



SUMMONS TO ATTEND COUNCIL MEETING

Monday 23 November 2015 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

To the Mayor and Councillors of the London Borough of Brent and to each and every one of them.

I hereby summon you to attend the MEETING OF THE COUNCIL of this Borough.

CAROLYN DOWNS
Chief Executive

Dated: Friday 13 November 2015

For further information contact: Peter Goss, Democratic Services Manager
020 8937 1353, peter.goss@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:
democracy.brent.gov.uk

The press and public are welcome to attend this meeting
Please note this meeting will be filmed for live broadcast on the Council's website. By entering the meeting room you will be deemed to have consented to the possibility of being filmed and to the possible use of those images and sound recordings for webcasting.

Agenda

- 1 Minutes of the previous meeting** 1 - 10

- 2 Declarations of personal and prejudicial interests**

Members are invited to declare at this stage of the meeting, any relevant personal and prejudicial interests and discloseable pecuniary interest in any matter to be considered at this meeting.

- 3 Mayor's announcements (including any petitions received)**

- 4 Appointments to committees and outside bodies and appointment of chairs/vice chairs (if any)**

- 5 Report from the Leader or members of the Cabinet**

There is no report to this meeting.

- 6 Deputations (if any)**

To hear any deputations received from members of the public in accordance with standing order 39.

- 7 First reading debate on the budget** 11 - 42

This report meets the requirement in Standing Order 24(b) as set out in Part 3 of the Constitution to hold a debate on the issues raised in the report.

Final decisions on the budget and the level of Council tax for 2016/17 will be made at Full Council on 22 February 2016.

- 8 Report from the Chair Scrutiny Committee**

There is no report to this meeting.

- 9 Backbench members' debate**

Full Council will be asked to suspend Standing Order 37 in order to permit this additional item to be taken.

It is proposed to debate the provision of Police Community Support Officers (PCSOs) within the borough.

10 Statement of Licensing Policy 43 - 100

This report seeks Council approval of a new Statement of Licensing Policy as required by the Licensing Act 2003.

11 Statement of Gambling Principles 101 - 166

This report seeks approval of a policy for dealing with applications and regulating gambling premises within the borough as required by the Gambling Act 2005.

12 Members' code of conduct and gifts and hospitality 167 - 190

This report sets out for approval proposed changes to the Members' Code of Conduct and a draft Members' Gifts and Hospitality Protocol.

13 Member's absence from Council meetings 191 - 192

14 Motions

To debate the motions submitted in accordance with Standing Order 45.

15 Urgent business

At the discretion of the Mayor to consider any urgent business.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

This page is intentionally left blank



LONDON BOROUGH OF BRENT

**Minutes of the ORDINARY MEETING OF THE COUNCIL
held on Monday 7 September 2015 at 7.00 pm**

PRESENT:

The Worshipful the Mayor

Councillor Lesley Jones MBE B.Ed MA

The Deputy Mayor

Councillor Parvez Ahmed

COUNCILLORS:

Aden	Agha
Allie	Bradley
Butt	Carr
Chohan	S Choudhary
A Choudry	Colacicco
Collier	Conneely
Crane	Daly
Davidson	Denselow
Dixon	Duffy
Eniola	Ezeajughi
Farah	Filson
Harrison	Hirani
Hossain	Hylton
Kabir	Kansagra
Kelcher	Khan
Long	Marquis
Mashari	Maurice
McLeish	McLennan
Miller	Moher
J Mitchell Murray	W Mitchell Murray
Naheerathan	M Patel
RS Patel	Pavey
Perrin	Shahzad
Ms Shaw	Ketan Sheth
Krupa Sheth	Southwood
Stopp	Tatler
Thomas	Van Kalwala
Warren	

Apologies for absence

Apologies were received from: Councillors Colwill, Hector, Hoda-Benn, Mahmood,

1. Procedural motion

Councillor Warren moved a procedural motion seeking to amend the circulated seating plan and requested a recorded vote. The motion was put to the vote and declared LOST.

Voting was recorded as follows:

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Allie, Bradley, Butt, Chohan, Choudhary, Choudry, Colacicco, Collier, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Farah, Filson, Harrison, Hirani, Hossain, Hylton, Kabir, Kansagra, Kelcher, Khan, Long, Marquis, Mashari, Maurice, McLeish, McLennan, Miller, Moher, J Mitchell Murray, W Mitchell Murray, Naheerathan, M Patel, R Patel, Pavey, Perrin, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler, Thomas and Van Kalwala

ABSTENSIONS: The Mayor and Deputy Mayor and Councillor Carr

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 22 June 2015 be approved as an accurate record of the meeting.

3. Declarations of interests

Councillor Miller declared a non pecuniary interest in item 12 – Motion submitted by Brent Conservative Group – in that he is connected with the Trade Union representing the person referred to in the motion. He stated that he would leave the meeting room during discussion of this item.

4. Mayor's announcements (including any petitions received)

The Mayor welcomed the new Chief Executive of Brent, Carolyn Downs, to the meeting on her first day in the role.

The Mayor offered sincere condolences on behalf of the Council to Councillor Hector on the recent death of her husband.

The Mayor congratulated Brent students who did so well in A level and GCSE examinations.

The Mayor announced that the official opening of the new Library Centre in Willesden would take place on 12 September 2015.

The Mayor announced that Brent would soon welcome the start of the Rugby World Cup and would be hosting the Rugby World Cup Trophy Tour on 12 September 2015.

The Mayor congratulated Brent duo Ashley McKenzie and Nekoda Davis who had been selected for the British Judo squad for the World Championships to be held in Kazakhstan.

The Mayor announced that a programme of events was being arranged to raise funds for her charity, Brent Young Carers. She urged Members to support the events starting with an evening at the Tricycle Theatre on 9 September 2015.

The Mayor drew attention to the list of current petitions showing progress on dealing with them circulated around the hall.

5. **Appointments to committees and outside bodies and appointment of chairs/vice chairs**

RESOLVED:

that the following appointments be made:

body	appointment
Alcohol & Entertainment Licensing Committee	Councillor Long – vice chair
	Councillor Shaw to replace Councillor Davidson
Audit Committee	Councillor Choudry – vice chair
Planning Committee	Councillor Agha – vice chair
	Councillors Colwill and Kansagra - substitutes
Health & Wellbeing Board	Dr Ethie Kong (Brent CCG) – vice chair
	Mr Ian Niven – Head of Healthwatch, Brent
General Purposes Committee	Councillors Colwill and Maurice - substitutes
Equalities Committee	Councillors Colwill and Maurice - substitutes
	Councillor Kansagra – vice chair
Scrutiny Committee	Councillors Maurice and Kansagra - substitutes
	Iram Yaqub (Oliver Goldsmith Primary School) co-opted primary school parent governor representative

6. **Report from the Leader or members of the Cabinet**

The Leader spoke about the refugee crisis and pledged that the Council would play its part in providing refuge in the same way as it had done in the past by supporting up to 50 families or more if the need and capacity existed.

The Leader welcomed the new Chief Executive to the meeting and paid tribute to the outgoing Chief Executive, Christine Gilbert.

At this point the Mayor suspended the report from the Leader to allow Councillor Kansagra to welcome the new Chief Executive to Brent and pay tribute to Christine Gilbert.

Councillor Pavey spoke against the Government's Budget statement in July and outlined the scale of local government cuts that Brent faced. He referred to the £1.3M cut from Brent's public health budget in the current year. Councillor Pavey stated that consideration was being given to developing the Council's budget for 2017/18 with creative ways being explored in order to protect frontline services.

Councillor Mashari spoke about enrolment by residents on Brent Start courses for 2015/16; in the past week 800 people had registered for courses which was part of the Council's campaign to get more residents into adult education. She referred to the recent announcement by the Skills Funding Agency that mandated ESOL courses would be cut with immediate effect. This was on top of a 24% reduction in funding for further education in the current year. Councillor Mashari reported that BrentWorks would be launched in November creating apprenticeships and job opportunities across a wide range of sectors. She stated that the Living Room project had opened on the St Raphael's estate marking the start of the working people working places pilot supporting local people with employment, health and housing involving a range of agencies. Finally, she reported on the Coming Soon club at Chesterfield House providing a range of free events over the summer for local entrepreneurs.

Councillor Moher reported on the recent exam results which showed an overall improvement and demonstrated the outstanding success of some schools and she congratulated all those involved on their achievements. Councillor Moher updated members on the situation with school places and the temporary and permanent school expansions that were taking place. She stated that 3,911 in time applications for admission to reception had all received an offer with 80% receiving their first choice, which was in line with the national average. However the DfE recommended a vacancy factor of 5% and Brent was well below this level so things would be very tight as a high number of in-year applications could be expected.

Councillor McLennan welcomed Right to Buy receipts for affordable homes expenditure and, given the acute housing shortage, the opportunity to go out to the market to develop housing provision. She reported that the Planning Committee had approved the use of John Barker Court for homeless residents offering quality accommodation. Councillor McLennan reported on a successful bid with Ealing and Hounslow to the central heating fund which would be used to improve the lives of some residents who currently did not have central heating. She referred to landlord licensing with nearly 5,500 licences issued and rogue landlords being prosecuted.

Councillor Southwood stated that the Cabinet had recently agreed a travel strategy and that a walking strategy was out for consultation. The Council was making it easier for residents to report on cases of fly tipping so that swift action could be taken. She stated that it was the time of year when the Council submitted its

strategic transport requirements and funding needs. Councillor Southwood updated members on the Brent Cross development and the welcome decision by Barnet not to remove the green space in Cricklewood and the concern that remained over the sustainable transport elements of the redevelopment.

7. Deputations

Councillor Warren moved a suspension of standing orders to allow a deputation to the meeting and requested that a recorded vote be taken.

Voting was recorded as follows:

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Allie, Bradley, Butt, Carr, Chohan, Choudhary, Choudry, Colacicco, Collier, Conneely, Daly, Denselow, Dixon, Eniola, Ezeajughi, Farah, Filson, Harrison, Hirani, Hossain, Hylton, Kabir, Kansagra, Kelcher, Khan, Long, Marquis, Mashari, Maurice, McLeish, McLennan, Miller, Moher, J Mitchell Murray, W Mitchell Murray, Naheerathan, M Patel, R Patel, Pavey, Perrin, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler, Thomas and Van Kalwala

ABSTENTIONS: The Mayor and Deputy Mayor and Councillors Crane and Duffy

8. Outstanding committee appointments

The Leader of the Council introduced the report which sought to appoint committee seats allocated to the Brent Conservative Group. He moved the appointment of members to the seats as listed in the circulated paper.

Councillor Warren spoke against making the appointments and argued that the overall allocation of seats to the two opposition groups should be made on a fairer basis. He felt that the places offered to his group were on the less important committees and stated that he and his colleagues would not attend the meetings. Councillor Warren moved amendments to the recommendations which sought to accept his wishes and agree to allocate the places in a more equitable manner.

RESOLVED:

that the following appointments be made:

Audit Committee – Councillor Davidson

Corporate Parenting Committee – Councillor Shaw

Standards Committee – Councillor Warren

Health and Wellbeing Board – Councillor Carr

(Councillors Davidson, Shaw and Warren wished it recorded that they had voted against the above resolution).

9. Report from the Chair Scrutiny Committee

Councillor Filson referred to the circulated report and stated that the Scrutiny Committee had met twice since his last report. He had visited the Brent Connects

forums to explain the importance and purpose of the scrutiny process. The committee was keeping a rolling log of decisions taken. Two task groups had been created to look at CCTV and fly-tipping. A budget task group would also be established and he expected it would look at the level of reserves available to carry forward and whether departments had succeeded in meeting their budgets. Councillor Filson stated that the Scrutiny Committee had been critical of the long term transport strategy report which Cabinet had since considered and had not agreed with the views of the committee.

10. Questions from the Opposition and other Non- Executive Members

Councillor Kelcher referred to the importance of the Harrow Road and the proposed parking and loading restrictions about which local businesses had expressed concern. He asked for a commitment to work closely with the Harrow Road Business Alliance to ensure that changes to parking and loading restrictions along the stretch of the Harrow Road passing through Kensal Green ward did not adversely impact on the local businesses in the area. Councillor Southwood (Lead Member for Environment) replied that the part of the road being referred to was a very busy thoroughfare with pressure on parking and loading provision. She stated that she would work with the Alliance to ensure that the planned scheme did not inhibit their ability to do business.

Councillor Hossain asked that thanks be given to the neighbours, Council officers and the police who all responded swiftly to a serious problem in College Road when intruders broke into a garage and created a huge mess that needed to be cleaned up; she also thanked the Parks Service for dealing with Japanese Knotweed in Preston Park. Councillor Hossain posed the question of how long such public services would continue to exist before being put out to private companies or the voluntary sector. Councillor Southwood (Lead Member for Environment) replied that she was delighted to be able to thank all those involved. The teams in question had experienced huge financial pressures but continued to do a good job. She stated that it showed that there were public servants working on behalf of the Council that were prepared to put in extra effort for local residents in areas that did not always gain much attention.

Councillor Chohan asked if representations would be made to Transport for London against the plan to close all London Underground ticket offices despite the Mayor of London's promise in 2008 to keep them open. He felt this would have a detrimental effect on crime prevention and accessibility for older passengers. Councillor Southwood (Lead Member for Environment) replied that this reminded her of the broken promise by the Mayor which was extremely disappointing. She agreed that the biggest impact would be felt by people who needed a little more assistance when travelling, whether elderly or with disabilities. Councillor Southwood stated that she was not confident in the equality impact assessment that had been carried out, nor were any lessons being learnt from the ticket offices that had already been shut. She assured members that she would be working closely with Navin Shah, AM (London Assembly Member) to hold the Mayor to account on how he implements the closures and that he was taking into account all the equalities aspects that he should be.

Councillor Bradley asked about the implications of the Government's forced sale of Council homes in Brent. He asked what the effect would be of depriving the

borough of the capital receipt and rent income and on the long term housing strategy for the borough. Councillor McLennan (Lead Member for Housing) replied that the implications were very stark. She was awaiting an announcement on the proposed Housing Bill which had been long delayed. It was to be assumed that the National Housing Federation and housing associations were in discussion with the Department for Communities and Local Government trying to influence the outcome. As an example, housing association tenants would have similar rights to buy as Council tenants and the Council would have to replace high value properties. It was estimated that 15% of Londoners would be able to afford to buy and in Brent this could represent up to 2,400 sales, although this was all subject to receiving the details of the proposal. It was not known how high value property would be determined but it was currently estimated that there would be 650 such properties in Brent. It would mean a loss of rent putting pressure on the housing stock.

Councillor Choudry stated that minimum wage workers who rented would be up to £32 worse off as a result of the Chancellor's summer budget even after all the planned rises in the minimum wage. He asked, given that more than half of households in Brent rented, what the impact would be on local residents. Councillor Choudry was particularly concerned that this would mostly affect the most vulnerable groups in the borough. Councillor Mashari (Lead Member for Employment and Skills) replied that the impact would be mostly felt by the working poor. People on benefits faced increasing financial pressures over the next few years, significantly there were cuts to in work benefits as much as out of work benefits. As an example anyone receiving working tax credits with an income of more than £3,800 will be worse off and there would be a disproportionate adverse impact on ethnic minority communities. Councillor Mashari also referred to the child tax credit cap limit to two children which would again disproportionately impact on ethnic minority groups. She stated that reduced income for these families was likely to lead to missed rental payments and have an impact on the Council's collection levels.

Councillor Davidson stated that the Government's Troubled Families programme had achieved stunning results with 810 families in Brent having their lives transformed and, that Brent residents were enjoying record low levels of unemployment. He contrasted this with the Council's green bin tax which had led to record fly tipping in the borough. He asked if the Cabinet would praise the economic and social record of the Conservative Government instead of misleading local residents suggesting every perceived problem in Brent was the Government's fault. Councillor Moher stated that the Cabinet would support any initiative that helped the most disadvantaged members of society, including the Troubled Families programme which, she stated, was based on the Labour Government's family intervention programmes. Councillor Moher thanked the team running the programme for their hard work and dedication in helping so many families. However, she did not accept that the results were stunning because this would suggest a life changing situation, when in fact the use of food banks was increasing, rents soaring and people were being evicted. The jobs on offer often involved zero hours contracts and although employment was rising many people were taking on multiple jobs to make ends meet. She referred to those who would be worse off when the cuts to tax credits were introduced and the increase in the uptake in free school meals, all of which showed that people were not better off.

11. Changes to the constitution

The Leader of the Council introduced the changes being proposed to the Constitution. He added that a full review of the Constitution would be undertaken and encouraged members to take part in this rather than propose changes at meetings of Full Council.

Councillor Warren proposed changes to Standing Order 13 – Vote of No Confidence, the terms of reference for the Equalities Committee and Standing Order 32 – The Annual Meeting and requested recorded votes on his three proposals.

The voting for each of Councillor Warren's proposals was recorded as follows:

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Allie, Bradley, Butt, Carr, Chohan, Choudhary, Choudry, Colacicco, Collier, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Farah, Filson, Harrison, Hirani, Hossain, Hylton, Kabir, Kansagra, Kelcher, Khan, Long, Marquis, Mashari, Maurice, McLeish, McLennan, Miller, Moher, J Mitchell Murray, W Mitchell Murray, Naheerathan, M Patel, R Patel, Pavey, Perrin, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler, Thomas and Van Kalwala

ABSTENTIONS: The Mayor and Deputy Mayor

RESOLVED:

- (i) that the changes to the Constitution shown marked up in Appendix 1 to the report submitted be agreed and the Chief Legal Officer be authorised to make consequential changes;
- (ii) that the minor and other technical changes to the Constitution made by the Chief Legal Officer shown marked up in Appendix 2 to the report submitted be noted.

12. Member's absence from Council meetings

RESOLVED:

- (i) that Councillor Oladapo's absence from meetings of the Council since 27 November 2014 be approved on the basis of his ongoing ill-health and that the position be reviewed, if required, at Full Council in January 2016;
- (ii) that the Council's best wishes be extended to Councillor Oladapo for a speedy return to good health.

13. Motions

13.1 Holocaust Remembrance Day

Councillor Maurice moved the motion circulated in his and Councillors Colwill and Kansagra's names which sought to commit the Cabinet to declare the 27 January of every year as Holocaust Remembrance Day uniquely for the purpose of commemorating all those who perished at the hands of the Nazis, whether Jew or gentile. In response, it was explained by Councillor Denselow that the Council held an event each year as commended by the Holocaust Memorial Trust which supported remembering both the holocaust and subsequent genocides and so the motion as worded could not be supported.

The motion was put to the vote and declared LOST.

13.2 Rosemarie Clarke case.....Truth or Cover-Up?

Councillor Warren moved the motion circulated in his and Councillors Davidson and Shaw's names which sought to get the Council to agree to an independent inquiry into all aspects of the Rosemarie Clarke Employment Tribunal case. He asked that a recorded vote be taken on the matter. In response it was argued that due legal processes should be followed and it was inappropriate to raise the item at a meeting of the Council.

The motion was put to the vote and declared LOST.

Voting was recorded as follows:

FOR: Councillors Carr, Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Allie, Bradley, Butt, Chohan, Choudhary, Choudry, Colacicco, Collier, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Farah, Filson, Harrison, Hirani, Hossain, Hylton, Kabir, Kelcher, Khan, Long, Marquis, Mashari, McLeish, McLennan, Miller, Moher, J Mitchell Murray, W Mitchell Murray, Naheerathan, M Patel, R Patel, Pavey, Perrin, Shahzad, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler, Thomas and Van Kalwala

ABSTENTIONS: The Mayor and Deputy Mayor and Councillors Kansagra and Maurice

14. Urgent business

None.

The meeting closed at 8.40 pm

COUNCILLOR LESLEY JONES MBE B.ED MA
Mayor

This page is intentionally left blank



Full Council
23 November 2015

**Report from the
Chief Finance Officer**

Wards affected:
ALL

First Reading Debate on the budget

1.0 Introduction

This report meets the requirement in Standing Order 24(b) as set out in Part 3 of the Constitution that there is a report presented:

'to Full Council setting out the financial position of the Council, financial forecasts for the following year and the possible expenditure priorities of the executive. There shall then be a debate on the issues raised in that report held in accordance with Standing Order 44 hereinafter called a "First Reading Debate".'

- 1.2 Final decisions on the budget and the level of Council tax for 2016/17 will be made at Full Council on 22 February 2016
- 1.3 The Council set its budget and council tax for 2015/16, and its business plans for 2016/17, at the 2 March 2015 meeting. Further savings of £5.9m were also agreed for 2017/18. At that time a funding gap of £0.9m was forecast for 2016/17. Following March 2015 officers began the process of developing options for 2017/18 and 2018/19, initially working to an informal target of £50m savings required for those years.
- 1.4 Since March the general election has returned a Conservative government, which on 8 July 2015 announced its new budget. Although termed a budget it did not contain the precise tax and savings plans normally included in a budget. However, it did provide useful information about future spending plans, such that the council can update its financial targets for future years, albeit that these are not yet definitive. Further detail will follow with the

Spending Review, anticipated to be announced on 25 November 2015, followed by the provisional local government finance settlement, which is usually released shortly before Christmas.

- 1.5 The information in the July budget is capable of being interpreted in different ways, and there are considerably more, and greater, uncertainties than would normally be the case at this stage of the planning cycle. There is no doubt that funding for local government will continue to fall sharply, and significant savings will continue to be required for the foreseeable future, but the pace and scale of these reductions could vary significantly. The LGA recently estimated that the impact of a variety of funding announcements could leave local government with £10bn of unfunded liabilities, including reduced income from social rents, reduced s106 receipts due to new exemptions on home building, increased national insurance contributions and the cost of extra business rates appeals. Longer-term financial planning at Brent had already taken account of most of these impacts, with the exception of the change to rent policy which will fundamentally worsen the financial underpinning of the housing revenue account.
- 1.6 Probably the most likely scenario is that the pace of general fund financing reductions in 2016/17 will be less steep than previously assumed, meaning that the council can set a balanced budget for that year without the need to agree additional savings proposals. However, thereafter the scale of reductions is likely to accelerate, and so any gains in 2016/17 should be regarded as strictly temporary.
- 1.7 As such, the profiling between years of the savings required is likely to change from that previously assumed, but the overall amount in the period out to 2019/20 should be fairly consistent with previous forecasts or even more challenging. These estimates, it must be stressed, are based on figures published at a national level. Distributional changes between different parts of the public sector, and then between local authorities once the provisional settlement is announced, could result in material changes to this forecast. In the worst case it is still possible that further savings will be required for 2016/17. This unusually high level of material uncertainty presents difficult issues for planning the budget strategy, and it is hard to be more precise about the savings required in 2017/18 and 2018/19, other than to express them in a broad range as being from £40m to £55m.
- 1.8 This report therefore updates the position on the core estimates that drive the council's budget position, to enable Members to assess the approach to the business planning and budgeting cycle. It reminds Members of the budget proposals for 2016/17 and 2017/18 that were previously agreed at the Council meeting of 2 March 2015.
- 1.9 It also presents the results of a review of council reserves that were previously managed by individual departments, and proposes a more corporate approach to controlling these, in order to manage risks better and to create the potential for investment in one-off projects and interventions that will deliver key corporate objectives and reduce long-term ongoing costs.

2.0 Recommendation

- 2.1 Full Council is recommended to note the content of this report and consider the issues set out in this report as part of the First Reading Debate.

3.0 Overall funding update 2016/17 to 2019/20

- 3.1 Following the general election, announcements in the July budget have provided some indications as to future funding levels for the public sector and, by inference, local government. All the information in this section must be heavily caveated, because the data released is so incomplete, but it nonetheless seeks to present the best available summary of the likely funding position.
- 3.2 The government committed in the July budget to finding £37bn of savings to achieve a surplus by 2019/20 and identified areas of priority spending including:
- Increasing NHS funding in England by £10bn in real terms by 2021;
 - Increasing the MoD budget by 0.5% a year in real terms;
 - Spending 0.7% of Gross National Income on Official Development Assistance; and
 - Protecting per-pupil funding for schools, including pupil premium rates.
- 3.3 The Spending Review 2015 will confirm how the government will invest in priority spending and deliver the remaining £20bn of savings not already announced in the Summer Budget. To analyse the probable impact of this the remainder of this section sets out the sources of local government finance and the way in which they may be affected.
- 3.4 The principal sources of local government financing are summarised in Table One, below, set out from those that can least be influenced locally to those over which local councils have more control.

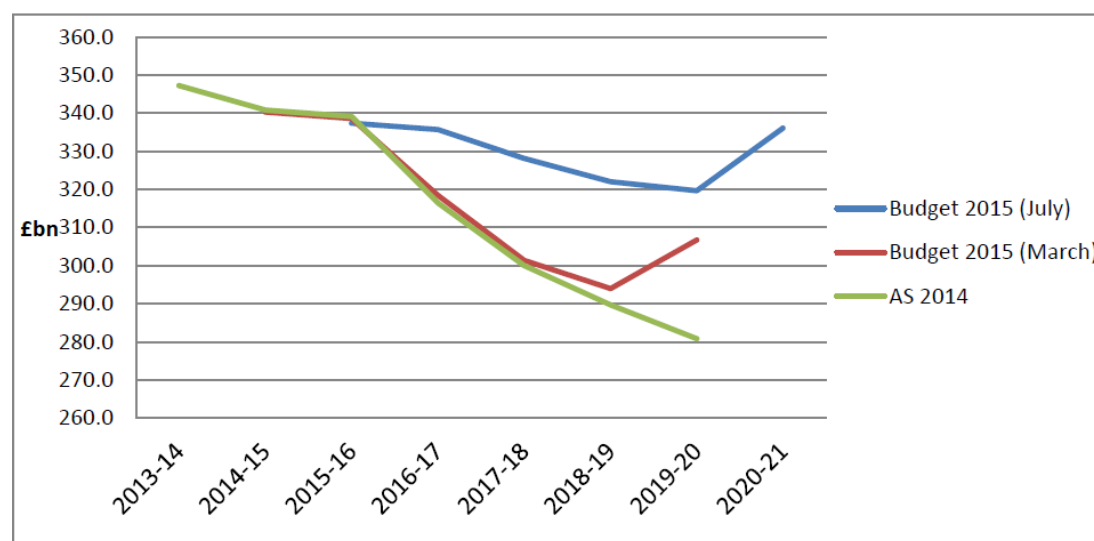
Table One: Sources of local government finance for Brent, as forecast March 2015
Local government financing will increasingly be determined locally, with RSG previously forecast to fall by 46% over the period

Funding source	Funding assumed by year in March 2015			Comments
	2016/17	2017/18	2018/19	
	£m	£m	£m	
RSG	55.0	41.8	29.8	Determined by central government.
BRTU	49.7	52.5	54.5	Previously indexed to inflation until 2019/20, but this could in principle be changed by government
NDR	38.0	39.4	41.1	Linked to local RV of businesses, hence the council gets (some of) the benefit in growth in the tax base, but cannot change the tax rate
Council tax	88.5	89.5	90.4	The council gets the benefit of the growth in the tax base and can also increase the tax rate by (usually) no more than 2% without a referendum
NHB	6.1	6.0	5.2	Grant from government determined by the level of house building and properties brought back into occupation
Total	237.3	229.2	221.0	

- 3.5 It is difficult to link these figures directly to the July Budget announcement of savings of between 25 and 40% for unprotected departments. (Unprotected departments are, essentially, all those except on the NHS, schools, international development and, since July, defence). On the narrowest measure the council has already adopted a prudent assumption of a 46% reduction in RSG in the period to 2018/19, which was based on a funding model provided by London Councils at that time. This provides a degree of comfort against some of the worst case scenarios that have been discussed nationally, but there are a number of complications.
- 3.6 It is the RSG figure that can be updated following the July budget. In addition, this report also proposes other technical adjustments to some of the other figures based on more up to date information, about likely house building numbers, for example.
- 3.7 Chart One, below, shows the published government “Resource Departmental Expenditure Limits” (RDELs, or cash limits as they would be termed in local government), comparing the autumn statement figures to those at March 2015 and again at the July 2015 budget.

Chart One: Government RDELs 2013/14 2015/16 (actuals) and 2016/17 to 2020/21 (estimates)

The national estimates are materially higher than when the council set its last budget, reflecting improved government assumptions of economic growth and other changes

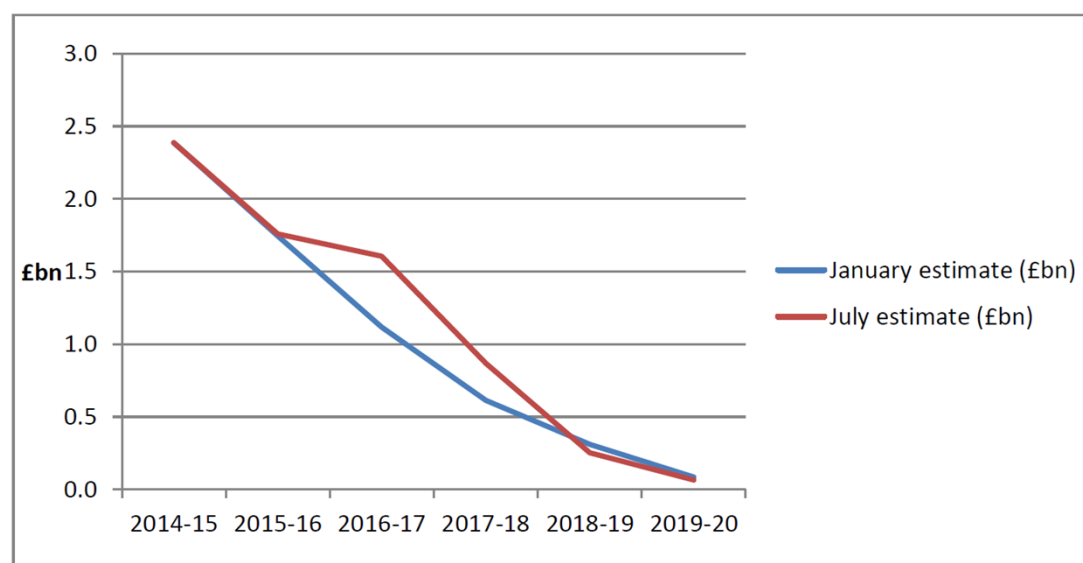


3.8 Of course, these are national figures. The effect of ring-fencing of the NHS, schools, international development and, additionally since July, defence, means that these increased spending assumptions still translate into sharp reductions of between 25 and 40% for unprotected government departments such as DCLH, from which local government is funded.

3.9 Chart Two produced by London Councils, shows their estimates of RSG in London, comparing the position as was estimated when the 2015/16 budget and council tax was set in March 2015 against that disclosed in July 2015 in the national budget.

Chart Two: London Councils' estimates of RSG in London 2016/17 to 2019/20

Reductions in 2016/17 may be less severe than previously anticipated, but the overall reductions over the lifetime of the Parliament are in line with or more severe than previous forecasts



- 3.10 Using the data above it is possible to update Brent's RSG forecasts, and set out in Table Two, below.

Table Two: Revised RSG forecasts

The position is likely to be more favourable than previously assumed.

	Estimated RSG			
	2016/17	2017/18	2018/19	2019/20
	£m	£m	£m	£m
As at March 2015	55.0	41.8	29.8	*
As at July 2015 (London Councils)	57.3	44.7	32.1	19.6
As at July 2015 (LGA)	61.4	46.5	33.4	26.4
Core forecast (average of LGA and LC)	59.4	45.6	32.8	23.0
Improvement in forecast	4.4	3.8	3.0	n/a

* This figure was not previously published

- 3.11 The LGA forecast is based on a published funding model to individual boroughs. The London Councils model is based on the estimated total funding for London, and at this stage officers have assumed that the distribution of this will be less favourable than in previous years, due to the additional ring-fencing announced. The LGA model is therefore more likely to be accurate, but at this stage the core forecast reflects the average of the two in order to be prudent.
- 3.12 On this basis it would be reasonable to revise the RSG forecasts upwards as set out above. However, Members must note that the impact of distributional and other changes could yet lead to subsequent material revisions to these forecasts, and that the worst case models that have been prepared by some commentators show RSG in London falling to nil by the end of the decade, or at best very early in the 2020s.
- 3.13 The other elements of funding set out in Table One have also been reviewed. Although there was little information in the July budget from which these estimates can be updated the tax base information and other key components have been reviewed as part of the ordinary process of updating the budget model. These are set out in sequence, below.
- 3.14 Business rates top up, or BRTU, was created as one of the funding sources for local authorities on establishment of the new system of partial devolution of NDR to local authorities. Previously each council had paid its tax take from business rates into a national pool, and received means tested RSG allocations out of that pool. The BRTU system was introduced to ensure that, on day one of the new system, there were no winners or losers. Councils like Brent received top up funding, such that their initial figure for locally retained business rates and BRTU was equal to the previous element of RSG funded from the NDR pool. Westminster, for example and by contrast, paid a supplement into the pool to reach the same position.
- 3.15 The government guarantee was that this would continue to be indexed to RPI inflation until 2020. Whilst government is not bound by this officers have continued to assume that this will be honoured. In practice to date it has been, albeit by a complex mechanism of "section 31" grants. Essentially,

government has limited the actual increase in BRTU to 2%, even when RPI has been higher, as it usually has been since the introduction of the system, and then paid the balance to councils as a “section 31” grant (essentially, a discretionary grant, non ring-fenced). However, all the core economic forecasts from institutions such as the OBR and Bank of England are that inflation will be lower and for longer. The cumulative impact of this will be to worsen the amounts of BRTU funding received over the planning period 2016/17 to 2018/19.

Table Three: BRTU 2016/17 to 2018/19

The core estimates are lower than previously adopted due to lower inflation forecasts

	Estimated BRTU		
	2016/17	2017/18	2018/19
	£m	£m	£m
As at March 15	49.7	52.5	54.5
As at October 15	48.8	49.8	50.8
(Worsening) in forecast	(0.9)	(2.7)	(3.7)

- 3.15 Under the retention system introduced in April 2013 the Council retains 30% of business rates paid within Brent. Projections for future years are determined by estimates of:
- RPI inflation
 - Changes in number and rateable value of businesses
 - Outcome of appeals against rateable values
- 3.16 Based on the latest projections it is estimated that locally retained business rates will increase in 2016/17 by 1% for inflation and about 1.5% for increases in rateable value. However, March 2015 saw a surge in appeals lodged to meet the deadline for the current valuation period.
- 3.17 The Valuation Office, in July 2014, undertook to clear 95% of the backlog in appeals. They recently wrote to the council claiming that they had hit 94%, just short of the target. However, they appear to have achieved this by dealing only with backlog cases, with the effect that the actual number of properties with an outstanding appeal is now approximately 1,707 (correct as at 22 September), more than at the time that they undertook to clear the backlog.
- 3.18 As a result there are outstanding valuation appeals against properties with an aggregate RV of £98m (these properties generate about £49m in NDR, excluding the effects of any reliefs and exemptions), out of total RV of £280m. Since April 2014, appeals against property valuations of about £50m have been determined, and resulted in average reductions of 3.65%. Assuming that the impact of appeals remains at about 4% officers have therefore assumed that income will fall by some £2m as a result of appeals. Brent’s 30% share of this is £0.6m. In addition it would be prudent to allow for £0.4m for Brent’s share of any backdated revaluations. Clearly, if this estimate turns out to be incorrect then the financing assumptions will need to be amended.

- 3.19 However, this will be partially offset by the uprating for inflation, which is assumed to reach 2% in 2017/18 and 2018/19. The total RV will also grow (separate from the impact of appeals) as new businesses are attracted into the borough. The effect of this is assumed to be 1% per year, as set out in Table Four, below.

Table Four: NDR 2016/17 to 2018/19

The impact of the increased appeals will decrease the NDR forecasts from those previously adopted, assuming that roughly the same proportion of appeals continue to be successful

	Estimated business rates		
	2016/17	2017/18	2018/19
	£m	£m	£m
Forecast as at March 15	38.0	39.4	41.1
Revised forecast b/f, before adjustments	n/a	37.3	38.5
Adjustment to RPI inflation assumptions	(0.6)	0.0	0.0
Add, impact of inflation	0.4	0.7	0.7
Less, assumed loss on appeal and revaluation provision	(1.0)	0.0	0.0
Add, gross valuation growth	0.5	0.5	0.4
Revised forecast	37.3	38.5	39.6
Gain / (loss) on previous forecast	(0.7)	(0.9)	(1.5)

- 3.20 Council tax is determined locally, subject to a referendum limit announced annually by DCLG. Usually this has limited council tax increases to 2% p.a. or below, unless a higher figure is supported in a local referendum. However, it is possible that a different limit will be announced later this year.
- 3.21 The council tax levied by Brent Council has not been increased for six years. However, the total levels of council tax income generated have risen with the tax base, driven by:
- Increases in the number of properties within the borough;
 - Decreases in the value of council tax discounts awarded, particularly in respect of the council tax support scheme; and
 - Improvements in collection (although this trend has reversed in the last two years).
- 3.22 Since the introduction of the council tax support scheme local councils' tax income has been positively correlated with changes in employment levels. In other words, the cost of paying council tax benefit used to sit nationally. This has been partially localised through the CTS, and so as unemployment falls (or rises) the cost to the council of the CTS falls (rises). Increases in employment in recent years have outstripped expectations, leading to one-off surpluses on the collection fund. Recent economic data points to a levelling off of the fall in unemployment, but if the OBR forecasts for growth prove accurate then the medium-term trend may still be for further reductions.
- 3.23 The updated estimated council tax income for 2016/17 now takes account of a significant improvement in the level of discounts for the council tax support scheme as well as an increase in the number of new properties in 2015/16. In addition, there is greater confidence in the accelerated house building

estimates provided, enabling the council to build these into its forecasts for 2016/17 and future years at this stage. Furthermore, the estimates also take account of increasing the long-term council tax collection rate by 0.5% to 97%. Table Five, below, reflects the impact of adopting these estimates. At this stage, no adjustments have been made for any future rise in council tax, pending policy decisions by Members. As previously advised, an increase in the council tax of 1% is worth about £0.9m p.a.

Table Five: Council tax income

Increases in the pace of house building and falls in the local unemployment rate, if sustained, will drive the council tax base significantly higher than previously forecast

	Estimated council tax take		
	2016/17	2017/18	2018/19
	£m	£m	£m
Forecast as at March 15	88.5	89.5	90.4
Revised forecast	92.4	93.6	94.8
Gain / (loss) on previous forecast	3.9	4.1	4.4

- 3.24 The council will make its formal determination on the collection fund surplus later in the budget cycle, as required by legislation. Collection performance to date in 2015/16 has been below target, which will impact on any surplus (and ultimately on the tax base, which is in part determined by assumptions about how much of the total amount billed will eventually be collected). If the planned actions to address this are successful, including a review of arrears and dormant accounts, then there may be scope to build in significant additional contributions from the collection fund into the future budget strategy, ideally through long-term collection improvement leading to increases in the council tax base.
- 3.25 During 2015/16 the government top-sliced £70m of New Homes Bonus funding from London boroughs to provide a pool of resources for use on a programme of projects across London agreed by the Local Enterprise Panel. Brent's contribution has been £2m.
- 3.26 The latest projection for New Homes Bonus (NHB) funding for the Council, reflecting the latest housing projections and assuming the top-slice will continue into future years, is that the Council is estimated to have available £8.7m in 2016/17 and £9.3m in both 2017/18 and 2018/19. However, it would not be prudent at this stage to plan the long-term budget on this basis, as this would build in a financing gap in 2019/20 onwards unless house building continues to accelerate at its current rate for several years. If it did then the risk that government would review the funding mechanism would materially increase. At this stage, therefore, a contingency has been built into the financing estimates, which will be reviewed later in the process.
- 3.27 NHB is calculated based on building over the last six years. The actual amount attributable to each of the last six years varies significantly, from below £1m to £3.6m, averaging at around £1.7m each year. The table overleaf shows this calculation and its effect.

Table Six: New Homes Bonus(NHB)

The estimated amount payable over the period to 2018/19 can be increased at this stage in the planning cycle

	Estimated NHB		
	2016/17	2017/18	2018/19
	£m	£m	£m
Amount payable in respect of 2011/12	1.1	n/a	n/a
Amount payable in respect of 2012/13	1.7	1.7	n/a
Amount payable in respect of 2013/14	2.5	2.5	2.5
Amount payable in respect of 2014/15	0.9	0.9	0.9
Amount payable in respect of 2015/16	0.9	0.9	0.9
Amount payable in respect of 2016/17	3.6	3.6	3.6
Amount payable in respect of 2017/18	n/a	1.7	1.7
Amount payable in respect of 2018/19	n/a	n/a	1.7
Less LEP top slice	(2.0)	(2.0)	(2.0)
Total payable for year	8.7	9.3	9.3
Contingency as described above	(1.7)	(2.3)	(2.3)
Estimate	7.0	7.0	7.0
Previous estimate	6.1	6.0	5.2
Improvement on previous forecast	0.9	1.0	1.8

3.28 Specific government grants may also be reduced in future years which will affect our overall funding. Currently government are consulting on the what basis to use to reduce the public health grant and it seems likely that Brent will see a reduction in its funding of around £1.3m. In addition there have been delays to the implementation of the Care Bill which means some or all of the £1.1m funding received in 2015/16 may not continue into future years.

