



HILLINGDON  
LONDON



# Annual Council

To all Members of the Council

**Date:** THURSDAY, 12 MAY 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

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

Published: Wednesday, 4 May 2011

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

This Agenda is available online at:

<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=117&Year=2011>

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



INVESTOR IN PEOPLE

# Useful information

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

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

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

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



# Agenda

## Prayers

To be said by the Reverend Adrian Guthrie

**1** Apologies for Absence

**2** Declarations of Interest

To note any declarations of interest in any matter before the Council

**3** Election of Mayor 2011/2012

To elect a Mayor of the London Borough of Hillingdon to hold office from 12 May 2011 until his or her successor becomes entitled to act as Mayor.

- i) The retiring Mayor, Councillor Yarrow, to provide a summary of his year in office.
- ii) Nominations for Mayor invited by the retiring Mayor – election (if necessary)
- iii) Retiring Mayor declares the result

## Adjournment for the robing of the new Mayor.

**4** Acceptance of Office by the Mayor

- i) The newly elected Mayor to make and sign the declaration of the acceptance of office.
- ii) The Head of Democratic Services to declare the election of the Mayor to be complete.

**5** Appointment of Deputy Mayor

- i) To receive the Mayor's appointment in writing of a Councillor of the Borough to be Deputy Mayor for the coming year.
- ii) To note the appointment of Mayor's escorts for the forthcoming year.

**6** New Mayor's Announcements

To receive announcements from the new Mayor

**7** Vote of thanks to outgoing Mayor

- i) vote of thanks to the outgoing Mayor to be moved and seconded
- ii) presentation of Past Mayor's and Past Mayoress' badges

**8** Leader's Appointment of Deputy Leader of the Council and Cabinet

To note the appointment by the Leader of the Council of the Deputy Leader and Cabinet for 2011/2012.

- |           |   |         |
|-----------|---|---------|
| <b>9</b>  | Scheme of Members' Allowances 2011/2012<br>To consider an amendment to the Scheme of Allowances for the current year.   | 1 - 2   |
| <b>10</b> | Committee Allocations and Membership 2011/2012<br>To decide the number and size of Council committees and allocate Members to serve on those committees based on the political balance of the Council where required. | 3 - 8   |
| <b>11</b> | Policy Overview and Scrutiny Committees Annual Report<br>To receive the annual report   | 9 - 38  |
| <b>12</b> | Licensing of Sex Entertainment Venues<br>To consider the recommendation of Cabinet for the adoption of a policy in relation to the above.   | 39 - 62 |
| <b>13</b> | Statement by the Leader of the Council<br>In accordance with the provisions of the Constitution, to receive, without comment, a statement by the Leader of the Council, Councillor Puddifoot.                         |         |

**THE HEAD OF DEMOCRATIC SERVICES WILL CONVENE MEETINGS OF COMMITTEES IMMEDIATELY FOLLOWING THE END OF THE ANNUAL MEETING FOR THE PURPOSE OF APPOINTING CHAIRMEN AND VICE-CHAIRMEN**

## **SCHEME OF MEMBERS ALLOWANCES 2011/2012**

*Reporting Officer: Head of Democratic Services*

### **INFORMATION**

1. Members will recall that Council undertook the annual re-adoption of its allowances scheme at the Council meeting in February this year.
2. In light of the proposals contained elsewhere in this agenda to establish two Licensing Sub Committees (North and South) and the potential workloads involved for these and the Licensing Committee itself, the opportunity has been taken to review the allowances paid to the Chairmen.
3. It is proposed that an allowance of £9,000p.a. be paid to the Chairman of the Licensing Committee and £6,000p.a to each of the Chairmen of the two sub-committees.

**RECOMMENDATION: That the current Members' Allowances Scheme be amended as indicated above w.e.f 12 May 2011.**

### **FINANCE IMPLICATIONS**

4. The proposals will result in a saving of just over £3,200 in the 2011/12 budget for Members' Allowances.

### **LEGAL IMPLICATIONS**

5. Before making or amending its allowances scheme, the Council is required to have regard to the recommendations of the Independent Remuneration Panel. The latest recommendations made by the Panel in April 2010 have been taken into account when making these recommendations.

This page is intentionally left blank

## COMMITTEE MEMBERSHIP 2011/2012

### ORDINARY COMMITTEES

#### EXECUTIVE SCRUTINY COMMITTEE 6(4-2)

CONSERVATIVE	LABOUR
Lavery (proposed Chairman)	Khursheed (lead)
Riley (proposed Vice-Chairman)	Harmsworth
Crowe	
Stead	

Other Voting Members on Education issues only

Parent Governor (3)	3 vacancies
Church of England Diocesan Representative	vacancy
Roman Catholic Diocesan representative	Anthony Little

#### EXTERNAL SERVICES SCRUTINY COMMITTEE 8(6-2)

CONSERVATIVE	LABOUR
White (proposed Chairman)	Jarjussey (lead)
Baker (proposed Vice-Chairman)	Major
Barrett	
Gilham	
Kemp	
R. Mills	

#### EDUCATION & CHILDREN'S SERVICES POLICY OVERVIEW COMMITTEE 8(6-2)

CONSERVATIVE	LABOUR
Dann (proposed Chairman)	Bliss
J. Cooper (proposed Vice-Chairman)	Curling (lead)
Benson	
Hensley	
O'Brien	
Riley	

Other Voting Members

Parent Governor (3)	3 vacancies
Church of England Diocesan Representative	Vacancy
Roman Catholic Diocesan representative	Anthony Little

#### RESIDENTS' AND ENVIRONMENT SERVICES POLICY OVERVIEW COMMITTEE 8 (6-2)

CONSERVATIVE	LABOUR
Markham (proposed Chairman)	Dhillon (lead)
O'Brien (proposed Vice-Chairman)	Nelson
Harper-O'Neill	
Kelly	
Payne	
Yarrow	

## COMMITTEE MEMBERSHIP 2011/2012

### CORPORATE SERVICES AND PARTNERSHIPS POLICY OVERVIEW COMMITTEE 8(6-2)

CONSERVATIVE	LABOUR
<b>Lewis</b> (proposed Chairman)	East (lead)
White (proposed Vice-Chairman)	Sansarpuri
Graham	
Fyfe	
Melvin	
R. Mills	

### SOCIAL SERVICES, HEALTH AND HOUSING POLICY OVERVIEW COMMITTEE 8(6-2)

CONSERVATIVE	LABOUR
<b>J. Cooper</b> (proposed Chairman)	Major (lead)
Kemp (proposed Vice-Chairman)	Lakhmana
Benson	
Brar	
Bridges	
Jackson	

*SUBSTITUTES FOR SCRUTINY AND POLICY OVERVIEW COMMITTEES ARE ALL COUNCILLORS EXCEPT THOSE IN THE CABINET, GROUP LEADERS AND CHIEF WHIPS.*

### CENTRAL & SOUTH PLANNING COMMITTEE 8 (6-2)

CONSERVATIVE	LABOUR
<b>Hensley</b> (proposed Chairman)	Duncan (lead)
J. Cooper (proposed Vice-Chairman)	Sansarpuri
Bridges	
Buttivant	
Gilham	
Stead	

### NORTH PLANNING COMMITTEE 8 (6-2)

CONSERVATIVE	LABOUR
<b>Lavery</b> (proposed Chairman)	Allam (lead)
Kauffman (proposed Vice-Chairman)	Dhillon
Markham	
Melvin	
Morgan	
Payne	

### SUBSTITUTE MEMBERS OF PLANNING COMMITTEES

CONSERVATIVE		LABOUR	
Baker	Jackson	Allam	Harmsworth
Barker	R. Mills	Allen	Khursheed
Barrett	White	Bliss	Lakhmana
Benson		Curling	MacDonald
Brar		Dhillon	Major
G. Cooper		Duncan	Nelson
Graham		East	Sandhu
Fyfe		Ghei	Sansarpuri

*IN ADDITION ALL PLANNING COMMITTEE MEMBERS TO BE SUBSTITUTES FOR EACH OTHER'S COMMITTEE.*



## COMMITTEE MEMBERSHIP 2011/2012

### PENSIONS COMMITTEE 6 (4-2)

CONSERVATIVE	LABOUR
<b>Corthorne</b> (proposed Chairman)	Harmsworth (lead)
Markham (proposed Vice-Chairman)	Duncan
Lewis	
Simmonds	
<b>Substitutes</b>	<b>Substitutes</b>
Barrett	Curling
Fyfe	East
Kemp	
Graham	

#### *Advisory Members*

UNISON	John Thomas
To be decided	Vacancy

### APPOINTMENTS COMMITTEE 6 (4-2)

CONSERVATIVE	LABOUR
<b>Puddifoot</b> (proposed Chairman)	Khursheed (lead)
Simmonds (proposed Vice-Chairman)	Harmsworth
Jenkins	
D. Mills	
<b>Substitutes</b>	<b>Substitutes</b>
Bianco	Allam
Burrows	Allen
J. Cooper	Curling
Corthorne	Dhillon
Higgins	Duncan
Lavery	East
Seaman-Digby	Major

### REGISTRATION & APPEALS COMMITTEE 6 (4-2)

CONSERVATIVE	LABOUR
<b>G. Cooper</b> (proposed Chairman)	Allen (lead)
Hensley (proposed Vice-Chairman)	Bliss
Lewis	
R. Mills	
<b>Substitutes</b>	<b>Substitutes</b>
Barrett	Lavery
Bianco	Markham
Burrows	D. Mills
Corthorne	Payne
Dann	Puddifoot
Higgins	Seaman-Digby
Jenkins	Simmonds
Kemp	Stead

*SUBSTITUTES ON THIS COMMITTEE MAY COMPRISE CABINET MEMBERS FOR THE PURPOSES OF BEING MEMBERS OR SUBSTITUTE MEMBERS OF THE THREE SUB-COMMITTEES, BUT NO CABINET MEMBERS SHOULD SIT AS MEMBERS OF THE MAIN REGISTRATION AND APPEALS COMMITTEE*

## COMMITTEE MEMBERSHIP 2011/2012

### OTHER COMMITTEES / PANELS

#### STANDARDS COMMITTEE 8 (6-2)

CONSERVATIVE	LABOUR
<b>Riley</b> (lead)	Khursheed (lead)
Barrett	Harmsworth
Corthorne	
Hensley	
Lewis	
Markham	
<b>Substitutes</b>	
Dann	<b>Substitutes</b>
Graham	Allen
Gilham	Curling
Harper-O'Neill	Duncan
Kelly	
Kemp	

#### Independent Members (3)

Mr Allan Edwards (Chairman)
Mr Malcolm Ellis (Vice-Chairman)
Mr James Keys

#### AUDIT COMMITTEE 4(3-1)

CONSERVATIVE	LABOUR
<b>G. Cooper</b> (lead)	Harmsworth (lead)
Graham	
Lewis	
<b>Substitutes</b>	<b>Substitutes</b>
Crowe	Jarjussey
Hensley	
R. Mills	

#### Independent Member (1)

Mr John Morley (Chairman)
---------------------------

#### LICENSING COMMITTEE 10 (8-2)

CONSERVATIVE	LABOUR
<b>Retter</b> (proposed Chairman)	Allen (lead)
Barrett (proposed Vice-Chairman)	Gardner
Baker	
Bull	
Kelly	
Kemp	
Melvin	
Stead	

*N.B. NO SUBSTITUTES ALLOWED FOR LICENSING COMMITTEE*

## COMMITTEE MEMBERSHIP 2011/2012

### HILLINGDON DOMESTIC VIOLENCE ACTION FORUM 3 (2-1)

CONSERVATIVE	LABOUR
Dann (proposed Vice-Chairman)	Gardner (proposed Chairman)
Hensley	
<b>Substitutes</b>	<b>Substitutes</b>
Melvin	Curling

\*\*\*\*\*

### SUB-COMMITTEE MEMBERSHIP TO BE AGREED BY THE PARENT COMMITTEE IMMEDIATELY FOLLOWING THE END OF THE ANNUAL GENERAL MEETING

#### APPOINTMENTS SUB-COMMITTEE 4 (3-1)

CONSERVATIVE	LABOUR
D. Mills	Khursheed (lead)
Puddifoot	
Simmonds	
<b>Substitutes</b>	<b>Substitutes</b>
Bianco	Allam
Burrows	Curling
Corthorne	Dhillon
Higgins	Duncan
Jenkins	East
Seaman-Digby	Jarjussey
	Major

