



HILLINGDON
LONDON



Council

TO ALL MEMBERS OF THE
COUNCIL

Date: THURSDAY, 13 JANUARY
2011

Time: 7.30 PM

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

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

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Agenda

Prayers

To be said by Reverend Adrian Guthrie

- 1 Apologies for Absence
- 2 Minutes 1 - 32
To receive the minutes of the meeting held on 4 November 2010
- 3 Declarations of Interest
To note any declarations of interest in any matter before the Council
- 4 Mayor's Announcements
- 5 Report of the Head of Democratic Services 33 - 34
- 6 Statement of Licensing Policy 35 - 62
To consider the recommendation of Cabinet
- 7 Council Tax Base 2011/2012 63 - 68
To consider the Council Tax base for 2011/12
- 8 Members' Questions 69 - 70
To take questions submitted by Members in accordance with Council Procedure Rule 11
- 9 Motions 71 - 72
To consider Motions submitted by Members in accordance with Council Procedure Rule 12

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Agenda Item 2



HILLINGDON
LONDON

Minutes

COUNCIL

4 November 2010

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

Councillor David Yarrow (Mayor)
Councillor Mary O'Connor (Deputy Mayor)

	<p>MEMBERS PRESENT:</p> <p>Councillors: David Allam Beulah East Richard Lewis Lynne Allen Neil Fyfe Anita MacDonald Bruce Baker Sid Garg John Major Tim Barker Roshan Ghei Michael Markham Richard Barnes Dominic Gilham Carol Melvin Josephine Barrett Raymond Graham Douglas Mills Jonathan Bianco Paul Harmsworth Richard Mills Wayne Bridges Shirley Harper-O'Neill John Morgan Mike Bull John Hensley June Nelson Keith Burrows Henry Higgins David Payne Paul Buttivant Patricia Jackson Ray Puddifoot George Cooper Phoday Jarjussey Andrew Retter Judith Cooper Sandra Jenkins David Routledge Philip Corthorne Alan Kauffman Avtar Sandhu Brian Crowe Judy Kelly Robin Sansarpuri Peter Curling Peter Kemp Scott Seaman-Digby Catherine Dann Mo Khursheed David Simmonds Jazz Dhillon Kuldeep Lakhmana Brian Stead Janet Duncan Eddie Lavery Michael White</p>
	<p>OFFICERS PRESENT: Hugh Dunnachie, Fran Beasley, Christopher Neale, Chris Spencer, Jean Palmer, Linda Sanders, Raj Alagh, Lloyd White, Mark Braddock, Morgan Einon and Nikki Stubbs</p>
	<p>PRAYERS</p> <p>Prayers were said by Reverend Adrian Guthrie.</p>
33.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillors Benson, Bliss, Brar, Gardner, O'Brien and Riley.</p>
34.	<p>MINUTES (<i>Agenda Item 2</i>)</p> <p>RESOLVED: That the minutes of the meeting held on 9 September 2010 be agreed as a correct record.</p>

<p>35.</p>	<p>MAYOR'S ANNOUNCEMENTS (<i>Agenda Item 4</i>)</p> <p>The Mayor advised that the Borough shooting team had taken part in the annual competition organised by the London Boroughs' National Small Bore Rifle Association. The Mayor congratulated the team members for winning the competition for the fourth successive year, equalling the record for the longest period that the shield had been retained.</p> <p>The Mayor, Mayoress and chaplain had attended the Mayors' Service at Westminster Abbey.</p> <p>The Mayor had attended a Town Twinning planning meeting in Germany on 29 October 2010. The meeting had also been attended by the Mayors from two of the Borough's twin towns: Schleswig and Mantes-la-Jolie.</p> <p>The Council was advised that, since the last meeting, the number of events that had been attended by the Mayor, the Deputy Mayor and past Mayors on the Mayor's behalf totalled 87. 75 of these events were within the Borough with the remaining 12 being outside of Hillingdon.</p>
<p>36.</p>	<p>PUBLIC QUESTION TIME (<i>Agenda Item 5</i>)</p> <p>5.1 QUESTION FROM IAN MOULES, ST JOHN'S CLOSE, UXBRIDGE TO THE CABINET MEMBER FOR EDUCATION AND CHILDREN'S SERVICES – COUNCILLOR SIMMONDS</p> <p>"After his visit to the Whitehall schools on Monday 18 October, what does Councillor Simmonds see as the key obstacles to expanding Whitehall Infant School and Whitehall Junior School while maintaining the excellent educational standards and meeting legal requirements, and what strategies do the local authority have in place to address these obstacles?"</p> <p>Councillor Simmonds responded that the Council recognised the challenge of providing more school places and consideration had been given in the past to the expansion and reduction of schools in line with the changing population. The increase in births since 2008 had meant that Uxbridge now required four forms of entry towards the end of the decade and more school places sooner than previously expected.</p> <p>The Council's strategy for providing more school places in the Uxbridge area had included the delivery of a 3fe school at RAF Uxbridge. It was anticipated that this would provide 50% more places than the child-yield expected from the Whitehall site but would not be available until 2013 at the earliest. As such, the Council needed to create sufficient local school places for the interim period (at least three years) and look at the creation of a fourth form of entry in the longer term.</p> <p>Several options had been considered including working with two local church schools. Despite these schools having limited admissions criteria, discussions had taken place with the diocesan authorities and concluded that one of the schools had expansion potential without significant investment, but only for one school year. The Hermitage School site had also been considered but was thought to be very constrained. As such, there was little potential for expansion. A further suggestion for a programme of rolling expansion was also being considered.</p>

Of the options available, the expansion of Whitehall schools appeared to offer the best solution. The Whitehall schools had a surplus of classrooms because they were previously four forms of entry. Although the amount of space was far from ideal, the Council had met with the Head Teachers who had made suggestions to resolve the issue and had stated a preference for temporary expansion.

Whilst temporary expansion would not be ruled out, the Council preferred the two-storey permanent expansion option. However, it was acknowledged that this would be disruptive, would render a significant part of the school un-useable while the work was carried out and would take longer to complete than a single storey block.

Councillor Simmonds advised that he would be chairing a Petition Hearing on Monday 8 November 2010 where consideration would be given to three petitions regarding the Whitehall schools.

The schools, parents and Councillors had lobbied on the issue and Councillor Simmonds advised that a final resolution had not yet been found. Once he had received all of the evidence, he would make a decision on the matter so that it could be implemented as soon as possible.

5.2 QUESTION FROM PETER JAMES, THE GREENWAY, UXBRIDGE TO THE CABINET MEMBER FOR EDUCATION AND CHILDREN'S SERVICES - COUNCILLOR SIMMONDS

"Would the Leader of the Council or Councillor Simmonds please tell the Council why an agreement between Council Officers and the Whitehall Schools on the location and boundary of the Children's Centre on Whitehall School playing field is not being honoured and why the Director of Education and Children's Services chose the afternoon of 22nd of October to inform the Headteachers of Whitehall Infant School and Whitehall Junior School that work would be commencing on site on the morning of 23rd October."

Councillor Simmonds noted that Mr James had previously been elected as a Hillingdon Councillor and, during his time in office, had sat on the Committee which, on 15 February 1996, considered the expansion of Whitehall schools and resolved that there be four forms of entry.

In response to the question, Councillor Simmonds advised that, at a meeting in early 2009, the plans for the new Children's Centre building had been shared with the Governing body and it was confirmed that these would be submitted for planning approval. Although the Planning Department had consulted on these plans in the usual way and the schools had raised their concerns about the plans with the Council, no objections were raised at that time by the schools.

Shortly before the work was due to start, the Chairman of the Governors had raised concerns about the location of the building and requested that it be moved 3m further back into the wooded area. Officers had agreed to try and relocate the building further into the wooded area. However, the Planning Department had advised that a new planning application would need to be submitted.

Meetings were held with the school to resolve a number of issues such as the location of the perimeter fence, the management of the building and the location of a path from the Centre to the school. However, as it was proposed that the building be relocated closer to houses backing on to the school, neighbours strongly objected to the

proposal and the impact it would have on them. Officers subsequently redrafted plans to try and meet these concerns, but there remained strong objections.

The Children's Centre capital programme was grant funded and the deadline for total spend of this grant was 31 March 2011. As delays to the planning application increased, it became obvious that, unless work started on site quickly, this deadline would not be met. This would mean a loss of grant funding for the Council and that costs incurred on this project would have to be met from the revenue budget. It would also mean that 1,000 children under five and their families would miss out on Children's Centre provision. The Council had a statutory duty to provide sufficient Children's Centres and had agreed with the Department for Education that it would build six Centres in the Phase 3 programme.

The Council believed that the Children's Centres were an asset to the Borough so was keen to go ahead with the development. As such, a decision was made on 21 October 2010 that the Council would not go ahead with a new planning application and would instead invoke the previously agreed planning permission for the site. The Director of Education and Children's Services met with Head Teachers the following day to advise them that the hoarding to separate the site from the school would be erected the following week (half term week which commenced on 25 October 2010) and that enabling work would happen over the following two weeks, with building work starting on the site on 22 November 2010.

5.3 QUESTION FROM MR BUTLER AND MISS JEFFRIES OF BYRON WAY, WEST DRAYTON TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH AND HOUSING – COUNCILLOR CORTHORNE

“Would it not have been better for Hillingdon Homes to have applied for and gained planning permission for the whole Glebe estate, and then spread the works over a longer period, by doing one section of the works at a time, for example fencing the whole estate at the same time, thus enabling better discounts for parts and labour etc., hopefully lowering the costs to leaseholders and the council, rather than the expensive, disorganised, and to the residents, disruptive way that these works have been proceeding on these two blocks at present?”

Councillor Corthorne responded that the Glebe project was a large one which covered the whole of the estate. Due to the complexity of the project involving eight different garage areas and 18 diverse blocks of flats and maisonettes, it was not possible to do all the consultation and planning submissions at once. The estate had therefore been split up into six zones to enable manageable sized packages of works to be put together.