3.29 The impact of the funding changes is summarised in Table Seven, below.

Table Seven: Overall Funding Projections, aggregating tables two to six

Considering funding changes only the position is likely to improve materially

	Estimated total funding		
	2016/17	2017/18	2018/19
	£m	£m	£m
Forecast as at March 15 (table one)	237.3	229.2	221.0
RSG (table two)	4.4	3.8	3.0
BRTU (table three)	(0.9)	(2.7)	(3.7)
NDR (table four)	(0.7)	(0.9)	(1.5)
Council tax base (table five)	3.9	4.1	4.4
NHB (table six)	0.9	1.0	1.8
Gain / (loss) on previous forecast	7.6	5.3	4.0
Revised Forecast	244.9	234.5	225.0

3.30 This section shows that the council's prudent approach to financial planning has helped to provide some mitigation against funding cuts. By planning for a worst-case scenario it is now more likely than not that there will be some improvement on the financing side of the budgeting model against the position previously assumed. Taken on its own this would lead to a reduction in the assumed savings required for future years, but other spending pressures will need to be taken into account.

- 3.31 It will be possible to update this position with some precision and certainty after the local government settlement, most probably at the January 2016 Cabinet meeting, although updated informal estimates should be available following the spending review.
- 3.32 However, it is important to stress that the outlook beyond 2018/19 is more likely to be worse than previously assumed, based on the data released in the July budget, and so the long-term funding outlook remains extremely challenging. It is also important to look at spending pressures before the overall estimate of the savings target can be updated, to which this report now turns.

4.0 Spending pressures

Technical assumptions which can be quantified with some precision

- 4.1 The Council has inflation and similar provisions built into its financial planning to cover the costs of pay awards, changes in national insurance, increases in pension fund contribution rates and non staff inflation. The assumptions adopted in March 2015 were as follows:
- Pay Awards 1% 2016-17 to 2018/19;
 - Increases in national insurance costs in April 2016, as taxation changes increase the cost of employment;
 - Increases in pension fund contribution rates 0.6% 2016/17, 1% in 2017/18 and 2018/19 reflecting the potential impact of the three year actuarial review;
 - General non staff inflation 1% 2016-17 to 2018/19.
- 4.2 The assumptions for pay and national insurance continue to look as well founded now as they were in March 2015 and there is no need to adjust these. However, on pensions, although the pension fund adopted a more defensive position in anticipation of the recent slide in global stock markets the overall investment outlook is weaker than in March, and the consensus Bank of England forecasts are that discount rates will remain lower for longer. This combination of factors will tend to drive fund valuations lower and liability assumptions higher, and it will be prudent at this stage to allocate further cash increases of £1m p.a. over the three-year period to 2018/19 to mitigate against the probable impact of this on the next actuarial review, which will be based as at March 2016.
- 4.3 The OBR forecasts for RPI inflation in March were for CPI to rise to 1.2% in 2016/17, and thereafter more steadily to 1.8% by 2017/18. RPI usually tracks at between one and 1.5% higher than CPI, although unusually it is current only 0.7%, higher than the nil CPI rate.
- 4.4 The council's previous assumptions on pay increases have been confirmed, as government has announced funding at this level, as well as an expectation that the increase would not be paid automatically across all staff. The

council's assumptions on non pay inflation were, however, ambitious. Although officers negotiate funding settlements with contractors, rather than automatically paying inflation increments, the reality is that this position is becoming more difficult to sustain. Inflation awards have not been made on most adult social care contracts for some years, and a number of other contracts are linked to indices other than standard inflation measures. Construction costs, for example, have been rising significantly faster than general inflation. Whilst this is the right financial management strategy, it would be risky to assume for budget planning purposes that it can be delivered, and the prudent course would be to consider at this stage the risk that another £1.0 m p.a. may become payable.

Other assumptions which are harder to quantify

- 4.5 Outside of these technical assumptions (which will need to be revised over the budget planning process) the council will also need to consider the financial risks that it faces, and the pressures caused by changing demography and legislation. For many of these it will not yet be possible to quantify them with precision, as officers will depend on, for example, future government announcements, as will likely be set out in the Spending Review.
- 4.6 On risk, the council's budget is currently set on the basis that all agreed savings will be delivered on time and in full. This is of course the managerial focus, and the council has a good record on delivering close to 100% of its savings. However, for the purposes of financial planning it would be prudent to recognise the risk that this may not be achieved. Not only is this recognised as standard practice in financial planning, but it would also reflect the fact that as budgets are squeezed further it will become progressively more difficult to deliver savings against them. As an illustration of scale, a 5% contingency at this point would build £1m onto the cost pressures to be considered in setting the budget.
- 4.7 The council needs to understand demographics closely, as a means of understanding the population that it serves and the costs of so doing. The budget set for 2016/17 in March 2015 included £1.1m for these demographic pressures. All the indications are that as the population continues to grow these pressures will continue to be felt in the later years 2017/18 and beyond as well. In addition, as the composition of the population changes different services will be affected in different ways. As one illustration of this, the under 18 population has grown by almost 10% in the last five years, and the GLA population forecasts show that this rate of increase is largely expected to continue, levelling off only somewhat towards 2019/20.
- 4.8 This increase will inevitably put pressure on social care and early help budgets, as well as some of the ancillary costs located in other departments, such as legal services. Similar pressures exist across the range of council services, such as for adult care services and refuse collection and disposal and many others. For several years the council has tried to limit the financial allocations to services to reflect these pressures. This is clearly the right financial management policy, but equally clearly the financial planning will

need to consider the service pressure caused by meeting the needs of a growing population.

- 4.9 Equally, the council will need to consider the cost of supporting residents with no recourse to public funds, which is a significant cost pressure in the current year, and it is far from clear what long-term government funding, if any, will be made available to local authorities such as Brent which are seeking to provide humanitarian support to Syrian refugees.
- 4.10 The estimates for the cost of this will need to be refined over the budget planning process. Clearly budgets will only be allocated if and when it has been demonstrated that all reasonable attempts to contain the impact of demographic pressure, such as by negotiations with contractors, have been shown to be unsuccessful. However, simply as an illustration of the scale of such pressures, the core GLA forecast for the increase in the under 18 population is close to 7% over the next five years. If this translated directly into the costs of children's social care and early help services the additional cost over that period of time would be around £3m.
- 4.11 This does not propose allocating such a budget at this period of time, but illustrates effectively the scale of the financial challenges posed by meeting the needs of a rapidly growing population.
- 4.12 As part of the 2015/16 budget process spending pressures of £3.8m for legislative changes in respect of parking and the introduction of the Care Act were agreed, as was an allocation of £1.2m for demographic pressures in Adults Social care and £2.8m for other identified and agreed pressures.
- 4.13 The delay in implementing the main provisions of the Care Act means that this pressure will also be delayed, but it would be sensible to assume that government funding for this will also be withdrawn or reduced, and so the net impact of this on the financial planning position should be neutral. At this stage it would also be sensible to assume that the full estimated additional costs of the changes to legislation around CCTV enforcement for parking will be required to be met from this contingency established by the council. If it is possible to fund the service from a lower figure then the balance will be returned, in effect as an additional saving. The other specific pressures have been recognised and built into base budgets.
- 4.14 However, as the examples above illustrate, the demographic pressures faced over the period 2016/17 and beyond are potentially substantial. The current estimated cost of meeting these was set at £1.1m p.a. and the current expectation is that this figure is more likely than not to have to be revised upwards in the budgeting process.

Legislative changes

- 4.14 The July budget also signalled a number of new legislative changes. There will again be impacts on many council services as a result, but at this stage probably the areas most likely to be significant are those set out below.

- 4.15 On welfare reform the government will clearly:
- Lower the overall Household Benefit Cap;
 - Limit back dating in Housing Benefit claims to four weeks; and
 - Restrict housing benefit entitlement for young people.
- 4.16 The immediate financial impact of these changes will be on claimants rather than the council. However, all the experience to date has clearly shown that this increases the pressure on council services to such people, most particularly in housing and temporary accommodation costs.
- 4.17 The government has also made a policy commitment to extending free child care to 30 hours each week for three and four year olds from September 2017. The funding details for this are not yet clear, but if they fell to the general fund they would be significant.
- 4.18 The government also announced a national living wage to be introduced from April 2016. The council's policy is already to work towards paying the London Living Wage. All staff receive at least the LLW, and as contracts come up for renewal the impact of paying the LLW is considered. If nothing else happened, this would have a somewhat inflationary impact on the council's budgets, as the LLW has tended to increase annually by more than the rate of inflation. The impact of other changes to the tax credit system may also be highly significant in this area, with some forecasts of the LLW needing to be increased to £11.65 to offset this, from its current rate of £9.15 per hour, an increase of over 25%. We do not yet know what the new rate will be, or whether any funding will be allocated to offset this, particularly given the interplay between LLW and the newly announced and higher level for the national living wage.
- 4.19 As set out in the introduction to this report, there are more and greater uncertainties in the financial planning than would normally be the case at this point in the budget cycle. Until at least the major uncertainties have been resolved it would be sensible and prudent to plan to identify more savings for 2017/18 and beyond than may actually be required, to ensure that the council has well developed options available to it if some of the worst-case estimates come to pass.
- 4.20 The improvements in the funding position set out in Table Seven (paragraph 3.29) need to be seen in this light. Those improvements are only medium-term, probably falling away by 2019/20, and the underlying estimates that drive them may yet materially worsen following the spending review. Even if the estimates turn out broadly accurate there are undoubted additional spending pressures on the general fund, driven by technical factors such as inflation, demography and legislative change which are likely to be more significant than assumed when the budget was set in March 2015.
- 4.21 The consequence of this level of uncertainty is that it is no longer practical to seek to express a precise target for savings in the period 2017/18 to 2018/19. The original informal estimate of £50m may yet prove to be accurate, but as

the anticipated pace of the funding reductions has been slowed as the government pushed back its target for achieving a national budget surplus to 2019/20 it is perhaps more likely than not that this could be reduced in the short-term.

- 4.22 At this stage in the planning cycle it would therefore be appropriate to plan for savings in a broad range of between £40m and £55m over the period 2017/18 and 2018/19. Critically, if this assumption comes in towards the lower end of this range, it is likely to mean that further and more severe reductions in 2019/20 would be required to continue to achieve a balanced budget.

5.0 Other matters

- 5.1 As set out in the introduction, possibly the most significant financial announcement in the July budget was the change in rent policy for social housing and associated matters. In summary:

- Social rents will reduce by 1% p.a. for four years from April 2016;
- Tenants with incomes about £40,000 (in London) will be required to pay a market not a social rent, the financial benefit of which will accrue to national not local government; and
- 'High value' properties will need to be disposed of when they become vacant, to fund the new RTB in housing associations, but the mechanics of how this will operate are as yet not published.

- 5.2 The first point alone is expected to cost London housing authorities over £800m by 2020. In practice for Brent this would mean that the resources available to fund the capital investment programme in housing would be significantly reduced, on current forecasts a gap in the medium-term resources of around £25m has been identified solely as a result of this change in policy. Costs within the HRA would have to be very substantially cut to make any significant offset against this gap, and some commentators have gone so far as to say that the change would make local authorities' housing revenue accounts unsustainable in the medium-term.

- 5.3 As with so much of the current position, the details of how these changes will be implemented are very unclear, and the proposed housing bill is yet to be published. Without doubt, there will be significant cost pressures on the HRA, impacting on the council's ability to invest in new stock, and imaginative policy options will need to be considered. Until the draft housing bill is published it is difficult to be more precise about the position.

- 5.4 For schools, the expectation is that funding will continue to be increased, in line with national policy announcements. Whilst there are clearly financial pressures on schools, and ever increasing expectations of them it remains the case that the Dedicated Schools' Grant, which funds them, is well funded compared to other council budgets. Officers will continue to work with schools to ensure that this is deployed to the greatest possible impact across the range of services needed to support educational and wider outcomes.

- 5.5 The capital programme will be updated later in the budget cycle. By taking a careful approach and limiting new unsupported borrowing over the last two years it will be possible to realise some reductions in the capital financing costs of the principal and interest on previous borrowing, generating a short-term saving for the general fund. This has not yet been quantified, and will depend on decisions about the long-term future of the capital programme from 2017/18 and beyond.
- 5.6 Increasingly the capital programme is determined by government grants, directed at specific purposes. Once the current agreed disposals have passed through the system, where they are for example supporting the South Kilburn development and other regeneration schemes, the council will need to confront difficult decisions about its future capital plans, balancing investment in the borough against the ongoing revenue cost of financing that.
- 5.6 As part of the process of managing the council's finances a series of reserves are retained. The general reserve of £12m is set at a relatively low level for London, and it would not be prudent to operate on a significantly lower figure. The council also retains a series of earmarked reserves. These fall into several categories.
- 5.7 Some earmarked reserves are simply planned budgets not yet spent. This includes where capital receipts are received in advance of budgeted capital expenditure, whether from disposals or s106 contributions. The council is also required to set aside sums to cover the long-term financing costs of its PFI contracts, to ensure that these long-term commitments can be met, and makes general provisions through its insurance fund for those risks that it is more economic to self-insure against.
- 5.8 Departments also manage a number of reserves. These could be against specific risks or planned expenditure commitments. An interim review has shown that it would be more efficient to centralise the management of at least some of these reserves. This avoids excessive prudence in risk management and would enable the council to free up some resources to finance one-off investments that could in the longer-term be self-financing as they reduce service costs, or meet other one-off investment needs.
- 5.9 A full process for this will be set out later in the budget process.

6.0 Financial Implications

- 6.1 There are no direct financial implications of agreeing the recommendations of this report. However, the entire report is clearly highly relevant to the council's overall financial standing.
- 6.2 The overall budget setting timetable for the 2016/17 is set out below:

Date	Activity
23/11/15	Full Council: First Reading debate
14/12/15	Cabinet: Collection Fund Surplus

25/01/16	General Purposes: Council Tax Base and Business Rates Estimate
08/02/16	Cabinet: Budget Proposals 2016/17
22/02/16	Full Council: Budget and Council Tax Setting

7.0 Legal Implications

- 7.1 A local authority must budget so as to give a reasonable degree of certainty as to the maintenance of its services. In particular, local authorities are required by the Local Government Finance Act 1992 to calculate as part of their overall budget what amounts are appropriate for contingencies and reserves. The Council must ensure sufficient flexibility to avoid going into deficit at any point during the financial year. The Chief Financial Officer is required to report on the robustness of the proposed financial reserves.
- 7.2 Under the Brent Member Code of Conduct members are required when reaching decisions to have regard to relevant advice from the Chief Finance Officer and the Monitoring Officer. If the Council should fail to set a budget at all or fail to set a lawful budget, contrary to the advice of these two officers there may be a breach of the Code by individual members if it can be demonstrated that they have not had proper regard to the advice given.
- 7.3 In accordance with the Local Government Finance Act 1992, where a payment of Council Tax that a member is liable to make has been outstanding for two months or more at the time of a meeting, the member must disclose the fact of their arrears (though they are not required to declare the amount) and cannot vote on any of the following matters if they are the subject of consideration at a meeting: (a) any decision relating to the administration or enforcement of Council Tax (b) any budget calculation required by the Local Government Finance Act 1992 underlying the setting of the Council Tax or (c) any recommendation, resolution or other decision which might affect the making of the Annual Budget calculation. These rules are extremely wide in scope so virtually any Council decision which has financial implications is one which might affect the making of the budget underlying the Council Tax for next year and thus is caught. The former DoE (now DCLG) shared this interpretation as it made clear in its letter to the AMA dated 28th May 1992. Members who make a declaration are not entitled to vote on the matter in question but are not prevented by the section from taking part in the discussion. Breach of the rules is a criminal offence under section 106 which attracts a maximum fine of £1,000.

8.0 Diversity Implications

- 8.1 Impact assessments will be carried out in advance of formulation of budget proposals.

9.0 Staffing Implications

- 9.1 None directly as a result of this report.

10.0 Background Information

Report to Cabinet, 13 October 2014 – Budget Strategy and Financing Update
Report to Council, 3 March 2015 – Budget and Council Tax 2015/16

11.0 Contact Officer

11.1 Conrad Hall, Chief Finance Officer
conrad.hall@brent.gov.uk

SERVICE AREA: SUMMARY**ANALYSIS OF SAVINGS**

Service Area	2016/2017 £'000	2017/2018 £'000
Adults	5,290	2,800
Children & Young People	2,068	0
Regeneration & Growth	4,339	1,484
Chief Operating Officer	8,840	1,636
Public Health	1,375	0
Central Savings	1,500	0
TOTAL	23,412	5,920

SERVICE AREA:

ADULTS

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
ASC1	Residential & Nursing	Usual rates	Negotiations with Residential and Nursing care providers to ensure value for money.	420	0
ASC2	Residential & Nursing	Reduce residential care to necessary minimum and increase extra care/supported living housing	Transform the accommodation based care market in line with the Council's Market Position Statement. Reducing to a minimum the focus on residential and nursing care and developing Extra Care Sheltered/Supported Living Accommodation to give the vast majority of people who need accommodation based care greater independence and improved quality of life.	4,110	2,800
ASC3	Community Services	Brent Community Transport	Remove duplication and across a range of transport services through the OneCouncil project and as a result reduce the funding to Brent Community Transport a voluntary sector organisation which provides transport in Brent.	0	0
ASC4	Community Services	Community Engagement	Reduce core ASC service user and carer engagement to a minimum and at the same time remove duplication with the Clinical Commissioning Group community engagement and streamline community engagement.	0	0
ASC5	Community Services	Reduce grant funding	These are all of the voluntary grants that ASC currently administers. Through a Council wide approach to prevention we will reduce duplication, and the need to separately fund these services.	0	0
ASC6	Community Services	Reduce contribution to WLA	There has been a review of the West London Alliance Adult Social Care programme. A new streamlined delivery model has been agreed with a reduced budget has been agreed.	0	0
ASC7	Direct Services	Outsourcing of direct services	The proposal is to close New Millennium and Kingsbury Resource Day Centres, subject to full consultation, and re-provide these services for individuals in the independent sector. Options appraisals for the buildings will take place as part of the consultation process to identify the best use for them going forward. These could include: sale, re-use for supported living, or community hubs. In addition, subject to full consultation, we will change Tudor Gardens Residential home to Supported Living accommodation in line with the Market Position Statement	323	0
ASC9	Home Care	Increase Direct Payments	Doubling the number of Direct Payments over the two years from 384 currently and significantly increasing the employment of Personal Assistants (PA) with a Direct Payment. A PA is usually a home carer directly employed by the service user. It means the service user can ensure their carer is the right person for them and that they get the same person for every call.	187	0
ASC10	Home Care	Integration of Health & Social Care	As part of the Better Care Fund work, we are committed to delivering a 10% saving in home care through more joined up care including closer working between home carers and community nurses.	0	0
ASC12	All Care Services	Managing Demographic Demand	Significant demographic pressures have been identified for adult social care: more people living longer with more complex conditions. This is evidenced by increased prevalence of dementia and the levels of support we provide to people with dementia. This proposal assumes that the adult social care department, working with partners, can continue to manage that increased demand within the current budget, and that there will be no increases to funding.	0	0

SERVICE AREA:

ADULTS

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
ASC13	All Care Services	Inflation - Not providing inflation on providers	This proposal is not to plan for inflationary increases in the cost of residential and nursing care. This will be achieved through the redevelopment of the market (ASC 1), through joint work with procurement and the West London Alliance, closer working with the Clinical Commissioning Group (who also commission these services) and work with the residential and nursing care providers on their supply chain.	0	0
ASC14	All Care Services	Continuing Health Care	Continuing Health Care funding is a right for anyone whose needs are so complex that they have a 'primary health need'. Supporting people to access this funding will remain a priority, and so an additional target set for transferring financial responsibility for eligible care packages to CHC CCG funding has been included.	0	0
ASC15	Debt Recovery	Bad Debt Provision reduction	The service holds a bad debt provision to offset any debts that are written off in the year. The assumption is that the new debt recovery process within the Council will reduce the reliance on the provision being needed to write off uncollectable debt	0	0
ASC16	Mental Health	Transformation of mental health social care operating model	Phase 2 of the Mental Health redesign project will re-design the workforce and the operating model for mental health social care and will present options for saving £750k as part of this process.	250	0
ASC17	Staff Costs	Reduction of front line social work staff	Saving in front line social work staff employed in Brent Adult Social Care	0	0
ASC18	Staff Costs	Commissioning	Bringing together the commissioning functions for people services across the council (Children and Young People, Adult Social Care and Public Health), developing a new model which delivers at a reduced cost.	0	0
ASC19	Staff Costs	Appointeeship / Deputyship Services	There are two options for delivering this saving: full cost recovery for the in house service, or signposting to other organisations to undertake the functions. There will be a review process including those affected.	0	0
ASC20	Staff Costs	Reduce learning and development to statutory minimum.	Stopping all Learning and Development apart from the required statutory learning and development unless it can be delivered through external funding.	0	0
	TOTAL			5,290	2,800

SERVICE AREA:

CHILDREN & YOUNG PEOPLE

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
CYP1	Early Help & Education	Children's Centres review	Implement a partnership model for the Children's Centres by tendering the management and day to day delivery in centres to an external provider	263	0
CYP2	Early Help & Education	Early Years	Review future resource requirements in general workforce budgets.	35	0
CYP3	Early Help & Education	Youth Services	Reduce management and infrastructure costs in 2015/16, and establish a new delivery model by 2016	900	0
CYP5	Early Help & Education	Youth Offending Service	Reduce service support costs and delivery costs	0	0
CYP6	Early Help & Education	SEN – Reduction in costs of assessment	Reduction in the costs of the SEN assessment process through staff restructuring.	0	0
CYP7	Early Help & Education	Children's Information Service	Integrate delivery with other customer facing council services (50% reduction). The provision is statutory but can be combined with other activities in the Early Years and Family Support Team.	0	0
CYP8	Early Help & Education	Stonebridge Adventure Playground	Cease contract for play provision with the Stonebridge Adventure Playground. This funding to Brent Play Association provides after school and holiday provision for children at the SAP which is free to the families at point of delivery and is unique to this area. It is proposed to cease this funding as it is no longer sustainable or justifiable in the current financial climate.	0	0
CYP9	Early Help & Education	Sports Development	Removal of Council funding for the PE Adviser.	0	0
CYP10	Children's Social Care	Children's Placements	Changing the placement mix between residential placements, Independent Fostering Agencies (IFA) and Brent Foster Carers. Saving to be achieved by moving 9 of the lowest need Looked After Children in residential placements to high end IFA placements, followed by a similar move of low end IFA placements to Brent Foster Carers.	700	0
CYP11	Children's Social Care	Working with Families - One Council	Improved early help services may lead to some reduction in the number of children becoming looked after. Efficiencies derived from the WLA looked after children project and the continued reduction in the use of residential care will also deliver this saving.	0	0
CYP12	Children's Social Care	Children's Safeguarding	Saving will be achieved through a reduction in commissioned activities within social care	0	0
CYP13	Children's Social Care	Children with Disabilities	Care packages for children 0-14yrs will be reviewed and savings will be achieved through a combination of increasing the use of direct payments, reducing the spend on the summer playscheme and an overall reduction of the levels of support provided.	0	0

SERVICE AREA: CHILDREN & YOUNG PEOPLE

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
CYP14	Children's Social Care	Adoption / fostering recruitment	Shared service option to be worked up with WLA. Work is on-going in this area.	0	0
CYP15	Children's Social Care	Short Breaks Centre	Saving will be achieved through the selling of beds to neighbouring boroughs	0	0
CYP18	Children's Social Care	Budget alignment	Corrections and removal of historical anomalies in Children & Young People's budgets arising from zero based budget exercise undertaken by officers.	0	0
CYP19	Children's Social Care	Ministry of Justice Remand Grant and Secure Placements	Adjusting the budgets for secure remand placements to the level of cases in the last 18 months, assuming that that the MoJ continues to grant fund the service at about the 2015/16 level.	0	0
CYP20	Children's Social Care	Staffing redesign in Children's Social Care	Reduction in managerial posts as part of revised managerial and supervisory structures resulting from the redesign of Children's Social Care over the next 18 months as part of the DfE Innovations Project.	170	0
		TOTAL		2,068	0

SERVICE AREA: REGENERATION & GROWTH

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
R&G1	Regeneration & Growth	Updated TA forecast based on 13/14 performance	The impact of welfare reform on temporary accommodation budgets has to date been significantly less than anticipated. The budget set for 2013/14 was underspent, and we currently estimate that at least £1.3m could be removed from the 2015/16 budget without impacting service delivery: this will merely reflect the expectation that service demand will be less than that anticipated in the original model. The £1.3m figure is under review in the light of ongoing trends in homeless presentation and acceptances	500	500
R&G3	Regeneration & Growth	Remove Civic Centre team budget - 1 year fund of events	Recalibration of Civic Centre events team budget to reflect revised role and income projections for the Civic Centre.	0	0
R&G8	Regeneration & Growth	Property Strategy & Projects	Reduction in revenue budget to support capital projects – the main implication will be a reduction in the capacity of the Council to bring forward capital projects, resulting in either fewer projects or slower delivery times. Alternative models of project delivery will also be explored.	100	0
R&G9	Regeneration & Growth	Landscape Team	Cease providing a landscaping team. Cease provision of the landscape design service leading to the deletion of two posts; Principal Landscape Designer (P04- Sp47) and Senior Landscape Designer (PO3/Sp43). This is a discretionary service providing services to internal and external clients. The service includes providing expert advice on landscaping design and contract management of landscaping projects mostly related to s106 and CIL funding.	0	0
R&G10	Regeneration & Growth	Investment Team	Reduction in revenue budget to support new investment into the Borough and project development in the growth areas, high streets etc.	0	0
R&G11	Regeneration & Growth	Investment Team	Use the CIL administration charge to fully fund the development fund and information manager.	20	20
R&G12	Regeneration & Growth	Planning & Building Control	Increase income through generating more trading business. Prioritise resources on non-ringfenced income generation work – particularly targeting and securing work through cross-boundary working via partnership schemes.	50	25
R&G13	Regeneration & Growth	Supporting People	Savings already delivered through the re-procurement of providers during 2014/15.	0	0
R&G14	Regeneration & Growth	Private Housing	Increased cost recovery following on from introduction of additional and selective licencing. Licensing income is subject to a statutory ring fence however there are some activities already carried out within Private Sector Housing which can legitimately be funded from income, thereby releasing General Fund.	50	0
R&G17	Regeneration & Growth	Facilities Management & Civic Centre	To be read in conjunction with R&G26. This proposal assumes further letting of space in the Civic Centre to a third party with a resulting service charge for the cost of FM. The saving assumes a further floor of the Civic Centre can be made available and let by 2016.	124	124
R&G18	Regeneration & Growth	Housing Needs	Shared service arrangements for housing register and allocated scheme - £100k to £200k. Initial work being undertaken with neighbouring borough where the use of common approaches and systems has been identified. This may offer potential for shared service savings and the spreading of back office/overhead costs. Initial arrangements to be in place during 15/16 (part-year saving)	140	40

SERVICE AREA:

REGENERATION & GROWTH

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
R&G20	Regeneration & Growth	Capital Portfolio Office	Removal of service manager post and closure of capital portfolio office. The capital portfolio office provides programme management office services to the proportion of the capital portfolio that is consolidated within Regeneration & Growth – namely schools, estate regeneration and the provision of new Council buildings. The proposal is to cease this service in 2016/17, when the Verto project management software is fully embedded. An alternative proposition would be to transfer responsibility for this service to another part of the Council, most obviously the One Council PMO. This is currently being reviewed as part of the wider review of Capital Projects.	70	0
R&G21	Regeneration & Growth	Supporting People	Revised arrangements for the START plus service as a consequence of the Supporting People Fundamental Review.	150	0
R&G22	Regeneration & Growth	Private Housing	A notional saving from Private Housing Services as a consequence of the proposed wider regulatory services review. One option to be explored is a shared service with one or more neighbouring borough.	100	0
R&G24	Regeneration & Growth	Energy Solutions	Cease grant to Energy Solutions. Discontinuation of grant for the provision of energy efficiency / fuel poverty advice.	0	0
R&G25a	Regeneration & Growth	Income Generation through gaining "Approved Inspection" status	Enabling Brent to undertake Building Regulation work throughout England. Explore the potential for increasing the level of income generated by Building Control through gaining "Approved Inspector" status. This would enable Brent to undertake Building Regulation work throughout England without need to obtain the host local authority's agreement to work within their area. This ability will allow Brent to market the services in the same way as the private sector company and compete with Private Sector AI's. In taking forward this model we will review our charges to reflect market rates but ensure they remain competitive and need to develop mechanisms whereby inspection of works can be effectively resourced / undertaken.	65	35
R&G25b	Regeneration & Growth	Increase of income through charging	Increase of income through charging or expanding current charges for some services e.g. pre-application advise for domestic applications. Explore the possibility of introducing a premier service subject to legal constraints and resourcing.	100	0
R&G25c	Regeneration & Growth	Review of structures	A reduction in the staffing levels and structure of the technical services arm of the Capital Programme team.	0	0
R&G25f	Regeneration & Growth	Letting Agency	BHP will be establishing a lettings agency in 2014. The business plan projects completed additional surpluses of £350k per annum being generated from year five (2018/19). The saving represents increased income from the provision property and tenancy management services to private sector properties.	0	350
R&G25g	Regeneration & Growth	Increased Income and Efficiencies from Disabled Facilities Work	Efficiencies in relation to the administration and supervision of Disabled Facilities Grant in areas such as services to self funders / partnership working better integration with BHP.	20	40
R&G26	Regeneration & Growth	Income from the Civic Centre	Proposals will be developed for increased income from the Civic Centre. The additional income assumed from 16/17 onwards assumes that an additional floor being made available and a tenant found to occupy the space on a commercial basis from 2016. To be read in conjunction with R&G17 which represents the service charge that could be achieved and the FM costs that could then be offset.	150	150

SERVICE AREA: REGENERATION & GROWTH

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
R&G27	Regeneration & Growth	Fundamental Review of Supporting People	Supporting People resources are used to sustain housing tenancies for the most vulnerable residents in the Borough through the provision of 'floating support services' and specialist hostel accommodation. A fundamental review of the effectiveness of these preventative services is underway and services will be reconfigured in the light of this review to deliver the saving.	1,200	0
R&G27a	Regeneration & Growth	Supporting People	This would significantly reduce support to the most vulnerable people in Brent to retain their tenancies. It is likely to result in increased homelessness with consequential costs arriving elsewhere in the housing budget.	1,000	0
R&G28	Regeneration & Growth	Shared services for property and some regeneration functions	Shared service approaches are being explored for the delivery of strategic property, asset management and capital projects. Delivery could mean the transfer of resource from Brent to a third party vehicle with core objectives to generate further revenue returns from both commercial and residential assets.	0	0
R&G29	Regeneration & Growth	Regeneration Investment Service	Significant reduction in scale of the dedicated regeneration capacity of the Council. To be read in conjunction with R&G10. The key implication would be the shift to a model based on project specific assignments.	200	100
R&G30	Regeneration & Growth	Facilities Management	To review the structure of the client side FM Team and reduce staffing levels. Now that the organisation is fully embedded within the Civic Centre and many transitional issues have been resolved, it will be possible to reduce some aspects of the FM client side team.	0	0
R&G31	Regeneration & Growth	Strategic Asset Team	To review staffing levels, skills and structure of the Strategic Property Team in the light of the findings of the current assets review. The saving assumes a net loss of one PO4 post.	0	0
R&G34	Regeneration & Growth	Housing Needs Externalisation of Advocacy Services	In May 2014, a new Duty Advice Scheme was set up by a private company in conjunction with City Law School to deal with the same housing related matters as the Advocacy Scheme run by the council. Assuming this delivers outcomes of appropriate quality, the housing needs will cease to provide this function.	0	0
R&G35	Regeneration & Growth	Housing Needs Service Redesign and Efficiencies	Reduce the number of Housing Options Officer posts by 4, over a two year period from 2016/17. Current approaches can be streamlined and operational efficiencies gained.	100	100
R&G36	Regeneration & Growth	Reduction of Welfare Reform Mitigation Team	It is forecast that the bulk of the households impacted by Overall Benefit Cap will have had their housing issues resolved by April 2015, and that the remaining workload and new cases will be dealt with by the established Housing Needs Teams.	100	0
ENS22	Regeneration and Growth	Regulatory Services	Fundamental review of regulatory services including planning and building control, looking at all options including shared services with other local authorities.	100	0
	TOTAL			4,339	1,484

SERVICE AREA:

CHIEF OPERATING OFFICER

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
ENS1	Community Services	Sports Development Team / Merge Leisure Client / Resource	Restructure Sports and Parks Service in the light of the grounds maintenance service transferring to Veolia in Sept 2014. The new service will also stop nearly all sports development work (for example stopping school holiday programmes) and concentrate on promoting healthy, active lifestyle instead. The restructure will also result in deletion of the Environment Projects and Policy Team, with only carbon tax work continuing.	0	0
ENS3	Community Services	Sports Development Team	Removal of PE Advisor – joint funded with Children & Young People. Removal of contributory funding for advisory teacher for PE and Sport.	0	0
ENS4	Community Services	Environment Policy and Projects Team	Close Welsh Harp Education Centre. The proposal would cease the provision of education for schoolchildren at this centre.	14	0
ENS5	Community Services	Energy Solutions	Cease grant to Energy Solutions	0	0
ENS6	Community Services	BTS - in-house drivers/passenger attendants	End the use of in-house driver and passenger attendants. This is a full-year effect of a previous budget decision.	0	0
ENS7	Community Services	BTS - further overhead reductions including WLA	Ending participation in the WLA project. This is the Full year effect of previous budget decision.	0	0
ENS8	Community Services	BTS - One Council Project - updated as per new proposals - one council programme – changed in light of recent report to CMT	This reflects savings associated with a review of Brent Transport Service.	100	0
ENS9	Community Services	Community Safety	In 2014/15 the Council stopped funding PC and PCSOs. This saving is the full-year effect.	0	0
ENS10	Community Services	Community Safety and Emergency Planning	To consider a new approach to managing Anti-Social Behaviour services across the borough, including consideration of a joint arrangement between the Community Safety Team and the BHP Community Safety Team.	100	0
ENS11	Community Services	Civil Contingency Post	To reduce the Emergency Planning Team by one post leaving only two posts. This is likely to require a shared service arrangemnet with another borough in order to maintain 24/7 cover.	27	0
ENS12	Community Services	Charging for garden waste	Introduction a charge for garden waste via a subscription service at £40 per year per household. This was agreed by Cabinet in July 2014.	238	0
ENS13	Community Services	Waste and Recycling - bulky waste	Charging residents for bulky waste collections. To replace the current free service with one that makes a £15 charge to residents for each Bulky Waste Collection Service. This will effect a 50% reduction in service volumes.	0	0
ENS14	Community Services	Parking Contract	This is the full year effect of the collaborative re-tender of the parking enforcement and back office service.	0	0
ENS15	Community Services	Parking Service	Cost reduction and income generation opportunities. Consider CEO deployment, unattended enforcement, visitor parking charges and a number of other initiatives.	921	134

SERVICE AREA:

CHIEF OPERATING OFFICER

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
ENS16	Community Services	Street Lighting	Replace existing street lighting with LED lighting to new British Standards and , optionally, a Central Managed System - This would require investment of around £7m.	0	750
ENS17	Community Services	Parking and Street Lighting - Street Trees	In 2015/16 undertake £50k less of tree maintenance work. Re-procurement of street tree contract from April 2016 to maintain this funding reduction.	0	0
ENS18	Community Services	Libraries, Art and Heritage	Transfer management of libraries to an established library trust resulting in business rates savings.	160	0
ENS19	Community Services	Libraries, Art and Heritage	Reduce stock levels to CIPFA benchmarked average resulting in less stock in each library thus reducing the amount spent on library stock	0	0
ENS20	Community Services	Libraries, Art and Heritage – grants	Gradually taper down Tricycle Theatre grant to zero by 2017/18. This would result in no outreach work to young people and schools. The arts service of two people is required to operate cultural facilities at Willesden Green Cultural Centre. This work to cease in 2017/18.	75	205
ENS21	Community Services	Transportation - Schools Crossing	Cease all school crossing patrols.	0	0
ENS23	Community Services	Registration and Nationality	Extend current joint service with Barnet to at least one other council.	50	0
ACE1	Strategic Commissioning	Review of Partnership and Engagement Team	This proposal sets out options for the review and restructure of the Partnership and Engagement Team and the associated ward working budgets. Working on three areas 1) staff structures, 2) ward working, 3) operational budgets.	0	0
ACE2	Strategic Commissioning	Review of grant funding to London Councils	The Council cannot withdraw from, or unilaterally reduce its funding to, the Grants Programme. On the contrary, s.48(7) Local Government Act 1985 provides that a grants scheme such as this one, once agreed by the majority of the London borough councils, may be binding upon a dissenting London Borough council in the absence of its agreement. We have explored the legislative scope for this. Section 48 of the Local Government Act 1985, which established the London Councils grant scheme, stipulates that councils can only vary their contribution to the grant scheme with the agreement of at least two thirds of London Boroughs. The time available to implement any agreed change would significantly limit the level of savings achieved in 2015/2016. The Council could start conversations now with leaders of other councils with a view to introducing a reduction in funding to London Councils at the end of this cycle of projects i.e. April 2017.	0	340
ACE3	Strategic Commissioning	Increased Advertising revenue	There is room for modest growth both in terms of increasing profits from our existing advertising assets and opening up new income streams.	0	0
ACE4	Strategic Commissioning	Review of Grants and contracts to voluntary and community sector	<p>This proposal sets out to do two things:</p> <p>1. Streamline and refocus the funding available through the Themed Grants stream. Options are provided for the level of cut which might be applied.</p> <p>2. Carry out a review on the current corporate spend on advice and guidance and look for opportunities to eradicate duplication, harmonise funds and deliver savings.</p> <p>The Partnership & Engagement Unit currently distributes c£2.1million (includes the funding to London Councils set out in ACE2 proforma) to the voluntary and community sector through grants and contracts. This funding is distributed through a variety of streams which run to different timescales.</p>	410	0

SERVICE AREA:

CHIEF OPERATING OFFICER

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
ACE5	Communications	Review provision of Design Service	Move to a more planned approach for design, through the Annual Comms Plan planning process, which allows the creation of a sustainable in house design function, supported by an external framework, delivering savings of £60,000. Departments would only pay for specialist, or very late notice design requests.	0	0
ACE6	Communications	Ensuring staffing is aligned with current council approach to events/ commercial	Review the events and marketing capacity in Communications to align it with capacity elsewhere in the council and deliver a stronger, more streamlined service. Explore opprtunities to deliver a joint fireworks display with Quintain and Wembley Stadium. Ensure communications events staffing reflects reduced public events programme.	0	0
ACE7	Communications	Review of Communications Team	Reduction in staffing and restructure of media and coporate comms functions to become generalists. Removal of two posts.	0	0
ACE8	Strategic Commissioning	Review of the Programme Management Office	Restructure of function to change funding arrangements for 2 posts.	0	0
ACE9	Strategic Commissioning	Review of Corporate Policy / Scrutiny / Complaints and FOI	Restructure of function. Removal of seven posts.	0	0
ACE10	Strategic Commissioning	Review of Business Intelligence	Restructure of function. Removal of four posts.	0	0
F&IT2	Finance	Finance	Phase 2 of the finance restructure. Savings of £0.4m to be achieved in Finance as a result of a planned staffing reorganisation following the successful implementation of the One Oracle system.	0	0
F&IT3	Finance	Audit	Reduction in audit days. Savings of £0.1m to be achieved by reducing number of contracted internal audit days.	0	0
F&IT5	Finance	Finance	Substantial cost reductions achieved by focusing on core tasks and by adopting a far more risk based approach	1,500	0
F&IT4	Strategic Commissioning	IT	Savings of £0.15m to be achieved by reducing print volumes	0	0
F&IT6	Strategic Commissioning	IT	Substantial cost reductions through a mixture of sharing services and reducing the application and other IT footprint within Brent to a core offering, with increased standardisation for users to lower costs. Savings of £1.7m to be achieved by a mixture of reducing staff numbers, stopping out-of-hours support, renegotiating contracts, reducing the IT application footprint to a core offering, with increased standardisation for users to lower costs.	1,620	0

SERVICE AREA:

CHIEF OPERATING OFFICER

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
HR1	Human Resources	Reconfiguration of function	It is proposed to carry out a major reconfiguration of the HR service in 2015/16 saving £1.4m by 2016/17. This will result in the merging of some areas in order to reduce the number of managers required in the new structure. It is the intention to devolve responsibility for some existing activities undertaken by the Learning and Development team to HR Managers. Other activities will be accommodated by a new performance team with a broader remit which will include resourcing, workforce development, policy and projects. In addition it is proposed to cap the existing trade union facilities time allocation awarded to GMB and Unison to a maximum of 1 x PO1 post per trade union, to move the occupational health service inhouse saving £60k and reduce the learning and development budget by £67k. In year 2016/17 further reductions in staffing can be potentially achieved through shared service arrangements within payroll, pensions, HR management information and recruitment.	743	0
HR2	Human Resources	BIBS	This will have a significant impact on staffing as the budget is predominantly made up of staffing costs. It remains the intention to consider alternative models of delivery which will transform the service; ensure greater efficiency and improve the customer experience but in the short term an immediate reduction in posts will enable BIBS to generate savings of £700k in 2015/16. This will be achieved through reviewing the Executive Assistant arrangements in light of the senior manager restructuring; ceasing the provision of some administration activities such as AskHR & AskBIBS; and carrying out a cross service reduction in headcount. This is part will be assisted by reductions in service provision across the council's departments.	1,180	0
L&P1 & 2	Legal	Legal Services	Different options of service delivery – outsourcing – private legal firm / buying from local authority that sells legal services and also London Wide work of setting up a shared service. Proposal to enter a shared service for legal. Savings of £400k have been brought forward from future years to 2016/17	900	0
L&P3 & 4	Members	Mayor Support / Service Committee	Review of support to elected Members, including reconfiguration of the democratic function.	427	0
PRO1	Strategic Commissioning	Procurement -Reduced Service	Staff Reductions	270	0
R&G5	Community Services	Capita Savings	The Capita contract for Revenues & Benefits provides for 3% savings to be delivered year on year. The proposal here represents the full outcome of the renegotiation of the Capita contract price undertaken as part of the decision to extend the current contract for a further 3 years from 1st May 2016 to 30th April 2019.	105	207
R&G15	Community Services	Benefits	Further efficiencies in advance of the introduction of Universal Credit (partly covered by reserve). The proposal will result in reduced staffing within benefits processing in advance of implementation of Universal Credit.	0	0
R&G16	Community Services	Customer Service	Reconfigure face to face access arrangements at both the new Willesden Library and the Civic Centre so as to optimise access to self service and assisted self service and ensure that more personalised face to face assistance is targeted to vulnerable customers who require more support.	0	0
R&G33	Communications	Digital Post Room	Reduce Digital Post room staffing compliment by 2.5 FTE – this can be achieved through natural turnover and reflects a continuing forecast reduction in incoming post. Reduce postage budget by £20K per annum based on forecast reductions in costs.	0	0
		TOTAL		8,840	1,636

SERVICE AREA: PUBLIC HEALTH

ANALYSIS OF SAVINGS


Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
PH1	Strategic Commissioning	Public Health	Review of current services to ensure that all appropriate costs are being met from public health grant	0	0
PH2	Strategic Commissioning	Public Health	Contribution to Childrens Centre Service	375	0
PH3	Strategic Commissioning	Public Health	Agreed that efficiencies would be made within public health once the grant ceased to be ring fenced and further opportunities sought to use grant to deliver across Council functions	1000	0
		TOTAL		1,375	0

SERVICE AREA:

CENTRAL ITEMS

ANALYSIS OF SAVINGS

Ref	Unit/Service	Description	Item	2016/2017 £'000	2017/2018 £'000
R&G32	Community Services	Customer Access Service	Implementation of new customer access strategy with a specific aim to reduce the current costs of contact handling by migrating customer contact on line, improve the efficiencies of telephone handling arrangements and optimising use of shared data to reduce the need for customers to have to contact multiple services with the same information. There is a £1.5m of savings which will be achieved across the Council and held as a central saving in 2016/17.	1,500	0
R&G6	Central Items - South Kilburn	Estate Regeneration	Reduced revenue resources to support the South Kilburn Regeneration programme.	0	0
F&IT1	Central Items - Insurance	Insurance	Achieving better value renewal terms from market and optimising excess levels. Savings of £0.2m have been identified within the insurance costs. These can be achieved by seeking better value renewal terms from the market and optimising excess levels.	0	0
	Council-Wide	Restructure	Review of council structure and senior manager posts.	0	0
	TOTAL			1,500	0

 Brent	<p>Full Council 23 November 2015</p> <p>Report from the Director of Regeneration and Growth</p>
For action	Wards Affected: ALL
New Statement of Licensing Policy	

1.0 Summary

- 1.1 The Licensing Act 2003 ('the Act') requires that the Council determine and publish a Statement of Licensing Policy ('Policy'), at least once every 5 years, setting out its policies with respect to the exercise of its licensing functions.
- 1.2 The Council's current Policy came into effect on 7 January 2011 and will expire on 6 January 2016.
- 1.3 On 26 October 2015 the Alcohol & Entertainment Licensing Committee agreed the draft Policy.

