



## **SUMMONS TO ATTEND COUNCIL MEETING**

**Monday 26 November 2018 at 6.00 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: 16 November 2018

**For further information contact:** Thomas Cattermole, Head of Executive and Member Services 020 8937 5446, Email: [thomas.cattermole@brent.gov.uk](mailto:thomas.cattermole@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](http://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.**

## **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also a Prejudicial Interest (i.e. it affects a financial position or relates to determining of any approval, consent, licence, permission, or registration) then (unless an exception at 14(2) of the Members Code applies), after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
  - To which you are appointed by the council;
  - which exercises functions of a public nature;
  - which is directed is to charitable purposes;
  - whose principal purposes include the influence of public opinion or policy (including a political party of trade union).
- (b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward affected by the decision, the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who employs or has appointed any of these or in whom they have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or any firm in which they are a partner, or any company of which they are a director
- any body of a type described in (a) above

# Agenda

## **1 Apologies for Absence**

To receive any apologies for absence from Members of the Council.

## **2 Minutes of the Previous Meeting**

1 - 28

To confirm as a correct record, the attached minutes of the previous meeting of the Council held on Monday 17 September 2018.

## **3 Declarations of Interest**

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

## **4 Mayor's Announcements (including any petitions received)**

To receive any announcements from the Mayor.

## **5 Appointments to Committees and Outside Bodies and Appointment of Chairs/Vice Chairs (if any)**

To agree any appointments to Committees, Joint Committees, Forums, Panels and Outside Bodies (if any); and the appointments of Chairs/Vice Chairs (if any) in accordance with Standing Order 30 (g).

## **6 Reports from the Leader and Cabinet**

29 - 52

To receive the report from the Leader and Cabinet in accordance with Standing Order 31 setting out any key or significant issues arising from matters within their portfolios.

Members are asked to note that this session will include an opportunity (within the time available) for non-Cabinet members to ask questions of relevant Cabinet Members.

## **7 Deputations (if any)**

To hear any deputations received from members of the public in accordance with Standing Order 32.

## **8 Questions from Members of the Public & the Youth Parliament**

53 - 58

- 8.1 To receive questions submitted by the public to Cabinet Members, in accordance with Standing Order 33.

Two questions have been received under this item, which have been attached along with the written response provided.

- 8.2 To receive questions submitted from members of Brent Youth Parliament to Cabinet Members, in accordance with Standing Order 33(d)

Two questions have been received under this item, which have been attached along with the written responses provided.

## **9 Petitions (if any)**

For Members to refer to petitions received and debate any petition with more than 200 signatures, where such a request has been submitted in accordance with the Council's petition rules and Standing Order 66.

## **10 Non Cabinet Members' Debate**

To enable non Cabinet Members to debate an issue of relevance to Brent for which notice has been provided in accordance with Standing Order 34 and to receive reports from Cabinet members, where required, on issues previously raised.

## **11 Questions from the Opposition and other Non-Cabinet Members 59 - 62**

For questions to be put to members of the Cabinet by non-Cabinet Members in accordance with Standing Order 35.

Details of the four questions submitted in advance have been attached along with the written responses provided.

Members are asked to note that this session will also include an opportunity at the meeting (within the time available) for other non-Cabinet members to ask questions of Cabinet.

## **12 Report from Chairs of Scrutiny Committees**

To receive reports from the Chairs of the Council's Scrutiny Committees in accordance with Standing Order 46. The reports have been attached as follows:

- |      |   |          |
|------|---|----------|
| 12.1 | Community and Wellbeing Scrutiny Committee    | 63 - 76  |
| 12.2 | Housing Scrutiny Committee                    | 77 - 88  |
| 12.3 | Resources and Public Realm Scrutiny Committee | 89 - 100 |

Members are asked to note that this session will include an opportunity (within the time available) for non-Cabinet members to ask questions of relevant Scrutiny Chair's in relation to the remits of their Committees.

**13 Report from the Vice-Chair of the Audit and Standards Advisory Committee** 101 - 104

To receive a report from the Vice-Chair of the Audit & Standards Advisory Committee in accordance with Standing Order 37.

**14 Implications of Brexit** 105 - 122

To receive a report from the Director of Performance, Policy and Partnerships providing an overview, as requested at the last Council meeting, of the implications arising from the UK's departure from the European Union.

**15 Statement of Gambling Principles 2019-2022** 123 - 252

To receive a report from the Strategic Director of Environment & Regeneration seeking approval, following its endorsement and referral by Cabinet (12 November 18), to the revised Statement of Gambling Principles 2019-2022.

**16 Changes to the Constitution** 253 - 268

To receive a report from the Director of Legal and HR Services seeking approval to a number of changes to the Constitution.

**17 Motions**

To debate the motions submitted in accordance with Standing Order 41.

Members are asked to note that the motions submitted will be circulated as a supplementary paper in advance of the meeting, in accordance with Standing Order 41(c).

**18 Urgent Business**

At the discretion of the Mayor to consider any urgent business, in accordance with Standing Order 30 (r).



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.



## LONDON BOROUGH OF BRENT

**Minutes of the ORDINARY MEETING OF THE COUNCIL  
held on Monday 17 September 2018 at 6.00 pm**

### **PRESENT:**

**The Worshipful the Mayor**  
Councillor Arshad Mahmood

**The Deputy Mayor**  
Councillor Ernest Ezeajughi

### **COUNCILLORS:**

Aden	Afzal
Agha	Ahmed
Allie	M Butt
S Butt	Chan
Chappell	Chohan
S Choudhary	A Choudry
Colacicco	Colwill
Conneely	Crane
Daly	Dar
Denselow	Donnelly-Jackson
Ethapemi	Farah
Gbajumo	Gill
Hassan	Hector
Hirani	Hylton
Johnson	Kabir
Kansagra	Kelcher
Knight	Lo
Long	Marquis
Maurice	McLeish
McLennan	Miller
W Mitchell Murray	Naheerathan
Nerva	M Patel
Patterson	Perrin
Sangani	Shahzad
Ketan Sheth	Krupa Sheth
Southwood	Stephens
Tatler	Thakkar

## 1. **Mayor's Statement - Order of Business**

Before consideration of the formal agenda, the Mayor informed members of a change to the order of business set out on the original summons. As there were a number of requests to speak from the public, the Mayor advised he was intending, in accordance with Standing Order 30, to move the relevant items forward on the agenda for consideration following the Mayor's Announcements.

It was therefore **RESOLVED** that:

(1) The business to be considered at the meeting be re-arranged in the following order:

- Agenda Item 5 – Deputations
- Agenda Item 6 – Questions from Members of the Public

(2) The remaining items of business follow in the same order as listed on the agenda

## 2. **Apologies for Absence**

The Mayor advised that direct apologies for absence had been received from Councillors Abdirazak, Dixon, Mashari, R.Patel and Pavey.

An apology for lateness was also received from Councillor Colacicco.

## 3. **Minutes of the Previous Meeting**

**RESOLVED** that the minutes of the Council meeting held on Monday 9 July 2018 be approved as a correct record, subject to the spelling of Councillor Muhammed Butt's name being corrected under Minute 15 (iv) (Questions from Opposition and Non-Cabinet Members).

## 4. **Declarations of Interest**

There were no interests declared by Members at the meeting.

## 5. **Mayor's Announcements (including any petitions received)**

The Mayor made the following announcements:

### (i) Civic Service

The Mayor thanked all colleagues, guests, friends and visiting Mayors from across London for attending his Civic Service on the 30<sup>th</sup> July which had been held to celebrate his year in office and promote his two chosen charities, SUFRA and the READ Foundation.

He advised this had been the first time the event had been held in the Civic Centre, which he thanked the Chief Executive for hosting.

### (ii) Rosh Hashanah & Yom Kippur



The Mayor took the opportunity to wish everyone who celebrated Rosh Hashanah a Happy New Year. He also reminded members that this week marked Yom Kippur, the most holy day of the Jewish calendar and therefore wished all those celebrating a happy Yom Kippur.

(iii) Flag Raising Ceremonies

The Mayor was pleased to advise Members that two successful Flag raising events had been held since the last Council meeting. The first to celebrate Pakistan's Independence Day on 14 August, and second India's Independence Day on 15 August, with both being well attended.

He also informed Members they would be welcome to attend a Nigerian flag raising ceremony taking place at noon on Monday 1 October in the Paul Daisley Garden.

(iv) Tokyo Metropolitan Visit

The Mayor informed Members that the Council had hosted a visit from representatives of the Tokyo Metropolitan Government on 21 August. As he had unfortunately been unable to attend, he thanked the Deputy Mayor, Councillor Ezeajughi for hosting the event.

The delegation had come to Brent to understand and learn about the Council's flexible working policy and how elected members functioned in a modern council with the visit including a tour of the Civic Centre. The delegation had been impressed by what was being achieved in Brent with diminishing funding.

(v) Srebrenica Memorial Event

The Mayor advised he had also recently been humbled to attend a Srebrenica Memorial Day event at the Civic Centre. The event, which was held all over Europe, had been held to commemorate the anniversary of the Srebrenica genocide during the Bosnian War in July 1995.

(vi) Civic Centre Floor walking

The Mayor informed Members that he, along with the Chief Executive, Leader of the Council and Deputy Leader, had over the summer, undertaken a series of floor walks across the Civic Centre in order to meet Brent's staff.

He had thoroughly enjoyed meeting and spending time with staff members, which had also provided a great opportunity to understand what happens in each department on a daily basis, along with a chance for staff to ask questions.

Further floor walks were planned over the coming weeks, which he felt provided a useful reminder of the great workforce in Brent and hard work being undertaken on a daily basis for residents.

(vii) London Remembers WWI Commemorative event

The Mayor advised Members that he had been honoured to represent the Borough at the Reserve Forces' and Cadets' Association for Greater London commemorative Drumhead Service at the Royal Hospital Chelsea on 1 September. The event had been held to commemorate the actions of the London Division during the final hundred days of WWI.

(viii) Borough Remembrance Sunday

The Mayor was pleased to announce that planning was well underway for the Borough's Remembrance Sunday service, which this year would fall on Armistice Day.

The event commemorated the agreement to end fighting during the First World War, in 1918. This year marked the hundredth anniversary with the commemoration to include the Annual Remembrance Day Parade, followed by a service in Barham Park. All Members were urged to attend this important service.

(ix) Fundraising Gala Dinner

The Mayor was delighted to announce that his first gala fundraising dinner would be taking place on 1 December 2018 at the Pattidar Centre on Forty Lane. The evening would include food, entertainment, an auction and a raffle all to raise funds for his two chosen charities.

He advised that tickets would be on sale shortly, with all profits going to help SUFRA and the Read foundation.

(x) Petitions

Finally, the Mayor drew members attention to the list of current petitions along with action being taken to deal with them, which had been tabled at the meeting, in accordance with Standing Order 66.

**6. Deputations (if any)**

The Mayor advised that, in accordance with Standing Order 32, he had received a request for one deputation at the meeting, which had been submitted by Mr Tahmid Islam (representing Newman Catholic College Community School) and related to the installation of public lighting in Roundwood Park. The Mayor welcomed Mr Islam along with the pupils attending from Newman Catholic College Community School and then invited Councillor Kelcher (as one of the local ward councillors in Kensal Green where the school was located) to introduce the deputation.

Councillor Kelcher introduced the deputation, advising that the speakers would be pupils from Newman Catholic College Community School who had been working with Citizens UK on various initiatives designed to improve the safety of citizens in the Harlesden area. These initiatives had included the creation of a safe space scheme involving local shops in Park Parade and Harlesden High Street as well as various other outreach work in which a number of local councillors had been engaged. He was therefore pleased to be able to welcome and introduce the pupils to the meeting.

The Mayor thanked Councillor Kelcher for his introduction and invited the pupils to address the meeting. As part of the deputation Members were advised that pupils at the school had been working closely with Citizens UK on various projects which had included the Safe Spaces community safety scheme, one of the largest in London for which the school had won an award. In addition, the pupils advised they were also campaigning for the installation of public lighting in the vicinity of the skate park within Roundwood Park as a means of preventing crime and improving safety in that area. As part of this process Councillor Muhammed Butt (as Leader of the Council) had attended an election assembly at the school in March. The Leader of the Council had advised that whilst keen to light up the park, funding constraints would make this difficult with the cost of the additional lighting being sought for the Park estimated at between £55-60k. As part of their research for the deputation, the pupils had identified the potential use of Neighbourhood Community Infrastructure Levy (CIL) as an alternative funding source, with the estimated cost representing approx 8% of the current Neighbourhood CIL reserve. The pupils were therefore keen to explore with the Cabinet Member for Regeneration, Highways & Planning the basis for allocation of Neighbourhood CIL funding in support of community led initiatives for the local area in which the school was based, highlighting that the proposals were also backed by a 150 signature local petition, and to receive an update from the Leader of the Council on potential alternative means of funding the lighting proposals.

The Mayor thanked the pupils from Newman Catholic College Community School for their comments and then invited Councillor Krupa Sheth, as Cabinet Member for Environment, to respond to the deputation. Councillor Krupa Sheth thanked the pupils for attending and congratulated them for all their efforts and work being undertaken, recognising its positive impact on the local community. In terms of funding, she confirmed that the Council was unfortunately no longer able to maintain a budget supporting the installation of new lighting but would, be willing to liaise with the Leader of the Council and Councillor Tatler (as Cabinet Member for Regeneration, Highways and Planning) in order to explore what other funding sources may be available.

At the same time Councillor Krupa Sheth felt it important to highlight that an analysis of anti-social behaviour data had identified a relatively low level of demand for new lighting in the park which may also have the unwanted impact of increasing numbers in the park late at night and the potential for anti-social behaviour. Recognising the concerns raised, however, Councillor Krupa Sheth advised that she would also be willing to work with the school and meet again with the pupils in order to develop a programme of advice around staying safe in the park.

The Mayor thanked Councillor Krupa Sheth for her response and advised that this now concluded the item before once again taking the opportunity to thank the pupils and staff from Newman Catholic College Community School for attending in order to present their deputation.

## **7. Questions from Members of the Public**

The Mayor advised that, in accordance with Standing Order 33, two questions had been received from the following members of the public:

Question 1 from Mrs Kalavatiben Patel to Councillor Southwood, Cabinet Member for Housing and Welfare Reform relating to Housing Association Right to Buy and housing transfers.

Question 2 from Ms Gaynor Lloyd to Councillor McLennan, Deputy Leader, seeking assurances on the protection of Metropolitan open land and space at Northwick Park under the One Public Estate initiative.

Members noted the written response to the questions, circulated with the agenda. The Mayor advised that both members of the public had been invited to attend the meeting in order to ask a supplementary question. Whilst Mrs Patel had advised she would not be attending the Mayor welcomed Gaynor Lloyd to the meeting and invited her to put her supplementary question to the Deputy Leader, for which he advised she would have one minute.

### **Supplementary Question from Gaynor Lloyd to Councillor McLennan, Deputy Leader**

Gaynor Lloyd began by expressing concern at the time limit placed on her supplementary question, which was a restriction she felt had not been made clear in advance of the meeting. In response, the Chief Executive clarified that the purpose of this session of the meeting was to deal with supplementary questions rather than consider any wider contributions on the issues raised.

Highlighting the response received to a recent Freedom of Information request, Gaynor Lloyd began by highlighting comments made in relation to the content of a press release prepared to accompany the One Public Estate report to Cabinet in February 2018 on green space plans. She also advised that she had been made aware of the employment by the four current partners involved in the Northwick Park One Public Estate initiative of GVA consultants in order to prepare professional representations for the first Local Plan public consultation and options paper which residents had not been advised of in relation to concerns over the access road and One Public Estate proposals.

In view of the earlier clarification provided, the Mayor advised Gaynor Lloyd that she would need to move on to her supplementary question. As a result the Deputy Leader was asked to confirm why facts shared with a Developer Forum as part of the first Local Plan consultation about the possibility of Northwick Park involving a high density development had not been shared with local residents and also why the professional representations produced by GVA for the public consultation had also not been shared with local residents.

In response, Councillor McLennan, thanked Gaynor Lloyd for her question and highlighted that the written response provided to her initial question had included an update on where things currently stood in relation to the Northwick Park One Public Estate initiative, including the status of the site. She confirmed that no final decisions had yet been made and that the final proposals would be subject to public consultation. Councillor McLennan advised that she was not aware of the concerns raised in relation to the submission of consultant representations and Developer Forum and would therefore need to take this back for further consideration after the meeting with a response to be provided once further details had been obtained.

The Mayor advised that this now concluded the public question session and thanked Councillor McLennan for her response and Gaynor Lloyd for her attendance at the meeting.

**8. Appointments to Committees and Outside Bodies and Appointment of Chairs/Vice Chairs (if any)**

The Mayor referred Members to the supplementary pack circulated in advance of the meeting, which contained a list of changes to appointments on Council Committees, Sub Committees and other bodies.

It was **RESOLVED** that the following be approved:

- (1) To continue the Council's membership of the North West London Joint Health & Overview Scrutiny Committee (JHOSC) until 31 December 2018 to enable a review to be undertaken, with Councillor Ketan Sheth remaining as the Council's appointed representative and Councillor Nerva as substitute member.
- (2) To confirm the appointment of William Goh as an Independent Person under the Council's Standards Framework for a two year term of office.

**9. Reports from the Leader and Cabinet**

The Mayor referred Members to the written report which had been circulated with the agenda providing updates from the Leader and Cabinet Members in relation to their portfolios. He then invited the Leader and other Cabinet Members to provide updates on any significant issues to be highlighted. Once these updates had been provided, he reminded Members that the remaining time available would be opened up for any non-Cabinet members to question (without the need for advance notice) Cabinet Members on matters relating to their portfolios.

The following updates were provided by the Leader and Cabinet Members:

**(a) Councillor Muhammed Butt, Leader of the Council**

Councillor Muhammed Butt took the opportunity to update Members on work being undertaken to review the priorities within London Councils in order to ensure they were aligned with those of the constituent boroughs. Key priorities for focus had been identified as housing, employment and skills alongside managing the impact arising from implementation of the Government's programme of welfare reforms.

In accordance with Standing Order 14 (f) Councillor Butt also reported use of the Key Decision and Forward Plan urgency procedure in relation to the following decisions:

- (a) Cabinet (16 July 2018): Harlesden Neighbourhood Plan; and
- (b) Strategic Director Community Wellbeing (18 July 2018): Extra Care Schemes – Beechwood Court, Harrod Court and Tulsi House.

Having completed his update the Leader then invited Councillors Krupesh Hirani (Cabinet Member for Public Health, Culture and Leisure) and Amer Agha (Cabinet Member for Schools, Employment and Skills) to present additional updates in relation to their portfolios.

(b) Councillor Hirani (Cabinet Member for Public Health, Leisure & Culture)

Councillor Hirani took the opportunity to update Members on progress with preparations for the Borough of Culture highlighting the success of two recent summits held in order to seek views and further develop proposals. He reminded Members of the aim to place young people at the heart of the programme which was already being used as an opportunity to secure and focus investment in the arts, culture and young people across the borough. This had resulted in a number of positive changes across the borough supported by establishment of the “Love Where you Live” grant programme, which he was keen to encourage all Members to support working with their local communities. In addition he advised Members of the successful launch, following the recent summits, of the “Youth Stories of Brent” documentary produced by young film makers within the borough and of the opportunities being developed to link with the UEFA European Football Championship also taking place in 2020.

(c) Councillor Agha (Cabinet Member for Schools, Employment and Skills)

Councillor Agha took the opportunity to update Members on the progress and achievements being led by the Council’s Employment and Skills service. The service was involved in supporting the delivery of a number of key initiatives and he highlighted, as examples, the achievements in relation to the following schemes:

- Brent Start in supporting residents develop skills for life and employment;
- Brent Works in supporting residents seeking access to the labour market;
- The Living Room supporting the provision of careers advice and guidance to assist people into work;
- Work and Health Programme which had been commissioned by Brent and a number of partner boroughs across West London providing support for those with more complex needs and barriers to work.

Members were also advised that Brent had been selected as one of two pilot areas for the Moving on Up initiative aimed at improving employment outcomes for groups traditionally unrepresented in certain employment sectors across London and had applied to the Department for Work and Pensions for Community Budget Funding designed to offer training and employment opportunities for young people identified at greatest risk of offending or reoffending.

He ended by commending the strong performance in Brent’s schools in relation to GCSE, A-Level and vocational results.

Following the updates provided, the Mayor advised that the remainder of time available during this session of the meeting would be open for questions from non-

cabinet members to the Leader and Cabinet. The following questions were raised and responses provided:

- (i) Councillor Donnelly-Jackson sought details on plans to make the Borough of Culture programme as inclusive and accessible as possible.

In response Councillor Hirani (as Cabinet Member for Public Health, Culture and Leisure) confirmed that he was committed to ensuring an accessible and inclusive programme, highlighting the work already underway involving schools from all sectors across the borough including those supporting special needs. Measures had been taken to ensure the recent Borough of Culture summits were also as inclusive as possible including, as an example, signers at both events and these efforts would continue as the programme was developed.

- (ii) Councillor Kansagra highlighted community concerns about the placing of culturally insensitive advertisements on public toilets across the borough and sought an update on their removal. At the same time as raising the issue he also took the opportunity to thank the Leader of the Council for his apology to community representatives on the matter.

In response Councillor Hirani (as Cabinet Member for Public Health, Leisure and Culture) advised he recognised the cultural sensitivities involved and confirmed that as a result of the concerns raised the matter had been rectified with the advertisement removed and an apology issued. Moving forward he felt that the recent award of the six sheet advertising contract would ensure these type of issue were avoided in future.

- (iii) Councillor Nerva sought details on any plans being made by the Council to identify and, where possible, mitigate the potential risks and impact likely to arise from any “hard” Brexit. In raising the issue he highlighted, as an example, recent comments made by both the Mayor for London and local MP Tulip Siddiq in advocating a People’s Vote.

In response to the question, the Mayor advised that arrangements would be made for a report to be provided for the next Council meeting on the impact of Brexit.

- (iv) Councillor Choudhary regarding measures being taken to provide adequate funding for schools in order to maintain performance given concerns around the impact of Brexit and ongoing austerity.

In response Councillor Agha (as Cabinet Member for Schools, Employment and Skills) highlighted the Council’s ongoing commitment to working with schools in order to address the financial pressures being experienced as a result of Government funding reductions and also in terms of supporting them in their own fund raising efforts. He would also ensure that the report due to be presented to the next Council meeting on Brexit would address the associated impact on schools budgets.

- (v) Councillor Chan took the opportunity to congratulate the Council on its successful prosecution of the former headteacher and other former staff and

governors at Copland School. Whilst pleased with the outcome in terms of funds the Council was now seeking to reclaim from those involved he also felt the Council needed to acknowledge the contribution made by Hank Roberts (as a member of staff at the school) in raising the initial “whistleblowing” concerns, which had led to the matter being exposed.

In response the Mayor confirmed that the acknowledgement requested had been **AGREED**.

- (vi) Councillor Colwill took the opportunity, as the final contribution during the open session, to highlight concerns regarding the financial losses from the operation of Bridge Park Community Centre in terms of the impact on funding available for the Council to focus on other priority areas such as Waste Collection, Community Policing, Adult Social Care, Schooling, Health, Mental Health, Potholes, Pavement Resurfacing and grass cutting.

Following on from the final point raised above, the Mayor advised that the time available for this item had expired and he moved on to the next item, thanking all Members for their contributions.

## 10. **Annual Report from the Leader**

The Mayor invited Councillor Butt, Leader of the Council, to present (in accordance with Standing Order 38) his annual report on the work of the Council and state of the borough.

By way of introduction, Councillor Butt reminded Members that as part of his last annual report he had referred to the various challenges as well as opportunities faced by the Council. Despite the significant pressures and challenges still faced by the Council, he felt it was important to focus on the key priorities set in relation to Housing, adult social care, education, safeguarding of children and keeping residents safe from harm.

In relation to housing the current Administration were committed to creating a fairer future for Brent’s residents. In the absence of a lead from the Government, the Council was now taking steps to regulate the private rental market, take action against rogue landlords as well as being directly involved in providing good quality, genuinely affordable, and ethically managed homes with long term tenancies. As a council he was proud that this work had enabled the delivery of 49% more new build affordable housing than the London average.

In terms of Adult Social Care and ensuring dignity for elderly residents, whilst progress was being made in relation to the provision of higher quality, lower cost, independent living arrangements, payment of the living wage for carers and in attempting to relieve pressure on primary health services these efforts and innovations could only go so far. The fundamental issue remained the need for adequate government intervention as without proper regulation and sufficient funding, he felt the support being provided was at risk of being compromised.

In terms of education, whilst Brent’s schools were amongst the best in London he felt there were still too many young people struggling and at the risk of being left



behind. Whilst working to addressing these issues this was being made more difficult by the Government's ongoing financial restrictions.

In relation to safeguarding, Councillor Muhammed Butt was pleased to be able to report on the progress being made in meeting the challenge identified with the results of the recent Ofsted Inspection rating the levels of care provided to be nothing short of outstanding. He felt this represented an even greater achievement when taking account of the ongoing financial pressure on the Council and was testament to the hard work and dedication of staff tasked with safeguarding young lives in Brent which deserved to be celebrated.

Turning to the financial pressures on the Council created by the Governments ongoing programme of austerity, he highlighted the extent of the difficult choices and decisions still needing to be made, which he felt would only be made worse by Brexit.

Concluding his annual report and commenting on the state of the borough, Councillor Butt felt it was possible to highlight a huge amount as being achieved but also much more to do based on an ambitious, but at the same time pragmatic set of priorities and commitments with an enormous financial challenge to continue to manage and overcome.

The Administration were, however under no illusion as to magnitude of the task and were ready to meet the challenge in terms of continuing towards achieving a borough of culture, empathy, and shared prosperity.