The estate wide works were scheduled over a three to four year period and works were currently being carried out to the first two individual blocks of flats and would last approximately 18 weeks. Councillor Corthorne advised that it would be disruptive for residents in these blocks to have the work carried out element by element over a long period of time or for the estate as a whole to have separate elements of work carried out to every block of flats over a long period.

As far as costs were concerned, Hillingdon Homes, now Hillingdon Housing Service, had a partnering arrangement with Apollo Property Services Group Ltd. Apollo had entered into long term arrangements with suppliers and sub-contractors to drive down prices and obtain discounts, which benefited both the Council and leaseholders. However, the Council had a fiduciary duty to charge leaseholders for the cost of those

works for which they were required to pay in accordance with the terms of their leases.

5.4 QUESTION FROM MRS SMITH OF STRATFORD ROAD, YEADING TO THE CABINET MEMBER FOR FINANCE, PROPERTY AND BUSINESS SERVICES – COUNCILLOR BIANCO

“The Council has responsibilities for animal welfare and for the welfare of children. It works in partnership with the Police, the London Boroughs, the GLA, M.P.’s, and other partners and agencies across London and it has a strong voice. Will the Council make it’s position absolutely clear that dog fighting and abuse of animals will not be tolerated and, that enforcement action will be taken against those engaged in these illegal, cruel and barbaric practices?”

Councillor Bianco responded that he was delighted for the opportunity to re-affirm the Council’s position on what Mrs Smith quite rightly described as cruel and barbaric practices. The Council utterly condemned dog fighting as it was a cruel and deplorable practice that would never be tolerated in this Borough.

Enforcement action against dog fighting was normally carried out by the Police and RSPCA inspectors using powers under the Animal Welfare Act 2006. The Council’s Animal Control Officers had always worked closely with the Police and RSPCA officers, and any intelligence on dog fighting gathered during their routine visits was always shared with the relevant officers.

Councillor Bianco advised that Hillingdon was one of the few local authorities in the UK that had an Animal Welfare Charter, which set out the Council’s stance on animal welfare issues and had been in place for 10 years. The Charter had been recognised by the RSPCA as an example of good practice and had received an RSPCA bronze footprint. It was noted that, in 2009, the RSPCA had prosecuted and convicted 31 cases of dog fighting.

Furthermore, it was noted that a Dogwatch scheme had been set up earlier in the year in conjunction with the Yiewsley Safer Neighbourhood Team and was working well. The purpose of the scheme was to build links between police and dog walkers in a bid to reduce crime.

Councillor Bianco stated that the Council would continue to do everything in its power to ensure that this terrible practice did not take place in the Borough and, where it did happen, action would be taken against the perpetrators.

37. REPORT OF THE HEAD OF DEMOCRATIC SERVICES (Agenda Item 6)

(i) THE CABINET

Councillor Puddifoot moved the recommendations as set out on the Order of Business. These were seconded by Councillor Simmonds. Following debate (Councillors Bianco, Burrows, Harmsworth, Kauffman, D Mills and Retter) the motion was put to the vote and agreed.

RESOLVED: That:

- a) the composition of the Cabinet and the Cabinet portfolios be noted as set out in Annex A; and**
- b) Councillor Jenkins be thanked for her outstanding contribution to the**

work of the Cabinet.

(ii) IMPLEMENTATION OF THE COUNCIL'S BUSINESS IMPROVEMENT DELIVERY PROGRAMME

Councillor Puddifoot moved the recommendation as set out on the Order of Business. This was seconded by Councillor Simmonds. The motion was then put to the vote and agreed.

RESOLVED: That the Head of Democratic Services, in consultation with the Leader of the Council, be authorised to amend existing officer and Member delegations, job titles, etc, throughout the Constitution arising from the Business Improvement Delivery Programme.

(iii) AMENDMENTS TO THE COUNCIL CONSTITUTION

Councillor Puddifoot moved the recommendation as set out on the Order of Business. This was seconded by Councillor Simmonds. The motion was then put to the vote and agreed.

RESOLVED: That the amendments to the Constitution, as set out in Annex B, be approved for implementation with immediate effect, including the current Council meeting.

(iv) APPOINTMENT OF CHAMPION

Councillor Puddifoot moved the recommendation as set out on the Order of Business. This was seconded by Councillor Simmonds. The motion was then put to the vote and agreed.

RESOLVED: That Councillor Jenkins be appointed Council Champion for the Environment.

(v) MEMBERSHIP OF COMMITTEES AND OUTSIDE BODIES

Councillor G Cooper moved the recommendations as set out on the Order of Business with the addition of Mrs Elizabeth Kemp replacing Mr Geoff Courtenay as a Conservative representative on the Hoenigsberg Memorial Trust. These were seconded by Councillor Markham. The motion was then put to the vote and agreed.

RESOLVED: That:

a) on the recommendation of the Leader of the Conservative Group:

- **Pensions Committee – Councillor Simmonds to replace Councillor G Cooper**
- **Ruislip Combined Charities – Councillor Lavery to replace Mr Tony Eginton**
- **Uxbridge United Welfare Trusts – Councillor Graham to replace Mr P Ryerson from 14/11/10**
- **Hoenigsberg Trust – Mr Graham Horn to replace Mr Tony Eginton**
- **Hoenigsberg Memorial Trust – Mrs Elizabeth Kemp to replace Mr Geoff Courtenay**

b) on the recommendation of the Leader of the Labour Group:

- **Ruislip Combined Charities – Mr David Horne to be reappointed**
- **Standards Committee Review Sub-Committee – Councillor**

Harmsworth to replace Councillor Garg

- **To note that Councillor Garg will no longer be a Labour Group appointee on any Council Committees**

38. PETITIONS TO THE COUNCIL (*Agenda Item 7*)

Councillor G Cooper moved the recommendation as set out on the Order of Business. This was seconded by Councillor Markham. The motion was then put to the vote and agreed.

RESOLVED: That, as recommended by Cabinet on 14 October 2010, Council adopt a new Petition Scheme, as set out in Annex C, and agree the necessary Constitutional changes as set out in the report.

39. MEMBERS' QUESTIONS (*Agenda Item 8*)

8.1 QUESTION SUBMITTED BY COUNCILLOR MACDONALD TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH & HOUSING – COUNCILLOR CORTHORNE

“Can the Cabinet Member for Social Services, Health & Housing let the Council know how many Wise Lane estate leaseholders requested a full roof replacement in the recent consultation by Hillingdon Homes, now Hillingdon Council?”

Councillor Corthorne responded that questionnaires had been sent to the 42 leaseholders. Responses had been received from 26 of them: 12 supported the option of full roof replacement; 8 supported the option to continue repairing the roofs; and 6 returned their questionnaires without expressing a preference but requesting more information.

It was noted that this was an initial consultation exercise with leaseholders about the need for the work and the options open to the Council. The Council had worked closely with the Leaseholders Association regarding the strategy. It was acknowledged that not all leaseholders would be happy with the decision that was eventually made but that the process had been transparent and the Council had fulfilled its fiduciary duty.

Councillor MacDonald, by way of a supplementary question, stated that the response figures quoted were incorrect and asked if the Cabinet Member could look into this matter further. Councillor Corthorne advised that he would investigate the matter and respond to Councillor MacDonald in writing.

8.2 QUESTION SUBMITTED BY COUNCILLOR ALLEN TO THE CABINET MEMBER FOR PLANNING, TRANSPORTATION AND RECYCLING – COUNCILLOR BURROWS

“Could the Cabinet Member for Planning and Transportation please inform this Council why no action has been taken to move forward with the Consultation for a CPZ in Little Road, Chalfont Road and Austin Road, despite the Members for Townfield being consulted at least three times already?”

Councillor Burrows responded that he was surprised and disappointed at Councillor Allen’s allegation that there had been no action on this matter. He was fully aware from his regular discussions with officers that there had been effort on their part to

agree a way forward with Councillor Allen that the Ward Councillors would be happy with.

Councillor Burrows stated that Councillor Allen had spoken as a Ward Councillor at a Petition Hearing where residents of Little Road had petitioned for a parking management scheme in their road alone. At this meeting, she had rightly pointed out to the residents that a parking management scheme in just one road did not usually work as the parking problem was simply displaced elsewhere. This view had prompted a rather negative response from some of the petitioners who argued that Little Road was a special case and that they were unhappy about sharing a scheme with other roads.

Since then, officers had been working with Councillor Allen to try to agree a way forward and to define a workable area for a parking management scheme that might encompass other roads and take advantage of off-street parking. This Council did not seek to impose schemes on local residents but preferred to respond to residents' aspirations. Ward Councillors could play a valuable part in shaping this process as they were an integral part of their local community and should know what the issues are for their constituents. Only then would the Council seek to undertake a consultation in all the roads affected.

The situation surrounding Little Road and adjacent roads was ongoing and, as Councillor Allen acknowledged in her question, numerous meetings had taken place. Therefore, to say that no action had been taken was simply not true.

Councillor Burrows urged Councillor Allen to get back around the table with officers to focus on progressing the issue to a conclusion which would be beneficial to residents.

Councillor Allen, by way of a supplementary question, advised that the Petition Hearing had taken place in July 2009 and asked why she had only received three emails from officers about the matter since then and why the issue had not yet been resolved.

Councillor Burrows advised that residents had not been able to agree a way forward and it was not the Council's usual practice to impose a scheme on residents that they did not want. Councillor Burrows suggested that Councillor Allen speak to the officers to work on resolving the matter.

8.3 QUESTION SUBMITTED BY COUNCILLOR HARMSWORTH TO THE CABINET MEMBER FOR PLANNING, TRANSPORTATION AND RECYCLING – COUNCILLOR BURROWS

“Does the Cabinet Member for Planning and Transportation have any plans to switch off all or some of the speed cameras in the Borough?”