2.0 Recommendations

- 2.1 That Members approve the draft Policy.
- 2.2 That Members note the intention to carry out a further review of the Council's Policy next year with the aim of formulating practical policies which respond to local issues, assist decision making and facilitate the achievement of the Council's objectives and vision.

3.0 Detail

- 3.1 The Council in its role as a Licensing Authority under the Act has a duty to determine, publish and keep under review its Policy which has a five year shelf-life but can be replaced at any time during that five year period. Before determining its Policy, the Council has a statutory duty to consult the persons and authorities specified in section 5(3) of the Act. The approval of the Policy is a Full Council function.

- 3.2 Once approved, the Council's new Policy will contribute to the fundamental themes and priorities in the Brent Borough Plan (2015-19). It adopts a balanced approach for both residents and businesses. It is written as a useful guide to all users.
- 3.3 An evidence-based approach was adopted during the review of the current Policy, which included night-time observations for all town centre followed by analysis of the following datasets:
- crime reports (all crime, alcohol related crime, violent crime & sexual offences):
 - health (alcohol related hospital admissions, alcohol related illnesses, ambulance call-outs and A&E attendances);
 - licensed premises (licences held, revoked and refused).
- 3.4 Seven town centres were the focus of particular consideration with regards to the potential for adoption of special policies including cumulative impact zones which target a significant number of licensed premises concentrated in one area and the potential impact of these premises on the promotion of the licensing objectives. These town centres were:
- Ealing Road
 - Harlesden
 - Kilburn
 - Kingsbury
 - Neasden
 - Wembley
 - Willesden
- 3.5 Issues and options were identified for each of the seven town centres.

Consultation

- 3.6 To assist in formulating the draft Policy, informal consultation was undertaken with all elected Members, licensees, the Metropolitan Police, Director of Public Health, Community Safety, Environmental Health, residents associations and a variety of council officers.
- 3.7 Stakeholders were invited to take part in the early stage consultation exercise in order to gather views and perceptions about:
- problematic areas for alcohol supply
 - alcohol consumption
 - groups at potential risk from alcohol
 - potential for influence of alcohol on crime
 - potential influence of alcohol on health

- scope for declaring cumulative impact zones
- any other relevant information or issues.

Stakeholders included Members, licensees, licensing agents, residents, council officers, and community groups.

The following responsible authorities designated by the Act as well as other key stakeholders were consulted:

- the Metropolitan Police
- Community safety
- Public Safety
- Public Health
- Fire Brigade
- Child Safeguarding Team
- Environmental Health
- Trading Standards
- Planning

As a consequence a number of comments and suggestions were incorporated into the draft policy.

- 3.8 A four week public consultation was carried out in August / September 2015 for the issues and options identified for each of the seven town centres, including an all Member consultation meeting on 10 September 2015.
- 3.9 54 responses were received to the consultation. 75% of the respondents either strongly agreed or agreed with the options proposed for each of the town centres. Some respondents had concerns regarding sustainability of enforcement by the Licensing Authority and the Police. At the informal Member liaison meeting on 10 September 2015 there was broad support for the direction of travel emerging from the early stages of the policy review.

Policy approach

3.10 The key changes in the proposed Statement of Licensing Policy are:

- the inclusion of health as a separate appendix. Although, the Director of Public Health is a responsible authority under the Licensing Act 2003, health is not a licensing objective.
- changes in legislation namely: Police Reform and Social Responsibility Act 2011 and the revised guidance issued under section 182 of the Act.

Consultation

- 3.11 Public consultation on the resulting draft Policy commenced on 5 October 2015 and ended on 30th October 2015. No further comments were received during this consultation exercise. The draft Policy is attached at Appendix 1 with track changes which highlight the changes made to the Policy. The changes make further improvements to the Policy so that it is legally and factually up to date, accurate and clear.
- 3.12 Although the draft Policy is informed by the research undertaken by the Council, in the available time, it has not been possible to formulate practical policies which respond to the local issues highlighted by the research or the Council's aims, objectives and vision or possible change in approach arising from the Regulatory Services review currently underway. The Council's Policy has the potential to determine the prescription for resolving such issues. In so doing the Policy would inform decision making in a much more meaningful way and provide useful and practical guidance to applicants, local residents, responsible authorities and magistrates (who decide cases on appeal).
- 3.13 There is also the potential to set out the Council's standards that operators are expected to achieve and express what the Council has to say about the provision of licensable activities in respect of location, hours and conditions.
- 3.14 In addition, amendments to the Act made by the Deregulation Act 2015, which are due to come into force once regulations are made, will give licensing authorities powers to designate certain geographical areas, types of premises or time periods as exempt from the late night refreshment licensing requirements.
- 3.15 As Members will appreciate, deciding whether or not the Council should exercise these new powers once they come into force will require a careful and strategic assessment of their impact on the Council's aims and objectives and indeed the licensing objectives.
- 3.16 Members are asked to note therefore that the work aimed at developing and improving the Council's Policy will continue even after the new Policy has been adopted and that Members, as well as all other key stakeholders, will be given the opportunity to inform the review and its outcomes.

4.0 Financial implications

- 4.1 There are no financial implications.

5.0 Legal implications

- 5.1 These are set out in the body of the response.

6.0 Diversity and equality implications

- 6.1 An equality assessment is attached at Appendix 1.

- 6.2 The equality assessment suggests that there is no likely impact around race, gender, age, disability, faith, sexuality and sexual orientation.
- 6.3 However, equality assessment is constrained by data limitations including the absence of data on the protected characteristics of licence applicants, licensees and licensees whose licences are subject to reviewed or enforcement actions.
- 6.4 A new licensing database has been purchased and will come into use by 2016, and this will enable the council to start recording protected characteristics for licensees. This should enable the council to take better account of equalities issues at the time of the next policy review.

7.0 Staffing/Accommodation implications

- 7.1 There are none specific to this report.

Background papers

- 2011 Statement of Licensing Policy - <https://www.brent.gov.uk/business/licences/>
- Licensing Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/17/contents>
- Police Reform and Responsibility Act 2011 - <http://www.legislation.gov.uk/ukpga/2011/13/contents>
- Section 182 guidance - <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Contact Officers

David Thrale
Head of Regulatory Services
ext 5454
david.thrale@brent.gov.uk

Yogini Patel
ext 5262
yogini.patel@brent.gov.uk

Andy Donald
Director of Regeneration and Growth

This page is intentionally left blank



London Borough of Brent

Draft Statement of Licencing Policy (as amended)

2016 - 2021

i. Foreword

- i.i ~~A Statement of Licensing Policy determines how the Council will consider new applications for:~~
~~The sale of alcohol;~~
~~Application of on-licence premises; and~~
~~Application of off-licence premises.~~

1. Background and introduction

- 1.1 The London Borough of Brent (“the Council”) is the licensing authority under the Licensing Act 2003 (“the Act”) and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the London Borough of Brent.
- 1.2 The ~~Licensing Act 2003~~ establishes four core objectives for formulating licensing policy and taking licensing decisions:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of nuisance¹⁷ and;
 - The ~~protece~~vention of children from harm.
- 1.3 The Act requires the Council to publish a ‘Statement of Licensing Policy’ (~~SLP~~), which ~~sets out the policies that the Council will generally apply in order to meet these objectives when determining applications. It, and covers~~ It covers the following:
- the retail sale of alcohol
 - supply of alcohol to, by or on behalf of a club or to the order of a club member
 - supply of hot food or drink between 11pm and 5am the following day
 - subject to certain conditions and exemptions, provision of entertainment for members of the public, members of a private club or for profit, including by a charity, where the entertainment involves:
 - theatrical performance
 - film exhibition
 - indoor sporting event
 - boxing or wrestling (indoor and outdoor)
 - live music performance
 - playing of recorded music
 - dance performance~~provision of facilities for making music, and;~~
~~provision of dancing facilities.~~

The Policy

- 1.4 ~~The Licensing Act 2003 requires the Council to publish a “Statement of Licensing Policy” that sets out the policies that the Council will generally apply to meet the licensing objectives when determining applications. This policy will guide the~~

authority when considering personal licences, premises licences (including provisional statements), variations, transfers, interim authorities and reviews, club premises certificates, designated premises supervisors and temporary event notices.

- 1.5 This statement has been developed in accordance with the provisions of the Act, having regard to the guidance issued under section 182 of the Act. Before publishing this statement the Council shall consult with, and have regard to, the views of all statutory consultees such as the police, fire service, representatives of licence holders, local businesses and their representatives, and local residents.
- 1.6 In addition to the statutory consultees, the following persons or bodies were consulted:
- Brent Ambulance Service Accident and Emergency Services;
 - Brent Council's planning services;
 - Community Safety
 - Brent Council's Children and Young People Services
- 1.7 Additional consultation has been carried out with the following people:
- Director of Public Health
 - Community associations
 - Ethnic group associations
 - Safer Neighbourhood Teams
 - Mental health advocacy organisations
 - Substance use organisations
 - Hotels and pub venue management
 - Local LGBT groups
- 1.8 Due consideration has been given to all replies, and a record of persons/organisations consulted and replies received may be kept by the Council.
- 1.9 A copy of the policy will be placed on the Council's website, and periods of consultation will be advertised on the site.
- 1.10 This policy will come into force on 7⁴⁸th January 2016, after approval by Full Council, and will ~~remain in force for no more than five years~~ ~~be reviewed and published every five years.~~ ~~A full consultation will be undertaken every three years.~~ The policy will ~~also~~ be kept under review in the interim period, and should any revision be required to the policy during the ~~five~~ three-year period, such revision will be subject to full consultation and approval by Full Council.

2. Review of the Statement of Licensing Policy

- 2.0 Under the ~~Licensing Act 2003~~, the Licensing Authority must carry out a review of its Licensing Policy every five years. ~~In accordance with the Act, the Licensing Authority intends to carry out a further full review of its policy in at a date to be~~

~~determined by the Council and, p~~Prior to publishing the revised version, the Authority intends to consult fully with those groups and individuals ~~consulted on the current version.~~

- 2.1 In addition, within the five year period the Licensing Authority will review its ~~Licensing~~ Policy whenever it feels that relevant issues have arisen - for example, if any further significant amendments are made to the ~~Licensing Act 2003~~.

3. Main principles

- 3.1 This policy sets out the general approach the Council will take when considering applications for licences. When determining applications and reviewing licences, the Council will have regard to:

- the ~~Licensing Act 2003~~ and related regulations; ~~;~~ and;
- Government guidance issued under section 182 of the Act ~~and this Statement of Licensing Policy.~~

- 3.2 When determining an application under these considerations, the overriding principle adopted by the Council will be that each application will be determined on its merits.

- 3.3 Applicants will be expected to address the licensing objectives in their operating schedule with particular regard to the nature of the location, type of premises, entertainment to be provided, and operational procedures. It is important that all operating schedules should be precise and clear on the measures proposed to promote each of the licensing objectives.

- 3.4 Only conditions ~~appropriate and proportionate to the promotion of necessary to promote~~ the licensing objectives will be attached to any licence, and the Council will have regard to the individual style and characteristics of the particular premises and events concerned. Licence conditions will not be imposed where other regulations or legislation exists to provide sufficient protection

- 3.5 ~~Licencee~~Licencees will be expected to comply with the Code of Practice of the Portman Group or equivalent. If a valid complaint is received, the stocking or supplying of products featured in the Portman Group's "Retailer Alert Bulletin" could lead to review of the premises licence, and ultimately a suspension or revocation of that licence if the Council considers that such action would undermine one or more of the licensing objectives.

- 3.6 Where there is a notification to hold a temporary event the Council will expect, where applicable, the holder of the event to comply with the relevant conditions attached to the premises licence where the event is to be held.

- 3.7 A notification of a temporary event should not be used to cover multiple events. The Council expects each notification to be for a single event, and for the date and times that the event is to be held. One notification for 96 hours should not be used to cover more than one event.

- 3.8 The Council recognises that, in addition to the licensing objectives, it also has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

- 3.9 The Council will not take “need” (commercial demand) into account when determining an application. This is not a matter for a licensing authority in discharging its licensing functions, ~~or its statement of licensing policy~~.
- 3.10 “Cumulative impact” can be understood as the potential impact on the promotion of the licensing objectives of a significant number of ~~licenced~~licensed premises concentrated in one area.
- 3.11 Although “cumulative impact” will not be considered by itself when determining an application under the Act, the Council does recognise that the cumulative impact of a number of premises in a location may negatively impact on one or more of the licensing objectives. In particular, it is recognised that cumulative impact may lead to serious problems of nuisance and disorder in that area. In these circumstances the Council may consider cumulative impact when granting a new licence or club premises certificate, and may refuse an application where relevant representations show that there is strong evidence that the new premises will undermine one or more of the licensing objectives by exacerbating existing problems linked to crime and disorder or another of the licensing objectives.
- 3.12 The Council has not adopted a special policy relating to cumulative impact but may consider such a policy where an area is saturated with ~~licenced~~licensed premises, and the granting of new licences would undermine one or more of the licensing objectives. The Council will consult on the need for a special policy and/or review and revise any special saturation policy or policies as may be ~~identified in the Statement of Licensing Policy as~~ appropriate, and in any event every five years.
- 3.13 ~~The Council may consider the inclusion of off-licences in any future cumulative impact policy, if there is evidence justifying such inclusion. Whilst the Council recognise the guidance discourages off-licences from being included in cumulative impact policies it does not preclude them and the Council may consider off-licences if there is a strong case in favour of their inclusion.~~
- 3.14 Officers will continue to monitor all areas of the Borough and all venues and events, and where appropriate refer any areas likely to benefit from a special policy to the Committee.

4. Brent profile

Geography

- 4.1 Brent is a north west Outer London borough. The major areas are Kilburn, Wembley and Willesden. Brent borders many Inner and Outer London boroughs including Harrow to the north-west, Barnet to the north-east, Camden to the east and Ealing, Hammersmith and Fulham, and Kensington and Chelsea to the south, and Westminster to the south-east. Brent is notably home to Wembley Stadium, one of the country's biggest landmarks, as well as Wembley Arena.¹ These present challenges for the borough as both the Stadium and Arena are integral parts of the Brent and greater London night-time and entertainment economy. Brent's geographic position and historic connections to central London has made the area one of distinct contrasts combining urban and suburban features common to both inner and outer London².

¹ <http://www.londonspovertyprofile.org.uk/indicators/boroughs/brent/>

² Brent Diversity Profile, July 2014

Diversity and demographics

- 4.2 Brent is the second most culturally diverse local authority in the UK and has a long history of ethnic and cultural diversity³ Brent was the first local authority in the UK to have a majority black, Asian and minority ethnic (BAME) population. In the 2011 Census, 63.7% of the population were BAME. By contrast, 14% of people in England and Wales and 40% of people in London were BAME. Different ethnic groups are concentrated in distinct parts of the borough:
- Stonebridge and Harlesden wards have the highest concentration of black residents;
 - Asian residents tend to live in the west of the borough, and;
 - The white population is more concentrated towards the east of the borough - Kilburn, Mapesbury and Dollis Hill wards have the highest numbers of white Irish residents.
- 4.3 People belonging to the different ethnic groups in Brent vary with age. Among younger people (particularly those aged 5-15) the white population is lower and the black population is higher than for the borough as a whole. Minority language households or households unable to speak English are primarily concentrated in the far west and south of Brent.
- 4.4 Children and young people under the age of 18 constitute 25% of the population of Brent.⁴ The early years of a child's life are particularly important in shaping future health outcomes. Key factors, such as income, housing, education and other socioeconomic issues can particularly affect young people during their earliest years of life. The 2011 census showed that Brent has a young population as Brent's median age is 32 compared to the London average of 33. The underlying growth of the child population in Brent is a key factor which needs to be considered when designing and providing services to improve the health and wellbeing of children and tackling health inequalities.
- 4.5 Brent's resident population was estimated to be 320,762 in mid 2014 and is growing quickly. The borough population is dynamic and increasingly transient with significant numbers of people moving into the borough.⁵
- 4.6 Certain groups and geographic areas in Brent may be more vulnerable to the effects of alcohol than others. These vulnerabilities and different ethnicities should be considered when reviewing licencing applications. The Council encourages the collection of evidence of the negative effects of alcohol on vulnerable groups within Brent to determine suitable prevention and treatment measures consistent with existing Council and NHS health objectives. A vulnerable adult is a person aged 18 years or over who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of or protect him or herself against significant harm or exploitation.⁶ Brent has a multi-agency procedure for responding to suspected abuse of vulnerable adults wherein Adult and Community Services coordinate the policy with the Police and NHS.

Underreporting

³ <http://brent.gov.uk/your-Council/about-brent-Council/Council-structure-and-how-we-work/equality-and-diversity/>

⁴ Health and well-being in Brent, Brent Joint Strategic Needs Assessment, March 2015

⁵ NHS Brent Commissioning Strategy Plan: 2009 to 2014

⁶ Protection of Vulnerable Adults in Brant, October 2003

- 4.7 Current data shows that Brent has fewer cases of excessive alcohol consumption than the London average. However those individuals that do drink do so in a quantity and strength that is higher than the London average⁷. This suggests there may be cases of underreporting of alcohol consumption and abuse by some groups – for religious or cultural reasons – which poses a challenge to a comprehensive view of alcohol use in Brent. The Brent Alcohol Harm Reduction Strategy 2014-2017 also acknowledges potential underreporting of drinking and binge drinking among youth in Brent however it points out that estimates of unreported youth drinking are likely to be less prevalent than the London average. The Council will continue to monitor this issue and look for evidence to help inform future licensing policies.

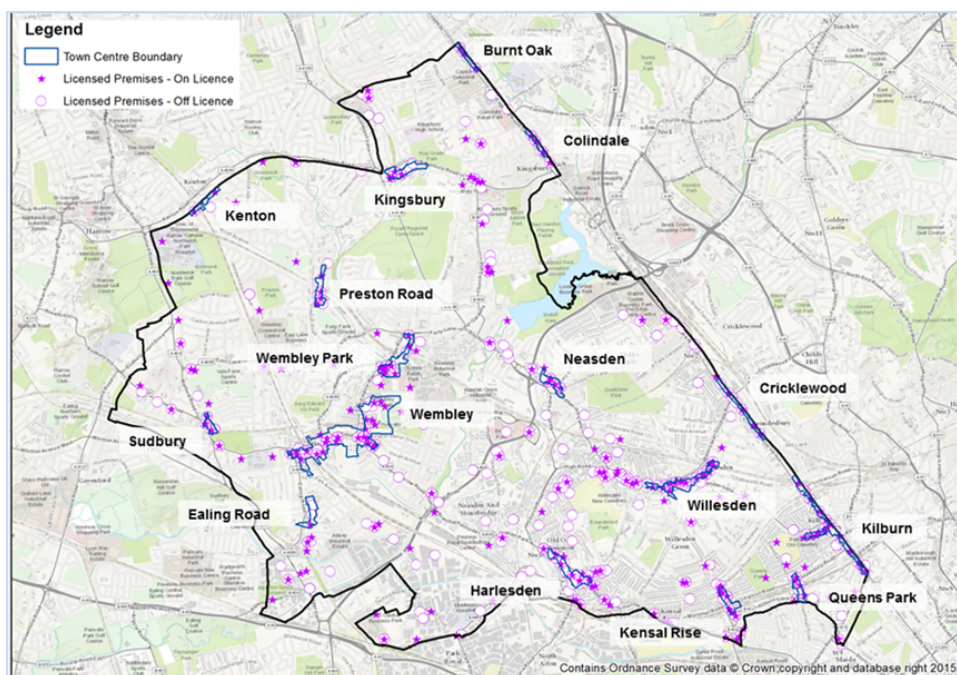
Town centres

- 4.8 Brent contains 16 defined town centres that vary in size and density. The different town centres within the borough are classified as Major, District, and Local Centres. These typologies are outlined in the Brent Core Strategy. Town Centres which share boundaries with neighbouring London Boroughs are indicated by an asterisk (*).

Major Centres	District Centres	Local Centres
Kilburn*	Burnt Oak*	Kensal Rise
Wembley	Colindale*	Kenton*
	Cricklewood*	Queen's Park
	Ealing Road	Sudbury
	Kingsbury	
	Harlesden	
	Neasden	
	Preston Road	
	Wembley Park	
	Willesden Green	

⁷ Annual Report to the Director of Public Health for Brent, 2014

4.9



Distribution of ~~licenced~~licensed premises in LB Brent as of 2015

4.10 There are significant differences between different town centres and areas of the borough. Data analysis indicates that the borough's town centres accounted for approximately 15% of all alcohol-related crime and 7.5% of all alcohol-related ambulance callouts. This suggests that the large majority of alcohol-related crime and ambulance callouts is dispersed throughout the borough and not restricted to certain boundaries or town centres. This variance poses challenges for alcohol licensing.

4.11 Data patterns imply that town centres in north Brent have fewer ~~licenced~~licensed premises and experience less alcohol-related crime relative to town centres in south Brent. These differences suggest a need for nuance in the Council's approach to alcohol licensing.

Geographic themes

4.12 Patterns of alcohol use can be broadly understood by dividing the borough into two geographic areas – North Brent and South Brent. The significant differences between these two areas of the borough indicate that a one-size-fits-all licensing policy cannot reflect the nuance and distinctions within the borough.

4.13 **North Brent:** Areas in the north of the borough generally exhibit lower concentrations of anti-social behaviour (ASB), alcohol-related crime, and activities that violate the four licensing objectives relative to the rest of the borough. This area stretches in a convex curve from north of Sudbury Town Centre along north of Wembley Central and to the north of Kilburn High Road (but south of the southern terminus of Cricklewood Broadway). The key characteristics, relative to the rest of the borough, are:

- Light footfall traffic;
- Fewer ~~licenced~~licensed premises;
- Reduced concentration of ~~licenced~~licensed premises, and;
- Fewer instances of crime and ASB.

- 4.14 **South Brent:** Areas south of the convex mid-borough line (approximately following the Metropolitan Line tracks) include Wembley Central, Kilburn High Road, Harlesden, Neasden, and Willesden. These areas are in close proximity to Central London and may be considered part of Inner London. They feature:
- Higher concentrations of crime;
 - Higher concentration and number of ~~licenced~~licensed premises, and;
 - High levels of footfall.

5. Licensing objectives

- 5.1 The Act provides a clear focus on the four statutory objectives which the Council must seek to promote when determining an application. These objectives are the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. Because of the wide variety of premises and activities to which this policy applies, applications will be expected to address all aspects relevant to the individual style and character of their premises and events. These objectives are set out in more detail below.

Prevention of crime and disorder

- 5.2 The Council recognises that ~~licenced~~licensed premises, especially those offering late night/early morning entertainment for large numbers of people, can be a source of crime and disorder problems.
- 5.3 The Council will expect operating schedules to satisfactorily address the prevention of crime and disorder, from the design of the premises through to the daily operation of the business.
- 5.4 Applicants are recommended to seek advice from Council licensing officers and the local police, as well as taking account of local planning policies, transport policies and crime prevention strategies when preparing their operating schedules. Applicants should note that conditions addressing the crime and disorder objective may also promote the other licensing objectives such as setting capacity limits addressed in Section 5.
- 5.5 It is recommended that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events, the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.
- 5.6 The Licensing Authority further recommends the Metropolitan Police Promotion/Events Risk Assessment Form 696, and the After Promotion\Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the risk assessment forms are used to assess the likely risk from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and within 3 days of the conclusion.
- 5.7 Forms 696 and 696A are available on the Metropolitan Police website. It is

recommended that electronic completion and transmission of the forms is undertaken by [licencees](#). E-mail addresses for submission are ClubsFocusDesk-CO14@met.police.uk and brent.licence@brent.gov.uk and licensing-qk@met.police.uk.

- 5.8 The definition of a significant event is any occasion in a premises ~~licensed~~ under the provisions of the Licensing Act 2003, where there will be live musicians, DJs, MCs or other artistes; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.
- 5.9 Where the applicant offers this as part of their operating schedule or where there is a relevant representation, and the Licensing Sub-Committee at a hearing use their discretion to impose a condition, the following recommended conditions will be taken from our pool of model conditions and applied:
- 5.10 “The ~~licencee~~ shall undertake a risk assessment of any significant promotion or event, using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy to the Metropolitan Police and Brent Council’s Licensing Unit not less than 14 days before the event is due to take place” and “where an event has taken place, the ~~licencee~~ shall complete a Debrief Risk Assessment (Form 696A) and submit this to the Metropolitan Police and Brent Council’s Licensing Unit within 3 days of the conclusion of the event.”
- 5.11 ~~Where there is~~ a relevant representation ~~is received~~ and the Council considers that crime and disorder has not been fully addressed in the operating schedule, it will consider attaching conditions to licences to deter and prevent crime and disorder inside and immediately outside the premises.
- 5.12 ~~It is recommended that, for major events at Wembley Stadium, licencees should, where appropriate, include the following in their operating schedule, (i) they close one hour before the scheduled start of the event, (ii) customers shall not congregate outside the premises, (iii) No glass bottles shall be served (iv) the DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event, (v) no alcohol drinks shall be displayed or sold in glass containers with the exception of wines and spirits, (vi) no more than 4 cans per person shall be sold.~~
- 5.13 ~~Major events at Wembley Stadium are a central part of the leisure and cultural offer of the borough, it is the hub and generator of important economic activity benefiting the borough as a whole. It is also correct to say that such events can be associated with environmental impacts which engage the licensing objectives. As a result, a set of standards has been developed to ameliorate such impacts. Consequently, W~~where the applicant offers this as part of their operating schedule or where there is a relevant representation, and the Licensing Sub-Committee at a hearing use their discretion to impose a condition, the following recommended conditions will be ~~considered taken from our pool of model conditions and applied.~~
- 5.14
- ~~On major event days at Wembley Stadium the following shall apply:~~
 - Sale of alcohol ~~one hour before the event~~
 - Customers shall not be allowed to congregate outside the premises
 - No glass bottles shall be handed over the bar but decanted into plastic vessels

- The DPS shall work in partnership with the Police and ~~if necessary~~ comply with any direction given by the most senior Police Office on duty at the event
- No alcohol of 'alcopop' type drinks shall be displayed or sold in glass containers with the exception of wines and spirits
- No more than 4 cans shall be sold per customer

- 5.15 Where there is relevant representation and the Council considers that the sale of high strength alcohol in an area is a contributing factor to crime and disorder or public nuisance, the Council will consider applying a condition that prevents the sale of beer, lager and cider above 6% ABV.

Public safety

- 5.16 The Act covers a wide range of premises and activities and each of these present a mixture of risks. Some of these risks will be common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and managed so as to safeguard occupants against these risks. The Council will expect operating plans to satisfactorily address the objective of public safety in their operating schedule.
- 5.17 Applicants should note that the public safety objective is concerned with the physical safety of the people using the premises and not with public health which is covered by other legislation. Applicants are advised to seek advice from Licensing Technical Officers, Health and Safety Officers, Environmental Health Officers and Fire Safety Officers before preparing their operating schedules.
- 5.18 Premises or activities that present a risk to the public either because of the way they are designed, the large numbers expected to attend in comparison to the size of the venue or because there are special effects involved, will be required to set an occupancy figure for those premises or activities. Examples of this are discos and other dances attracting large numbers of young people, public houses close to Wembley National Stadium where large numbers of people may attend on special days, and activities that involve entertainments such as novelty acts involving pyrotechnics and other special effects. While the character and nature of the premises will determine capacity limits, the Council recommends that occupancy figures should be set at one person for every 0.3m² of available floor space for standing areas and one person for every 0.5m² for dance areas.
- 5.19 Where there is relevant representation and the Council considers that public safety has not been fully addressed in the operating schedule, it will consider attaching conditions to licences in order to achieve this licensing objective.

Prevention of public nuisance

- 5.20 The Council recognises that ~~licensed~~ premises, especially those operating late at night or in the early hours of the morning, can cause a range of nuisances that impact on people living, working or sleeping in the vicinity of the premises.
- 5.21 As public nuisance is not given a statutory meaning in the Act, the Council will consider nuisance in its common law meaning. Issues that may constitute common law nuisance could include noise nuisance, light pollution, water pollution, smoke, smells, waste, litter and other similar issues. The Council will expect operating

schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health team when preparing their operating schedules.

- 5.22 ~~Where there is~~ If a relevant representation is received and the Council considers that the prevention of nuisance has not been fully addressed in the operating schedule it will consider attaching conditions to licences and temporary event notices to prevent nuisance.

Protection of children from harm

- 5.23 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

- 5.24 Generally the Council will not seek to limit the access of children to licensed premises unless it is appropriate necessary to protect children from harm.

- 5.25 The Council will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises. While the Council wishes to see the development of family friendly environments, it may consider imposing conditions in the following circumstances:

- Where adult entertainment is provided
- Where there have been convictions of current management for serving alcohol or with a reputation for allowing under-age drinking
- Where there is known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where the exclusive or primary purpose of the service provided is the consumption of alcohol

- 5.26 The Council will consider all or any of the following options when dealing with a licence application where limiting the access of children is considered appropriate necessary to promote the protection of children from harm:

- Limitations on the hours when children may be present
- Limitations on ages below 18 years
- Limitations or exclusion when certain activities are taking place
- Presence of sufficient adults to control the access and egress of children and to ensure their safety
- Full exclusion of people under 18 years when any licensable activities are taking place
- Limitations to parts of the premises to which children may have access

- 5.27 Where a significant number of children are likely to be present, a licencee licensee should ensure that an adequate number of staff is present to control their access, egress and safety. The number of staff required should be assessed by the licencee licensee taking in to account the number of children to be present, the type of event, characteristics of the premises and any other relevant factor. The Council recommends that, while the aforementioned factors will determine the number of staff required, the sufficient number of adults present should be calculated at a rate of one adult for every 50 children or part thereof. Where there is a balcony the rate shall be one adult for every 30 children or part thereof.

- 5.28 Nothing in this policy shall seek to override or duplicate child supervision requirements contained in other legislation. However, the Council will take into consideration (where appropriate) the measures taken by applicants to ensure that staff who have any contact with children are appropriately checked to ensure that they pose no risk to children. It may be appropriate to obtain enhanced disclosure checks from the Criminal Records Bureau in some cases.
- 5.29 Brent Council supports the Challenge 21 Scheme, Brent's Age Restricted Goods Responsible Trader Scheme and similar proof of age schemes and will expect applicants to address this within their risk assessment in respect of determining access to premises or sale of alcohol to young persons.
- 5.30 Where an entertainment includes the showing of any film the Council will impose conditions requiring [licencees](#) to restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications or by the Licensing Authority itself.
- 5.31 Where there is relevant representation and the Council considers that the licensing objective regarding protection of children has not been fully addressed in the operating schedule it will consider attaching conditions to licences and temporary event notices to protect children from harm.
- 5.32 Where [licencees](#) require identification to verify age, acceptable forms of ID include:
- Valid passport
 - Proof of age card (with Pass hologram)
 - Photo driving licence
 - Armed Forces ID

6. Wider policy context

- 6.1 Alcohol plays a key role in a number of areas, such as health, safety and security, and the economy. However, neither the issues nor opportunities presented by alcohol can be comprehensively addressed through licensing policy alone. In order to be effective, licensing policy will relate to, and be supported by, both wider borough policy and service delivery structures.
- 6.2 Local partnerships with neighbouring boroughs, prominent [licensed](#) premises, the third sector, and relevant Council departments all have a role to play in managing and mitigating the effects of alcohol consumption in the borough. This will build on ongoing efforts outlined in the Brent Alcohol Harm Reduction Strategy 2014-2017.

7. Impact of major entertainment venues

- 7.1 Brent hosts two large-scale entertainment venues of international and national importance. Wembley Stadium and Wembley Arena are major sources of tourism and regeneration within the Wembley area. Thousands of people enter Wembley on event days and people consume alcohol as a part of their entertainment.
- 7.2 The Council will continue the policy of imposing special conditions in Wembley for

dealing with alcohol-related issues during major event days. The conditions acknowledge the unique role alcohol plays in the overall enjoyment, social and economic activity associated with Wembley Stadium and Wembley Arena whilst balancing the four objectives of licensing policy and the safety and concerns of local residents.

8. Nurturing thriving town centres

- 8.1 Brent's thriving town centres, including Kilburn, Wembley and Willesden, have built strong reputations as areas of recreation, entertainment, and social enjoyment in the night-time economy. Alcohol, when consumed safely and with proper enforcement measures, is an important part of the night-time economy and offers the borough an opportunity to nurture economic activity in these areas. For example, Kilburn is a popular town centre whose public realm, retail, ~~licenced~~licensed, and residential density should be considered among best practice in Brent. Likewise, Wembley (including Wembley High Road, London Designer Outlets, and Wembley Stadium and Arena) has developed into an entertainment hub in Brent and London in general with a rapidly growing residential and hotel sector. The Council acknowledges that alcohol can play a positive role in supporting the night-time economy in Brent's town centres whilst adhering to the four objectives of licensing policy.

9. Economic benefit of local people and local businesses in entertainment and night time economy (ENTE)

- 9.1 When reviewing licence applications, the Council will carefully consider the economic benefits the local ENTE provides to local businesses and residents. This will balance the needs of small businesses with the demands of borough licensing whilst encouraging the smart growth and development of the borough's entertainment and night time economy.

10. Aspiration for town centres/High Streets

- 10.1 The Council is committed to a vision of the borough's town centres and high streets that acknowledge the economic, cultural and social importance of alcohol. Brent has strong town centres, including Kilburn and Wembley that serve important social, transport, and entertainment hubs. Town centres and local high streets play an important role in offering employment and entertainment opportunities.

11. Culture, arts, and tourism

- 11.1 Culture, arts and tourism play an important economic role in Brent and are integral to the identity of the area. Area attractions such as Wembley Stadium and Wembley Arena are nationally and internationally renowned and encourage locals and tourists to come and visit Brent. Similarly, Kilburn High Street and southern areas of the borough are starting to experience growth as part of London's overall entertainment and night time economy.
- 11.2 There is a strong relationship between alcohol consumption and tourism (particularly around major events). The Council wants to encourage tourism to the borough and consumption of alcohol when done so safely and appropriately. The Council

believes any licence application or renewal review should look to acknowledge the economic importance and attraction of local culture, arts, and tourism with safe and appropriate alcohol consumption.

12. Opening hours

- 12.1 Evidence indicates that increasing the numbers of outlets, or extending the hours of sale, results in increased levels of consumption and competitive price reductions among ~~licensed~~licensed premises. International research shows reducing the density of ~~licensed~~licensed premises, and reducing permitted hours of sale can reduce violence and other alcohol-related harm.⁸

~~Accordingly, venues which seek to open beyond midnight are strongly encouraged and expected to risk assess their proposals, having regard to risks in the locality and those arising from their operation itself, and to propose measures to prevent harm to each of the licensing objectives. Applicants will be expected (but are not legally bound) to supply such risk assessments alongside their operating schedule to demonstrate compliance with this policy. If they do not do so, it is more likely that representations will be received, and that the application will be refused or stringent conditions placed on any licence granted.~~

~~However, behaviour within and near Brent's town centres appear symptomatic of London's night-time economy.~~

- 12.2 Private security personnel at ~~licensed~~licensed premises ~~aided~~ in facilitating dispersal after pub/bar closing hours and often ensure that outside noise ~~is~~was kept to a minimum during ~~licensed~~licensed hours. The Council acknowledges that ~~licensed~~licensed premises that are open later than midnight may increase the potential for violence, disruption, or anti-social behaviour. The Council will continue to monitor this issue on an ongoing basis.

13. Public realm

- ~~13.1 The design of town centres and the facilities within them can have an impact upon the incidence and severity of alcohol-related issues in Brent. It can also affect people's perception of the area (and crime within it). Potential changes or enhancements to the public realm include installation of CCTV, street lighting, active frontages, public toilet provision, glassware management outside premises and the general layout of the public realm (such as benches, bus stops, and bollards).~~

- ~~13.2 Alcohol consumption within town centres can impose large costs on public services, such as the costs of policing, health care, and noise and light pollution. Changes in the way these services are delivered could help to reduce the costs associated with alcohol consumption whilst maintaining a vibrant entertainment and night time economy (ENTE). At the same time public services (such as late-night transport provision, brief intervention in police and health care settings, and public education and media campaigns) could help reduce the incidence of alcohol-related harm in the borough. The Council will continue to monitor the issue of public realm design as it relates to licensing on an ongoing basis.~~

⁸ Preventing violence by reducing the availability and harmful use of alcohol, World Health Organisation, 2009

14. Live music, dancing and theatre

- 14.1 The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circus and street arts.
- 14.2 When reviewing applications for such events and the imposition of conditions on licences or certificates, the Council will carefully consider the cultural benefit to the community when seeking to promote the licensing objectives.
- 14.3 Consideration will be given to the particular characteristics of any event including the type, scale, duration and regularity of the proposed entertainment, especially where limited disturbance only may be caused.