#### INVESTIGATING AND DISCIPLINARY SUB-COMMITTEE (SENIOR OFFICER) 4 (3-1)

CONSERVATIVE	LABOUR
D. Mills	Khursheed (lead)
Puddifoot	
Simmonds	
<b>Substitutes</b>	<b>Substitutes</b>
Bianco	Allen
Burrows	Curling
Corthorne	Duncan
Higgins	Harmsworth
Jenkins	Major
Seaman-Digby	

#### APPEALS SUB-COMMITTEE (SENIOR OFFICER) 4 (3-1)

CONSERVATIVE	LABOUR
To be appointed as required.	Khursheed (lead)
<b>Substitutes</b>	<b>Substitutes</b>
	Appoint as required

#### GRIEVANCE SUB-COMMITTEE (SENIOR OFFICER) 4 (3-1)

CONSERVATIVE	LABOUR
To be appointed as required.	Khursheed (lead)
<b>Substitutes</b>	<b>Substitutes</b>
	Appoint as required

## COMMITTEE MEMBERSHIP 2011/2012

### PENSIONS COMMITTEE INVESTMENT STRATEGY SUB-COMMITTEE 3 (2-1)

CONSERVATIVE	LABOUR
<b>Corthorne</b> (proposed Chairman)	Harmsworth (lead)
Markham	

### LICENSING SUB-COMMITTEE (NORTH) 5 (4-1)

CONSERVATIVE	LABOUR
<b>Retter</b> (proposed Chairman)	Allen (lead)
Baker	
Kelly	
Melvin	

### LICENSING SUB-COMMITTEE (SOUTH) 5 (4-1)

CONSERVATIVE	LABOUR
<b>Barrett</b> (proposed Chairman)	Gardner (lead)
Bull	
Kemp	
Stead	

*ALL MEMBERS OF SUB-COMMITTEES MUST ALSO BE MEMBERS OF THE LICENSING COMMITTEE. SUBSTITUTES FOR LICENSING SUB-COMMITTEES - ANY MEMBER OF THE LICENSING COMMITTEE*

### STANDARDS COMMITTEE ASSESSMENT SUB-COMMITTEE 3 (2-1)

CONSERVATIVE	LABOUR
Barrett	Duncan
Hensley	

Independent Member (1)

Mr Malcolm Ellis (Chairman)

### STANDARDS COMMITTEE REVIEW SUB-COMMITTEE 3 (2-1)

CONSERVATIVE	LABOUR
Riley	Harmsworth
Markham	

Independent Member (1)

Mr James Keys (Chairman)

### STANDARDS COMMITTEE HEARINGS SUB-COMMITTEE 3 (2-1)

CONSERVATIVE	LABOUR
Corthorne	Khursheed
Lewis	

Independent Member (1)

Mr Allan Edwards (Chairman)

# Policy Overview & Scrutiny in Hillingdon

## Annual Report 2010/11



### Supported by Democratic Services

Find out more about Policy Overview & Scrutiny at Hillingdon on our website:  
[www.hillingdon.gov.uk/central/democracy/scrutiny/index.php](http://www.hillingdon.gov.uk/central/democracy/scrutiny/index.php)



**HILLINGDON**  
LONDON



INVESTOR IN PEOPLE

[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

## Policy Overview Committees (POCs)

In Hillingdon, Policy Overview Committees (POCs) are responsible for policy overview and the monitoring of a specific range of Council services. The Council has the following four POCs

- Corporate Services & Partnerships POC
- Education & Children's Services POC
- Residents' & Environmental Services POC
- Social Services, Health & Housing POC

The Policy Overview Committees undertake this role through a series of activities.

A central role of the Policy Overview Committees is to undertake in-depth policy reviews on specific issues. Reviews provide the opportunity to hear from members of the public and expert witnesses, including officers from other councils and non-Council organisations. Reviews usually make recommendations to the Cabinet on how the Council could improve its work. POCs therefore perform a vital role in opening up the policy-making process to a wider audience, including people who would not normally have the opportunity to participate in the formulation of Council policy. Further information on the reviews undertaken this year, including key outcomes, is presented later in the report. Appendix A shows the reviews undertaken since 2003 and Appendix B outlines the criteria used for selecting review topics.

Policy Overview Committees also undertake a number of other important activities, including monitoring the Council's performance. This is primarily through regular reports on progress in delivering the Council plan and meeting objectives to improve services for residents. Committees can also request further information in response to a particular concern. Policy Overview Committees therefore play a central role in ensuring that the Council's Cabinet and officers are providing high quality, value-for-money services.

Policy Overview Committees also comment on reports coming before Cabinet for decision. Policy Overview Committees can use the expertise gained through their in-depth reviews and strategic monitoring of performance to advise Cabinet on the issues being considered. In addition, each Policy Overview Committee subjects the annual budget proposals for its relevant Council services to challenge before Cabinet decides on its recommendations to Council.

Under the Local Government and Public Involvement in Health Act 2007 Policy Overview Committees can consider 'Councillor Calls For Action' submissions. These recent new powers enable all Councillors to ask for discussions at POCs on issues where local problems have arisen and other methods of resolution have been exhausted.

## **Executive Scrutiny Committee**

The Executive Scrutiny Committee is responsible for the post-decision scrutiny role. Its primary role is to closely examine key decisions taken by Cabinet, individual Cabinet Members and officers before they have been implemented. The Executive Scrutiny Committee meets immediately after the Cabinet meeting, and a majority of the Committee can 'call-in' a decision and, if not satisfied with the further information provided to them, ask the Cabinet or decision-taker to reconsider it.

## **External Services Scrutiny Committee**

The External Services Scrutiny Committee is responsible for scrutinising services provided by non-Council organisations in the Borough, in the public, private and voluntary sectors. The Committee is responsible for identifying areas of concern to the community and instigating an appropriate review process. It is able to scrutinise any non-Hillingdon Council organisation whose actions impact on Hillingdon residents.

The Committee holds the health scrutiny role conferred by the Health & Social Care Act 2001, which requires senior managers of local NHS Trusts (including Hillingdon Hospital and Hillingdon Primary Care Trust) to attend the Committee and answer questions if required by Councillors. Local NHS Trusts must also consult the Committee about proposed significant changes to local services. The Committee's remit to scrutinise a wide range of organisations has been strengthened through the Local Government and Public Involvement in Health Act 2007 by extending its statutory powers to require local organisation to attend.

The Committee acts as a Crime and Disorder Committee as defined in the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and carries out the bi-annual scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

## Corporate Services & Partnerships Policy Overview Committee



### **Councillor Richard Lewis (Chairman)**

#### *Other Members of the Committee:*

Councillor Michael White (Vice Chairman)

Councillor Raymond Graham

Councillor Anita MacDonald

Councillor Carol Melvin

Councillor Robin Sansarpuri

*Officer support by Khalid Ahmed, Democratic Services*

The Committee is chaired by Councillor Richard Lewis and is responsible for the policy overview role for a broad array of Council services provided by the Council's Central Services. These are primarily strategic policy and internal functions such as finance, property, personnel, democratic services, legal services, ICT, economic development, as well as equalities and diversity.

### **Census 2011 – To look at how this Council can contribute to improving the population data for the Borough**

The POC undertook a review into the preparations for the Census in 2011. A Census takes place every ten years and is a count of all people and households in the country. The Census is the most complete source of information about the population we have and it provides essential information from national to neighbourhood level for government, business and the community.

The last Census which took place on 29 April 2001 saw response rates in local authority areas vary between 64% and 99%. In certain areas of London and among some population groups, significant numbers of people failed to complete the Census questionnaire. In its report on the 2001 Census, the Treasury Select Committee recommended that any future Census should be justified in cost-benefit terms. A detailed business case has therefore been produced which clearly demonstrates the unique value of the Census and that the benefits of having the information far outweigh the costs of its collection. For example, over £100 billion per year (over £1 trillion in the decade between each Census) is allocated from central government to local authorities and to NHS Primary Care Trusts and the allocation formula takes account of the demand for services and is heavily dependent on population estimates, numbers of elderly, numbers of children, etc.

The reason for the review was to make a positive contribution to improving local population estimates and to maximise the data which is gathered for the 2011 Census for the Borough. A high return of Census questionnaires is beneficial to the Council as in the long term the population data which results from a Census will contribute to the level of funding the Council receives from Central Government. Also, In view of the present economic climate with local government having to rationalise budgets, it will be



to the Council's advantage if population data from the Census is as accurate as possible to ensure Government funding reflects the true population of the Borough.

The recommendations of the review were endorsed by Cabinet at its meeting in February 2011 and included asking officers to consider some of the engagement methods and techniques which the review had heard about, and tailor them to the needs and issues of this Borough. This included promoting the Census with communities throughout the Borough, who historically were classified as 'Hard to Count' because they had a low response rate to the Census.

An important recommendation of the review was that LBH's Census Engagement and Communications Strategy be aligned as far as possible with the national communications strategy which was to take place. This would ensure maximum impact and ensure that there was a co-ordinated campaign from both national and local communications on the Census.

Witnesses for the Review:

- Nick O'Donnell – Head of Stakeholder Management – Office for National Statistics (ONS)
- Amanda King – Area Manager for ONS
- Pam Nash – Strategic Information Officer – London Borough of Hillingdon
- Kevin Byrne – Head of Policy and Performance – London Borough of Hillingdon
- Emma Marsh – Deputy Head of Communications – London Borough of Hillingdon
- Mohamud Ali – Community Adviser – ONS
- Ben Lea – Schools Resources Manager – Finance & Business Services – London Borough of Hillingdon
- Toni Brown – Policy Team – London Borough of Hillingdon

### **The personal safety of Members of the Council when meeting with members of the public**

The POC at its meeting on 16 March 2011 undertook a review into the security measures which were currently in place for Members of the Council when they held meetings on their own with members of the public at the Civic Centre and at their Ward Surgeries. The review was undertaken because of concerns regarding recent incidents where Members of the Council have been threatened by members of the public.

The review looked at the present internal security measures which the Council has in place to safeguard the personal safety of Members when they met members of the public on their own, both at the Civic Centre and at Ward Surgeries. The Head of Facilities Management attended the meeting and provided advice and guidance to Members during the review.

The final report of the review is to be considered by the Whips at their meeting to be held on 10 May 2011. The recommendations of the review will result in the production of a protocol on Members' personal safety based on the findings of the review.

## **Other work**

The Committee has also considered the following:

- In-depth scrutiny of Deputy Chief Executives and Finance & Business Services Groups' (now Central Services) budget proposals for 2011/12 and coordination of responses from all the Policy Overview Committees to Cabinet.
- An update on the Implementation of Recommendations of previous reviews
- Performance Information Reports to end of March 2010 – Deputy Chief Executive's Office and Finance & Business Services Groups (now Central Services).

## Education & Children's Services Policy Overview Committee



### **Cllr Catherine Dann (Chairman)**

#### *Other Members of the Committee:*

Councillor Brian Crowe (Vice Chairman)  
Councillor John Hensley  
Councillor Judith Cooper  
Councillor Peter Curling  
Councillor Kuldeep Lakhmana

#### *Representative Members for Education issues:*

Anthony Little, Roman Catholic representative  
Church of England representative vacant

*Officer support by Gill Brice, Democratic Services*

The Committee is chaired by Councillor Catherine Dann and is responsible for the policy overview role in relation to education, schools, the early year's service, the youth service, and social care services for children and young people.

The Committee had been particularly hard working and had completed one in-depth review. The Committee reviewed the success of the diploma and the other options available that could be undertaken by students.

### **14-19 Education and Training**

It was clear from the information provided by the witnesses that there had been a lot of work undertaken since the implementation of the 14 – 19 strategy in 2009. The Committee found that from the witness sessions that there were some areas where some improvements could be made. These were ensuring that schools and colleges provided impartial information on options, that GCSE equivalent for Diplomas was not used as a tool for students making their career choices and to ensure that information was available to enable students to prepare adequately for progressing to the next stage of education/training after they have reached post compulsory school age.