The Mayor thanked Councillor Muhammed Butt for the report. Councillor Colwill (as Leader of the Conservative Group) advised he would not be responding and as no other members had indicated they wished to speak the Mayor advised that this concluded the debate with the Council having **RESOLVED** to note the Annual Report.

#### 11. **Petitions (if any)**

The Mayor informed Members that there were no petitions to be debated in accordance with the Council's petition procedure and Standing Order 66.

#### 12. **Non Cabinet Members' Debate**

In accordance with Standing Order 34 the Mayor advised that the subject chosen for the Non Cabinet Member debate was on the Windrush generation.

Members were advised that the motion submitted as the basis for the debate had been circulated with the supplementary agenda for the meeting and that the time available for the debate was 30 minutes, with any Member wanting to contribute having up to two minutes to speak. The Mayor then invited Councillor Johnson to introduce the motion, who opened the debate by providing a brief history on the Windrush generation whose contribution, he was pleased to report, had now been formally recognised by the Government in the form of an annual celebration day on 22 June.

Whilst recognising the inhumane treatment of many members of the Windrush generation, Councillor Johnson advised he also supported the need to celebrate and recognise the contribution of what he regarded as the pioneers from this generation and wider Caribbean community. He felt that Brent, as one of the most diverse boroughs and home to many Black and Minority Ethnic communities could be regarded as a benchmark for community cohesion and cultural diversity and was therefore ideally placed to lead on the creation of a lasting legacy focussed not only around the Borough of Culture but also by agreeing to hold its own annual Windrush event to coincide with the national day of celebration on 22 June.

In addition, he advised he was also keen as part of a wider approach towards recognising the contribution of that generation and celebrating the boroughs cultural diversity, to proactively support communities from across the borough in seeking to access Government funding to establish their own neighbourhood celebrations. He therefore urged all members to support the motion put forward for debate.

The Mayor then opened up the debate to other Members, with the following comments made during the discussion that followed.

Councillor McLennan spoke in support of the motion highlighting her family history and links to the Windrush generation. Whilst the Government's recent position had, she felt, been shameful she also agreed with the importance of recognising the significant contribution made by the Windrush generation and wider Caribbean community to all aspects of British Life.

Councillor Maurice spoke to highlight the Conservative Group's support for the motion, recognising what he felt had been the enormous contribution made by the Caribbean community to the country. He also felt it was important for the Council to ensure that those individuals who continued to be affected by the recent problems were referred to the Home Office Compensation Scheme for support.

Councillor Patterson, in highlighting his family's connection to the Windrush generation advised he had been shocked when learning about how members of that original community had been treated. In supporting the motion, he hoped that the Government would take opportunity to learn from its mistakes in relation to how members of the community had been treated.

Councillor Mitchell Murray also took the opportunity to highlight her personal family history and experience as original members of the Windrush generation whose treatment, she felt, had been a scandal. Recognising the endemic nature of racism faced by members of the original community after they had arrived in Britain she felt there was no room for complacency in terms of the current treatment of different communities in such a diverse borough as Brent and as such also advised she was strongly in support of the motion.

Also speaking in support of the motion, Councillor Shahzad highlighted what he felt was the pressing need to ensure that those directly affected by the Windrush scandal were fully compensated by the Government and for lessons to be learnt moving forward.

As a final contribution to the debate, Councillor Daly outlined how she was still involved supporting a number of residents directly affected by the Government's

recent handling of the issue. She also felt there was no room for complacency when tackling racism and supported the need to recognise as a lasting legacy the contribution which had been made by members of the Windrush generation both within Brent and across the country as a whole.

As no other members had indicated they wished to speak the Mayor then invited Councillor Muhammed Butt, as Leader of the Council, to sum up and close the debate.

Councillor Butt began by thanking Councillor Johnson for putting the motion forward for debate along with. Whilst recognising Brent's diversity and the contributions made by all communities across the borough he advised that he was keen to ensure that the specific contribution made by the Windrush generation and Caribbean community more generally within Brent and across the UK was properly recognised and was therefore fully supportive of the motion. Commenting on wider concerns raised relating to the Government's handling of the issue he shared the frustration that implementation of the Home Office Compensation Scheme appeared to have stalled and called for this to be expedited as a matter of urgency in order to ensure those requiring support received the necessary assistance as quickly as was possible and ended by to recognise the contribution from

As an outcome of the debate Members therefore unanimously **RESOLVED** to approve the motion (as set out below):

"The Government has now recognised the contribution of the Windrush generation and has established a national Windrush day for 22nd June in Britain's calendar. This means that there will be a lasting memory of the Windrush Generation in perpetuity.

Brent is one of Europe's most diverse communities and home to many BAME people. It celebrates all cultures equally. Significant talented individuals from families of the Windrush generation have grown up in Brent. They have excelled in their respective fields of sport, health, politics, the arts, science and technology and much much more. I believe that we should be celebrating the fact Brent is well known for its cultural diversity. We have an opportunity to put on an exciting event in 2020 as we celebrate being the Borough of Culture.

But the Council should not just stop at the 2020 celebration. It should be celebrating the pioneers from the Windrush generation every year to make sure that it has a lasting legacy. This is to make sure that we remember the contribution of their efforts to rebuild Britain after the Second World War and the fact that the Windrush generation has fully contributed to all aspect of British life.

As a result Brent Council agrees the proposal to recognise the contribution of the Windrush generation by:

- (1) holding an annual Windrush event on 22nd June every year; and
- (2) Proactively supporting communities across Brent to access Government funding to celebrate Windrush annually."

Following on from the motion having been agreed, Councillor Choudhary asked the Mayor if it would be possible to consider extending its scope to also refer to all communities from the commonwealth. In response the Chief Executive advised that as the motion had now been agreed no further changes could be considered at the meeting with any request for a wider discussion therefore needing to be brought forward to a future meeting.

### **13. Questions from the Opposition and other Non-Cabinet Members**

Before moving on to consider the questions submitted by non-Cabinet members, the Mayor reminded Members that a total of 30 minutes had been set aside to deal with this item which would begin with consideration of the written questions submitted in advance of the meeting along with any supplementary question. Once these had been dealt with, the remaining time available would then be opened up for any other non-Cabinet members to question Cabinet Members (without the need for advance notice) on matters relating to their portfolio.

The Mayor advised that four written questions had been submitted in advance for response by the relevant Cabinet Member. The written responses supplied had been circulated with the Council agenda. The Mayor then invited supplementary questions from the Members who had submitted the written questions.

13.1 Cllr Nerva thanked Councillor McLennan for the update provided on the action being taken to tackle Blue Badge fraud and as a supplementary asked:

- what consideration had been given about the further measures, if any, that could help to remind those applying that blue badges were for personal use; and
- what further action could be taken at a strategic level, working with other local authorities, to better co-ordinate enforcement activity and address concerns regarding improper use.

The supplementary question was responded to by Councillor Southwood (Cabinet Member for Housing & Welfare Reform) who, recognised the importance of the scheme, and advised she was therefore keen to ensure that all necessary action was taken to prevent and tackle fraudulent and improper use. This would include looking to ensure as clear a message as possible was provided to those applying regarding permitted use of the permits and also at what further measures were in place or could be developed at a strategic level with other local authorities to co-ordinate action in relation to blue badge fraud and on which she would provide an update after the meeting.

13.2 No supplementary question was asked by Councillor Colacicco in relation to the response provided by Councillor Tatler (as Cabinet Member for Regeneration, Highways and Planning) on the Cricklewood Waste Depot.

13.3 No supplementary question was asked by Councillor Donnelly-Jackson in relation to the response provided by Councillor Southwood (Cabinet Member for Housing & Welfare Reform) on out-of-borough placements within Brent.

- 13.4 Councillor Maurice, as a supplementary question to Councillor Krupa Sheth (Cabinet Member for Environment) queried the consistency of the approach taken towards the introduction of 2 hour free parking provision along Wembley Park Drive when compared to the Pay and Display scheme which had been introduced in Preston Road and Bridge Road. On the basis of the response provided to the original question, he asked the Cabinet Member if she would be willing to consider removing the Pay & Display scheme in Preston Road and Bridge Road should residents (as part of a subsequent consultation or ballot) indicate they were not supportive.

In response Councillor Krupa Sheth (Cabinet Member for Environment) felt it was important to recognise that the decision not to proceed with the introduction Pay & Display parking in Wembley Park Drive had been based on a recent consultation in Wembley Park Drive. The decision in relation to Preston Road and Bridge Road had been taken at a much earlier date based on a consultation undertaken at that time. Whilst not aware of any significant requests for changes to parking management on Preston Road or Bridge Road she would be willing to reconsider the need for a further consultation in relation to these locations should any significant interest be expressed by local residents.

The Mayor thanked Members for their supplementary questions and Cabinet Members for the responses provided and then advised that the remainder of time available would be used for an open question time session to the Leader and Cabinet. The following issues were raised and responses provided:

- (i) Councillor Shahzad expressed concern and requested a further update on action being taken to deal with the current backlog and delays in processing blue badge applications.

In response, Councillor Southwood (Cabinet Member for Housing & Welfare Reform) recognised the concerns highlighted and apologised for the current delays in processing applications. She assured Members about the work being undertaken to clear the backlog given the critical importance to those affected.

- (ii) Councillor Gill, in highlighting increasing levels of concern relating to climate change, sought details on whether the Council had given any consideration to its investment strategy in relation to fossil fuel companies.

In response Councillor McLennan (Deputy Leader) took the opportunity to advise of the work being undertaken as part of the Labour Energy Forum on this issue. As part of their current manifesto commitment she confirmed that she was looking, as part of the Council's Investment Strategy, towards divestment away from fossil fuel companies in recognition of the desire to improve air quality across the borough and provide a clean and safe environment for local residents.

- (iii) In view of recent concerns expressed by Internal Audit chiefs from across the private and public sector regarding the organisational risks posed by cyber security, Councillor Choudhary sought details on the approach within Brent to ensuring the Council's IT and data systems were protected and secure.

Councillor McLennan (Deputy Leader) advised, in response, that the protection of systems and data formed one of the key priorities within the Council's Digital Strategy. Measures were in place to ensure the necessary safeguards were maintained not only for Brent's systems but also the other two local authorities and Local Government Association for whom Brent provided IT systems and support and on which she would be willing to provide further details, if required, outside of the meeting.

- (iv) Councillor Long highlighted what she felt were current difficulties being caused for residents on low income in having to purchase books of visitor parking permits (in areas where controlled parking schemes applied) and asked whether it would be possible to offer the ability to purchase single visitor permits.

In response Councillor Krupa Sheth (Cabinet Member for Environment) advised that whilst willing to consider the proposal in more detail this would need to be balanced against maintaining the overall cost effectiveness of the scheme and ease of operation for residents.

- (v) Councillor Ahmed queried the approach being taken towards clearing of fly-tipping by the Council's contractors, questioning whether a more outcome based system could be introduced allowing rubbish to be cleared in an area the contractors were working in when spotted without the need for tasking through a specific report.

In response Councillor Krupa Sheth (Cabinet Member for Environment) felt it was important to highlight the ongoing impact of Government funding reductions in terms of how the service was now having to be prioritised and delivered. Notwithstanding these restrictions she was, however, pleased to advise that this had not prevented the Council still looking for alternative innovative solutions with reference made to a recent trial in Willesden involving the targeting of resources based on and without use of the Cleaner Brent App. Whilst the outcome of the trial was still being analysed she advised that she would be happy to provide Councillor Ahmed with a further update on the results once available.

- (vi) Councillor Kansagra highlighted concerns about the proposed introduction of a diesel surcharge for car owners in the borough, which he felt was unfair given that the majority of pollution was caused by larger vehicles such as lorries and buses. In view of these concerns he asked the Cabinet Member what measures were being considered to mitigate the impact of these charges on residents, particularly those on low incomes who were likely to be affected.

In response Councillor Krupa Sheth (Cabinet Member for Environment) highlighted the Administration's commitment towards improving air quality across the borough but at the same time took the opportunity to remind Councillor Kansagra that no final decision had yet been taken as consultation on the proposals was still ongoing.

- (vii) Having received a number of requests from local residents for the provision or removal of street furniture, Councillor Kelcher asked whether consideration

had been given to ways in which the Council may be able to open up and improve how residents were able to control and influence decisions regarding the provision of street furniture.

In response Councillor Krupa Sheth (Cabinet Member for Environment) advised that this was an issue she would be willing to take back for consideration in consultation with the Cabinet Member for Regeneration, Highways and Planning.

- (viii) Councillor Long highlighted that she had received a number of complaints relating to the use and billing for allotments and sought details on the measure in place to address these issues.

In response Councillor Krupa Sheth (Cabinet Member for Environment) advised that she was keen to ensure use of allotment plots was maximised and confirmed she would take back the concerns raised regarding billing to make sure appropriate action was taken.

- (ix) Making reference to a recent Citizens Advice study regarding the extent of problems being experienced across the UK with the use of bailiffs, Councillor Choudhary asked what safeguards were in place within Brent, as part of the recent award of contracts for bailiff services, to ensure the Council avoided working with rogue bailiffs in pursuing debts.

In response Councillor McLennan (Deputy Leader) thanked Councillor Choudhary for highlighting these concerns and outlined the approach being taken within Brent to protect vulnerable residents through introduction of a Council Tax Protocol, which the Council had worked hard to achieve. Under this protocol, efforts were being made to work with residents experiencing difficulties in meeting payments with enforcement action reserved for those cases where residents were refusing to pay.

- (x) Given frustrations highlighted by local residents in his ward, Councillor Chan sought details on what action it would be possible for the Council to take in order to ensure that delays in repairs to utility company equipment on the highway were addressed by the companies concerned.

In response Councillor Tatler (Cabinet Member for Regeneration, Highways and Planning) advised that she shared the frustrations expressed regarding the difficulties in communication and being able to ensure these types of repairs were undertaken by utilities companies when reported. As a result, Councillor Tatler advised that she was currently looking at how communication with utilities companies could be improved to ensure that these type of issues were picked up and actioned as quickly as possible.

At this stage in proceedings the Mayor advised that the time available for the open session had now expired and ended by thanking all Members for their contributions.

#### **14. Report from Chairs of Scrutiny Committees**

Before being presented with the updates from each Scrutiny Chair, the Mayor reminded Members that the time set aside for this item was now 20 minutes, with

each Chair having up to three minutes in which to highlight any significant issues arising from the work of their Committees on which they would like the relevant Cabinet Member to respond. Once these updates had been provided, the remaining time available would then be opened up for any other non-Cabinet members to question (without the need for advance notice) the Scrutiny Chairs on matters relating to the work of their Committees.

The following updates were provided by each of the Scrutiny Chairs:

#### **14.1 Housing Scrutiny Committee**

Councillor Long (Chair of the Committee) introduced the report and advised that issues considered at the most recent meeting (not included within the report) had been as follows:

- Consultation on the Council's Allocation Policy, including retention of the choice based lettings system and proposals to place residents in private sector rather than temporary accommodation;
- Performance on the Estate Grounds Maintenance Contract, with members highlighting concerns regarding the contrast in service between certain estates and also in relation to detail available on the website. Members had also requested further detail on the possible use of Neighbourhood CIL on estate improvements;
- Impact of the extension of the Private Sector Landlord Licensing Scheme and action being taken to address the backlog of licensing applications, improve the availability of information for tenants and also in relation to enforcement activity on issues such as dumping of rubbish linked to licensed properties.

#### **14.2 Resources and Public Realm Scrutiny Committee**

Councillor Kelcher (Chair of the Committee) introduced the report with the following issues identified for response by the relevant Cabinet Members:

- As part of the Committee's review on the Highways Contract Performance concerns had been highlighted in relation to the self-monitoring nature of performance against the contract. The Committee had therefore been keen to seek an assurance from the Cabinet Member regarding plans to phase out the use of these type of contracts in future.

Responding to the issue raised, Councillor Tatler (Cabinet Member for Regeneration, Highways and Planning) took the opportunity to thank the Committee for their work in this area and advised she was pleased to be able to report the signing of a Deed of Variation on the Highways Contract effective from 1 October designed to address the concerns identified in terms of managing and monitoring performance.

- As part of the Committee's review of progress on the Digital Strategy and outcomes for vulnerable people, Members were keen to seek further details on the work being undertaken to target more vulnerable residents excluded or



unable to access online services; encourage and incentivise residents to set up a My Brent Account and monitor how and where residents were accessing on-line services.

In response, Councillor McLennan (Deputy Leader) advised that the need to ensure access to services was maintained for more vulnerable residents had already been recognised within the strategy including action to target specific groups in order to identify and address the barriers in the being able to access services and ensure they were not disadvantaged.

- As part of their review around Area Based working, the Committee had been looking at the role of Town Centre and Neighbourhood Managers. Having met with officers in these roles at a Focus Group session, the Committee had been impressed by their level of professionalism and dedication. As an issue highlighted during the managers Focus Group details were sought on what further training was available to support the managers in maximising use of social media and other online forums as an additional means of picking up local issues.

In response, Councillor Krupa Sheth (Cabinet Member for Environment) advised that she had taken back the issue highlighted in order to ensure that training was provided and the Neighbourhood Managers (of which a further two had recently been appointed) and Town Centre Managers were also establishing the necessary links with ward councillors in their areas.

### **14.3 Community and Wellbeing Scrutiny Committee**

Councillor Ketan Sheth (Chair of the Committee) introduced the report with the following issues identified for response by the relevant Cabinet Members:

- As part of the Committee's review on the management and prevention of Diabetes, Members had been impressed with the work being achieved through the Diabetes Community Champions and therefore keen to seek an assurance that the support currently being provided by the Council for this initiative would be maintained and, if possible increased.

Councillor Hirani (responding as Cabinet Member for Public Health, Leisure and Culture) advised that the Council had been working closely with Diabetes UK to establish and train 50 volunteers as Diabetes Community Champions across the borough. As with the Scrutiny Committee, he had recognised the positive impact achieved and reaffirmed the Council's commitment towards maintaining the current level of support and cohort of volunteers.

- The Committee had been disappointed to note the outcome of the recent Care Quality Commission Inspection of the London North West University Healthcare NHS Trust which had rated them as "requiring improvement". Given the concerns raised, further detail was sought from the Cabinet Member (in advance of the next Joint North West London Health Overview & Scrutiny Committee due to be hosted by Brent) on how the Council would be looking to engage and work with the leadership of the Trust in order to ensure the necessary improvements were made.

Councillor Farah (responding as Cabinet Member for Adult Social Care) advised that he shared the disappointment expressed and was committed to working with partners as well as the leadership of the Trust in order to secure the necessary improvements and ensure updates were provided as progress was made.

- An update was requested on plans being developed to address concerns regarding the attainment of black and Afro-Caribbean pupils and other underachieving groups in schools across Brent.

In response Councillor Agha (Cabinet Member for Schools, Employment & Skills) advised that work had already commenced in this area with a Steering Group established to lead on the process involving schools parents and other key stakeholders. The need to address these concerns had been recognised and he advised Members that further updates would be provided as work progressed with the approach also focussed around provision of appropriate employment and skills opportunities.

The Mayor thanked each of the Scrutiny Chairs for their updates and it was **RESOLVED** that the content of each of their reports be noted.

Following the updates provided, the Mayor advised that the remainder of time available would be open for questions from non-cabinet members to the Scrutiny Chairs, with following questions raised and responses provided:

- (i) Following on from the update provided in relation to the work of the Resources and Public Realm Committee, Councillor Choudhary asked for an update on the review of the Assets and Property Strategy.

In response Councillor Kelcher advised that whilst the review was ongoing progress had been made with the provision of a spreadsheet of council property assets. In reviewing the initial information provided the Committee had identified the need for further information having noted that in some cases values were difficult to assess and were also keen to see the inclusion of an assessment of social value in terms of the contribution made by each property asset. He advised that further updates could be provided as the review progressed.

- (ii) In response to the update provided under the report from the Community and Wellbeing Scrutiny Committee, Councillor Daly sought further details on the potential response from the Scrutiny Committee to the concerns raised in relation to the outcome of the CQC Inspection on the London North West University Healthcare NHS Trust.

In response Councillor Ketan Sheth advised that he was already liaising with scrutiny colleagues in Ealing and Harrow on the options available. Possible ways forward included a special meeting or joint commission to review actions being taken by the Trust to address the issues identified or referring the matter to the North West London Joint Health Overview and Scrutiny Committee. A final decision on the most appropriate option was still to be made but he assured Members we would keep them updated as the review was progressed.

- (iii) Following on from the update provided in relation to the work of the Housing Scrutiny Committee, Councillor Choudry sought further detail on the work being undertaken in seeking to promote and encourage the private sector to work more closely with the Council and other Registered Providers in terms of access to housing supply.

In response Councillor Long advised that much of this work was being led by the Cabinet, however as part of their review of the changes being proposed to the Council's Housing Allocation Policy the Scrutiny Committee had noted the inclusion of proposals to encourage much closer working between the Council, Housing Associations and private rented sector involving lease arrangements and access to Housing Benefit. Tenants experiencing problems in securing rent deposits could also seek advice from the Council but she felt it was also important to recognise the impact which increasing rent levels across London would have in terms of limiting access to the supply of affordable accommodation for those on low income, highlighting the importance of the Council's overall housing strategy in this respect.

As no further questions were raised, the Mayor advised he would move on to the next item and thanked all Members for their contributions.

#### 15. **Report from the Vice-Chair of the Audit Advisory Committee**

The Mayor invited Councillor Choudry (as Vice-Chair of the Audit & Standards Advisory Committee) to introduce his report updating members on the work of the Audit & Standards Advisory Committee.

As part of the report, Councillor Choudry referred to the update which had been provided on counter fraud and reference to an ongoing police investigation which he advised Members it would not be possible for him to comment on in any more detail pending the outcome of that process. Whilst pointing out that it was not unusual for organisations as large and complex as the Council to experience various types of fraud and not being complacent, he was keen to reassure Members about the robust nature of the Council's anti-fraud and corruption strategy and work being undertaken by the Internal Audit function to combat fraud and ensure the necessary controls were in place.

The Mayor thanked Councillor Choudry for his update and it was **RESOLVED** that the content of the report be noted.

Before moving on to deal with the next item, the Mayor advised Members that he had been handed a letter submitted by a member of the public during the meeting relating to specific housing matters. He confirmed that he had received the letter and would arrange for it to be passed on to the Cabinet Member for Housing & Welfare Reform for response outside of the meeting.

#### 16. **Safer Brent Community Safety Strategy 2018-2021**

Councillor Tom Miller (Cabinet Member for Stronger Communities) introduced the report from the Strategic Director of Regeneration and Environment seeking approval of the Safer Brent Community Safety Strategy for 2018-2021.

In introducing the report he highlighted the positive steps made in relation to the CCTV upgrade, funding of additional police officers, stricter licensing policies, improved partnership working and tasking of resources with the strategy designed to guide the future direction of partnership working. Whilst the priorities within the strategy were not exhaustive development of the strategy had provided an opportunity to review progress and assess what more needed to be achieved as a partnership including as more long term strategic aims a move towards a more public health based approach in relation to prevention and less fragmentation of services.

Councillor Miller felt it was important to recognise the challenges still needing to be addressed within Brent and across London as a whole based on the resource restrictions imposed by central Government and also the impact arising from longer terms issues of social deprivation but felt that the focus on the key priorities within the strategy relating to violent crime; prevention and tasking of resources would provide a realistic outcome based approach towards tackling these issues under the Safer Brent Partnership.

As there were no other members who indicated they wanted to speak on the report, the Mayor then put the recommendations to the vote by a show of hands and they were unanimously **CARRIED**.

It was therefore **RESOLVED**:

- (1) To approve the detailed Community Safety Strategy 2018-2021 and Action Plans, as agreed by Cabinet in August 2018.
- (2) To note that the information provided within the report would also be considered as part of planning of the Council's wider operational development.

## 17. **Treasury Management Outturn Report 2017/18**

Councillor McLennan introduced the report from the Chief Finance Officer which provided an update on Treasury Management activity and confirmed that the Council had complied with its Prudential Indicators for 2017/18. Members noted that the report had been approved and referred on to Council for consideration by Cabinet on 12 September 2018 in compliance with the CIPFA Code of Practice on Treasury Management.

As there were no other members who indicated they wanted to speak on the report, the Mayor put the recommendations to the vote by a show of hands and they were unanimously declared **CARRIED**.

It was therefore **RESOLVED** that Council note the 2017/18 Treasury Management Outturn Report in compliance with the CIPFA Code of Practice on Treasury Management.

## 18. **Motions**

### 18.1 **Motion from the Labour Group – Northern Ireland Good Friday Agreement**

The Mayor invited Councillor Kelcher to move the motion he had submitted on behalf of from the Labour Group who began by highlighting the importance of the Good Friday Agreement in marking the end of the conflict in Northern Ireland and outlining why he felt, given its significant impact, this deserved to be properly commemorated and celebrated. Having noted the positive impact which the Agreement had had in the region and on the Irish community in Brent, Councillor Kelcher advised he was concerned at the threat which he felt was now posed arising from the prospect of a “hard Brexit” and potential for a hard border. The motion, he pointed out, was therefore seeking support not only in recognising and celebrating the historic impact of the Agreement but also in terms of looking to maintain and defend its key principles, especially in relation to the potential outcome of the Brexit process.

The Mayor then invited up to two other contributions from the Labour Group, with the following members speaking in support of the motion:

Councillor Conneely highlighted the importance of the Agreement for the Irish community in Brent. Having recognised the bravery of those involved in securing the Agreement she was concerned at what she felt to be its consistent undermining by successive Conservative Governments since 2010 and advised that she was therefore proud to be supporting the motion in seeking a shared future of peace.

Councillor Gill felt it was important to recognise the impact of the conflict which had been ended by the Agreement and need to ensure that, as a result, the peace created over the last 20 years was protected. He therefore urged all Members to support the motion.