15. Crime, safety and nuisance

Noise and antisocial behaviour

- 15.1 Inappropriate use and consumption of alcohol may lead to general disturbance, noise, and antisocial behaviour. This can have adverse effects on the safety and security of Brent residents whilst also depreciating property value and discouraging businesses and residents from opening, moving, or operating in the borough. ~~The Council will take into account the need to balance the burden of noise disturbances and antisocial behaviour with appropriate policing and enforcement measures.~~

- 15.2 When considering reviewing licence applications following receipt of relevant representations, the Council will carefully consider the impact of an alcohol licence on noise and antisocial behaviour in an area. ~~The Council will explore ways to mitigate the negative effects of alcohol by recording instances of extreme noise and antisocial behaviour in the borough. Ongoing evidence collection will inform future policy considerations to be taken by the Council.~~

The Council will take particular care in the case of alcohol-led venues and venues opening beyond midnight. In such cases, the applicant is expected to demonstrate the measures which are proposed to promote the licensing objectives and explain why it is said that such measures will be effective.

Behaviour towards emergency services personnel

- 15.3 Emergency services personnel play an important role in serving the Brent community. Consideration of licence applications and the potential for harm during any encounters with people affected or influenced by alcohol will be taken into account.

Domestic and Civil Disturbance

- 15.14 Data suggests that whilst it is difficult to find clear causality between domestic and civil disturbance and alcohol use due to police reporting and categorising issues, there is nevertheless an important correlation that exists between the two elements.
- 15.15 Domestic and civil disturbance does not occur solely in the boundaries of town centres. As such, it is difficult to apply area-specific alcohol licensing policies to address domestic and civil disturbance. However, the presence of these crimes

contributes to the overall understanding of issues related to alcohol use. The Council will continue to monitor this issue on an ongoing basis.

16. Existing policies

Controlled Drinking Zone (CDZ)

- 16.1 As of 15th December 2007, the LB Brent became a Controlled Drinking Zone. This means that it is an offence for any person to drink alcohol in any public place within the borough when requested by a police officer not to do so. If a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor within Brent, the officer may require the person concerned:
- a. not to consume in that place anything which is, or which the officer reasonably believes to be, intoxicating liquor
 - b. to surrender anything in his/her possession which is, or which the officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container)
- 16.2 An officer may dispose of anything surrendered to him/her as above.

Temporary Event Notices (TENs)

- 16.3 Whilst the Act requires 10 working days' notice to be given of the temporary event (exclusive of the day which the event is to start and the day on which the notice is given), the Council would wish applicants to make contact with the Licensing Authority at an early stage before a formal application is made. This is particularly important for large events and will enable responsible authorities to consider proposals. Early consideration will allow issues and the licensing objectives to be addressed and may avoid objections from the police.
- 16.4 Applicants should be aware that the serving on the Council of a Temporary Event Notice does not remove their obligations under other legislation. Where necessary, permissions should be sought from the appropriate body. The Council expects that applicants understand their obligations in respect of:
- planning permissions
 - health and safety
 - noise pollution
 - the erection of temporary structures
 - road closures
 - the use of pyrotechnics
 - anti-social behaviour
- 16.5 Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.
- 16.6 Applicants should be aware that a limit of less than 500 persons at any one time

applies to temporary events and failure to comply with this limit may lead to prosecution. Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.

Best Bar None

- 16.7 Best Bar None operated in Brent between 2007 and 2013. It is no longer operated following previous reductions in funding.

Voluntary schemes

- 16.8 The Drink Wise Self-Assessment Framework suggests voluntary agreements with ~~licenced~~licensed premises to reduce alcohol related harm. However this requires willing participation on the part of store owners and operators. As such, the availability and sale of high-strength beer and cider can be inconsistent and sporadic.
- 16.9 Voluntary measures include setting a minimum unit price, code of good conduct schemes run by local industry, local authority, and policy partnerships has been adopted by over 100 towns and cities across the UK and has the support of the Home Office.

Voluntary ban on high strength alcohol

- 16.10 This is designed to tackle the problems associated with street drinking by removing from sale low price high-strength alcohol products through voluntary agreements with local retailers. Street drinkers often consume high strength alcohol. The scheme follows increasing evidence of the harm caused by this type of alcohol to vulnerable drinkers, and also the crime, disorder and nuisance caused by street drinkers within the town centre. The models used vary from place-to-place, but tend to target alcohol products above 6.0% alcohol by volume (ABV), although some have focused on a slightly lower ABV or lower cost products.

Pubwatch

- 16.11 Pubwatch is a voluntary scheme with the aim of achieving a safer drinking environment in all ~~licenced~~licensed premises. Pubwatch can be an invaluable resource for ~~licencee~~licensees. It enables them to share information, intelligence and advice about crime, disorder and ASB in the area with each other, the Council and the Police. This includes sharing information such as photographs of offenders and the “*Barred from One, Barred from All*” scheme. This can in turn assist with dispersal because known troublemakers cannot gain access to ~~licenced~~licensed premises in the first instance.

17. Late night refreshment licences (LNRL)

- 17.1 Under the Licensing Act 2003, the sale of hot food and non-alcoholic drink for consumption on or off the premises to the public between the hours of 11pm and 5am is a licensable activity. This includes premises that provide equipment for food and non-alcoholic drink sold to the public to be heated up prior to being consumed.
- 17.2 The Council advises any applicants for a premises licence to sell hot food and non-

alcoholic drink after midnight to give a detailed account of how they will promote the four licensing objectives and, in particular, the prevention of crime and disorder and the prevention of public nuisance.

- 17.3 This Council will have due regard to any representations from Responsible Authorities and “other persons” to the grant or variation of a licence to provide hot food and non-alcoholic drink to the public. It will also look particularly closely at any measures proposed by the applicant to promote the licensing objectives.

Shisha

- 17.4 A number of shisha premises have Late Night Refreshment Licences which permit the sale of hot food and hot drinks between the hours of 11pm and 5am. An LNRL does not impose any requirements or conditions nor does this limit the opening hours of the business from what is stipulated within their planning permission. Currently, there is no strong evidence to support limiting LNRL’s in shisha premises however evidence should be collected to determine the suitability of licence conditions on such places in the future.
- 17.5 There are some shisha premises that serve alcohol in Brent however the number of such places is not yet known. Further evidence is required to determine links between shisha use in premises with LNRL’s, and alcohol consumption within those premises, that result in crime and anti-social behaviour.

18. Off-licence sales of alcohol

- 18.1 The Council is aware that there are many small “general stores” within its area that are permitted to sell alcohol for consumption off the premises and also trade until the early hours of the morning, if not for the whole 24 hours.
- 18.2 The Council recommends that shops selling alcohol should generally be permitted to continue selling alcohol during the hours they are normally open for trading, unless there are exceptional reasons relating to disorder or disturbance.
- 18.3 It is also advisable for the applicant to provide measures by which the promotion of the licensing objectives will be achieved, particularly the prevention of crime and disorder and the prevention of public nuisance. Such promotions include participating in the voluntary ban on high-strength alcohol.
- 18.4 Where off sales are permitted, operators should recognise their responsibility to ensure that litter discarded by “street drinkers” in the vicinity of their premises is cleared away regularly.

19. Alfresco

- 19.1 The provision of tables and chairs outside the premises can enhance the attractiveness of a venue or area and encourage a continental style cafe culture. Where applicants wish to place tables and chairs on a public highway they will require to be ~~licensed~~licensed for such an activity by the Council.
- 19.2 Where applicants intend to use private land for alfresco meals or refreshments they will be required to explain how possible nuisance or crime and disorder from late night use of table and chairs will be controlled. This may include such matters as

restricting music or other forms of entertainment, providing additional supervision or installing CCTV. Police recommend in general that outside areas (e.g. beer gardens) should not be used after 23:00 hours.

20. Premises security measures

- 20.1 All on-licence and off-licence premises will take practical security measures to ensure adherence with the four licensing objectives. These measures might include precautionary police notification ahead of any major events, CCTV installation, signage, panic buttons, and on-site security personnel. Any ~~review-consideration of a~~ ~~of~~-licence application or ~~review renewal~~ will take into consideration existing or proposed security measures for premises. The Council will determine ~~what~~ an appropriate level of security for a ~~licencee~~~~licensee~~ based on existing knowledge of the surrounding area as well as any supplementary evidence, including alcohol-related crime data.

21. Venue capacity limitations

- 21.1 When reviewing applications for a licence, consideration of the venue capacity will be taken into account. This is to help the Council limit the potential for large venues to become problem hot spots by establishing clear criteria – for example, for security. This measure should be used in issuing conditions on those licences that fit within the description of high volume vertical drinking establishments.
- 21.2 The Council accepts that a lot of the problems that may occur in late night ~~licensed~~~~licence~~ premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises may also assist in promoting the following three licensing objectives:
- The prevention of crime and disorder;
 - Public safety
 - The prevention of public nuisance.
- 21.3 The Council will consider capacity conditions where this may be beneficial in promoting the licensing objectives.

22. Licence conditions

- 22.1 Where responsible authorities and interested parties do not raise any relevant representations regarding the application made to the Council, the Council will grant the licence or certificate subject only to the conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Act itself.
- 22.2 Where responsible authorities and interested parties raise relevant representations, the Council may, if it is satisfied at a hearing or otherwise, impose conditions where considered ~~appropriate and proportionate~~ ~~necessary~~ for the promotion of the licensing objectives.
- 22.3 Any conditions attached by the Council or submitted by the applicant must focus on the direct impact of the activities taking place at ~~licensed~~~~licence~~ premises, on those attending the premises and residents and persons working in the area.

- 22.4 Any conditions attached to licences will be tailored to the individual needs, style and characteristics of the particular premises and events concerned and will be drawn from a model pool of conditions where appropriate. The model pool of conditions used by Brent Council can be obtained from the Council's website www.brent.gov.uk

23. Reviews

- 23.1 The Council recognises that the review procedure set out in the Act provides an effective mechanism to address concerns relating to the licensing objectives raised by relevant authorities and interested parties which arise after the grant or variation of premises licences.
- 23.2 When a request for a review is submitted to the Council, the Council must first be satisfied that the request is not vexatious, frivolous or repetitious especially if the request relates to a recent hearing on application or review of a licence.
- 23.3 Where a relevant representation is received, the Council may hold a hearing to review a licence and consider evidence relating to problems occurring on the premises associated with crime and disorder, public safety, public nuisance or the protection of children from harm.
- 23.4 Following a review the Council may take a number of steps including the modification of conditions of the premises licence, exclusion of a licensable activity from the scope of the licence, removal of the designated premises supervisor, suspension of the licence for a period not exceeding three months, revocation of the licence or a finding that no action is necessary.

24. Consultation

- 24.1 Before publishing this revised Policy Statement, the Licensing Authority has consulted with the Police, the Fire Authority, representatives of local residents, representatives of premises licence holders and representatives of local businesses. The Licensing Authority has given due regard to the responses from this consultation process when completing the final version of this Policy Statement.
- 24.2 The Secretary of State recommends in the Guidance that the planning and licensing regimes are properly separated to avoid duplication and inefficiency. The Licensing Authority will ensure that the two regimes are kept separated. The Planning Committee will be kept regularly apprised of the situation regarding ~~licenced~~licensed premises within the Authority's area, including the general impact of alcohol-related crime, to enable this Committee to have regard to such matters when taking its decisions to avoid any unnecessary overlap.

25. Area policies

Ealing Road

- 25.1 This area contains few off-licence and on-licence shops. It experiences heavy footfall due to the presence of Shri Sanatan Hindu Mandir Temple. However,

prevalent anti-social behaviour, loitering and public drinking occurs in residential alleys off Ealing Road. These alleys are often shielded from public view. Evidence of public drinking and loitering including littering is common. This type of activity poses unique challenges to managing alcohol consumption.

- 25.2 Anti-social behaviour, loitering, and littering occur largely during the daytime hours. It is unclear that the presence of on-licence or off-licence premises contributes to this activity.
- 25.3 The informal nature of public alcohol consumption and hidden nature of some of the activities means that no policy can effectively mitigate or eliminate this behaviour. However, an increase in enforcement and police checks could discourage further public drinking in the area.
- 25.4 The Council encourages the development of a formal partnership between local resident associations, cultural groups, local businesses, and police to address alcohol consumption issues in Ealing Road in unseen areas. Partnerships should include the Brent Drug and Alcohol Action Team (DAAT) to provide guidance and address substance (abuse) and addiction issues that may be discovered.
- 25.5 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.6 Subject to available staff resources, the Council will seek to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Harlesden

- 25.7 Current evidence and data analysis shows Harlesden to be a prominent spot for public drinking, loitering and anti-social behaviour. There is heavy footfall throughout the area due to a high concentration of off-licence premises. However, there are no specific on-licence premises that contribute to ASB, public drinking or loitering. Off-licence premises appear to aid the prevalence of those issues whilst a relative lack of on-~~licenced~~licensed premises encourages customers to loiter and engage in public drinking. Off-licence premises near transport stops such as bus shelters are converted into informal areas of drinking, causing discomfort to local residents and transport users.
- 25.8 Off-licence premises were seen as contributing to loitering and ASB however the dispersed nature of activity in Harlesden and concentration of loitering around bus stops poses challenges for the capacity of licensing to resolve or mitigate these issues. The Council recognises that this is more complex than other areas and this activity will continue to be monitored.
- 25.9 The Council encourages enacting a Public Spaces Protection Order policy for this area. This would enable the licensing authority to address issues of frequent public drinking and social disturbance in Harlesden. This policy, if enacted, would only come into effect after the expiry of the existing DPPO in 2017.
- 25.10 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.

- 25.11 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Kilburn

- 25.12 Kilburn is an important town centre noted for its vibrancy, dynamism, and economic importance within the Brent night time economy. It should be noted that alcohol consumption and enjoyment is a vital component of the attraction of Kilburn. Kilburn is viewed as a place of entertainment and recreation in Brent and London in general.
- 25.13 This area has a high concentration of off-licence shops, chicken and fast food outlets, pubs/bars and lounges. Kilburn High Road is in close proximity to Central London and shares the borough boundary with LB Camden. Heavy footfall to these areas is also encouraged by a high concentration of retail premises, local attractions such as Kilburn Market, and multiple London Underground and Overground services.
- 25.14 Pre-loading and side-loading occurs quite frequently however the shared border with LB Camden and proximity to Central London make travel source and destination difficult to identify. Evidence suggests that accessibility to off-licence premises and after bar closure encouraged slow dispersal times and increased the prevalence of anti-social behaviour, littering, violence, physical violence (leading to police response) and general loud disturbance.
- 25.15 Late-hour fast food shops experience multiple instances of alcohol-related ASB and/or violence. These shops often act as a conduit or catalyst for intimidation and violence against persons by encouraging close interaction between patrons and allowing intoxicated individuals to stay out beyond regular bar closure hours. Public drinking and loitering was persistent throughout the area. It is important to note that individuals and activities crossed borough boundaries frequently.
- 25.16 One Borough's policies can effectively mitigate or discourage issues stemming from alcohol licensing due to the porous border boundary with London Borough of Camden. Kilburn is a popular attraction for residents and non-residents in Brent and further development of the town centre should be taken into consideration. Over-regulation of ~~licenced~~licensed premises in Kilburn may have an impact on the economic development and night time economy growth on the Brent side of the area.
- 25.17 The Council encourages the development of a cooperative partnership, such as Joint Police Teams, with neighbouring LB Camden police. The aim of the partnership should be to continue to address persistent issues on both sides of the borough boundary. Partnerships should aim to share best practices of licensing enforcement and review, and encourage knowledge sharing between borough police and licensing teams of hotspots and major ASB activity.
- 25.18 The Council encourages the consideration of the renewal of the Joint Safer Neighbourhoods Teams previously successful partnership between LB Brent and LB Camden. This joint working group worked with the Ward Panels and neighbourhood watch to coordinate the work of the Police Community Support Officers on the streets however this will be dependent on the availability of funding.

- 25.19 The Council recognises the important work that has taken place in LB Ealing with the 'Operation Bottletop' scheme which authorises the borough's Safer Neighbourhoods Team (in partnership with local police and street cleaners), to confiscate any alcohol from street drinkers causing nuisance and disturbance. Failure to forfeit alcohol can lead to a monetary fine. Schemes that are implemented in partnership with LB Camden will result in a stronger SLP. We will consider adopting such a scheme in this area and invite, where appropriate, neighbouring Councils to take part.
- 25.20 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.21 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.
- 25.22 Considering the scale of activity in Kilburn, the Council will - subject to available staff resources - collect evidence of significant crime, disorder, or public nuisance over the next 1-2 years to develop an evidence base for informing implementation of a CIZ, or a similar policy, in the future.

Kingsbury

- 25.23 The centre of activity in this area is dominated by vehicular and footfall traffic along Kingsbury High Road. Wide pavements and benches encourage loitering and groups of individuals standing in areas along the road. Most of the area pubs, shisha bars, off-licence stores, and shops are on this road. Analysis shows that there is little anti-social behaviour during night-time hours however some security and noise pollution issues have arisen from certain establishments with late-hours. Most premises are closed by midnight and have security measures in place to mitigate disturbance to the local area. Footfall in the area is largely contained to close proximity to the London Underground Kingsbury station.
- 25.24 Despite the wide pavements and benches, this area has relatively low levels of public drinking, ASB, and a lesser concentration of ~~licenced~~ licensed premises. Public consultation concerns were raised around bars/pubs, but current evidence suggest that common issues such as dispersal and disruptive noise were minimal and dealt with promptly by on-premises security. Other issues, such as loitering are the intended result of planning decisions that encourage ongoing and fluid social activity in town centres/high streets. Conversely, issues such as public urination or littering cannot be attributed solely to alcohol licensing but may rather be symptomatic of gaps in public amenity provision (such as garbage bins, public toilets). Data and evidence suggest that low activities of alcohol-related crime occur in this area.
- 25.25 Any issues arising from alcohol consumption such as ASB, public drinking, or violent behaviour are concentrated in a small, contained area of Kingsbury. The sources of these issues are two pubs in close proximity to one another on Kingsbury High Road. Evidence and data indicates that Kingsbury is not an area of significant alcohol consumption or misuse.
- 25.26 The Council encourages on and off-licence premises participate in a voluntary ban

on high-strength alcohol.

- 25.27 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Neasden

- 25.28 The area's alcohol-related commercial activity is predominantly along Neasden Lane, which has some vehicle restrictions and is a largely pedestrian zone. There are numerous benches that encourage loitering and congregation. Neasden has few off-licence shops with late operating hours and does not have a busy night-time economy. Despite the lack of on-licence and off-licence premises, anti-social behaviour is prevalent in the area. There is minor footfall in the evening hours as most on-~~licenced~~licensed premises and shops have closed.
- 25.29 Current evidence and data indicate that Neasden contains a relatively high level of ASB, pre-loading (also known as 'pre-drinking' or 'home drinking' when a person consumes alcohol before going out to a club, bar, or pub), side-loading (when a person consumes alcohol whilst travelling to a club, bar, or pub) and loud and disruptive behaviour after ~~licenced~~licensed premises have closed.
- 25.30 Significant levels of ASB, pre-loading, side-loading and public drinking indicate the existence of negative issues around alcohol in Neasden. However, existing evidence and data noted that much activity is facilitated by off-licence premises with late operating hours. There are few on-licence premises which would encourage drinking indoors in safe environments.
- 25.31 Brent Police Licensing has recently piloted a new scheme, Operation Mikey, targeted in the Neasden area. This operation involved overt uniform policing focused on street drinking, public nuisance, and identifying ASB. Early outcomes have shown positive results of officers reducing ASB, confiscating alcohol that was being consumed in public, citing penalties for disorder, and general cleaning up of alcohol-related refuse in the town centre.
- 25.32 The Council may encourage Brent Police Licensing to continue the Operation Mikey pilot and look to expand the scheme if impact evidence proves the pilot was successful in reducing public nuisance and ASB in the area. This scheme represents an opportunity to build on best practices and learning for other local authorities around the UK.
- 25.33 The Council encourages enacting a Public Spaces Protection Order policy for this area. The Council believe a PSPO order, or something similar, would be a sufficient measure to address issues of public drinking by allowing for proper enforcement response from the local police and/or enforcement agencies. However, the Council acknowledges that this will be dependent on the availability of Police funding and enforcement resource.
- 25.34 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.35 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing

licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Sudbury

- 25.36 Off licences and pubs are contained to the length of Harrow Road from Watford Road, to the Harrow Road roundabout. There is medium footfall down Harrow Road which is further aided by busy bus routes and close access from the London Underground Sudbury Town station. Data analysis uncovered few instances of crime relative to the rest of the borough.
- 25.37 Most pubs have relatively quick dispersal however there is some loitering after on-licence premises closure. Most pre-loading, side-loading, and post-loading occurred between 1am-3am across the length of the street despite the lack of off-licence and pub/bar establishment. Late operating hours of off-licence shops and pubs/bars appeared to contribute to loitering. Anti-social behaviour and groups of individuals were largely kept to between 2-4 people. Loitering on the street continued for 1-2 hours past bar/pub closing times. Some off-licence shops appeared to be contributing to post-loading. Most individuals engaging in public drinking appeared to do so whilst waiting for a minicab or taxi to arrive.
- 25.38 The later evening hours (11pm-1am saw a minor rise in violence (verbal altercations, minor shoving) but these were resolved quickly and required no police attention.
- 25.39 Sudbury operates as a local transport hub for buses and often sees people arriving in the area at irregular hours. This contributes to some pedestrian activity along Harrow Road at atypical hours, such as when night buses are in operating in early morning.
- 25.40 Issues arising from alcohol consumption and purchases appear to stem from alcohol availability at late night hours. Whilst there are few off- and on-~~licenced~~licensed premises in Sudbury, the area experiences high amounts of public drinking due to the availability of alcohol and hours past midnight. Public drinking late at night led to the visible presence of anti-social behaviour. However, any alcohol-related issues are concentrated in a small geographic area around specific premises.
- 25.41 The Council encourages an increase of joined up working with enforcement agencies in Sudbury. The presence of enforcement agencies could discourage ASB and any violence stemming from the sales of alcohol past midnight and mitigate the likelihood of off-licence alcohol purchases when patrons from on-licence premises disperse. However, the Council acknowledge that this will be dependent on the availability of funding.
- 25.42 The Council encourages the implementation of taxi marshals and/or street pastors to discourage public drinking and ASB that occurs when patrons are waiting for minicabs after premises closure or disembarking buses late in the evening.
- 25.43 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.44 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are

aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Wembley

- 25.45 This area has a high concentration of off-licence shops, chicken and fast food outlets, pubs/bars and lounges. It is in close proximity to Wembley Stadium and Arena (SSE Arena) and the London Designer Outlets retail park. The area is served by multiple transport stops and centred on Wembley Central station and dense residential development.
- 25.46 Data and evidence have confirmed high levels of ASB activity and significant levels of local disruption through noise emanating from bars and/or patrons of bars. There is evidence that security measures are not always enforced at premises operating late night hours, with multiple patrons witnessed engaging in street drinking, anti-social behaviour, noise disruption and violent activity spilling over onto streets and major roads. Public urination and vomiting is also prevalent on residential side streets off Wembley High Road. Data is not available on footfall activity or incidences of ASB in Wembley on Event days.
- 25.47 Whilst activity from major events at the local stadium and arena contributed to footfall, consumption, heavy late night activity at bars/pubs continue well past non-football match event hours. Much of this activity appeared to occur at high volume vertical drinking premises during regular hours and past midnight.
- 25.48 It is important to note that there is a major difference in activity between Non-event and event days in Wembley. Event days feature tens of thousands of people entering, exiting, and staying in Brent whilst participating in the local day time and night time economy. Event days can be further broken down and understood as two key types: Football match days and Non-football match days. Football match days include international matches and could potentially include regular domestic fixtures in the future. Attendees often require special precautionary measures to avoid disturbance or violence such as seat designations for fans of different clubs, designated pubs for certain fans, and separate hotel floors to mitigate non-stadium confrontations. Alcohol consumption and negative effects including significant public drinking, ASB, and violence are common occurrences during Football match event days. Football match event days may increase in frequency if local football clubs temporarily relocate to Wembley stadium.
- 25.49 Non-football match event days are commonly concerts, rugby matches, and NFL games. Fans are diverse in range in age and gender and are often far less active in alcohol consumption. Non-football match event days do not experience the high levels of public drinking, ASB, and violence of football match event days.
- 25.50 Rapid influxes of people during short time periods make blanket policies ineffective at best and burdensome on local businesses at worst. Brent SLP should acknowledge the nuances of event days at Wembley and how certain types of events will have different attendees with very different characteristics in relation to alcohol consumption.
- 25.51 Olympic Way, a major pedestrian walkway connecting Wembley Park Station to Wembley Stadium and Wembley Arena, has recently undergone large-scale transformation with the addition of high-rise residential towers, retail outlets and upcoming cultural venues and theatres. However, evidence from local police indicates that public safety issues exist on Olympic Way, during Event Football

match days. Ongoing development around the area should be monitored to ensure the safe passage of local people and visitors during event and non-event days.

- 25.52 Evidence gathered from local officials highlighted high-volume alcohol sales by supermarkets to match-day visitors as contributing to public nuisance, disorder, and broader ASB around Wembley Stadium and Wembley Arena. There are some partnerships in place with supermarkets to direct store policies to discourage multiple alcohol sales to patrons attending football match event days.
- 25.53 This area experiences high levels of public drinking, disturbance, ASB, and crime stemming from on- and off-~~licenced~~licensed premises. The presence of events at a major regional and national entertainment venue have a significant effect on activity however existing policies, such as Match-day conditions on ~~licenced~~licensed premises, are adequate and balance the needs of tourists and local businesses with the concerns of local residents.
- 25.54 The Council will maintain existing conditions for premises within the Wembley Park area. Existing match-day conditions for on and off ~~licenced~~licensed premises are operating well and should continue to be used as best practice and guidance. See paragraphs 5.14-5.17 for conditions.
- 25.55 The Council encourages the development of partnerships and liaison between local enforcement and local supermarkets at the managerial level around Wembley Stadium and Wembley Arena.
- 25.56 The Council encourages the adoption of a policy that states Olympic Way be treated as a 'dry' or 'sterile' zone where alcohol cannot be consumed. This will discourage ASB and help ensure the safe passage of people through the street.
- 25.57 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.58 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.
- 25.59 Wembley is undergoing a period of significant change and redevelopment that includes the influx of new residents and businesses in the area, with more to come in the next few years. Considering the scale of activity in Wembley, evidence of significant crime, disorder, or public nuisance should be collected over the next 2-3 years to develop an evidence base for informing implementation of a CIZ in the future. However, this will be subject to available staff resource. In addition, should regular domestic football move to Wembley additional research to understand the impact and manage it will need to be undertaken.

Willesden

- 25.60 This area forms a transitional boundary between more wealthy and less well-off parts of the borough. It is a vibrant town centre with an attractive mix of retail, restaurant, bar and recreation offers including the newly renovated Willesden Green Library Centre. There is dense off-licence, pub/bar, and lounge activity across Willesden High Road with loitering and public drinking evident in many open communal spaces across the High Road. Few observed instances of public drinking

and alcohol-related crime suggest that ~~licence~~licensees do not contribute negatively to the area. However, some problematic hotspots around premises exhibited few mechanisms to control dispersal. The nearby concrete plaza at Willesden High Road/Dudden Hill Lane roundabout encouraged loitering and public drinking which became a public nuisance as the evening progressed whilst areas near Walm Lane saw instances of ASB and loitering.

- 25.61 Willesden is an elongated town centre that varies significantly between points. However, there is clear ASB, public drinking, and noise disturbance activity at the Eastern end of the town centre. The majority of ASB can be traced to activity at premises near Dudden Hill Lane which is outside the eastern town centre boundary or on the opposing end of the town centre boundary nearer to Walm Lane.
- 25.62 The Council encourages enacting a Public Spaces Protection Order policy for this area. The Council believes a PSPO order, or something similar, would be a sufficient measure to address issues of public drinking by allowing for proper enforcement response from the local police and/or enforcement agencies. However, the Council acknowledge that this will be dependent on the availability of funding.
- 25.63 The Council believes that improved data collection, particularly evidence of significant crime, disorder, or public nuisance as related to alcohol consumption and issues, is an important component of evidence-based policy.
- 25.64 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.65 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

26. Administration, exercise, and delegation of functions

- 26.1 Brent Council has established a licensing committee to administer its licensing functions under the Licensing Act 2003.
- 26.2 To provide a speedy, efficient and cost-effective service the committee has established a number of sub-committees and delegated certain functions and decisions to those sub-committees.
- 26.3 Many of the decisions are largely administrative in nature such as, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made. These are delegated to Council officers by the ~~the~~ Council.
- 26.4 Applications where there are relevant representations will be dealt with by the sub-committees unless such representations are considered irrelevant, frivolous or vexatious or unless the Council, the applicant and all those persons who have made representations agree that a hearing is not necessary.
- 26.5 ~~The Council does not have a fixed definition of "vicinity" but instead looks at each representation on its own merit, having regard to all the facts pertaining to that application. Factors which may be considered include, for example, whether the~~

~~individuals residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises. This means that a person living close to a small shop or restaurant may not be considered to be in the vicinity of the restaurant but somebody living several hundred yards from Wembley Stadium may be considered to be in the vicinity of the Stadium.~~

- 26.6 Where there is sufficient reason to believe the publishing of personal details such as names and addresses will result in intimidation, the Council will withhold such information to protect the individual. However, the Council will make available such information as is necessary, without identifying individuals, for the applicant to respond to the objections raised by the representations.
- 26.7 Where persons making a representation wish to have their details kept confidential this will be considered on an individual basis after receiving a request from the person concerned, and they will be required to show that there is a reasonable fear of intimidation. In any event sufficient information (without identifying the objector) will be given to the other party to enable them to address the objection. Information informing objectors of our policy over the right to have personal details withheld is included on the consultation notice we ask applicants to display and in our acknowledgement letter sent on the receipt of an objection.
- 26.8 Where only positive representations are made the Council will invite those making the representation to withdraw and so avoid the need for a hearing.
- 26.9 Where there is the likelihood of an agreement being reached between an applicant and a person making a representation, then where appropriate and lawful, the Council will with the agreement of both parties, extend the limit for holding a hearing.
- 26.10 Information on the procedure to be adopted at hearings will be sent to applicants and persons making a representation at the time the agendas are dispatched. Anybody wanting a copy of this information may obtain it from the Council.
- 26.11 The table on the following page sets out the delegation of functions under the Licensing Act 2003 to the licensing committee, sub-committees and officers. Where appropriate, officers may refer any matter to a sub-committee or a sub-committee to Full Committee.

27. Table of Delegation of Licencing Functions

27.1

Matter to be dealt with	Decision Maker		
	Full Committee	Sub-Committee	Officers
Application for personal licence		If police representation made	If no relevant representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certification		If relevant representation made	If no relevant representation made
Application for a		If relevant	If no relevant

provisional statement		representation made	representation made
Application to vary premises licence/club registration certificate		If relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If police representation made	All other cases
Request to be removed as a designated personal licence holder			All cases
Application for transfer of premises licence		If police representation made	All other cases
Application for interim authorities		If police representation made	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice		All cases	

28. Integrating strategies and avoiding duplication

- 28.1 The Council recognises the need to avoid duplication with other regulatory regimes as far as possible and will not seek to impose conditions where it can be demonstrated by applicants that the licensing objectives can be met by existing legislation. These regulatory regimes include (but are not limited to) the Disability Discrimination Act 1995, the Health and Safety at Work Act 1974 and associated legislation, Fire Safety Legislation, Race Relations Act (as amended 2002) and the Environmental Protection Act 1990.
- 28.2 The Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. In order to ensure this, the Council recommends that applicants should have the appropriate planning permission in respect of their application. In addition the Licensing Committee will keep the Planning Committee informed of the situation regarding ~~licenced~~licensed premises within the London Borough of Brent.
- 28.3 The Council will consider local planning conditions and restrictions to those applicants applying or renewing licences. This will help ensure alcohol licences are properly aligned with planning uses.

- 28.4 Any licence issued either directly by Licensing Officers or following a hearing of the Council's Licensing Sub-Committee does not absolve the applicant of their responsibilities under other legislation. In particular where the times and conditions imposed on a licence are at variance with any planning consent the applicant or [licencee/licensee](#) should ensure they comply with any conditions imposed under any other legislation.
- 28.5 Applicants will be expected to have taken local crime prevention strategies, transport and planning policies and tourism and cultural strategies into account when submitting their operating schedules.

Brent Council department 'buy in'

- 28.6 Where appropriate, and where alcohol plays a role, departments across Brent Council should support the licensing policy and make explicit attempts to adhere to its principles particularly in relation to issues around health, protection of children, public harm, and public nuisance.

Neighbouring boroughs

- 28.7 Some of Brent's town centres, particularly Kilburn and Cricklewood, share borough boundaries with LB Camden and LB Barnet respectively. Future SLP reviews should be compared with those neighbouring borough's SLPs with the objective of exploring areas to share strategy and resource in addressing the four licensing objectives.

29. Diversity and equality

- 29.1 Brent is a diverse borough and this is recognised by Councillors and officers. The Council is aware applications may have a greater impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs. With a view to eliminating unlawful discrimination, applicants will be expected (where appropriate) to address these concerns in their application.
- 29.2 Brent Council is keen to see comprehensive facilities for people with disabilities wherever reasonably practicable and therefore applicants will be encouraged and expected (where appropriate) to address the needs of disabled persons in their operating schedules.
- 29.3 Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to promote good relations between persons of different racial groups, will give consideration to supporting those needs or customs whilst seeking to promote the licensing objectives.
- 29.4 As part of our policy review the Council will consider the impact of this policy on these groups.

30. Human rights

- 30.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Brent Council will have particular regard to its rights and

responsibilities under the Human Rights Act 1998 when determining applications and reviewing this policy. The Council will have particular regard to:

- Article 6 that in the determination of civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for his home and private life; and
- Article 1 of the First Protocol that every person is entitled to peaceful enjoyment of his or her possessions.

31. Enforcement

- 31.1 It is essential that premises are managed so as to ensure the promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The Council will make arrangements to monitor premises and take appropriate action to ensure that licensing objectives are adhered to.
- 31.2 Brent Council's Licensing Officers will develop constructive and effective working relationships and strategies with the Police, Fire Authority and other enforcement agencies as appropriate, for the management of ~~licenced~~licensed premises and the night-time economy.
- 31.3 Joint working with the Police and other agencies together with targeted enforcement will ensure a more effective and efficient deployment of officers and will avoid any duplication of duties.
- 31.4 The Council in its enforcement activity will have regard to the Regulators' Code, which includes:
- Use of risk assessment to concentrate resources
 - To be accountable for efficient and effective activity
 - Must be a reason for inspections
 - No requirement on business for unnecessary information or its duplication
 - Persistent law breakers are identified quickly
 - Provision of good and easily accessible, cheap advice
 - Not to intervene into economic progress unless there is a clear case of protection
- 31.5 Inspections and enforcement will be undertaken on a risk basis if and when judged necessary.

32. Minimising disproportionate impact of licensing on equalities

- 32.1 The Council's aim to ensure that services provided are relevant to the needs of all sections of the communities. The stated policies are not expected to adversely

affect any of the protected equalities groups highlighted in this assessment. The Council is aware of the negative impact of alcohol on some specific groups (children, those with mental health issues, particular ethnic groups), therefore in some cases the reviewed policy may have a positive effect.

32.2 Licensing policy sits within the wider context of the Local Authority's duties under the Equality Act 2010.

32.3 The duties require of LB Brent have due regard to:

- Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it
- Fostering good relations between people who share a protected characteristic and people who do not share it

Data note

32.4 Evidence and data on understanding the disproportionate impact of licensing policy on equalities was drawn from the Brent Diversity Profile – July 2014, Brent Alcohol Harm Reduction Strategy 2014, and data available within Brent Council. There is no data on ethnicities of licence holders or the ethnicity of users. Limitations of the data mean that this cannot provide a comprehensive picture of equalities across the borough and thus offers only supplementary evidence. The Brent Joint Strategic Needs Assessment 2015 provides information on the needs of older people, those from a black or minority ethnic background, the lesbian, gay, bisexual, and transgender population, and physically or mentally disabled individuals.

32.5 The Council believes that improved data collection, particularly of equalities as related to alcohol consumption and issues, is an important component of evidence-based policy.

Diversity and geography

32.6 There is a strong association between deprivation and an increased burden of harm linked to alcohol misuse, particularly among minority and vulnerable populations. A comprehensive alcohol licensing policy should acknowledge communities living in the most deprived areas of Brent (generally the south of the borough) whilst encouraging positive health outcomes and reductions in alcohol-related crime.

32.7 Population demographics indicate that poorer communities and a higher proportion of BAME communities live within the south of the borough, and therefore are more likely to experience a higher burden of alcohol related harm than the less diverse, wealthier population in the north. Brent Council acknowledges of the diversity of these areas of the borough where people may be most vulnerable to negative effects of alcohol.

Business community

32.8 For the business community, the SLP outlines the procedure for applying for a business licence and sets out the responsibilities of Brent Council as the Licensing Authority and business owners undertaking licensable activities. The principles

governing the SLP remain consistent with the previous policy statement and recognise the wider community impacts that the local authority, business community and other stakeholders must be aware of when undertaking licensed activities.

- 32.9 The SLP recognises the need for a balance between the rights of businesses and the community of which they are a part. This is done in line with Regulators' Code. For example, this is reflected in the conditions which include voluntary restrictions on the sale of beer, larger and cider above 6% ABV; restrictions applying to major event days at Wembley Stadium (including restricting the sale of cans to 4 per customer, closing 1 hour before event start times, restricting the sale of alcohol in glass bottles, restrictions on the numbers of people congregating at a ~~licensed~~ premises) irresponsible drinks promotions and the provision of free drinking water. These conditions may have a limited negative effect on the profitability of a small number of premises but are intended to tackle crime and anti-social behaviour as well as addressing potential health related issues for consumers. Brent Council and police officers are of the view that the public benefits outweigh any adverse impact on business prosperity.
- 32.10 Evidence suggests a high BAME ownership of small off-~~licensed~~ premises relative to white ownership of similar premises in Brent. Therefore, any policies that could affect off-~~licensed~~ premises could affect BAME business owners disproportionately. Care will be taken by the Council to ensure that this outcome is avoided. It is not anticipated that the policies and measures in place will affect the ability of LB Brent to meet their duties under the Equality Act.

33. Contact details

- 33.1 The Council's licensing service can be contacted in any of the following ways:

In person

Visit us – by prior appointment only – Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ

By post

Write to Regulatory Services, Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ

By email

business.licence@brent.gov.uk

By telephone

(020) 8937 5359

Other Useful Contacts

- 33.2
- | | |
|----------------|---|
| Police | Metropolitan Police (Licensing), Brent Civic Centre, Engineers Way, Wembley Middlesex, HA9 0JF
TEL: 020 8733 3206 |
| Fire Authority | Fire Safety Regulation: North West Area 1, London Fire Brigade, 169 Union Street, London SE1 0LL
TEL: 020 8555 1200 ext. 38778 |
| Planning | Planning Service, Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ |

	TEL: 020 8937 5210
Environmental Health	Environmental Health, Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ TEL: 020 8937 5252
Trading Standards	Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJTEL: 020 8937 5555
Public Safety Team	Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJTEL: 020 8937 5252
Health Board	Public Health, Brent Civic Centre, Engineers Way, Wembley Middlesex, HA9 0JF: 0208 937 6557
Brent Magistrates	448 High Road, London NW10 2DZ TEL: 020 8955 0555
Children's Services	Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ: 0208 937 6262
Portman Group	www.portmangroup.org.uk TEL: 020 7907 3700 EMAIL: info@portmangroup.org.uk

34. Health appendix

- 34.1 Alcohol-related harm in Brent is closely related to the overall health and wellbeing of Brent residents. Whilst data shows that alcohol consumption is lower in Brent compared to the London average, there is nevertheless a concern that those numbers of people that do drink, do so at a higher concentration than other London boroughs. This section of the appendix sets out some general background and gives some suggestions of best practice that **licensees** may wish to consider adopting.
- 34.2 The Licensing Authority can consider representations from health bodies acting as responsible authorities. The health bodies can provide information set out in this Appendix that is relevant to the promotion of the licensing objectives such as data including information on alcohol related ambulance call-outs and hospital admissions as a result of alcohol and alcohol related presentations to accident and emergency units. This information is reviewed regularly as part of the Joint Strategic Needs Assessment (JSNA) and the Local Alcohol Profiles for England (LAPE). The information this brings together should be seen as a core source of data to support licensing decisions.
- 34.3 Health is an intrinsic part of community safety and utilisation of health data in the decision making around licensing and broader activity of alcohol consumption and regulation is important. The appendix also sets out guidance to **licensees** on how to address the health impacts of alcohol on their customers and the residents of the Brent.
- 34.4 Alcohol plays an important and positive role in social and family life and contributes to employment and economic development locally. However, social traditions and economic benefits should not mask the fact that alcohol is a toxic substance that can have a detrimental effect on physical and mental health and wellbeing.