Councillor Burrows responded that this question allowed him to dispel some of the common myths about 'speed cameras' – technically known as 'safety cameras'. There had been a great deal of national public debate about the merits (or otherwise) of these devices, and the Council's view was that they did have a role to play in some cases, but only if it could be clearly proven that they fulfilled a genuine public service in tackling a real road safety problem.

The Council had no plans to switch off any of the safety cameras in Hillingdon as they were not the Council's to switch off. In London, Transport for London and the

Metropolitan Police were in control of all the safety camera sites. At present, the managing body for these London-wide safety cameras (including the ones in Hillingdon) was the London Safety Camera Partnership (LSCP). However, like many such bodies, its future was a little uncertain in light of the recent spending review.

Whenever the LSCP identified a possible site for a safety camera in Hillingdon, it always asked the Council for its views on the proposal. As the only sites chosen had been ones which had suffered from especially high rates of serious or fatal injuries, the Council had generally been supportive. However, the Council would not support any initiative which could be misinterpreted as a revenue-earning device to punish motorists. In any case, none of the revenue from penalty notices issued by the Police through the use of these cameras came to the Council.

In London, the boroughs did not directly contribute to the LSCP, so the Council's road safety budgets were not directly affected in the same way that the Shire Counties were. No doubt, however, the Mayor of London and Transport for London would be looking at the future of the camera network.

In summary, Councillor Burrows advised that there were no plans for the Council to switch off any of the cameras as the cameras were not under the control of the Council.

Councillor Harmsworth, by way of a supplementary question, asked whether there were any cameras which Councillor Burrows or the majority group would like switched off or locations where they thought cameras should be installed.

Councillor Burrows advised that, as the Council had been supportive of the cameras that had already been installed, there were none which he would like to see removed. With regard to the installation of new cameras, Councillor Harmsworth was advised that the Council had lobbied the LSCP for the installation of cameras on Ducks Hill Road following a fatality. Although this location was not high on the LSCPs list of priorities, the Council would continue to lobby on the matter.

40. **MOTIONS** (*Agenda Item 9*)

9.1 MOTION FROM COUNCILLOR CURLING

Councillor Curling moved the following motion:

"This Council recognises that the habit of spitting in the street is both anti-social and a hazard to public health. Council therefore calls on Cabinet to set out a scheme of public information and education on the subject of spitting in public areas, and consider the introduction of a "No Spitting Zone" throughout the borough."

The motion was seconded by Councillor Allen. Following debate (Councillors Corthorne, D Mills and Simmonds), the motion was put to the vote and agreed.

RESOLVED: That this Council recognises that the habit of spitting in the street is both anti-social and a hazard to public health. Council therefore calls on Cabinet to set out a scheme of public information and education on the subject of spitting in public areas, and consider the introduction of a "No Spitting Zone" throughout the Borough.

ANNEX A - COMPOSITION OF CABINET & PORTFOLIOS

	ANNEX B - AMENDMENTS TO THE CONSTITUTION
	ANNEX C - PETITION SCHEME
	ANNEX D - RESPONSE TO SUPPLEMENTARY QUESTION
	The meeting, which commenced at 7.30 pm, closed at 8.40 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.

London Borough of Hillingdon
Revised Cabinet Portfolios

Code:

- What's new (Green)
- What has been moved (red)
- Deleted — struck through

Members of the Cabinet:

	NAME	PORTFOLIO
1.	Councillor Ray Puddifoot	Leader of the Council
2.	Councillor David Simmonds	Deputy Leader of the Council and Cabinet Member for Education and Children's Services
3.	Councillor Philip Corthorne	Cabinet Member for Social Services, Health and Housing
4.	Councillor Henry Higgins	Cabinet Member for Culture, Sport and Leisure
5.	Councillor Douglas Mills	Cabinet Member for Improvement, Partnerships and Community Safety
6.	Councillor Jonathan Bianco	Cabinet Member for Finance, Property and Business Services
7.	Councillor Scott Seaman- Digby	Cabinet Member for Co-ordination and Central Services
8.	Councillor Keith Burrows	Cabinet Member for Planning, Transportation and Recycling

Leader of the Council**1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:**

- **Civic Pride**
- **Heritage**
- **Street names / buildings etc...**
- **Democratic Services**

2. To be responsible for the principal policy direction of the Council within its statutory functions.

3. To be responsible for overseeing the development of the short, medium and long term financial strategies to be recommended for adoption by the Council.
4. To represent the Council in the community and in negotiations with the Government and regional, national and international institutions and organisations, reporting to Cabinet as necessary.
5. To be responsible for the overall management structure of the Council, in consultation with the Chief Executive.
6. To identify the need for new strategies and policies for the better discharge of the Council's functions insofar as specific policies and strategies fall within the remit of other Cabinet Members or the Cabinet.
7. To be responsible for the resolution of differences of opinion between portfolio holders acting within their delegated powers and reporting to Cabinet as necessary.
8. To take responsibility for or to assign responsibility to one or more Cabinet portfolio holders for issues not specifically allocated in these delegations or involving one or more portfolio holder.
9. To exercise any executive function not otherwise allocated to either the Cabinet or any other individual Cabinet member, or to delegate such functions to another Cabinet member, a committee of the Cabinet, or to an officer.
10. To monitor the operation of the modernised decision-making structure and make recommendations to the Cabinet and Council as appropriate.
11. To authorise another Cabinet member to deputise for any other Cabinet member in that person's absence.
12. Jointly with the Cabinet Member for Finance, Property and Business Services, to make decisions on the release of monies for all capital projects.
13. To determine the flying of flags on the forecourt of the Civic Centre and agree the list of flags and dates
14. To champion the interests of Older People in the Borough. To ensure that their views are heard and taken into account by the Council. To work towards effective partnerships between Older People and our partner organisations.
15. Jointly with the Cabinet Member for Finance, Property and Business Services to authorise the commissioning of work from internal and external audit following a request from the Audit Committee.
16. The Leader may appoint any Councillor or Member of the Public living in the Borough as a Borough Advocate to protect and promote single-issue interests on behalf of the council and where appropriate with partner organisations and beyond. Such a person should hold significant experience within their agreed area of appointment.

A protocol will be agreed between the Leader of the Council and a Borough Advocate to determine their exact role and length of appointment, however such a post cannot make formal decisions (which are reserved by the Cabinet or appropriate committee) and would undertake a more defined or temporary role than either a Cabinet Assistant or Champion.
17. To resolve any dispute over the spending of Ward Budgets after consultation with other Party Group Leaders, where appropriate. To also approve spending of the Ward Budget

for the Ward represented by the Cabinet Member for Improvement, Partnerships and Community Safety.

18. In conjunction with the Chief Executive responsible for the operation of the London Borough of Hillingdon Civic Medal Award Scheme.
19. In consultation with the Mayor responsible for the operation of the London Borough of Hillingdon Volunteer Pin Scheme.
20. To agree or amend service specific policies or official codes of practices and guidance.
21. Approve arrangements for significant civic ceremonies and Borough events and also key matters concerning the Mayoralty, in consultation with relevant Officers
22. To oversee the Hillingdon Improvement Programme and authorise expenditure on it, in conjunction with the appropriate officer.
23. To approve Initiatives, oversee their operation and approve grants issued by appropriate officers.

Deputy Leader of the Council

1. To assist the Leader in the exercise of his or her functions, and to deputise in his or her absence.

Cabinet Member for Education & Children's Services

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - special needs,
 - school attendance,
 - grants and awards scheme,
 - careers service,
 - home and hospital tuition,
 - transport and travel concessions for school pupils,
 - school places,
 - raising standards of education.
 - all other education services to children.
 - the youth and community service,
 - young people's services,
 - youth centres,
 - Care services for children and families,
 - Provision of care for children,
 - child abuse,
 - juvenile justice,
 - corporate parenting,
 - Services to asylum seekers,
 - Services for children in need including children with a disability.
2. To represent or recommend to Cabinet, another Councillor to represent the Council on the Authority's Adoption and Permanency Panel and Fostering Panel.
3. To approve statements of purpose for Children's homes and establishments.

4. Jointly with the Cabinet Member for Culture, Sport and Leisure, to monitor the operation of Management Advisory Committees for projects / facilities managed by the education and youth service and to approve the establishment of any new Management Advisory Groups.
5. To approve variations to schemes for the Local Management of Schools.
6. To approve variations to constitutions of School Governing Bodies.
7. To exercise the LEA's powers of intervention including the suspension of delegated powers from a governing body in accordance with the School Standards and Framework Act 1998.
8. To receive monthly reports on the performance of schools.
9. To approve appointments of Council nominees to School Governing Bodies, within a local procedure allowing nominations from all political groups.
10. To monitor the performance of any schools where special measures have been applied.
11. To consider Ofsted reports on schools in the Borough as necessary
12. To determine school organisation proposals where no objections have been received.

Cabinet Member for Social Services, Health and Housing

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - housing maintenance
 - stock refurbishment
 - council shops
 - management of the housing stock,
 - housing need for the Borough,
 - housing development programme,
 - homelessness duties,
 - conditions of tenancies,
 - rent setting
 - Housing Revenue Account budget,
 - housing benefit scheme,
 - home ownership,
 - social housing grant,
 - private sector housing grants,
 - new homes initiatives,
 - maximising the use of empty homes
 - care services for adults and older people
 - services for clients with disabilities,
 - mental health services
 - local authority health services
 - **public health**
 - **drugs and substance abuse services**
 - HIV/AIDS services,
 - Health promotion,
 - Working with the NHS,

2. To consider monthly reports on sensitive services and those with significant budget implications, e.g. placements in residential homes.
3. To provide link contact between the Council and the Primary Care Trust.
4. To approve proposals for naming and re-naming of housing schemes and developments
5. Jointly with the Cabinet Member for Finance, Property and Business Services authorise the grant of extension of leasehold interests in properties where the Council is freeholder and to consider requests from leaseholders of Council properties for loft conversions.
6. To approve systems for consultation with tenants and lessees.
7. To approve housing management arrangements and methods of procurement
8. To approve programmes for stock investment and confirmation of adjustments to the programme.