#### Witnesses for Review:

- Alison Moore, 14 – 19 Manager, LBH
- Jo Harper, Head teacher of Rosedale, lead school for the Hospitality and Engineering Diplomas
- Laraine Smith, Principal of Uxbridge College
- Peter Sale, Hillingdon Training Ltd
- Tom Murphy, Head of Youth & Connexions, LBH
- 6 Young People that had undertaken Diplomas

## **Other Work**

### **Quarterly Audit of Children's Care Records**

The Committee received a quarterly update report on the auditing that had been undertaken on Children's Care records.

### **Safeguarding Children Annual Report**

The Committee received the Annual Report of the London Safeguarding Children's Board (LSCB) a statutory multi agency body established with the overall aim of monitoring, overseeing, supporting and challenging the work of all agencies with regard to their responsibilities to safeguard and protect children. The report commented on the effectiveness of local arrangements to safeguard children. This was the first annual report under the new requirements and required the publication of the report by 1 April 2011.

### **Commented on the Budget Report**

The Committee received a report setting out the budget for Education & Children's Services. Members asked a number of questions on the report and made comments to be reported to the Corporate Services Policy Overview Committee, then onto Cabinet.

### **Implementation of Electronic Social Care Records System in Education & Children's Services**

The Committee received a report on the guidance provided to officers in the auditing of Children's Services case files both electronic and manual. The Auditing Policy and Procedure ensured that electronic and paper files were audited routinely to assure social care practice and decision-making. It includes auditing tools to ensure compliance with recording practices set out in National Minimum Standards for regulated services and Private Fostering.

### **School Places Update**

The Committee had requested an update on the allocation of school places in the Borough and the provision being made to accommodate increased pupil numbers. The Committee was provided with information on the initial allocation of places and given details of the processes in place. The Committee were also informed of the proposals for the first phase of permanent expansions.

### **Update on Children's Centres**

The Committee received a report on Phase 3 of the implementation of Children's Centres and noted that this capital project was moving forward and Phase 3 was on target for completion in 2011.

## **Standard & Quality in Education 2010**

The Committee received information on the attainment and progress of standards of education within Borough schools and informed of the Ofsted inspection outcomes.

### **Update on Previous Review Recommendations**

The Committee was keen to keep track of the implementation of previous recommendations approved by Cabinet since 2006 and was provided with a comprehensive schedule showing progress. From this, the Committee asked for a number of updates on the National Children's Database, Transition from Primary to Secondary Schools, Developing Short Breaks and the Inclusion Strategy.

### **Update on Developing Short Breaks**

The Committee received a report in October 2010 on the Short Break provision, which had been selected as an area of review by this Committee in July 2008. The recommendations from that review were used to develop the short break offer in Hillingdon. The Committee were provided with an update on the progress to date.

### **Inspection Reports for Adoption Service and Contact, Referrals and assessment Arrangements in Child Services**

The Committee received a report providing details of an Inspection report of the contact, referral and assessment arrangements that had been carried out as part of the statutory framework for the inspection of Children's Services. The purpose of the unannounced Inspection was to assess the effectiveness of front-line practice in managing potential risks to children and young people and minimising the incidence of abuse and neglect.

### **Hillingdon Standing Advisory Council on Religious Education – Draft Annual Report**

The Committee received a draft of the Annual Report of HSACRE.

## Residents' & Environmental Services Policy Overview Committee



### **Councillor Michael Markham (Chairman)**

#### *Other Members of the Committee*

Councillor Shirley Harper-O'Neil (Vice Chairman)

Councillor Janet Duncan

Councillor Judy Kelly

Councillor June Nelson

*Officer support by Natasha Dogra, Democratic Services*

The Committee is chaired by Councillor Michael Markham and is responsible for the policy overview role for a diverse range of Council services provided mainly by the Planning, Environment, Education and Community Services Group. These services include libraries, leisure facilities, community safety, highways, planning, waste management, trading standards and others central to residents' quality of life. The Committee has had a busy – and successful – year and undertaken two reviews.

### **The Hillingdon Khat Review**

This major review by the Residents' and Environmental Policy Overview Committee into the effects of Khat on the residents of Hillingdon and beyond, has been one of the most extensive carried out and has generated much interest locally, regionally and nationally. Over eighty individuals and organisations were consulted during the review ranging from international Government departments, the Home Office, the Mayor of London's office, other local authorities throughout the UK, organisations involved in the drug, policing, health and social sectors, Somali groups and Hillingdon community groups.

The issues surrounding Khat were highlighted in the media, with reports on the spreading of use to younger people and different ethnicities. The Committee uncovered the problems Khat posed to Hillingdon and, indeed, throughout the UK and how the problems could be dealt with before they spread further. For this reason, the Committee believed the review to well-timed and of great significance to the residents of the London Borough of Hillingdon

The evidence gathered from various organisations formed the basis of the Committee's final report and the recommendations will be considered by Cabinet on 26 May 2011.

### **A Review of Hillingdon's Town Twinning relationships**

The Committee's second review into the current arrangements Hillingdon has had in place for some fifty years with Schleswig and Emden in Germany and Mantes-La-Jolie in France, assessed the value and benefit of the arrangements provided to Hillingdon residents and to consider the benefits that twinning with a similar size authority overseas may bring. The review examined the scope of current twinning activities and any benefits to Hillingdon residents that there may be to expand this to other sectors,

potentially including more arts related activities, professional / training opportunities, business links and programmes to address common issues such as health, community safety, civic pride, music events, town centre management and economic development.

The Committee took evidence from key council officers and this information and evidence was used to formulate recommendations made to Cabinet in March 2011. Witnesses for this review were:

- Cllr. Josephine Barrett
- Cllr. George Cooper
- Cllr. Shirley Harper-O'Neill
- Howard Griffin – Leisure Officer (Responsible for Co-Ordination of town twinning)
- John Arnold – District Commissioner Uxbridge Scouts
- Chris Head – Head of Modern Foreign Languages, Uxbridge High School
- Tony Docherty – Ruislip Rangers Football Club
- Francoise Allen – Modern Foreign Languages Advisor, School Improvement Service

### **Other work**

The Committee has also monitored the performance of the Council's Planning, Environment, Education and Community Services Group, and commented on the budget proposals for these services.

## Social Services, Health and Housing Policy Overview Committee



### **Councillor Judith Cooper (Chairman)**

#### *Other Members of the Committee*

Councillor Peter Kemp (Vice Chairman)  
Councillor David Benson  
Councillor Beulah East  
Councillor Pat Jackson  
Councillor John Major

*Officer support by Charles Francis, Democratic Services*

The Social Services, Health & Housing Policy Overview Committee is chaired by Councillor Judith Cooper and is responsible for undertaking the policy overview role in relation to the Council's Adult Social Care, Health and Housing Group. It is also responsible for reviewing the work of Healthy Hillingdon and other health promotion work undertaken by the Council.

### **Examining the Use of Assistive Technology by Adult Social Care to Support Independent Living**

The Committee's first major review was to examine the use of assistive technology to support independent living.

Assistive Technology (Telecare) has a very important role to play in addressing the Borough's ageing population and the need to manage financial pressures from increasing numbers of high cost care packages. The implications of long term demographic change are one of greatest challenges facing Adult Social Care Services. .

Telecare is the name given to a range of equipment (detectors and sensors) that will raise an alarm with another person in an emergency. The alarm might be raised with a carer who lives in the same home as the person with the telecare equipment or they may live nearby. More usually the alarm is picked up by a locally based monitoring centre, which in this borough is Careline. Done well, the application of assistive technology is about supporting vulnerable older people, live independently in their own homes for longer while increasing their safety levels and quality of life.

Telecare services are strongly in alignment with the council's existing offer to older and disabled people. Telecare and assistive technology are also regarded as key planks of the Government's approach to social care.

The review into assistive technology and telecare began in September 2010 and included investigating the business case for investing in this technology. By closely working with officers, the Committee's work was able to contribute to parallel work being undertaken for the Leader of the Council and Cabinet Member for Social Services, Health and Housing which resulted in priority growth budget proposals amounting to



£700k, to provide the financing for such an investment. These proposals were approved by Council on 24<sup>th</sup> February 2011.

The recommendations of the review were agreed by Cabinet at its meeting on 17 March 2011.

Witnesses for the Review:

- Head of Commissioning
- Head of Access and Assessment
- Careline Manager
- Users and Carers
- Representative from London Borough of Newham
- NHS Hillingdon Representative
- Age UK
- Head of Finance (Adult Social Care, Health and Housing)
- Joint Commissioning Service Manager

### **Hillingdon Centre for Independent Living (Looking at Efficiencies, Services & Fully Costed Options)**

In 2009/10 the Committee conducted a review entitled 'Hillingdon Centre for Independent Living' (HCIL). The aim of this review was to examine HCIL as a case study of the modernisation process and to make recommendations that would strengthen the delivery of services to people with physical and sensory disabilities.

The Committee's final report was presented to Cabinet on 24<sup>th</sup> June 2010. After considering the report Cabinet asked that the Committee review the HCL again looking at the potential to provide the service in a more efficient manner, possibly for the benefit of other authorities as well as Hillingdon.

It was hoped that to address Cabinet's recommendations that this review would be completed in 2010/11 Council year, however the review has faced a number of challenges. Receipt of the necessary financial modelling has been delayed and the significant reforms which are taking place in the NHS are taking out of the Council's control the ability to further develop HCIL.

The Committee will report back to Cabinet when the financial modelling is complete.

Witnesses for the Review:

- Daniel Judge – Department of Health, Project Manager – Transforming Community Equipment Services Programme
- Beverley Grayley – Joint Commissioning Manager, NHS Hillingdon
- Heather Russell – HILC Manager, Hillingdon PCT
- Maria O'Brien – Manager Director, Hillingdon Community Health Service
- Joan Veysey – Head of Non-Acute Commissioning NHS Hillingdon
- Gary Collier – Commissioning Service Manager, LBH

## **Other Work**

The Committee has also considered the following:

- In-depth scrutiny of Adult Social Care, Health & Housing services budget proposals for 2011/12
- Performance Information Reports to end of March - Adult Social Care, Health & Housing services
- The Future Aims and Challenges for Adult Social Care, Health & Housing
- The Return to the Council of Hillingdon Homes
- Annual Complaints Report for Adult Social Care, Health & Housing
- Transition Pilot for Young Adults
- Tenant Services Authority – Developing a Local Offer for Tenants and Leaseholders
- Safeguarding Adults in Hillingdon – Annual Report 2009/10
- Adult Social Care Performance Assessment 2009/10
- Update on Day Services Strategy
- Housing Needs, Planned Housing Reform and Future Strategy

## Executive Scrutiny Committee



### **Councillor Edward Lavery (Chairman)**

#### *Other Members of the Committee*

Councillor John Riley (Vice-Chairman)

Councillor Brian Crowe

Councillor Mo Khursheed

Councillor Anita MacDonald

Councillor Brian Stead

Vacancy – Church of England Diocesan Representative

Vacancy – Parent Governor Representative

Anthony Little - Roman Catholic Diocesan representative

*Officer support by Khalid Ahmed, Democratic Services*

### **Scrutinising Executive Decisions**

The Executive Scrutiny Committee's role is to scrutinise decisions that have been taken by the Executive but have not yet been implemented. This is known as the 'call-in' power. If the Executive Scrutiny Committee considers any of these decisions to be deficient, they may refer the decision back to the Cabinet or individual decision-maker for further consideration. The Committee use a set of criteria to guide them in this process.

The Committee meets immediately after the conclusion of a meeting of Cabinet to enable Members to review the decisions taken at the Cabinet meeting and give consideration to the potential for call-ins of items.

On areas where Members request further information or clarification, officers will be asked to provide a response to the Committee queries by midday on the following Monday following the Cabinet and this Committee meetings. If the Committee is still concerned about the issue, then it may refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.

In the Council year 2010/11 the Committee requested further information on 20 Cabinet reports. The Committee did not "call-in" any Cabinet decisions during this Council year.

## External Services Scrutiny Committee



**Councillor Mary O'Connor (Chairman)**

*Other Members*

Councillor Michael White (Vice Chairman)

Councillor Phoday Jarjussey

Councillor Judy Kelly

Councillor Peter Kemp

*Officer support by Nikki Stubbs and Nav Johal, Democratic Services*

The External Services Scrutiny Committee is chaired by Councillor Mary O'Connor and has a broad remit to scrutinise all non-Hillingdon Council organisations whose actions affect Hillingdon Residents. This Committee also undertakes the health scrutiny role as required by the Health & Social Care Act 2001.