The Mayor then invited Councillor Colwill to respond to the motion on behalf of the Conservative Group who confirmed his Group would also be supporting the motion in recognition of the historic impact and importance of the Good Friday Agreement. Whilst supportive of the motion he felt that an option in relation to addressing the concerns raised about the potential impact of any hard border from the Brexit negotiations, would be for the Council to consider supporting the border solution put forward by the European Reform Group.

In exercising his right of reply, Councillor Kelcher thanked members for their support and in recognising the impact and importance of the Agreement.

The Mayor then put the motion (as set out below) to a vote, by show of hands, which was unanimously declared **CARRIED**:

“This council recognises that:

The Irish Troubles were an horrific conflict which, in just three short decades, costs the lives of over 3,500 people and injured 47,000 more the vast majority of these victims were innocent civilians.

The Troubles claimed victims all across these islands, including in our city of London which in particular saw the Docklands attack, the most financially costly terrorist attack in the history of the United Kingdom.

This council notes with pleasure that this seemingly intractable conflict was ended twenty years ago this year with the signing of the Belfast Agreement (aka Good Friday Agreement), and; that this milestone agreement has undoubtedly saved hundreds of lives and directly benefitted the many thousands of families with Irish heritage in Brent.

This council endorses the principles of the Agreement which include:

- consent;
- self determination;
- abandonment of violence;
- recognition of both identities in Northern Ireland;
- power sharing;
- devolution;

This council notes with concern that in its twentieth year the Belfast Agreement has never been as threatened as it is today by the prospect of a hard border on the island of Ireland imposed by Britain's exit from the European Union, which would undermine the ideas of inter-island cooperation, recognition of dual identities and self-determination in the Agreement.

This council resolves to:

- celebrate the Belfast Agreement as an historic achievement in all of its cultural work in Brent;
- register its opposition, on behalf of the Irish community in Brent, to a hard border between the United Kingdom and the Republic of Ireland in writing to the relevant Secretary of State;
- continue to promote the values of consent, harmony and cooperation in its community work in the spirit of the Belfast Agreement."

## **18.2 Motion from the Labour Group – Charter Against Modern Slavery**

The Mayor invited Councillor Kabir to move the motion she had submitted on behalf of the Labour Group who began by highlighting the prevalence and different forms of modern day slavery which she felt it was unacceptable to still find examples of in countries such as the UK. Whilst supportive of the requirement introduced under the Modern Day Slavery Act 2015 for businesses to report annually on the steps being taken to ensure modern slavery and human trafficking were not practices supported in their business or supply chain operations the concern was that this only applied to organisations with a turnover of £36m. For these reasons, Councillor Kabir, whilst recognising the actions already being taken by the Council in terms of its procurement practices, commended the adoption of the cooperative charter detailed within the motion.

The Mayor then invited up to two other contributions from the Labour Group, with the following members speaking in support of the motion:

Councillor Shahzad felt that modern day slavery and human trafficking represented the worst type of human right violation and was therefore keen, in supporting the

motion, to ensure the Council did everything possible to condemn and seek to prevent these type of practices.

Councillor Chohan highlighted his concern at the extent of these type of practices within the manufacturing, catering and domiciliary sectors and was also therefore keen to support the motion, as a means to address exploitative and abusive employment practices.

The Mayor then invited Councillor Kansagra to respond to the motion on behalf of the Conservative Group who advised his Group would also be supporting the motion. Having welcomed the approach outlined he felt it was, however, also important to recognise the contribution made by Theresa May, in both her current role as Prime Minister and previous role as Home Secretary, towards tackling these concerns who had led on introduction of the Modern Day Slavery Act.

Having thanked Members for their support, Councillor Kabir advised she had no further comments to make in exercising her right of reply, so the Mayor then put the motion (as set out below) to a vote, by show of hands, which was unanimously declared **CARRIED**:

“As a major employer, and investor in local, regional, and national supply chains, this council recognises that, far too often, exploitative, unscrupulous, and abusive employment practices exist. This council condemns those practices and is committed to rooting them out

As part of its determination to tackle modern day slavery, this council adopts the following cooperative charter which sets out strategies for more rigorous supply chain management and reporting processes.

Whilst recognising the action already being taken, Brent Council will:

- Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
- Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for noncompliance.
- Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
- Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
- Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
- Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.

- Review its contractual spending regularly to identify any potential issues with modern slavery.
- Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
- Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
- Report publicly on the implementation of this policy annually."

### **18.3 Motion from Conservative Group – Anti-Semitism**

Prior to the consideration of this item, the Mayor took the opportunity to remind Members of the Council's statutory duty to have "due regard" to the need to eliminate discrimination, harassment and victimisation and advance equality of opportunity and foster good relations between persons who shared protected characteristics and those who did not. He advised this represented the public sector equality duty and that the protected characteristics referred to included any race, religion or beliefs relevant to the motion. He concluded by reminding Members that they would, however, be free to express their own political opinions.

The Mayor then invited Councillor Maurice to move the motion, submitted on behalf of the Conservative Group who whilst recognising the sanctuary traditionally provided within the UK for those seeking to escape persecution expressed concern about the increase in anti-Semitic hate crime which had led to some sections of the Jewish community feeling threatened and unwanted. He felt this had been expounded by the rise of the Momentum movement. Referring to a poem by Martin Niemoller he concluded by advising that in order to provide reassurance for those communities affected, the motion was seeking to reiterate support for the International Holocaust Remembrance Alliance (IHRA) definition of anti-Semitism and to ensure this was included within the Council's Members and Employee Codes of Conduct.

The Mayor then invited contributions from the Labour Group, with Councillor Tom Miller, as Cabinet Member for Stronger Communities, responding to the motion by highlighting that the Labour Group had welcomed and would be supporting its content recognising the need to focus on community relations. He reminded Members that Brent had been a trailblazer in this respect, having adopted the full IHRA definition back in September 2017 with the Council committed to working with the Jewish community to tackle all forms of anti-Semitism. He concluded by advising that if Members were minded to support the motion it was recommended that reference to the IHRA definition would be included within the Member and Employee Codes of Conduct as a footnote which Councillor Maurice advised he would be willing to support.

The Mayor advised that it would be possible to take a further two contributions (one from each Group) during the debate on the motion, with the following Members speaking:



Councillor Nerva, in supporting the motion advised he was proud of the original decision taken by the Council in September 2017 to adopt in full the IHRA definition of anti-Semitism and of the decision being sought under the current motion to ensure this was enshrined in Council policy and procedure. Having recognised and accepted the problems experienced within the national Labour Party relating to adoption of the definition he was supportive of the continued efforts being made to build broad alliances within the Party in order to maximise support for IHRA and for the wider focus in eradicating all forms of anti-Semitism, which he felt the Conservative Party also needed to consider in relation to how they dealt with Islamophobia.

Councillor Kansagra endorsed the comments made by Councillor Nerva. Whilst keen to ensure that discrimination was not tolerated in any form he felt there was a need to recognise the strong level of community cohesion within Brent and record of the Council in encouraging good community relations, which we was keen to see maintained.

In exercising his right of reply, Councillor Maurice thanked Members for their support and advised from a personal perspective that he had been fortunate whilst living in Brent not to have experienced any form of anti-Semitism. He did recognise, however, the concerns being expressed and felt there was a need to educate those seeking to preach anti-Semitism or Islamophobia and to demonstrate by continuing to work together as a Council, that this type of behaviour would not be tolerated.

The Mayor then put the motion (as set out below) to a vote, by show of hands, which was unanimously declared **CARRIED** with Members noting that reference to the IHRA definition of anti-Semitism would be included within the Member and Employee Codes of Conduct as a footnote:

“With anti-Semitic hate crimes rising across London and the United Kingdom – this Council expresses that it is appalled at the increase in anti-Semitic Hate Crimes, and reiterates its support for the International Holocaust Remembrance Alliance definition of anti-Semitism.

This Council is shocked at the recent spate of anti-Semitic posters that have been going up across TfL run bus stops, and it is further shocked at the recent comments by those who have described the recent condemnation of anti-Semitic language and behaviour as a ‘Zionist’ movement – using anti-Semitic language and imagery in campaigning and online, further enflaming anti-Semitic hatred across the Borough.


This Council will immediately adopt, into its councillor and public workers code of conduct, the full and complete IHRA definition of anti-Semitism\*, and implement policies to ensure that hate crimes against Jewish people are acted upon quickly and decisively.”

## 19. **Urgent Business**

The Mayor advised Members there were no urgent items of business for consideration.

The meeting was therefore declared closed at 8:25pm.

COUNCILLOR ARSHAD MAHMOOD  
Mayor

 <b>Brent</b>	<b>Full Council</b> 26 November 2018
	<b>Report from the Leader of the Council</b>
<b>Update report from the Leader and Cabinet</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	Appendix 1 – Update reports
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	N/A

## 1.0 Purpose of the Report

- 1.1 This report provides an update on the work being undertaken by the Leader and Cabinet, in accordance with Standing Order 31. .

## 2.0 Recommendation(s)

- 2.1 Council is asked to note this report.

## 3.0 Detail

- 3.1 Council on 9 July 2018 agreed series of revisions to the Constitution which changed a number of Standing Orders relating to the way that Full Council operated. Included as part of these, were changes to the way in which the update report from the Leader and other Cabinet Members would be considered.
- 3.2 Whilst the total time available to consider the update report remains at 15 minutes, this is now split with up to six minutes being provided for the Leader and other Cabinet Members to speak in order to highlight any significant issues within their portfolios and the requirement for these updates to be based on a written report from the Leader, Deputy Leader and Cabinet. Following on from

these updated, the remainder of the time available is then opened up for any non-Cabinet members to question (without advance notice) Cabinet on matters relating to their portfolios.

- 3.3 Set out in Appendix One of the report are the written updates provided, which cover pertinent parts of the municipal year to date.

#### **4.0 Financial Implications**

- 4.1 As the report is for information purposes there are no direct financial implications.

#### **5.0 Legal Implications**

- 5.1 As the report is for information purposes there are no direct legal implications.

#### **6.0 Equality Implications**

- 6.1 As the report is for information purposes there are no direct equality implications.

# **APPENDIX 1 – UPDATES FROM LEADER AND CABINET**

## **1. Leaders Introduction – Councillor Muhammed Butt**

- 1.1 As my Cabinet colleagues set out in the following reports, while just two short months have passed since our last meeting, they have been nonetheless eventful. A summary of the period includes, but is not limited to, the points set out below.
- 1.2 We have seen a government finally accept the magnitude of austerity's devastating social and economic impact and, for now, at least, stemming the tide of further cuts to ours, and many other essential public services' funding. Whether they have the courage to also accept that too much had already been taken out and needs to be put back in, especially in vital areas such as child protection, mental health, and adult social care, remains to be seen.
- 1.3 We are working more closely than ever before with our police, from the neighbourhood level, to the Borough Commander, to the Deputy Mayor. With their budgets slashed, our police increasingly depend on our local networks, the additional infrastructure, such as CCTV, we provide, and, perhaps most importantly, the community relationships we help foster. While such close partnerships are very much the future of effective, sustainable, front line public services, with incidents of serious and violent crime – too often tragically so – increasingly in the news, decisive, coordinated, visible action is very much in need.
- 1.4 We are at the forefront of building much needed new, affordable homes, while also enhancing and regenerating neighbourhoods across the borough. Living up to our manifesto commitments, in partnership with the Mayor of London and GLA, we are leading the way on developing the means by which can grow both the quantity and quality of our social housing stock.
- 1.5 We've continued in our proud tradition of officially marking formal occasions, celebrating in cultural and religious festivals, and acknowledging and commemorating the various histories they have contributed to the development of this borough, this city, and this country.
  - With our annual, and always impressive 'Light up the night' extravaganza we made the most of both Diwali and Guy Fawkes Night.
  - Through Black History Month, we championed the invaluable role, contribution, and near infinite array of achievements made by black people, past and present, in the UK.
  - More recently, on the 100<sup>th</sup> anniversary of the Armistice, representatives and residents alike paid their respects in remembrance of those who have made the ultimate sacrifice.

- 1.6 The Kiln, (or the theatre formally known as The Tricycle) continues its inaugural program with a critically acclaimed adaptation of Brent's very own Zadie Smith's breakthrough novel, *White Teeth*. Whatever it's called, and whatever your view, this borough is incredibly lucky to host such an impressive cultural and community asset, and we should applaud its achievements.
- 1.7 Speaking of community assets, following World Alzheimer's Day, we've seen our very own Councillor Lia Colacicco lead the way on setting up Brent's first dementia garden, bringing the award winning 'Life Without Walls' garden from the RHS Chelsea Flower Show up to Kilburn's Watling Gardens.

## **2. Deputy Leader – Councillor Margaret McLennan**

- 2.1 Finance – Draft Budget proposals are out to consultation and residents have been updated at each Brent Connects during October, with the last presentation at Kilburn on 31st October.

We are working through the London Council Leaders Forum to ensure London is not penalised in the Fair Funding Review and secures necessary funding for Children's Social Care (CSC) where we are currently overspent by £1.5 million, which will be covered through other activities, but an overspend nonetheless as predicted. The vast majority of Councils are further exposed to increasing CSC costs.

Several Resident Associations have invited myself and The Leader to attend to update members directly and we are both happy to do so during this consultation period.

- 2.2 Equalities – October saw the celebration of Democracy Week and Black History month where I attended several events, including 'Question Time' where a Panel, including myself, answered questions on Council policies and strategies. The Council also held a free Black History Month celebration event where over 250 staff and residents were in attendance.
- 2.3 Performance – The Annual Complaints Report will now be published in November for December 2018 Cabinet and this will tie in with an update on Q3 Management and Financial performance. The Council is still on track to achieve a balanced budget for 2018/19.
- 2.4 Procurement – The Strategy continues that with all new contracts the expectation is to secure of 10% in savings from the previous contract. This is being achieved and exceeded to date.

### **3. Public Health, Culture and Leisure – Councillor Krupesh Hirani**

- 3.1 The dedicated website for the London Borough of Culture has been updated. <https://www.lboc2020.com/> Job posts for the Borough of Culture team are now closed and the recruitment process for key roles are under way. We held an update event at the Willesden Library for Community groups to learn more about the Borough of Culture projects and we gave an update on where we were with all of the major projects for 2020.
- 3.2 We hosted drop ins for library users and I attended sessions at Willesden Library and at Ealing Road library. Wembley Library had a poetry workshop followed by a spoken word event. There was also another spoken word event which I attended at the Yellow building at Wembley Park. Kingsbury Library hosted a Windrush coffee morning event.
- 3.3 I attended the Leah Thomason Bromberg art exhibition at St Catherine's Church hosted by the Brent Arts group. I also attended the Exhibition at Willesden Library commemorating Somali soldiers that served during World War One.
- 3.4 Harlesden Library has been awarded 10k of CIL funds to enhance the Harlesden cultural offer which includes the hub. Two community projects area also underway to develop murals to go in the cultural space.
- 3.5 I held a joint meeting with Councillor Mili Patel and Children's Department officers to see how we could work more closely together on the Borough of Culture given our explicit focus on Young People.
- 3.6 I spoke about Ways to Wellbeing at two major events in Brent on World Mental Health Day. Firstly, at the Hillside Hub in Stonebridge at the event hosted and organised by Hestia and Ashford Place and secondly at the Disability Forum which was held in Harlesden.
- 3.7 I attended the Nigerian Independence Day celebrations arranged by Councillor Ernest Ezajughi. I supported the previous Mayor and attended his cheque giving ceremony to his Mayoral Charities for the municipal year 2017/2018. As the Hindu festival season is in full swing, I have attended numerous Navratri events at Oakington Manor Primary School, Sattavis Patidar Hall, Byron Hall, Alperton School and India Gardens. I attended the SKLPC Annual Mela. The community is home to tens of thousands of Brent and Harrow residents. I visited the Mandata community hall in Wembley Central where they held a Rangoli art competition. I attended the DKNS annual function. The community has a large population living in the Wembley Central and Alperton Wards in Brent.
- 3.8 Over the Diwali period, we hosted the Mayor of London Sadiq Khan at Hindu Temples in Brent. We visited the Willesden, Neasden and Ealing Road Temples and at the weekend I attended the Kingsbury Temple fireworks event.
- 3.9 The Dance group Shiamak held a flash Mob which we facilitated at the Brent Civic Centre.



- 3.10 We held a tour for Councillors at Willesden Sports Centre and used the opportunity to look at facilities and take forward issues for the benefit of our residents.
- 3.11 The new integrated service for Drugs and Alcohol is now fully mobilised. We worked with Brent CCG to obtain £267k funding to continue the successful Latent TB Infection Testing and Treatment Programme. Brent was the highest performing CCG for the Latent TB Programme in London. Health visiting metric for new birth visiting have improved to 96%
- 3.12 The new 0-19 children's public health service includes tier 1 and 2 weight management service. This is a preventive universal service with additional lifestyle weight management services for those children, and their families, who are overweight or obese. A rolling pathway has been established for children aged 0-5 years and 5-11 years incorporating support and advice on healthy eating and behaviour change and encouraging physical activity.
- 3.13 Brent Council has been given £195k from the Healthy Pupils Capital Fund, which was generated by the Soft Drinks Industry Levy (sugar tax). Schools have been invited to bid for funding to carry out a capital project which increases facilities in schools for physical activity, healthy eating, mental health and wellbeing and medical conditions.
- 3.14 Heathier Catering Commitment - 44 premises have achieved the HCC award. There is a dedicated page on Brent website, explaining the award, benefits of the award, how to sign up, and listing companies who have achieved the award.
- 3.15 We have been mapping both indoor and outdoor sports facilities in the Borough with a view to having an investment plan on improving facilities and also identifying gaps in the Borough. I have also been working with Councillor Krupa Sheth to ensure that Parks are working with Sports clubs in the Borough when they are maintaining and improving outdoor pitches as there have been issues with the times of year that works have been carried out. I attended the London Sport annual event to further develop our relationship with the organisation.
- 3.16 I visited the Brent Punjabi Association who are running dance classes for pensioners. They meet at a church hall in Sudbury.
- 3.17 I visited the Kiln Theatre in Kilburn and spoke to staff about opening the building up to the community and audiences that were more reflective of the Borough.
- 3.18 I met with the Director of Sufra Food bank to further discuss Brent's work with the voluntary sector and our Grants and capacity building support. I attended a fantastic Black History Month event at the Brent Civic Centre.

## **4. Environment – Councillor Krupa Sheth**

- 4.1 **Parking Consultation** – The parking team commenced an informal supplementary consultation exercise on Friday 24<sup>th</sup> August 2018 which closed on 21<sup>st</sup> September 2018. The consultation looked at: A proposed surcharge on resident parking permits issued for diesel powered vehicles, to nudge vehicle owners to switch to less polluting options, Introduction of a three year £15 permit for new cars joining the Wembley Event Day Protected Parking Scheme, Permit surcharges for residents' second and third vehicles, Parking Essential User Permit pricing for external organisations. There will be a member development session on 4<sup>th</sup> December 2018 at 6pm to give members a briefing of the outcome of the consultation and allow members to give me their views on this.
- 4.2 **Recruitment of Parking Civil Enforcement Officers** – The recruitment and training of additional Civil Enforcement Officers is under way to enhance the protection of parking spaces for our residents and businesses and we should have an “A-team” in place next month to deal with parking hotspots.
- 4.3 **LED Street Lights** – Over 15,000 LED lanterns have been installed with the programme on target to be completed by January. This represents 75% off the lighting stock.
- 4.4 **Pilot Lighting Project** – The new LED lanterns can be controlled at a micro-level by the Central Management System. When we installed the lanterns we dimmed the lamps to 70% in residential streets and 53% on footpaths, to ensure that road safety standards were met and so that we could start to make savings straight away. Target savings were originally £750k but were increased this year to £850k, and could potentially increase again by another £100k in 2020. So it is essential we make progress.

We have used our specialist design consultants to analyse lighting needs and provide us with a recommended lighting level for each individual lantern. They have completed their work in three wards so far: Fryent, Queensbury and Welsh Harp. This has allowed us to reduce the lighting output in these three wards in most cases to a level of 50%, without any adverse comments from the public. As a result, we have piloted a full implementation of the lighting design standards in these three wards. To that end we started a two-week pilot in these three wards, reducing many of the lanterns to 40% in the first week and then to the official recommended level the week after. We will then turn the lights back up to baseline and assess the public response. In due course this will facilitate a recommendation for a borough-wide lighting plan. A letter was sent out to residents letting them know what is happening and how to give us their feedback.

- 4.5 **Electric Charge Points** – Rapid charge points have been installed and they will be operational on the 5 sites once we have received a certificate for them which is due on 3<sup>rd</sup> December. We are currently waiting for them to be connected. This should be completed in the next 6 weeks. We are also in the process for the procurement of a tender for Lamp Column chargers and have put forward bids for more electric charge points. These electric charge points are vital in our plans to promote electric cars and help improve our air quality.

- 4.6 Wembley Stadium Community Project – We have been approached by the FA and they would like to give back to the community and work with the council and Veolia to do a project in our parks which are directly affected by event days. We have started the discussion and are moving forward with preliminary plans.
- 4.7 Meadow Cutting – The new meadow policy involves a yearly cut. All large sites have been cut leaving 6 smaller sites at Leybourne Road, Eton Grove, Abbey Estate, Sudbury Court Open Space, Elmwood and Northwick Park. These sites commenced their annual cut at the beginning of November.

There will be a member development session on 28<sup>th</sup> February 2019 at 6pm to provide members the opportunity to ask questions regarding the meadow areas, discuss anything to do with our parks, open spaces and also gain an insight into our allotments service and view our proposed plans for 2019 including the sowing of pocket wildflowers. An information pamphlet will be provided to all councillors, containing relevant information, as well as maps of each meadow area. There will be a demonstration of our newly created biodiversity portal, which will provide a wealth of information on nature, biodiversity, meadows and the amazing work being carried out across the borough.

- 4.8 Wildlife Competition Update – In July, we launched the wildlife competition. A few weeks ago, I joined the judging panel to decide on the winners of the competition. Kerry Slack's picture of a fox won the over 18s and Alex Albanis's picture of a red tiger moth won the under 18s. The winners plus around 15 residents whose entries were "highly recommended" will be invited to an award ceremony on 27<sup>th</sup> November at 6.30pm. You are all invited to attend.
- 4.9 London In Bloom – Brent won four gold awards and four silver awards at the prestigious London in Bloom Awards 2018. The awards celebrate the efforts of our officers, Veolia, community groups and schools across Brent who work tirelessly to improve our local environment and I would like to thank them all.
- 4.10 Roe Green Walled Garden was awarded gold and won "best small conservation area", while Alperton Cemetery was awarded silver and "best small cemetery". Overall, the borough of Brent scooped a silver award. The full list of awards is:

- The London Borough of Brent – Silver
- Alperton Cemetery – Silver and category winner in 'Cemetery of the Year 2018'
- Gladstone Park Wall Gardens – Gold.
- Mapesbury Dell – Gold
- Fryent Country Park – Gold
- Roe Green Wall Garden – Gold and category winner in 'Small Conservation Area of the Year 2018'

- Roundwood Park – Silver
- Barham Park Wall Garden – Silver

4.11 Veolia Trial Project Willesden – Alongside many other trial projects around education and enforcement, we are working with Veolia to trial a completely proactive collection of all flytips on the public highway at exactly the same time; whether they have been made through the app or not. Should this trial be successful, we will be looking to see if this methodology can be rolled out across the entire borough.

The existing process means that Veolia vehicles are completely reactive and can spend a lot of time travelling between reported incidents across an entire village area. The new trial, will allow for Veolia to plot the most effective route for their vehicles; allowing for a positive environmental impact too.

We are also looking to support this trial with additional education to residents on the correct methods of disposal of household waste and bulky waste items; including the bulky waste collection service. This trial will be running from the 15<sup>th</sup> October to the 30<sup>th</sup> November. Findings from the trial will be shared towards the end of the year.

4.12 Trial Skip Project – As you are aware we are trialling a skip project to tackle rubbish dumping. This was kicked off on Saturday 20<sup>th</sup> October in Fryent Ward and the skip was manned by local residents with the presence of our neighbourhood manager and enviro enforcement officer. We will be taking the skip across Kingsbury and Kenton over the next few weeks and we will see how this works out. I will keep you updated about the outcome.

4.13 Car Free Day – On 22<sup>nd</sup> September, in support of Brent's Clean Air pledge and to celebrate Car Free Day we planned two events on Oaklands Road, Mapesbury and St Johns Road, Wembley. The aim of these events was to promote fun active ways of travelling such as walking and cycling and to encourage residents and businesses to consider using alternative modes of travel. We had the Leader, the Mayor and some councillors attending the events and it was great fun.

4.14 Dementia Garden, Watling Garden, Mapesbury – On Saturday 22<sup>nd</sup> September I visited Watling Garden in Mapesbury. The residents, in partnership with Selco and Wates have done a great job and I would like to thank Councillor Colacicco for all her work there.

4.15 Visit to Severnside Energy Recovery Centre - I went to visit our plant at our waste site in Bristol along with West London Waste Alliance officers, fellow colleagues from neighbouring boroughs and council officers. This is where our waste is transported to in craters via the train. It was an incredibly interesting visit.

4.16 Free Trees for Brent Residents – The Mayor of London announced that there are 25,000 free trees to given away to Community groups and schools across

London. The trees are provided in clusters of 50 and bids had to be submitted by 22<sup>nd</sup> November. We have had quite a few community groups apply.

- 4.17 Christmas Tree Collection – We will be providing the Christmas Tree collection points in our parks again in January 2019. There will be no change to the locations. There are 21 agreed locations across Brent. Residents will be allowed to take their trees to these locations from 31<sup>st</sup> Dec 18 to 13<sup>th</sup> Jan 19 with Veolia collecting them from 14<sup>th</sup> Jan till 27<sup>th</sup> Jan. Any surplus trees will be collected by the parks service. Residents who have the garden waste service will be able to use their garden bin for the disposal of Christmas Trees if the trees are cut into manageable pieces.