Outlining Drinking Levels

- 34.5 The Department of Health recommends that:
- Adult men should not regularly drink more than three to four units of alcohol per day
 - Adult women should not regularly drink more than two to three units per day
 - Men and women should avoid alcohol for 48 hours after a heavy drinking session and
 - Pregnant women and those trying to conceive are advised not to drink alcohol or, if they choose to do so, not drink more than 1-2 units of alcohol once or twice a week
- 34.6 There is no guaranteed safe level of drinking, but drinking below the recommended daily limits, means the risks of harm to health are low. Even drinking less than lower risk levels is not advisable in some circumstances.
- 34.7 Drinking any alcohol can still be too much in certain circumstances such as when driving, operating machinery, or engaging in strenuous physical activity.
- 34.8 For children and young people, the Chief Medical Officer recommends an alcohol-free childhood as the healthiest and best option. However, if children drink alcohol, it should not be until at least the age of 15 years. If young people aged 15 to 17 years consume alcohol, it should always be with the guidance of a parent or carer or in a supervised environment. They should do so infrequently, certainly on no more than one day a week. They should never exceed recommended adult daily limits and, on days when they drink, consumption should usually be below such levels.
- 34.9 Increasing and higher risk drinking are terms used to describe the amount of alcohol that people drink. Increasing risk drinking is defined as:

Drinking level	Men	Women
Regular	3 to 4 and 8 units of alcohol a day	2 to 3 and 6 units a day
Higher-risk	more than 8 units a day or 50 units a week	more than 6 units a day or 35 units a week

Identifying drinking patterns

- 34.10 It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. The area of greatest concern is that Brent seems to have a higher proportion of high risk drinkers. Brent is below the national profile in terms of 'binge drinkers' (8.2%), and those at increasing risk of drinking (16.9%). The borough also has more abstainers per head of population (31.4%) and a higher number of lower risk drinkers (76.0%). However, an area of concern is that Brent (7.1%) has a high proportion of high risk drinkers compared to the national average of 6.7%
- 34.11 Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs, bars and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of

being involved in a violent incident. People often pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub, bar, or club.

- 34.12 Dependent drinking describes a mix of behavioural, cognitive, and physiological symptoms that typically include a strong desire to consume alcohol, and difficulties in controlling drinking.

Negative effects of alcohol on health

- 34.13 Regularly drinking more alcohol than the recommended daily limit can damage health whilst excessive or higher-risk alcohol consumption is associated with over 60 medical disorders. Brent currently experiences better or average hospital admissions related to alcohol compared to London however men in Brent often fare significantly than the London average. Ultimately, more data will be needed to understand differences in alcohol specific admissions to hospital as related to the level of deprivation in Brent.
- 34.14 More people are now drinking at home, and over 70% of all alcohol in England is now purchased through the off trade. Whilst this includes preloading, adults who drink mainly at home appear to be aware of the risk of drinking more overall but unaware of the possibility of increased consumption leading to an increased risk of longer-term harm to health.
- 34.15 Consideration also needs to be given to the harm alcohol causes to people other than the person who is drinking, sometimes referred to as 'social harm' or 'passive drinking'. Children of parents misusing alcohol may experience severe emotional distress, physical abuse and violence as well as a general lack of care, support and protection.

Best practice and conditions

- 34.16 Brent's Alcohol Harm Reduction Strategy strongly promotes working in partnership with [licensed premises](#) and the adoption of high standards of management at all premises. However, it does not currently recognise that many [licensees](#) are supportive of the need to address the health issues relating to alcohol. In order to align closer with the four SLP objectives stated previous, it is suggested the following actions can be adopted through conditions:
- Restrict "special offers" like cheap shots, 'Happy Hours', Buy One Get One Free or buy 2 glasses of wine get whole bottle. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour
 - Align pricing with Alcohol by Volume (ABV), and ensure that non-alcoholic drinks are kept much cheaper. Increase seating for customers to reduce more intensive drinking
 - Reduce the volume of music as loud music can increase alcohol consumption
 - Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks
 - Make food available in late venues
 - Start the sale of alcohol later in the day and not align it purely with opening

hours

- No advertisements for alcohol in the shop window
- Storing alcohol behind the shop counter
- No display boards or other advertising showing on the shop floor
- Cans of alcohol should not be sold singly
- Bottles of beer under 1 litre should not be sold singly
- No beer or cider over 6% ABV should be sold, and
- No alcopops should be sold where they could attract under age purchasers.

Aligning with substance abuse treatment

- 34.17 Through the Council, the Police, the CCG and health services, Brent is committed to addressing responsible alcohol consumption and to safeguarding the health, safety and wellbeing of the whole community. Existing treatment interventions are care plan-based and there is a limited level of in treatment transfers for clients between different service providers to procure the best possible outcome. The Council acknowledges that the current treatment system is performing well in Brent, there are more people coming into treatment and more are completing successfully.
- 34.18 Comprehensive assessments for those that test positive for class A substances when arrested for a trigger offence (usually a form of acquisitive crime) are a mandatory requirement of the national Arrest Referral Scheme. In Brent this means that Westminster Drug Project (WDP) staff is required to conduct an assessment on that person in custody following a positive test. However, for alcohol, engagement in police custody with a drugs and alcohol worker, or to be referred for treatment or work with a specialist provider, is voluntary.
- 34.19 Magistrates at courts can give someone an ATR (Alcohol Treatment Requirement) as a community order, which means the person is mandated to attend appointments and treatment with a relevant service, and non- attendance is breachable – meaning the person breaches the court order and there are consequences to this. These are usually given for approximately six months.
- 34.20 Interventions for alcohol treatment in Brent broadly cover:
- Assessment, support, brief intervention, onward referral for specialist treatment for those who choose to see a drugs and alcohol worker in police cells
 - Service at Hendon Magistrates Court who arrange Restrictions on Bail (ROB), Alcohol Treatment Requirement (ATR), for those who are given a court order by the magistrates – note these usually last for 6 months
 - Assessments for Alcohol Treatment Requirements
 - Key work for those who require one on one support from a drugs and alcohol worker and have contact with CJS
 - Group work sessions to address alcohol use
 - Referrals to and partnership working with those services who provide outreach to problematic alcohol and drug users (CRI), a drop in (Addaction), community health care services (CNWL – NHS) who provide prescribed treatment for alcohol or drug use (such as those requiring detox or rehab) and those services who run the ATR community orders, and

- Treatment coordination and case management of individuals in the community who require treatment for drugs and or alcohol who are involved with the CJS – where there are other services involved in the treatment of that individual
- 34.21 In the last year WDP have provided brief interventions to 53 clients in Wembley Police station to people who state that alcohol is their primary substance that they use problematically (these are not necessarily people arrested for alcohol related crime – they can be seen by an alcohol worker if they want if arrested for other crimes).
- 34.22 Brief interventions include alcohol harm reduction advice, discussions about support available and safe limits and the dangers of alcohol and preventative interventions.
- 34.23 Over the 2014-2015, the WDP service has provided 667 brief interventions for alcohol to those detained in police custody in the area they cover. Due to some recent police station closures, they are seeing people in custody from Brent, Harrow and Barnet. Of those 667, they conducted a more detailed structured assessment on 187 to make onward referrals for specialist treatment (perhaps where brief intervention alone was deemed not sufficient due to level of consumption, complexity of situation, for example)
- 34.24 Specialist treatment can include having a key worker who supports someone with alcohol issues to address this, attending group sessions, structured sessions, being referred to prescribing services for an alcohol detox in the community, being referred for in-patient detox at a rehabilitation centre for example.
- 34.25 WDP also conducted 96 assessments for Alcohol Treatment Requirement in the last year and 41 were given by the court for individuals to attend appointments, and treatment services for approximately six months.

Long-term effects of alcohol on health

- 34.26 Drinking hazardous amounts of alcohol for many years will take its toll on many of the body's organs and may cause organ damage. Long-term alcohol misuse can weaken the immune system, making people more vulnerable to serious infections. The Council acknowledges there are many long-term health risks associated with alcohol misuse that will continue to be monitored.

Long-term effects of alcohol on the sustainability of social structures

- 34.27 Alcohol misuse can also have long-term social implications. For example, it can lead to family break-up and divorce, domestic abuse, unemployment, homelessness, and financial problems. Currently, there is not enough suitable evidence of the impact of alcohol on social structures among minority groups in Brent to suggest specific licensing policies. The Council will take measures to ensure this issue is monitored on an ongoing basis.

Impact on public health of local people

- 34.28 An explicit connection to public health that recognises the impact of alcohol use, and the need to place licensing in context of wider public health strategy. This includes acknowledging how alcohol can lead to drug abuse and high risk-taking behaviour. This can disproportionately affect vulnerable individuals and groups in the community.

Smoking advice

- 34.29 Health studies and NHS guidance has shown a link between likelihoods of smoking and alcohol use. This is also true for young people. The Council acknowledges these connections and will work to ensure adherence to principles of health and prevention of harm against children by taking into the potential for health hazards of smoking as it's related to alcohol consumption and overall licensing.

Alcohol and pregnancy

- 34.30 The Council recognises the dangers of drinking while pregnant, and any approach to be taken to minimise harm will be encouraged. For example, provision of warning posters or disclaimers for all ~~licensed~~ licensed premises.

Sexual offending

- 34.31 Alcohol related harm is experienced not only by drinkers but by those around them including families, friends, colleagues and strangers. The Council acknowledges that there is a strong relationship between alcohol abuse and sexual assault. Reference will be made to the Sexual Offences Act 2003 to acknowledge the connection between alcohol abuse and sexual offences. Whilst alcohol should not be used as an excuse for those who perpetrate violence and abuse, neither should its influence be ignored.
- 34.32 Currently, there is not enough suitable evidence of sexual offences as related to alcohol in Brent to inform specific licensing policies. This will continue to be monitored.

Child sexual exploitation (CSE)

- 34.33 Perpetrators often use alcohol as a tool to exploit vulnerable children and young people. Children and young people who abuse drugs or alcohol are susceptible to mental health issues that can lead to sexual exploitation.
- 34.34 Operation Make Safe is a recently developed scheme in LB Hounslow in partnership with the Met, aimed at highlighting the signs of CSE to local businesses. Brent Council encourages the adoption of best practices as this will be particularly valuable in the area around Wembley Stadium and Wembley Arena which has seen the development of new hotels
- 34.35 Brent has experienced large growth in population, particularly among children and young people. The SLP acknowledges changing demographics and dynamics of the borough. Currently, there is not enough suitable evidence of CSE prevalence in Brent to inform specific licensing policies. However, CSE in Brent will continue to be monitored, particularly as the demographic makeup of the borough continues to change.
- 34.36 **Impact of shisha bars on health**
- 34.37 Brent's town centres and neighbourhoods feature a diverse offer of shisha/sheesha bars, some of which sell alcohol under the Late Night Refreshments licence. Shisha smoking is a way of smoking tobacco, sometimes mixed with fruit or molasses sugar, through a bowl and hose or tube. Shisha smoking is traditionally used by people from Middle Eastern or Asian communities and is becoming increasingly

popular in cities around the UK. The British Heart Foundation in 2011 demonstrated that the UK had seen an increase in 210% in the number of shisha premises since the introduction of the smoke-free legislation in 2007. However, shisha smoking can pose health concerns for Brent residents and visitors, particularly when combined with unsafe consumption of alcohol.

35. Glossary

AAR – Alcohol Arrest Referral
ABV – Alcohol by Volume
ARS – Alcohol Referral Scheme
ASB – Anti Social Behaviour
ATR – Alcohol Treatment Requirement
BAME – Black and Minority Ethnic
CAD – Computer Aided Dispatch
CCTV – Closed Circuit Television
CDA – Controlled Drinking Area
CDZ – Controlled Drinking Zone
CIZ – Cumulative Impact Zone
CSE – Child Sexual Exploitation
CSP – Community Safety Partnership
DAAT – Drug and Alcohol Action Team
DPPO – Designated Public Place Order
EMRO – Early Morning Restriction Order
ENTE – Entertainment and Night Time Economy
GIS – Geographic Information System
GP – General Practitioner
HVVD – High Volume Vertical Drinking
LAPE – Local Alcohol Profiles for England
LAS – Local Ambulance Service
LB – London Borough
LNL – Late Night Levy
LNRL – Late Night Refreshment Licence (or Licencing)
MPS/MET – Metropolitan Police Service
NHS – National Health Service
NTE – Night Time Economy
PCC – Police and Crime Commissioner
PCO – Public Carriage Office
PSPO – Public Spaces Protection Order
SIA – Security Industry Authority
SNT – Safer Neighbourhoods Team
SLP – Statement of Licensing Policy
TfL – Transport for London
WDP – Westminster Drug Project

London Borough of Brent

Statement of Licensing Policy - Equalities Impact Assessment (EqIA)

Department:	Environmental and Neighbourhood Services
Service Area:	Alcohol
Person Responsible:	Yogini Patel
Timescale for Equality Impact Assessment:	n/a
Name of service/policy/procedure/project, etc.	Statement of Licensing Policy
Is the service/policy/procedure/project:	Old
Predictive or Retrospective	Predictive
Adverse Impact/Not found/Found	Not Found
Service/policy/procedure/project etc, amended to stop or reduce adverse impact	n/a
Is there likely to be a differential impact on any group?	No
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers	No
2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities	No
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability	No
4. Grounds of faith or belief: Religion/faith including people who do not have a religion	No
5. Grounds of sexual orientation: Lesbian, Gay and bisexual	No
Consultation concluded	No
Person responsible for arranging the review	Yogini Patel
Person responsible for publishing results of Equality Impact Assessment:	Yogini Patel
Person responsible for monitoring	Yogini Patel
Date results due to be published and where	
1. What is the service/policy/procedure/project etc to be assessed?	

2. Briefly describe the aim of the service/policy etc? What needs or duties are it designed to meet? How does it differ from any existing services/policies in this area

Brent Council is the licensing authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the London Borough of Brent.

Activities covered by legislation and this policy include:

- the retail sale of alcohol
- supply of alcohol to, by or on behalf of a club or to the order of a club member
- supply of hot food or drink between 11pm and 5am the following day
- provision of entertainment for profit, including charity, where the entertainment involves:
 - a) theatrical performance
 - b) film exhibition
 - c) indoor sporting event
 - d) boxing or wrestling (indoor and outdoor)
 - e) live music performance
 - f) playing of recorded music
 - g) dance performance
 - h) provision of facilities for making music
 - i) provision of dancing facilities.

The Licensing Act 2003 requires the council to publish a "Statement of Licensing Policy" that sets out the policies that the council will generally apply to meet the licensing objectives when determining applications. This policy will guide the authority when considering personal licences, premises licences (including provisional statements), variations, transfers, interim authorities and reviews, club premises certificates, designated premises supervisors and temporary event notices.

The existing policy sets out the general approach the council will take when considering applications for licences. The Licensing Act provides a clear focus on the 4 statutory objectives that the council must seek to promote when determining an application. These objectives are:

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

This review is to consider and address changes required to the current policy based on changes in the licensing regime introduced in April 2012, through the Police Reform and Social Responsibility Act 2011, the Guidance issued by the Home Office (Amended Guidance Issued under section 182 of the Licensing Act 2003 – 2013) and identify gaps and omissions, and the most current changes which were brought in in October 2014. The scope of the reviewed policy will cover the following:

- retail sales of alcohol
- the supply by or on behalf of a club or to the order of a member of the club
- the provision of regulated entertainment
- the provision of late night refreshment

It also considered the need for general policies across the borough and specific area-based policies as a tool for licensing authorities to limit the growth of licensed premises in a

problem area. These areas were:

- Ealing Road
- Harlesden
- Kilburn
- Kingsbury
- Neasden
- Sudbury
- Wembley
- Willesden

3. Are the aims consistent with the Council's Comprehensive Equality Policy?

This policy is consistent with the Council's aim to ensure that the services we provide are relevant to the needs of all sections of the communities. The proposals are not expected to adversely affect any of the protected equalities groups highlighted in this assessment. An additional aim of the policy was to take into consideration the Council's Alcohol Harm Reduction Strategy (2014-17) and broader public health aims.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

The SLP is a review and update to the existing policy, based on changes to national statutory legislation and the guidance from the Secretary of State. While it sets out a range of amendments, e.g. the introduction of evidence-informed Area-based policies and a separate Health Appendix, we do not anticipate that these will have a significant impact on the defined equalities groups as there is a strong degree of consistency between the existing and revised documents. It is also important to note that this policy statement sits within the wider context of the Local Authority's duties under the Equality Act 2010. These require us to have due regard to:

- Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it
- Fostering good relations between people who share a protected characteristic and people who do not share it

Our predictive initial equality impact assessment (conducting in line with the corporate guidelines, has concluded that the amendments to the SLP will not affect our ability to meet our duties under the Equality Act. Overall there is no evidence to suggest that the wider Policy will negatively impact on any of the defined equalities groups as there is no evidence that any of the groups are identified in any statistically significant way with problematic drinking or as licensees.

Additionally, individual licensing applications are unlikely to have an impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs and with, a view to eliminating unlawful discrimination. Applicants will be expected (where appropriate) to address these concerns in their application.

There is the potential for minor positive impacts on the following groups:

- Disability - the SLP sets out the policies that the council will generally apply to meet the licensing objectives when determining new or reviewed applications. This includes a policy that states applicants will be encouraged and expected (where appropriate) to address the needs of disabled persons in their operating schedules, and adherence to this will be considered as part of the decision making process.
- Children – the SLP sets out the policies that the Council will generally apply to meet the licensing objectives when determining new or reviewed applications. This includes a

policy that states the Council will encourage the adoption of best practices toward addressing children and young people that are susceptible for mental health issues as related to alcohol.

However, our consultation showed that there may be some impacts on groups outside the defined equalities groups that it worth noting:

Business community

For the business community, the Statement of Licensing policy outlines the procedure for applying for a business licence and sets out the responsibilities of Brent Council as the 'Licensing Authority' and business owners undertaking licensable activities. On the whole, the amendments proposed have been designed to clarify and make suggestions for ongoing monitoring of licensing activity. The principles governing the Statement of Licensing policy remain consistent with the previous policy statement and recognise the wider community impacts that the Local Authority, business community and other stakeholders must be aware of when undertaking licensing activities.

The statement recognises the need for a balance between the rights of businesses and the community of which they are a part. One example of where this is reflected is in the conditions which include restrictions on the sale of beer, lager and cider above 6.0% ABV; restrictions applying to major event days at Wembley Stadium (including restricting the sale of cans to 4 per customer, closing 1 hour before event start times, restricting the sale of alcohol in glass bottles, restrictions on the numbers of people congregating at a licensed premises), and irresponsible drinks promotions. These conditions may have a limited negative effect on the profitability of a small number of premises but are intended to tackle crime and anti-social behaviour as well as addressing potential health related issues for consumers. Officers are of the view that the benefits will outweigh any adverse impact and the premises still have the option to market and sell beer, lager and cider below 6.0% ABV

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by gender, race, disability etc).

The initial screening on the policy review found that there was no adverse impact on any of the protected equalities groups from the implementation of this policy, or the changes/amendments under consideration as part of the review.

The evidence that has been used to make this judgement has been taken from several sources (see Appendix 1 for further detail):

- Police data, e.g.
 - All crime
 - Alcohol related crime
 - Violent crime
 - Sexual offences
- Health data, e.g.
 - Hospital admissions – alcohol related harm
 - Hospital admissions – alcohol related illnesses
 - Ambulance call out – alcohol flagged
 - A&E attendances – alcohol related
- Premises data
 - Licensed premises
 - Licenses revoked
 - Licenses refused
- Consultation with key stakeholders (see: Appendix 2 for further detail)

Twenty-five key stakeholders were invited to take part in an early stage consultation which gathered views, experience and perceptions on problematic areas for alcohol supply and consumption, groups at risk from alcohol, influence of alcohol on crime, influence of alcohol on health, cumulative impact zones and any other relevant information. Stakeholders ranged from Licensing officers, Police, health experts, community representatives and licensees.

- Public consultation (see: Appendix 3 for further detail)

A four week public consultation was held on the Issues and Options paper for the proposed changes to the Statement of Licence Policy. This included members, statutory consultees, residents and business representatives groups, key stakeholders (see above), all licensed premises, Wembley Stadium and concert venues

Race

None of the evidence reviewed highlighted any adverse impacts concerning race. The borough's Alcohol Harm Reduction Policy (2014-17) identified a large number of abstainers in the borough (31%), which could be attributed to the borough's diverse communities. However the research is not of sufficient depth to be defined as directly attributable, it is a contributing factor albeit a strong contributing factor. The consultation with key stakeholders identified anecdotes and assumptions of Eastern European, Somali and Irish communities as experiencing problems with heavy drinking and potentially causing a disturbance via street drinking activities and other anti-social behaviour which is often closely associated with alcohol misuse. Again, the high prevalence of these communities in Brent has to be noted and as such the reports of these communities involvement in alcohol related anti-social behaviour does not represent statistical certainty for these particular ethnic groups. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the grounds of ethnicity or nationality.

Gender

None of the evidence reviewed highlighted any adverse impacts concerning gender. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the grounds of gender.

Disability

None of the evidence reviewed highlighted any adverse impacts concerning disability. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the grounds of disability.

Faith/Belief

None of the evidence reviewed highlighted any adverse impacts concerning faith/belief. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the ground of faith/belief.

Sexual orientation

None of the evidence reviewed highlighted any adverse impacts concerning sexual orientation. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting

anyone on the ground of sexual orientation.

Age

None of the evidence reviewed highlighted any adverse impacts concerning age. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the ground of age.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable).

No.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

There has been consultation with key stakeholders, and a public consultation undertaken as part of the policy review).

Key Stakeholders were asked to answer a number of questions from a pro-forma. Each stakeholder was asked the same questions, and responses were given over the phone or by email (depending on availability). The results of these consultations informed the Issues and Options paper for the policy review that was put out to public consultation.

Public consultation was conducted via the online consultation portal on the LB Brent website. The results of this consultation informed the final draft of the SLP published.

8. Have you published the results of the consultation, if so where?

A formal analysis of the public consultation data was drafted and sent to the licensing authority contact, Yogini Patel. However, this has not been published to any external audience and is only available to Brent licensing authority officers.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner

No.

10. If in your judgement the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations

There is no adverse impact.

11. If the impact cannot be justified, how do you intend to deal with it?

N/A

12. What can be done to improve access to/take up of services?

The policy is supportive of ongoing treatment and support for alcohol use.

13. What is the justification for taking these measures?

The Licensing Act 2003 requires the council to publish a Statement of Licensing Policy that sets out the policies that the council will generally apply to meet the licensing objectives

<p>when determining applications.</p> <p>This review is to identify any gaps in the current policy and consider the need for cumulative impact zones, or alternative alcohol control measures to address public nuisance, disturbance, anti-social behaviour and crime associated with the misuse of alcohol, in turn associated with the number of licensed premises.</p>
<p>14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible on the front page</p>
<p>The Council will continue to use the Equality Monitoring Forms. Any further changes or action to be determined by licensing officer, Yogini Patel.</p>
<p>15. What are your recommendations based on the conclusions and comments of this assessment?</p>
<p>Should you:</p>
<p>1. Take immediate action - No</p>
<p>2. Develop equality objectives and targets based on the conclusions? No</p>
<p>3. Carry out further research? No</p>
<p>16. If equality objectives and targets need to be developed, please list them here</p>
<p>N/A</p>
<p>17. What will your resource allocation for action comprise of?</p>
<p>N/A</p>

Appendix 1

Data Sources:

POLICE DATA	LEVEL
All crime with a alcohol flag	Postcode Level
Grouped crime with a alcohol flag	Postcode Level
Crime by day of the week	Postcode Level
Crime by hour - two hour intervals	Postcode Level
Change in the levels of violence against the person - 2006/07-2010/11	Police Beat level
Change in the level of violence against the person by location/venue and area - 2006/07-2010/11	Police Beat level
Total Proportion of PP Violence Against The Person offences perceived to have taken place under the influence	Police Beat level
levels of Robbery per Beat - 2006/07-2010/11	Police Beat level
Public Place Sexual Offences	Police Beat level
Any crime between night time hours that contain an alcohol related flag 'buzzword'	SPA Area Levels
Any crime between night time hours that falls within night time economy (NTE) related crime types	SPA Area Levels
population and geographical data was extracted from the Camden.gov.uk website and ambulance call out data was taken from the safer stats website	SPA Area Levels
Alcohol related 999 calls	SPA Area Levels
Alcohol related crime	SPA Area Levels
densities of alcohol related crime and NTE related offences	SPA Area Levels
HEALTH	
Hospital stays for alcohol related harm	LSOA Level
local alcohol data profile – UK comparison	Borough Level
Map - model based estimate for binge drinking	Ward Level
Map - Hospital admissions for alcohol attributed illnesses	Ward Level
All ambulance calls outs- alcohol flagged	Postcode Level
All ambulance calls outs- assaults	Postcode Level
Alcohol related illness/incident ambulance activity	SPA Area Levels
Number of ambulance service call outs which are alcohol related, April 2010 to January 2011	Electoral Ward
Number of A&E attendances (all ages) which are alcohol-related, 2008 to 2010	Electoral Ward
Age-standardised hospital admission rate (per 100,000) for alcohol-related harm 2002/03 to 2009/10)	Borough
Number of ambulance service call outs which are alcohol related, April 2010 to January 2011	Electoral Ward
Number of ambulance service call outs which are alcohol related, April 2010 to January 2011 in the city centre area	Output Area
Number of A&E attendances which are alcohol related, 2008 to 2010	Electoral Ward

Rate of hospital admissions per 100,000 for alcohol related harm 2002/03 to 2009/10 (age standardised)	Borough
Data related to young people	Borough
PREMISES	
All licenced premises	Postcode Level
Premises licences revoked	Postcode Level
refused licence applications	Postcode Level
ENVIRONMENTAL HEALTH	
Noise Complaints	Borough
number of noise complaints relating to licensed premises	Borough
Public Perceptions of Drunk and Rowdy Behaviour	Borough

Appendix 2

Key Stakeholders:

ORGANISATION	REMIT	ROLE
LB Brent	Alcohol Harm Reduction Strategy	Substance Misuse Commissioner
LB Brent	Community Safety & Emergency Planning	Department Head
LB Brent	Community Safety & Emergency Planning	Community Safety Analyst
LB Brent	Cabinet Member for Adults, Health and Wellbeing	Member
LB Brent	Alcohol & Entertainment Licensing Committee	Member
LB Brent	Alcohol & Entertainment Licensing Committee	Member
LB Brent	Alcohol & Entertainment Licensing Committee	Member
MPS	Brent Community Safety Partnership Team	Police Constable
MPS	Licensing Police	
Safer Neighbourhood Group	Representative Group	Chair
LB Brent	Public Health	Director
Sudbury Town Residents Association	Representative Group	Deputy Chair
Age UK Brent	Advocacy & support	Head of Advocacy
Westminster Drug Project (WDP)	Advocacy & support	Manager
Crime Reductions Initiative (CRI)	Advocacy & support	Manager
The Green Man	Pub	Owner
The Torch	Pub	Manager
Wembley Arena	Major Venue	TBC
Premier Inn - Wembley	Hotel	Operations Manager
Hilton - Wembley	Hotel	General Manager

 Brent	<p style="text-align: center;">Full Council 23 November 2015</p> <p style="text-align: center;">Report from the Director of Regeneration and Growth</p>
For information	<p style="text-align: right;">Wards Affected: ALL</p>
<p style="text-align: center;">Statement of Gambling Principles</p>	

1.0 Summary

- 1.1 The London Borough of Brent is a *Licensing Authority* under the Gambling Act 2005 (the Act). Section 349 of the Act requires Licensing Authorities, to prepare and publish every three years a Statement of Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough. The Act also requires licensing authorities to keep the Statement under review from time to time. The Council's current Statement expires in January 2016 and therefore a draft Statement to replace it has been prepared for the approval of Full Council.
- 1.2 The Alcohol & Entertainment Licensing Committee agreed the draft Statement of Gambling Principles on 26th October 2015.
- 1.3 At the time of drafting this report Cabinet has not met to consider the Statement. Members will therefore be fully briefed on any recommendations/amendments made by Cabinet at the Full Council meeting itself.

2.0 Recommendation

- 2.1 That Members approve the revised Statement of Gambling Principles (31 January 2016 – 31 January 2019) at Appendix 1.

3.0 Detail

Background

- 3.1 The Gambling Act 2005 came into force in 2007, at which point Brent Council, as a *Licensing Authority*, became responsible for the licensing of gambling premises. These premises include betting offices, amusement centres, bingo halls, betting tracks and travelling fairs.

- 3.2 To facilitate this function Licensing Authorities are required to publish a Statement of Principles to apply whilst regulating gambling. This must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. This is intended to be a high-level statement of principles, rather than about process detail.
- 3.3 When preparing a Statement of Principles, Licensing Authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance. Any Licensing Authority departing from the guidance should have strong and defensible reasons for doing so as to avoid the potential risks and costs that would arise from any Judicial Review.
- 3.4 The Statement of Principles must have regard to, and be consistent, with the Act's three objectives:
- preventing gambling from being a source of **crime and disorder**;
 - ensuring that gambling is conducted in a **fair and open** way; and
 - **protecting children and other vulnerable persons** from harm or exploitation.
- 3.5 Neither the Act nor the Gambling Commission Guidance defines the term 'vulnerable persons'. However, the Guidance states that the Commission assumes that this group includes:
- "people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."
- 3.6 However, Licensing Authorities cannot consider matters relating to:
- **moral objections** to gambling. Gambling is a lawful activity and objections cannot be considered on these grounds alone;
 - **planning status** of premises. A gambling licence application must be considered independently of any requirement for planning consent; and
 - **demand**. The fact that there may already be sufficient gambling premises within an area to meet existing demand cannot of itself be considered when considering a new licence application.
- 3.7 THE TOWN AND COUNTRY PLANNING (USE CLASSES) (AMENDMENT) (ENGLAND) ORDER 2015 (SI 2015 No. 597) removed betting offices from Class A2. Betting offices are now sui generis, so that any change to use as a betting office will require planning permission.
- 3.8 Excessive gambling can lead to significant personal debt. The Brent Financial Inclusion Strategy report also on the agenda for this meeting sets out the wider strategy and partnership proposals to tackle financial exclusion.
- 3.9 Brent Council published its first Statement of Principles in January 2007, and this was revised in January 2011.
- 3.10 A draft Statement of Principles is attached at Appendix A.
- 3.11 The revised statement has been updated to take account of legislative change or to update terminology as issued in mandatory guidance from the Gambling Commission. Changes include a new name for Bet Receipt Terminals; a requirement to comply with the new Regulators' Code, additional advice notes on what constitutes bingo; and the removal of references to the now defunct horse betting levy board.

- 3.12 The draft Statement of Principles was developed, prepared and consulted upon with due regard to the requirements of the regulations, and guidance from both Local Government Regulation and the Gambling Commission.
- 3.13 There have been six responses to the consultation process on the revised statement of principles. Consultation responses are attached in Appendix 2.
- 3.14 The Alcohol & Entertainment Licensing Committee agreed the draft Statement of Gambling Principles on 26th October 2015.
- 3.15 The Council's Statement of Gambling Principles is a so-called 'shared function' which means that it has to be formally proposed by Cabinet before it can be approved by Full Council. At the time of drafting this report Cabinet has not met to consider the Statement. Members will therefore be fully briefed on any recommendations/amendments made by Cabinet at the Full Council meeting itself.

4.0 Financial implications

- 4.1 None specific.

5.0 Legal implications

- 5.1 In accordance with section 349 of the Act and regulations made under the Act, the Council must publish its revised Statement for a period of four weeks prior to its coming into effect on the Council's website and make it available for public inspection. The Council must also advertise the fact that the revised Statement is to be published by publishing a notice on its website, and in a local newspaper and/or a public notice board in or near the Council's offices and/or at a public library in the Borough. The Council's revised Statement will come into force on 31 January 2016.

6.0 Diversity Implications

- 6.1 Section 5.7 of the Statement of Principles deals with equality matters.
- 6.2 From the implementation of the Statement of Principles in January 2007, there have been no complaints based on equalities issues.
- 6.3 An Equalities Analysis is at appendix 2.

7.0 Staffing/Accommodation Implications

- 7.1 None specific.

Background papers

- Gambling Act 2005 - <http://www.legislation.gov.uk/ukpga/2005/19/contents>
- Brent Statement of Principles 2011 - <http://bit.ly/1JOqJma>
- Brent Statement of Principles 2007 - <http://bit.ly/1Q0JoAB>
- Gambling Commission Guidance to Licensing Authorities - <http://bit.ly/1iZoVRK>

Contact Officers

Yogini Patel
Senior Regulatory Services Manager
(020) 8937 5267
yogini.patel@brent.gov.uk

David Thrall
Head of Regulatory Services
(020) 8937 5454
david.thrale@brent.gov.uk

Aktar Choudhury
Operational Director
(020) 8937 1764
aktar.choudhury@brent.gov.uk

Andy Donald
Director of Regeneration and Growth



London Borough of Brent

Draft Statement of Licencing Policy (as amended)

2016 - 2021

i. Foreword

- i.i ~~A Statement of Licensing Policy determines how the Council will consider new applications for:~~
~~The sale of alcohol;~~
~~Application of on-licence premises; and~~
~~Application of off-licence premises.~~

1. Background and introduction

- 1.1 The London Borough of Brent (“the Council”) is the licensing authority under the Licensing Act 2003 (“the Act”) and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the London Borough of Brent.
- 1.2 The ~~Licensing Act 2003~~ establishes four core objectives for formulating licensing policy and taking licensing decisions:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of nuisance¹⁷ and;
 - The ~~protece~~vention of children from harm.
- 1.3 The Act requires the Council to publish a ‘Statement of Licensing Policy’ (~~SLP~~), which ~~sets out the policies that the Council will generally apply in order to meet these objectives when determining applications. It, and covers~~ It covers the following:
- the retail sale of alcohol
 - supply of alcohol to, by or on behalf of a club or to the order of a club member
 - supply of hot food or drink between 11pm and 5am the following day
 - subject to certain conditions and exemptions, provision of entertainment for members of the public, members of a private club or for profit, including by a charity, where the entertainment involves:
 - theatrical performance
 - film exhibition
 - indoor sporting event
 - boxing or wrestling (indoor and outdoor)
 - live music performance
 - playing of recorded music
 - dance performance~~provision of facilities for making music, and;~~
~~provision of dancing facilities.~~

The Policy

- 1.4 ~~The Licensing Act 2003 requires the Council to publish a “Statement of Licensing Policy” that sets out the policies that the Council will generally apply to meet the licensing objectives when determining applications.~~ This policy will guide the

authority when considering personal licences, premises licences (including provisional statements), variations, transfers, interim authorities and reviews, club premises certificates, designated premises supervisors and temporary event notices.

- 1.5 This statement has been developed in accordance with the provisions of the Act, having regard to the guidance issued under section 182 of the Act. Before publishing this statement the Council shall consult with, and have regard to, the views of all statutory consultees such as the police, fire service, representatives of licence holders, local businesses and their representatives, and local residents.
- 1.6 In addition to the statutory consultees, the following persons or bodies were consulted:
- Brent Ambulance Service Accident and Emergency Services;
 - Brent Council's planning services;
 - Community Safety
 - Brent Council's Children and Young People Services
- 1.7 Additional consultation has been carried out with the following people:
- Director of Public Health
 - Community associations
 - Ethnic group associations
 - Safer Neighbourhood Teams
 - Mental health advocacy organisations
 - Substance use organisations
 - Hotels and pub venue management
 - Local LGBT groups
- 1.8 Due consideration has been given to all replies, and a record of persons/organisations consulted and replies received may be kept by the Council.
- 1.9 A copy of the policy will be placed on the Council's website, and periods of consultation will be advertised on the site.
- 1.10 This policy will come into force on 7⁴⁸th January 2016, after approval by Full Council, and will ~~remain in force for no more than five years~~ ~~be reviewed and published every five years.~~ ~~A full consultation will be undertaken every three years.~~ The policy will ~~also~~ be kept under review in the interim period, and should any revision be required to the policy during the ~~five~~ three-year period, such revision will be subject to full consultation and approval by Full Council.

2. Review of the Statement of Licensing Policy

- 2.0 Under the ~~Licensing Act 2003~~, the Licensing Authority must carry out a review of its Licensing Policy every five years. ~~In accordance with the Act, the Licensing Authority intends to carry out a further full review of its policy in at a date to be~~

~~determined by the Council and, p~~Prior to publishing the revised version, the Authority intends to consult fully with those groups and individuals ~~consulted on the current version.~~

- 2.1 In addition, within the five year period the Licensing Authority will review its ~~Licensing~~ Policy whenever it feels that relevant issues have arisen - for example, if any further significant amendments are made to the ~~Licensing Act 2003~~.

3. Main principles

- 3.1 This policy sets out the general approach the Council will take when considering applications for licences. When determining applications and reviewing licences, the Council will have regard to:

- the ~~Licensing Act 2003~~ and related regulations~~;~~ and;
- Government guidance issued under section 182 of the Act and this ~~Statement of Licensing~~ Policy.

- 3.2 When determining an application under these considerations, the overriding principle adopted by the Council will be that each application will be determined on its merits.

- 3.3 Applicants will be expected to address the licensing objectives in their operating schedule with particular regard to the nature of the location, type of premises, entertainment to be provided~~,~~ and operational procedures. It is important that all operating schedules should be precise and clear on the measures proposed to promote each of the licensing objectives.

- 3.4 Only conditions ~~appropriate and proportionate to the promotion of necessary to promote~~ the licensing objectives will be attached to any licence~~,~~ and the Council will have regard to the individual style and characteristics of the particular premises and events concerned. Licence conditions will not be imposed where other regulations or legislation exists to provide sufficient protection

- 3.5 ~~Licencee~~Licencees will be expected to comply with the Code of Practice of the Portman Group or equivalent. If a valid complaint is received, the stocking or supplying of products featured in the Portman Group's "Retailer Alert Bulletin" could lead to review of the premises licence~~,~~ and ultimately a suspension or revocation of that licence if the Council considers that such action would undermine one or more of the licensing objectives.

- 3.6 Where there is a notification to hold a temporary event the Council will expect, where applicable, the holder of the event to comply with the relevant conditions attached to the premises licence where the event is to be held.

- 3.7 A notification of a temporary event should not be used to cover multiple events. The Council expects each notification to be for a single event~~,~~ and for the date and times that the event is to be held. One notification for 96 hours should not be used to cover more than one event.

- 3.8 The Council recognises that, in addition to the licensing objectives, it also has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.

- 3.9 The Council will not take “need” (commercial demand) into account when determining an application. This is not a matter for a licensing authority in discharging its licensing functions, ~~or its statement of licensing policy~~.
- 3.10 “Cumulative impact” can be understood as the potential impact on the promotion of the licensing objectives of a significant number of ~~licenced~~licensed premises concentrated in one area.
- 3.11 Although “cumulative impact” will not be considered by itself when determining an application under the Act, the Council does recognise that the cumulative impact of a number of premises in a location may negatively impact on one or more of the licensing objectives. In particular, it is recognised that cumulative impact may lead to serious problems of nuisance and disorder in that area. In these circumstances the Council may consider cumulative impact when granting a new licence or club premises certificate, and may refuse an application where relevant representations show that there is strong evidence that the new premises will undermine one or more of the licensing objectives by exacerbating existing problems linked to crime and disorder or another of the licensing objectives.
- 3.12 The Council has not adopted a special policy relating to cumulative impact but may consider such a policy where an area is saturated with ~~licenced~~licensed premises, and the granting of new licences would undermine one or more of the licensing objectives. The Council will consult on the need for a special policy and/or review and revise any special saturation policy or policies as may be ~~identified in the Statement of Licensing Policy as~~ appropriate, and in any event every five years.
- 3.13 ~~The Council may consider the inclusion of off-licences in any future cumulative impact policy, if there is evidence justifying such inclusion. Whilst the Council recognise the guidance discourages off-licences from being included in cumulative impact policies it does not preclude them and the Council may consider off-licences if there is a strong case in favour of their inclusion.~~
- 3.14 Officers will continue to monitor all areas of the Borough and all venues and events, and where appropriate refer any areas likely to benefit from a special policy to the Committee.

4. Brent profile

Geography

- 4.1 Brent is a north west Outer London borough. The major areas are Kilburn, Wembley and Willesden. Brent borders many Inner and Outer London boroughs including Harrow to the north-west, Barnet to the north-east, Camden to the east and Ealing, Hammersmith and Fulham, and Kensington and Chelsea to the south, and Westminster to the south-east. Brent is notably home to Wembley Stadium, one of the country's biggest landmarks, as well as Wembley Arena.¹ These present challenges for the borough as both the Stadium and Arena are integral parts of the Brent and greater London night-time and entertainment economy. Brent's geographic position and historic connections to central London has made the area one of distinct contrasts combining urban and suburban features common to both inner and outer London².