Cabinet Member for Culture, Sport and Leisure

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - libraries
 - leisure services
 - cultural activities
 - sports strategy
 - development of the arts
 - adult education

Cabinet Member for Improvement, Partnerships and Community Safety

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - partnerships,
 - seeking external funding,
 - promoting harmony between different cultures and races,
 - working with local organisations, including faith groups,
 - the Chrysalis programme of environmental improvements,
 - **Street Champions & Streets Ahead**
 - **Community Engagement**
 - **Town Centre Regeneration**
 - performance improvement,
 - emergency planning,
 - community safety,
 - CCTV, including the CCTV control room,
 - ~~internal and external communications~~
2. To agree proposals for methods of partnership working, in consultation with the appropriate Cabinet Member if this relates to specific service areas, e.g. transport.
3. In consultation with the Cabinet Member for the appropriate service area, to promote effective partnerships between the Council and all other bodies and agencies affecting the community.

4. To represent the Council on the Uxbridge Initiative and similar town centre partnerships.
5. To oversee proposed arrangements with public and other bodies for the delivery of partnership initiatives and to develop successful partnerships with the other private, public and voluntary agencies which affect the Borough.
6. To take the lead for the Council on civil emergencies and on the response to disasters.
7. To provide a link between the Council and the Community Trust.
8. To oversee the Council's performance management arrangements and to receive regular reports on the extent of achievement of targets and performance indicators for all service areas.
9. To make recommendations to the Cabinet on areas for service reviews, in conjunction with the Leader.
10. In consultation with the Cabinet member for the service portfolio area, to make recommendations to Cabinet in respect of services where the in-house provision is to be subject to competition.
11. Within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the Chrysalis Programme, where appropriate taking into consideration any recommendations of the Environmental Improvements Panel, and to also approve specific alleygating schemes and alleygating policies and procedures.

To approve the inclusion of individual projects in the Chrysalis Programme which are for security works in parks and open spaces jointly with the Cabinet Member for Finance, Business and Property Services.

12. To be responsible for developing awareness throughout the Council and Borough of community safety.
13. To develop partnership working with the community, the Police, probation service, health service and other stakeholders to develop solutions to community safety concerns.
14. To monitor the implementation of the community safety strategy, including the achievement of targets in the strategy.

15. Responsible for ~~corporate communications~~ and consultation arrangements.

16. To approve the spending of Ward Budgets.
17. To sign off all approved expenditure on external support, agency and consultancy advice for the Business Improvement Delivery programme.
18. To oversee the Member Development Programme and agree associated seminars and training.

Cabinet Member for Finance, Property and Business Services

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - financial controls,
 - monitoring of the overall revenue and capital budgets
 - economic regeneration,

- progressing regeneration through external funding,
- examining ways of boosting local employment,
- IT policy,
- e-Government agenda,
- risk management
- facilities management
- major construction projects
- **animals,**
- **trading standards,**
- **mortuaries,**
- **crematoria,**
- **cemeteries,**
- **burial grounds,**
- **weights and measures,**
- **environmental health,**
- **consumer protection,**
- **Imported Food office, Heathrow,**
- **Health Control Unit, Heathrow,**
- **Licensing (other than that delegated to committees)**
- **fleet and passenger services**
- **transport and travel for social services clients,**
- land and property holdings,
- the management of industrial and business units,
- **management of meeting halls**
- **reservoirs,**
- **land drainage,**
- **parks,**
- **open spaces,**
- **woodlands,**
- **allotments,**
- **other amenity land,**
- **provision and management of trees,**
- **Colne Valley Park**
- **Land Charges**

2. To recommend, in consultation with other appropriate portfolio holders, to the Cabinet the priorities for the inclusion of projects in the Council's capital maintenance programme.
3. In pursuance of the Council's objectives and on the recommendation of the Director of Planning, Environment and Community Services, the levels of authority for decisions on land and property will be as follows:-

Property Licenses and Leases

Length	Total Amount	Authority
Under 7 years	Under 10K	Director of Planning, Environment and Community Services
Under 7 years	10k - £100k	Cabinet Member
Under 7 years	Above £100k	Cabinet
7-25 years	0k to £250k	Cabinet Member
Over 25 years	All values	Cabinet

Other property matters

Acquisition and disposal of land and property	Under £10K	Director of Planning, Environment and Community Services
	£10k - £250k	Cabinet Member
Grant of easements and wayleaves	Under £10K	Director of Planning, Environment and Community Services
	£10k - £250k	Cabinet Member

4. To approve annually a report on the performance of the property portfolio
5. To receive monthly updates of the sales programme.
6. To recommend to the Cabinet an Asset Management Policy and Plan and Capital Investment Strategy for the best use of the Council's land and property, in consultation with service portfolio holders.
7. Jointly with the Cabinet Member for Social Services, Health and Housing to authorise the grant of extension of leasehold interests in properties where the Council is freeholder and to consider requests from leaseholders of Council properties for loft conversions.
8. To report to the Cabinet on the development of information technology within the Council's organisation and the arrangements to promote e-Government in accordance with national strategies.
9. In consultation with the appropriate portfolio holder, to monitor the implementation of changes made as a result of recommendations from Internal Audit.
10. In consultation with the appropriate portfolio holder, to consider recommendations made by the External Auditor and to make recommendations to the Cabinet for service changes.
11. To approve virements between services if provided for in the budget framework.
12. To make recommendations to the Cabinet for the use of land and property, where there are competing service needs.
13. To approve terms for the appropriation between services, on the recommendation of the Director of Planning, Environment and Community Services.
14. To take the lead for the Council in health and safety at work legislation.
15. Jointly with the Leader of the Council to make decisions on the release of monies for all capital projects.
12. To be responsible for overseeing and reporting to Cabinet on major construction projects and corporate landlord matters in conjunction with the Leader.
13. Jointly with the Leader of the Council to authorise the commissioning of work from internal and external audit following a request from the Audit Committee.
14. In conjunction with the Leader, to agree rent reviews, including rent free periods for tenants undertaking capital works or determine whether the Council carries out such capital works and agree to modify any future rent accordingly.

15. **Jointly with the relevant Cabinet Member, to monitor the operation of Management Advisory Committees for projects / facilities managed by the education, youth and environmental services and to approve the establishment of any new Management Advisory Groups.**
16. **To approve lettings of public open space for funfairs, circuses and other similar events.**
17. **Jointly with the Cabinet Member for Improvement, Partnerships and Community Safety, and within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the Chrysalis Programme which are for security works in parks and open spaces, where appropriate taking into consideration any recommendations of the Environmental Improvements Panel.**

Cabinet Member for Co-ordination and Central Services

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - Legal services
 - Human Resources
 - Procurement policy
 - Learning & Development
 - **Employment and Training advice**
 - **Communications**
2. To approve, on the recommendation of the Borough Solicitor, the appointment of Counsel.
3. Under the direction of the Leader of the Council, to assist in the delivery of the Council Plan and related initiatives and projects, where appropriate in consultation with other portfolio holders.
4. To be responsible for other portfolio responsibilities or specific delegations, which are agreed in advance by the Leader of the Council under existing delegations.
5. On the request of an Appropriate Delegated Officer within the meaning of the Procurement and Contract Standing Orders, to enter into negotiations, in conjunction with this officer or any other officers nominated by him/her, with those parties who have entered into contracts with the Council.

Cabinet Member for Planning, Transportation and Recycling

1. To oversee and report to the Cabinet on the Council's responsibilities and initiatives in respect of:-
 - designation of conservation areas,
 - Borough wide planning policies,
 - Planning enforcement policies,
 - highways,
 - purchase notices,
 - revocation of planning consents,
 - stop notices,
 - bus routes,
 - traffic,
 - transportation,

- parking,
 - road safety
 - building control,
 - school crossing patrols,
 - conservation,
 - promoting a high quality built environment,
 - local safety schemes.
 - **recycling,**
 - **waste strategy,**
 - **civic amenity sites,**
 - **refuse collection,**
 - **street cleansing,**
 - **trade waste.**
 - **sustainable development**
2. Within the overall budget approved by the Cabinet and Council, to approve the inclusion of individual projects in the programmes for street lighting, highway maintenance, traffic management, London Cycling Network, London Bus Priority Network, Parking Revenue Account funded schemes, (in consultation with other Cabinet Members as appropriate) within the financial limits set out in the budget framework.
 3. To receive monthly reports on numbers of parking penalty charge notices written off or cancelled by officers.
 4. To approve variations to the cost of projects funded from the parking revenue account and other schemes, within the limits set out in the overall budget framework.
 5. To approve or refuse requests for footway parking exemptions.
 6. To consider comments received as a result of public consultation on traffic management proposals, including waiting and loading restrictions, clearways, controlled parking zones, local safety schemes and to approve the final form of schemes, including approval to the conditions of use for parking permits to e.g. traders, business users, residents.
 7. To receive monthly progress reports on the completion of planning obligations (section 106) Agreements.
 8. To consider representations made on proposals for modifications to the Local Development Framework and to make recommendations to Cabinet as appropriate.
 9. To consider representations made to proposals for supplementary planning guidance and to make recommendations to Cabinet as appropriate.

PART 2 – ARTICLES

Article 8 – Council Committees and Bodies

8.03 Registration and Appeals Committee

(c) Terms of Reference

To hear and determine:

12. Under the terms of the Commons Act 2006, to consider and determine applications for registration of Village Greens.

PART 4 – RULES OF PROCEDURE

A. Council Procedure Rules

10. Questions from Members of the Public

10.5 Scope of questions

The Head of Democratic Services may reject a question if it:

- is not from a resident of the borough or a person whose principal place of work or study is within the borough;
- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same, similar in nature or concerning the same subject matter as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information as defined in the Access to Information Rules.