There will be posters in all relevant park notice boards from Mid Dec and we will be publicising the scheme in Brent magazine, our website and members bulletin nearer the time. You can visit [www.brent.gov.uk/christmastrees](http://www.brent.gov.uk/christmastrees) for details of collection points.

- 4.18 Winter Preparations 2018/19 – There are three bank holidays over Christmas and New Year and so there will be some changes to the days bins are collected. These are summarised below:

If your bin is due to be collected on...	It will now be collected on...
Tuesday 25 December	Thursday 27 December
Wednesday 26 December	Friday 28 December
Thursday 27 December	Saturday 29 December
Friday 28 December	Sunday 30 December
Monday 31 December	Monday 31 December
Tuesday 1 January	Saturday 5 January

Residents can go online and use the 'Find Your Collection Day' search at [www.brent.gov.uk/recycling](http://www.brent.gov.uk/recycling) for information that is directly relevant to them. Normal collections will resume from Wednesday 2 January.

The Reuse and Recycling centre will be closed on 25 December, 26 December and 1 January.

From Wednesday 2 January, residents can renew or sign up to receive the garden waste service for the year from April.

- 4.19 Paan Initiative – On 1<sup>st</sup> November, we had ITV come down to do an interview with me around our new paan initiative. After various forms of education including posters to talking to businesses selling paan we decided to trial out something new and painted stencils on the pavement warning and educating people it is a criminal offence. ITV were fascinated with this new initiative and the interview was shown on ITV London featuring Brent in a very positive light. This was the result of great work from our Town Centre Manager and our Neighbourhood Manager with the support from Veolia, the Safer Neighbourhood Team and Wembley Central and Alperton Residents Association.

## **5. Regeneration, Highways and Planning – Councillor Shama Tatler**

- 5.1 There are several commitments which the Administration has made to the residents of Brent that I would like to update on.
- 5.2 Firstly, our commitment to involve residents in key decisions. We have just published our draft local plan for consultation for residents to comment on how Brent should look and feel. The local plan will be the key document that planners, developers and house-builders will refer to when examining planning applications. The plan will identify where development can take place and what we expect to be delivered alongside housing such as the percentage of truly affordable housing, workspace and infrastructure. The consultation is open until the 3<sup>rd</sup> January 2019. There will be workshops, drop-in centres and hard copies of the documents in our libraries for comment.
- 5.3 Supporting business and town centres is important. The Brent for Business website is now well established. It offers Business both small and large, support, links to council departments, networking and investment opportunities, employment and apprenticeships and promotion of our town centres. In addition, the site directs business to affordable workspace as we recognise that access to space is often a stumbling block for start-up business.
- 5.4 The Brent Business Board is continuing its work in bringing together key Brent businesses as well as the Council and further education providers to explore how we can work together to support the business community. Currently, the board is exploring how we can support and deliver apprenticeships and work experience opportunities for our residents. Councillor Agha and I will be working on this over the next few months.
- 5.5 Our town centre managers are continuing to work diligently to improve our town centres. In Neasden, we have used planning legislation to encourage landlords to clean up their buildings; in Wembley, businesses have come together led by our town centre manager to become plastic free; we are working with neighbouring boroughs in Colindale and Kilburn and establishing strong business fora in Church End, Harlesden and Willesden. Moreover, other town centres are working with ward councillors and neighbourhood manager to improve the look and feel of our high streets.
- 5.6 Following last year's difficult winter, we have put in pro-active measures to ensure that we are ready to deal with issues on our road surfaces quickly. Together with the teams under Councillor Krupa Sheth's area, the highways and environment officers are diligently preparing for winter.
- 5.7 I'd like to take this opportunity to thank residents for their officers and questions and officers for their work during 2018. I look forward to reporting back in 2019 and continuing the work the Administration has committed to in order to deliver a borough of culture, empathy and shared prosperity.

## **6. Schools, Employment and Skills – Councillor Amer Agha**

- 6.1 Brent Start – Adult education courses relating to STEM, employment prospects, and more broadly to support disadvantaged residents, have not been reduced as a consequence of savings delivered in recent years.

The classrooms we have are now very well utilised, and more teaching is delivered in the community at children's centres, community centres, libraries, and primary schools.

Performance of Brent Start has increased over the last 4-5 years, with a pass rate over 93%, achievement (those receiving qualifications) at 87%, which is higher than our equivalent providers of adult education, and positive customer satisfaction (conducted independently by our funders) stands at 97%, compared with the 88% national average.

For information, the new Brent Start curriculum has recently been published and enrolments are now taking place.

- 6.2 Brent Transport services – This area has a net budget £9,784K for 2018/19. An additional £3.83m budget has been provided in-year to cover SEN pressures. This service is currently forecasting a break-even position.
- 6.3 The Job Show – The Job Show held at Wembley Stadium on Wednesday 10 October from 11am to 7pm was supported by the West London Alliance, Old Oak and Park Royal Development Corporation, Segro and Public Health England. The event was well attended by 1700 Brent residents with 80 exhibitors, including some from the hospitality and construction sector attended and all be on the lookout for new talent, with hundreds of live vacancies had on the day.
- 6.4 BTEG Project (Black Training and Enterprise Group) – The London Borough of Brent has been invited to become one of two pilot areas to test a new approach to improving employment outcomes for groups which are under-represented in quality jobs in London's labour market. This is part of Moving on Up, an initiative developed and funded by the Trust for London and City Bridge Trust working in partnership with the Black Training and Enterprise Group (BTEG) and the Greater London Authority. A workshop was held on 21<sup>st</sup> September 2018 at Brent Civic Centre to explore how Brent can develop and test the Moving On Up model over the next two years. The workshop was facilitated by BTEG and Trust for London

The aims of the workshop were:

- To share information about the Moving on Up programme's commitment to improving employment outcomes for young black men in Borough, and the opportunity for organisations within the London Borough of Brent to join this initiative by establishing an Employment Impact Group with the objective of improving employment outcomes for young black men in the borough.

- To identify partners willing to commit to and contribute to this two-year project.
- To agree the principles and timetable for working together in an Employment Impact Group.
- To explore the scope and priorities for this Employment Impact Group's work over the next two years.

6.5 Apprenticeship / Business Award 2018 – The London Councils eighth London Borough Apprenticeship Awards, which celebrate the contribution apprentices make to organisations, was held at Saddlers Hall on Friday 28 September 2018.

A Brent Council employee who lives in Wembley has won London Council's 'Best progression made by an apprentice' Award. The employee beat five other London borough entrants to scoop the top award. They joined Brent Council's apprenticeship programme in 2016 and quickly learned about housing, and the skills needed to do their job efficiently, including delivering a great customer service. This employee's commitment and ability to grasp new skills quickly was praised by their manager who nominated her for the award.

6.6 Brent Work's, Best Employment Project Award 2018 – Performance has been improved, supporting nearly 500 residents into work and apprenticeship since April 2015, 40 residents placed in apprenticeships and 68 into employment this financial year 2018-19. Brent works recently won the place West London Award for "Best Employment Project" for their work in partnership with Wembley Park

6.7 The Living Room – New team in place since April and has already delivered the full year targets for 2018/19 with 40 residents entering employment to date, supporting over 160 people into work since the launch in 2016

6.8 The Work Health Programme – It is a West London programme since March 2018, a more comprehensive support up to 18 months particularly for those with mental health issues, physical health barriers to work, learning disabilities, care leavers, and ex-offenders. 450 Brent residents have been referred to the programme. £99.9K secured from DWP grant to support prevention of offending and re-offending through a partnership with community protection and the CRC (probation).

6.9 Schools – The quality of education in Brent remains high. Since the start of the year there have been four inspection reports published and all of the schools have been judged as remaining good and their safeguarding as effective.

Schools Forum agreed funding for two Brent School Partnership led projects which had been approved by the Strategic School Effectiveness Partnership Board chaired by the Strategic Director Children and Young People:

- Strengthening Leadership Development and Succession Planning in Brent schools;



- Raising the Achievement of Black Caribbean Boys in Brent schools. Two years' programme will provide a robust analysis of Black Caribbean pupils' performance and the effectiveness of key aspects of schools' practice to ensure Black Caribbean achieve well

6.10 Key Stage 4 – The average attainment 8 score of 50.5 is an increase of 1.5 compared to 2017 and well above last year's national average of 44.6

6.11 Key Stage 5 – Over quarter (26%) of the A level grades awarded are the higher A\*/A grades and the proportion of A8-C grades is 80% which is 3%age point above the national average.

6.12 Vocational Qualifications. For students studying vocational qualifications at level 3 (eg BTEC national Diploma) the overall pass rate for Brent is 99% and highest grades (Distinction\*/Distinction) account for 62% of all grades awarded

## **7. Community Safety – Councillor Tom Miller**

- 7.1 I'd like to begin this report by mentioning our thoughts for those injured in some completely unnecessary violent incidents within the borough this month, in which I am sure the whole council will join us. In particular our thoughts are with those injured in a recent shooting in the Church Road area, and in some recent stabbing incidents.

We are very lucky that nobody at the time of writing has lost their life through this type of incident, but it remains as clear as ever that the Police and the Council as a supporting partner need to give as much priority as possible to tackling the scourge of violence on our streets.

- 7.2 I'd also like to mention the thefts which have taken place at Shree Swaminarayan Temple at Willesden Lane, and at SKS Swaminarayan Temple just off the Harrow side of Kenton Lane. Both councils are in close liaison with Police, who at the time of writing are investigating CCTV evidence and forensic to investigate any link and to make sure that the offenders are caught.

- 7.3 I think it would be fair to say that police are experiencing a lot of organisational strain due to their merger with Barnet and Harrow. If members do need information from Police and feel they are not getting it, I'd ask them to make contact with me.

- 7.4 It has been a busy few weeks in my portfolio. In recent weeks we have concluded our Stronger Communities consultation and engagement, laying a basis for a new strategy to build community cohesion. We hope to use it to tackle some of the emerging areas around Brexit, hate crime and radicalisation. The public have told us that fighting for greater equality and tackling poverty have to be high priorities behind what we support the community to do locally, as well as considering the role of armed forces veterans and older people, so we will also be considering how we can help individuals and community groups to work together in doing this. Our consultation meant we were present at every library in the borough, visited every Brent connects, and took to local media. Thanks to all who fed back.

- 7.5 Since we last met I have also:

- Joined a night patrol with our 'Autumn Nights' high-vis team from Regen and Environment
- Spoke at an event with our partners TellMama about tackling Islamophobia
- Spoke at an inspiring youth based event at UKCG Help Centre about alternative paths young people can take to being involved in drugs and crime
- Held public meetings with Police in Harlesden and Willesden to discuss local crime problems

- Put in place some early plans to reconfigure our MOPAC funded services given an upcoming grant reduction. Sadly we are also losing some ability to generate income from our Registration and Nationality service, again due to decisions made in Whitehall. This makes some reorganisation of how the service works unavoidable, so I am also in discussion with officers on this matter.
- Met with Restore London to explore how we can expand access to restorative justice remedies within the borough and empower victims of crime
- Attended an event hosted by the LGA and the Campaign Company on the topic of community cohesion
- Helped choose some wonderful school artwork to form our latest anti hate-crime poster and supported National Hate Crime Awareness week
- Joined our Community Safety team at the Problem Oriented Policing awards, where Brent won a bronze award for the team's work on open drug markets in Chapter Road. Congratulations to them!

7.6 Coming up – There are a number of matters which will occupy the coming months:

- A paper covering our statement of principle for gambling is on the agenda for this Council meeting. Members should understand that we have very limited powers from central government to prevent or regulate gambling establishments, but I want to be explicit that we are calling on government to give us greater local control, given the harm that gambling establishments can sometimes do to public health and order locally. In addition, I have supported the campaign for Fairer Gambling's proposal to reduce Fixed Odds stakes to a £2 maximum, and I'd like to congratulate Tracy Crouch MP for the principled stand she has taken on making sure this issue is dealt with seriously. We know that lives will be lost to gambling addiction among the lowest earning people between now and implementation, and the wait period put in place in response to industry lobbying is plainly immoral.
- Also within licensing, we are looking at ways to toughen up our approach to non-compliant off-licenses over the matter of alcohol sales and orderliness, so I will soon be bringing forward a proposal to reshape our alcohol licensing policy to create healthier high streets and encourage responsible businesses to thrive where there is now irresponsibility.

7.7 As mentioned above, our Stronger Communities strategy will be coming forward for consideration as a key supporting aspect to the Borough Plan

7.8 Finally, Trading Standards will shortly be placing their report to the Trading Standards Joint Advisory Board. Trading standards operates as a shared service between Brent and Harrow, and accordingly has its own governance structure

on which some members are represented. It is a very successful service which functions on a small fraction of its pre-austerity budget, and its work is to be commended. If members would like to find out about its work in the year to date, I would be happy to pass on copies of their report.

## **8. Children's Safeguarding, Early Help and Social Care – Councillor Mili Patel**

- 8.1 Corporate Parenting – On 30 October the Corporate Parenting Committee held its latest meeting. We received a report from Care in Action representatives, who updated us on their activities over the summer.

The Committee welcomed a report on the enrichment activities for older looked after children and care leavers. The issue of isolation and loneliness amongst these groups as they move into their own tenancies was discussed. Many only associated problems like loneliness with the older generations, so this was a timely reminder that this is also a problem for vulnerable young people in Brent.

We were once again reminded of the commitment and dedication of staff when we discussed how they go beyond the call of duty to organise activities for looked after children and care leavers outside of their core working hours and commitments.

The Committee commented on the Brent Fostering Service Quarterly Monitoring Report, and it was also really enlightening to hear about foster carers first hand experiences in our Borough. They talked about the challenges and rewards of their vocation and the committee recorded a vote of thanks for their commitment to the children in their care.

- 8.2 Member Learning and Development Session – On Monday 12<sup>th</sup> November, the Strategic Director Children and Young People led a productive latest session of our mandatory “Corporate Parenting and Safeguarding Children” training for members.

The training included information on what we mean by ‘safeguarding,’ the legal framework regarding children and young people and members’ responsibilities in this area. The session was very well received by those members in attendance.

- 8.3 Regionalisation of adoption – Progress is being made to establish a regional adoption agency with other West London authorities, from April 2019. This national, government-led initiative should improve timeliness of matching and placements of children for adoption and will enable better post adoption support to be commissioned.

The proposal will be presented for Cabinet approval early in the new year.

- 8.4 Pride of Brent – I am pleased to report that a range of staff across Brent Council's Children and Young People Department have been nominated to receive a Pride of Brent award this year. Individuals and teams have both been nominated, recognising excellent support to, and impact for, children and young people across Brent services. Nominees have either received written notes of thanks from their managers or director's commendations. I am looking forward to the Pride of Brent awards ceremony on Thursday 22 November where I will be championing my department's nominees.

8.5 Little extras – In his budget, the Chancellor of the Exchequer, Philip Hammond, announced £400m to help schools fund “the little extras” they might need. To illustrate some of the kind of “little extras” the Chancellor might have been talking about, here is a recent selection of stories from the news:

- 94 per cent of teachers are dipping into their own pockets to pay for school essentials such as books while 73 per cent are regularly paying for stationery supplies. (Times Educational Supplement, September 2017)
- More than a quarter of teachers in the National Education Union have spent between £101 and £500 on school resources from their own money in the last year, and just under a third have spent between £51 and £100. (Nursery World, September 2017)
- A primary school in Theresa May’s constituency recently wrote to parents asking for donations to help pay for items including pens, pencils, exercise books and paper. (Independent, November 2017)
- Research based on the Freedom of Information Act has revealed that the average state school now receives an average of £10,000 in donations from parents a year. (Channel Four News, January 2018)

So, it seems that the “little extras” the Chancellor is referring to are bonus items like books, stationery and school trips. The kind of things our school system is only lacking because of cuts totaling £2.8bn since 2015 (averaging out to £53,000 for each primary school and £178,000 for each secondary school).

As the cabinet member with responsibility for young people with Special Educational Needs I am alarmed that the money announced is only a one off, and that it is a smaller amount than the budget allocated for fixing potholes. It is clear no extra support is coming our way to support the most vulnerable young people in our borough.

8.6 Children and Young People Conference – On Wednesday, 14<sup>th</sup> November, over 400 staff attended our annual Children and Young People Conference which celebrated the achievements of Brent’s staff and young people over the past year.

Children and young people were at the heart of the conference. The conference theme was “listening-impact-outcomes” and included video, audio and live presentations from Brent children and young people. They made a particular impression on me when they described the difference that is made when they are listened to, and their views and wishes are acted upon. The conference also featured Brent staff sharing best practice, in line with our practice framework including Signs of Safety. The conference provides an excellent platform for Brent Council to further support improved outcomes and impact for Brent children and young people over the coming year.

## **9. Adult Social Care – Councillor Harbi Farah**

- 9.1 Opening of refurbished New Millennium Day Centre – The New Millennium Day Centre was re-opened by the Mayor of Brent, Councillor Mahmood, on Wednesday 17 October 2018. The centre, which had been closed for refurbishment over the summer, is a purpose built facility for a variety of adults aged 18 and over with physical and learning disabilities. The refurbishment has made the centre a more pleasant, suitable and accessible place for all the service users. It will enable the Centre to increase and expand the current services and provide a safe, friendly environment for more Brent residents. The centre also held a Diwali party on Friday 16<sup>th</sup> November, and is hosting the Learning Disability Partnership Board, which is a multi-agency board and is co-chaired by a Brent Service user with a Learning Disability. I would encourage members to visit if you can spare few minutes.
- 9.2 Allied Healthcare update – You may have seen on the news or in the press that the Quality Care Commission has issued a stage 6 warning notice regarding the viability of Allied Health Care. Allied were at similar risk in April of this year, so we already have contingency plans in place in case they do cease trading. In Brent, Allied deliver care to 84 vulnerable service users, commissioned by Adult Social Care. It is worth noting that neither ASC nor CQC have any concerns regarding the quality of the care they provide. The issue relates to the long term financing and the financial sustainability of the business. There is a robust plan in place in case of Allied failing, and Brent commissioners have already approached 6 other regular homecare providers (all of whom are rated good by CQC) who are willing to take on Allied's existing packages in the event of their failure. It is also worth noting, that the vast majority of people receiving care would continue to receive it from the carers they currently have, as TUPE would apply in this situation. Therefore the risk of disruption to individual's care is very low, and is being managed by the department.
- 9.3 Winter Pressures Funding – On the 2<sup>nd</sup> October, the Department of Health and Social Care announced £240m of additional funding 'intended to for councils to spend on adult social care services to help councils alleviate winter pressures on the NHS, getting patients home quicker and freeing up hospital beds across England.' The announcement of one off funding came with two conditions:
- That the totality of the grant will be spent on providing adult social care services, in addition to funding already planned; and that you have discussed this with local NHS partners, including local acute hospital trusts; and
  - That councils include alongside their certifications what additional volumes of care and support the additional funding will purchase by returning a central template.

It is intended to enable areas to take immediate action to relieve pressure on the NHS locally by implementing best practice

In Brent, it is proposed that we spend the funding on a specific range of initiatives that we believe will have the most impact in getting people out of hospital quickly when they are medically fit to be discharged. These are:

- 4 additional Home First Co-ordinators to work across the system and support people to be discharged home rather than having to stay in hospital to be assessed
- Funding for the Handyman Service and additional handyman resource to support Home First
- Additional social work and care assessor resource over winter for the Hospital Discharge Team
- Funding for the Trusted Assessor programme, supporting care homes to assess people more quickly when they need a care or nursing home placement
- Additional funding for placements, both block and spot purchased.

9.4 Dementia Friends Training for members – There are currently 750,000 people in the UK living with dementia and the cost to the UK economy as a whole is more than £20 billion annually. Over the next 40 years the number of people with dementia in the UK will more than double to 1.7 million. In Brent the JSNA (2014) estimates the prevalence of dementia in over-65s at 7.1%; however, with an aging population, this is expected to increase significantly in the next 10 years, particularly amongst the BME population. An increase of 31% in the prevalence of dementia is expected over this time period as the number of people over 65 increases in Brent.

Brent has an estimated prevalence of 2,470 people living with dementia, and it is estimated that one in three people will care for a person with dementia in their lifetime.

In May Brent held an event to launch its commitment to becoming a dementia friendly borough by 2020 and there is a lot of work happening in and outside the council to progress this.

Raising awareness about dementia is a critical part of this and one of our partners, Community Action Dementia, have offered to deliver a session for all members which will raise awareness and enable you to become a Dementia Friend. The Society's Dementia Friends programme is the biggest ever initiative to change people's perceptions of dementia. It aims to transform the way the nation thinks, acts and talks about the condition. Dementia Friends is about learning more about dementia and the small ways you can help, because every action counts.



## **10. Housing and Welfare Reform – Councillor Eleanor Southwood**

- 10.1 Universal Credit roll out in Brent – The Government’s chaotic Universal Credit scheme begins in Brent – in Harlesden job centre on November 21<sup>st</sup> and Wembley job centre on December 5<sup>th</sup>. Whilst the full migration of everyone currently receiving one of the six benefits that come together under UC has been delayed until the end of 2020, anyone who claims one of the six benefits for the first time or whose circumstances change will be affected immediately. We have serious concerns about the impact of these changes and, although we have worked hard with DWP and spoken to many residents about what they need to do, there’s no doubt that this will be an anxious time for some people. Help is at hand, from DWP in the first instance and I’d urge anyone who is worried to raise concerns as early as possible. The council is also here to help – please encourage residents to seek advice rather than suffering in silence.
- 10.2 The future of St Raphael’s Estate – On November 12<sup>th</sup>, Cabinet gave the go ahead to an extensive process of engagement with tenants and residents on the St Raphael’s estate. This is hugely exciting as it’s a chance to shape the estate and to tackle the chronic shortage of social housing in the Borough. The community will lead the process, with the support of an independent adviser and will recommend to the Council what they would like to happen. If full redevelopment is the preferred option, residents on the estate might be some of the first in London to vote on the future of where they live: we’re proud to be able to deliver on the commitment made by the Administration in our 2018 Manifesto to residents being balloted before largescale redevelopment can take place.
- 10.3 Review of the way social housing is allocated – On 12 November we launched a consultation on how social housing is allocated in Brent. Fundamentally, we need to make sure that we are able to give priority to people who are in greatest need within a context of a desperate shortage of social housing to go around. The consultation runs until 22<sup>nd</sup> January.

The changes we’re consulting on include a proposal to give residents in temporary accommodation priority for social housing that becomes available on the estate where they are living, so that they don’t have to move neighbourhoods. Another change looks at giving priority to homeless families living in temporary accommodation on an estate that is being regenerated so that they can move into social housing within the same area.

The full list of proposed changes is available online [here](#). I’d urge everyone to have their say as these are not easy choices. Sadly, thousands of families in Brent live in unsuitable homes, e.g. which are too small for them, but have no realistic chance of accessing social housing. These proposals cannot change that. But they can make sure we’re allocating the limited social housing that’s available in the most appropriate way.

- 10.4 Practical help for rough sleepers – Last Full Council I reported that Brent had been successful in securing £348,204 from the Government’s Rough Sleeper Initiative grant for the remaining 2018-19 period and I’m pleased to report that this is already making a difference. We’re working with St Mungo’s on 2 projects.

In Willesden Green, A hub has been set up with eleven beds for people who are street homeless and who might find it particularly difficult, perhaps because they are leaving prison or hospital or because they have no recourse to public funds. In addition, six flats are being used to provide housing for single people who are experiencing a complicated mix of poor mental and physical health, alcohol and drug problems, and childhood trauma which has meant they have slept rough for many years. These flats offer a stable, longer term way for people as they recover. At the end of this month, a social worker whose role will be to provide mental health assessments to people sleeping rough will join Brent. They will also be able to provide mental health support to single homeless people at the civic centre.



## Item 8.1: Questions from Members of the Public

**Full Council – 26 November 2018**

### **1. Question from Mr Jean Bernard Paul to Councillor Krupa Sheth, Lead Member for Environment**

Why is it so hard to speak to someone about concerns relating to parking anywhere in the Wembley area? Brent Council should look at the issues concerning parking in terms of the effect on families and not just money or profits. We pay the council so they should support us and the Businesses by making it easier to park. This will set the standards among other councils

#### **Response:**

In recognition of an increase in public demand for parking management changes in the borough and with the aim of introducing on- street parking controls that meet local needs and benefit our residents and businesses, Cabinet approved the approach to reviewing on street parking management on 15th November 2016.

Residents and businesses can now contact us through our website to request changes to parking controls in their area. For changes to controlled parking zones or new controlled parking zones, we ask that residents submit a petition and we prioritise schemes where there is a high level of community support and evidence of parking pressures. We also have a programme for short sections of waiting restrictions and consult on these following an assessment. Residents should email [highways&infrastructure@brent.gov.uk](mailto:highways&infrastructure@brent.gov.uk) or telephone 020 8937 5600 if they have parking difficulties.

In relation to Parking services, information on our provision can be found on the Council's website: <https://www.brent.gov.uk/services-for-residents/parking/>. Telephone enquiries about the current parking service can be directed to the Parking contact centre on 020 8290 8300, Monday to Friday 9am-5pm, except Bank Holidays. Recent call monitoring has shown that over 97% of calls to the contact centre are answered, with an average waiting time of less than 40 seconds.

We are also more than happy to meet with any residents or businesses in person to discuss any concerns they have around parking in the borough.

**2. Question from Mr Jose Baladron to Councillor Krupa Sheth, Lead Member for Environment**

Why are we letting textile banks been removed and clothing going into landfill?