¹ <http://www.londonspovertyprofile.org.uk/indicators/boroughs/brent/>

² Brent Diversity Profile, July 2014

Diversity and demographics

- 4.2 Brent is the second most culturally diverse local authority in the UK and has a long history of ethnic and cultural diversity³ Brent was the first local authority in the UK to have a majority black, Asian and minority ethnic (BAME) population. In the 2011 Census, 63.7% of the population were BAME. By contrast, 14% of people in England and Wales and 40% of people in London were BAME. Different ethnic groups are concentrated in distinct parts of the borough:
- Stonebridge and Harlesden wards have the highest concentration of black residents;
 - Asian residents tend to live in the west of the borough, and;
 - The white population is more concentrated towards the east of the borough - Kilburn, Mapesbury and Dollis Hill wards have the highest numbers of white Irish residents.
- 4.3 People belonging to the different ethnic groups in Brent vary with age. Among younger people (particularly those aged 5-15) the white population is lower and the black population is higher than for the borough as a whole. Minority language households or households unable to speak English are primarily concentrated in the far west and south of Brent.
- 4.4 Children and young people under the age of 18 constitute 25% of the population of Brent.⁴ The early years of a child's life are particularly important in shaping future health outcomes. Key factors, such as income, housing, education and other socioeconomic issues can particularly affect young people during their earliest years of life. The 2011 census showed that Brent has a young population as Brent's median age is 32 compared to the London average of 33. The underlying growth of the child population in Brent is a key factor which needs to be considered when designing and providing services to improve the health and wellbeing of children and tackling health inequalities.
- 4.5 Brent's resident population was estimated to be 320,762 in mid 2014 and is growing quickly. The borough population is dynamic and increasingly transient with significant numbers of people moving into the borough.⁵
- 4.6 Certain groups and geographic areas in Brent may be more vulnerable to the effects of alcohol than others. These vulnerabilities and different ethnicities should be considered when reviewing licencing applications. The Council encourages the collection of evidence of the negative effects of alcohol on vulnerable groups within Brent to determine suitable prevention and treatment measures consistent with existing Council and NHS health objectives. A vulnerable adult is a person aged 18 years or over who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of or protect him or herself against significant harm or exploitation.⁶ Brent has a multi-agency procedure for responding to suspected abuse of vulnerable adults wherein Adult and Community Services coordinate the policy with the Police and NHS.

Underreporting

³ <http://brent.gov.uk/your-Council/about-brent-Council/Council-structure-and-how-we-work/equality-and-diversity/>

⁴ Health and well-being in Brent, Brent Joint Strategic Needs Assessment, March 2015

⁵ NHS Brent Commissioning Strategy Plan: 2009 to 2014

⁶ Protection of Vulnerable Adults in Brant, October 2003

- 4.7 Current data shows that Brent has fewer cases of **excessive** alcohol consumption than the London average. However those individuals that do drink do so in a quantity and strength that is higher than the London average⁷. This suggests there may be cases of underreporting of alcohol consumption and abuse by some groups – for religious or cultural reasons – which poses a challenge to a comprehensive view of alcohol use in Brent. The Brent Alcohol Harm Reduction Strategy 2014-2017 also acknowledges potential underreporting of drinking and binge drinking among youth in Brent however it points out that estimates of unreported youth drinking are likely to be less prevalent than the London average. The Council will continue to monitor this issue and look for evidence to help inform future licensing policies.

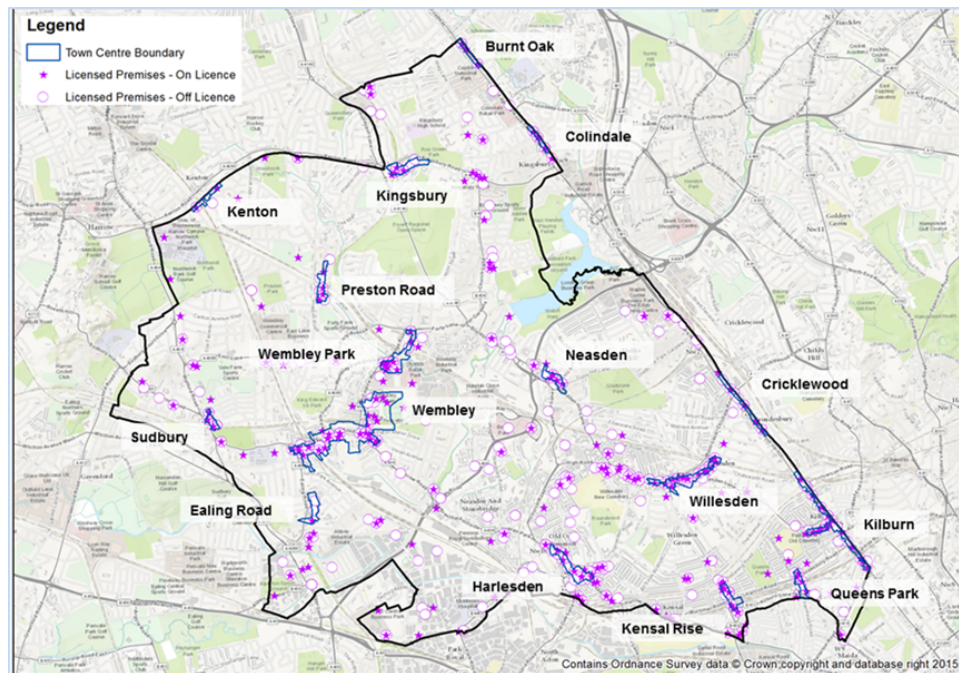
Town centres

- 4.8 Brent contains 16 defined town centres that vary in size and density. The different town centres within the borough are classified as Major, District, and Local Centres. These typologies are outlined in the Brent Core Strategy. Town Centres which share boundaries with neighbouring London Boroughs are indicated by an asterisk (*).

Major Centres	District Centres	Local Centres
Kilburn*	Burnt Oak*	Kensal Rise
Wembley	Colindale*	Kenton*
	Cricklewood*	Queen's Park
	Ealing Road	Sudbury
	Kingsbury	
	Harlesden	
	Neasden	
	Preston Road	
	Wembley Park	
	Willesden Green	

⁷ Annual Report to the Director of Public Health for Brent, 2014

4.9



Distribution of ~~licenced~~licensed premises in LB Brent as of 2015

4.10 There are significant differences between different town centres and areas of the borough. Data analysis indicates that the borough's town centres accounted for approximately 15% of all alcohol-related crime and 7.5% of all alcohol-related ambulance callouts. This suggests that the large majority of alcohol-related crime and ambulance callouts is dispersed throughout the borough and not restricted to certain boundaries or town centres. This variance poses challenges for alcohol licensing.

4.11 Data patterns imply that town centres in north Brent have fewer ~~licenced~~licensed premises and experience less alcohol-related crime relative to town centres in south Brent. These differences suggest a need for nuance in the Council's approach to alcohol licensing.

Geographic themes

4.12 Patterns of alcohol use can be broadly understood by dividing the borough into two geographic areas – North Brent and South Brent. The significant differences between these two areas of the borough indicate that a one-size-fits-all licensing policy cannot reflect the nuance and distinctions within the borough.

4.13 **North Brent:** Areas in the north of the borough generally exhibit lower concentrations of anti-social behaviour (ASB), alcohol-related crime, and activities that violate the four licensing objectives relative to the rest of the borough. This area stretches in a convex curve from north of Sudbury Town Centre along north of Wembley Central and to the north of Kilburn High Road (but south of the southern terminus of Cricklewood Broadway). The key characteristics, relative to the rest of the borough, are:

- Light footfall traffic;
- Fewer ~~licenced~~licensed premises;
- Reduced concentration of ~~licenced~~licensed premises, and;
- Fewer instances of crime and ASB.

- 4.14 **South Brent:** Areas south of the convex mid-borough line (approximately following the Metropolitan Line tracks) include Wembley Central, Kilburn High Road, Harlesden, Neasden, and Willesden. These areas are in close proximity to Central London and may be considered part of Inner London. They feature:
- Higher concentrations of crime;
 - Higher concentration and number of ~~licenced~~licensed premises, and;
 - High levels of footfall.

5. Licensing objectives

- 5.1 The Act provides a clear focus on the four statutory objectives which the Council must seek to promote when determining an application. These objectives are the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. Because of the wide variety of premises and activities to which this policy applies, applications will be expected to address all aspects relevant to the individual style and character of their premises and events. These objectives are set out in more detail below.

Prevention of crime and disorder

- 5.2 The Council recognises that ~~licenced~~licensed premises, especially those offering late night/early morning entertainment for large numbers of people, can be a source of crime and disorder problems.
- 5.3 The Council will expect operating schedules to satisfactorily address the prevention of crime and disorder, from the design of the premises through to the daily operation of the business.
- 5.4 Applicants are recommended to seek advice from Council licensing officers and the local police, as well as taking account of local planning policies, transport policies and crime prevention strategies when preparing their operating schedules. Applicants should note that conditions addressing the crime and disorder objective may also promote the other licensing objectives such as setting capacity limits addressed in Section 5.
- 5.5 It is recommended that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events, the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.
- 5.6 The Licensing Authority further recommends the Metropolitan Police Promotion/Events Risk Assessment Form 696, and the After Promotion\Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the risk assessment forms are used to assess the likely risk from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and within 3 days of the conclusion.
- 5.7 Forms 696 and 696A are available on the Metropolitan Police website. It is

recommended that electronic completion and transmission of the forms is undertaken by [licencees](#). E-mail addresses for submission are ClubsFocusDesk-CO14@met.police.uk and brent.licence@brent.gov.uk and licensing-qk@met.police.uk.

- 5.8 The definition of a significant event is any occasion in a premises ~~licensed~~ under the provisions of the Licensing Act 2003, where there will be live musicians, DJs, MCs or other artistes; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.
- 5.9 Where the applicant offers this as part of their operating schedule or where there is a relevant representation, and the Licensing Sub-Committee at a hearing use their discretion to impose a condition, the following recommended conditions will be taken from our pool of model conditions and applied:
- 5.10 “The ~~licencee~~ shall undertake a risk assessment of any significant promotion or event, using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy to the Metropolitan Police and Brent Council’s Licensing Unit not less than 14 days before the event is due to take place” and “where an event has taken place, the ~~licencee~~ shall complete a Debrief Risk Assessment (Form 696A) and submit this to the Metropolitan Police and Brent Council’s Licensing Unit within 3 days of the conclusion of the event.”
- 5.11 ~~Where there is~~ If a relevant representation ~~is received~~ and the Council considers that crime and disorder has not been fully addressed in the operating schedule, it will consider attaching conditions to licences to deter and prevent crime and disorder inside and immediately outside the premises.
- 5.12 ~~It is recommended that, for major events at Wembley Stadium, licencees should, where appropriate, include the following in their operating schedule, (i) they close one hour before the scheduled start of the event, (ii) customers shall not congregate outside the premises, (iii) No glass bottles shall be served (iv) the DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event, (v) no alcohol drinks shall be displayed or sold in glass containers with the exception of wines and spirits, (vi) no more than 4 cans per person shall be sold.~~
- 5.13 ~~Major events at Wembley Stadium are a central part of the leisure and cultural offer of the borough, it is the hub and generator of important economic activity benefiting the borough as a whole. It is also correct to say that such events can be associated with environmental impacts which engage the licensing objectives. As a result, a set of standards has been developed to ameliorate such impacts. Consequently, W~~where the applicant offers this as part of their operating schedule or where there is a relevant representation, and the Licensing Sub-Committee at a hearing use their discretion to impose a condition, the following recommended conditions will be ~~considered taken from our pool of model conditions and applied.~~
- 5.14
- ~~On major event days at Wembley Stadium the following shall apply:~~
 - Sale of alcohol ~~one hour before the event~~
 - Customers shall not be allowed to congregate outside the premises
 - No glass bottles shall be handed over the bar but decanted into plastic vessels

- The DPS shall work in partnership with the Police and ~~if necessary~~ comply with any direction given by the most senior Police Office on duty at the event
- No alcohol of 'alcopop' type drinks shall be displayed or sold in glass containers with the exception of wines and spirits
- No more than 4 cans shall be sold per customer

- 5.15 Where there is relevant representation and the Council considers that the sale of high strength alcohol in an area is a contributing factor to crime and disorder or public nuisance, the Council will consider applying a condition that prevents the sale of beer, lager and cider above 6% ABV.

Public safety

- 5.16 The Act covers a wide range of premises and activities and each of these present a mixture of risks. Some of these risks will be common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and managed so as to safeguard occupants against these risks. The Council will expect operating plans to satisfactorily address the objective of public safety in their operating schedule.
- 5.17 Applicants should note that the public safety objective is concerned with the physical safety of the people using the premises and not with public health which is covered by other legislation. Applicants are advised to seek advice from Licensing Technical Officers, Health and Safety Officers, Environmental Health Officers and Fire Safety Officers before preparing their operating schedules.
- 5.18 Premises or activities that present a risk to the public either because of the way they are designed, the large numbers expected to attend in comparison to the size of the venue or because there are special effects involved, will be required to set an occupancy figure for those premises or activities. Examples of this are discos and other dances attracting large numbers of young people, public houses close to Wembley National Stadium where large numbers of people may attend on special days, and activities that involve entertainments such as novelty acts involving pyrotechnics and other special effects. While the character and nature of the premises will determine capacity limits, the Council recommends that occupancy figures should be set at one person for every 0.3m² of available floor space for standing areas and one person for every 0.5m² for dance areas.
- 5.19 Where there is relevant representation and the Council considers that public safety has not been fully addressed in the operating schedule, it will consider attaching conditions to licences in order to achieve this licensing objective.

Prevention of public nuisance

- 5.20 The Council recognises that ~~licensed~~ premises, especially those operating late at night or in the early hours of the morning, can cause a range of nuisances that impact on people living, working or sleeping in the vicinity of the premises.
- 5.21 As public nuisance is not given a statutory meaning in the Act, the Council will consider nuisance in its common law meaning. Issues that may constitute common law nuisance could include noise nuisance, light pollution, water pollution, smoke, smells, waste, litter and other similar issues. The Council will expect operating

schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health team when preparing their operating schedules.

- 5.22 ~~Where there is~~ If a relevant representation is received and the Council considers that the prevention of nuisance has not been fully addressed in the operating schedule it will consider attaching conditions to licences and temporary event notices to prevent nuisance.

Protection of children from harm

- 5.23 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 5.24 Generally the Council will not seek to limit the access of children to licensed premises unless it is appropriate necessary to protect children from harm.
- 5.25 The Council will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises. While the Council wishes to see the development of family friendly environments, it may consider imposing conditions in the following circumstances:
- Where adult entertainment is provided
 - Where there have been convictions of current management for serving alcohol or with a reputation for allowing under-age drinking
 - Where there is known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where the exclusive or primary purpose of the service provided is the consumption of alcohol
- 5.26 The Council will consider all or any of the following options when dealing with a licence application where limiting the access of children is considered appropriate necessary to promote the protection of children from harm:
- Limitations on the hours when children may be present
 - Limitations on ages below 18 years
 - Limitations or exclusion when certain activities are taking place
 - Presence of sufficient adults to control the access and egress of children and to ensure their safety
 - Full exclusion of people under 18 years when any licensable activities are taking place
 - Limitations to parts of the premises to which children may have access
- 5.27 Where a significant number of children are likely to be present, a licencee licensee should ensure that an adequate number of staff is present to control their access, egress and safety. The number of staff required should be assessed by the licencee licensee taking in to account the number of children to be present, the type of event, characteristics of the premises and any other relevant factor. The Council recommends that, while the aforementioned factors will determine the number of staff required, the sufficient number of adults present should be calculated at a rate of one adult for every 50 children or part thereof. Where there is a balcony the rate shall be one adult for every 30 children or part thereof.

- 5.28 Nothing in this policy shall seek to override or duplicate child supervision requirements contained in other legislation. However, the Council will take into consideration (where appropriate) the measures taken by applicants to ensure that staff who have any contact with children are appropriately checked to ensure that they pose no risk to children. It may be appropriate to obtain enhanced disclosure checks from the Criminal Records Bureau in some cases.
- 5.29 Brent Council supports the Challenge 21 Scheme, Brent's Age Restricted Goods Responsible Trader Scheme and similar proof of age schemes and will expect applicants to address this within their risk assessment in respect of determining access to premises or sale of alcohol to young persons.
- 5.30 Where an entertainment includes the showing of any film the Council will impose conditions requiring [licencees](#) to restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications or by the Licensing Authority itself.
- 5.31 Where there is relevant representation and the Council considers that the licensing objective regarding protection of children has not been fully addressed in the operating schedule it will consider attaching conditions to licences and temporary event notices to protect children from harm.
- 5.32 Where [licencees](#) require identification to verify age, acceptable forms of ID include:
- Valid passport
 - Proof of age card (with Pass hologram)
 - Photo driving licence
 - Armed Forces ID

6. Wider policy context

- 6.1 Alcohol plays a key role in a number of areas, such as health, safety and security, and the economy. However, neither the issues nor opportunities presented by alcohol can be comprehensively addressed through licensing policy alone. In order to be effective, licensing policy will relate to, and be supported by, both wider borough policy and service delivery structures.
- 6.2 Local partnerships with neighbouring boroughs, prominent [licensed](#) premises, the third sector, and relevant Council departments all have a role to play in managing and mitigating the effects of alcohol consumption in the borough. This will build on ongoing efforts outlined in the Brent Alcohol Harm Reduction Strategy 2014-2017.

7. Impact of major entertainment venues

- 7.1 Brent hosts two large-scale entertainment venues of international and national importance. Wembley Stadium and Wembley Arena are major sources of tourism and regeneration within the Wembley area. Thousands of people enter Wembley on event days and people consume alcohol as a part of their entertainment.
- 7.2 The Council will continue the policy of imposing special conditions in Wembley for

dealing with alcohol-related issues during major event days. The conditions acknowledge the unique role alcohol plays in the overall enjoyment, social and economic activity associated with Wembley Stadium and Wembley Arena whilst balancing the four objectives of licensing policy and the safety and concerns of local residents.

8. Nurturing thriving town centres

- 8.1 Brent's thriving town centres, including Kilburn, Wembley and Willesden, have built strong reputations as areas of recreation, entertainment, and social enjoyment in the night-time economy. Alcohol, when consumed safely and with proper enforcement measures, is an important part of the night-time economy and offers the borough an opportunity to nurture economic activity in these areas. For example, Kilburn is a popular town centre whose public realm, retail, ~~licenced~~licensed, and residential density should be considered among best practice in Brent. Likewise, Wembley (including Wembley High Road, London Designer Outlets, and Wembley Stadium and Arena) has developed into an entertainment hub in Brent and London in general with a rapidly growing residential and hotel sector. The Council acknowledges that alcohol can play a positive role in supporting the night-time economy in Brent's town centres whilst adhering to the four objectives of licensing policy.

9. Economic benefit of local people and local businesses in entertainment and night time economy (ENTE)

- 9.1 When reviewing licence applications, the Council will carefully consider the economic benefits the local ENTE provides to local businesses and residents. This will balance the needs of small businesses with the demands of borough licensing whilst encouraging the smart growth and development of the borough's entertainment and night time economy.

10. Aspiration for town centres/High Streets

- 10.1 The Council is committed to a vision of the borough's town centres and high streets that acknowledge the economic, cultural and social importance of alcohol. Brent has strong town centres, including Kilburn and Wembley that serve important social, transport, and entertainment hubs. Town centres and local high streets play an important role in offering employment and entertainment opportunities.

11. Culture, arts, and tourism

- 11.1 Culture, arts and tourism play an important economic role in Brent and are integral to the identity of the area. Area attractions such as Wembley Stadium and Wembley Arena are nationally and internationally renowned and encourage locals and tourists to come and visit Brent. Similarly, Kilburn High Street and southern areas of the borough are starting to experience growth as part of London's overall entertainment and night time economy.
- 11.2 There is a strong relationship between alcohol consumption and tourism (particularly around major events). The Council wants to encourage tourism to the borough and consumption of alcohol when done so safely and appropriately. The Council

believes any licence application or renewal review should look to acknowledge the economic importance and attraction of local culture, arts, and tourism with safe and appropriate alcohol consumption.

12. Opening hours

- 12.1 Evidence indicates that increasing the numbers of outlets, or extending the hours of sale, results in increased levels of consumption and competitive price reductions among ~~licensed~~~~licensed~~ premises. International research shows reducing the density of ~~licensed~~~~licensed~~ premises, and reducing permitted hours of sale can reduce violence and other alcohol-related harm.⁸

~~Accordingly, venues which seek to open beyond midnight are strongly encouraged and expected to risk assess their proposals, having regard to risks in the locality and those arising from their operation itself, and to propose measures to prevent harm to each of the licensing objectives. Applicants will be expected (but are not legally bound) to supply such risk assessments alongside their operating schedule to demonstrate compliance with this policy. If they do not do so, it is more likely that representations will be received, and that the application will be refused or stringent conditions placed on any licence granted.~~

~~However, behaviour within and near Brent's town centres appear symptomatic of London's night-time economy.~~

- 12.2 Private security personnel at ~~licensed~~~~licensed~~ premises ~~aided~~ in facilitating dispersal after pub/bar closing hours and often ensure that outside noise ~~is~~~~was~~ kept to a minimum during ~~licensed~~~~licensed~~ hours. The Council acknowledges that ~~licensed~~~~licensed~~ premises that are open later than midnight may increase the potential for violence, disruption, or anti-social behaviour. The Council will continue to monitor this issue on an ongoing basis.

13. Public realm

- ~~13.1 The design of town centres and the facilities within them can have an impact upon the incidence and severity of alcohol-related issues in Brent. It can also affect people's perception of the area (and crime within it). Potential changes or enhancements to the public realm include installation of CCTV, street lighting, active frontages, public toilet provision, glassware management outside premises and the general layout of the public realm (such as benches, bus stops, and bollards).~~

- ~~13.2 Alcohol consumption within town centres can impose large costs on public services, such as the costs of policing, health care, and noise and light pollution. Changes in the way these services are delivered could help to reduce the costs associated with alcohol consumption whilst maintaining a vibrant entertainment and night time economy (ENTE). At the same time public services (such as late-night transport provision, brief intervention in police and health care settings, and public education and media campaigns) could help reduce the incidence of alcohol-related harm in the borough. The Council will continue to monitor the issue of public realm design as it relates to licensing on an ongoing basis.~~

⁸ Preventing violence by reducing the availability and harmful use of alcohol, World Health Organisation, 2009

14. Live music, dancing and theatre

- 14.1 The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circus and street arts.
- 14.2 When reviewing applications for such events and the imposition of conditions on licences or certificates, the Council will carefully consider the cultural benefit to the community when seeking to promote the licensing objectives.
- 14.3 Consideration will be given to the particular characteristics of any event including the type, scale, duration and regularity of the proposed entertainment, especially where limited disturbance only may be caused.

15. Crime, safety and nuisance

Noise and antisocial behaviour

- 15.1 Inappropriate use and consumption of alcohol may lead to general disturbance, noise, and antisocial behaviour. This can have adverse effects on the safety and security of Brent residents whilst also depreciating property value and discouraging businesses and residents from opening, moving, or operating in the borough. ~~The Council will take into account the need to balance the burden of noise disturbances and antisocial behaviour with appropriate policing and enforcement measures.~~
- 15.2 When considering reviewing licence applications following receipt of relevant representations, the Council will carefully consider the impact of an alcohol licence on noise and antisocial behaviour in an area. ~~The Council will explore ways to mitigate the negative effects of alcohol by recording instances of extreme noise and antisocial behaviour in the borough. Ongoing evidence collection will inform future policy considerations to be taken by the Council.~~

The Council will take particular care in the case of alcohol-led venues and venues opening beyond midnight. In such cases, the applicant is expected to demonstrate the measures which are proposed to promote the licensing objectives and explain why it is said that such measures will be effective.

Behaviour towards emergency services personnel

- 15.3 Emergency services personnel play an important role in serving the Brent community. Consideration of licence applications and the potential for harm during any encounters with people affected or influenced by alcohol will be taken into account.

Domestic and Civil Disturbance

- 15.14 Data suggests that whilst it is difficult to find clear causality between domestic and civil disturbance and alcohol use due to police reporting and categorising issues, there is nevertheless an important correlation that exists between the two elements.
- 15.15 Domestic and civil disturbance does not occur solely in the boundaries of town centres. As such, it is difficult to apply area-specific alcohol licensing policies to address domestic and civil disturbance. However, the presence of these crimes

contributes to the overall understanding of issues related to alcohol use. The Council will continue to monitor this issue on an ongoing basis.

16. Existing policies

Controlled Drinking Zone (CDZ)

- 16.1 As of 15th December 2007, the LB Brent became a Controlled Drinking Zone. This means that it is an offence for any person to drink alcohol in any public place within the borough when requested by a police officer not to do so. If a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor within Brent, the officer may require the person concerned:
- a. not to consume in that place anything which is, or which the officer reasonably believes to be, intoxicating liquor
 - b. to surrender anything in his/her possession which is, or which the officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container)
- 16.2 An officer may dispose of anything surrendered to him/her as above.

Temporary Event Notices (TENs)

- 16.3 Whilst the Act requires 10 working days' notice to be given of the temporary event (exclusive of the day which the event is to start and the day on which the notice is given), the Council would wish applicants to make contact with the Licensing Authority at an early stage before a formal application is made. This is particularly important for large events and will enable responsible authorities to consider proposals. Early consideration will allow issues and the licensing objectives to be addressed and may avoid objections from the police.
- 16.4 Applicants should be aware that the serving on the Council of a Temporary Event Notice does not remove their obligations under other legislation. Where necessary, permissions should be sought from the appropriate body. The Council expects that applicants understand their obligations in respect of:
- planning permissions
 - health and safety
 - noise pollution
 - the erection of temporary structures
 - road closures
 - the use of pyrotechnics
 - anti-social behaviour
- 16.5 Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.
- 16.6 Applicants should be aware that a limit of less than 500 persons at any one time

applies to temporary events and failure to comply with this limit may lead to prosecution. Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.

Best Bar None

- 16.7 Best Bar None operated in Brent between 2007 and 2013. It is no longer operated following previous reductions in funding.

Voluntary schemes

- 16.8 The Drink Wise Self-Assessment Framework suggests voluntary agreements with ~~licenced~~licensed premises to reduce alcohol related harm. However this requires willing participation on the part of store owners and operators. As such, the availability and sale of high-strength beer and cider can be inconsistent and sporadic.
- 16.9 Voluntary measures include setting a minimum unit price, code of good conduct schemes run by local industry, local authority, and policy partnerships has been adopted by over 100 towns and cities across the UK and has the support of the Home Office.

Voluntary ban on high strength alcohol

- 16.10 This is designed to tackle the problems associated with street drinking by removing from sale low price high-strength alcohol products through voluntary agreements with local retailers. Street drinkers often consume high strength alcohol. The scheme follows increasing evidence of the harm caused by this type of alcohol to vulnerable drinkers, and also the crime, disorder and nuisance caused by street drinkers within the town centre. The models used vary from place-to-place, but tend to target alcohol products above 6.0% alcohol by volume (ABV), although some have focused on a slightly lower ABV or lower cost products.

Pubwatch

- 16.11 Pubwatch is a voluntary scheme with the aim of achieving a safer drinking environment in all ~~licenced~~licensed premises. Pubwatch can be an invaluable resource for ~~licencee~~licensees. It enables them to share information, intelligence and advice about crime, disorder and ASB in the area with each other, the Council and the Police. This includes sharing information such as photographs of offenders and the “*Barred from One, Barred from All*” scheme. This can in turn assist with dispersal because known troublemakers cannot gain access to ~~licenced~~licensed premises in the first instance.

17. Late night refreshment licences (LNRL)

- 17.1 Under the Licensing Act 2003, the sale of hot food and non-alcoholic drink for consumption on or off the premises to the public between the hours of 11pm and 5am is a licensable activity. This includes premises that provide equipment for food and non-alcoholic drink sold to the public to be heated up prior to being consumed.
- 17.2 The Council advises any applicants for a premises licence to sell hot food and non-

alcoholic drink after midnight to give a detailed account of how they will promote the four licensing objectives and, in particular, the prevention of crime and disorder and the prevention of public nuisance.

- 17.3 This Council will have due regard to any representations from Responsible Authorities and “other persons” to the grant or variation of a licence to provide hot food and non-alcoholic drink to the public. It will also look particularly closely at any measures proposed by the applicant to promote the licensing objectives.

Shisha

- 17.4 A number of shisha premises have Late Night Refreshment Licences which permit the sale of hot food and hot drinks between the hours of 11pm and 5am. An LNRL does not impose any requirements or conditions nor does this limit the opening hours of the business from what is stipulated within their planning permission. Currently, there is no strong evidence to support limiting LNRL’s in shisha premises however evidence should be collected to determine the suitability of licence conditions on such places in the future.
- 17.5 There are some shisha premises that serve alcohol in Brent however the number of such places is not yet known. Further evidence is required to determine links between shisha use in premises with LNRL’s, and alcohol consumption within those premises, that result in crime and anti-social behaviour.

18. Off-licence sales of alcohol

- 18.1 The Council is aware that there are many small “general stores” within its area that are permitted to sell alcohol for consumption off the premises and also trade until the early hours of the morning, if not for the whole 24 hours.
- 18.2 The Council recommends that shops selling alcohol should generally be permitted to continue selling alcohol during the hours they are normally open for trading, unless there are exceptional reasons relating to disorder or disturbance.
- 18.3 It is also advisable for the applicant to provide measures by which the promotion of the licensing objectives will be achieved, particularly the prevention of crime and disorder and the prevention of public nuisance. Such promotions include participating in the voluntary ban on high-strength alcohol.
- 18.4 Where off sales are permitted, operators should recognise their responsibility to ensure that litter discarded by “street drinkers” in the vicinity of their premises is cleared away regularly.

19. Alfresco

- 19.1 The provision of tables and chairs outside the premises can enhance the attractiveness of a venue or area and encourage a continental style cafe culture. Where applicants wish to place tables and chairs on a public highway they will require to be ~~licensed~~licensed for such an activity by the Council.
- 19.2 Where applicants intend to use private land for alfresco meals or refreshments they will be required to explain how possible nuisance or crime and disorder from late night use of table and chairs will be controlled. This may include such matters as

restricting music or other forms of entertainment, providing additional supervision or installing CCTV. Police recommend in general that outside areas (e.g. beer gardens) should not be used after 23:00 hours.

20. Premises security measures

- 20.1 All on-licence and off-licence premises will take practical security measures to ensure adherence with the four licensing objectives. These measures might include precautionary police notification ahead of any major events, CCTV installation, signage, panic buttons, and on-site security personnel. Any ~~review-consideration of a~~ ~~of~~-licence application or ~~review renewal~~ will take into consideration existing or proposed security measures for premises. The Council will determine ~~what~~ an appropriate level of security for a ~~licencee~~~~licensee~~ based on existing knowledge of the surrounding area as well as any supplementary evidence, including alcohol-related crime data.

21. Venue capacity limitations

- 21.1 When reviewing applications for a licence, consideration of the venue capacity will be taken into account. This is to help the Council limit the potential for large venues to become problem hot spots by establishing clear criteria – for example, for security. This measure should be used in issuing conditions on those licences that fit within the description of high volume vertical drinking establishments.
- 21.2 The Council accepts that a lot of the problems that may occur in late night ~~licensed~~~~licenced~~ premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises may also assist in promoting the following three licensing objectives:
- The prevention of crime and disorder;
 - Public safety
 - The prevention of public nuisance.
- 21.3 The Council will consider capacity conditions where this may be beneficial in promoting the licensing objectives.

22. Licence conditions

- 22.1 Where responsible authorities and interested parties do not raise any relevant representations regarding the application made to the Council, the Council will grant the licence or certificate subject only to the conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Act itself.
- 22.2 Where responsible authorities and interested parties raise relevant representations, the Council may, if it is satisfied at a hearing or otherwise, impose conditions where considered ~~appropriate and proportionate~~ ~~necessary~~ for the promotion of the licensing objectives.
- 22.3 Any conditions attached by the Council or submitted by the applicant must focus on the direct impact of the activities taking place at ~~licensed~~~~licenced~~ premises, on those attending the premises and residents and persons working in the area.

- 22.4 Any conditions attached to licences will be tailored to the individual needs, style and characteristics of the particular premises and events concerned and will be drawn from a model pool of conditions where appropriate. The model pool of conditions used by Brent Council can be obtained from the Council's website www.brent.gov.uk

23. Reviews

- 23.1 The Council recognises that the review procedure set out in the Act provides an effective mechanism to address concerns relating to the licensing objectives raised by relevant authorities and interested parties which arise after the grant or variation of premises licences.
- 23.2 When a request for a review is submitted to the Council, the Council must first be satisfied that the request is not vexatious, frivolous or repetitious especially if the request relates to a recent hearing on application or review of a licence.
- 23.3 Where a relevant representation is received, the Council may hold a hearing to review a licence and consider evidence relating to problems occurring on the premises associated with crime and disorder, public safety, public nuisance or the protection of children from harm.
- 23.4 Following a review the Council may take a number of steps including the modification of conditions of the premises licence, exclusion of a licensable activity from the scope of the licence, removal of the designated premises supervisor, suspension of the licence for a period not exceeding three months, revocation of the licence or a finding that no action is necessary.

24. Consultation

- 24.1 Before publishing this revised Policy Statement, the Licensing Authority has consulted with the Police, the Fire Authority, representatives of local residents, representatives of premises licence holders and representatives of local businesses. The Licensing Authority has given due regard to the responses from this consultation process when completing the final version of this Policy Statement.
- 24.2 The Secretary of State recommends in the Guidance that the planning and licensing regimes are properly separated to avoid duplication and inefficiency. The Licensing Authority will ensure that the two regimes are kept separated. The Planning Committee will be kept regularly apprised of the situation regarding ~~licenced~~licensed premises within the Authority's area, including the general impact of alcohol-related crime, to enable this Committee to have regard to such matters when taking its decisions to avoid any unnecessary overlap.

25. Area policies

Ealing Road

- 25.1 This area contains few off-licence and on-licence shops. It experiences heavy footfall due to the presence of Shri Sanatan Hindu Mandir Temple. However,

prevalent anti-social behaviour, loitering and public drinking occurs in residential alleys off Ealing Road. These alleys are often shielded from public view. Evidence of public drinking and loitering including littering is common. This type of activity poses unique challenges to managing alcohol consumption.

- 25.2 Anti-social behaviour, loitering, and littering occur largely during the daytime hours. It is unclear that the presence of on-licence or off-licence premises contributes to this activity.
- 25.3 The informal nature of public alcohol consumption and hidden nature of some of the activities means that no policy can effectively mitigate or eliminate this behaviour. However, an increase in enforcement and police checks could discourage further public drinking in the area.
- 25.4 The Council encourages the development of a formal partnership between local resident associations, cultural groups, local businesses, and police to address alcohol consumption issues in Ealing Road in unseen areas. Partnerships should include the Brent Drug and Alcohol Action Team (DAAT) to provide guidance and address substance (abuse) and addiction issues that may be discovered.
- 25.5 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.6 Subject to available staff resources, the Council will seek to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Harlesden

- 25.7 Current evidence and data analysis shows Harlesden to be a prominent spot for public drinking, loitering and anti-social behaviour. There is heavy footfall throughout the area due to a high concentration of off-licence premises. However, there are no specific on-licence premises that contribute to ASB, public drinking or loitering. Off-licence premises appear to aid the prevalence of those issues whilst a relative lack of on-~~licenced~~licensed premises encourages customers to loiter and engage in public drinking. Off-licence premises near transport stops such as bus shelters are converted into informal areas of drinking, causing discomfort to local residents and transport users.
- 25.8 Off-licence premises were seen as contributing to loitering and ASB however the dispersed nature of activity in Harlesden and concentration of loitering around bus stops poses challenges for the capacity of licensing to resolve or mitigate these issues. The Council recognises that this is more complex than other areas and this activity will continue to be monitored.
- 25.9 The Council encourages enacting a Public Spaces Protection Order policy for this area. This would enable the licensing authority to address issues of frequent public drinking and social disturbance in Harlesden. This policy, if enacted, would only come into effect after the expiry of the existing DPPO in 2017.
- 25.10 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.

- 25.11 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Kilburn

- 25.12 Kilburn is an important town centre noted for its vibrancy, dynamism, and economic importance within the Brent night time economy. It should be noted that alcohol consumption and enjoyment is a vital component of the attraction of Kilburn. Kilburn is viewed as a place of entertainment and recreation in Brent and London in general.
- 25.13 This area has a high concentration of off-licence shops, chicken and fast food outlets, pubs/bars and lounges. Kilburn High Road is in close proximity to Central London and shares the borough boundary with LB Camden. Heavy footfall to these areas is also encouraged by a high concentration of retail premises, local attractions such as Kilburn Market, and multiple London Underground and Overground services.
- 25.14 Pre-loading and side-loading occurs quite frequently however the shared border with LB Camden and proximity to Central London make travel source and destination difficult to identify. Evidence suggests that accessibility to off-licence premises and after bar closure encouraged slow dispersal times and increased the prevalence of anti-social behaviour, littering, violence, physical violence (leading to police response) and general loud disturbance.
- 25.15 Late-hour fast food shops experience multiple instances of alcohol-related ASB and/or violence. These shops often act as a conduit or catalyst for intimidation and violence against persons by encouraging close interaction between patrons and allowing intoxicated individuals to stay out beyond regular bar closure hours. Public drinking and loitering was persistent throughout the area. It is important to note that individuals and activities crossed borough boundaries frequently.
- 25.16 One Borough's policies can effectively mitigate or discourage issues stemming from alcohol licensing due to the porous border boundary with London Borough of Camden. Kilburn is a popular attraction for residents and non-residents in Brent and further development of the town centre should be taken into consideration. Over-regulation of ~~licenced~~licensed premises in Kilburn may have an impact on the economic development and night time economy growth on the Brent side of the area.
- 25.17 The Council encourages the development of a cooperative partnership, such as Joint Police Teams, with neighbouring LB Camden police. The aim of the partnership should be to continue to address persistent issues on both sides of the borough boundary. Partnerships should aim to share best practices of licensing enforcement and review, and encourage knowledge sharing between borough police and licensing teams of hotspots and major ASB activity.
- 25.18 The Council encourages the consideration of the renewal of the Joint Safer Neighbourhoods Teams previously successful partnership between LB Brent and LB Camden. This joint working group worked with the Ward Panels and neighbourhood watch to coordinate the work of the Police Community Support Officers on the streets however this will be dependent on the availability of funding.

- 25.19 The Council recognises the important work that has taken place in LB Ealing with the 'Operation Bottletop' scheme which authorises the borough's Safer Neighbourhoods Team (in partnership with local police and street cleaners), to confiscate any alcohol from street drinkers causing nuisance and disturbance. Failure to forfeit alcohol can lead to a monetary fine. Schemes that are implemented in partnership with LB Camden will result in a stronger SLP. We will consider adopting such a scheme in this area and invite, where appropriate, neighbouring Councils to take part.
- 25.20 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.21 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.
- 25.22 Considering the scale of activity in Kilburn, the Council will - subject to available staff resources - collect evidence of significant crime, disorder, or public nuisance over the next 1-2 years to develop an evidence base for informing implementation of a CIZ, or a similar policy, in the future.

Kingsbury

- 25.23 The centre of activity in this area is dominated by vehicular and footfall traffic along Kingsbury High Road. Wide pavements and benches encourage loitering and groups of individuals standing in areas along the road. Most of the area pubs, shisha bars, off-licence stores, and shops are on this road. Analysis shows that there is little anti-social behaviour during night-time hours however some security and noise pollution issues have arisen from certain establishments with late-hours. Most premises are closed by midnight and have security measures in place to mitigate disturbance to the local area. Footfall in the area is largely contained to close proximity to the London Underground Kingsbury station.
- 25.24 Despite the wide pavements and benches, this area has relatively low levels of public drinking, ASB, and a lesser concentration of ~~licenced~~ licensed premises. Public consultation concerns were raised around bars/pubs, but current evidence suggest that common issues such as dispersal and disruptive noise were minimal and dealt with promptly by on-premises security. Other issues, such as loitering are the intended result of planning decisions that encourage ongoing and fluid social activity in town centres/high streets. Conversely, issues such as public urination or littering cannot be attributed solely to alcohol licensing but may rather be symptomatic of gaps in public amenity provision (such as garbage bins, public toilets). Data and evidence suggest that low activities of alcohol-related crime occur in this area.
- 25.25 Any issues arising from alcohol consumption such as ASB, public drinking, or violent behaviour are concentrated in a small, contained area of Kingsbury. The sources of these issues are two pubs in close proximity to one another on Kingsbury High Road. Evidence and data indicates that Kingsbury is not an area of significant alcohol consumption or misuse.
- 25.26 The Council encourages on and off-licence premises participate in a voluntary ban

on high-strength alcohol.