The Committee has again used its role to undertake a varied programme of work this year.

### **Health White Paper**

Although the White Paper proposals have caused some trepidation, the changes would offer real opportunity to improve care pathways. It was noted that there was a lack of detail in the Papers which suggested might have been done to enable the GP consortia to develop the proposals themselves.

As well as concern about the limited funding that will be available over the next five years, there has also been concern about the level of support that will be made available to the consortia. GPs are expected to take on a new role (and the associated responsibilities) at the same time as maintaining their regular surgeries and patient contact. It is anticipated that there will be some support provision from NHS personnel but a more substantial support vehicle will be needed.

It is widely agreed that effective partnership working between the Trusts (particularly The Hillingdon Hospital NHS Foundation Trust) and Hillingdon Council is key to ensuring that the proposals are implemented efficiently. The White Paper proposals have prompted an improvement in the communication between clinicians (in terms of both quality and volume), particularly between GPs and Hillingdon Hospital. This partnership working will enable different ways of working to be developed so that the health economy is able to cope with the anticipated increase in demand.

Hillingdon, Ealing and Hounslow PCTs have formed a cluster which, it is anticipated, will deliver management cost savings. Although, there is now only one Chief Executive heading the cluster, there continues to be three Boards representing each of the areas.

A response to the NHS White Paper consultation was sent via a Cabinet Member Decision in October 2010. This was a response to the first consultation document from the Department of Health. The Department of Health subsequently published a response to the consultation which gave further information on NHS reform and how plans had developed as a result of the consultation. This response gave some clarity to the role of the new Health & Wellbeing Board and to the role of scrutiny. However, there is still some uncertainty and a lack of clarity on a number of issues which will need to be resolved before a final Bill is published.

### **Vertical Integration**

Hillingdon Community Health (HCH) delivers 32 different community services which are split between adult services and children's services. Service developments that have already been established include the expansion of the community physiotherapy services, provision of 'home' phlebotomy service for housebound patients and the introduction of a new wound care service for ambulant patients. Further work is being undertaken regarding the expansion of community rehabilitation services for Parkinson's, dementia and stroke. Although in the top quartile of community arms across London, there is still room for improvement and HCH's performance is being tracked monthly.

The vertical integration of community services into Central and North West London NHS Foundation Trust (CNWL) was completed on 1 February 2011. All staff affected by the transfer had been consulted about the benefits of the integration, which included more opportunities for them as they would be part of a larger organisation, and would still retain all of their NHS benefits.

CNWL have entered into an arrangement with Boots the Chemist for a Wellbeing Centre which is now open. It is hoped that a number of additional HCH services will be moved into the Wellbeing Centre. The Centre will also reduce duplication of work; heart failure services will be brought together, a community based cardiology centre will be set up, and there will be more focus on children's mental health needs and also on dementia.

### **Progress of LINK**

On 16 June 2010, the Committee held a witness session with representatives from Groundwork Thames Valley and Hillingdon LINK. Although HAP UK had initially been awarded the contract to deliver the Hillingdon LINK, there had been some unresolved issues and it was mutually agreed to end the contract early, at the end of December 2009. Groundwork Thames Valley (GTV) had agreed to take on the remainder of the contract as the host for Hillingdon LINK until 31 March 2011. Very encouraging feedback had been received from the LINK and Board members about the progress Groundwork had made as the host. HAP UK staff had been transferred across to GTV under TUPE regulations (Transfer of Undertakings (Protection of Employment)).

Work has been undertaken by the LINK to engage with the community in a variety of ways which include events and liaising with groups such as Brunel University – particularly with hard to reach groups. Further work has been done with Residents' groups and the LINK has been involved in a number of specific issues (e.g., Hayes Town

Medical Centre and the HESA medical extension, integration of Hillingdon Community Health (HCH) with Central & North West London NHS Foundation Trust). In total, it estimated that the LINK has engaged with more than 10,000 people, soliciting their views on a variety of issues.

Hillingdon LINK has also been working with Somali community leaders. This group was involved in a survey that looked at the impact of KHAT.

### **Provider Services**

On 24 November 2010 the Committee held a witness session with representatives from Clinical Service Lead for End of Life Care, NHS Hillingdon, Children's Therapies (Speech & Language Therapy), Senior Nurse Specialist (TB), Specialist Community Dental Service, MSK Clinical Service (Physiotherapy Services), Hillingdon Community Health and Strategic Planning and Partnerships.

At this session there was an update on the physiotherapy services in the Borough. Clinics are spread across the Borough and have expanded in the South where historically patients have the longest waits - there is one extra clinic compared to last year, and a new clinic has replaced an old one. In April 2009, only 41% of patients were seen within 3 weeks of referral; in October 2010, this figure had increased to 92%. This success is partly due to the revolutionised centralised booking system. This allows patients to be seen quicker at whichever clinic is most convenient for their home or work situation. The staff levels have also increased from 14 full-time to 23 full-time which has also contributed towards improving the waiting time figures. A huge amount of effort has been put in from staff to reduce the waiting times even though the number of referrals has increased.

Members receive a report on Children's Speech and Language Therapies which covered 0-16 year olds and those up to the age of 18 years if in full time education. The aim of the service is to provide assessment and service for speech therapy. The service covers Pre-School Early Years Team, Complex Special/Additional Needs (0-5 years old), Mainstream Schools Service and Hearing impairment. It also covers those without a statement, which previously was not the case. There is a great need for a service for those that do not have a statement, so this change is beneficial to all.

The End of Life Care team is made up of 8 whole time equivalent specialists. Over the last year, the good life model for cancer patients has been used for all patients. Of the 2,000 deaths in the Borough each year, 20% are unexpected. A large proportion of these are older people with a health condition.

With regard to the Tuberculosis service (TB), a community centre/clinic opened in Hayes in 2010, giving patients more choice. The TB rate had gone up 20% in London - Hillingdon has a high rate in comparison to the rest of London and is nationally rated as the 11<sup>th</sup> highest for 2004-6. The NHS is looking into developing a pan London service.

The community dentistry service in the Borough is predominantly for referrals, mainly from GP's. The advice and treatment service is based on 2 clinic sites (Uxbridge and Ickenham) and employs 22 people in total.

## **Provision of Health Services in the Borough**

On 28 October 2010, the Committee held a witness session with representatives from the Commissioning Support for London (CSL), Hillingdon PCT, The Hillingdon Hospital NHS Trust, Royal Brompton & Harefield NHS Foundation Trust, Hillingdon Local Medical Council (LMC) and Care Quality Commission (CQC).

In developing proposals for cancer services, consideration has been given by CSL to early diagnosis, common cancers/general care and rarer cancers/specialist care. These work areas have been investigated by a project board which has received evidence and information from an expert reference group for each work area, an overarching expert reference panel, a patient panel and experts from outside of London.

Concern was expressed that the cancer services provided by the Mount Vernon cancer network have not been acknowledged in the proposals. These services are of a very high standard and there is concern that their transfer to a hospital in central London will not be of benefit to Hillingdon residents or residents in the surrounding area.

The centralisation of vascular services is generally supported but there is concern that this could put additional financial pressure on THH.

On 11 January 2011, the Committee met with a representative from the London Ambulance Service who updated Members on the work undertaken in the last year. There have been some positive changes with regard to how targets are being measured; with time and quality of service both being measured:

- 'Quickest to sickest' is still being measured, with a target time of reaching those in critical need within 8 minutes. For less serious cases, the time based measurements have been removed and the quality of the service is being measured.
- The Borough has been rated 4<sup>th</sup> best in London for Cardiac Survival rate with a 21% success rate; 5 years ago this was 4%.
- The Borough is the 4<sup>th</sup> best for performance in terms of life dependency (Category A) in London.

Hillingdon Ambulance staff levels have increased by 30% to meet the increase in demand for the service.

The Ambulance Service thanked the Council for supporting the voluntary emergency responders by providing a car for the service which also involved the Metropolitan Police and the RAF. The scheme has become so successful that another three cars are being sought.

## **Safer Transport**

On 14 July 2010, the Committee held a witness session with representatives from Safer Neighbourhoods Team - Metropolitan Police Service, Safer Transport Team - Metropolitan Police Service, British Transport Police (BTP) and Transport for London (TfL).



The Hillingdon Local Implementation Plan (LIP) sets out the Council's transport projects, proposals and programmes through to 2011. It also sets out how the Council proposes to implement the Mayor's Transport Strategy (MTS) and provides details on projects, proposals and programmes. The LIP's transport proposals focus on eight priority areas and include timelines, funding information and monitoring to ensure the successful implementation of the initiatives.

The Council has been working with schools in the Borough to develop School Travel Plans (STP) and there are now only two schools in the Borough that do not have one in place. The improvements that schools have suggested in their STPs have been collated, costed and included in the Hillingdon LIP. The STPs also give Transport for London (TfL) an indication of whether or not there are enough buses on the different school routes.

The Safer Neighbourhood Teams in Hillingdon have been working increasingly closely with the community to encourage engagement. The Safer Transport Team (STT) cover overland areas: buses, bus shelters and bus routes as well as the routes in between. The STT (which is 90% funded by TfL) regularly meet with TfL to look at issues that need to be addressed. In Hillingdon, there has been a 5.6% reduction in bus crimes in the last year (down from 644 offences to 608 offences).

TfL's behaviour code outlined what level of behaviour was expected on the buses and the circumstances under which the free travel concession could be removed. The STT has visited Year 6 pupils in 22 schools in the Borough to assist with applications for free travel cards (Zip cards); the young people sign the behaviour code as an integral part of this process.

There has been a reorganisation within TfL. This means that Hillingdon will no longer be considered a priority area as the work that had been undertaken has been very successful in reducing the fear of crime.

Hillingdon has 11 underground stations. Between 1 January 2010 and 30 June 2010, there were 75 offences committed at Uxbridge station; which was the most in the Borough.

The BTP is being more proactive and holds regular monthly meetings with the public, station staff and station managers to exchange views on the situation with regard to crime. These meetings are well publicised on the website.

### **Safer Hillingdon Partnership's Performance and Plans**

On 23 February 2011 the Committee met with representatives from Safer Neighbourhoods Team - Metropolitan Police Service, Safer Transport Team - Metropolitan Police Service, Metropolitan Police Authority (MPA), NHS Hillingdon, London Fire Brigade, Probation Service and Hayes Town Partnership to receive an update on the work of the Safer Hillingdon Partnership over the previous 12 months.



With the exception of Total Robbery and Domestic Violence Incidents, crime figures have decreased. Work continues through the Domestic Violence Health Sub Group to encourage medical staff to clinical code domestic violence injuries correctly. Domestic violence training is being promoted amongst these staff.

An extensive consultation exercise was undertaken in Hillingdon regarding SNTs and resulted in responses from approximately 2,000 Borough residents. These responses were passed to the Commissioner of Police to inform his decision on the future of SNTs. Members were reassured that the provision of dedicated police officers to deal with specific wards will continue.

It is expected that the MPA will face significant changes in the next few months. One of the potential changes is a locally elected Police and Crime Commissioner(s). It is anticipated that the new legislation, which will drive these changes, will be implemented on 1 October 2011 and will include the withdrawal of the MPA from the Safer Hillingdon Partnership (SHP). Although the MPA will no longer be a statutory partner, the SHP will have scope to invite MPA representatives to attend its meetings. It is believed that this could be beneficial in terms of maintaining relations and linking priorities. Which was a good practice that should be encouraged to continue.

The contract between the Council and the London Fire Brigade for the provision of a fire Education Officer has been cut short. As the work undertaken by the Education Officer has been so successful, the Brigade has reorganised its resources to enable the work to continue.

The Hillingdon Fire Brigade has exceeded its target of 2,239 home fire safety visits to vulnerable adults and effort will now be made to achieve the stretch target.

The Probation Services explained how there are currently approximately 1,500 offenders in the community and in custody in Hillingdon. The driver for the majority of these offenders is usually drugs and/or alcohol. The Probation Services has a programme underway to look at reducing instances of re-offending by addressing these drivers. In response to the current financial pressures on all public sector bodies, the Probation Service has been restructured which has resulted in a reduction in the number of middle managers and a revision in the way that the Service works with offenders. Partnership working is continuing with groups such as MAPPA and MARAC to prioritise areas where re-offending can be reduced and contained.