**Response:**

We understand that there is concern regarding recent requests for removal of some high yield TRAIID banks from Brent's streets. We have always worked in partnership with TRAIID and fully support the on street banks and home collection service. We will only request for the removal of banks where collections have been increased by TRAIID to the maximum possible number in a given week and fly tipping still perpetuates. Officers who have made recent requests for the removal of banks are now being asked to consider relocation of banks rather than their removal; so that the public can continue to use the banks currently available.

A meeting has also been arranged between senior council officers and TRAIID on the 13<sup>th</sup> November to discuss the service going forward.

## **Item 8.2: Questions from Brent Youth Parliament**

### **Full Council – 26 November 2018**

#### **1. Question from Brent Youth Parliament to Councillor Amer Agha, Lead Member for Schools, Employment and Skills**

What is the Council doing to provide effective work experience for young people and to promote existing schemes such as internships and apprenticeships?

#### **Response:**

The Council's statutory role in delivering work related learning, including work experience, was removed in 2011. In March 2011, the Young People's Learning Agency wrote to all local authorities in England to inform them that the grant funding (which subsidised work-related learning in Brent) would cease from April 2011.

At that time, Brent Council consulted schools on whether Brent Council would continue to deliver a work-related learning service at full cost. Brent schools decided to develop their own arrangements and the council therefore closed its education business service on 31 August 2012. Brent young people should therefore access work experience opportunities through their school or college.

Brent Council as an employer is a strong champion of apprenticeship opportunities. Data provided by London Councils this financial year suggests that Brent has the 4<sup>th</sup> highest number of council apprentices. 75% of apprentices in Brent are young people aged between 16 and 24.

Brent Works provides an apprenticeship and recruitment service to local employers, helping them to create apprenticeship opportunities and to recruit them locally in the borough. The team also provides support for young people who are applying, such as CV writing and interview skills. The service also promotes apprenticeships that are available further afield in London, such as those on the National Apprenticeship Service website.

Brent Council also encourages companies who contract with the council to provide more opportunities for Brent residents including young people, particularly in construction.

Brent Council supports young people aged 16-19 to remain in employment, education and training through a contract with Prospects and through Brent Council Personal Advisors. Working closely with schools, Prospects and Personal Advisors support young people by providing information, advice and guidance about

employment opportunities including apprenticeships and advice on how to make the most of these opportunities.

**2. Question from Brent Youth Parliament to Councillor Mili Patel, Lead Member for Children's Safeguarding, Early Help and Social Care:**

What has the Council put in place for young people in response to the severe cuts to Youth Services?

**Response:**

Since 2015 the focus of services for young people has been in the voluntary sector through the Young Brent Foundation. However the Council continues to run regular universal youth activities from the Roundwood Youth Centre in Harlesden. Alongside this the site provides education, employment and training support for young people through Connexions services.

To help enable all young people in Brent to connect with other providers of youth activities and services the Council has recently launched the 'Brent Youth Zone', a new, distinctive and mobile friendly website. A 'search' facility is a major feature of the website, together with information pages about health, 'things to do', personal safety, and employment advice. Many of the activities and services are inclusive, welcoming young people with SEND. Young people have been included in the development of the website. The logo was inspired by designs from a young person who entered a Brent-wide competition to brand the Brent Youth Zone. The website can be found at: [www.brentyouthzone.org.uk](http://www.brentyouthzone.org.uk)

The Council as a whole must take further difficult decisions as part of the next phase of budget planning for the 2019/20 – 2020/21 financial years. In Children and Young People's Services there are a limited number of services that could be considered for future savings and our continuing youth offer is an area therefore where consideration of resource savings need to be made.

There are proposals to change the use of the Roundwood Youth Centre that will build on the current arrangements. If agreed, the site would be used during school term time for an Alternative Provision school setting, with evening and weekend youth activities being provided by the voluntary sector. This will help meet the need in the borough for local places and preventing permanent school exclusions. Currently a number of young people temporarily excluded from their secondary school setting attend alternative provision out of borough and this will be one solution to this issue.

We are working with the voluntary sector through the Young Brent Foundation to make sure that services to young people continue from the Roundwood site and also that the broader Youth Offer across the borough is comprehensive, updated and secures charitable funding.

**This page is intentionally left blank**





## **Questions from the Opposition and Other Non-Cabinet Members**

**Full Council – 26 November 2018**

**1. Question from Councillor Thomas Stephens to Councillor Shama Tatler, Lead Member for Regeneration, Highways and Planning**

What steps are Brent Council taking to secure a more regular rail service between Central London and Sudbury & Harrow Road Station?

**Response:**

In our Long Term Transport Strategy we made a commitment 'to increase accessibility and mobility in Brent by public transport through securing new services, more capacity and greater service frequencies on appropriate routes from Public Transport Operators'. This takes a number of forms, and in respect of the Chiltern line, is focussed on lobbying the transport provider to try and secure improvements to services and their infrastructure.

Through the Public Transport Forum the frequency of Chiltern services is being raised and lobbied for. The forum is attended by Councillors, Brent Council officers and key stakeholder representatives, including disability groups. The Chiltern franchise is an agenda item at the Public Transport Forum to be held on 26 November 2018.

Our Local Implementation Plan (LIP3) sets out how Brent will deliver the Mayor's Transport Strategy (MTS) at a local level. It is currently out to public and key stakeholders for consultation, closing on the 30<sup>th</sup> November. Cllr Stephen's question will be included as a formal consultation response on the LIP3 for consideration as part of finalising the content for LIP3. It is not currently part of the LIP3 as this document sets out how Brent will deliver transport improvements within its control to meet the Mayor's aim and outcomes from the MTS using funding received from Transport for London and other secured funding; as we do not provide the train service ourselves, it is not a scheme that we can implement.

**2. Question from Councillor Claudia Hector to Councillor Shama Tatler, Lead Member for Regeneration, Highways and Planning**

What actions is the Lead Member taking to ensure that local residents can have more of a say in what street furniture is installed (or on occasion removed) on their own streets?

**Response:**

I have been working with Senior Managers within Regeneration and Environment to embed our neighbourhood approach to work with local residents and businesses to identify and resolve local issues. Our Neighbourhood Managers have responsibility for dealing with requests and enquiries regarding the installation, relocation, removal, refurbishment or repair of council owned street furniture such as bins, benches, or cycle stands, both on the public highway or in parks and open spaces.

Street furniture is often provided or renewed a part of a regeneration or highways improvement scheme, which is subject to public consultation with local residents' groups, affected residents and businesses and other stakeholders such as Transport for London and the Metropolitan Police Service. This consultation process provides local residents have a say on the proposals. Benches are sometimes provided when sponsored by members of the public, and we will work with local residents to agree suitable locations.

To improve our public realm we would normally wish to regulate the types and number of items that are installed to create an environment that is accessible and free of street clutter. Our Town Centre Managers and Neighbourhood Managers have recently identified 72 locations in Willesden, Neasden, Harlesden and Church End where street furniture is either unnecessary or in poor condition and needs to be repaired or replaced. A programme is currently being drawn up to deliver this work.

Recent examples where we have taken into account the views of affected residents and businesses include Kingsbury Road and The Hyde.

**3. Question from Councillor Lia Colacicco to Councillor Shama Tatler, Lead Member for Regeneration, Highways and Planning**

Cement production accounts for over 5% of all human Carbon output. What is the Lead Member for Regeneration, Highways and Planning doing to encourage architects and developers to use sustainable construction methods and green technology in new homes?

**Response:**

We apply the London Plan policy and also have a new one in our emerging plan.

Our new policy (BSUI1 - Creating A Resilient And Efficient Brent) sets out that, amongst other things, all major developments must include a Sustainability Statement demonstrating how sustainable design and construction methods have been used to enable the development to mitigate and adapt to climate change over its intended lifetime. All major non-residential development to achieve a BREEAM standard of 'Excellent'.

Our newly adopted SDP1 design guide states that "The use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character".

The Mayor's SPG on sustainable construction requires the use of materials that minimise the use of resources, are sustainably sourced, do not cause harm to health and are robust, and consider during construction how materials will be managed through the waste hierarchy i.e. reduce, reuse, recycle. The Sustainability Statement that we require will need to set out how this is being addressed.

On energy, draft London Plan policy SI2 requires major development to be net zero-carbon, in line with the energy hierarchy be lean (use less energy), be clean (use local energy sources and clean energy) and be green (use renewables on-site). Our policy adds a locally specific element to this policy by identifying locations for decentralised energy systems. We require an Energy Assessment to be submitted for major developments detailing how this will be achieved.

**4. Question from Councillor Reg Colwill to Councillor Shama Tatler, Lead Member for Regeneration, Highways and Planning**

The Borough is full of dangerous potholes and cracked pavements. Can the Lead Member please provide a timetable as to when the works to repair these will be carried out in order to make our roads and pavements safe?

**Response:**


The day-to-day business of the highways department is to keep the highway safe. Through our Reactive Maintenance programme we will inspect our highway network and repair defects (potholes, tree root intrusion etc.) considered to pose the greatest risk to the public. As highway inspectors have been brought back in-house from 1st November 2018, officers have more control about where and when repairs are done.

Every year in "Pothole Season" (from January to March), there is an increase in the number of potholes being reported. This was made a lot worse by last winter's severe weather speeding up deterioration of road surfaces. All highway authorities are experiencing similar problems and this year we are committed to increasing resources and investment over the period November- April to provide some resilience against the weather conditions. During this period, along with our normal reactive maintenance programme we will also be delivering:

- **A Targeted patching programme on A roads, in November to December** - for strategic locations identified as "at risk" of rapid deterioration from freeze / thaw conditions.
- **A Find and Fix programme , from January to March, will respond** where roads have with multiple defects appearing. The contractor will start at one end of the road and work their way along, repairing all defects as they go.

Following this summers' successful work, we will also deliver another borough-wide programme of Injection Patching from May to July 2019, to repair potholes on local roads. Through this method we are achieving on average 65 pothole repairs a day, which compares very favourably against the traditional method where on average 25 potholes a day are treated.

I am also pleased to announce that Brent has been awarded £660,000 from the £420m pothole repair initiative announced in the budget, though this has to be delivered to a very tight timescale and must be finished by the end of March 2019. Officers are currently drawing up options to deliver this programme.

	<b>Full Council</b> 26 November 2018
	<b>Report from the Director of Performance Policy and Partnerships</b>
<b>Community and Wellbeing Scrutiny Committee Chair's Update Report</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Appendix A – Work Programme
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	James Diamond, Scrutiny Officer Tel: 020 8937 1068 Email: <a href="mailto:James.diamond@brent.gov.uk">James.diamond@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 This report provides a summary of the activities carried out by the Community and Wellbeing Scrutiny Committee and covers the period since 17 September 2018. It details the results of the committee's meetings, work programme and engagement activities.

## 2.0 Recommendation(s)

- 2.1 Council is asked to note the content of this report.

## 3.0 Detail

- 3.1 The remit of the committee as set out in the constitution is the overview and scrutiny of children's services, adult social care, public health, health services and the NHS, and cultural services. There are eight elected members on the Community and Wellbeing Scrutiny Committee. All committee members are part of the Labour group apart from the vice-chair who is from the Conservative group. The membership of the committee for 2018/19 is:

Cllr Ketan Sheth, Chair  
 Cllr Reg Colwill, Vice-Chair  
 Cllr Ihtesham Afzal  
 Cllr Rita Conneely

Cllr Claudia Hector  
Cllr Promise Knight  
Cllr Ahmad Shahzad OBE  
Cllr Anita Thakkar.

- 3.2 In addition, the committee has six co-opted members, representing the Anglican diocese, Roman Catholic diocese, governors of primary schools, governors of secondary schools, Muslim faith schools and Jewish faith schools. They have been co-opted to the committee for the purposes of school education.
- 3.3 On 8 October the committee reviewed the **annual report of the Brent Local Safeguarding Children Board for 2017/18**, which was presented by the Independent Chair Mike Howard. Members of the committee heard that the LSCB had four priorities for 2017-18: domestic abuse, neglect, child sexual abuse, and child and parental mental ill health. Throughout the year, the LSCB had carried out a range of activities to address its priorities. In the last year, the Board had been successful in involving new partners and four new lay members had been recruited which had improved the LSCB's links with the local community. In addition, the Board's involvement with many of the borough's schools had been improved. LSCB had been able to deliver a very successful training event in January 2018 which had explored themes emerging from serious youth violence. However, as a result of legislation and new national guidance the LSCB had entered a transitional period during which it would carry out all statutory functions until new safeguarding partner arrangements would begin to operate in Brent. Under the new structure, there would be three statutory safeguarding partners: the local authority, police and health.
- 3.4 At the same meeting in October the committee discussed the **annual report for 2017/18 of the Brent Safeguarding Adults Board**, which was presented by the Independent Chair Professor Michael Preston-Shoot. Members heard that overall performance in the Borough was better than in other areas, but the Board recognised that there were outstanding challenges related to modern slavery, self-neglect and human trafficking. Members of the committee welcomed the report and asked questions that related to the effectiveness of the adult safeguarding system in Brent; the actions that had been taken to highlight the impact of cuts and the Board's community engagement plan. The Independent Chair explained that although the operational collaboration in the Borough was good, with the majority of the referrals coming through the Multi Agency Safeguarding Hub (MASH), there were concerns related to frontline police officers' understanding of certain sections of the Mental Capacity Act 2005. These had been addressed by the Independent Chair who had held discussions on ways to strengthen knowledge of statutory areas. Furthermore, joint training sessions had been delivered in collaboration with the CCG and there had been good engagement between the NHS Trusts, local authority, ambulance Trusts and the London Fire Brigade. The fire brigade were offering home visits to older residents to conduct fire risk assessments and were also working closely with the Board to raise awareness of hoarding and the risks associated with it in terms of safety.

#### **4.0 Other activities and future meetings**

- 4.1 The committee has set up a task group which will be looking at the issue of contextual safeguarding and will report back in 2019 with recommendations for the Cabinet. The task group is being chaired by Councillor Hylton and the other members are Councillor Patterson and Councillor Donnelly-Jackson.
- 4.2 In 2017 members of the committee gave their response to a consultation about the Air Quality Action Plan 2017-2022 with particular reference to public health. The chair of the committee has now asked for an update to be published in the update report for the committee which will take place on 28 November. Cabinet agreed the action plan in November last year and the update will state what progress has been made with the actions around public health and engagement which the Cabinet committed to in the action plan.
- 4.3 The main items on the agenda for the next meeting in November will be Child and Adolescent Mental Health Services (CAMHS), Brent's youth offer, and family hubs. To help prepare for the next meeting on 28 November, the committee members will be visiting a family hub run by Westminster Council.
- 4.4 At the meeting on 8 October the committee agreed the work programme for 2018/19. This is attached as appendix A. In addition to the normal cycle of committee meetings there will now be two special committee meetings: on 21 November to discuss proposals for the London Borough of Culture 2020, and on 13 December to discuss the report published in August 2018 by the Care Quality Commission (CQC) on services at North West London NHS University Healthcare Trust. The special committee meeting to discuss the CQC report has been organised because of concerns by the Chair of the committee and members about the findings in the report about services at Northwick Park hospital and because the Trust was judged again as requiring improvement.
- 4.5 The chair of the committee is committed to engaging with residents about the role of scrutiny and seeking to understand residents' priorities for the borough. To help with this, the Chair of the Community and Wellbeing Scrutiny Committee took part in a scrutiny café at Willesden Green Library in October during European Local Democracy Week. The focus for the scrutiny café was health services. The chair heard from residents about the importance of GP services and child health, and how joined up NHS and health services are.

#### **5.0 Financial Implications**

- 5.1 There are no financial implications arising from this report.

#### **6.0 Legal Implications**

- 6.1 There are no legal implications arising from this report.

#### **7.0 Equality Implications**

- 7.1 There are no equality implications.

**Report sign off:**

***Peter Gadsdon***

Director of Policy Performance and  
Partnerships



## Appendix A: Community and Wellbeing Scrutiny Committee Work Programme 2018-19

### Special Committee Meeting

21 November 2018

Agenda Rank	Item	Themes	Cabinet Member	Brent Council Officers	Other Organisations
1.	London Borough of Culture 2020	Proposals for borough of culture.	Cllr Krupesh Hirani, Public Health, Culture and Leisure	Dr Melanie Smith, Director of Public Health  Phil Porter, Strategic Director Community Wellbeing  Minesh Patel, Head of Finance	Brent Youth Parliament

**Wednesday 28 November 2018**

<b>Agenda Rank</b>	<b>Item</b>	<b>Themes</b>	<b>Cabinet Member</b>	<b>Brent Council Officers</b>	<b>Other Organisations</b>
1.**	Child and Adolescent Mental Health (CAMHS) Update	Update on CAMHS provision in Brent.  Update on recommendations made in members' task group report.	Cllr Mili Patel, Children's Safeguarding, Early Help and Social Care	Gail Tolley, Strategic Director, Children and Young People  Andrew Ward, Head of Finance	Sheik Auladin, Chief Operating Officer, Brent CCG  Duncan Ambrose, Assistant Director, Brent CCG
2.	Development of Family Hubs	Developing family hubs	Cllr Mili Patel, Children's Safeguarding, Early Help and Social Care	Gail Tolley, Strategic Director, Children and Young People  Andrew Ward, Head of Finance	
3.	Youth Offer in Brent	Review youth offer in Brent.	Cllr Mili Patel, Children's Safeguarding, Early Help and Social Care	Gail Tolley, Strategic Director, Children and Young People  Andrew Ward, Head of Finance	Young Brent Foundation  Brent Youth Parliament

\*Items involving school education. \*\* Items which may involve partnership work with schools.

## Special Committee Meeting

13 December 2018

Agenda Rank	Item	Themes	Cabinet Member	Brent Council Officers	Other Organisations
1.	Care Quality Commission report on London North West Healthcare NHS Trust	Discussion of report and action plan for improvements.	Cllr Harbi Farah, Cabinet Member for Health	Phil Porter, Strategic Director Community Wellbeing	Simon Crawford, Director of Strategy and Deputy Chief Executive, London North West Healthcare NHS Trust.  Care Quality Commission  Healthwatch Brent

**Wednesday 30 January 2019**

<b>Agenda Rank</b>	<b>Item</b>	<b>Themes</b>	<b>Cabinet Member</b>	<b>Brent Council Officers</b>	<b>Other Organisations</b>
1.	Contextual Safeguarding Task Group: Interim Feedback	To discuss emerging recommendations and findings from the task group.	Cllr Mili Patel Cabinet Member, Safeguarding, Early Help and Social Care	Gail Tolley, Strategic Director Children and Young People	
2.	Winter planning and NHS Services	Review urgent care and other services in winter.	Cllr Harbi Farah, Adult Social Care		Sheik Auladin, Chief Operating Officer, Brent CCG  Healthwatch Brent
3.	Brent CCG Commissioning Intentions	Review commissioning intentions for 2019-2021  Focus on GP practices.	Cllr Harbi Farah, Adult Social Care		Sheik Auladin, Chief Operating Officer, Brent CCG  Healthwatch Brent

4.	Dementia Services in Brent	Services for those with dementia and carers.  Work towards making Brent a dementia friendly borough.	Cllr Harbi Farah, Adult Social Care	Phil Porter, Strategic Director Community Wellbeing Helen Woodland, Operational Director Social Care Minesh Patel, Head of Finance	Healthwatch Brent
5.	Corporate Complaints Report	Scrutinise the 2017/18 annual corporate complaints report	Cllr Margaret McLennan, Deputy Leader	Irene Bremang, Head of Performance and Improvement Helen Woodland, Operational Director Social Care Gail Tolley, Strategic Director, Children and Young People	
6.	Childhood Obesity Task Group	Set up a members' overview and scrutiny task group.	Cllr Krupesh Hirani, Cabinet Member Public Health and Culture	Dr Melanie Smith, Director Public Health  Minesh Patel, Head of Finance	

\*Items involving school education. \*\* Items which may involve partnership work with schools.

## Monday 18 March 2019

Agenda Rank	Item	Report Details	Cabinet Member	Brent Council Officers	Other Organisations
1.**	Contextual Safeguarding Overview task group	Full report and recommendations of the members' task group	Cllr Mili Patel, Children's Safeguarding, Early Help and Social Care	Gail Tolley, Strategic Director, Children and Young People  Andrew Ward, Head of Finance	
2.*	Improving educational achievement of Black Caribbean boys	Review of underachievement in schools of boys of black and Caribbean heritage.	Cllr Amer Agha, Schools, Employment and Skills	Gail Tolley, Strategic Director, Children and Young People  Andrew Ward, Head of Finance	
3.*	School Standards and Achievement Report 2017-18	Scrutinise school standards for 2017-18	Cllr Amer Agha, Schools, Employment and Skills	Gail Tolley, Strategic Director, Children and Young People  Andrew Ward, Head of Finance	

4.**	Young People Not in Education Employment and Training (NEET)	Scrutinise numbers of NEET young people and how the local authority is addressing this issue.	Cllr Mili Patel, Children's Safeguarding, Early Help and Social Care	Gail Tolley, Strategic Director, Children and Young People  Andrew Ward, Head of Finance	
------	--	---	--	--	--

**Wednesday 17 April 2019**


<b>Agenda Rank</b>	<b>Item</b>	<b>Themes</b>	<b>Cabinet Member</b>	<b>Brent Council Officers</b>	<b>Other Organisations</b>
1.	Transforming Care	Implementation of Brent's Transforming Care programme set up in response to Winterbourne View report.	Cllr Harbi Farah, Adult Social Care	Phil Porter, Strategic Director Community Wellbeing  Helen Woodland, Operational Director Social Care	Sheik Auladin, Chief Operating Officer, Brent CCG
2.	Safeguarding Adult Review: Adult B	Recommendations following the review into the case of Adult B.	Cllr Harbi Farah, Adult Social Care	Phil Porter, Strategic Director Community Wellbeing  Helen Woodland, Operational Director Social Care	Sheik Auladin, Chief Operating Officer, Brent CCG  Michael Preston-Shoot, Independent Chair, Brent Safeguarding Adults Board
3.	Brent's Open Spaces and Physical Activity	Review how open spaces are helping to promote physical activity.	Cllr Krupesh Hirani, Cabinet Member Public Health and Culture	Dr Melanie Smith, Director Public Health  Amar Dave, Strategic Director Regeneration and Environment	



4.	Home Care Recommissioning	Update on Task Group Report presented to Cabinet in April 2018.	Cllr Harbi Farah, Adult Social Care	Phil Porter, Strategic Director Community Wellbeing  Helen Woodland, Operational Director Social Care	
5.	Childhood Obesity: Overview and Scrutiny Task Group Report	Presentation of recommendations from members' task group.	Cllr Krupesh Hirani, Cabinet Member Public Health and Culture	Dr Melanie Smith, Director Public Health	

\*Items involving school education. \*\* Items which may involve partnership work with schools.

**This page is intentionally left blank**

 <b>Brent</b>	<b>Full Council</b> 26 November 2018
	<b>Report from the Director of Performance Policy &amp; Partnerships</b>
<b>Housing Scrutiny Committee Chair's Update Report</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	Appendix A – Work Programme
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Jackie Barry-Purssell Senior Policy and Scrutiny Officer Tel: 020 8937 1958 Email: <a href="mailto:Jacqueline.barry-purssell@brent.gov.uk">Jacqueline.barry-purssell@brent.gov.uk</a>

## **1.0 Purpose of the Report**

- 1.1 This report provides a summary of the work carried out by the Council's Housing Scrutiny Committee. The report covers the period from September 2018 to present, detailing a programme of work and items discussed during this period.

## **2.0 Recommendation(s)**

- 2.1 Council is recommended to note this report.

## **3.0 Detail**

- 3.1 The Housing Scrutiny Committee's remit is to scrutinise housing functions within the Community and Wellbeing department, including Brent Housing Management; housing supply; housing growth numbers; temporary accommodation; landlord licensing; the private rented sector; housing policy; homelessness; Registered Providers; supported housing; floating support, and home adaptations. Its remit primarily covers the portfolio area of the Cabinet Member for Housing & Welfare Reform).

### 3.2 2018-19 Housing Scrutiny Committee Members

Councillor Janice Long, Chair  
Councillor Michael Maurice, Vice-Chair  
Councillor Abdfatah Aden  
Councillor Tony Ethapemi  
Councillor Faduma Hassan  
Councillor Robert Johnson  
Councillor Daniel Kennelly  
Councillor Thomas Stephens

- 3.3 The Committee also has two appointed co-optees - a leaseholder of a Brent Council home, and a Council tenant – Michele Lonergan and Karin Jaegar.
- 3.4 There is one committee meeting to report upon.
- 3.5 At its September meeting Councillor Southwood (Lead Member for Housing and Welfare Reform) introduced a report which outlined the council's current **Allocations Scheme** for social housing, and sought members' views on proposed amendments which would see private rented accommodation offered to homeless households through Registered Providers.
- 3.6 Members also asked officers about the affordability of rents and the potential impact of Universal Credit. Officers acknowledged the links to homelessness and assured the committee that this was a priority on both central and local government's agendas.
- 3.7 Officers briefed members on the specific impact of the policy on care leavers. The committee questioned which processes were in place to ensure that care leavers were placed in the right housing environment, and the checks being carried out to ensure the suitability of the offered properties. Members were given assurance by officers that significant work was being undertaken to support care leavers, including individually assessing the suitability of each offer, carrying out financial assessments and monitoring of any potential issues such as eviction to ensure adequate prevention/support.
- 3.8 Other areas of discussion focussed on income thresholds and prioritisation of housing needs, allowing households in Band D homes to retain accrued waiting time if they become homeless or placed in temporary accommodation, prioritising households in need of transfer to bid for accommodation that becomes available on current estate and a review of quotas.
- 3.9 The committee also considered a report on **Grounds Maintenance on Estates**, providing an overview of the grounds maintenance and contract management arrangements across the Housing Revenue Account (HRA) land. The current contract was carried out by Veolia and co-managed by Environment and Housing Management Services.