- 25.27 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Neasden

- 25.28 The area's alcohol-related commercial activity is predominantly along Neasden Lane, which has some vehicle restrictions and is a largely pedestrian zone. There are numerous benches that encourage loitering and congregation. Neasden has few off-licence shops with late operating hours and does not have a busy night-time economy. Despite the lack of on-licence and off-licence premises, anti-social behaviour is prevalent in the area. There is minor footfall in the evening hours as most on-~~licenced~~licensed premises and shops have closed.
- 25.29 Current evidence and data indicate that Neasden contains a relatively high level of ASB, pre-loading (also known as 'pre-drinking' or 'home drinking' when a person consumes alcohol before going out to a club, bar, or pub), side-loading (when a person consumes alcohol whilst travelling to a club, bar, or pub) and loud and disruptive behaviour after ~~licenced~~licensed premises have closed.
- 25.30 Significant levels of ASB, pre-loading, side-loading and public drinking indicate the existence of negative issues around alcohol in Neasden. However, existing evidence and data noted that much activity is facilitated by off-licence premises with late operating hours. There are few on-licence premises which would encourage drinking indoors in safe environments.
- 25.31 Brent Police Licensing has recently piloted a new scheme, Operation Mikey, targeted in the Neasden area. This operation involved overt uniform policing focused on street drinking, public nuisance, and identifying ASB. Early outcomes have shown positive results of officers reducing ASB, confiscating alcohol that was being consumed in public, citing penalties for disorder, and general cleaning up of alcohol-related refuse in the town centre.
- 25.32 The Council may encourage Brent Police Licensing to continue the Operation Mikey pilot and look to expand the scheme if impact evidence proves the pilot was successful in reducing public nuisance and ASB in the area. This scheme represents an opportunity to build on best practices and learning for other local authorities around the UK.
- 25.33 The Council encourages enacting a Public Spaces Protection Order policy for this area. The Council believe a PSPO order, or something similar, would be a sufficient measure to address issues of public drinking by allowing for proper enforcement response from the local police and/or enforcement agencies. However, the Council acknowledges that this will be dependent on the availability of Police funding and enforcement resource.
- 25.34 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.35 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing

licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Sudbury

- 25.36 Off licences and pubs are contained to the length of Harrow Road from Watford Road, to the Harrow Road roundabout. There is medium footfall down Harrow Road which is further aided by busy bus routes and close access from the London Underground Sudbury Town station. Data analysis uncovered few instances of crime relative to the rest of the borough.
- 25.37 Most pubs have relatively quick dispersal however there is some loitering after on-licence premises closure. Most pre-loading, side-loading, and post-loading occurred between 1am-3am across the length of the street despite the lack of off-licence and pub/bar establishment. Late operating hours of off-licence shops and pubs/bars appeared to contribute to loitering. Anti-social behaviour and groups of individuals were largely kept to between 2-4 people. Loitering on the street continued for 1-2 hours past bar/pub closing times. Some off-licence shops appeared to be contributing to post-loading. Most individuals engaging in public drinking appeared to do so whilst waiting for a minicab or taxi to arrive.
- 25.38 The later evening hours (11pm-1am saw a minor rise in violence (verbal altercations, minor shoving) but these were resolved quickly and required no police attention.
- 25.39 Sudbury operates as a local transport hub for buses and often sees people arriving in the area at irregular hours. This contributes to some pedestrian activity along Harrow Road at atypical hours, such as when night buses are in operating in early morning.
- 25.40 Issues arising from alcohol consumption and purchases appear to stem from alcohol availability at late night hours. Whilst there are few off- and on-~~licenced~~licensed premises in Sudbury, the area experiences high amounts of public drinking due to the availability of alcohol and hours past midnight. Public drinking late at night led to the visible presence of anti-social behaviour. However, any alcohol-related issues are concentrated in a small geographic area around specific premises.
- 25.41 The Council encourages an increase of joined up working with enforcement agencies in Sudbury. The presence of enforcement agencies could discourage ASB and any violence stemming from the sales of alcohol past midnight and mitigate the likelihood of off-licence alcohol purchases when patrons from on-licence premises disperse. However, the Council acknowledge that this will be dependent on the availability of funding.
- 25.42 The Council encourages the implementation of taxi marshals and/or street pastors to discourage public drinking and ASB that occurs when patrons are waiting for minicabs after premises closure or disembarking buses late in the evening.
- 25.43 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.44 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are

aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

Wembley

- 25.45 This area has a high concentration of off-licence shops, chicken and fast food outlets, pubs/bars and lounges. It is in close proximity to Wembley Stadium and Arena (SSE Arena) and the London Designer Outlets retail park. The area is served by multiple transport stops and centred on Wembley Central station and dense residential development.
- 25.46 Data and evidence have confirmed high levels of ASB activity and significant levels of local disruption through noise emanating from bars and/or patrons of bars. There is evidence that security measures are not always enforced at premises operating late night hours, with multiple patrons witnessed engaging in street drinking, anti-social behaviour, noise disruption and violent activity spilling over onto streets and major roads. Public urination and vomiting is also prevalent on residential side streets off Wembley High Road. Data is not available on footfall activity or incidences of ASB in Wembley on Event days.
- 25.47 Whilst activity from major events at the local stadium and arena contributed to footfall, consumption, heavy late night activity at bars/pubs continue well past non-football match event hours. Much of this activity appeared to occur at high volume vertical drinking premises during regular hours and past midnight.
- 25.48 It is important to note that there is a major difference in activity between Non-event and event days in Wembley. Event days feature tens of thousands of people entering, exiting, and staying in Brent whilst participating in the local day time and night time economy. Event days can be further broken down and understood as two key types: Football match days and Non-football match days. Football match days include international matches and could potentially include regular domestic fixtures in the future. Attendees often require special precautionary measures to avoid disturbance or violence such as seat designations for fans of different clubs, designated pubs for certain fans, and separate hotel floors to mitigate non-stadium confrontations. Alcohol consumption and negative effects including significant public drinking, ASB, and violence are common occurrences during Football match event days. Football match event days may increase in frequency if local football clubs temporarily relocate to Wembley stadium.
- 25.49 Non-football match event days are commonly concerts, rugby matches, and NFL games. Fans are diverse in range in age and gender and are often far less active in alcohol consumption. Non-football match event days do not experience the high levels of public drinking, ASB, and violence of football match event days.
- 25.50 Rapid influxes of people during short time periods make blanket policies ineffective at best and burdensome on local businesses at worst. Brent SLP should acknowledge the nuances of event days at Wembley and how certain types of events will have different attendees with very different characteristics in relation to alcohol consumption.
- 25.51 Olympic Way, a major pedestrian walkway connecting Wembley Park Station to Wembley Stadium and Wembley Arena, has recently undergone large-scale transformation with the addition of high-rise residential towers, retail outlets and upcoming cultural venues and theatres. However, evidence from local police indicates that public safety issues exist on Olympic Way, during Event Football

match days. Ongoing development around the area should be monitored to ensure the safe passage of local people and visitors during event and non-event days.

- 25.52 Evidence gathered from local officials highlighted high-volume alcohol sales by supermarkets to match-day visitors as contributing to public nuisance, disorder, and broader ASB around Wembley Stadium and Wembley Arena. There are some partnerships in place with supermarkets to direct store policies to discourage multiple alcohol sales to patrons attending football match event days.
- 25.53 This area experiences high levels of public drinking, disturbance, ASB, and crime stemming from on- and off-~~licenced~~licensed premises. The presence of events at a major regional and national entertainment venue have a significant effect on activity however existing policies, such as Match-day conditions on ~~licenced~~licensed premises, are adequate and balance the needs of tourists and local businesses with the concerns of local residents.
- 25.54 The Council will maintain existing conditions for premises within the Wembley Park area. Existing match-day conditions for on and off ~~licenced~~licensed premises are operating well and should continue to be used as best practice and guidance. See paragraphs 5.14-5.17 for conditions.
- 25.55 The Council encourages the development of partnerships and liaison between local enforcement and local supermarkets at the managerial level around Wembley Stadium and Wembley Arena.
- 25.56 The Council encourages the adoption of a policy that states Olympic Way be treated as a 'dry' or 'sterile' zone where alcohol cannot be consumed. This will discourage ASB and help ensure the safe passage of people through the street.
- 25.57 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.58 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.
- 25.59 Wembley is undergoing a period of significant change and redevelopment that includes the influx of new residents and businesses in the area, with more to come in the next few years. Considering the scale of activity in Wembley, evidence of significant crime, disorder, or public nuisance should be collected over the next 2-3 years to develop an evidence base for informing implementation of a CIZ in the future. However, this will be subject to available staff resource. In addition, should regular domestic football move to Wembley additional research to understand the impact and manage it will need to be undertaken.

Willesden

- 25.60 This area forms a transitional boundary between more wealthy and less well-off parts of the borough. It is a vibrant town centre with an attractive mix of retail, restaurant, bar and recreation offers including the newly renovated Willesden Green Library Centre. There is dense off-licence, pub/bar, and lounge activity across Willesden High Road with loitering and public drinking evident in many open communal spaces across the High Road. Few observed instances of public drinking

and alcohol-related crime suggest that ~~licence~~licensees do not contribute negatively to the area. However, some problematic hotspots around premises exhibited few mechanisms to control dispersal. The nearby concrete plaza at Willesden High Road/Dudden Hill Lane roundabout encouraged loitering and public drinking which became a public nuisance as the evening progressed whilst areas near Walm Lane saw instances of ASB and loitering.

- 25.61 Willesden is an elongated town centre that varies significantly between points. However, there is clear ASB, public drinking, and noise disturbance activity at the Eastern end of the town centre. The majority of ASB can be traced to activity at premises near Dudden Hill Lane which is outside the eastern town centre boundary or on the opposing end of the town centre boundary nearer to Walm Lane.
- 25.62 The Council encourages enacting a Public Spaces Protection Order policy for this area. The Council believes a PSPO order, or something similar, would be a sufficient measure to address issues of public drinking by allowing for proper enforcement response from the local police and/or enforcement agencies. However, the Council acknowledge that this will be dependent on the availability of funding.
- 25.63 The Council believes that improved data collection, particularly evidence of significant crime, disorder, or public nuisance as related to alcohol consumption and issues, is an important component of evidence-based policy.
- 25.64 The Council encourages on and off-licence premises participate in a voluntary ban on high-strength alcohol.
- 25.65 Subject to available staff resources, the Council will aim to maintain licence inspections and premises review. This will encourage premises to adhere to existing licensing rules and the four core objectives of the licensing policy. These actions are aimed at reducing anti-social behaviour and crime where it is related to alcohol use.

26. Administration, exercise, and delegation of functions

- 26.1 Brent Council has established a licensing committee to administer its licensing functions under the Licensing Act 2003.
- 26.2 To provide a speedy, efficient and cost-effective service the committee has established a number of sub-committees and delegated certain functions and decisions to those sub-committees.
- 26.3 Many of the decisions are largely administrative in nature such as, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made. These are delegated to Council officers by the ~~the~~ Council.
- 26.4 Applications where there are relevant representations will be dealt with by the sub-committees unless such representations are considered irrelevant, frivolous or vexatious or unless the Council, the applicant and all those persons who have made representations agree that a hearing is not necessary.
- 26.5 ~~The Council does not have a fixed definition of "vicinity" but instead looks at each representation on its own merit, having regard to all the facts pertaining to that application. Factors which may be considered include, for example, whether the~~

~~individuals residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises. This means that a person living close to a small shop or restaurant may not be considered to be in the vicinity of the restaurant but somebody living several hundred yards from Wembley Stadium may be considered to be in the vicinity of the Stadium.~~

- 26.6 Where there is sufficient reason to believe the publishing of personal details such as names and addresses will result in intimidation, the Council will withhold such information to protect the individual. However, the Council will make available such information as is necessary, without identifying individuals, for the applicant to respond to the objections raised by the representations.
- 26.7 Where persons making a representation wish to have their details kept confidential this will be considered on an individual basis after receiving a request from the person concerned, and they will be required to show that there is a reasonable fear of intimidation. In any event sufficient information (without identifying the objector) will be given to the other party to enable them to address the objection. Information informing objectors of our policy over the right to have personal details withheld is included on the consultation notice we ask applicants to display and in our acknowledgement letter sent on the receipt of an objection.
- 26.8 Where only positive representations are made the Council will invite those making the representation to withdraw and so avoid the need for a hearing.
- 26.9 Where there is the likelihood of an agreement being reached between an applicant and a person making a representation, then where appropriate and lawful, the Council will with the agreement of both parties, extend the limit for holding a hearing.
- 26.10 Information on the procedure to be adopted at hearings will be sent to applicants and persons making a representation at the time the agendas are dispatched. Anybody wanting a copy of this information may obtain it from the Council.
- 26.11 The table on the following page sets out the delegation of functions under the Licensing Act 2003 to the licensing committee, sub-committees and officers. Where appropriate, officers may refer any matter to a sub-committee or a sub-committee to Full Committee.

27. Table of Delegation of Licencing Functions

27.1

Matter to be dealt with	Decision Maker		
	Full Committee	Sub-Committee	Officers
Application for personal licence		If police representation made	If no relevant representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certification		If relevant representation made	If no relevant representation made
Application for a		If relevant	If no relevant

provisional statement		representation made	representation made
Application to vary premises licence/club registration certificate		If relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If police representation made	All other cases
Request to be removed as a designated personal licence holder			All cases
Application for transfer of premises licence		If police representation made	All other cases
Application for interim authorities		If police representation made	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice		All cases	

28. Integrating strategies and avoiding duplication

- 28.1 The Council recognises the need to avoid duplication with other regulatory regimes as far as possible and will not seek to impose conditions where it can be demonstrated by applicants that the licensing objectives can be met by existing legislation. These regulatory regimes include (but are not limited to) the Disability Discrimination Act 1995, the Health and Safety at Work Act 1974 and associated legislation, Fire Safety Legislation, Race Relations Act (as amended 2002) and the Environmental Protection Act 1990.
- 28.2 The Council recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. In order to ensure this, the Council recommends that applicants should have the appropriate planning permission in respect of their application. In addition the Licensing Committee will keep the Planning Committee informed of the situation regarding ~~licenced~~licensed premises within the London Borough of Brent.
- 28.3 The Council will consider local planning conditions and restrictions to those applicants applying or renewing licences. This will help ensure alcohol licences are properly aligned with planning uses.

- 28.4 Any licence issued either directly by Licensing Officers or following a hearing of the Council's Licensing Sub-Committee does not absolve the applicant of their responsibilities under other legislation. In particular where the times and conditions imposed on a licence are at variance with any planning consent the applicant or [licencee/licensee](#) should ensure they comply with any conditions imposed under any other legislation.
- 28.5 Applicants will be expected to have taken local crime prevention strategies, transport and planning policies and tourism and cultural strategies into account when submitting their operating schedules.

Brent Council department 'buy in'

- 28.6 Where appropriate, and where alcohol plays a role, departments across Brent Council should support the licensing policy and make explicit attempts to adhere to its principles particularly in relation to issues around health, protection of children, public harm, and public nuisance.

Neighbouring boroughs

- 28.7 Some of Brent's town centres, particularly Kilburn and Cricklewood, share borough boundaries with LB Camden and LB Barnet respectively. Future SLP reviews should be compared with those neighbouring borough's SLPs with the objective of exploring areas to share strategy and resource in addressing the four licensing objectives.

29. Diversity and equality

- 29.1 Brent is a diverse borough and this is recognised by Councillors and officers. The Council is aware applications may have a greater impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs. With a view to eliminating unlawful discrimination, applicants will be expected (where appropriate) to address these concerns in their application.
- 29.2 Brent Council is keen to see comprehensive facilities for people with disabilities wherever reasonably practicable and therefore applicants will be encouraged and expected (where appropriate) to address the needs of disabled persons in their operating schedules.
- 29.3 Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to promote good relations between persons of different racial groups, will give consideration to supporting those needs or customs whilst seeking to promote the licensing objectives.
- 29.4 As part of our policy review the Council will consider the impact of this policy on these groups.

30. Human rights

- 30.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Brent Council will have particular regard to its rights and

responsibilities under the Human Rights Act 1998 when determining applications and reviewing this policy. The Council will have particular regard to:

- Article 6 that in the determination of civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for his home and private life; and
- Article 1 of the First Protocol that every person is entitled to peaceful enjoyment of his or her possessions.

31. Enforcement

- 31.1 It is essential that premises are managed so as to ensure the promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The Council will make arrangements to monitor premises and take appropriate action to ensure that licensing objectives are adhered to.
- 31.2 Brent Council's Licensing Officers will develop constructive and effective working relationships and strategies with the Police, Fire Authority and other enforcement agencies as appropriate, for the management of ~~licenced~~licensed premises and the night-time economy.
- 31.3 Joint working with the Police and other agencies together with targeted enforcement will ensure a more effective and efficient deployment of officers and will avoid any duplication of duties.
- 31.4 The Council in its enforcement activity will have regard to the Regulators' Code, which includes:
- Use of risk assessment to concentrate resources
 - To be accountable for efficient and effective activity
 - Must be a reason for inspections
 - No requirement on business for unnecessary information or its duplication
 - Persistent law breakers are identified quickly
 - Provision of good and easily accessible, cheap advice
 - Not to intervene into economic progress unless there is a clear case of protection
- 31.5 Inspections and enforcement will be undertaken on a risk basis if and when judged necessary.

32. Minimising disproportionate impact of licensing on equalities

- 32.1 The Council's aim to ensure that services provided are relevant to the needs of all sections of the communities. The stated policies are not expected to adversely

affect any of the protected equalities groups highlighted in this assessment. The Council is aware of the negative impact of alcohol on some specific groups (children, those with mental health issues, particular ethnic groups), therefore in some cases the reviewed policy may have a positive effect.

32.2 Licensing policy sits within the wider context of the Local Authority's duties under the Equality Act 2010.

32.3 The duties require of LB Brent have due regard to:

- Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it
- Fostering good relations between people who share a protected characteristic and people who do not share it

Data note

32.4 Evidence and data on understanding the disproportionate impact of licensing policy on equalities was drawn from the Brent Diversity Profile – July 2014, Brent Alcohol Harm Reduction Strategy 2014, and data available within Brent Council. There is no data on ethnicities of licence holders or the ethnicity of users. Limitations of the data mean that this cannot provide a comprehensive picture of equalities across the borough and thus offers only supplementary evidence. The Brent Joint Strategic Needs Assessment 2015 provides information on the needs of older people, those from a black or minority ethnic background, the lesbian, gay, bisexual, and transgender population, and physically or mentally disabled individuals.

32.5 The Council believes that improved data collection, particularly of equalities as related to alcohol consumption and issues, is an important component of evidence-based policy.

Diversity and geography

32.6 There is a strong association between deprivation and an increased burden of harm linked to alcohol misuse, particularly among minority and vulnerable populations. A comprehensive alcohol licensing policy should acknowledge communities living in the most deprived areas of Brent (generally the south of the borough) whilst encouraging positive health outcomes and reductions in alcohol-related crime.

32.7 Population demographics indicate that poorer communities and a higher proportion of BAME communities live within the south of the borough, and therefore are more likely to experience a higher burden of alcohol related harm than the less diverse, wealthier population in the north. Brent Council acknowledges of the diversity of these areas of the borough where people may be most vulnerable to negative effects of alcohol.

Business community

32.8 For the business community, the SLP outlines the procedure for applying for a business licence and sets out the responsibilities of Brent Council as the Licensing Authority and business owners undertaking licensable activities. The principles

governing the SLP remain consistent with the previous policy statement and recognise the wider community impacts that the local authority, business community and other stakeholders must be aware of when undertaking licensed activities.

- 32.9 The SLP recognises the need for a balance between the rights of businesses and the community of which they are a part. This is done in line with Regulators' Code. For example, this is reflected in the conditions which include voluntary restrictions on the sale of beer, larger and cider above 6% ABV; restrictions applying to major event days at Wembley Stadium (including restricting the sale of cans to 4 per customer, closing 1 hour before event start times, restricting the sale of alcohol in glass bottles, restrictions on the numbers of people congregating at a ~~licensed~~ premises) irresponsible drinks promotions and the provision of free drinking water. These conditions may have a limited negative effect on the profitability of a small number of premises but are intended to tackle crime and anti-social behaviour as well as addressing potential health related issues for consumers. Brent Council and police officers are of the view that the public benefits outweigh any adverse impact on business prosperity.
- 32.10 Evidence suggests a high BAME ownership of small off-~~licensed~~ premises relative to white ownership of similar premises in Brent. Therefore, any policies that could affect off-~~licensed~~ premises could affect BAME business owners disproportionately. Care will be taken by the Council to ensure that this outcome is avoided. It is not anticipated that the policies and measures in place will affect the ability of LB Brent to meet their duties under the Equality Act.

33. Contact details

- 33.1 The Council's licensing service can be contacted in any of the following ways:

In person

Visit us – by prior appointment only – Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ

By post

Write to Regulatory Services, Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ

By email

business.licence@brent.gov.uk

By telephone

(020) 8937 5359

Other Useful Contacts

- 33.2
- | | |
|----------------|---|
| Police | Metropolitan Police (Licensing), Brent Civic Centre, Engineers Way, Wembley Middlesex, HA9 0JF
TEL: 020 8733 3206 |
| Fire Authority | Fire Safety Regulation: North West Area 1, London Fire Brigade, 169 Union Street, London SE1 0LL
TEL: 020 8555 1200 ext. 38778 |
| Planning | Planning Service, Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ |

	TEL: 020 8937 5210
Environmental Health	Environmental Health, Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ TEL: 020 8937 5252
Trading Standards	Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJTEL: 020 8937 5555
Public Safety Team	Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJTEL: 020 8937 5252
Health Board	Public Health, Brent Civic Centre, Engineers Way, Wembley Middlesex, HA9 0JF: 0208 937 6557
Brent Magistrates	448 High Road, London NW10 2DZ TEL: 020 8955 0555
Children's Services	Brent Civic Centre, Engineers Way, , Wembley, Middlesex, HA9 0FJ: 0208 937 6262
Portman Group	www.portmangroup.org.uk TEL: 020 7907 3700 EMAIL: info@portmangroup.org.uk

34. Health appendix

- 34.1 Alcohol-related harm in Brent is closely related to the overall health and wellbeing of Brent residents. Whilst data shows that alcohol consumption is lower in Brent compared to the London average, there is nevertheless a concern that those numbers of people that do drink, do so at a higher concentration than other London boroughs. This section of the appendix sets out some general background and gives some suggestions of best practice that **licensees** may wish to consider adopting.
- 34.2 The Licensing Authority can consider representations from health bodies acting as responsible authorities. The health bodies can provide information set out in this Appendix that is relevant to the promotion of the licensing objectives such as data including information on alcohol related ambulance call-outs and hospital admissions as a result of alcohol and alcohol related presentations to accident and emergency units. This information is reviewed regularly as part of the Joint Strategic Needs Assessment (JSNA) and the Local Alcohol Profiles for England (LAPE). The information this brings together should be seen as a core source of data to support licensing decisions.
- 34.3 Health is an intrinsic part of community safety and utilisation of health data in the decision making around licensing and broader activity of alcohol consumption and regulation is important. The appendix also sets out guidance to **licensees** on how to address the health impacts of alcohol on their customers and the residents of the Brent.
- 34.4 Alcohol plays an important and positive role in social and family life and contributes to employment and economic development locally. However, social traditions and economic benefits should not mask the fact that alcohol is a toxic substance that can have a detrimental effect on physical and mental health and wellbeing.

Outlining Drinking Levels

- 34.5 The Department of Health recommends that:
- Adult men should not regularly drink more than three to four units of alcohol per day
 - Adult women should not regularly drink more than two to three units per day
 - Men and women should avoid alcohol for 48 hours after a heavy drinking session and
 - Pregnant women and those trying to conceive are advised not to drink alcohol or, if they choose to do so, not drink more than 1-2 units of alcohol once or twice a week
- 34.6 There is no guaranteed safe level of drinking, but drinking below the recommended daily limits, means the risks of harm to health are low. Even drinking less than lower risk levels is not advisable in some circumstances.
- 34.7 Drinking any alcohol can still be too much in certain circumstances such as when driving, operating machinery, or engaging in strenuous physical activity.
- 34.8 For children and young people, the Chief Medical Officer recommends an alcohol-free childhood as the healthiest and best option. However, if children drink alcohol, it should not be until at least the age of 15 years. If young people aged 15 to 17 years consume alcohol, it should always be with the guidance of a parent or carer or in a supervised environment. They should do so infrequently, certainly on no more than one day a week. They should never exceed recommended adult daily limits and, on days when they drink, consumption should usually be below such levels.
- 34.9 Increasing and higher risk drinking are terms used to describe the amount of alcohol that people drink. Increasing risk drinking is defined as:

Drinking level	Men	Women
Regular	3 to 4 and 8 units of alcohol a day	2 to 3 and 6 units a day
Higher-risk	more than 8 units a day or 50 units a week	more than 6 units a day or 35 units a week

Identifying drinking patterns

- 34.10 It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. The area of greatest concern is that Brent seems to have a higher proportion of high risk drinkers. Brent is below the national profile in terms of 'binge drinkers' (8.2%), and those at increasing risk of drinking (16.9%). The borough also has more abstainers per head of population (31.4%) and a higher number of lower risk drinkers (76.0%). However, an area of concern is that Brent (7.1%) has a high proportion of high risk drinkers compared to the national average of 6.7%
- 34.11 Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs, bars and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of

being involved in a violent incident. People often pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub, bar, or club.

- 34.12 Dependent drinking describes a mix of behavioural, cognitive, and physiological symptoms that typically include a strong desire to consume alcohol, and difficulties in controlling drinking.

Negative effects of alcohol on health

- 34.13 Regularly drinking more alcohol than the recommended daily limit can damage health whilst excessive or higher-risk alcohol consumption is associated with over 60 medical disorders. Brent currently experiences better or average hospital admissions related to alcohol compared to London however men in Brent often fare significantly than the London average. Ultimately, more data will be needed to understand differences in alcohol specific admissions to hospital as related to the level of deprivation in Brent.
- 34.14 More people are now drinking at home, and over 70% of all alcohol in England is now purchased through the off trade. Whilst this includes preloading, adults who drink mainly at home appear to be aware of the risk of drinking more overall but unaware of the possibility of increased consumption leading to an increased risk of longer-term harm to health.
- 34.15 Consideration also needs to be given to the harm alcohol causes to people other than the person who is drinking, sometimes referred to as 'social harm' or 'passive drinking'. Children of parents misusing alcohol may experience severe emotional distress, physical abuse and violence as well as a general lack of care, support and protection.

Best practice and conditions

- 34.16 Brent's Alcohol Harm Reduction Strategy strongly promotes working in partnership with [licensed premises](#) and the adoption of high standards of management at all premises. However, it does not currently recognise that many [licensees](#) are supportive of the need to address the health issues relating to alcohol. In order to align closer with the four SLP objectives stated previous, it is suggested the following actions can be adopted through conditions:
- Restrict "special offers" like cheap shots, 'Happy Hours', Buy One Get One Free or buy 2 glasses of wine get whole bottle. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour
 - Align pricing with Alcohol by Volume (ABV), and ensure that non-alcoholic drinks are kept much cheaper. Increase seating for customers to reduce more intensive drinking
 - Reduce the volume of music as loud music can increase alcohol consumption
 - Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks
 - Make food available in late venues
 - Start the sale of alcohol later in the day and not align it purely with opening

hours

- No advertisements for alcohol in the shop window
- Storing alcohol behind the shop counter
- No display boards or other advertising showing on the shop floor
- Cans of alcohol should not be sold singly
- Bottles of beer under 1 litre should not be sold singly
- No beer or cider over 6% ABV should be sold, and
- No alcopops should be sold where they could attract under age purchasers.

Aligning with substance abuse treatment

- 34.17 Through the Council, the Police, the CCG and health services, Brent is committed to addressing responsible alcohol consumption and to safeguarding the health, safety and wellbeing of the whole community. Existing treatment interventions are care plan-based and there is a limited level of in treatment transfers for clients between different service providers to procure the best possible outcome. The Council acknowledges that the current treatment system is performing well in Brent, there are more people coming into treatment and more are completing successfully.
- 34.18 Comprehensive assessments for those that test positive for class A substances when arrested for a trigger offence (usually a form of acquisitive crime) are a mandatory requirement of the national Arrest Referral Scheme. In Brent this means that Westminster Drug Project (WDP) staff is required to conduct an assessment on that person in custody following a positive test. However, for alcohol, engagement in police custody with a drugs and alcohol worker, or to be referred for treatment or work with a specialist provider, is voluntary.
- 34.19 Magistrates at courts can give someone an ATR (Alcohol Treatment Requirement) as a community order, which means the person is mandated to attend appointments and treatment with a relevant service, and non- attendance is breachable – meaning the person breaches the court order and there are consequences to this. These are usually given for approximately six months.
- 34.20 Interventions for alcohol treatment in Brent broadly cover:
- Assessment, support, brief intervention, onward referral for specialist treatment for those who choose to see a drugs and alcohol worker in police cells
 - Service at Hendon Magistrates Court who arrange Restrictions on Bail (ROB), Alcohol Treatment Requirement (ATR), for those who are given a court order by the magistrates – note these usually last for 6 months
 - Assessments for Alcohol Treatment Requirements
 - Key work for those who require one on one support from a drugs and alcohol worker and have contact with CJS
 - Group work sessions to address alcohol use
 - Referrals to and partnership working with those services who provide outreach to problematic alcohol and drug users (CRI), a drop in (Addaction), community health care services (CNWL – NHS) who provide prescribed treatment for alcohol or drug use (such as those requiring detox or rehab) and those services who run the ATR community orders, and

- Treatment coordination and case management of individuals in the community who require treatment for drugs and or alcohol who are involved with the CJS – where there are other services involved in the treatment of that individual
- 34.21 In the last year WDP have provided brief interventions to 53 clients in Wembley Police station to people who state that alcohol is their primary substance that they use problematically (these are not necessarily people arrested for alcohol related crime – they can be seen by an alcohol worker if they want if arrested for other crimes).
- 34.22 Brief interventions include alcohol harm reduction advice, discussions about support available and safe limits and the dangers of alcohol and preventative interventions.
- 34.23 Over the 2014-2015, the WDP service has provided 667 brief interventions for alcohol to those detained in police custody in the area they cover. Due to some recent police station closures, they are seeing people in custody from Brent, Harrow and Barnet. Of those 667, they conducted a more detailed structured assessment on 187 to make onward referrals for specialist treatment (perhaps where brief intervention alone was deemed not sufficient due to level of consumption, complexity of situation, for example)
- 34.24 Specialist treatment can include having a key worker who supports someone with alcohol issues to address this, attending group sessions, structured sessions, being referred to prescribing services for an alcohol detox in the community, being referred for in-patient detox at a rehabilitation centre for example.
- 34.25 WDP also conducted 96 assessments for Alcohol Treatment Requirement in the last year and 41 were given by the court for individuals to attend appointments, and treatment services for approximately six months.

Long-term effects of alcohol on health

- 34.26 Drinking hazardous amounts of alcohol for many years will take its toll on many of the body's organs and may cause organ damage. Long-term alcohol misuse can weaken the immune system, making people more vulnerable to serious infections. The Council acknowledges there are many long-term health risks associated with alcohol misuse that will continue to be monitored.

Long-term effects of alcohol on the sustainability of social structures

- 34.27 Alcohol misuse can also have long-term social implications. For example, it can lead to family break-up and divorce, domestic abuse, unemployment, homelessness, and financial problems. Currently, there is not enough suitable evidence of the impact of alcohol on social structures among minority groups in Brent to suggest specific licensing policies. The Council will take measures to ensure this issue is monitored on an ongoing basis.

Impact on public health of local people

- 34.28 An explicit connection to public health that recognises the impact of alcohol use, and the need to place licensing in context of wider public health strategy. This includes acknowledging how alcohol can lead to drug abuse and high risk-taking behaviour. This can disproportionately affect vulnerable individuals and groups in the community.

Smoking advice

- 34.29 Health studies and NHS guidance has shown a link between likelihoods of smoking and alcohol use. This is also true for young people. The Council acknowledges these connections and will work to ensure adherence to principles of health and prevention of harm against children by taking into the potential for health hazards of smoking as it's related to alcohol consumption and overall licensing.

Alcohol and pregnancy

- 34.30 The Council recognises the dangers of drinking while pregnant, and any approach to be taken to minimise harm will be encouraged. For example, provision of warning posters or disclaimers for all ~~licensed~~ licensed premises.

Sexual offendin

- 34.31 Alcohol related harm is experienced not only by drinkers but by those around them including families, friends, colleagues and strangers. The Council acknowledges that there is a strong relationship between alcohol abuse and sexual assault. Reference will be made to the Sexual Offences Act 2003 to acknowledge the connection between alcohol abuse and sexual offences. Whilst alcohol should not be used as an excuse for those who perpetrate violence and abuse, neither should its influence be ignored.
- 34.32 Currently, there is not enough suitable evidence of sexual offences as related to alcohol in Brent to inform specific licensing policies. This will continue to be monitored.

Child sexual exploitation (CSE)

- 34.33 Perpetrators often use alcohol as a tool to exploit vulnerable children and young people. Children and young people who abuse drugs or alcohol are susceptible to mental health issues that can lead to sexual exploitation.
- 34.34 Operation Make Safe is a recently developed scheme in LB Hounslow in partnership with the Met, aimed at highlighting the signs of CSE to local businesses. Brent Council encourages the adoption of best practices as this will be particularly valuable in the area around Wembley Stadium and Wembley Arena which has seen the development of new hotels
- 34.35 Brent has experienced large growth in population, particularly among children and young people. The SLP acknowledges changing demographics and dynamics of the borough. Currently, there is not enough suitable evidence of CSE prevalence in Brent to inform specific licensing policies. However, CSE in Brent will continue to be monitored, particularly as the demographic makeup of the borough continues to change.
- 34.36 **Impact of shisha bars on health**
- 34.37 Brent's town centres and neighbourhoods feature a diverse offer of shisha/sheesha bars, some of which sell alcohol under the Late Night Refreshments licence. Shisha smoking is a way of smoking tobacco, sometimes mixed with fruit or molasses sugar, through a bowl and hose or tube. Shisha smoking is traditionally used by people from Middle Eastern or Asian communities and is becoming increasingly

popular in cities around the UK. The British Heart Foundation in 2011 demonstrated that the UK had seen an increase in 210% in the number of shisha premises since the introduction of the smoke-free legislation in 2007. However, shisha smoking can pose health concerns for Brent residents and visitors, particularly when combined with unsafe consumption of alcohol.

35. Glossary

AAR – Alcohol Arrest Referral
ABV – Alcohol by Volume
ARS – Alcohol Referral Scheme
ASB – Anti Social Behaviour
ATR – Alcohol Treatment Requirement
BAME – Black and Minority Ethnic
CAD – Computer Aided Dispatch
CCTV – Closed Circuit Television
CDA – Controlled Drinking Area
CDZ – Controlled Drinking Zone
CIZ – Cumulative Impact Zone
CSE – Child Sexual Exploitation
CSP – Community Safety Partnership
DAAT – Drug and Alcohol Action Team
DPPO – Designated Public Place Order
EMRO – Early Morning Restriction Order
ENTE – Entertainment and Night Time Economy
GIS – Geographic Information System
GP – General Practitioner
HVVD – High Volume Vertical Drinking
LAPE – Local Alcohol Profiles for England
LAS – Local Ambulance Service
LB – London Borough
LNL – Late Night Levy
LNRL – Late Night Refreshment Licence (or Licencing)
MPS/MET – Metropolitan Police Service
NHS – National Health Service
NTE – Night Time Economy
PCC – Police and Crime Commissioner
PCO – Public Carriage Office
PSPO – Public Spaces Protection Order
SIA – Security Industry Authority
SNT – Safer Neighbourhoods Team
SLP – Statement of Licensing Policy
TfL – Transport for London
WDP – Westminster Drug Project

Appendix 2 - Gambling Act 2005 – Statement of Gambling Principles – Response to Consultation

No.	Received	Respondent	Paragraph	Comments	Action	Reason
1	1/9/15	Ladbrokes plc	Local area RAs	a) Operators should be left to decide matters should be included in their risk assessment. Therefore only local risks that are evidence based would be included in the risk assessment.	This is already in the policy in para 7.1.2	One of the Gambling Act objectives
			Local area RAs	b) The imposition of additional licence conditions unless accompanied by robust evidence could lead to unintended consequences such as local shop closures and job losses.	Para 7.12.2 states that the licensing authority will consider if licence conditions are appropriate in areas or unacceptable levels of crime	One of the Gambling Act objectives
			Existing responsible practices	c) The proximity of young people to betting shops should not be regarded as an additional risk because security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues.	The licensing authority will ensure that gambling premises operate strict policies if they are located near to premises frequented by children and young people. Para 6.7.2	One of the Gambling Act objectives
			Executive summary	d) There is no evidence to support the assertion that gambling “has many disadvantages and presents particular risks to children and the vulnerable... and in certain circumstances being the cause of crime and disorder”.	Text amended in the penultimate paragraph of the executive summary	One of the Gambling Act objectives
			Local area risk assessments	e) The imposition of additional licence conditions unless accompanied by robust evidence could lead to unintended consequences such as local shop closures and job losses	All conditions comply with the gambling licence objectives	One of the Gambling Act objectives
2	23/9/15	William Hill Organisation	Executive summary	a) The Executive summary should contain a reference to the desirability of licensed and regulated supply over illegal supply.	Para 1 of the executive summary has been amended to reflect that the	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
					aim should be to permit gambling.	
			Executive summary	b) There is also no reference to the significant level of regulatory control imposed under the operating licence and the extensive framework of Licensing Conditions and Codes of Practice (LCCP) to which operators have to adhere	This is stated throughout the document	One of the Gambling Act objectives
			Executive summary	c) The assertion about the "many disadvantages" of gambling does not appear to be properly evidenced in the main body of the policy document.	"many disadvantages" has been deleted from the executive summary	One of the Gambling Act objectives
			Executive summary	d) A statement about the "aim to permit" principle needs to have prominence within the policy.	Para 4 of the executive summary, clauses 5.4.3, 6.2.2, 7.1.2 of the draft principles clearly state that the Council must aim to permit the use of premises for gambling	One of the Gambling Act objectives
			1.1	e) We disagree with and object to the Authority's summation regarding the overall approach of the Act. Once an operator has obtained an operating licence the Authority is obliged to "aim to permit"	We have amended the opening paragraph of the executive summary to include "aim to permit".	One of the Gambling Act objectives
			1.5	f) We disagree with the legal and policy interpretation and emphasis in this paragraph.	Para 1.5 has been deleted.	One of the Gambling Act objectives
				g) The Authority must follow the hierarchy as set out in S153 of the Act. The Act is permissive not prohibitive.	This is clearly set out in paragraph 1.4	One of the Gambling Act objectives
			5.2.1	h) Although the Authority says that it is aware of the distinction between disorder and nuisance, the drafting appears to conflate the two issues whilst not making	This is already in the policy at para 5.2.1. We believe the distinction is clear	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				clear the distinction between the two. Also any serious "disorder" (as defined in the Guidance to Licensing Authorities) needs to be clearly associated with gambling. Therefore acts committed outside the curtilage of the betting shop are unlikely to be associated directly with gambling.		
				i) The Authority should not seek to blur the distinction between disorder and nuisance and the normal legal meanings should be applied. For example people loitering outside a betting shop, smoking and drinking is not by any definition disorder; although it may cause a public nuisance.	This is already in the policy at para 5.2.1. We believe the distinction is clear.	One of the Gambling Act objectives
				j) Any harassment (even if it constitutes a public order offence) in the street outside a betting shop is unconnected with the activity of gambling. The operator has no responsibility for what occurs outside its area of control. Betting shops do not sell alcohol and are therefore not responsible for external behaviour relating to the on-premises activity. Before the passing of the Act, this matter was debated by Parliament and it was clearly felt the nuisance was not a matter which was to be considered under the Licensing Objectives.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para 5.2.1	One of the Gambling Act objectives
				k) Door supervision is not a generally effective control mechanism in betting shops as there is an obligation on William Hill's own staff to "watch the door and manage the floor". Door supervisors have no authority to police the street.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
					9.12.4	
				l) The authority should take care not to apply too wide a definition to the crime and disorder objective.	Para 5.2.1 makes the distinction clear	One of the Gambling Act objectives
				m) In most cases, betting shop operators and/or their staff are victims of crime. In the circumstance detailed above, the premises (and its use) are neither the cause of the crime or "associated" with crime (in the context envisaged by Parliament).	The text has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
			5.5.5	n) We support the idea of a single point of contact for the Authority area. This would normally be the District Manager, but William Hill also has a central compliance team and would be willing to provide contact details.	NFA	
			6.5	o) We do not see the relevance of maps which indicate areas of social deprivation. The majority of inner city betting shops cater for demand in areas of dense population or high footfall. The Authority recognises itself that the lowest number of betting shops is in one of the most deprived areas (Stonebridge), but we are at a loss to understand what additional controls could be put in place to further reduce gambling related harm in areas designated as deprived.	Deprivation is one indicator of risk, which the operator ought to deal with in its risk assessment. The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para 6.5	One of the Gambling Act objectives
				p) The physical location of betting shops - in terms of the vibrancy and vitality of high streets - is a matter for the planning regime (betting shops are in a sui generis use class). Unless the Authority wishes to pursue an unlawful exclusionary policy in respect of betting shops then we cannot	We agree with the aim to permit gambling if it satisfies the relevant criteria. However, it may be appropriate to attach additional conditions to a premises licence. The	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				understand why deprivation would be a relevant factor under the “aim to permit” principle. Such a policy would be at odds with the general principles of the Act.	document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies. Para 6.5	
				q) The location of schools and youth centres is broadly irrelevant if the operator has appropriate age restriction controls (as is required by law and existing regulation).	The licensing authority will ensure that gambling premises operate strict policies if they are located near to premises frequented by children and young people. Para 6.7.2	One of the Gambling Act objectives
			6.6	r) The Authority has indicated that due to data limitations that it is difficult to gain an accurate picture of the impact that gambling venues have on crime in Brent. This is at odds with the statement in the Executive summary that betting shops can be a source of crime and disorder (see above). Main town centres are, because of obvious factors (not least property related and offences against the person crimes) “crime hotspots”. Most retailers and alcohol licensed premises suffer much higher levels of crime than betting shops. There is simply no substantial evidence that betting shops drive up crime levels. In fact they are highly regulated, alcohol free environments where crime levels are generally much lower than in the rest of the immediate locality. This has been clearly demonstrated in a series of Committee hearings.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				s) Criminal damage to gaming machines is a crime committed against betting shop operators who are the victims of that crime. The focus here should be on the perpetrators who in the main are persons who are just as likely to commit similar crimes and anti social behaviour in the wider area.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
				t) The council should not seek to impose general premises licensing conditions (in addition to the mandatory and default conditions) relating to shop furniture by way of general statements in this policy. This is a clear abuse of process and should be a matter for individual consideration on a shop by shop basis.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
				u) We would caution against some of the identified drafting in this policy document which strays into exclusionary language. The document should contain clear evidence and not an exposition of theoretical risk.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
				v) We would respectfully request that the Authority critically reviews this policy to ensure that it does include anything in it that contravenes the fundamental principles of the Gambling Act 2005. Simply because the Guidance to Licensing Authorities contains examples of theoretical risk does not mean the Authority can reflect that in its own policy without clear evidence to underpin any assertion made. This would be at odds with gambling law and precedent.	We have set out the council's approach to gambling licensing. Based on the applicant's risk assessment, the council will amend the conditions attached to the licence but they will always be in accordance with the licensing objectives. See para 7.1.2	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				w) As drafted this policy could be susceptible to a sustainable legal challenge		One of the Gambling Act objectives
3.	24/9/15	Coral Racing Ltd		The requirement to supply risk assessments with future applications, variations as well as local changes, following the consultation completion – effective date is from the 6th April 2016. The document does not include any information about this as far as we are aware. However, when the Council amends its policy to include risk assessments, Coral Racing would be happy to contribute.	NFA	One of the Gambling Act objectives
				The additional local risk assessments should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. There should be no requirement to list specific locations, which leads to a point of slight concern within the current Policy.	The statement has been amended at paras 6.8.1, 6.8.2	One of the Gambling Act objectives
			7.12.1	No evidence that the location of a licensed betting office within the proximity of the locations listed causes harm to the licensing objectives.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies	One of the Gambling Act objectives
				No evidence that children coming from schools are gaining access to betting offices. Children are not interested in betting, and the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises.	The document applies to gambling in an holistic way, not just to betting shops. There are gambling premises that sell alcohol to which much of the text applies.	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
4.	24/9/2015	Poppleston Allen		Requested a telephone call to explain the main changes to the previous Statement	Returned call but customer was not available. Replied by email instead.	One of the Gambling Act objectives
5.	25/9/15	Gosschalks Solicitors on behalf of the Assn of British Bookmakers (ABB)		Where a local area profile is produced by the licensing authority, this should be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.	Agreed. The statement has been amended accordingly. See para 6.	One of the Gambling Act objectives
			6.6.1	The policy is contradictory in that it states that "due to data limitations it is difficult to gain an accurate picture of the impact that gambling venues have on crime in Brent." There is no evidence available to the authority that this is the case.	The evidence of crime and disorder actually in the policy shows there is a link. The distinction between association with gambling and association with gambling premises is tenuous and unlikely to be of practical utility on the facts of individual cases, particularly given the reference in section 1 to association rather than causation. Whether there is association in individual cases will be considered on the evidence. See para 6.6.1	One of the Gambling Act objectives
			1.3	The reference to promoting the licensing objectives is repeated at paragraph 6.2.1. The policy should state the principles that the licensing authority proposes to apply in exercising its function under the Act, not required to promote the licensing objectives.	Para 6.2.1 has been amended	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				The draft policy would benefit at an early stage by an indication that the overriding principles of Gambling Act 2005 are to “aim to permit” the use of premises for gambling.	This is stated in para 1 of the executive summary	One of the Gambling Act objectives
			5.2.1	The policy does not make clear the distinction between crime and disorder.	This is already in the policy at para 5.2.1. We believe the distinction is clear	One of the Gambling Act objectives
			6.5.1	It is unclear why the map is included showing the juxtaposition of gambling establishments with areas of social deprivation.	Deprivation is one indicator of risk, which the operator ought to deal with in its risk assessment	One of the Gambling Act objectives
			6.6.1	This paragraph indicates hot spots for crime and disorder. Hot spotting is of little use without a detailed examination of the evidence and creates an impression that there is a link between gambling and crime.	See 6.6.1 above	One of the Gambling Act objectives
			7.1.3	The list of criteria is not relevant when considering applications under Gambling Act 2005.	We believe it is relevant	One of the Gambling Act objectives
			7.12.1	<p>Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licensing regime under Licensing Act 2003. Such a policy is contrary to the overriding principles of “aim to permit” contained with s153 Gambling Act 2005.</p> <p>Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two</p>	Additional conditions may be imposed on the applicant if the premises is within close proximity of these establishments	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
				sentences should be removed and replaced with the reiteration of the principle earlier in the policy that each case will be determined on its own merits.		
			7.12.2	The subsequent paragraph (7.12.2) indicates that an application must include detailed information as to how the proposals will promote the gambling objectives of protecting children and other vulnerable persons from being harmed or exploited by gambling. There is no facility to do this within the application process although from 6 th April 2016, that information will be made available through the local area risk assessment that will be submitted alongside an application.	The para has been amended re risk assessment Para 7.1.2.2	One of the Gambling Act objectives
				Paragraph 9 deals with premises licence conditions. The policy would be assisted by a statement that the starting point for consideration of applications is that those applications will be granted without conditions. This section of the policy should also acknowledge that Gambling Act premises licences are subject to robust mandatory and default conditions. These conditions will only need to be supplemented if there is evidence in a particular circumstance that additional conditions would be appropriate and proportionate.	All gambling licences are accompanied by conditions. We will only add additional conditions when appropriate as stated in para 9.1	One of the Gambling Act objectives
			9.1.1	The statement that the licensing authority would consider utilising conditions should there be a "perceived need" is not enough. The licensing committee can only proceed on the basis of real evidence.	We do not agree with this comment. There is no such statutory presumption. The test for conditions is set out in the	One of the Gambling Act objectives