NHS Hillingdon has been piloting pathways between the Probation Service and the health systems to improve joint working. It was stated that 44% of probation clients assessed during the 12 month period to June 2010 had an alcohol misuse problem, 43% of whom also had associated mental health problems which suggests that a co-ordinated approach is needed. Traditionally, funding available to NHS Hillingdon for substance misuse is specifically for drugs. However, this now has to change so that the organisation can choose to focus these resources on alcohol. Consideration can now be given to improving the whole outcome for an individual rather than just focusing on their health.

There have been substantial reductions in the levels of concern about street drinking, rough sleeping, begging, drug dealing and graffiti in Hayes Town Centre but there continue to be worries about spitting, rowdy behaviour and youths hanging about. That 94% of those surveyed now felt safe in the Town during the day, compared to 84% the previous year. An alcohol engagement project (HAGAM) has been running in Hayes and has become a best practice model for the rest of London. Hillingdon Community Trust has agreed to continue to fund this project for the next three years.

### **Community Cohesion: responding to and understanding local challenges & building strong, cohesive and active communities in Hillingdon**

On 6 June 2010, the Committee held a witness session with representatives from Metropolitan Police Service, Strong & Active Communities Partnership, Hillingdon PCT, Brunel University, Hillingdon Association of Voluntary Services (HAVS), London Fire Brigade and Hillingdon Inter Faith Network. Members were updated on the work that each of the organisations had undertaken over the previous year. This session focused on responding to and understanding the local challenges.

The local challenges discussed included:

- the needs of Somali families.
- continued partnership working and a commitment to ensuring that all services are available to everyone.
- awareness of the needs of any new communities within the Borough and issues that are relevant to them, e.g., economic, education, health, etc.
- the impact of the economic situation on employment which can cause tensions between different areas of our community.

A second witness session was held on 30 March 2011 which focused on building strong, cohesive, vibrant and active community within Hillingdon. Representatives from Metropolitan Police Service, London Fire Brigade, Hillingdon Community Trust, Strong and Active Communities Partnership, NHS Hillingdon, Brunel University, Hillingdon Association of Voluntary Services (HAVS), Hillingdon Inter Faith Network and Uxbridge College were in attendance.

The North / South divide in the Borough was discussed and it was noted that the mortality rate in the South of the Borough was 7 years lower than in the North. The North of the Borough is seen to be rich in art and drama venues, whereas the South of the Borough is not. Not everyone wants to take part in sporting activities; efforts will be made to put a programme together to make the arts more accessible to young people, e.g., consideration will be given to opening up the theatre at Uxbridge College for community arts projects as part of the community cohesion work.

The External Services Scrutiny Committee was involved with setting up two Working Groups in 2010/11 which carried out some valuable work, and the reviews were endorsed by Cabinet. Various witnesses (internal and external) attended the Working Group sessions and provided Members with important information in order to complete the review and produce the reports.

## **Health Inequalities - Effect of Overcrowding on Educational Attainment and Children's Development**

One of the main pieces of work over the last 12 months is the review commissioned by this Committee on the effect of overcrowding on educational attainment and children's development in Hillingdon. In 2009, the Centre for Public Scrutiny (CfPS) asked for bids from groups of councils to become one of ten Scrutiny Development Areas that would look at health inequalities. The reviews would then be analysed by CfPS and a scrutiny toolkit developed from the findings.

The purpose of the review was to assess what procedures were place and to make improvements to these procedures to mitigate the effects of overcrowding on educational attainment and children's development. The review also looked at the provision of coordinated advice and support being made available to those families living in overcrowded conditions where a child's education and development was suffering. Recommendations for improving these procedures were adopted in full by Cabinet on 18 November 2010.

## **Children's Self Harm**

The second major piece of work this year was the review commissioned by this Committee on Children's Self Harm. The purpose of this review was to build upon the work currently undertaken by the Council and partner agencies in relation to those children who self harm and their families. The Working Group sought to look at: how residents' expectations and concerns about children's self harm were reflected in delivery of services by the Council; how the Council's services could be improved and standardised; and how staff could be properly equipped to detect and assess such cases. All of the recommendations proposed for improving these procedures were adopted in full by Cabinet on 14 April 2011.

### External Witnesses Giving Evidence in 2010/11

- Brian Doughty - Interim Corporate Director of Adult Social Care, Health and Housing
- Linda Dines - Parent Partnership Manager, Education & Children's Services, LBH
- Isobel Callaby - Parenting Support Service Co-ordinator at Barra Hall Children's Centre. LBH
- Satwinder Saraon - PEP/Service Manager, Children's Specialist Services, LBH
- Sheila Cawthorne – Housing Commissions Manager, LBH
- Sally Currie - Under Occupying & Overcrowding Case Worker, Hillingdon Homes
- James Gleave, LDF Principle Officer
- Tim Lake, Service Manager, Environment and Consumer Services, LBH
- Khalid Rashid – Emergency Housing Manager, LBH
- Paul Hewitt: Service Manager, Safeguarding Children, LBH
- Parmjit Chahal: Service Manager Family Support Services, LBH
- Erica Rolle: Domestic Violence Strategic Coordinator, LBH
- Fiona Lyon: Headteacher, Hillingdon's Virtual School
- Karen Andor: Educational Psychologist, LBH
- Paula Neil: Asylum Service Manager, LBH
- Ann Holmes: Service Manager, Children in Care Team, LBH
- Brian Whiteley, LDF Team Manager
- Beatrice Cingtho – Head of Housing, LBH
- Emma Humphrey – Service Manager, Housing Needs Housing Options, LBH
- Alison Moore – Senior School Improvement Officer 14-19, LBH
- Nigel Dicker – Deputy Director of Public Safety and Environment, LBH
- Dr Ellis Friedman: Joint Director of Public
- John Vaughan – Director of Strategic Planning and Partnerships
- Maura St George – Clinical Service Lead for End of Life Care
- Freda O'Driscoll – Head of Children's Therapies (Speech & Language Therapy)
- Hannah Kaur – Senior Nurse Specialist (TB)
- Claire Foster – Clinical Lead for Specialist Community Dental Service
- Jill Dady – MSK Clinical Service Lead (Physiotherapy Services)
- Teresa Chisholm: Designated Nurse for Looked After Children, Hillingdon Community Health
- Dr Jo Carruth: A&E Consultant (Paediatric Lead), The Hillingdon Hospital NHS Trust
- Geraldine Evans: Safeguarding Children Nurse, The Hillingdon Hospital NHS Trust
- Dr Abbas Khakoo: Medical Director, The Hillingdon Hospital NHS Trust
- Carole Jones: Headteacher, Yeading Junior School
- Peter Lang – Hillingdon Association of Secondary Headteachers (HASH)
- Lorraine Collins - Uxbridge College
- Judith Barton: Deputy Headteacher, Uxbridge High School
- Jill Patel: Chief Executive, Hillingdon Mind
- Rachel Welch: Project Director, selfharm.co.uk
- Claire Easterman: Operations Director, YouthNet UK
- Shaun Kelly: Head of Safeguarding, Action for Children
- David Brough – Chairman, Hillingdon Community Trust & Hayes Town Partnership
- Christine Little – Director, Hillingdon Community Trust
- Carole Jones - Chair of Strong and Active Communities Partnership
- Ted Hill - Hillingdon Association of

Health, NHS Hillingdon/London Borough of Hillingdon

- Sharon Daye – Deputy Director of Public Health, NHS Hillingdon
- Joan Veysey – Head of Non-Acute Commissioning, NHS Hillingdon
- Maria O'Brien, Managing Director, Hillingdon Community Health/PCT
- Keith Bullen, Chief Operating Officer – PCT
- Sue Nunney – Hillingdon PCT
- John Vaughan, Director of Strategic Planning and Partnership – Central & North West London NHS Foundation Trust
- Sandra Brookes, Service Director for Hillingdon – Central & North West London NHS Foundation Trust
- Christine Robson: Team Coordinator, CFACS, CNWL
- Mick May, Group Managing Director – Groundwork Thames Valley
- Gary Jacobs, Executive Director – Groundwork Thames Valley
- Graham Hawkes, Interim Manager – Hillingdon LINK
- Ian Diamant, Vice-Chairman – Hillingdon LINK
- Tom Pharaoh – Commissioning Support for London
- Jacqueline Totterdell – The Hillingdon Hospital NHS Trust
- Richard Connett – Royal Brompton & Harefield NHS Foundation Trust
- Nicholas Hunt – Royal Brompton & Harefield NHS Foundation Trust
- Andy Michaels – BMA / LMC
- Dr Mitch Garsin – Hillingdon LMC
- Dr Tony Grewal – Medical Director of Londonwide, LMC
- Amanda Brady – Care Quality Commission (CQC)

Voluntary Services (HAVS)

- Mike Gettleson - Hillingdon Inter Faith Network
- Carole Jones – Strong & Active Communities Partnership
- Professor Ian Campbell – Brunel University
- Yewande Akindele, Equality and Diversity Manager – Brunel University
- Duncan Struthers – Hillingdon Inter Faith Network
- Marcia Whyte – Assistant Chief Officer, Probation Service
- Adam Crosby – Hillingdon Ambulance Operations Manager, London Ambulance Service
- Colin Gribble – London Fire Brigade
- Gerard Hollingworth – Borough Commander, London Fire Brigade
- Chief Inspector Alison Dollery – Metropolitan Police Service
- Superintendent Des Rock – Metropolitan Police Service
- Chief Inspector Maurice Hartnett – Metropolitan Police Service
- Sgt Dave Turner – Safer Transport Team, Metropolitan Police Service
- Sgt Simon Thurston – Safer Transport Team, Metropolitan Police Service
- Tamsin Kelland – Link Officer, Metropolitan Police Authority
- Acting Chief Inspector Shakil Qasim – Safer Neighbourhoods Team, Metropolitan Police Service
- Inspector Steve Beattie – Safer Transport Team, Metropolitan Police Service
- Inspector Peter Miller – Officer in Charge, British Transport Police
- Kevin Dulling – Transport for London (TfL)
- Sharon Shepherd – Transport for London (TfL)

### Policy Overview & Scrutiny Reviews from 2003 to 2011

*Details of all Policy Overview and Scrutiny Reviews undertaken over the last 7 years by the London Borough of Hillingdon. Copies of reviews are available on the Council's website or on request to Democratic Services.*

#### **2010/11**

- Census 2011 – To look at how this Council can contribute to improving the Population data for the Borough
- Personal Safety of Members of the Council when meeting with members of the public
- The Hillingdon Khat Review
- Review of Hillingdon's Town Twinning Relationships
- Review of 14-19 Education & Training
- To examine the use of Assistive Technology by Adult Social Care to Support Independent Living
- Hillingdon Centre for Independent Living (Looking at Efficiencies, Services & Fully Costed Options)
- Health Inequalities – Effect of Overcrowding on Educational Attainment and Children's Development
- Children's Self Harm

#### **2009/10**

- Impact of a Pandemic in Hillingdon and the Effects on Council Services
- The Impact of Public Funded Business Support and the Success of New Business Start Up within Hillingdon and how the Council could improve Business to Business Support with the Borough's Industrial Estates
- Reviewing whether current arrangements and future plans to support inclusive practice in Hillingdon schools are effective
- Reviewing current arrangements and future plans for safeguarding children at Heathrow Airport as a port of entry
- A Review of Street Lighting
- A Review of Planning Enforcement ('Homes' in back gardens)
- A Review of Counterfeit Cosmetics and Illegally Imported Foods
- The Transformation Agenda and Direct Payments in Hillingdon
- The Hillingdon Centre for Independent Living
- Parent Abuse – Children & Young People Who Abuse Their Parents & Carers

#### **2008/9**

- CCTV Strategy
- Heritage in Hillingdon
- Safeguarding Adults

- Developing the 14 – 19 education provision
- Developing the Short Breaks Provision
- Wireless town centre in Hillingdon
- Child to adult mental health service
- The nature and role of the private rented sector in Hillingdon

### **2007/8**

- Review of highways maintenance
- Community engagement
- Cleanliness of the environment
- Establishing children's trust agreements
- Review of Meeting the Needs of Troubled Young People
- Community cohesion
- Review of Voluntary sector grants
- Review of customer involvement
- Update on the review of Council's support to carers
- Development of a customer focus strategy for Council