22. RECORD OF ATTENDANCE

22.1 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

22.2 For an attendance to be considered valid the Member

- must be a member of the committee, sub-committee, panel, working group etc that they are attending
- must be present for at least 50% of the items on the agenda, (excluding standard items such as 'Apologies', 'Minutes' and 'Declarations of Interest'), unless given leave to depart earlier by the Chairman of the meeting.

C. Standards Committee Procedure Rules

3. ASSESSMENT

3.1 Upon receipt of a written complaint, the Monitoring Officer will normally:

- Acknowledge receipt in writing within 3 working days, requesting any additional information that may be required to assist with the assessment of the complaint*;
- Notify the subject Member that a complaint has been made, giving details of the complainant (unless the complainant has made a request for confidentiality and the Assessment Sub-Committee has yet to determine whether to grant it), details of the sections of the Code of Conduct to which the alleged breach relates **and requesting any additional information that may be required to assist with the assessment of the complaint***;
- Notify the subject Member that a full written summary will be provided once the Assessment Sub-Committee has met to consider the complaint;
- Arrange for a meeting of the Assessment Sub-Committee to be held within 15 working days;
- Prepare a report for the Assessment Sub-Committee, summarising the complaint and giving full details of the alleged breach along with any additional information the Sub-Committee may need to assist with its deliberations.

*N.B – at this stage seeking additional information should not in anyway amount to an investigation e.g. interviewing witnesses etc, but should be a factual clarification of any ambiguities.

PETITION SCHEME

Our Promise

Hillingdon Council has a well established petition process that enjoys high resident participation and satisfaction. Democratic Services co-ordinates the Council's petition process and we promise to:

- **Value all petitions** – residents' views are important to us
 - **Give friendly advice** – how to best pursue the issue that residents have
 - **Make it easy** – lots of ways to submit a petition to us
 - **Keep you informed** – update the petition organiser about a petition's progress
 - **Let you have your say** – enable residents to speak to and directly influence Council decision-makers
-

Petitions Overview

In accordance with the *Local Democracy, Economic Development and Construction Act 2009*, the petition process allows members of the public to have direct influence on the decision making process and to raise concerns that are important to them. All petitions sent or presented to the Council will receive a written acknowledgement within five working days of receipt. This acknowledgement will set out what the Council plans to do with the petition and when the petition organiser can expect to hear from us again. We will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition. More than one petition can be received on a particular issue, whether for or against that issue.

There shall be a presumption that petitions are publicly viewable documents. With regard to paper petitions, the signature of each signatory will be deleted from the public copy but the name of each person who signed a petition will be viewable on request at the Civic Centre (except in exceptional circumstances, as decided by the Head of Democratic Services). If a petitioner wishes for their name and address to be withheld, then they must include such a request in writing with the petition for consideration by the Head of Democratic Services.

What is a petition?

Petitions can be either paper or electronic. For the purposes of this scheme, the Council will treat as a petition anything which identifies itself as a petition, or which a reasonable person would regard as a petition, and which is signed by the appropriate qualifying persons. For practical purposes, the Council has set a requirement for at least 20 valid signatories before it is treated as a valid petition. In the case of paper petitions, a valid signature will be classed as the name, address and signature of an individual that lives, works or studies in the Borough (duplicate signatories will not be counted). For electronic petitions, a valid signature will be classed as the name, address and email address of an individual that lives, works or studies in the Borough.

Where a communication contains less than 20 signatures, it will be treated as a corporate complaint or service request, whichever is appropriate, and will be passed to the appropriate department for a response. The appropriate Ward Councillors will also be notified of these petitions. If deemed appropriate by the Head of Democratic Services, a paper petition and an electronic petition that are on the same subject from the same petition organiser may be combined and the lead petitioner will be advised accordingly.

Who can submit a petition?

Anyone who lives, works or studies in the Borough, including under 18s, can sign or organise an electronic or paper petition, except for petitions requiring a full Council debate where only signatures of those over 18 years of age will be accepted.

Who should you send a paper petition to?

The Democratic Services section is responsible for receiving, managing and reporting all petitions sent to the authority. Paper petitions can be sent to:

Head of Democratic Services
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
Middlesex UB8 1UW

How will the Council respond to petitions?

The Council's response to a petition will depend on what the petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition
- Considering the petition at a Council meeting
- Holding an inquiry into the matter
- Undertaking research into the matter
- Considering the petition at a Petition Hearing with the relevant Cabinet Member
- Carrying out a consultation
- Holding an informal meeting with the petition organiser
- Referring the petition for consideration by one of the Council's overview and scrutiny committees
- Writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the Council will consider all the specific actions it can potentially take with regard to the issues highlighted in a petition.

If a petition is about something over which the Council has no direct control (for example the local railway or hospital), we may make representations on behalf of the community to the relevant body where appropriate. The Council works with a large number of local partners and, where possible, we will work with these partners to respond to a petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will write to the petition organiser setting out the reasons. More information is available on the services for which the Council is responsible on our website at <http://www.hillingdon.gov.uk/>.

If a petition is about something that a different Council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event, the Council will always notify the petition organiser of the action we have taken.

What are the guidelines for submitting a petition?

Before submitting a petition, petitioners are advised to first check with their Ward Councillors or with the Council to see if the Council is already acting on the concerns and whether the Council is the most appropriate body to receive the petition (sometimes it may be more appropriate to send the petition to another public body).

Petitions submitted to the Council must include a clear and concise statement covering the subject of the petition and should also state what action the petitioners wish the Council to take. At least 20 of the signatories to a petition will be validated by comparing the signatures, addresses or email addresses with records held by the Council.

Petitions should be accompanied by contact details for the petition organiser (including an address and, where possible, a contact telephone number and/or email address). This is the person that we will contact to explain how the petition will be responded to. The contact details of the petition organiser will not be placed on the website. If a paper petition does not identify a petition organiser, we will normally only contact the first person on the petition.

If the petition is electronic, it must be made using the Council's electronic petitioning facility available on the Council's website (www.hillingdon.gov.uk) and must include each petitioner's name, address and email address.

Electronic Petitions

Electronic petitions must follow the same guidelines as paper petitions and be submitted through the Council's website (www.hillingdon.gov.uk). The petition organiser will need to decide how long they want their petition to be open for signatories. Most petitions will run for a few weeks but the petition organiser can choose a shorter or longer timeframe, up to a maximum of 3 months.

When an electronic petition is created, it may take up to 10 working days before it is published on the Council's website. This is because we will need to check the content of the petition before it is made available for signature. If we feel that we cannot publish a petition, we will contact the petition organiser within this period to explain why. The petition organiser will then be given the opportunity to change and resubmit the petition. If this is not done within 15 working days of our contact, details of the petition and the reasons why it was not accepted will be published on the Council's website with other rejected petitions.

When a petitioner signs an electronic petition, they will be asked to provide their name, address and a valid email address. Once this information has been validated, the petitioner's signature will be added to the petition. People visiting the electronic petition on the Council's website will be able to see the petitioners' names on the list of signatories but not their contact details.

Election Period

Due to restrictions imposed in the period immediately before any election or referendum, the Council may need to deal with petitions differently. If this is the case, we will contact the petition organiser to explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will contact the petition organiser to explain the reasons.

Petitions which will not be reported

In the following circumstances, petitions will not be accepted:

- Petitions will not normally be considered if they are received within six months of another petition having already been considered by the authority on the same matter.
- Petitions will not be accepted if, in the opinion of the Head of Democratic Services they are vexatious, abusive or otherwise inappropriate or do not relate to a matter which is the responsibility of the authority, or over which the authority has some influence.
- Statutory petitions or petitions where there is already an existing right of appeal or a separate complaints procedure, e.g., staffing, disciplinary or grievance matters.
- Petitions will not be accepted if they require the disclosure of exempt or confidential information.

If a petition is deemed unacceptable, the petition organiser will be contacted with an explanation.

What will the Council do when it receives my petition?

Whether paper or electronic, a written acknowledgement will be sent to the petition organiser within five working days of receiving the petition. This acknowledgement will let the petition organiser know what we plan to do with the petition and when they can expect to hear from us again. Details of those petitions received will be available on the Council's website, except in cases where this would be inappropriate.

In addition, when an electronic petition has closed for signature, a petition acknowledgement and response will be emailed to everyone who has signed the petition and has elected to receive this information. This information will also be available on the Council's website.

If we can do what a petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition organiser will be asked if they are satisfied with the outcome and whether they would like to withdraw their petition. If the petition has enough signatures to trigger a Council debate (see below), or a senior officer giving evidence, then the acknowledgment will confirm this and tell the petition organiser when and where the meeting will take place. If the petition needs more investigation, we will tell the petition organiser what steps we plan to take.

What types of petition are there?

There are three types of petition:

1. Ordinary Petitions – these must contain the names, addresses and signatures of 20 or more petitioners. Valid ordinary petitions fall into three categories:
 - a. Cabinet Member Petitions
 - b. Planning Petitions
 - c. Licensing Petitions
2. Petitions requiring Council debate – petitions containing the names, addresses and signatures of 2,500 people will be debated by the full Council.
3. Petitions to hold Council employees to account – petitions which call for evidence from a senior Council employee must have 1,250 signatures to trigger that action.

1. Ordinary Petitions

Valid petitions must contain at least 20 signatories and will trigger a course of action to be taken. Please note that petitions which raise issues of alleged Member misconduct will be taken as complaints arising under the Local Government Act 2000 and, where appropriate, will be reported to the Council's Standards Committee.