- 3.10 The committee raised the issue of inconsistency of standards of service, and officers explained that improvements were being made and the level of service was regularly monitored, which included the recently-introduced CRM system. The committee also commented on the effectiveness of the local environment quality checks programme which was introduced in 2007, as a way to incentivise residents to maintain the grounds in their estates by giving them a sense of ownership and engagement. Discussion followed on the number of contracts in operation and contract options.
- 3.11 The committee also received a report on **Landlord Licensing** from the Head of Private Housing services. It outlined the key points of the landlord licensing scheme within the context of private housing in Brent, its financing, impact on landlords and tenants as well as challenges. In welcoming the expansion of the selective licensing scheme, a number of questions were raised by the committee, centred mainly on issues with cost, enforcement, standards and liaison with tenants.
- 3.12 Members asked about work being undertaken with landlords to avoid the need for enforcement actions. They heard that there was no requirement to inspect properties before a license was granted and other mitigation processes were in place, including carrying out compliance inspections, removal of landlords from the landlord licensing system and imposing GLA database banning orders. Whilst management orders were not the norm, officers noted that periodic inspections were carried out to ensure compliance from landlords.
- 3.13 Members also raised questions on the information available to tenants and estate agents, raising the point that this was insufficient when compared to information provided to landlords. Members also raised concern about the complexity of the process to ascertain if a landlord is licensed. Officers outlined improvements being made in this area, and stated that regular liaison takes place with estate agents including the issuing of newsletters.

#### **4.0 Other activities and future meetings**

- 4.1 In terms of visits undertaken during this period, on October 26th, the Chair attended a presentation at South Kilburn followed by a site visit, with the Lead Member for Housing & Welfare Reform and Councillor Abdirazak. This was to learn about the plans for the fire safety work on low rise residential properties (up to five storeys in height), and see the completed work to a street property converted into three flats. Further presentations for councillors are planned.
- 4.2 As part of Local Democracy week a scrutiny café focused on housing standards was held on Tuesday 16 October. This offered an opportunity for those who live in the borough to discuss housing issues with the chair over a tea or coffee. The main points raised were the cost of the private rented sector, repairs by housing associations, enforcement of landlord licensing, overcrowding and anti-social behaviour.

- 4.3 There are four further meetings of the committee scheduled for 2018/19. The work programme for these meetings is included below as an appendix.

## **5.0 Financial Implications**

- 5.1 There are no financial implications.

## **6.0 Legal Implications**

- 6.1 There are no legal implications.

## **7.0 Equality Implications**

- 7.1 There are no equality implications.

### **Report sign off:**

***Peter Gadsdon***

Director of Performance Policy &  
Partnerships

## Appendix A

### Housing Scrutiny Work Programme 2018/19

Thursday, 29 November 2018

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	Asset Management Strategy	<ol style="list-style-type: none"> <li>1. Scrutinise use of existing assets</li> <li>2. Explore the future strategy for Brent</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Sean Gallagher, Head of Property Services;</li> <li>4. Minesh Patel, Head of Finance</li> </ol>
2.	Fire Safety	<ol style="list-style-type: none"> <li>1. Evaluate progress on recommendations from the Task and Finish Group (17/18)</li> <li>2. Improved awareness of the mitigation measures in place for civil emergencies;</li> <li>3. Responding to wider public interest</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform/Cllr Janice Long – Chair of the Housing Scrutiny Committee	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. John Magness, Head of Housing Supply and Partnerships;</li> <li>4. Minesh Patel, Head of Finance</li> </ol>

3.	Housing Revenue Account (alignment and rent setting)	1. Pre-scrutiny of decision	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director, Community and Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance</li> </ol>
4.	Terms of Reference - Task Group Service Provision on Housing Estates	1. Terms of Reference to be discussed and agreed	Cllr Janice Long – Chair of the Housing Scrutiny Committee	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director, Community and Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance</li> </ol>
5.	Scrutiny Committee's Work Programme 2018-19	1. The report updates Members on the Committee's Work Programme for 2018-19	Cllr Janice Long – Chair of the Housing Scrutiny Committee	N/A
6.	Forward Plan	1. The Committee to review the Forward Plan (housing element).	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform/Cllr Janice Long – Chair of the Housing Scrutiny Committee	N/A



**Thursday 6 February 2019**

<b>Agenda</b>	<b>Item</b>	<b>Objectives for Scrutiny</b>	<b>Cabinet Member/Member</b>	<b>Attendees</b>
1.	Brent based Registered Providers (RP) delivery of social housing	<ol style="list-style-type: none"> <li>1. Gain an overview of the performance of Registered Providers based on the priorities of the service</li> <li>2. Scrutinise welfare issues addressed by RP (methods, means, and areas of collaboration with LBB)</li> <li>3. Review performance measures</li> <li>4. Review conversions from social to affordable housing</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Laurence Coaker, Head of Housing Needs;</li> <li>4. Minesh Patel, Head of Finance</li> </ol>
2.	Welfare Reform and Homelessness (including the Homelessness Reduction Act)	<ol style="list-style-type: none"> <li>1. Scrutinise the impact of Welfare Reform on Homelessness in the borough</li> <li>2. Scrutinise the Council's readiness for the challenges presented</li> <li>3. Scrutinise implementation and impact of the Homelessness Reduction Act in Brent</li> <li>4. Review the Supported People budget</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing</li> <li>3. Minesh Patel, Head of Finance</li> </ol>
3.	Performance Update	<ol style="list-style-type: none"> <li>1. Scrutinise performance across the service</li> <li>2. Review strengths and areas for further improvement</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing</li> <li>3. Minesh Patel, Head of Finance</li> </ol>

4	Housing Complaints	<ol style="list-style-type: none"> <li>1. To scrutinise complaints relating to the Housing Service</li> <li>2. To understand the strengths and gaps</li> <li>3. To gain an overview of the work that is underway to close the gaps</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director, Community and Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Troy Francis, Head of Housing Management Services;</li> <li>4. Minesh Patel, Head of Finance</li> </ol>
5	Scrutiny Committee's Work Programme 2018-19	<ol style="list-style-type: none"> <li>1. The report updates Members on the Committee's Work Programme for 2018-19</li> </ol>	Cllr Janice Long – Chair of the Housing Scrutiny Committee	N/A
Page 84	Forward Plan	<ol style="list-style-type: none"> <li>1. The Committee to review the Forward Plan (housing element).</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform/Cllr Janice Long – Chair of the Housing Scrutiny Committee	N/A

27 March 2019

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	Disabled Facilities and Small Works Grants Distribution	<ol style="list-style-type: none"> <li>To scrutinise approach and outcomes delivered</li> <li>To review how performance in this area is measured</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>Phil Porter, Strategic Director Community Wellbeing;</li> <li>Hakeem Osinaike, Operational Director Housing;</li> <li>Minesh Patel, Head of Finance</li> </ol>
Page 85	New CRM System	<ol style="list-style-type: none"> <li>Scrutinise management and usage of the new CRM system</li> <li>Review performance and customer feedback</li> <li>Scrutinise links with the wider Housing Service</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>Phil Porter, Strategic Director, Community Wellbeing;</li> <li>Hakeem Osinaike, Operational Director Housing;</li> <li>Troy Francis, Head of Housing Management Services</li> <li>Minesh Patel, Head of Finance</li> </ol>
3.	I4B	<ol style="list-style-type: none"> <li>Scrutinise impact on housing</li> <li>Review locations and quality of housing</li> <li>Review the impact on the waiting list</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>Phil Porter, Strategic Director, Community Wellbeing;</li> <li>Hakeem Osinaike, Operational Director Housing;</li> <li>Laurence Coaker, Head of Housing Needs</li> <li>Minesh Patel, Head of Finance</li> </ol>
4.	Scrutiny Committee's Work Programme 2018-19	<ol style="list-style-type: none"> <li>The report updates Members on the Committee's Work Programme for 2018-19</li> </ol>	Cllr Janice Long – Chair of the Housing Scrutiny Committee	N/A
5.	Forward Plan	<ol style="list-style-type: none"> <li>The Committee to review the Forward Plan</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing	N/A

		(housing element).	and Welfare Reform/Cllr Janice Long – Chair of the Housing Scrutiny Committee	
--	--	--------------------	--	--

25 April 2019

Agenda	Item	Objectives for Scrutiny	Cabinet Member/Member	Attendees
1.	Tackling ASB	<ol style="list-style-type: none"> <li>1. Scrutinise approach to tackling ASB on Estates</li> <li>2. Review links to wider ASB challenges in the borough</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Rep from Public Protection (tbc);</li> <li>4. Minesh Patel, Head of Finance.</li> </ol>
2.	Rent Arrears (including Registered Providers)	<ol style="list-style-type: none"> <li>1. Scrutinise the level of rent arrears</li> <li>2. Review location and trends</li> <li>3. Explore actions in place to tackle these arrears</li> <li>4. Explore approach to evictions</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance;</li> <li>4. One Registered Provider (tbc).</li> </ol>
3.	Fire Safety	<ol style="list-style-type: none"> <li>1. Evaluate fire safety in council housing</li> <li>2. Improved awareness of the mitigation measures in place for civil emergencies</li> </ol>	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance</li> </ol>

4	Service Provision on Housing Estates Task Group	1. Scrutinise the findings and recommendations from the scrutiny task group – Service Provision on Housing Estates	Cllr Eleanor Southwood	<ol style="list-style-type: none"> <li>1. Phil Porter, Strategic Director Community Wellbeing;</li> <li>2. Hakeem Osinaike, Operational Director Housing;</li> <li>3. Minesh Patel, Head of Finance</li> </ol>
5	Scrutiny Committee's Work Programme 2018-19	1. The report updates Members on the Committee's Work Programme for 2018-19	Cllr Janice Long – Chair of the Housing Scrutiny Committee	N/A
6.	Forward Plan	1. The Committee to review the Forward Plan (housing element).	Cllr Eleanor Southwood – Lead Member for Housing and Welfare Reform/Cllr Janice Long – Chair of the Housing Scrutiny Committee	N/A



**Full Council**  
26 November 2018

**Report from the Director of  
Performance Policy & Partnerships**

**Resources and Public Realm Scrutiny Committee Chair's  
Update Report**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	Appendix A – Work Programme
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Pascoe Sawyers, Tel: 020 8937 1045 Email: Pascoe.sawyers@brent.gov.uk

## **1.0 Purpose of the Report**

- 1.1 This report provides a summary of the work carried out by the Council's Resources & Public Realm Scrutiny Committee in accordance with Standing Order 14. The report covers the period from September 2018 to present.

## **2.0 Recommendation(s)**

- 2.1 Council is recommended to note this report.

## **3.0 Detail**

- 3.1 The Resources and Public Realm Scrutiny Committee covers corporate resources (including Customer Services, Policy, Partnerships and Performance, Procurement and IT) as well as Regeneration, Regulatory Services, Environment, Transport and Community Safety. The committee is comprised of eight elected members (seven from the Labour Group and one opposition group member, which is consistent with current political balance arrangements).

- 3.2 *2018-19 Resources and Public Realm Committee Members*

Councillor Matt Kelcher (Chair)  
Councillor Neil Nerva  
Councillor Roxanne Mashari  
Councillor Kieron Gill  
Councillor Sandra Kabir  
Councillor Saqib Butt  
Councillor Erica Gbajumo  
Councillor Suresh Kansagra

- 3.3 The committee has met once since the last report to Council, on 5 September 2018 (though this meeting was prior to the last full Council meeting, it fell after reporting deadlines, and so is covered in this report).
- 3.4 The committee received a report on **Highways Contract Performance** which outlined the contractual arrangements in place, the measures for auditing performance, current performance levels and how the contract was linked to the Council's Highways Asset Management Plan.
- 3.5 Members expressed concern regarding the time it took for repairs to be made to some Category 2 (medium priority) defects, and the number of defects miscategorised. The committee questioned the financial and other risks faced by the council as a result of not repairing potentially hazardous paving. Comment was sought from the Deputy Leader on the potential increase in the cost of a highways maintenance contract in the future, given the existing state of Brent's roads and the likely increase in extreme weather conditions.
- 3.6 Under questioning from the committee, the highways contractor Conway Aecom acknowledged not currently being fully compliant with performance targets due to a lag in defect rectification; however, this had followed a difficult period over the winter and was being addressed, with compliance rising steadily since then. It was acknowledged that there was a conflict of interest between the council and contractor with regard to defect categorisation (and how repairs were therefore funded), and the contract was being varied to grant the council greater powers to determine repair works.
- 3.7 Members questioned whether a single contractor was the best model for delivering highways services or whether the use of multiple smaller contracts could be used to support smaller businesses in Brent. Queries were also raised regarding quality control of reactive repairs, and the sufficiency of the budget for full highways repair and maintenance.
- 3.8 The committee asked Cabinet to note its view that the council should not enter into any further self-monitoring contracts. It will also explore undertaking specific scrutiny work appraising options for the repair of Brent's highways, including consideration of funding via long term borrowing.
- 3.9 The committee also received a report on the **progress of the Digital Strategy and outcomes for vulnerable people**. Officers provided an overview of key workstreams, including the roll out of the Microsoft Dynamics platform to the Housing Management Service, the impending launch of a digital skills



curriculum by Brent Start, the introduction of cutting edge technology in the Stonebridge Learning Centre, progress in securing ultrafast fibre broadband for social housing stock and beyond, and plans to expand the hub model.

- 3.10 Members sought details of how success was measured with regard to supporting residents' digital skills, and support for those who either did not have internet access or were not in the habit of using it. They also asked officers to reflect on any pitfalls that may have been identified and resolved with the hub pilot. Officers welcomed members' suggestions on the promotion of the My Brent service and the provision of one-off skills sessions to those accessing services digitally for the first time and agreed to take these forward. They also agreed to send targeted communication promoting the council's digital offer to groups identified as requiring assistance with digital skills, and to review the access of IT within the Harlesden hub to the council servers in order to ensure this is as quick as possible.
- 3.11 Finally, the committee received an update on **Area Based Working** being utilised by the council's Town Centre Managers (TCMs) and Neighbourhood Managers (NMs). Members questioned whether NMs and TCMs would develop closer working relationships with the ward councillors for their areas, noting the scope for both strategic and resident level working, and learned about plans for monthly meetings, as well as member involvement in the development of TCM action plans. Clarification was also sought regarding the working relationships between NMs and TCMs, noting that certain issues impacted across both remits. The committee further noted that some NMs made greater use of social media, for instance to engage with resident forums, and questioned how the council could support NMs in developing social media skills. The committee asked the NMs and TCMs to comment on whether there were any additional resources or tools that would help to increase the productivity of their roles, and queried what support was available to NMs and TCMs.
- 3.12 The committee endorsed the council's moves towards neighbourhood based working, and asked the Regeneration and Environment department to ensure that NMs and TCMs were trained to utilise social media to support their work with the community.

#### **4.0 Other activities and future meetings**

- 4.1 To inform its questions in advance of the September meeting, members of the committee visited the Harlesden Hub to see in person how it operated. They also met with Town Centre Managers and Neighbourhood Managers to discuss their activities with them.
- 4.2 The next meeting of the committee will be 15<sup>th</sup> January 2019 (as the meeting originally scheduled for November has been rescheduled for 11<sup>th</sup> February). The amended work programme is attached as an appendix below.

#### **5.0 Financial Implications**

- 5.1 There are no financial implications.

## **6.0 Legal Implications**

6.1 There are no legal implications.

## **7.0 Equality Implications**

7.1 There are no equality implications.

### **Report sign off:**

***Peter Gadsdon***

Director of Performance Policy &  
Partnerships

## Resources &amp; Public Realm Scrutiny Work Programme 2018/19

Tuesday 15 January 2019

Agenda	Item	Details	Cabinet Member/Member	Brent Council/Partner organisations
1.	Chair's report	Update from the Chair on the work of the committee.	Cllr Matt Kelcher, Chair Scrutiny Committee	
2.	Budget scrutiny report	Committee to scrutinise and agree the Scrutiny Budget report for 2019-20 and 2020-2021.	Cllr Muhammed Butt, Leader  Cllr Margaret McLennan, Deputy Leader	Carolyn Downs, Chief Executive  Althea Loderick, Strategic Director of Resources  Conrad Hall, Chief Finance Officer
3.	Local Plan	Pre-scrutiny of the draft Local Plan in development for launch in 2020, and due for consultation during 2019.	Cllr Shama Tatler, Cabinet Member for Regeneration, Highways, Planning	Amar Dave, Strategic Director of Regeneration and Environment  Aktar Choudhury, Operational Director Regeneration  Alice Lester, Head of Planning, Transport and Licensing
4.	Knife Crime Task Group scoping paper	Scoping document for Knife Crime Task Group to be approved by the committee.	Cllr Tom Miller, Cabinet Member for Community Safety  Task Group Chair (TBC)	Amar Dave, Strategic Director of Regeneration and Environment  Chris Whyte, Operational Director of Environment Services  Karina Wane, Head of Community Protection

5.	Affordable Housing Task Group report	Report on the findings and recommendations from the scrutiny task group review of affordable housing delivery in new developments.	<p>Cllr Shama Tatler, Cabinet Member for Regeneration, Highways, Planning</p> <p>Cllr Eleanor Southwood Cabinet Member for Housing &amp; Welfare Reform,</p> <p>Cllr Neil Nerva, Task Group Chair</p>	<p>Amar Dave, Strategic Director of Regeneration and Environment</p> <p>Phil Porter, Strategic Director of Community Wellbeing</p> <p>Hakeem Osinaike, Operational Director Housing</p> <p>Alice Lester, Head of Planning, Transport and Licensing</p>
----	--------------------------------------	--	---	--

## Monday 11 February

Agenda	Item	Details	Cabinet Member/Member	Brent Council/Partner organisations
1.	Chair's report	Update from the Chair on the work of the committee.	Cllr Matt Kelcher, Chair Scrutiny Committee	
2.	Parking and electric car charging	A report on progress with council plans to create and enable more electric car charging points. The committee will also investigate how the parking regime can free up more space on roads by restricting vehicle lengths.	Cllr Krupa Sheth Cabinet Member for Environment  Cllr Shama Tatler, Cabinet Member for Regeneration, Highways, Planning	Amar Dave, Strategic Director of Regeneration and Environment  Chris Whyte, Operational Director of Environment Services  Tony Kennedy, Head of Highways and Infrastructure  Rachel Best, Transportation Planning Manager  Gavin Moore, Head of Parking & Lighting
3.	Annual report on complaints	Committee to receive update on the council's 2017-18 complaints performance	Cllr Margaret McLennan, Deputy Leader	Peter Gadsdon, Director Performance, Policy and Partnerships  Irene Bremang, Head of Performance & Improvement

4.	Food Banks Task Group Update	A report updating cabinet actions following the food bank task group recommendations	<p>Cllr Margaret McLennan, Deputy Leader</p> <p>Cllr Roxane Mashari, Task Group Chair</p>	Peter Gadsdon, Director of Performance, Policy and Partnerships
----	------------------------------	--	---	---

Monday 14 March 2019

Agenda	Item	Details	Cabinet Member/Member	Brent Council/Partner organisations
1.	Chair's report	Update from the Chair on the work of the committee.	Cllr Matt Kelcher, Chair Scrutiny Committee	
2.	Contracts 2023	The committee will look at several key council contracts due to end in 2023 and examine the process for setting the terms of these contracts and the merits/obstacles to bringing the services back in-house.	Cllr Margaret McLennan, Deputy Leader  Cllr Krupa Sheth Cabinet Member for Environment	Amar Dave, Strategic Director of Regeneration and Environment  Chris Whyte, Operational Director of Environment Services
3.	Air quality pledges	A report updating on progress against air quality pledges made during the election. How can the council can deliver against these promises over the coming years?	Cllr Krupa Sheth Cabinet Member for Environment	Amar Dave, Strategic Director of Regeneration and Environment  Chris Whyte, Operational Director of Environment Services  Karina Wane, Head of Community Protection

4.	Flats and recycling	A report on recycling levels in flats. The committee will examine barriers to recycling and consider how landlord licencing can help to boost rates.	Cllr Krupa Sheth Cabinet Member for Environment	Amar Dave, Strategic Director of Regeneration and Environment  Chris Whyte, Operational Director of Environment Services
----	---------------------	--	--	--




## Monday 15 April 2019

Agenda	Item	Details	Cabinet Member/Member	Brent Council/External organisations
1.	Chair's report	Update from the Chair on the work of the committee.	Cllr Matt Kelcher, Chair Scrutiny Committee	
2.	Knife Crime Task Group report	Report on findings and recommendations from the task group examination of knife crime in Brent.	Cllr Tom Miller, Cabinet Member for Community Safety	Amar Dave, Strategic Director of Regeneration and Environment  Chris White, Operational Director of Environment Services  Karina Wane, Head of Community Protection
3.	Illegal rubbish dumping	A report on actions the Council can take to help combat the problem of illegal dumping of rubbish on non-council land. This is to include a review of options for mattress tagging in the private rented sector.	Cllr Krupa Sheth, Cabinet Member for Environment	Amar Dave, Strategic Director of Regeneration and Environment  Chris Whyte, Operational Director of Environment Services
4.	Annual Safer Brent Partnership Report 2018/19	Annual report of the Safer Brent Partnership and update on community safety.	Cllr Tom Miller, Cabinet Member for Community Safety	Carolyn Downs, Brent Chief Executive  Amar Dave, Strategic Director of Regeneration and Environment  Karina Wane, Head of Community Protection  Metropolitan Police

**Proposed for 2019/20:**

- Options for a new Council Tax Support scheme and potential impacts of Council Tax collection moving in-house

 <b>Brent</b>	<b>Full Council</b> 26 November 2018
	<b>Report from the Chief Finance Officer</b>
<b>Update Report from the Vice-Chair of the Audit and Standards Advisory Committee</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Conrad Hall, Chief Finance Officer Tel: 020 8937 6528 Email: <a href="mailto:conrad.hall@brent.gov.uk">conrad.hall@brent.gov.uk</a>

## 1.0 Purpose of the Report

- 1.1 This report provides a summary of the activities carried out by the Council's Audit and Standards Advisory Committee (previously the Audit and Audit Advisory Committees) since the last update provided to Full Council in September 2018.

## 2.0 Recommendations

- 2.1 Full Council is asked to note the contents of the report.

## 3. Detail

- 3.1. The Committee has met once since the last update was provided to Council – on 17<sup>th</sup> October 2018. This paper is a brief update on the areas covered in that meeting.

### **3.2 Audit and Standards Advisory Committee – 17th October 2018**

#### Annual Audit Letter 2017/18 17 – 26

The Council's former external auditors, KPMG, produced a report following completion of the audit of accounts and an Annual Audit Letter. The letter is intended to identify any changes to the accounts, unadjusted misstatements or material weaknesses in controls identified during the audit work. It also provided the findings from the value for money conclusion for the year. KPMG confirmed that they could not formally conclude the Audit as an objection to the accounts still needed to be resolved.

#### 2018/19 Mid-Year Treasury Report

The report updated Members on recent treasury activity.

#### External Audit Progress Report

The paper provided the Audit and Standards Advisory Committee with a report on the progress in delivering Grant Thornton's (GT) responsibilities as the Council's new external auditors. It also included a summary of emerging national issues and developments that may be relevant to Brent as a local authority.

GT provided a table showing a level of reserves, which showed the Council against other Boroughs. This led the Committee to discuss the level of the Council reserves. GT commented that as the Council had a planned capital programme that generated revenue this was taking the Council closer to self-sufficiency, which was in line with the Government's vision for local authorities, but will result in a fall of earmarked but not general reserves.

Referring to the size of Brent's general reserves, it was pointed out that £12.3 million (compared to an average for London Boroughs of £19.6 million) was sufficient for an authority with Brent's size and risks.

#### Internal Audit Progress Report for the period April - August 2018

The report provided an update on progress against the Internal Audit Plan for the period 1 April 2018 to 31 August 2018.

#### Counter Fraud Quarterly Progress Report 2018/19

The report provided an update on the counter fraud work undertaken in the period 1 April 2018 to 30 September 2018 (Quarters 1 and 2).

This report included reference to a recent fraud involving deliberate misdirection of financial transactions. Since the Committee meeting, the perpetrator has pled guilty to four charges of fraud and will be sentenced on 28<sup>th</sup> November. There will be no financial loss to the council.

#### **4.0 Financial Implications**

4.1 There are no financial implications arising from this report.

#### **5.0 Legal Implications**

5.1 There are no legal implications arising from this report.

#### **6.0 Equality Implications**

6.1 There are no diversity implications arising from this report.

#### **7.0 Consultation with Ward Members and Stakeholders**

7.1 Not applicable

#### **8.0 Staffing/Accommodation Implications (if appropriate)**


8.1 There are no staffing and accommodation implications arising from this report.

**Report sign off:**

**Conrad Hall**

Chief Finance Officer

**This page is intentionally left blank**

	<b>Full Council</b> 26 November 2018
	<b>Report from the Director of Performance, Policy and Partnerships</b>
<b>Implications of Brexit</b>	
<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officers@</b>	Anne Kittappa Senior Policy Officer Strategy and Partnerships <a href="mailto:anne.kittappa@brent.gov.uk">anne.kittappa@brent.gov.uk</a> 020 8937 6060  Peter Gadsdon Director of Performance, Policy and Partnerships <a href="mailto:peter.gadsdon@brent.gov.uk">peter.gadsdon@brent.gov.uk</a> 020 8937 6095

## 1.0 Summary

- 1.1 This report provides an overview of the implications of the UK's departure from the European Union. There are many unknowns about this as a final deal is currently being negotiated, and there is a possibility that the UK will leave without a deal. The length of time before the UK leaves the EU is also now unclear, as both sides are considering extending the period for another year.
- 1.2 About 10 % of the Brent Council workforce is European, and for some of their main contractors as much as 52% of their workforce is European. Although it is expected that most of the current European Londoners will remain in the UK the impact is likely to be felt as current employees move on to other jobs, and with lessened access to the EU workforce posts will be harder to fill.
- 1.3 Brent Council relies on business rates and council tax for much of its income. A fall in the value of the pound may lead to higher inflation, which could put

pressure on the sustainability of small businesses, and residents' finances. Some experts predict the value of the pound to decrease following Brexit, and other experts expect it to have no effect or maybe even increase. If the value of the pound were to decrease, followed by higher inflation, this could have a negative impact on Brent's budget, and therefore its capacity to provide key services.