### **2006/7**

- Anti-social behaviour strategy
- Hillingdon's strategy for a sustainable economy
- Hillingdon's approach to meeting special educational needs
- Safer Neighbourhoods Team
- The Council's property and estates waste reduction and recycling
- Establishing a Domestic Violence Court
- Hillingdon Independent Living Centre
- Housing support for vulnerable people
- Members' information needs concerning decision-making
- Members' role in Audit
- Transition from primary to secondary schools
- Widening the scope of the Education Service: Hillingdon's approach

### **2005/6**

- Council's housing strategy
- Frontline service delivery
- Impact of Heathrow Airport on the Hillingdon Health and Social Care Economy
- Local strategic partnership – Hillingdon Partners
- Progression from Primary to Secondary school
- Sport & physical education strategy
- Customer Access (complaints)
- Hillingdon Homes' performance
- Information given to residents about Council Tax
- Planning Performance – continuous improvement
- Road safety



- Wider participation in Overview & Scrutiny

### **2004/5**

- Anti-social behaviour
- Business continuity
- Health promotion in Hillingdon
- Recruitment in Hillingdon
- Recruitment and retention in Education Services
- Review of the National Service framework for Older People in Hillingdon
- Budget planning process
- Choice based lettings
- Local development framework
- Regeneration and economic development strategy
- Supporting people
- Town centre partnerships

### **2003/4**

- Air quality action plan
- Engaging young people
- Houses in multiple occupations
- Innovative affordable housing
- Review of Hillingdon's performance of delayed discharged
- Role of community Councillors
- Transport strategy
- Domestic violence and children
- Heathrow city growth strategy
- Incineration: waste to energy
- Joint Committee report on cancer services
- Rigorous inspection of contracts
- Standards at Key Stage 3
- Vision for health: Overview programme
- Voluntary sector grants review



### Criteria for Selecting Policy Overview Reviews

1. Strong public interest
2. Government pressure
3. Included in Council Plan/Hillingdon Improvement Programme
4. Inspection report recommendation e.g. performance standards poor/below target
5. Area within Council's control/influence
6. High impact on residents
7. Expertise available on which to draw
8. Good practice available elsewhere

This page is intentionally left blank

## LICENSING OF SEX ENTERTAINMENT VENUES

<b>Cabinet Member</b>	Councillor Jonathan Bianco
<b>Cabinet Portfolio</b>	Finance, Property & Business Services
<b>Papers with report</b>	Appendix 1 - Sex Establishment Licensing Policy Appendix 2 - Proposed Table of Delegations Appendix 3 - Proposed Timetable for implementation Appendix 4 – Consultation responses

### Summary

Following referral by Cabinet on 17 March 2011, this report contains recommendations to adopt and implement the provisions relating to the control of sex establishments in the borough under the Local Government (Miscellaneous Provisions) Act 1982. It will allow for the Council and thereby local residents, to have greater control over the location and management of sex establishments.

### RECOMMENDATIONS: That Council:

1. **Adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;**
2. **Approves the draft Sex Establishment Licensing Policy (Appendix 1);**
3. **Agrees that the terms of reference of the Licensing Committee be extended to include the Local Government (Miscellaneous Provisions) Act 1982;**
4. **Agree the table of delegations as set out in Appendix 2;**
5. **Notes the proposed timetable for implementation (Appendix 3)**

### Supporting Information

Hillingdon currently has one licensed sex shop. Approximately five premises will potentially have to apply for a sex establishment licence under the new category 'Sexual Entertainment Venue'. These premises are also currently licensed for the sale of alcohol under the Licensing Act 2003.

Sex shops and sex cinemas are currently licensed under the sex establishment provisions of the Local Government (Miscellaneous Provisions) Act 1982. The Council currently licences 1 premise in this way.

The Policing & Crime Act 2009 amended the definition of 'sex establishments' to include 'sexual entertainment venues' (SEV's). This new type of establishment is intended to include striptease, pole-dancing etc...

The legislation requires that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 must be adopted by 06 April 2011. In the event that Recommendation 1 is approved, this will place the Council in a position to comply with the legislation by demonstrating that it is acting as soon as reasonably practicable to resolve the issue of adoption of the legislation.

If control is not introduced in Hillingdon, the Council would be at risk for allowing premises to operate as sex establishments without any ability to regulate, which could potentially see the number of establishments rise. The currently Licensing Act 2003 only allows for premises licences to be issued to regulate the sale of alcohol, regulated entertainment etc but has little

scope for control for adult entertainment. The implications of this mean that Authorities have little control of the location of adult entertainment establishments and are restricted to determining alcohol licences in line with the Licensing Act 2003 provisions.

## **New Policy**

A new Sex Establishment Licensing Policy will give more control to the Council to decide on the appropriateness of the locations of these premises, for example near schools, retirement homes, places of worship etc. Enforcement powers will also be increased. The Council will also have new powers to decide on the appropriate number of sex establishments in a locality, a power that is not available under the Licensing Act 2003. The proposed policy requires the provision of detailed information from the applicant related to the running of the premises; thus placing officers and Councillors in a better position to determine these applications. The policy will offer transparency, accountability, consistency and the promotion of good standards in licensing.

A full public consultation was carried out on the proposed draft Sex Establishment Licensing Policy (Appendix 1). The Council received responses to the consultation, shown in Appendix 4.

The Act allows for a 12 month transitional period; the first six months for existing operators to apply under the new provisions and the following six months for new operators to apply. All licences will then become effective 12 months after the first appointed day.

The Act requires a notice to be published in the local press for two consecutive weeks giving notice that the Authority has made a resolution to adopt the provisions. The notice shall also specify the first appointed day of the 12 month transitional period. (Timetable contained in Appendix 3)

## **Delegations**

Responsibility for licensing functions may be split between Officers, Committees, Cabinet and Council. If accepted, the policy recommends the Licensing Sub-Committee determine, inter alia, contested applications. In order for the Licensing Sub-Committee to hear these matters, the terms of reference of the Licensing Committee need to be extended to encompass the powers contained in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

It is proposed that Council delegate to the Deputy Chief Executive & Corporate Director of Planning, Environment, Education & Community Services the authority to exercise powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to determine uncontested new/renewal/transfer applications for Sex Establishments. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 does not permit the delegation of these licensing functions to a Local Authority Cabinet or Council.

These delegations would be consistent with the current approach applied to all licenses under other licensing legislation. Appendix 2 sets out the proposed delegations. The proposals outlined above were considered by Cabinet on 17 March 2011 and recommended to full Council for approval.

## **Financial Implications**

Corporate Finance has reviewed this report and is satisfied that the set fee of £2,300 in relation to Sex Establishment Licence applications will generate an estimated income of £11,500 per

annum, which will cover the costs of operating the scheme. This is based on the expectation that five establishments would require the licence.

## **Legal**

Schedule 3 of the Policing and Crime Act 2009 (“the 2009 Act”) inserts a new category of “sex establishment” called a “sexual entertainment venue” into Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 (the “1982 Act”).

Section 27 of the 2009 Act allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the 1982 Act and gives local authorities powers to control the number and location of lap dancing clubs and similar venues in their area. Where adopted, the provisions of Schedule 3 will allow the Authority the power to refuse an application on potentially wider grounds than is currently permitted under the Licensing Act 2003 and will potentially give residents a greater say over the regulation of lap dancing in pubs and similar venues in their area.

Full Council is required to adopt the legislation and put in place a table of delegations which will form part of the Council’s policy. It is therefore suitable for Council to agree the policy and specifically agree the scheme of delegations at Appendix 3 which forms part of the proposed policy. It is open to Cabinet to determine whether or not to recommend the adoption to full Council.

If the full Council does not make a resolution to adopt Schedule 3 of the 1982 Act within one year of the legislation coming into force (by 06 April 2011), or if the adoption process is not started by 06 April 2011, then a consultation with residents/stakeholders must be held as soon as reasonably practicable about whether the provisions should be adopted.

With regard to the setting of fees, the Council must be mindful of the of the Guidance issued by the Department for Business Innovation and Skills on the EU Services Directive which states;

*‘Local Authorities must set fees that are proportionate to the effective cost of the procedure dealt with... Local Authorities will need to bear in mind the threat of legal challenge should a service provider feel that the levels of fee are being used as an economic deterrent or to raise funds for Local Authorities. Enforcement costs should not be assimilated with the application fee. This is to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors.’*

Further guidance aimed at businesses under Regulation 18 of the Directive states;

*‘Fees charged in relation to authorisations must be proportionate to the effective cost of the process e.g. to cover the actual cost of the application process. Fees should not be used as an economic deterrent to certain activities or to raise funds. As now, if you believe the fee to be disproportionate, you can contest it with the authority concerned.’*

## **BACKGROUND PAPERS**

Local Government (Miscellaneous Provisions) Act 1982 – Schedule 3  
Policing and Crime Act 2009  
Home Office Guidance document for Sexual Entertainment Venues



**HILLINGDON**  
LONDON

**London Borough of Hillingdon**  
**Draft Sex Establishment Licensing Policy**

Licensing Service  
Planning, Environment, Education & Community Services  
T.01895 277232 F.01895 250011  
[licensing@hillington.gov.uk](mailto:licensing@hillington.gov.uk) [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)  
London Borough of Hillingdon,  
Civic Centre, High Street, Uxbridge, UB8 1UW

## 1. Introduction

The Policing and Crime Act 2009 introduced provisions to reclassify lap dancing, pole dancing clubs etc. as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Following a 12 week consultation period, The Council of the London Borough of Hillingdon adopted the amendment to Schedule 3 on **XXX**

This document sets out the London Borough of Hillingdon's Policy (the "Policy") regarding the regulation of sex establishments. The Policy additionally sets out the procedure for applications for sex establishment licences. Following a 12 week consultation period, this Policy was approved by Full Council on xxxx . This Policy will be reviewed in light of developing practice, guidance and secondary legislation.

This document relates to applications for sex establishment licences for:

- Sex Shops
- Sex Cinemas
- Sexual Entertainment Venues

The scheme for the control of sex establishments by way of a licensing regime is contained in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. The Council has had regard to the Home Office Sexual Entertainment Venues Guidance for England and Wales (March 2010).

This Policy sets out the Council's approach for the benefit of applicants, and operators. It also aims to guide and re-assure the public and other public authorities, ensuring transparency and consistency in decision making. When the decision making powers of the Council are engaged, each application will be considered on its merits.

The Policy outlines:

- the process for making an application, and
- the process the Council will follow in considering and determining an application for a sex establishment.

This Policy is intended to guide the decision making process and will take into consideration all relevant factors in determining an application. Each case will be decided on its merits.

The grant of a licence for a sex establishment does not remove the responsibility of an applicant or premises operator to comply with planning, building control and other relevant legislation including health and safety requirements. Where necessary, this Policy will be amended to ensure compliance with various relevant statutory regimes.

### 1.1 Adoption of the legislation

After 6 April 2010 local authorities may resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in their borough. In the London Borough of Hillingdon, although Schedule 3 to the 1982 Act was adopted on 16 December 1982, a further adoption resolution is necessary in order to ensure that the amendments introduced by Section 27 of the Policing and Crime Act 2009 are also adopted.

The adoption procedure is as follows:

1. The local authority must pass a resolution specifying that Schedule 3 or, in the case of an authority where Schedule 3 is already in force, the amendments made by section 27 to that Schedule, shall apply to their area and the day on which it or they shall come into force in the area. The Council of the London Borough of Hillingdon may adopt such a resolution. Simultaneously, the Council may also agree a related Policy detailing the manner in which the provisions of the resolution will be administered.
2. The specified day must be more than one month after the day on which the resolution was passed.
3. The local authority shall publish notice that they have passed a resolution adopting the amendments made by section 27) paragraph 2(2) of Schedule 3 to the 2009 Act and the related Policy for two consecutive weeks in a local newspaper that is circulated in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force in the local authority's area. The notice should state the general effect of Schedule 3.

Note: The new legislation is adoptive, but if not adopted by early April 2011 local authorities must consult on whether or not they should adopt the legislation.