1a. Cabinet Member Petitions

In the vast majority of cases, valid petitions will be considered by the relevant Cabinet Member at a Petition Hearing where s/he will decide what action (if any) will be taken.

A valid petition will entitle the petitioners to have their petition considered by the relevant Cabinet Member at a Petition Hearing to argue their case or promote a particular issue. Such petitions will be accompanied by an officers' report indicating the issue to be raised, the Council's powers and responsibilities for the issue raised and the options for action.

The petitioner organiser of each petition, or their representative, may address the Petition Hearing for up to 5 minutes and may answer questions from Cabinet Member for a further 3 minutes. Ward Councillors will also be permitted to speak for up to 3 minutes on each petition relating to their Ward. Extending these time limits is at the discretion of the Cabinet Member.

Where a petition has already been heard by the Cabinet Member and a decision has been made, repeat petitions advocating the same, or similar, action will not be allowed for a period of 6 months, except in exceptional circumstances as determined by the relevant Cabinet Member. Petitions may only be heard

by the Cabinet Member on matters under the control of the Council as determined by the Head of Democratic Services on receipt. Where the Head of Democratic Services does not accept a petition, advice will be given to the petitioner on the best way to deal with their petition.

Where a petition has fewer than 20 signatures, a relevant Ward Councillor can request that the relevant Cabinet Member consider the petition at a Petition Hearing. The decision as to whether or not a petition with less than 20 signatures is considered at a Petition Hearing will rest with the relevant Cabinet Member.

Where a petition organiser meets a Cabinet Member at a Petition Hearing, either by right or where the Cabinet Member has agreed to meet them, the following procedures shall apply:

- A written report from officers must be published at least 5 clear working days before the meeting;
- The meeting shall normally take place at the Civic Centre, unless the Cabinet Member decides otherwise;
- The meeting shall be open to the public and press (subject to the Access to Information Act rules);
- The meeting shall be attended by officers from the appropriate Service Group and by a representative of Democratic Services;
- The appropriate Ward Councillors shall be informed of the date and time of the meeting and may attend and have the right to speak at the meeting for up to 3 minutes;
- The petition organiser or their nominee, where they have been either invited to attend by the Cabinet Member or where they have the right to attend, shall have the right to speak about the matter raised in the petition for a maximum of 5 minutes and the Cabinet Member may ask them questions about the petition. This time limit may be extended with the consent of the Cabinet Member;
- The Cabinet Member shall either announce their decision once they have heard the petitioner (and this decision shall be recorded and published), or they may decide that they wish to consider the matter and make a decision at a later date. Where the Cabinet Member decides to make a decision at a later date, the Member shall inform the Head of Democratic Services as soon as they have made a decision and this shall be recorded and published. There shall be no further right for a petition organiser to meet with the Cabinet Member; and
- The petition organiser will be informed of the decision in writing and where the decision is to refer this to the Cabinet or to a Cabinet Committee or to an Overview and Scrutiny Committee, the petition organiser will be kept informed of progress in considering the matter.

The relevant Cabinet Member has the power to decide whether they wish the petition to be heard at a Cabinet meeting for decision instead of being considered at a Petition Hearing. Petitions with 20 or more signatures may be presented to the Cabinet for decision where so decided by the Cabinet Member holding the appropriate portfolio relating to the matter raised in the petition. Such petitions shall be accompanied by an officers' report indicating the issue to be raised, the Council's powers and responsibilities in relation to the issue raised and the options for action. One representative of any petition may address the Cabinet for up to 5 minutes and may answer questions from Cabinet Members for a further 3 minutes.

1b. Planning Petitions

If a petition contains 20 or more signatories and is in relation to a planning application, the application will be considered at a Planning Committee meeting and the petitioner organiser (or their representative) will be invited to attend and speak for up to five minutes in relation to that matter at the meeting at which the application will be considered. The applicant (or their agent) will also get the opportunity to speak for five minutes where a valid petition has been accepted by the Council in relation to their application. Ward Councillors will be permitted to speak for up to three minutes in relation to an application if they have notified their intention to do so in advance to the Committee Chairman. Members of the Committee will also be able to ask questions of the petitioners for up to three minutes. Notification of the intention to speak and the name of the speaker must be supplied to the Head of Democratic Services at least 24 hours before the meeting. Time limits may be extended by the decision of the Committee.

All petitions in relation to Planning Committees should be received by the Head of Democratic Services no later than 48 hours prior to the meeting. Discretion to allow petitions after this deadline can only be approved by the Chairman of the relevant Planning Committee.

If the organiser of a petition would like to address a second or subsequent meeting which is to consider the issue which gives rise to their petition, they will need to organise another valid petition.

1c. Licensing Petitions

In the case of a Licensing Committee or Licensing Sub-Committee meeting, petitions may only be submitted to the Licensing Authority in advance of the meeting as relevant representations. At a meeting where a hearing is taking place, time limits will apply which allow all parties¹ an equal maximum period of time in which to exercise speaking rights.

If the organiser of a petition would like to address a second or subsequent meeting which is to consider the issue which gives rise to their petition, they will need to organise another valid petition.

2. Petitions requiring Council debate

If a petition contains more than 2,500 signatures of people aged over 18 years of age, it will be debated by the Council (unless it is a petition asking for a senior Council officer to give evidence at a public meeting). This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. In any event, petitions requiring Council debate must be received at least 10 working days before the date of the meeting.

The petition organiser (or their representative) will be given five minutes to present the petition at the meeting and the petition will then be debated by Members. The petition organiser will not be able to take part in the debate with Members. A maximum of two petitions will be allocated for discussions at any one Council meeting. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Executive² is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

3. Petitions to hold Council employees to account

A petition may ask for a relevant accountable employee to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, a petition may ask a relevant accountable employee to explain progress on an issue, or to explain the advice given to Elected Members to enable them to make a particular decision. These petitions must relate to an employee's role and not their personal circumstances or character. If a petition contains at least 1,250 signatures, the relevant accountable employee will give evidence at the next appropriate public meeting of the relevant Overview and Scrutiny Committee³

(<http://modgov.hillingdon.gov.uk/mgListCommittees.aspx?bcr=1>) providing the petition has been received at least 10 working days before this meeting. Senior officers that can be called to give evidence are as follows:

- Chief Executive / Head of Paid Service
- Monitoring Officer (or any officer fulfilling the statutory role)
- Section 151 Officer (or any officer fulfilling the statutory role)

¹An interested party, as defined under the Licensing 2003 Act, is anyone who is directly affected by activity at the licensed premises in question, such as:

- A person living in the vicinity of the premises in question
- A body representing persons living in the vicinity of the premises in question, e.g. a Residents Association.
- A person involved in a business in the vicinity
- A body representing persons involved in such business e.g. Trade Association.

Other parties include the applicant and responsible authorities, e.g. Police.

² The Executive is also known as the Cabinet

³ At Hillingdon, there are 4 Policy Overview Committees (POCs) and 2 Scrutiny Committees: Corporate Services & Partnerships POC, Education & Children's Services POC; Executive Scrutiny Committee; External Services Scrutiny Committee; Residents' & Environmental Services POC; and Social Services, Health & Housing POC. These Committees comprise Councillors who are responsible for scrutinising the work of the Council – in other words, they have the power to hold the Council's decision makers to account.

- Deputy Chief Executive
- Director of Planning, Environment and Community Services
- Director of Adult Social Care, Health and Housing
- Director of Education and Children's Services
- Director of Finance and Business Services

It should be noted that the Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance, if the named officer has changed jobs or does not hold a senior position.

The Committee may also decide to call the Member with special responsibilities to attend the meeting. Although Committee Members will ask the questions at this meeting, the petition organiser (or their representative) will be able to ask up to three questions within an allocated 15 minutes. These questions must relate directly to the content of the petition. Questions from the petition organiser or nominated person must be submitted in writing to the Democratic Services section at least ten working days before the meeting. A written acknowledgement from the Council will be sent within five working days of receipt. Questions which are considered by the Head of Democratic Services to be vexatious, abusive, inappropriate, or that require the disclosure of exempt or confidential information, will not be considered.

After the meeting, the Committee will submit a report to the Cabinet (for consideration at the next Cabinet meeting) or to the relevant portfolio holder (as a Cabinet Member Decision). The petition organiser will be sent a copy of this report.

Petitions requesting a referendum

For further information on the submission of petitions to the Council requesting a referendum, please contact the Democratic Services Team at democratic@hillingdon.gov.uk or by calling 01895 250470.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the relevant Council Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short written explanation addressed to the Petitions Officer of the reasons why the Council's response is not considered to be adequate. This request must be made within 20 working days of being notified of the authority's decision on the petition.

The relevant Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. If the Committee determines that the petition has not been dealt with properly, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Executive and arranging for the matter to be considered at a meeting of the Council. As well as being forwarded to the petition organiser, the results of the review will be published on the Council's website (unless it is considered inappropriate to do so).

Is there anything else I can do to have my say?

As a Council, we try to identify and solve problems at an early stage. We are committed to receiving feedback as this helps us to develop and review services. We recognise that petitions are just one way in which people can let us know about their concerns. Other ways that people can have their say include:

- Making a complaint using the Council's Complaints System (<http://www.hillingdon.gov.uk/index.jsp?articleid=5881>)
- Contacting your local Councillor (<http://modgov.hillingdon.gov.uk/mgMemberIndex.aspx>)
- Contacting your local MP (<http://www.hillingdon.gov.uk/index.jsp?articleid=18212>)

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APPENDIX D - SUPPLEMENTARY QUESTION FROM COUNCILLOR MACDONALD - WRITTEN RESPONSE

8.1 SUPPLEMENTARY QUESTION FROM COUNCILLOR MACDONALD TO THE CABINET MEMBER FOR SOCIAL SERVICES, HEALTH AND HOUSING – COUNCILLOR CORTHORNE

Councillor MacDonald, by way of a supplementary question, stated that the response figures quoted were incorrect and asked if the Cabinet Member could look into this matter further. Councillor Corthorne advised that he would investigate the matter and respond to Councillor MacDonald in writing.