No.	Received	Respondent	Paragraph	Comments	Action	Reason
					policy at para 9.1	
6.	29/9/2015	Power Leisure Brokers Ltd		Response received on 29/9/2015	Response received after the closing date so will not be considered.	One of the Gambling Act objectives

This page is intentionally left blank

London Borough of Brent

Statement of Gambling Principles - Equalities Impact Assessment (EqIA)

Department:	Regeneration and Growth
Service Area:	Regulatory Services
Person Responsible:	Pollen Exeter
Timescale for Equality Impact Assessment:	n/a
Name of service/policy/procedure/project, etc.	Statement of Gambling Principles 2016-2019
Is the service/policy/procedure/project:	Old
Predictive or Retrospective	Predictive
Adverse Impact/Not found/Found	Not Found
Service/policy/procedure/project etc, amended to stop or reduce adverse impact	n/a
Is there likely to be a differential impact on any group?	No
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers	No
2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities	No
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability	No
4. Grounds of faith or belief: Religion/faith including people who do not have a religion	No
5. Grounds of sexual orientation: Lesbian, Gay and bisexual	No
Consultation concluded	Yes
Person responsible for arranging the review	Pollen Exeter
Person responsible for publishing results of Equality Impact Assessment:	Yogini Patel
Person responsible for monitoring	Yogini Patel
Date results due to be published and where	
1. What is the service/policy/procedure/project etc to be assessed?	Statement of Gambling Principles 2016-2019

2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/policies in this area

Brent Council is the licensing authority under the Gambling Act 2005 (the Act) and is responsible for granting premises licences for gambling in the Borough. The Act created the Gambling Commission as a national regulatory body to enforce stronger gambling regulations. S.349 of the Act requires the council to publish a statement of the principles that it proposes to apply when exercising its functions under the Act. This statement must be published every three years. The statement must be reviewed from time to time and if the council thinks it necessary in the light of a review, revise the statement and publish any revision of it before it comes into effect. The council is required to consult widely on the statement and any revision of it. The Statement was last revised in 2011. It is now time for Brent Council to review its Statement of Principles and undertake a public consultation exercise in order that the latest version can be agreed by the Full Council in autumn 2015 and published in January 2016.

Consultees must include the chief officer of police, one or more persons representing the interests of persons carrying on gambling businesses in the authority's area, and one or more persons representing the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

Activities covered by legislation and this policy include:

- (a) The licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- (b) Issue *Provisional Statements*
- (c) Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- (d) Issue *Club Machine Permits* to *Commercial Clubs*
- (e) Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- (f) Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- (g) Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- (h) Register *small society lotteries* below prescribed thresholds
- (i) Issue *Prize Gaming Permits*
- (j) Receive and Endorse *Temporary Use Notices*
- (k) Receive *Occasional Use Notices*
- (l) Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- (m) Maintain registers of the permits and licences that are issued under these functions

The Council exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities

The existing policy sets out the general approach the council will take when considering applications for licences. The Act provides a clear focus on the three licensing objectives which are:

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

This review takes on board minor changes to the Guidance issued to licensing authorities by the Commission. These changes include:

- A new name for Bet Receipt Terminals;
- a requirement to comply with the new Regulators' Code, additional advice notes on what constitutes bingo; and
- the removal of references to the now defunct horse betting levy board.

The review considered the location of gambling establishments in relation to areas of social deprivation and of establishments occupied or attended by vulnerable persons. These premises include schools, youth centres, children centres and hostels.

3. Are the aims consistent with the Council's Comprehensive Equality Policy?

This policy is consistent with the Council's aim to ensure that the services we provide are relevant to the needs of all sections of the communities. The proposals are not expected to adversely affect any of the protected equalities groups highlighted in this assessment.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

The Council recognises that many people enjoy gambling as part of their entertainment, leisure and sporting activities from which economic and social benefits arise for businesses. Appropriately licensed and regulated gambling should help to exclude illegal gambling. Gambling creates employment in the borough, but it also presents risks to children, vulnerable people, existing problem gamblers, and in certain circumstances being the cause of crime and disorder.

Most of the gambling establishments are owned by large businesses. There are very few owned by people from the disadvantaged groups, although they account for a large proportion of users. We will continue to monitor gambling operations to detect any adverse effect on these groups.

The Council in its role as licensing authority recognises the importance of its decision making process, the input of all stakeholders, and the application of this Statement of Principles in relation to the Gambling Policy to deal with the competing interests of business and local communities. The Council will therefore seek to strike a balance between the different aspirations and requirements of businesses, local residents and the many visitors to the borough

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by gender, race, disability etc).

The initial screening on the policy review found that there was no adverse impact on any of the protected equalities groups from the implementation of this policy, or the changes/amendments under consideration as part of the review.

The evidence is based on:

- Data obtained through inspecting gambling premises
- Crime data supplied by the Police
- Public consultation - a four week public consultation was carried out with responsible authorities, key stakeholders This included members, statutory consultees, residents and business representatives groups.

There were five responses to the consultation and their comments have been taken on board.

Race

None of the evidence reviewed highlighted any adverse impacts concerning race.

Gender

None of the evidence reviewed highlighted any adverse impacts concerning gender

Disability

None of the evidence reviewed highlighted any adverse impacts concerning disability.

Faith/Belief

None of the evidence reviewed highlighted any adverse impacts concerning faith/belief.

Sexual orientation

None of the evidence reviewed highlighted any adverse impacts concerning sexual orientation.

Age

None of the evidence reviewed highlighted any adverse impacts concerning age.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable).

No.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

There has been consultation with key stakeholders, and a public consultation undertaken as part of the policy review).

Public consultation was conducted via the online consultation portal on the LB Brent website. The results of this consultation informed the final draft of the SLP published.

8. Have you published the results of the consultation, if so where?

The results have not been published to any external audience. However, each of the respondents has been written to.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner

No.

10. If in your judgement the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations
There is no adverse impact.
11. If the impact cannot be justified, how do you intend to deal with it?
N/A
12. What can be done to improve access to/take up of services?
N/A
13. What is the justification for taking these measures?
N/A
14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible on the front page
The Council will continue to use the Equality Monitoring Forms. Any further changes or action to be determined by licensing officer, Yogini Patel.
15. What are your recommendations based on the conclusions and comments of this assessment?
Should you:
1. Take immediate action - No 2. Develop equality objectives and targets based on the conclusions? No 3. Carry out further research? No
16. If equality objectives and targets need to be developed, please list them here
N/A
17. What will your resource allocation for action comprise of?
N/A

Appendix 1

Data Sources:


POLICE DATA	LEVEL
All crime with a gambling flag	Postcode Level
Grouped crime with a gambling flag	Postcode Level
PREMISES	
All licenced premises	Postcode Level

Appendix 2

Key Stakeholders:

ORGANISATION	REMIT	ROLE
LB Brent	All Members	Member
MPS	Brent Community Safety Partnership Team	Police Constable
MPS	Licensing Police	
Safer Neighbourhood Group	Representative Group	Chair
LB Brent	Public Health	Director
Sudbury Town Residents Association	Representative Group	Deputy Chair
Age UK Brent	Advocacy & support	Head of Advocacy
Crime Reductions Initiative (CRI)	Advocacy & support	Manager
Gambling establishments located in the borough	Premises licence holders	Premises licence holders

This page is intentionally left blank

 Brent	Full Council 23 November 2015 Report from the Chief Legal Officer
For Action	Wards Affected: ALL
Members' Code of Conduct and Members' Gifts and Hospitality Protocol	

1.0 Summary

- 1.1 This report sets out proposed changes to the Members' Code of Conduct and a draft Members' Gifts and Hospitality Protocol for approval and the consequential amendment to Standing Orders.

2.0 Recommendations

- 2.1 That the Council approve the proposed changes to the Members' Code of Conduct and the consequential amendment to Standing Orders.
- 2.2 That the Council approve the draft Members' Gifts and Hospitality Protocol.
- 2.3 That, if approved, the new Members' Code of Conduct and the Members' Gifts and Hospitality Protocol come into force on 30 November 2015 and the Chief Legal Officer be authorised to discharge the Council's duty to publicise the new Members' Code of Conduct.
- 2.4 That, if approved, the Council authorise the Chief Legal Officer to revise the Licensing and Planning Codes of Practice to reflect the new Members' Code of Conduct.

3.0 Detail

Statutory background

- 3.1 The Council has a statutory duty under the Localism Act 2011 (the Act), to promote and maintain high standards of conduct by elected members and co-opted or appointed members (collectively referred to in this report as

members) of the Council. In particular, the Council has to adopt a code dealing with the conduct that is expected of members when they act in an official capacity. This code has to be consistent with the following principles: selflessness; integrity; objectivity; accountability; openness; honesty and leadership. It also has to make provision for the registration and disclosure of interests by members.

- 3.2 The Council can revise its code at any time but is required to publicise the revision of the code in such manner as it considers is likely to bring the revision to the attention of persons who live in its area.
- 3.3 The function of revising a code of conduct cannot be delegated and has to be discharged by Full Council.

Factual background

- 3.4 The existing Members' Code of Conduct was adopted in July 2012 and revised last year, following an external review of the Council's Licensing and Planning Codes of Practice. This review recommended that consequential changes be made to the Members' Code of Conduct to deal more comprehensively with conflicts of interest, especially non-financial interests.

Revised Members' Code of Conduct and draft Members' Gifts and Hospitality Protocol

- 3.5 A more recent review by the Monitoring Officer and, in particular, a recent Internal Audit report on declaration of interests and gifts and hospitality by members (which was considered by the Audit Committee), highlighted the need for further improvements to be made to the Members' Code of Conduct and formal guidance to members on gifts and hospitality.
- 3.6 Consequently, the revised Brent Council Code of Conduct for Members is attached to this report as Appendix 1 for approval.
- 3.7 In broad terms, changes have been made to the Council's code to improve the wording, formatting and presentation of the document. The textual and technical changes aim to express and explain the requirements of the code more clearly and helpfully.
- 3.8 The table below highlights and explains the substantive changes in greater detail.

Paragraph No.	Heading	Explanation
1(3)	Introduction and interpretation	<p>The code applies to both elected councillors and co-opted members.</p> <p>For the avoidance of doubt, the code now defines the term "co-opted member". It includes</p>

		<p>appointed members with or without voting rights.</p> <p>The council's minimum statutory obligation is to extend its code to co-opted members <i>with</i> voting rights but it is generally considered to be good corporate governance practice to require non-voting co-opted members to comply with the same standards too. The only practical difference is that the criminal offences created by the Act do not apply to non-voting co-opted members.</p>
7(b)	General obligations (use of council resources)	<p>Members use of council resources is restricted.</p> <p>The requirement to have regard to any applicable local authority code of publicity made under the Local Government Act 1986 has been added. This reflects the wording of the former prescribed code which was abolished in 2012.</p> <p>In actual fact, the requirement to comply with the local authority code of publicity is referred to at the end of the existing code.</p> <p>It is suggested that it should also be referred to in this paragraph too.</p>
9	General obligations (training)	<p>The requirement to attend mandatory training on the Members' Code of Conduct and on Members' standards in general has been added.</p> <p>The purpose of this change is to underscore the importance of members ensuring that they know and understand their obligations under the code and how to manage conflicts of interest.</p> <p>The intention is to secure 100% attendance on all mandatory training sessions for members.</p>
11	Registration of interests	<p>The wording has been simplified to make clear that the initial trigger point for the registration of interests is on election or appointment.</p> <p>The existing code states that members are required to register any interests within 28 days of the code being adopted or their election/appointment (whichever is later).</p> <p>However, the Act requires members to register their interests within 28 days of their election or appointment in all circumstances and without</p>

		<p>exception. The existing wording is therefore confusing and misleading as it could be interpreted as extending the statutory deadline.</p> <p>The wording of the existing code requires members to register all of their interests on their re-election. This has been changed to match the requirements of the Act. Namely, members only have to notify the Monitoring Officer of any <i>changes</i> to a registered interest or a <i>new</i> interest.</p>
13(2)(a)	Personal interests	<p>The existing code states that members have a personal interest if, amongst other reasons, their well-being or financial position is affected or if the well-being and financial position of a member of their family or any person with whom they have a close association. For the avoidance of doubt, the term ‘friend’ has now been added.</p>
17 & 18	Disclosure of interests and participation in meeting	<p>The existing code allows members to participate (i.e. make representations, answer questions or give evidence) in meetings, even if they have a prejudicial or disclosable pecuniary interest provided that the public have the same participation rights too.</p> <p>However, according to the Act, unless a dispensation is granted, it is a criminal offence for members to, without reasonable excuse, “participate in any discussion” if they have a disclosable pecuniary interest.</p> <p>According to the DCLG guide to councillors titled “Openness and transparency on personal interests”, if a member has a disclosable pecuniary interest the prohibitions apply “to any form of participation including speaking as a member of the public. Although the guide has no force of law, it is significant and carries weight.</p> <p>The Act clearly overrides the code and it is important therefore that any confusion the wording of the existing code may create is eliminated.</p> <p>Accordingly, the code has been changed to set out separately the consequences of, on the one hand, having a prejudicial interest and, on the other, a disclosable pecuniary interest. The code</p>

		<p>now makes clear if a member has a disclosable pecuniary interest, he/she must not participate in any discussion of, or in any vote on, the matter at the meeting.</p> <p>In these circumstances, members can make written representations or appoint a representative or, at least in principle, apply for a dispensation.</p>
19	Dispensations	<p>The existing code lists some but not all the statutory grounds for granting dispensations.</p> <p>The code has been changed to refer to section 33(2) of the Act but does not specify any of the grounds.</p>
Appendix B, 3)	Personal interests	<p>The existing code requires members to register gifts and hospitality “worth more than an estimated value of £50”.</p> <p>This has been changed as follows:</p> <p>“....a gift or hospitality worth an estimated value of at least £50 in your capacity as a Member. This includes a series of gifts and hospitality from the same person that add up to an estimated value of at least £50 in a municipal year.”</p>
20	Related documents	<p>The Members’ Gifts and Hospitality protocol has been added.</p>

3. 9 The above changes were considered by the Standards Committee at its meeting on 1 October 2015 and the Committee resolved to recommend that that they be approved by the Council. The Committee also resolved to recommend to the Council that the following general obligation be added:

“4. (2) You must not –

(e) make frivolous, vexatious or repeated complaints against another member or an officer of the council.”

- 3.10 The Committee felt that there was a need for the code to make express and specific provision in respect of the risk of members using their position to make complaints which are vexatious etc.
- 3.11 According to the Act, the exclusion of members from a meeting while a discussion or vote takes place because they have a disclosable pecuniary interest should be set out in the Council’s Standing Orders. It is proposed therefore that the following paragraph be added to the Council’s Standing

Orders:

“67B The exclusion of members with a disclosable pecuniary interest

Members must leave the meeting room during the consideration of any item of business in which they have a disclosable pecuniary interest, unless a member is permitted to remain as a result of a dispensation.”

- 3.12 As the requirements of the Members’ Code of Conduct are repeated in the Licensing and Planning Codes of Practice, the Council is asked to authorise the Chief Legal Officer to revise these codes to reflect the proposed changes to the Members’ Code of Conduct.
- 3.13 The draft Members’ Gifts and Hospitality Protocol, which is attached to this report as Appendix 2, is intended to supplement the Members’ Code of Conduct as a non-statutory guidance document. The Protocol reminds members of their Code of Conduct obligations to register and declare gifts and hospitality received in an official capacity worth an estimated value of at least £50; gives examples of different types of gifts and hospitality; provides guidance to members about when it is appropriate to accept gifts and hospitality and the questions members should ask themselves.
- 3.14 As well as the code, the Standards Committee considered the draft Protocol at its last meeting too and resolved to recommend that it be approved by the Council.
- 3.15 If approved by the Council, it is proposed that both the Members’ Code of Conduct and the Members’ Gifts and Hospitality Protocol come into force on 30 November 2015. Further, the Council is requested to authorise the Chief Legal Officer to discharge the Council’s duty to publicise the new Members’ Code of Conduct.

4.0 Financial Implications

- 4.1 There are no specific implications arising from this report.

5.0 Legal Implications

- 5.1 These are addressed in the body of the report.

6.0 Diversity Implications

- 6.1 None.

Background Papers

None

Contact Officers

Fiona Alderman, Chief Legal Officer, Chief Operating Officer's Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 4101

Looqman Desai, Senior Solicitor (Governance), Chief Operating Officer's Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 1366

This page is intentionally left blank

BRENT COUNCIL CODE OF CONDUCT FOR MEMBERS

PART 1

Introduction and interpretation

1. (1) This Code applies to you as a member of Brent Council.
- (2) It is your responsibility to comply with the provisions of this Code.
- (3) In this Code –

“meeting” means any meeting of –

- (a) Full Council;
- (b) The Cabinet ;
- (c) Any of the Council’s or Cabinet’s committees, sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member. A co-opted member is a person who is not a member of the Council but is a member (with or without voting rights) of any committee or sub-committee of the Council or represents the Council on any joint committee or joint sub-committee of the Council.

Scope

2. (1) You must comply with this Code whenever you -
 - (a) Conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) Act, claim to act, or give the impression you are acting as a representative of the Council,
and references to your official capacity are construed accordingly.
- (2) Where you act as a representative of the Council –
 - (a) On another authority, you must, when acting for that other authority, comply with that other authority’s code of conduct, or
 - (b) On any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligation to which that other body may be subject.

PART 2

High standards of conduct

3. You must maintain a high standard of conduct and, in particular, comply with the following general principles:

The General Principles

Selflessness – you should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity – you should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the

appearance of such behaviour.

Objectivity – you should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – you should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

Openness – you should be as open as possible about your actions and those of their authority, and should be prepared to give reasons for those actions.

Honesty – you should be truthful in your Council work and avoid creating situations where your honesty may be called into question.

Leadership – you should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

General Obligations

4. (1) You must treat others with respect.

(2) You must not –

(a) Do anything which may cause the Council to breach any of the duties under the Equality Act 2010;

(b) Bully any person;

(c) Intimidate or attempt to intimidate any person who is or is likely to be –

(i) A complainant,

(ii) A witness, or

(iii) Involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with this Code; or

(d) Do anything which comprises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

6. You must not –

(a) Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –

(i) You have the consent of a person authorised to give it;

(ii) You are required by law to do so;

(iii) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

	<p>(iv) The disclosure is –</p> <ul style="list-style-type: none"> (aa) Reasonable in all the circumstances; and (bb) In the public interest; and (cc) Made in good faith and in compliance with the reasonable requirements of the Council; or <p>(b) Prevent another person from gaining access to information to which that person is entitled by law.</p>
7.	<p>You –</p> <ul style="list-style-type: none"> (a) Must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, and (b) Must, when using or authorising the use by others of the resources of the Council – <ul style="list-style-type: none"> (i) Act in accordance with the Council’s reasonable requirements; (ii) Ensure that such resources are not used improperly for political purposes (including party political purposes); and (iii) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
8.	<p>(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –</p> <ul style="list-style-type: none"> (a) The Council’s Chief Finance Officer; or (b) The Council’s Monitoring Officer, <p>where that officer is acting pursuant to his or her statutory duties.</p> <p>(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.</p>
9.	<p>You must attend mandatory training sessions on this Code or Members’ standards in general, and in accordance with the Planning Code of Practice and Licensing Code of Practice.</p>
10.	<p>You must attend Safeguarding training provided by the Council and receive, attend and consider updates as appropriate.</p>
<p>PART 3</p> <p>Interests</p> <p>Registration of Interests</p>	
11.	<p>(1) You must, within 28 days of your election or your appointment as a co-opted member, notify the Monitoring Officer in writing of any interests which fall within the categories specified in Appendix A (Disclosable Pecuniary Interests) or Appendix B (Personal Interests).</p> <p>(2) You must, within 28 days of your re-election or re-appointment as a co-opted Member, or becoming aware of any change to an interest registered or any new interest, notify the Monitoring Officer in writing of any change to your</p>

interests or any new interests which fall within the categories specified in Appendices A (Disclosable Pecuniary Interests) and B (Personal Interests).

- (3) The Monitoring Officer will maintain the Council's register of interests and enter onto that register all interests notified to him/her.

Sensitive Interests

- 12 (1) If the nature of the your interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation your interest will be considered to be a sensitive interest.
- (2) Your sensitive interest will still be entered in the Council's register of interests, but the copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest. Instead it will state that you have an interest but the details have been withheld because it is a sensitive interest.
- (4) If at a meeting you have an interest which the Monitoring officer agrees is a sensitive interest, you must disclose to the meeting that you have an interest that is sensitive but need not disclose the nature of the interest or any sensitive information to the meeting.

Definition of Interests

Personal Interests -

- 13 (1) For the purposes of this Code you have a **personal interest in any** business of the Council where either -
- (a) The business of the Council relates to or is likely to affect an interest that you are required to register under Appendix B; or
- (b) Where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision;
- and that interest is not a disclosable pecuniary interest.
- 13 (2) For the purpose of paragraph 13(b) a "relevant person" is -
- (a) a member of your family or your friend or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed persons in sub-paragraph (2)(a), any firm in which they are a partner, or any company of which they are a director; or
- (c) any person or body in whom persons in sub-paragraph (2)(a) have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in Appendix B, paragraph 1) and 2).

Prejudicial Interests

- 14 (1) Where you have a personal interest, you also have a **prejudicial interest** in that matter where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest;
- and** the matter:
- (a) affects your financial position or the financial position of a person or body described in paragraph 13, **or**
 - (b) relates to the determining of any approval, consent, licence, permission, or registration in relation to you or any person or body described in paragraph 13.
- 14 (2) A personal interest in any matter to be considered or being considered at a meeting is not a prejudicial interest where that matter relates to the functions of the Council in respect of –
- (i) housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; or
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992

Disclosable Pecuniary Interests

15. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State as set out in Appendix A to this Code. The descriptions refer to your interests and the interests your spouse or civil partner (or person with whom you are living as a spouse or civil partner) has and which you are aware of.

Disclosure of Interests and Participation in Meetings

Disclosure of personal interests

- 16 (1) Subject to paragraph 12, where you have a personal interest in any matter being considered by the Council and you are present at a meeting of the Council at which the matter is considered, you should disclose the existence and nature of the interest before the matter is discussed or as soon as it becomes apparent to you.
- 16 (2) Paragraph 16(1) only applies where you are aware or ought reasonably to be

aware of the existence of the interest.

Disclosure of prejudicial interests and effect on participation

17. (1) Sub-paragraphs (2), (3) and (4) apply to you if you –
- (a) Are present at a meeting of the Council, and
 - (b) Have a prejudicial interest in any matter to be considered, or being considered, at the meeting.
- (2) You must disclose the existence and nature of the interest to the meeting, but this is subject to paragraph 12.
- (3) You must not participate, or participate further, in any discussion of, or in any vote or further vote taken on, the matter at the meeting, save that you may remain in the meeting only for the purpose of making representations, answering questions or giving evidence relating to the matter, and provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (4) Subject to sub-paragraph (3), you must withdraw from the room where a meeting considering the matter is being held.

Disclosable pecuniary interests and effect on participation

18. (1) Sub-paragraphs (2), (3), (4) and (5) apply to you if you –
- (a) Are present at a meeting of the Council,
 - (b) Have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
 - (c) Are aware that the condition in sub-paragraph (b) is met.
- (2) You must disclose the existence and nature of the interest to the meeting, but this is subject to paragraph 12.
- (3) You must not participate, or participate further, in any discussion of, or in any vote or further vote taken on, the matter at the meeting.
- (4) You must withdraw from the room where a meeting considering the matter is being held.
- (5) If the interest is not yet entered in the Council's register, and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the meeting.
- (6) Sub-paragraphs (7) and (8) apply if –
- (a) a function of the Council may be discharged by a member acting alone;
 - (b) you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by you in the course of discharging that function, and
 - (c) you are aware that the condition in sub-paragraph (b) is met.
- (7) If the interest is not yet entered in the Council's register, and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that the condition in sub-paragraph (5)(b) is met in relation to the matter.

- (8) You must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you).
- (9) For the purpose of this paragraph, an interest is the “subject of a pending notification” if –
 - (a) the interest has been notified to the Monitoring Officer, but
 - (b) that interest has not yet been entered in the Council’s register in consequence of that notification.

Dispensations

- 19. On a written request to the Monitoring Officer, the Council may grant you a dispensation to participate in a discussion and/or vote on a matter at a meeting, or discharge a Council function acting alone, where you would otherwise not be allowed to if, after having had regard to all relevant circumstances, one of the grounds specified in section 33(2) of the Localism Act 2011 is satisfied.

Appendix A

Disclosable Pecuniary Interests

A disclosable pecuniary interest is an interest of a description specified in regulations made by the Secretary of State (as set out below) which you may have or your spouse or civil partner (or person with whom you are living as a spouse or civil partner) also has (referred to below as “the relevant person”) and you are aware of it.

Subject	Description of interest
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain which you or the relevant person undertakes.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade</i>

	<p><i>Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you notify the Monitoring Officer about your disclosable pecuniary interests following your election or re-election.</i></p>
Contracts	<p><i>Any contract which is made between you or the relevant person (or a body in which you or the relevant person has a beneficial interest) and the Council -</i></p> <p><i>(a) under which goods or services are to be provided or works are to be executed; and</i></p> <p><i>(b) which has not been fully discharged.</i></p>
Land	<p><i>Any beneficial interest in land which you or the relevant person have and which is within the area of the Council.</i></p>
Licences	<p><i>Any licence (alone or jointly with others) which you or the relevant person holds to occupy land in the area of the Council for a month or longer.</i></p>
Corporate tenancies	<p><i>Any tenancy where (to your knowledge) -</i></p> <p><i>(a) the landlord is the Council; and</i></p> <p><i>(b) the tenant is a body in which you or the relevant person has a beneficial interest.</i></p>
Securities	<p><i>Any beneficial interest which you or the relevant person has in securities of a body where—</i></p> <p><i>(a) that body (to your knowledge) has a place of business or land in the area of the Council; and</i></p> <p><i>(b) either—</i></p> <p><i>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i></p> <p><i>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i></p>
Appendix B	
Personal Interests	
<p>You have a personal interest in any business of the Council where either it relates to or is likely to affect:</p>	
<p>1) Any body of which you are a member or in a position of general control or management, and to which you are appointed or nominated by the Council.</p>	

2) Any body:

- a) exercising functions of a public nature;
- b) directed to charitable purposes; or
- c) whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

3) The interests of any person from whom you have received a gift or hospitality worth an estimated value of at least £50 in your capacity as a Member. This includes a series of gifts and hospitality from the same person that add up to an estimated value of at least £50 in a municipal year.

PART 4

Miscellaneous

Related documents

20. The Council has adopted other codes, protocols, policies and procedures which do not form part of this Code but which impact upon and regulate your conduct as a councillor. You are required to comply with these rules and any breach may be regarded as a breach of this Code. Examples include:

- (1) Members' Gifts and Hospitality Protocol
- (2) Planning Code of Practice
- (3) Licensing Code of Practice
- (4) Local Authority Code of Publicity
- (5) Protocol for Member/Officer relations
- (6) IT policies and Procedures

This page is intentionally left blank

Members' Gifts and Hospitality Protocol

1. Introduction

This protocol is for members of the London Borough of Brent ("the Council"), and so applies to the Mayor, Deputy Mayor, Members of the Council and co-opted Members of the Council.

2. Key points:

Your attention is drawn to the following:

- You must register any gift or hospitality worth **£50 or over** that you receive in connection with your official duties as a member, and the source of the gift or hospitality;
- You must register the gift or hospitality **within 28 days** of receiving it;
- You automatically have a personal interest in a matter being considered at a meeting if it relates to or is likely to affect a person whom you received the gift or hospitality from. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, and then decide whether that interest is also a prejudicial interest;
- The Brent Members' Code of Conduct says you are required to comply with this protocol;
- Ask yourself "would I have been given this if I was not a member?"; "why now?"; "what was the purpose of the gift or hospitality?"; "is it reasonable and proportionate?"; "is anything expected in return? and "will I have a conflict of interest?"
- Where any gift (no matter the value) is accepted, it may be advisable (depending on the circumstances) to inform the donor that acceptance will not confer any advantage for that donor in his/her dealings with the Council;
- At all times be guided by the general principles and obligations of conduct (see the Brent Members' Code of Conduct). In particular, acceptance of inappropriate gifts and hospitality could call your integrity, objectivity, honesty and leadership into question. It could also bring your office and the Council into disrepute and be perceived as an abuse of your position; and
- If in doubt, ask the Monitoring Officer for advice.

3. Meaning of Gifts and Hospitality

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. The Council's interpretation of gifts and hospitality includes:

- The gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.

- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment, (except that which is provided by the Council), or the opportunity to attend any cultural or sporting event.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, wine, flowers and bouquets. Common hospitality includes lunches provided by external bodies. You should also be cautious when purchasing anything if additional services, privileges or advantages are offered, which might be related to your position as a Member.

4. General Caution

You should treat with extreme caution any offer or gift, favour or hospitality that is made to you. Your personal reputation and that of the Council can be seriously jeopardised if you inappropriately accept gifts or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This protocol is intended to enable you to make your own decision.

5. Criminal Law

It is a criminal offence to solicit corruptly or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council. For example the onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Council.

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a Member of the Council.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

6. Limits of Guidance

This protocol does not apply to:

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a Member, however, you should question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Council.
- Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

7. Principles to Apply in Relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gift or hospitality, you must apply the following principles, irrespective of its value:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- “Reward” includes remuneration, reimbursement and payment of fees.
- Do not accept a gift or hospitality whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - a) From parties involved with the Council in a competitive tendering or other procurement process.
 - b) From applicants for planning permission and other applications for licences, consents and approvals.
 - c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
 - d) From applicants for benefits, claims and dispensations.
 - e) From parties in legal proceedings with the Council.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.
- Cash or monetary gifts or equivalents (e.g. gift vouchers) should always be refused without exception and the refusal notified to the Monitoring Officer. When you need to decide whether to accept hospitality, you must ask yourself some basic questions, for example:
 - is there a benefit to the Council in accepting the invitation?
 - is the entertainment too lavish?
 - are you accepting too much hospitality from the same source?

Where you are in any doubt as to the best course of action, advice should be sought from the Monitoring Officer.

8. Gifts and hospitality declined

There is no requirement to register gifts and hospitality offered but declined. However, as a matter of good practice, it would be advisable to inform the Monitoring Officer particularly if they are of value. When gifts or hospitality are declined, the person making the offer should be courteously but firmly informed of the procedures and standards operating within the Council, which prevent the gift or hospitality from being accepted.

9. Registration of Gifts and Hospitality

Paragraph 11 of the Brent Members’ Code of Conduct requires Members to register, within 28 days of election to office, details of personal interests where they fall within categories set out at paragraph 13 of the Code. Thereafter a Member must, within 28

days of becoming aware of any new interest or change to any registered interest, register details of that interest or change.

10. Series of gifts or hospitality adding up to £50 or more in value

(a) If you receive

- gifts or hospitality; or
- a series of gifts or hospitality from the same source

that add up to £50 or more, then this must be registered on the Register of Interests as an accumulation in a municipal year. You may have to estimate the value of the gifts or hospitality.

11. Gifts and hospitality below the £50 threshold

You can still register any gift or hospitality you receive which you estimate to be below the £50 threshold should you consider that, given the circumstances, this would be appropriate and in your best interests. Members are encouraged to register any gift or hospitality which they regard as significant even if it is below £50 in value.

12. Declarations

Under the Brent Members' Code of Conduct, you have a **personal interest** in any business of the Council where that business of the Council relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

In accordance with Brent Member's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of a meeting. Members must say to which item their interest relates.

If they have a personal interest, Members must also consider whether or not that interest is a **prejudicial interest** and take the necessary action.

If a member of the public, knowing all the relevant facts, would view a Member's **personal interest** in the item under consideration as so substantial that it is likely to prejudice the Member's judgment of the public interest **and** it affects the financial position of the person you received the gift and hospitality from or it relates to a regulatory matter (e.g. planning or licensing), then the Member has a **prejudicial interest**.

If a Member has a **personal interest** then they must declare the interest but can stay, speak and vote. If the Member has a **prejudicial interest** then they must declare the interest, cannot speak or vote on the item (but can participate to the extent that members of the public can) and must leave the room.

It is not necessary to declare the specifics of the gift or hospitality received. It is sufficient to indicate the agenda item which the declaration relates to, the organisation or individual the gift or hospitality was received from, and to state that the details of that gift and/or hospitality may be found on the register of gifts and hospitality.

12. Mayor

(a) On the whole, a Member who is currently serving as the Council's Mayor has to comply with the same rules as other Members.

(b) However, gifts that are clearly made to the Council, for example a commemorative goblet which is kept on display in the Council's offices, do not need to be registered in the Member's register of gifts and hospitality. However, such gifts will be recorded by the Council for audit purposes.

(c) Where the Mayor is invited to social functions or gifted with presents publicly in the capacity of the "Mayor", he/she will not be required to register the gifts or hospitality received/accepted in this role. Where the Member acting as Mayor, receives any gifts or hospitality in his/her capacity of a Member, there is a requirement to register such gifts and hospitality. The question a Member needs to ask themselves is "Would I have received this hospitality even if I were not the Mayor?" If the answer is "yes", then it must be registered.

13. Enforcement


The requirements of this protocol form part of the Brent Members' Code of Conduct. A breach of this protocol could result in a complaint under the Code.

Allegations of any breach of this protocol must be made in writing to the Monitoring Officer who is the Chief Legal Officer.

Fiona Alderman
Monitoring Officer and Chief Legal Officer

16 September 2015

This page is intentionally left blank

 <p>Brent</p>	<p>Full Council 23 November 2015</p>
<p>Report from the Chief Operating Officer</p>	
<p>Wards Affected: ALL</p>	
<p>Member's Absence from Council Meetings</p>	

1.0 Summary

- 1.1 The Local Government Act 1972 expressly provides that where a council member fails throughout a period of 6 consecutive months from the date of their last attendance to attend any meeting of the authority then, subject to certain exceptions, they cease to be a member of the authority unless failure was due to some reason approved by the Council before the expiry of that period.
- 1.2 Councillor Aisha Hoda-Benn, Sudbury Ward, last attended a Council meeting (Full Council) on 22 June 2015 and would cease to be a councillor on 23 December 2015 if she was unable to attend a meeting before then.

2.0 Recommendations

- 2.1 that Councillor Hoda-Benn's absence from meetings of the Council since 22 June 2015 be approved on the basis of her pregnancy and maternity leave and that the position be reviewed by Full Council, if required, on 18 January 2016;
- 2.2 that the Council's congratulations be passed to Councillor Hoda-Benn following the birth of her new baby.

3.0 Detail

- 3.1 A Councillor who is absent from all meetings of the Council and any committees of which they are a member for a period of six months automatically ceases to be a member of the Council unless they have been given leave of absence by the Council before the expiry of that six month period – s.85 Local Government Act 1972.
- 3.2 Whilst staff in Executive and Member Services will make every effort to monitor attendance and forewarn any councillors who may be nearing the expiry of the six month period, the responsibility for ensuring that they comply with the requirements of s.85 is that of the individual councillor.
- 3.3 Councillor Hoda-Benn is currently on a maternity break following the birth of her baby on 17 September 2015. She has been unable to attend meetings since 22 June 2015 and if she were not to attend another meeting before 23 December 2015, the

legislation provides that her seat be declared vacant forthwith and she would cease to be a councillor.

- 3.4 At a Council meeting on 13 June 2001, it was agreed that the decision to then approve the absence of a councillor due to ill health should set a precedent in similar circumstances.

4. Legal implications

- 4.1 Section 85(1) of the Local Government Act 1972 provides

if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.

Background Papers

Local Government Act 1972
Council minutes 13 June 2001

Contact Officer

Thomas Cattermole
Head of Executive and Member Services
020 8937 5446