Local authorities may, as a matter of good practice, choose to seek the views of local people and businesses and are encouraged by the Secretary of State to engage with known sex establishments. It is proposed that a public consultation be held on the Policy currently being considered by Members of the Licensing Committee. The public consultation will ensure that the views of residents and businesses are communicated to Cabinet and will help inform any decision on whether to adopt the provisions and/or Policy. It will also ensure that affected businesses are aware of what action they will need to take in order to comply with the new regime.

## 2. Definitions

### 2.1 Sex Shops

Licences for sex shops are required where category 18R films/DVD's/moving images are sold and/or where there is a significant degree of sex articles for sale.

Sex articles are defined in Schedule 3 of the 1982 Act as:

*(3) In this schedule, 'Sex Article' means-*

- a) *anything made for use in connection with, or for the purpose of stimulating or encouraging;*
  - i) *sexual activity; or*
  - ii) *acts of force or restraint which are associated with sexual activity; and*
- b) *anything to which sub-paragraph (4) below applies*

*4) This sub-paragraph applies-*

- a) *to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and*
- b) *to any recording of vision or sound, which*
  - i) *is concerned primarily with the portrayal of, or primarily deals with and relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or*
  - ii) *is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs or urinary or excretory functions.*



Significant degree will be determined by considering:

- The ratio of sex articles to other aspects of the business;
- The absolute quantity of sales;
- The character of the remainder of the business
- The nature of displays in the business

## 2.2 Sexual Entertainment Venues

Licences for sexual entertainment venues are required for any premises at which relevant entertainment is provided for an audience for the financial gain of the organiser or entertainer.

Relevant entertainment is defined in Schedule 3 of the 1982 Act (as amended by the Policing and Crime Act 2009) as 'any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).'

Relevant entertainment will generally include the following;

- Lap dancing
- Pole dancing
- Table dancing
- Striptease
- Peep shows
- Live sex shows

An audience can be an audience of one person

## 2.3 Sex cinemas

Licences for sex cinemas are required for any premises used to a significant degree for the exhibition of moving pictures which are concerned primarily with stimulating or encouraging sexual activity.

## 3. Requirement for a licence

The Act provides that no person shall in any area in which the relevant Schedule is in force, use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under the relevant schedule by the Authority.

## 4. Applications

### 4.1 Who can apply

Individuals, partnerships, limited companies and other bodies may apply for licences.

Any person over the age of 18 years can apply for a licence provided they;

- Are a resident of the UK and have been resident in the UK throughout the 6 month period preceding the date of the application; and
- Are not disqualified under paragraph 17(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982; and

- Have not been refused a grant or renewal application within the 12 month period immediately preceding the date of the application

A body corporate may also apply for a licence provided it was incorporated in a European Economic Area state.

#### 4.2 Suitability of applicant

An applicant must be deemed to be fit and proper in order to be granted a licence. The Council will seek evidence of the applicants suitability by taking into account:-

- Previous knowledge and experience
- Any evidence of the operation of any existing or previous licences held by the applicant, including licences held in other boroughs
- Any reports about the applicant and/or management of the premises received from statutory objectors etc
- Any criminal convictions or cautions of the applicant

#### 4.4 Advertisement & Consultation

Applicants are legally required to give public notice of their application by publishing a legal notice in a newspaper circulating in the area of the proposed premises. The publication shall be no later than 7 days after the date of submission of the application.

The applicant is also required to display a notice at the premises where it can be easily read by passing members of the public. The notice shall be on display for 21 consecutive days starting with the day the application was made to the authority.

The form of notice shall be prescribed by the authority.

The applicant is required to send notice of the application to the Chief Officer of Police c/o The Licensing Sergeant, Northwood Police Station, 2 Murray Road, Northwood, HA6 2YW.

Upon receipt of an application, the Council will consult with relevant responsible authorities and interested parties.

#### 4.5 Form of application

The application shall be made on a form prescribed by the authority.

The application shall include a scale plan of the whole premises showing the public areas, boundary of the premises, points of entry and exit, location of any fixed furniture.

The application shall be accompanied by a fee prescribed by the authority. The applicant may also be requested to attend an interview with the Licensing Officer.

#### 4.6 Supporting Documentation

The applicant will be expected to provide the following supporting documentation:

- Photographic proof of ID i.e. Passport, Driving Licence etc
- Proof that the applicant has a legal right to occupy and run a business from the premises.
- Management plan detailing plans for the staffing and supervision of the licensed operation including details of nominated responsible persons.

#### 4.7 Variations

The holder of a licence may apply at any time for a variation of the terms, conditions or restrictions on or subject to which the licence is held.

The process of applying for a variation is the same as that for applying for a new licence except that a plan of the premises is not required unless the application involves alterations to the premises.

#### 4.8 Renewals

The holder of a licence may apply for a renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted to the Council before the licence expires.

The process of applying for a renewal is the same as that for applying for a new licence except that a plan of the premises is not required.

The Council will take into account the following considerations when deciding on an application to renew:

- Levels of recorded crime and disorder in the area;
- Evidence of past demonstrable impacts of the operation of the premises with regard to crime and/or disorder;
- Whether appropriate measures have been introduced or agreed by the applicant to mitigate any adverse impacts that have arisen from the business operation;
- Whether the licence holder or members of staff have contravened legislation directly related to the operation of the licensed business.

#### 4.9 Transfer of licence

A person may apply for a transfer of licence at any time in the form required by the Authority and accompanied by the required fee.

#### 4.10 Notification of changes to the licence

A notification process will be in effect for minor administrative changes to the licence which do not require an application process i.e.

- Change of name/address of licence holder
- A change of the nominated responsible person
- Change of trading name of the premises

For other changes to the licence including but not limited to, change to the physical layout/size of the premises, alteration of licence conditions, change to the trading hours etc, the Licensing Authority will require the licence holder to make a full variation application.

The Council will charge a fee for such notifications.

### **5. Relevant Locality**

The Council is aware of the powers under Paragraph 12(3)(c) and 12(3)(d) of the Act which allows the authority to refuse licence applications on the basis of locality.

The Authority will assess each application on its individual merits but will also have regard to the appropriateness and suitability of the proposed location of the premises.

Case law (R v Peterborough City Council ex parte Quietlynn 85 L.G.R. 249) has determined that it is inappropriate to treat the whole of the London Borough of Hillingdon as a relevant locality. However, the Council has determined that it is appropriate for the relevant licensing Sub-Committee to determine any questions or concerns raised in a particular application with regard to locality.

The Council may consider that the grant or renewal of a licence would be inappropriate having regard to;

- The character of the relevant locality
- The use of other premises in the vicinity
- The layout, condition, or character of the premises in respect of which the application is made.

In addition, the Council may also decide that it may not be appropriate to grant licences for premises within close proximity to;

- Purely or primarily residential accommodation
- Schools, play areas, youth clubs, childrens centres and similar
- Access routes to and from Schools, play areas, youth clubs, childrens centres and similar
- Places of worship
- Community facilities or public buildings including but not limited to leisure centres, parks, community clubs/centres and sheltered housing
- Proximity to areas with high levels of recorded crime

## **6. Objections**

Objections must be submitted in writing no later than 28 days after the date of the application.

Objections may be accepted from persons, businesses or other associations whom may be affected by the operation of the proposed sex establishment.

Objections may also be submitted by partner authorities and agencies.

Moral representations cannot be considered.

## **7. Consideration of applications**

In any event, the London Borough of Hillingdon shall ensure that a hearing is held within 28 days after the expiry of the period during which objections may be made. The relevant Licensing Sub-Committee shall ensure that a decision is made within 5 working days of the hearing taking place. A written decision shall be sent to all parties to the hearing within 5 working days of such a decision being made.

In considering any application for the grant, renewal, variation or transfer of a licence the Council is obliged to have regard to any observations submitted by the Metropolitan Police and any objections received from members of the public, within the 28 day consultation period, in response to public advertisement of the application.

The Council recognises that Sex Establishment Licensing is controversial and stimulates very emotive arguments. However, the Council does not have the right to, and will not, have regard to the morality of sex establishments. Its approval or disapproval of sex establishments is not a matter that can be considered. Consequently, Straight-forward objections on the grounds that sex establishments should not be allowed on moral grounds will not be taken into account as decision-making criteria at the hearing.

## **8. Hearings**

Applications for new and renewal sex establishment licences, and variations to existing sex establishment licences, will be considered by the Licensing Sub-committee at a public hearing.

Objectors' written representations will be considered by the committee but, they will not normally be afforded a hearing unless the Chairman invites individuals or responsible authorities to verbally clarify their representation for members.

Individuals or responsible authorities will only be afforded a hearing if the Chairman can be satisfied that:

- (a) A relevant written objection was received during the statutory 28 day consultation period.
- (b) The objector will be confined to putting forward only those points that are relevant to consideration of the grounds of refusal and which have been notified in writing to the applicant.
- (c) Objectors and applicant will be heard on the same occasion at the hearing
- (d) The applicant will be afforded the opportunity to address the committee and respond to any enquiries members may have.

Members shall adjourn to private session to discuss the case before making a decision. The Council's legal advisor and the Democratic Services officer will be present at these sessions to offer advice and minute discussions. Neither officer will participate in any other way in the decision-making process. A verbal decision will normally be given on the day of the hearing with a written decision sent within 5 working days stating the committee's reasons for that decision.

## **9. Decision**

The council after due consideration may decide to:

- a) Grant the Licence; or
- b) Refuse the Licence

Under the provisions in Schedule 3 of the Act, the licensing authority, may grant a licence on such terms and conditions and subject to such restrictions as it may specify.

The Council will also consider relevant representations from responsible authorities and/or interested parties. The Council will consider each application on its merits in relation to the discretionary grounds for refusal. The Council wish to ensure that only applicants who are suitable will be granted licences and only in relation to suitable premises.

### **9.1 Mandatory grounds for refusal**

**Mandatory Refusal** Under the provisions in Schedule 3 of the Act, the Council must refuse a licence for the following reasons

- The applicant is under 18 years of age

- The applicant is for the time being disqualified due to the person having had a previous licence revoked in the area of London Borough of Hillingdon Council within the previous 12 months; or
- The applicant, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- The applicant is a body corporate which is not incorporated in an EEA state; or
- The applicant has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been successfully appealed.

## 9.2 Discretionary grounds for refusal

Discretionary refusal: – the Council may refuse to grant a licence on one or more of the following grounds:

1. that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
2. that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of a licence if he made the application himself;
3. that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority considers is appropriate for that locality;
4. Where the premises have not received the relevant planning permission
5. that the grant of the licence would be inappropriate, having regard to:
  - (i) the character of the locality where the premises are situated;
  - (ii) the use to which any premises in the vicinity are put;
  - (ii) the layout, character or condition of the premises in respect of which the application is made.

## 10. Appeals

An applicant for the grant of a licence whose application is refused has the right of appeal to the Magistrates' Court within 21 days of receipt of a written notice of decision. However, if refusal was on the grounds specified in paragraphs 3 and 5 above (locality and use etc) above then no right of appeal is available under this legislation.

A person whose application is refused due to these reasons (para 3 and 5) may attempt to invoke a judicial review of the Council's use of its discretion in coming to a decision, if they believe they can show that the Council has, for example, acted improperly, unreasonably or irrationally, has not examined both sides of a case or has shown predetermination or bias.

Those making representation, objecting to or supporting an application, have no right of appeal under this piece of legislation.

## 11. Waivers

Applications may be made to waive the requirement for a sex establishment licence. Waivers will be considered where the requirement for a licence would be unreasonable or inappropriate.

## **12. Exemptions**

Premises which provide relevant entertainment on less than 12 occasions per year are exempt from the requirement for a sexual entertainment venue premises licence.

## **13. Licence Conditions and Responsible Operating**

### **13.1 Mandatory Conditions**

The Council will impose mandatory conditions, as listed in the attached schedule, to all premises licences.

### **13.2 Discretionary Conditions**

Additional conditions will be imposed by the Council where necessary to uphold the guiding principles of the Act and the Policy.

### **13.3 Management of licensed premises**

The Council will require as a licence condition, for the licence holder to nominate a responsible person who shall be in charge of day to day operation and management of the premises including supervision of staff and compliance with all licence conditions.

The nominated responsible person will be required to provide a criminal record bureau check at the time of nomination.

The Licensing Service will send copies of all nominations to the Metropolitan Police for consideration.

Where the Metropolitan Police make an objection, the nomination will be rejected. The Licence holder will instead be required to nominate a different responsible person.