Response:

Councillor Corthorne thanked Councillor MacDonald for her supplementary question which referred to a figure of 36 leaseholders and, on that basis, queried the arithmetic that was used. Officers had confirmed that there were 42 leasehold flats within the roofing project, which would make the arithmetic correct. Six of the leasehold flats were occupied by tenants of other landlords (mainly social housing).

Councillor Corthorne had received updates and was happy that officers were proceeding with the project as he would expect, and in accordance with the strategy agreed with leaseholders, to which he had referred at the Council meeting. Officers had correctly engaged leaseholders in advance of starting the formal statutory consultation and shared the evidence of the need for re-roofing.

Councillor Corthorne understood that Councillor MacDonald also attended a briefing, with representatives from the leasehold association and officers, to go over the issues arising from the public meeting, and at which the responses from the initial consultation were also shared. Councillor Corthorne fully appreciated that leaseholders had concerns about the cost of the work and their ability to pay. Councillor Corthorne assured Councillor MacDonald that this would be managed within the new policy that he had recently approved for payment options.

Officers were now starting the formal Section 20 consultation and would consider the responses from leaseholders before a final decision was made on the project. Councillor Corthorne was happy to meet with Councillor MacDonald to discuss the matter further.

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REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Reporting Officer: Head of Democratic Services

(i) IMPROVEMENTS TO THE SUCCESSFUL *CHRYSALIS* PROGRAMME.

The Council is proud of the delivery of hundreds of local environment projects benefiting communities as part of the Chrysalis programme. The Cabinet Member for Improvement, Partnerships and Community Safety has instructed officers to make the following changes to the programme to improve its responsiveness:

- That bids are submitted on a rolling programme similar to how the Ward Budget Initiative operated. Whilst the programme spans over a three-year period, officers will endeavour to ensure projects are completed within the financial year.
- There will be an opportunity to select some projects whose timelines go into several years; however, it is noted that these are the exception, rather than the norm and will be determined by the Cabinet Member.

The Cabinet, in launching its budget for 2011/12 onwards, has again proposed a £1M fund per annum to Chrysalis, demonstrating its commitment to improving the environment and enhancing community safety across the Borough. In reviewing the programme, the Cabinet Member, along with the Director, may also determine any changes they see fit in how the £1m is allocated across themed areas.

Members should be aware that the improvements to the Chrysalis programme are part of a new wider approach to community engagement, including changes to Streets Ahead and Street Champion programmes, as set out in a formal report to the Cabinet Member before Christmas 2010.

Environmental Improvement Panel

The Environmental Improvements Panel currently reviews and recommends Chrysalis projects on a quarterly basis but does not have the authority to agree them. As a result of the proposed change in the way Chrysalis bids are submitted on a rolling basis, the EIP would potentially become superfluous to requirement and could hinder the delivery of projects. The ability for submitting projects for approval directly to the Cabinet Member will save time and enable projects to be delivered quicker, with residents seeing the Council as more responsive. Accordingly Council is asked to consider the cessation of the Panel and its removal from the list of internal bodies.

RECOMMENDATION: That the report be noted and the Environmental Improvements Panel be deleted from the list of Council Committees etc.

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STATEMENT OF LICENSING POLICY

Reporting Officer: Head of Democratic Services

SUMMARY

To seek Council's approval of the revised Statement of Licensing Policy following the statutory three year review of the policy and upon recommendation by Cabinet.

RECOMMENDATION: That the revised Statement of Licensing Policy as set out in the Appendix be adopted for implementation January 2011 – January 2014.

INFORMATION

The Licensing Act 2003 requires the Council, as the Licensing Authority, to have a Statement of Licensing Policy. This legislation requires the Licensing Authority to promote the four prime licensing objectives set out in the Licensing Act 2003 when making relevant decisions, being:-

- The Prevention of crime and disorder.
- Public Safety
- The prevention of public nuisance.
- The protection of children from harm.

Section 5 of the Licensing Act 2003 requires the Council to review its Statement of Licensing Policy every 3 years. In January 2010, a working party was convened to carry out the second full review of this policy.

In reviewing the policy, the Licensing Service sought observations and comments from the Responsible Authorities, partner organisations, trade representatives, residents and community groups etc. and their comments and suggestions, where relevant, have been incorporated into the revised policy.

Following consultation, the working party recommended that some sections of the policy needed to be amended in order to include the recent changes to the legislation, such as the new mandatory conditions. In addition, some members of the working party suggested changes to reflect the current working practices between the Responsible Authorities. However, the format and content of the policy has not changed to any significant degree.

The proposed changes to the revised Statement of Licensing Policy have been considered by both the Licensing and Residents' & Environmental Services Policy Overview Committees. Both committees had no objections to the proposed changes.

As a policy framework document, Cabinet agreed on 16 December 2011 to recommend the policy to full Council for adoption.

The amendments are shown either as track change deletions, or bold additions in the Appendix.

Financial Implications

Any costs associated with minor changes in the policy, can be met from within existing budgets.

Legal

There are no additional legal issues other than those highlighted in the report.

BACKGROUND PAPERS: Licensing Act 2003; Guidance under section 182 of the Licensing Act 2003; The Council's current Statement of Licensing Policy

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Introduction

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

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

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

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

The four Licensing Objectives are:-

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

Each objective is of equal importance

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

1 Consultation

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

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

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

2 Licensing Committee

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

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

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

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

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

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

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

3 Integration of Strategies and avoidance of duplication

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

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

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

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

4 Promotion of Equality

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

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

5 General principles of policy and the role of licensing

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

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

Such as:

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

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

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

6 Licensing Objectives

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

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

6.2 The Prevention of Crime and Disorder

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

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

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

See Appendix B

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

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

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

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

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

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

6.2.9 ~~A liaison protocol has been agreed between the Licensing Authority and the Metropolitan Police Service with regard to their involvement and responsibilities in~~

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

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

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

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

6.3 Public Safety

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

See Appendix C

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

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

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

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

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

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

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

6.4 The Prevention of Public Nuisance

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

6.4.2 Applicants should state in their Operating Schedule (which forms an integral part of the licence application process) how they intend to address the licensing objective of the *Prevention of Public Nuisance* and applicants are advised to give serious consideration to the measures set out in Part 4, Annex D of the Guidance issued under Section 182 of the Licensing Act 2003. The Council's Environmental Protection Unit and the Council's Licensing Officers ~~will be~~ **are** able to offer advice and guidance in regard to such matters. However the responsibility for completing the Operating Schedule correctly rests with the applicant. Applicants are advised to seek professional guidance in respect of this issue.
See Appendix D

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

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

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

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

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

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

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

6.5 The Protection of Children from Harm

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

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

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

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

See Appendix E

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

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

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

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

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

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

Children's access to cinemas

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

Children and Public Regulated Entertainment

6.5.10 There are many kinds of regulated entertainment which are specifically arranged for children, such as plays, concerts, film shows, some of which may be

school based. When it is proposed to present an entertainment specifically for children, then additional safety measures may need to be considered. The Council's Licensing Officers **and the Safeguarding Children and Quality Assurance Team** ~~will be~~ **are** able to offer advice and guidance in respect of such presentations **and organisers of such events are encouraged to seek such advice.**

Other key issues

7 Cumulative effect

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

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

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

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

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

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

8 Licensing Hours

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

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

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

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

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

9 Applications

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

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

9.3 Applicants are advised to seek advice from the **Council's Licensing Authority Officers** and the Responsible Authorities concerning the licensing requirements for premises and/or licensable activities being applied for prior to completing their operating schedule. Large or unusual events need particular consideration and applicants are advised to **consult the Council's Licensing Officers for guidance and to** submit applications as far in advance as possible. **When required**, the

Council's Licensing ~~Service~~ **Officers** will provide all applicants with advice and guidance in respect of completing their application forms and, in particular, how they should address each one of the four ~~prime~~ licensing objectives in their operating schedules.

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

10 Rights of applicants and those making representations against applications.

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

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

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

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

11 Conditions of licence

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

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

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

11.3 Mandatory conditions determined by the Act are:-

Alcohol

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

Films

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

Door Supervisors

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

11.4 The following mandatory conditions were introduced in 2010:-

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

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

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

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

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

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

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
(i) the outcome of a race, competition or other event or process, or
(ii) the likelihood of anything occurring or not occurring;

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

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

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

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

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

5. The responsible person shall ensure that–

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

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

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

12 Reviews

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

Prevention of Crime and Disorder – see Appendix B

Public Safety – See Appendix C

Prevention of Public Nuisance – See Appendix D

Protection of Children from Harm – See Appendix E

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

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

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

13 Live music, dance and theatre

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

14 Further information:-

Further information, application packs and guidance notes on:-

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

can be obtained from:-

The Licensing Service,
Civic Centre
Uxbridge
UB8 1UW

Tel: 01895 277433
Fax: 01895 250011

Email: licensing@hillingdon.gov.uk

Or the Council's website: www.hillingdon.gov.uk

Appendix A

TABLE OF LICENSING FUNCTIONS

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

APPENDIX B – PREVENTION OF CRIME AND DISORDER

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

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

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

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

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

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

Nightclubs and other similar venues

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

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

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

1. The premises licence holder shall undertake a risk assessment of any promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy* to the Metropolitan Police Service using the email as detailed below and the Licensing Authority not less than 14 days before the event is due to take place.
2. Where an 'event' has taken place, the premises licence holder shall complete **follow up feedback using form 696a** ~~an MPS After Promotion/Event Debrief Risk Assessment (Form 696A)~~ and submit this to the Metropolitan Police ~~using the~~ by email as detailed below ~~and the Licensing Authority~~, within 3 days of the conclusion of the event.