- 1.4 House prices may fall following Brexit. The viability of regeneration and capital projects relies on house prices, and current regeneration projects may be at risk if house prices fall significantly.
- 1.5 Leaving the EU will impact Brent, not least because it has the second highest number of European residents in London. Much of its public sector and construction workforce comprise European citizens. The EU settlement scheme offers EU citizens the same rights as they currently enjoy, and is likely to be taken up by our current residents ensuring their continued presence. EU citizens who want to leave due to Brexit are likely to have already left. This theory is borne out in the dip in reception and year one school places required.
- 1.6 The customs agreement is going to have the biggest impact on Brent residents, businesses who trade with the EU, and the NHS. Customs agreements will affect the price of food imported into the country which for a borough with a third of its children already in poverty could have significant effect.
- 1.7 Other issues such as funding and changes in law will affect Brent. The extent of the effect is largely dependent on Central Government and details agreed with the EU.
- 1.8 It is important to note that no country has ever left the EU before, so we are in a unique and unprecedented situation. Informed predictions can be made, but with lack of detail and guidance the final impact is not known.

#### Table of Risks and Mitigations

Risk	Detail	Mitigation
About 10% of Brent and up to 50% of some of its contractor's workforce are European.  Brexit will have	After Brexit, EU citizens will no longer be entitled to work in the UK.  Employers are responsible for ensuring they employ people who are legally entitled to work	The EU settlement scheme entitles EU citizens who register on it to the same rights as they currently enjoy. Brent is raising awareness of this scheme amongst its



immediate consequences for the current workforce, and in the future, filling jobs where retention and recruitment are difficult.	in the UK.	employees and residents.  Brent is focusing its apprenticeships and training schemes at areas where retention and recruitment are difficult.
Small businesses form the majority of business in Brent. They pay business rates, so their continued existence is important as they contribute to the council's budget.	Small businesses have highlighted three key concerns: <ul style="list-style-type: none"> <li>• Accessing skills</li> <li>• Ability to grow the business</li> <li>• Enforcing new immigration rules</li> </ul>	Brent's business board selects priorities for action which includes local skills development to meet workforce need for businesses in Brent.  In 2020, adult education will devolve to local regions, so Brent will have more ability to influence the London spending.
Construction  Construction could be affected in two main ways. <ol style="list-style-type: none"> <li>1. Workforce – skills</li> <li>2. Materials subjected to customs</li> </ol>	About one in four of London's construction workforce are EU citizens. Although the current workforce are unlikely to leave as a result of Brexit, future construction may be at risk if the skills cannot be found locally.  Materials brought in from the EU may be subject to duties and take longer to get into the country if no customs deal is reached. This will have a twofold effect, making construction projects take longer, and increasing the cost of these projects.	As above, the skills requirement can be mitigated against through more influence on adult education, and by the business board identifying what the skills needs are.  Companies may be able to source materials elsewhere, if not, they will have to pass the cost on so construction projects will cost more.  When shipping in products from abroad, construction companies will have to plan ahead for longer delivery times.
Regeneration:  The viability of regeneration and	There have been different predictions about how Brexit will affect house prices. Mark Carney said a disruptive no deal	Depending on how quickly house prices change, if they decrease quickly, regeneration projects could slow down, and

capital projects are dependent on house prices, and selling houses to private buyers	Brexit could see house prices decrease by 35%, but a report released by Savills estate agents predicts that Brexit will have little effect on house prices, and in London, there will be no change in 2019, followed by three years of growth.	even stop completely
<p>Poverty increase</p> <p>Import taxes on food being imported into the UK from the EU is dependent on the final customs deal</p>	If the UK leaves the EU with no deal, they will revert to world trade organisation rules, and food will cost more. This increase in cost is likely to be passed on to the customer. An increase in food prices will push cash strapped families further into poverty.	<p>Brent had a scrutiny task group about foodbanks, and should continue to implement its recommendations.</p> <p>Brent should also encourage donations to foodbanks.</p>
<p>Funding</p> <p>There is only one project in Brent which receives EU monies, this is the five year work and health programme. This programme is devolved from central government to London, and commissioned under the WLA.</p>	<p>Other projects, such as the Living Room previously received EU funding, and then went on to receive funding from other sources.</p> <p>This project will be evaluated at the end of its term, and decisions will be made about its effectiveness.</p>	<p>The work and health programme, if it is considered effective, will have to look elsewhere for its funding.</p> <p>Brent's current outcome based review focuses on mental health and employment. The in depth work undertaken throughout the OBR will determine the level and breadth of need in Brent, and as well as determining specific local requirements should also identify better ways of working which will then be implemented.</p>

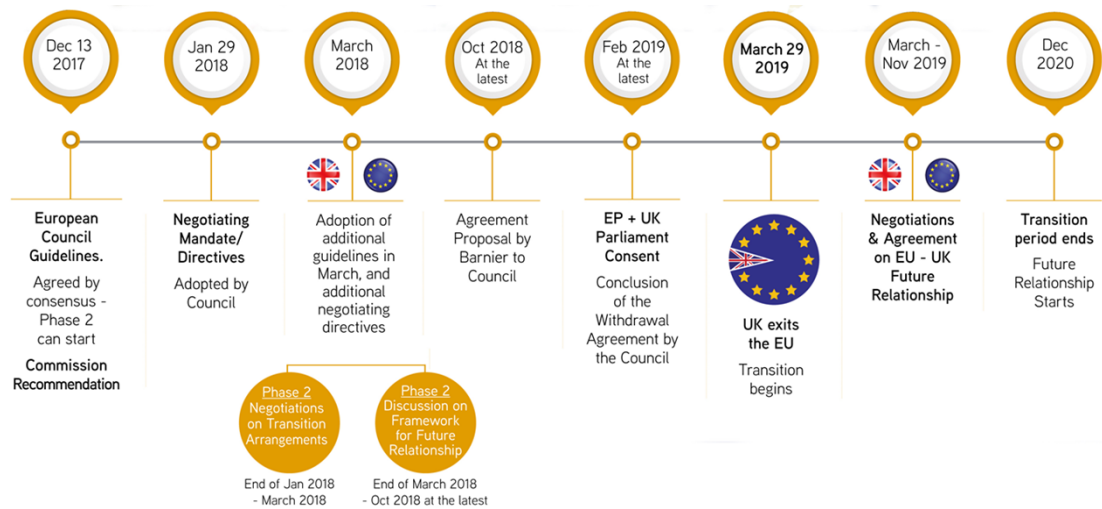
## 2.0 Recommendations

2.1 Council is asked to consider and comment on the findings of this report.

## 3.0 Detail

- 3.1 On 23 June 2016, the UK voted in a referendum to leave the European Union (EU). On 27 March 2017, the Prime Minister triggered article 50, beginning the formal two year process for leaving the EU.

#### Timetable for Brexit



- 3.2 The prime minister has proposed a Brexit deal, often referred to as the Chequers Plan. There are 12 points in this plan quoted below:

1. Leaving the EU on 29 March 2019
2. Ending free movement and taking back control of our borders
3. No more sending vast sums of money each year to the EU
4. A new business friendly customs model with freedom to strike new trade deals around the world
5. UK-EU free trade area with a common rulebook for industrial goods and agricultural products which will be good for jobs
6. Commitment to maintain high standards on consumer employment rights and the environment
7. Parliamentary lock on all new rules and regulations
8. Leaving the Common Agricultural Policy and Common Fisheries Policy
9. Restoring the supremacy of British courts by ending the jurisdiction of the European Court of Justice in the UK
10. No hard border between Northern Ireland and Ireland, or between Northern Ireland and Great Britain
11. Continued close co-operation on security to keep our people safe

12. An independent foreign and defence policy working closely with the EU and other allies

- 3.3 This plan is currently being discussed with the EU, but agreement is proving difficult. The two sides are now discussing the possibility of extending the leave period for an extra year, to give more time to reach an agreement. The other option which needs to be considered is the possibility of the UK leaving the EU without agreeing a deal. There is a lot of discontent within the Conservative Party and a vote of no confidence in the Prime Minister before negotiations are concluded is possible. If this were to happen, it is very likely the UK would leave the EU without a deal.
- 3.4 The biggest impact on Brent will be the trade and customs arrangement which will either be agreed, or revert to World Trade Organisation rules. Should World Trade Organisation rules take effect, when goods are imported to the UK, they will have to be declared (as they are from other countries outside the EU) and customs duties be paid.
- 3.5 New tariff agreements resulting from negotiations could also raise import prices which may lead to higher inflation and a lower standard of living for London residents.
- 3.6 Brent has the second highest estimated number of European residents in London comprising a fifth (22%) of its whole population. European residents who come to the UK to work have to apply for a National Insurance number. These applications have been falling steadily since 2014, across London, and saw a sharp decline last year. Since the Brexit vote, the government have introduced the EU settlement scheme, which gives European residents who register, the same rights as they currently enjoy. It is likely that with the introduction of this scheme, current European residents will remain in Brent until they would naturally move on.
- 3.7 Along with rights to live and work in the UK, another factor which is likely to affect the decisions of EU nationals is the economy in the UK and in their country of origin, as well as the relative strength of their respective currencies. The British economy is forecast to drop following Brexit, but by how much, and the length of time before it begins to recover, is uncertain.
- 3.8 The Mayor of London is running, and post-Brexit will continue to run the *London is Open* campaign, encouraging people to live, work, and visit London. Should the Brexit vote make Europeans feel unwelcome in the UK, this campaign should help mitigate this. The Mayor has also published a guidance hub to give European Londoners clear information and signpost them to relevant support, underlining the message, London is Open.

## EU settlement scheme

- 3.9 EU citizens who do not have indefinite leave to remain in the UK should apply for this scheme by 30 June 2021. There is a fee for each application, which for adults is £65<sup>1</sup>, and for children is £32.50. Irish citizens do not need to apply and can continue to enjoy their current rights. Rights for citizens of Norway, Iceland, Liechtenstein, and Switzerland are still being negotiated.
- 3.10 Brent's registration service will provide an identity verification service for EU settlement scheme applicants, through both pre-bookable, and walk in appointments. This identity verification service will check the documents belong to the person presenting them. The registrations team will also provide a mobile version of this service, visiting organisations with high numbers of European staff and spending half a day there verifying their employee's documents.
- 3.11 Brent's statutory responsibility, under the Children Act 1989, to meet the needs of children within the area who are in need covers all children who are deemed to be looked after by Brent. This includes those who are EU citizens. Brent is responsible for registering its Looked After Children on this scheme, and has a process for identifying and registering them.
- 3.12 Brent has put together a plan to engage with and support the harder to reach communities, ensuring that they understand the EU settlement scheme, and are able to register to remain in the UK with their current rights intact should they choose. The plan will include:
- Work with the Eastern European Network and other local organisations providing services to European residents to provide information and engage with residents
  - Work with local and specialised organisations to provide information, support and assistance to European residents
  - Work with neighbouring boroughs to best utilise resources and support engagement with hard to reach communities

---

<sup>1</sup> 16 or over

## Workforce

- 3.13 Around 10% of Brent Council employees are originally from the EU. The proportion varies by department and service area with some service areas having one or two staff, increasing to around 20% in others. Customer Services, and CYP have the highest proportion of employees from the EU. It is worth noting that although employees may be from the EU, many have become British Citizens, or have indefinite leave to remain.
- 3.14 Brent Human Resources has plans in place to identify the EU citizens it employs, and raise the awareness of the settlement scheme throughout the council. Employees can take advantage of the registration service's verification service.
- 3.15 Although it seems there will be no immediate pressure on services through staff shortages, this may present challenges in the future, particularly for roles that are hard to fill, such as those in social work. As it becomes harder for EU citizens to work in the UK, and people naturally progress to other jobs, it could become even harder to fill these positions.
- 3.16 As part of the council's learning and development proposition, a plan is currently being developed for learning and development activity for the Strategic Priority category. This will include extending the range of apprenticeships in departments and services where there are known recruitment and retention difficulties, or where these are anticipated, to mitigate against the risk of staff shortages whilst at the same time offering career development opportunities for staff.
- 3.17 Short term workforce risk is planned for within Brent's business continuity plans. These are intended to bridge an operational gap in staff resource due to (for example) an influenza pandemic and would not be designed to deal for any length of time with a systemic stress like a chronic skill shortage, e.g. nurses or social workers.
- 3.18 Brent also has a number of contracts with large companies, including with Veolia, who provide the waste and recycling service for Brent. Over half (52%) of the Veolia workforce, and around 70% of its agency staff are from EU countries, and despite paying the London Living Wage, they anticipate it being difficult to attract workers should this source of labour lessen. Although details around migration policies is unknown, it is expected for unskilled labourers to be discouraged from coming to the UK. Currently, the contract comes to an end in March 2023, and the new contract will be commissioned at the height of post-Brexit uncertainty.

## Local industries

- 3.19 Much work has been done whilst developing the Responsible Growth Strategy, analysing key sectors and how Brexit will affect them. There are two sectors in Brent on which Brexit will have the biggest impact: the construction, and food and drink industries.
- 3.20 27% of London's construction workforce comes from the EU. Both the Chequers plan, and no deal restrict free movement of labour and could result in a skills shortage in the construction industry as well as pressure on wages, causing construction firms to face higher project costs and reduce current turnovers.
- 3.21 The customs deal will also affect this industry in terms of sourcing its supplies, no customs deal would mean that supplies from the EU would both incur a tariff, and will also take longer to process, delaying the construction process. A report by KPMG predicts that between 10% and 15% (of Gross Value Added, GVA) will be affected. Another report, by Cambridge Econometrics predicts the effect of soft and hard exit on London by 2030. Its predictions about London employment in the construction sector equates to around 6% decrease in employment in Brent, which is about 10,000 employees for both a soft and hard exit.
- 3.22 Food and drink manufacturing will have the largest trade impacts across the sectors, as the EU is the main commercial partner for the sector, with expected increases in export and import prices. Similarly, food and drink manufacturing employs a large share of EU workers, making it exposed to supply-side constraints. There is uncertainty around food standards law following Brexit. Currently it is enshrined in EU law, and standards following Brexit may change.

## Small and medium sized enterprises

- 3.23 Small and medium sized enterprises (SMEs) form the vast majority of business in Brent. It is not known the extent to which they trade with EU countries or employ EU nationals, both of which are will likely be affected by Brexit. However, any economic downturn would result in reduced business rate revenue for the council, which will be one of its main sources of income by 2020. However, the Federation of Small Businesses found when surveying their members that almost one third of small firms do business with or within the EU. Different

industries employ different skill levels, medium skilled<sup>2</sup> level EU workers are the most commonly employed, and are predominant in the construction, and manufacturing sectors. The survey highlighted three key concerns held by SMEs:

- accessing the skills they need
- ability to grow the business
- enforcing new immigration rules

3.24 Brent could consider what it could do to support local small and medium sized enterprises. It should be noted that a 2017 scrutiny task group report about Small and Medium sized Enterprises (SMEs), the recommendation was made to *“develop a skills programme to ensure that SMEs have access to appropriately skilled, locally based staff”*. In response to this recommendation Brent Start developed wider courses aimed at SMEs, for example, digital skills. The Business Board, whose members represent a diverse range of size and sectors including SMEs, act as ambassadors for the Borough’s business community. A follow up report from March 2018, a year after the scrutiny task group, reported that this board *“is in the process of selecting further priorities for action from a range of possible projects, which includes local skills development to meet workforce needs.”* This programme is used to develop local talent ensuring SMEs have access to the skills they require.

3.25 It is worth noting that in 2020 adult education will devolve to local regions. Brent will have more ability to influence the London spending. This means that Brent will be able to provide training to fill gaps locally, specifically in areas which are particularly at risk including education, health, social care, and administration.

3.26 The value of the pound impacts on both the import and the export markets. It is worth noting that when it decreases, and the import market is negatively affected, the exact opposite is true for the export market. Companies within Brent which export to the EU and other countries, are likely to be positively impacted as the

---

<sup>2</sup> SOC level 2, and 3 – higher than GCSE level, but below degree level



value of the pound decreases. Tourism is also likely to be positively affected by a lower value of the pound.

### Public services

- 3.27 There are two hospitals in Brent, Northwick Park and Central Middlesex Hospital. In the NHS in North West London, 7% of all staff are European. This ranges from less than 1% of qualified ambulance staff, to 10% of doctors (including locums). A report by Mercer found that one in three doctors in the UK hope to retire by 2020. Our older population, aged 65 and over is expected to increase by one third over the next ten years, so the demand on our medical services will increase. Staffing shortages is a real problem for the NHS nationwide, and plans need to be made both locally, and nationally to attract more young people to the field.
- 3.28 Another concern raised is access to medicine and medicinal technologies. The regulatory arrangements for medicines and medical devices are complex, and changes may have an impact on supplies across Europe. It is estimated that Switzerland, despite having a bilateral trade agreement with the EU, gains access to new medicines on average 157 days later than the EU. For Australia, and Canada it is up to 12 months later.
- 3.29 Unless specifically agreed in Brexit negotiations, UK companies will not legally be able to supply medicines to the EU, and vice versa. There are 978 medicines which will need to be approved for the UK market if no deal is reached or this is not specified in negotiations. The supply of medical devices would also be under threat.
- 3.30 Just under a third of the workforce in the drug and alcohol sector are EU nationals. It is difficult to find prescribing nurses, and many prescribing nurses in Brent are European. It would be significantly affect the service if these nurses left. A key theme that came out of the discussion about the uncertain future was the impact on commissioned services staff who are feeling vulnerable and how they are supported by staff and managers.
- 3.31 As well as making up the workforce, EU nationals comprise a proportion of customers and service-users for the council and its partners. They are under-represented amongst adult social care clients, and housing and council tax benefits claimants, while European migrant workers make up a large proportion of rough sleepers in the borough.

## Schools

- 3.32 Schools in Brent have a large proportion of EU students, which reflects the local community. Last year there was a dip in the number of school places required for reception and year one. The school place projections suggest that this dip will last for a few years, and then numbers will rise again. The falling demographics are caused by different reasons, including a reduction in migration as people are choosing not to come to Brent. The number of pupils that qualify for the English as an Additional Language (EAL) measure in reception and year one has fallen by nearly 10%.
- 3.33 Although schools are responsible for their own budgets, and managing their staff, the council is working with schools adversely affected by the drop in pupil numbers, putting plans in place to mitigate the financial risks associated with changing pupil numbers for example agreeing short-term caps on admission numbers.
- 3.34 It is worth noting that the National Funding Formula, which calculates how much funding each school receives is based on the number of pupils, the characteristics of the intake of pupils and a few school and local-level factors. Lower pupil numbers will result in less funding for the school.

## Supply Chain

- 3.35 Should the UK leave the EU without a customs deal in place, the price of food imported to the UK will increase. This increase in price is likely to be passed on to the consumer. Brent has the third lowest average wage in London, and one third of its children are estimated to be living in poverty. An increase in food prices will push families further into poverty.
- 3.36 Brent has a number of very active foodbanks, who as well as providing food parcels for those most in need, provide classes around food growing, cooking and managing food on a budget, and other support for residents. Brent should continue to implement the recommendations made by the scrutiny task group about foodbanks, and also encourage more donations to foodbanks through initiatives such as interfaith week, and Mitzvah day.
- 3.37 If the French introduce custom checks, the freight coming into the UK via Dover, and the Channel Tunnel, could be reduced by as much as 85%. The Government is proposing a Government Owned or Operated Logistics (GOOL) scheme in which they obtain (either through buying, leasing, or converting military vessels) roll-on roll-off lorry ferries to ensure vital supplies such as food and medicines continue to reach the UK if it leaves the EU with no deal.

- 3.38 Food shortages, and other impacts of leaving the EU which affect the whole country will have strategies led by Central Government. Brent has short term risk management strategies in place as part of its emergency planning to manage risks, and ensure business continuity. It reviews its business continuity plans annually for all services, and the focus of this year's planning is on the supply chain, and supplier continuity. Brent has systems in place to respond to government emergency strategies, for example, in a fuel shortage Brent has a list of priority need for fuel vouchers.
- 3.39 Currently Brent's street lighting service is supplied by a French Company. This company has a UK base, so Brexit is not likely to impact it significantly. It is also due to be re-tendered soon. The pest control service provided by Brent Council uses baits and poisons believed to be made in Europe and imported to the UK by the supplier. This is a small part of the service, and any increase could be passed on to the customer without a significant increase. UK supplies might be equally competitive. The funeral service leases their vehicles from a national framework. Additional tariffs may affect the price of some commercial vehicles, but UK made vehicles could be used as an alternative. Again the cost could be passed on to the customer, estimated at around 10p per customer.

### Funding and financial issues

- 3.40 The Living Room which was previously funded with EU monies, is now funded through other funding streams. The only programme Brent has which is match funded by the EU and government, is the five year work and health programme. The work and health programme is devolved from central government to London and commissioned under the West London Alliance (WLA). This project will be evaluated at the end of its term, and decisions will then be made about its effectiveness. This year's outcome based review (OBR) focuses on mental health and employment. The in depth work undertaken throughout the OBR will determine the level and breadth of need in Brent, and as well as determining specific local requirements should also identify better ways of working which will then be implemented.
- 3.41 Although we don't receive other funding from the European Social Fund (ESF), there will be projects in Brent and London which do. When this funding finishes, these projects, and the support they provide might also end. The quality of these programmes is unknown.
- 3.42 In Brent ESOL funding is provided by the government, and is not funded by EU money, so will not be affected by the UK leaving the EU.
- 3.43 Some experts have predicted that Brexit will negatively affect the value of the pound, and the economy. These experts say that long-term, the economy will be

expected to grow, but more slowly than expected before Brexit. This slower growth will have an impact on the Council's budget in relation to growth and collection of business rates and council tax. This would have to be accommodated in future budget proposals and could lead to some very hard decisions being made about non-statutory council services.

- 3.44 The effect of Brexit, and indeed, the future of the housing market is unknown, although Mark Carney, Governor of the Bank of England predicts that a no deal Brexit could cut house prices by up to 35%. House prices seemed to be untouched immediately by the Brexit vote, and indeed increased over the following year. House prices have since slowed nationwide, and in London, fell by 0.7% over the last year. The underlying uncertainty around Brexit is thought to have contributed to this fall. The viability of regeneration and capital projects are dependent on house prices, and selling houses to private buyers. Large decreases in house prices will negatively affect the many regeneration projects currently running and planned in Brent. Savills estate agent have released projections for the housing market for the next five years. They have projected an initial 2% decrease for 2018, followed by a year of no growth and then three years of growth, with a five-year compound growth of 7.1%. For outer London, the initial decline appears to mostly be in prime properties. If these predictions are correct, there will be little effect on our regeneration projects.

### Laws

- 3.45 EU laws affect a wide variety of the council's activity. The European Union (Withdrawal) Bill will enshrine all existing law into UK law at the point of Brexit, following which this will be reviewed and amended by Parliament. Additionally, secondary legislation will be used by ministers to amend these laws where necessary for them to work post-Brexit, e.g. to set up replacement processes or bodies. Currently 9% of these laws have been passed by central government into UK law.
- 3.46 There are a number of areas in particular where the law affecting the council's activity will be affected. These are:
- Environmental requirements regarding air quality, environmental assessments for planning, and protection of bio-diversity. This includes national fines for poor performance against air quality standards, as well as standards for municipal buildings and energy.
  - Rules for how waste must be collected, transported, recovered and disposed of, and recycling and recovery targets for 2020. These include requirements governing permits, registration, and inspection, as well as for measures to encourage the prevention or reduction of waste by means of recycling, re-use, reclamation, or use as a source of energy.

There are also specific requirements for certain types of waste, including electrical equipment, vehicles, batteries, and hazardous waste.

- Trading standards and regulatory services. Government has committed to future high standards of consumer protection but quite how this will work should reciprocal arrangements not been agreed with the other EU members is unclear. The Chartered Trading Standards Institute have been working with Government on these issues. Their work focuses on a number of threats, including fair trading, e-commerce, security, and travel.
- Procurement, including publication in the Official Journal of the EU of tenders covered by the Public Contracts Regulations 2015 and or Concessions Contracts Regulation 2016. These currently keep the public procurement market open across the EU, in keeping with free movement requirements, and require public procurement to focus on value for money considerations. They also facilitate involvement of small and medium-sized businesses, and set requirements for the social and environmental aspects of procurement. (It should be noted that public procurement is also subject to World Trade Organisation, (WTO) agreements, which the UK may revert to following its exit from the EU).
- Rules about aid to businesses, including tax reliefs and exemptions. The current regulations prevent the Government from providing state aid, tax relief, and tax exemptions of over £200,000 in any three year period. (WTO rules in this area will continue to apply in the UK after Brexit.)
- Treatment of council services for VAT, and the system by which HMRC reimburses councils for VAT.
- Transport, including commissioning, concessions regimes, road safety (including limits on drivers' hours), passenger rights and disabled access. This also covers electric charging points and HGV road tolls. (There is funding for local authorities with major road or rail corridors through the EU Connecting Europe Facility.)
- Freedom to invest in particular financial products. EU rules regulate which financial products local authorities can invest in, and the level of expert advice they must receive before investing.
- Employment and workforce (relevant to councils in their capacity as employers). EU law requires employers to provide workers with a statement of terms and conditions for workers. The EU working time directive states a maximum number of hours for a working week, and daily rest periods. There are also equal treatment rights for part-time, fixed-term, and agency workers, and rights relating to holiday pay, TUPE protection, equal pay, maternity rights, parental leave, and discrimination.