## **14. Guiding Principles**

In exercising its functions under the Act, the Council will have regard to the guiding principles detailed in the following paragraphs.

### **14.1 Crime & Disorder**

Under the act, the London Borough of Hillingdon, may grant a sex establishment licence on such terms and conditions and subject to such restrictions as it may specify.

### **14.2 Protection of children**

The holder of a licence for a sex establishment shall be guilty of an offence if he/she knowingly permits a person under 18 years of age to enter the establishment or to be employed in the business of the establishment. Paragraph 20 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 entitles the Court, upon summary conviction, to impose a fine not exceeding £20,000.

Children under the age of 18 cannot be employed or perform in Sex Establishments.

Under the act, the London Borough of Hillingdon, may grant a sex establishment licence on such terms and conditions and subject to such restrictions as it may specify.

### 14.3 European Convention on Human Rights

The Transitional Order allows local authorities to refuse applications, whether they are from existing operators or new applicants, on one or more grounds set out in paragraph 12 of Schedule 3. When making such decisions, local authorities must take into account any rights the existing operators may have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to the peaceful enjoyment of their possessions) and Article 10 (freedom of expression).

The leading case with regard to the rights of existing operators is that of **Belfast City Council v Miss Behavin' Ltd (Northern Ireland 2007)**. As per the decision of the House of Lords, it is prudent for local authorities to assume that freedom of expression includes the right to use particular premises as sexual entertainment venues and that a person who is denied the right to use his premises as a sexual entertainment venue where he already has a licence to do so under the 2003 Act (or in future under the 1982 Act) has been deprived of possessions. It is noteworthy that the House of Lords were agreed that such rights would only be engaged at a lower level in terms of strength of various considerations. Therefore, it is reasonable to conclude that if the local authority exercises its powers rationally and in accordance with the purposes of the statutory provisions, it would require very unusual facts for it to amount to a disproportionate restriction on Convention rights.

The relevant Licensing Sub-Committee of the London Borough of Hillingdon shall therefore act in line with guidance on Sexual Entertainment Venues provided by the Home Office at paragraph 4.21. The relevant Licensing Sub Committee shall therefore consider whether the interference with the applicant's rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health and morals, for the protection of the rights and freedoms of others, and, in the case of Article 1, Protocol 1 (that every person is entitled to the peaceful enjoyment of his or her possessions, including, for example, a licence) whether the interference can be justified in the general interest.

### 14.4 Other legislative considerations

Apart from the legal requirements of the 1982 Act (as amended) the Council will take into account its duties under other legislation (and the subsequent amendments to such legislation) including:

- Section 17 of the Crime and Disorder Act 1998, which places the Council under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in the Borough.
- The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) requires the Council not to impede economic progress by its regulations, and particularly to consider their impact on small businesses.
- The Provision of Services Regulations 2009 requires the Council to ensure that its requirements are -
  - non- discriminatory;
  - justified by an overriding reason relating to the public interest;
  - proportionate to the public interest objective;
  - clear and unambiguous;
  - objective;



- made public in advance;
- transparent and accessible.
- The Disability Discrimination Act 1995 makes it unlawful to treat disabled persons less favourably than other people for a reason related to their disability. Since 1999, licensees have had to make reasonable adjustments for disabled persons with regard to access to premises and the manner in which services are provided
- Section 149 of the Equality Act 2010 requires local authorities to exercise its functions having due regard to the need to eliminate discrimination, harassment, victimisation and to advance equality of opportunity between the sexes and to foster good relations between the sexes.

#### 14.5. Enforcement

The Council is responsible for the enforcement of sex establishment licences and will have regard to the Department of Business Enterprise and Regulatory Reform's codes of practice and guidance. The Council will carry out its regulatory functions in a fair, open and consistent manner.

The Council will carry out enforcement in accordance with the Enforcement Concordat and its own enforcement policies.

#### 14.6 Policy Review

The London Borough of Hillingdon will review this Policy as required by the governing legislation.

### 15. Delegations

MATTER TO BE DEALT WITH	FULL COUNCIL	CABINET	SUB-COMMITTEE	OFFICERS
Adoption of powers / changes to Licensing Committee Terms of Reference	X			
Approval of Sex Entertainment Venues Licensing Policy	X (either)			
Fee Setting - when appropriate		X		
Application for new sex establishment licence			Contested	Un-contested
Application for a variation to a sex establishment licence			Contested	Un-contested

MATTER TO BE DEALT WITH	FULL COUNCIL	CABINET	SUB-COMMITTEE	OFFICERS
Application for a transfer of a sex establishment licence				X
Application for a renewal of a sex establishment licence			Contested	Un-contested
Review of a premises licence			X	

## Annex 1

### Standard Conditions to be imposed upon Sex Establishment Licences

#### Introduction

1. In these Conditions "The Council" shall mean London Borough of Hillingdon and all enquiries concerning this licence shall be directed to the Licensing Service, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW
2. These conditions are imposed by the Council pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act as terms, conditions and restrictions on a subject to which a licence is in general to be granted, renewed or transferred by the Council save and insofar as they do not conflict with the provisions of the Act itself.

#### Conditions applicable to all Sex Establishments

##### Management of the Premises

1. The Licensee or some responsible person, over the age of 18, nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager") with the authority to direct activities within the Premises, shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public. A form will be provided for this purpose.
2. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
3. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the Premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.

4. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
5. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.
6. The Licensee shall ensure that the public are not admitted to any part of the Premises that has not been licensed, other than toilet facilities where provided for customers.
7. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village, town or city) of the Premises.
8. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee.
9. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.
10. The Licensee shall take all reasonable precautions for the safety of the public and employees.
11. No person under the age of 18 shall be admitted to the Premises.
12. The Licensee shall adopt a procedure to check the age of customers entering the premises who appear to be younger than 25 in order to ensure that they are not under the age of 18.
13. All persons working in the premises, including Performers, shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
14. The Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Council. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.
15. CCTV cameras shall be positioned to record a clear facial image of any person entering the premises via the main entrance/s.
16. The CCTV recordings of each day, shall be stored in a secure location for a period of at least 30 days. The recordings shall be available for inspection on request by authorised officers of the Council and the Metropolitan Police Service.

17. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

#### State, Condition and Layout of the Premises

18. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.
19. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
20. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
21. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
22. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
23. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

#### Operation of the Premises

24. No change from a sex shop (including a mail-order shop) to either a sex cinema or sex entertainment venue, sex cinema to either a sex shop or sex entertainment venue, or from a sex entertainment venue to either a sex cinema or a sex shop shall be made without the approval of the Council. This will require consideration of an appropriate application.
25. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.

#### Licensed Name

26. a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

## Conditions applicable to Sex Shops & Sex Cinemas

1. The primary use of a sex shop must be for the purpose of the sale of goods by retail.

### Opening hours of the Premises

2. The premises may only be used for the purpose of the licence during the times authorised by the Council.

### External Appearance

3. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the Premises. The notice must also include a statement that proof of age may be requested.
4. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.
5. The windows and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises not visible to passers-by.
6. No items should be stored on the premises so that they can be viewed from any external window or door.
7. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
  - a. The licensed name of the premises (as explained in paragraph 40 hereof) may be displayed, unless the Council determines that the name is inappropriate or gives other cause for concern.
  - b. The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
  - c. A notice stating the opening hours of the establishment.
  - d. The wording "PRIVATE SHOP" or "ADULT SHOP" but no other indication as to the nature of the business carried on at the licensed premises.
8. No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned above, otherwise approved by the Council in writing.
9. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
10. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

### Goods Available in Sex Establishments

11. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a the shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
12. All printed matter, DVD, video and other formats capable of storing readable/viewable material offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this is effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).

13. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.

#### Information for Customers

14. The Licensee shall make available in the Sex Establishment free counselling and advice literature on matters related to sexual health and issues as may be published by the Family Planning Association, the NHS and or other similar organisations. Such literature should be displayed in a prominent position, preferably adjacent to all points of sale in the Sex Establishment.

#### Conditions applicable to Sexual Entertainment Venues

1. The Licensee must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of performers.
2. The Licensee must submit a set of "House Rules" to the Licensing Authority as part of the application process; these rules will form part of the licence, and must be complied with. Furthermore they must ensure that all performers are fully conversant with and sign an agreement to adhere to such House Rules.
3. The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.
4. Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.
5. The Licensee shall ensure that no more members of the public shall be present on the Premises at any time whilst relevant entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.

#### Opening of the Premises

6. Relevant entertainment may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the Sex Establishment Licence permits otherwise.

#### External Appearance

7. At no time shall performers or persons working in the premises be visible from outside of the Premises, with the exclusion of Door Supervisors.
8. The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the Premises.
9. External advertising of relevant entertainment shall not include any of the following:
  - a) any depiction of full nudity
  - b) any depiction of partial nudity (including the display of breasts, buttocks or genitalia)

- c) any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.

#### Provision of Relevant Entertainment

- 10. Performers shall only perform in specified designated areas, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.
- 11. The Licensee is to implement a Policy to ensure the safety of the Performers when they leave the Premises after a period of work.
- 12. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the Premises.
- 13. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.
- 14. The Licensee must ensure that during performances of relevant entertainment:
  - i. Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
  - ii. Customers must remain appropriately clothed at all times.
- 15. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence.
- 16. Performers will stop immediately and move away from any customer who is offensive, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management. If after receiving a warning a customer continues behave inappropriately, the customer must be requested to leave the premises and should be escorted from the premises by appropriately authorised staff only (i.e. SIA registered door supervisors).

## Proposed Delegation of Powers

MATTER TO BE DEALT WITH	FULL COUNCIL	CABINET	SUB-COMMITTEE	OFFICERS
Adoption of powers / changes to Licensing Committee Terms of Reference	X			
Approval of Sex Entertainment Venues Licensing Policy	X (either)			
Fee Setting - when appropriate		X		
Application for new sex establishment licence			Contested	Un-contested
Application for a variation to a sex establishment licence			Contested	Un-contested
Application for a transfer of a sex establishment licence				X
Application for a renewal of a sex establishment licence			Contested	Un-contested
Review of a premises licence			X	

## Appendix 3

## Proposed Timetable for implementation

12<sup>th</sup> May 2011

Council to determine whether to adopt provisions. If not adopted, then statutory public consultation of this decision to take place as soon as possible

If Adopted by Council:

25<sup>th</sup> May 2011

First legal notice published in local paper

1<sup>st</sup> June 2011

Second legal notice published in local paper

22<sup>nd</sup> June 2011

First appointed day

22<sup>nd</sup> December 2011

Second appointed day

22<sup>nd</sup> June 2012

Third appointed day – provisions in force



***Response from Metropolitan Police Service***

**From:** <Ian.J.Meens@met.pnn.police.uk>  
**To:** <SWaterford@Hillingdon.Gov.UK>  
**Date:** 13/12/2010 14:50  
**Subject:** RE: Policy V2

\*Section 17 of the Crime and Disorder Act imposes a duty on Licensing Authorities to exercise their functions to do all that they reasonably can for the prevention of crime and disorder, including anti social behaviour and other behaviours adversely affecting the local environment, the misuse of drugs, alcohol and other substances the Authority will use its powers with due regard to do all it reasonably can to prevent such behaviours.

Many aspects can effect crime, disorder and anti social behaviour. The proposed method of operation, the design of the building and its interior. The level of supervision, both of staff and customers. The hours of operation and the location of the premises and many more. The local authority will take all matters into their consideration in making any judgement.

Under the act, the London Borough of Hillingdon, may grant a sex establishment licence on such terms and conditions and subject to such restrictions as it may specify.

Sgt Ian Meens  
Licensing Sergeant, Hillingdon

The Metropolitan Police Service is here for London - on the streets and in your community, working with you to make our city safer.

***Response from Special Educational Needs Team***

**From:** Deborah Bell  
**To:** licensing@hillingdon.gov.uk  
**Date:** 27/10/2010 09:41  
**Subject:** Consultation on draft Sex Establishment Licensing Policy

To contribute to the consultation on this Policy, please would it be possible to state explicitly that children under the age of 18 cannot be employed or perform in these establishments.

Many thanks

Deborah Bell  
Service Manager - Special Educational Needs, Behaviour & Attendance  
4E/09 Civic Centre, Uxbridge  
01895 250858

This page is intentionally left blank