Licensing-xh@met.pnn.police.uk

ClubsFocusDesk-CO14@met.police.uk

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

Definition of an 'Event'

~~An event will be deemed to be: any occasion in any location licensed under the provisions of the Licensing Act 2003, where there will be a live performer/s meaning musicians, DJs, MCs or other artists; that is promoted in some~~

~~form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.~~

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

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

Note:

Further advice is available from:

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

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

The Licensing Officer, Northwood Police Station 020 8246 1933

Licensing@hillingdon.gov.uk

APPENDIX C – PUBLIC SAFETY

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

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

APPENDIX D – PREVENTION OF PUBLIC NUISANCE

Examples of public nuisance

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

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

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

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

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

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

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

APPENDIX E – PROTECTION OF CHILDREN FROM HARM

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

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

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

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

APPENDIX F

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

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

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

* where appropriate

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COUNCIL TAX BASE – 2011/2012

Reporting Officer: Director of Finance and Business Services

SUMMARY

This report sets out the Council Tax Base for the year 2011/2012, in accordance with the legislation, for approval by the Council.

It shows a net increase in the Council Tax Base of 1,166 (1.20%).

The following are the main factors that have helped to increase the Council Tax Base:

- An increase of 1,254 in the number of new properties in Valuation List.
- A reduction of 179 in the number of Single Occupancy Discounts, due to a full review of all persons claiming the discount which was carried out in 2010-11

RECOMMENDATIONS: That the calculation of the Council Tax Base for 2011/2012 be approved and in accordance with the Local Authorities (Calculation of Council Tax Base) (Amendment) (England) Regulations 2003, the amount calculated by the London Borough of Hillingdon as its Council Tax Base for the year 2010/2011 shall be 99,118.

INFORMATION

The Council is required to calculate its Tax Base as at 30 November 2010, by 31 January 2011.

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

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

Where:

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

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

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

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

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

The relevant date for 2011/2012 is 30 November 2010.

Calculation of Council Tax Base 2011/2012

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

TOTAL OF BAND D EQUIVALENT PROPERTIES	
Band	Number
A	427
B	3,336
C	16,645
D	39,933
E	19,526
F	12,312
G	6,735
H	697
Total	99,610
Equivalent Number Adjusted for Estimated Collection Rate (98.7%)	98,316
Allow for contribution in lieu of Council Tax in respect of Forces Barracks and Married Quarters	802
COUNCIL TAX BASE FOR 2010/2011	99,118

Estimated Collection Rate

It is a requirement of the Council Tax legislation (SI 1992 No 612) for the Authority to make an estimate of its collection rate in determining the Council Tax Base. The estimated collection rate is reviewed each year taking account of actual collection trends both in year and over a period of time. For information the estimated collection rate used for 2010/2011 was also 98.7%.

Changes in the Council Tax Base since 2010/2011

In calculating the Council Tax Base for 2011/2012 the authority has to estimate the various changes that will occur during the financial year. Due consideration also has to be given to the actual level of activity experienced in the current financial year 2010/2011. The changes are summarised in Appendix A and detailed by Band in Appendix B

Section 106 of the Local Government Finance Act 1992

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

FINANCIAL COMMENTS

This report details the calculations of the Council Tax Base for 2011/2012. The figure for the total Band D equivalents, 99,118, is 1.20% higher than the current year's figure of 97,952. This is due to a number of factors set out above and shown in Appendix B to this report.

The factors with the most significant individual impact on the Council Tax base are the increase in the number of properties on the Valuation List and the decreased number of single person discounts throughout the year. This has resulted in an overall increase in the Council Tax Base between 2010/2011 and 2011/2012 of 1.20%

LEGAL IMPLICATIONS

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

BACKGROUND PAPERS: None

Table showing the changes to the 2010/2011 Council Tax Base to arrive at the 2011/2012 Council Tax Base

APPENDIX A

	Count of Band D equivalent properties	Ministry of Defence Properties	Collection Rate Allowance 1.3%	Tax Base
2010/11 Council Tax Base as reported to Council on 14th January 2010	98,379	852	-1,279	97,952
Increase in tax base due to increase in properties in the Valuation List as at 30/11/10 (effective date)	1,254			
Decrease in tax base due to reduction in numbers of properties completed but not yet shown on Valuation List	-83			
Increase in tax base due to reduction in the number of properties on valuation list to be taken off as demolished	20			
Increase in tax base due to an increase in estimate of additional properties to be completed over the year	97			
Decrease in tax base due to increase in exemptions	-188			
Increase in tax base due to reduction in number of properties with Disabled Persons relief	6			
Decrease in tax base due to estimated increase in exemptions over year.	-39			
Increase in tax base due to reduction in single occupancy discount cases	179			
Decrease in tax base due to increase in number of properties where all residents disregarded	-3			
Decrease in tax base due to increase in 2 nd homes	-11			
TOTAL Changes in tax base	1,232	-50	-16	1,166
Council Tax Base 2011/12	99,611	802	-1,295	99,118

Line	CALCULATION OF 'H' (The number of chargeable dwellings on valuation list)	source	+/-	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
1	Number of properties in the valuation list as at 01/12/09 (effective date) (Document C(1))	C1	+	810	5,562	21,917	44,341	17,621	9,428	4,802	395	104,876
2	Less exempt Properties	D2	-	45	361	708	1,129	472	315	486	17	3,533
3A	LESS Properties re Disabled Persons relief - Drop a Band	D3	-	0	7	53	241	148	105	38	20	612
3B	PLUS Properties re Disabled Persons relief - Drop a Band	D4	+	7	53	241	148	105	38	20	0	612
4												
5	Value of 'H' (Sum of line 1 less line 2,& 3 plus line 4)	CALC	+	772	5,247	21,397	43,119	17,106	9,046	4,298	358	101,343
	CALCULATION OF 'Q' (the value of discounts allowed)											
6	Number of properties entitled to single occupancy discount	D5		442	3,490	10,689	11,832	4,154	1,819	608	21	33,055
7	Line 6 above converted into common factor (ie actual number x 25%)	CALC	+	111	873	2,672	2,958	1,039	455	152	5	8,265
8	Number of properties entitled to a 50% discount as all residents disregarded	D6		1	13	17	18	17	16	28	11	121
9	Line 8 above converted into common factor (ie actual number x 50%)	CALC	+	1	7	9	9	9	8	14	6	61
10	Number of properties treated as a second home (ie unoccupied and furnished)	D7		55	132	390	425	133	77	41	2	1,255
11	Line 10 above converted into common factor (ie actual number x 25%)	CALC	+	14	33	98	106	33	19	10	1	314
12	Number of properties treated as long term empty	D8		25	64	181	262	110	63	49	12	766
13	Line 12 above converted into common factor (ie actual number x 0%)	CALC	+	0	0	0	0	0	0	0	0	0
14	Value of 'Q'	CALC	-	126	913	2,779	3,073	1,081	482	176	12	8,642

CALCULATION OF 'J' (Expected adjustments to number of properties on valuation list)		source	+/-	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
15	New properties added to valuation list since relevant date	G	+	0	0	0	0	0	0	0	0	0
16	Properties completed but not yet shown on valuation list	F1+ F2	+	3	26	51	45	17	11	4	3	160
17	Properties known to be on valuation list but to be taken out of list as demolished	F2	-	0	0	4	6	3	0	0	0	13
18	Assumed increase in no of properties over year	H	+	0	1	202	74	31	12	12	3	335
19	Estimated change to discounts	J	+	0	0	0	0	0	0	0	0	0
20	Estimated changes to exemptions	K	-	9	72	142	226	94	63	97	3	707
21	Value of J	CALC	+	-6	-45	107	-113	-49	-40	-81	3	-225
22	Value of (H-Q+J)	CALC		640	4,289	18,725	39,933	15,976	8,524	4,041	349	92,476
23	Convert to band D equivalent properties (F/G) where G = 9 and F = number shown in column.			6	7	8	9	11	13	15	18	
24	Band D Equivalent properties by Band	CALC		427	3,336	16,645	39,933	19,526	12,312	6,735	697	99,610
30	Collection rate allowance	98.70%									1.30%	-1,295
31	Estimated Collectable Band Properties											98,316
32	Ministry of Defence properties	MOD		802								802
33	COUNCIL TAX BASE											99,118

QUESTIONS FROM MEMBERS

8.1 QUESTION SUBMITTED BY COUNCILLOR ALLAM TO THE CABINET MEMBER FOR CABINET MEMBER FOR CO-ORDINATION AND CENTRAL SERVICES – COUNCILLOR SEAMAN-DIGBY

Following a substantial out-of-court settlement paid in July 2010 for personal injury compensation to an adult education teacher who suffered severe damage to her voice while employed by Hillingdon Council, is an investigation being carried out into why no adequate corrective action was taken to ameliorate her working conditions?

8.2 QUESTION SUBMITTED BY COUNCILLOR SANDHU TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR BURROWS

How many times and by how many contractors has the bridge over the M4 to Harlington High Street been resurfaced in the last 12 months?

8.3 QUESTION SUBMITTED BY COUNCILLOR MARKHAM TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR BURROWS

Does the Cabinet Member agree with me that we should publicly thank our staff for maintaining front line refuse collection and road gritting services during the recent bad weather?

8.4 QUESTION SUBMITTED BY COUNCILLOR RICHARD MILLS TO THE CABINET MEMBER FOR PLANNING AND TRANSPORTATION – COUNCILLOR BURROWS

Can the Cabinet Member advise what range of Highway improvements will now be possible following Mayor Boris Johnson's announcement before Christmas of financial support to Hillingdon?

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MOTIONS

9.1 MOTION FROM COUNCILLOR NELSON:

That this Council agrees that a report be made to Cabinet, as soon as possible, on the most effective way of maintaining and encouraging further recycling in the Borough now that the supply of recycling bags has been removed from libraries and public places and requests for recycling bags from many residents receive no response.

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