATES INCOME FORECAST

The Local Government Finance Act 2012 introduced a mechanism whereby local authorities retain a proportion of business rates as a revenue funding stream and as a result, the business rates income forecast for 2021/22 has a direct impact upon the Council's finances and is therefore submitted to Council for approval alongside the Council Taxbase.

The Business Rates Income forecast for 2021/22 has been derived from the local rating list. Following allowance for the current levels of both mandatory and discretionary reliefs, the Council anticipates a gross yield of £370,241k.

The Local Government Act 2012 permitted the retention of 30% revenues by London Boroughs, with the remainder being split between Central Government and the Greater London Authority. This retained sum is reduced through a levy mechanism, with Hillingdon's share of projected 2021/22 income amounting to £55,105k, which is made up of the baseline rates income of £47,457k plus retained growth of £7,648k.

The Council is required to submit a certified NNDR1 return, containing a more detailed analysis of this business rates forecast, to both MHCLG and GLA by 31 January 2021. A recommendation to delegate authority to the Corporate Director of Finance to submit this return is included in this report.

Impact on 2021/22 General Fund Budget

The £55,105k income retained by the Council will be reflected in the budget presented to Cabinet for approval in February 2021, an decrease of £900k from 2020/21 due to reductions in the taxbase due to the COVID-19 pandemic and the impact on local businesses, this position is offset by a 0.5% inflationary uplift as reflected in the draft budget presented to Cabinet in December 2020.

Proposed Retail Rate Relief

The Chancellor, in his COVID-19 support package for business, announced that retail relief of 100% would be awarded to businesses within the retail and hospitality sectors, alongside nurseries against their 2020/21 liability. At this time, it is yet to be announced what this scheme will look like for 2021/22, the Council has therefore set a budget based on the pre-pandemic scheme. However, should the scheme continue, the reduction in income from the scheme will be funded by the Government, and therefore not impact on the Council's overall funding position. An estimate for the local cost of this scheme will be included in the NNDR1 returned to MHCLG on this basis. In line with other Government-directed discounts, the Council will be reimbursed for lost income through a Section 31 Grant.

FINANCIAL IMPLICATIONS

The forecasts outlined in this report for both Council Tax and NNDR revenues in 2021/22 were included within the draft budget published for public consultation in December 2020. Income collected during 2021/22 will be closely monitored and any variation from the projections outlined above captured through future refreshes of the Medium Term Financial Forecast process.

LEGAL IMPLICATIONS

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

BACKGROUND PAPERS: The Council's Budget: Medium Term Financial Forecast 2021/22 - 2025/26 - 10 December 2020.

Calculation of the Council Tax Base 2021/22

CALCULATION OF 'H' (The number of chargeable dwellings on valuation list)	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
Number of properties in the valuation list as at 16.12.20	1,113	6,235	26,084	46,804	18,670	9,949	5,209	464	114,528
Exempt Properties	(80)	(288)	(571)	(936)	(445)	(314)	(466)	(10)	(3,110)
Properties re Disabled Persons relief - Drop a Band		(7)	(53)	(207)	(118)	(98)	(39)	(21)	(543)
Properties re Disabled Persons relief - Drop a Band	7	53	207	118	98	39	21		543
Value of 'H'	1,040	5,993	25,667	45,779	18,205	9,576	4,725	433	111,418
CALCULATION OF 'Q' (the value of discounts allowed)									
Equivalent number of properties entitled to single occupancy discount/ Disregard (i.e. actual number x 25%)	(120)	(841)	(2,635)	(2,489)	(940)	(459)	(171)	(6)	(7,659)
Equivalent number of properties entitled to 50% discount as all residents disregarded (i.e. actual number x 50%)	0	(7)	(10)	(9)	(6)	(7)	(13)	(3)	(53)
Empty Property Discount	0	0	0	0	0	0	0	0	0
Value of 'Q'	(120)	(847)	(2,644)	(2,498)	(946)	(465)	(183)	(9)	(7,712)
CALCULATION of 'E' (Any premiums payable on empty properties)									
Calculation of Premiums applicable	5	9	38	36	16	11	5	4	124
	3	5	19	18	8	6	3	2	62
Value of 'E'	3	5	19	18	8	6	3	2	62
CALCULATION OF 'J' (Expected adjustments to number of properties on valuation list)									
New properties added to valuation list since 16.12.18	0	0	0	0	0	0	0	0	0
Properties completed but not yet shown on valuation list	31	138	198	107	27	6	9	3	519
Properties known to be on valuation list but to be taken out of list as demolished	(4)	(4)	(2)	(9)	(4)	(4)	(1)	0	(28)
Assumed increase in no of properties over year	16	89	370	662	265	141	74	7	1,624
Estimated in year changes to discounts	(2)	(15)	(54)	(59)	(28)	(17)	(7)	(0)	(181)
Estimated in year changes to exemptions	(9)	(31)	(61)	(100)	(48)	(34)	(50)	(1)	(332)
Value of J	33	177	451	602	212	93	25	8	1,602
Value of (H+Q+E+J)	955	5,328	23,493	43,901	17,479	9,210	4,569	434	105,370
Value of (H+Q+E+J)	955	5,328	23,493	43,901	17,479	9,210	4,569	434	105,370
CALCULATION of 'Z' (Band adjustment due to Council Tax Reduction (CTR) Scheme)									
Equivalent Band reduction based upon estimated monetary values of Council Tax Support Grant	(191)	(1,308)	(4,045)	(4,700)	(961)	(218)	(54)	(4)	(11,482)
Estimated in year changes	17	96	255	260	43	8	2	0	680
Value of 'Z'	(174)	(1,212)	(3,790)	(4,440)	(918)	(210)	(53)	(4)	(10,802)
Value of H+Q+E+J-Z	781	4,116	19,703	39,461	16,561	9,000	4,517	431	94,568
Convert to band D equivalent properties (F/G) where G = 9 and F = number shown in column.	6	7	8	9	11	13	15	18	
Band D Equivalent properties by Band	521	3,201	17,514	39,461	20,241	13,000	7,528	862	102,328
Value of ((H+Q+E+J)-Z)*(F/G)									
Collection rate allowance 2021/22	99.0%							0	(1,023)
Estimated Collectable Band D Properties									101,305
Ministry of Defence properties				766					766
COUNCIL TAX BASE 2021/22									102,071

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QUESTIONS FROM MEMBERS

8.1 QUESTION SUBMITTED BY COUNCILLOR SWEETING TO THE CABINET MEMBER DESIGNATE FOR FINANCE - COUNCILLOR GODDARD:

Please could the Cabinet Member provide an audit of capital funds spent on footway repairs in Hillingdon for financial years 2018/19, 2019/20 and the current financial year, 2020/21 including the tranche of monies as reported in the Capital Release Report of November 2020 broken down into wards currently served by:

1. Conservative Councillors
2. Labour Councillors.

8.2 QUESTION SUBMITTED BY COUNCILLOR DUNCAN TO THE CABINET MEMBER DESIGNATE FOR ENVIRONMENT, HOUSING & REGENERATION – COUNCILLOR LAVERY:

The Community Infrastructure Levy (CIL) has been collected for some years now. Despite repeated requests by individual councillors and Planning and REESPOC Committees for this information to be released on a ward basis, the same as for Section 106 reporting, this has not happened. The information is available by ward. Could the Cabinet Member please arrange for its release, by ward, to all councillors by the end of this month?

8.3 QUESTION SUBMITTED BY COUNCILLOR MORSE TO THE PROPOSED LEADER OF THE COUNCIL - COUNCILLOR EDWARDS:

The Sub National Population Projections (SNPP) dated 2019 confirms that the borough had approximately 42,000 people who are in the current highest vaccination priorities of 1 to 5.

Is the Council able to confirm the number of vaccination sites and transport arrangements needed to minimise the time for this process to be completed and be able to provide weekly reports on the number of people vaccinated?

Vaccination Order

- 1 residents in a care home for older adults and their carers
- 2 all those 80 years of age and over, and frontline health and social care workers
- 3 all those 75 years of age and over
- 4 all those 70 years of age and over, and clinically extremely vulnerable individuals
- 5 all those 65 years of age and over

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MOTIONS

9.1 MOTION FROM COUNCILLOR LAKHMANA

Fireworks are used by people throughout the year to mark / celebrate different events. While they can bring much enjoyment to some people, they can cause significant problems and fear for other people and animals. They can be a source of fear and distress for many animals (including pet animals, farm livestock and wildlife). Animals affected not only suffer psychological distress but can also cause themselves injuries – sometimes very serious ones – as they attempt to run away or hide from the noise. The unpredictable and high intensity noises that many fireworks make can cause fear.

Therefore, this Council resolves:

- To ask officers to explore how all public firework displays within the local authority boundaries could be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.
- To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.
- To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays.
- To encourage local suppliers of fireworks to stock 'quieter' fireworks for public displays.

This motion is also supported by organisations such as the RSPCA.

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