- 3.47 The repatriation of powers from the EU to the UK will provide opportunities to consider devolution of these to levels below Westminster, including to local level. However, these will be longer term concerns.

#### Voting rights

- 3.48 There are 228,781 people registered to vote in Brent, 18% of whom are European. It has been reported in the press that voting rights will be extended for EU citizens living in the UK allowing them to vote in general elections and referendums as well. Should this be implemented, it will not make any difference locally as EU citizens can currently vote in local elections.

## **4.0 Financial Implications**

- 4.1 There remains significant uncertainty as to how the Government will respond to the choices and trade-offs facing it during the negotiations and there is still no meaningful basis for predicting a precise outcome which could be relied upon. Even if the outcome of the negotiations were predictable, its impact on the economy and the public finances would still be uncertain, and therefore it is difficult to translate the impact down to individual local authority level.

## **5.0 Legal Implications**

- 5.1 Much of this is contained in the body of the report. Most of the council's statutory powers and duties come from domestic legislation, although a significant part of that legislation is underpinned by EU law. When the UK leave the EU all EU law will transpose into UK law, following which the UK Government will be able to keep, amend or discard each law under the European Union (Withdrawal) Act 2018. Regulations to address legal issues arising from Brexit can be made under the Act. A number of other bills have been making their way through Parliament covering, for example, trade, migration and Haulage.

## **6.0 Equality Implications**

- 6.1 The equalities implications following the results of the referendum to leave the European Union are far reaching as this report highlights. It is not possible at this time to fully identify and assess the equalities implications of the referendum.

## 7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 There are no direct staffing/accommodation implications arising for this information paper, other than the ones already highlighted in the main body of the report.


### Report Sign Off:

**PETER GADSDON**

Director of Performance, Policy and Partnerships

**This page is intentionally left blank**



	<b>FULL COUNCIL</b>  <b>26 November 2018</b>
	<b>Report from the Strategic Director of Environment &amp; Regeneration</b>
<b>Statement of Gambling Principles (2019-2022)</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key Decision
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Appendix 1 – Statement of Principles Appendix 2 - Consultation responses Appendix 3 – Equality Impact Assessment
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Yogini Patel, Senior Regulatory Service Manager Tel: 020 8937 5262 Email: <a href="mailto:yogini.patel@brent.gov.uk">yogini.patel@brent.gov.uk</a>

## 1.0 Purpose of the Report

1.1.1 The London Borough of Brent is a *Licensing Authority* under the Gambling Act 2005 (the Act). Section 349 of the Act requires all licensing authorities to prepare and publish every three years a Statement of Gambling 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.

1.2 The current Statement of Principles was agreed in November 2015.

## 2.0 Recommendation(s)

2.1 That the Council approve the revised Statement of Gambling Principles (31 January 2019 – 30 January 2022) at Appendix 1 as proposed by the Cabinet.

## 3.0 Detail

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 include betting premises including tracks and premises used

by the betting intermediaries, adult gaming centres (AGCs) premises, Family entertainment Centres (FEC) premises, regulating gaming and gaming machines in alcohol licenced premises, granting permits for prize gaming, registering small society lotteries etc.

- 3.2 To facilitate this function Licensing Authorities are required to publish a Statement of Principles. This must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act.
- 3.3 Brent currently licences ninety four (94) gambling premises in the borough which includes betting shops and adult gaming centres.
- 3.4 The Statement of Gambling Principles has been updated using the Gambling Act 2005 which remains unchanged together with the latest guidance issued by the Gambling Commission to local authorities.
- 3.5 The aim of the Statement of Principles is to:
- set expectations on how gambling will be regulated in the local area
  - set out how the Authority intends to support responsible operators and take effective actions against irresponsible operators by granting, refusing and attaching conditions to premises licences
  - support licensing decisions that may be challenged in a court of law
  - reinforce to members on the licensing Committee the powers available to the local authority as the licensing authority.
- 3.6 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 *in order to avoid the potential risks and costs that would arise from any Judicial Review*.
- 3.7 The Statement of Principles must have regard to, and be consistent, with the Act's three objectives:
1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  2. Ensuring that gambling is conducted in a fair and open way
  3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 3.8 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.

3.9 Proposed Statement of Principles is attached at Appendix 1

3.10 The revised statement takes account of the Gambling Commissions Guidance and relevant codes of practice.

3.11 Gambling operators are required to produce robust risk assessments using local area profiles to minimise gambling related harm. Local Area Profiles such as deprivation index, unemployment, hostels, housing, pay day loan shops, schools etc. for Brent have been introduced which includes interactive maps for gambling operators to use in order to produce their risk assessments.

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

3.12 Where areas are identified as posing a significant risk of gambling related harm to individuals but especially to children and vulnerable adults, any new operator will be asked to consider relocating their premises to a more suitable location. Examples of such areas include Wembley High Road, Harlesden High Street, Kilburn High Road etc., which have high footfall as well as those near supported accommodation, addiction treatment centres. This is not an exhaustive list as other factors also affect gambling related harm.

3.13 A twelve week consultation has been undertaken which ended on 27<sup>th</sup> September 2018. Consultation responses are attached in Appendix 2.

3.14 Eight responses have been received. Relevant amendments have been undertaken. Counsel has undertaken a critique of Statement of Gambling Principles as well as commented on specific responses received from Association of British Bookmakers and William Hill. As a result minor amendments have been undertaken based on Counsel's advice.

3.15 Once the Statement of Principles is approved by the Council, it must publish its revised Statement for a period of four weeks prior to it coming into effect on 31 January 2019, on the Council's website, in the local newspaper, on the public notice board at Council's offices and make it available for public inspection.

#### **4.0 Financial Implications**

4.1 There are no financial implications arising from the revised Statement of Gambling Principles.

4.2 The revised Statement of Gambling Principles will be published online, therefore there are no anticipated costs from publication or distribution of the final document.

## **5.0 Legal Implications**

- 5.1 Adoption of the Council's Statement of Principles under the Gambling Act 2005 is a so-called 'shared function' under the The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Part 3 Table 3 of the council's constitution, which means that it has to be formally proposed by Cabinet for approval by Full Council.
- 5.2 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 2019.

## **6.0 Equality Implications**

- 6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.3 Section 2.8 of the Statement of Principles deals with equality matters.
- 6.4 Equality Impact Assessment is completed and is attached at Appendix 3.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 Licensing Committee members have been consulted on 4<sup>th</sup> July prior to 12 week public consultation.
- 7.2 All the responsible authorities, Councillors, Director of Public Health, premises licence holders and residents have been consulted. Consultation responses are attached in Appendix 2. Changes have been made to the draft Statement where consultation responses are agreed with.

**8.0 Human Resources/Property Implications (if appropriate)**

9.1 None specific

**Report sign off:**

**Amar Dave**

Strategic Director of Environment & Regeneration

**This page is intentionally left blank**

## APPENDIX 1



# **Statement of Gambling Principles**

## **2019 – 2022**

**Under Section 349 Gambling Act 2005**



## **Executive summary**

Brent Council has been responsible for licensing gambling premises since 2007 and this is the fifth edition of our Statement of Principles for gambling. As a licensing authority, we work in partnership with the Gambling Commission and other agencies to regulate gambling in the Borough.

The Gambling Commission tends to focus on gambling operators and issues of national or regional importance whereas Brent is responsible for regulating gambling premises, permits, notices and registrations that take place in our borough.

This policy has been reviewed taking into consideration our local area profile to allow us to remain responsive to our local environment and to identify current and emerging risks of gambling-related harm in Brent. The changes made will allow this authority to undertake evidence-based decisions based on relevant information to address local gambling issues that may affect Brent.

Gambling related harm is recognised as a 'co-morbidity' (i.e. one of a range of conditions existing in an individual that exacerbates pre-existing conditions and contributes toward a reduced life expectancy). It is often observed in people who suffer from poor mental health, stress or anxiety, substance misuse and by those in financial difficulties.

The cost to society (i.e. the excess fiscal costs caused by people who are problem gamblers beyond that are normally incurred otherwise by members of the public) are felt through health, housing and homelessness, unemployment and imprisonment. Using the 2012 Health Survey for England as a basis the total excess costs in Brent exceed £2 million.

This Statement sets out our expectations of operators of gambling premises with clear reference to the local area profile, which is an assessment of the key characteristics of Brent in the context of gambling-related harm. As a licensing Authority we will continue to identify current and emerging risks in order to address the issues identified by keeping this Statement of Principles under review. The Council supports the recent Government proposals to reduce the maximum stakes for fixed odds betting terminals for category B2 machines to £2 and other measures regarding allocations of gaming machines and social responsibility measures to minimise the risk of gambling-related harm.

This Statement of Principles should be read in conjunction with the 2005 Act, its Regulations and the latest edition of the Gambling Commission's Guidance to Local Authorities.

The revisions made in this Statement and the creation of our local area profile will ensure that responsible gambling premises can continue to operate and provide a valued leisure activity whilst at the same time, we have the tools available to address problems at gambling premises if they do occur as well as protect vulnerable people from harm or exploitation by gambling.

In summary the gambling industry seeks to ensure that sufficient measures are put in place to protect players, children and vulnerable groups.

<b>Contents</b>	<b>Page No</b>
<b>Executive Summary</b>	<b>2</b>
<b>Section One – Introduction</b>	<b>9</b>
<ul style="list-style-type: none"><li>• About Brent – General</li><li>• Map of the Borough</li><li>• Brent’s Vision &amp; Priorities</li></ul>	
<b>Section Two – Purpose &amp; Scope of this policy</b>	<b>12</b>
<ul style="list-style-type: none"><li>• Policy aims</li><li>• Consultation for statement of Gambling Principles</li><li>• Licensing Authority Functions</li><li>• Statutory Framework</li><li>• Licensing Authority Decisions</li><li>• Reviewing and updating the policy statement</li><li>• Human Rights Act 1998</li><li>• Diversity &amp; Equality</li><li>• Exchange of Information</li><li>• Declaration</li></ul>	
<b>Section Three – The Licensing Framework</b>	<b>17</b>
<ul style="list-style-type: none"><li>• Introduction to the Gambling Act 2005</li><li>• The Gambling Commission</li><li>• Roles &amp; responsibilities</li><li>• The Licensing Framework</li><li>• Types of Licence</li><li>• Operating Licences</li><li>• Personal Licences</li><li>• Premises Licences</li></ul>	
<b>Section Four - Principles to be applied by Licensing Authorities</b>	<b>20</b>
<ul style="list-style-type: none"><li>• Licensing Objectives</li><li>• Objective 1- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li></ul>	

- Objective 2 - Ensuring that gambling is conducted in a fair and open way
- Objective 3 - Protecting children and other vulnerable persons from  
being harmed or exploited by gambling
- Protecting vulnerable adults
- Choosing a suitable location

## **Section Five - Brent Profile**

**25**

- Health in Brent
- Concerns surrounding Fixed Odd Betting Terminals (FOBT's)
- Risk Assessments
- Local Area Profile
- Instructions on use of the maps
- Risk Assessments - Further considerations
- Assessing Applications
- Conditions to be added to licence
- Summary

## **Section Six - Premises Licences**

**31**

- General Principles
- Definition of Premises
- Access to premises
- Access to gambling by children and young people
- Multiple activity premises – layout and access
- Single and combined licences
- Premises Plans
- Application for a premises variation (s.182(b)): 'material change'
- Representations
- Additional information to be made available
- Premises ready for gambling
- Location
- Planning & Building Control
- Duplication with other regulatory regimes
- Responsible authorities
- Interested parties
- Body assigned as competent to advise on the protection of children from harm

<b>Section Seven - Premises licence conditions</b>	<b>42</b>
<ul style="list-style-type: none"><li>• Staff competency and training</li><li>• Refusal Books</li><li>• CCTV</li><li>• Numbers of staff and door supervisors</li></ul>	
<b>Section Eight - Protection of children and vulnerable persons – premises other than betting premises</b>	<b>46</b>
<ul style="list-style-type: none"><li>• Adult Gaming Centres</li><li>• (Licensed) Family Entertainment Centres</li><li>• Casinos</li><li>• Bingo Premises</li><li>• Betting Premises</li><li>• Betting Premises Licence (in respect of premises other than a track)</li><li>• Betting Premises Licence (in respect of a track)</li><li>• Travelling Fairs</li></ul>	
<b>Section Nine – Other relevant processes</b>	<b>56</b>
<ul style="list-style-type: none"><li>• Provisional Statements</li><li>• Reviews</li><li>• Rights of Appeal and judicial reviews<ul style="list-style-type: none"><li>○ Who can appeal</li><li>○ Who to appeal to</li></ul></li></ul>	
<b>Section Ten – Other Consents</b>	<b>60</b>
<ul style="list-style-type: none"><li>• Temporary Use Notices</li><li>• Occasional use notices</li><li>• Gaming machines</li><li>• Permits</li><li>• Unlicensed family entertainment centre</li><li>• Club gaming and club machine permits</li><li>• Premises licensed to sell alcohol</li><li>• Prize gaming and prize gaming permits</li></ul>	

**Section Eleven - Non-commercial and private gaming, betting and lotteries** 66

- Non-commercial gaming
- Incidental non-commercial lotteries
- Private gaming

**Section Twelve – Poker** 67

- Poker in Casinos
- Poker in alcohol-licensed premises
- Poker under a club gaming permit
- Poker as non-commercial gaming
- Poker as private gaming
- Advertising

**Section Thirteen - Small society lotteries** 71

- External lottery managers' licence status
- Lottery tickets
- Application and registration process for small society lotteries
- Refusal of an application
- Revocation of a small society's registered status
- Appeals

**Section Fourteen - Chain gift schemes** 77

- Street collectors selling game cards

**Section Fifteen - Compliance and enforcement matters** 77

- Good practice in regulation
- Enforcement related fees
- Application Forms
- Enforcement officers and authorised persons
- Powers of entry
- Illegal gambling
- Test Purchase and age verification
- Primary Authority
- Prosecutions

**Schedules**

Schedule 1 - Summary of machine provisions by premises	<b>83</b>
Schedule 2 - Summary of gaming machine categories and entitlements	<b>85</b>
Schedule 3 - Summary of gaming entitlements for clubs and alcohol-licensed premises	<b>86</b>
Schedule 4 - Summary of offences under the Gambling Act 2005 General offences regarding the provision of gambling facilities	<b>87</b>
Schedule 5 - Summary of delegations of licensing functions	<b>88</b>
Schedule 6 - List of Consultees to Statement of Licensing Principles	<b>89</b>
Schedule 7 - Glossary of terms	<b>91</b>

## **Statement of Principles for Gambling 2019-2012**

### **1. Introduction**

#### **1.1 About Brent Council – General**

- 1.1.1 Brent is located in North West London and covers an area of approximately 4,325 hectares. It is crossed by two of the main arterial routes into London and is divided by the North Circular Road. Brent adjoins seven other London Boroughs which includes, Harrow, Camden, Ealing, Barnet, Westminster, Kensington & Chelsea and Hammersmith. Brent is an outer London Borough with many 'inner' London characteristics. Its boundaries adjoins four of the capital's 14 Inner Boroughs.
- 1.1.2 Brent has a population of 319,000 which is an increase of 19% on the 2001 census. The borough can be broadly characterised as more affluent in the north and generally more deprived in the south, reflecting its origins as the former boroughs of Willesden and Wembley, which were combined to become the London Borough of Brent. A map of the borough showing the main transport routes can be found in Figure 1 below.
- 1.1.3 Brent's population is a young one with 40% of residents being under the age of 30 and 25% under 19 years of age. There are significant regeneration projects underway in Brent: in Park Royal - Europe's largest industrial estate - situated in the southwest of the borough, Wembley, home of the National Stadium and Alperton. The land surrounding the National Stadium is the subject of ambitious development plans and is increasingly an exciting destination for living and entertainment, with new restaurants, bars, cinemas, shops and the Wembley Arena with Public Square.
- 1.1.4 However, there are still significant parts of southern Brent that remain chronically deprived with many people effectively excluded from the more affluent mainstream. Even the traditionally more wealthy areas of north Brent have pockets of disadvantage and may be at risk of decline.
- 1.1.5 Brent is a multi-ethnic and multicultural borough as Brent has the 2nd largest proportion of black, Asian and minority ethnic (BAME) people in England and Wales, and 44.9% of Brent's population were born in the UK and 65.0% have a UK passport. Brent also has high levels of poverty. In 2014, the median income in Brent was £31,601. Within London, Brent ranks as the 6th lowest borough in terms of median household income, and there is a wide variation between wards in the borough.
- 1.1.6 Currently, there are ninety four (94) licenced gambling premises in Brent.

#### **1.2 Borough Map**



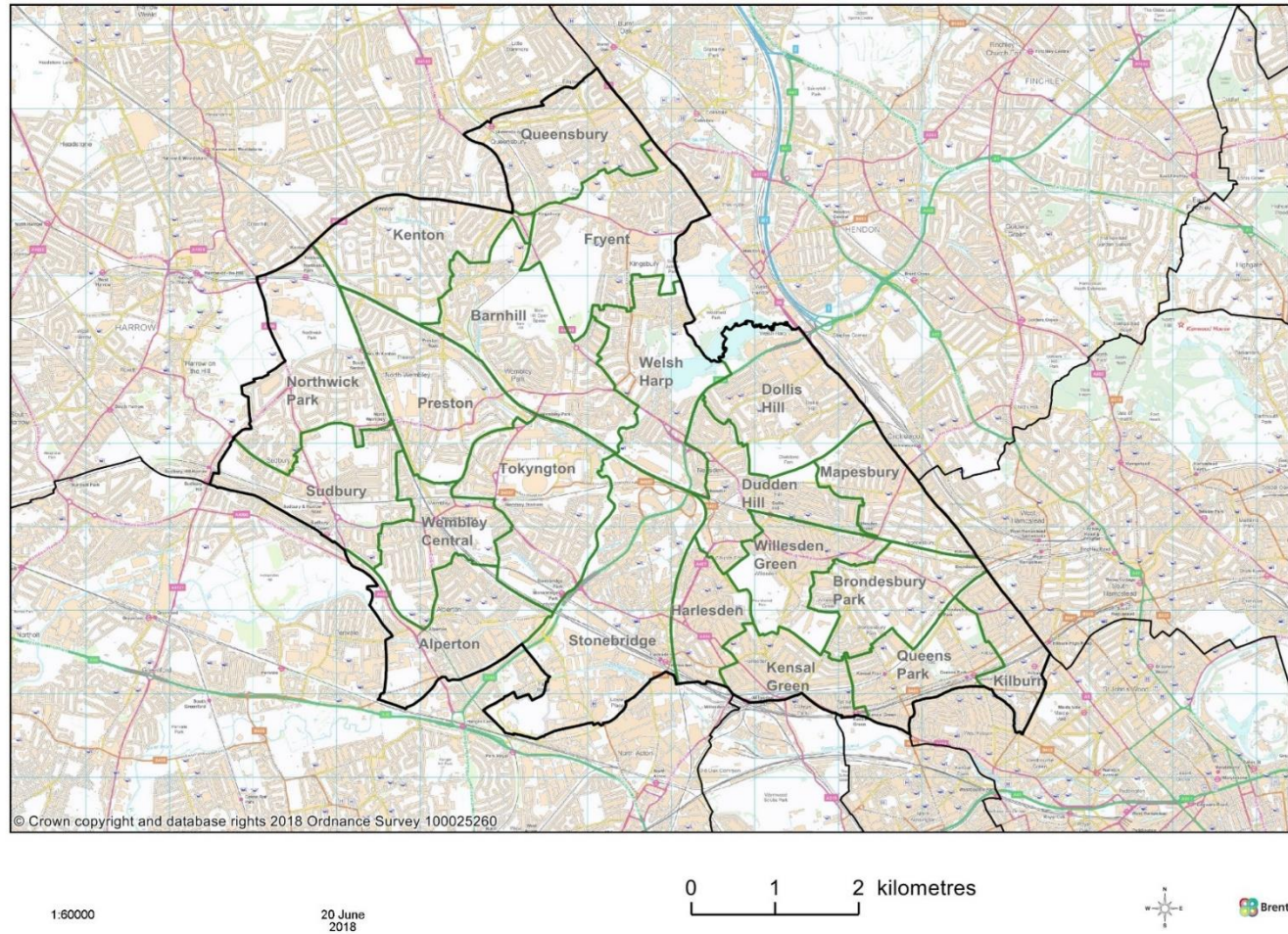


Figure 1: London Borough of Brent Map

### **1.3 Brent's vision and priorities**

1.3.1 Our vision is to build a better Brent together. The Borough Plan aims to make Brent a:

- safer ,more attractive and more environmentally-friendly borough
- borough with good quality housing and engaging arts and leisure facilities
- more inclusive borough, for those who live and work in Brent including our children, young people and vulnerable residents
- borough with greater opportunities for people to achieve work and prosper
- healthy borough where residents are supported and cared for when they need it most.

1.3.2 There are three corporate priorities to support the vision. Each of the priorities has a set of objectives which define the areas of focus for the Council, its partners and community.

- **Better Locally**
  - Building resilience, promoting citizenship, fairness and responsibility among local people as well as strengthening a sense of community among people who live and work in Brent.
  - Promoting cohesion and integration in our communities
  - Ensuring that everyone has a fair say in how services are delivered, that they are listened to and taken seriously
  - Ensuring that inequalities in the quality of life in different parts of the borough are tackled by a stronger focus on local needs
  - Building partnership – between local service providers, local services and residents – to find new ways of providing services that are more finely tailored to individual, community and local needs.
- **Better Place**
  - Ensuring Brent is a better place to live, with a pleasant environment, clean streets, well-cared for parks and green spaces
  - Continuing to reduce crime, especially violent crime and making people feel safer
  - Increasing the supply of affordable, good quality housing
  - Supporting good quality, accessible arts and leisure facilities.
- **Better Lives**
  - Ensuring that people have the best possible life regardless of the starting position
  - Supporting local enterprise, generating jobs for local people, helping people into work and promoting fair pay
  - Ensuring that our schools are among the best and that our children and young people achieve to their potential
  - Enabling people to live healthier lives and reducing health inequalities

- Supporting vulnerable people and families

## **2. Purpose and Scope of this Policy**

### **2.1 Policy Aims**

#### **2.1.1 The aim of this policy is-**

- To inform licence applicants how this Authority will make licensing decisions and how licensed premises are likely to be able to operate within its area.
- To set out how the local authority intends to support responsible operators and take effective actions against irresponsible operators.
- To inform local residents, businesses and licensed premises users, the protections afforded to the local community within the Act by this Authority.
- To support licensing decisions that may be challenged in a court of law.
- To reinforce to elected members on the Licensing Committee the powers available to the local authority as the licensing authority.

### **2.2 Consultation for Statement of Gambling Principles**

2.2.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re- published.

2.2.2 Brent Council has endeavoured to consult as widely as possible on this statement before finalising and publishing. A list of those persons and/or bodies consulted is attached in Schedule 6.

2.2.3 The Gambling Act requires that licensing authorities consult the following parties about the statement:

- (a) the Chief Officer of Police for the borough;
- (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area; and
- (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

2.2.4 In addition to the consultees mentioned above, the Licensing Authority may also consult the following:

- Responsible Authorities such as the Fire Authority, child protection;
- Gambling Commission;
- Interested parties such as trade associations;

- Interested parties such as residents associations.

2.2.5 The consultation on this revised statement of principles will take place between 5 July 2018 and 27 September 2018 and will have regard to the HM Government Code of Practice on Consultation published July 2008. The full list of comments made and the consideration by the Council of those comments will be made available upon request.

## **2.3 Licensing Authority functions**

2.3.1 Under the Gambling Act 2005, this Authority is responsible for local gambling regulation. This statement of principles deals with the range of regulatory functions in relation to gambling activities. These include:

- the licensing of premises where gambling activities are to take place by issuing premises licences;
- issuing provisional statements;
- regulating members' clubs and miners' welfare institutes which wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits;
- issuing club machine permits to commercial clubs;
- granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receiving notifications from alcohol licensed premises for the use of two or fewer gaming machines;
- issuing licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, where there are more than two machines;
- registering small society lotteries below prescribed thresholds;
- issuing prize gaming permits;
- considering notices given for temporary use of premises for gambling;
- receiving occasional use notices of betting at tracks;
- providing information to the gambling commission regarding details of licences issued (see section above on 'information exchange');
- maintaining registers of the permits and licences that are issued under these functions; and

- exercising of its powers of compliance and enforcement under the 2005 act in partnership with the gambling commission and other relevant responsible authorities.

## **2.4 Statutory framework**

- 2.4.1 As a licensing authority, this Council has a broad range of discretionary powers in regulating gambling. These include granting, reviewing, refusing and attaching conditions to premises licences or revoking them as a result.
- 2.4.2 In addition to the Act, this licensing authority has responsibilities under the Licensing Act 2003. There are some inter-dependencies between the two Acts in terms of the framework for decision making and the procedures that must be followed. However, the licensing objectives under the two Acts are not identical. The Council will aim to permit the use of premises for gambling in so far as we believe it is:
- In accordance with any relevant codes of practice;
  - In accordance with any relevant Guidance issued by the Gambling Commission;
  - Reasonably consistent with the Licensing Objectives; and
  - In accordance with the Licensing Authority's Statement of Licensing Principles

## **2.5 Licensing Authority Decisions**

- 2.5.1 Brent Council's Alcohol and Entertainments Licensing Committee is established to administer functions under the Licensing Act 2003 and is delegated with the powers under the Act to make all decisions relating to premises licences.
- 2.5.2 To provide a speedy, efficient and cost-effective service the committee has established a number of sub-licensing committees and delegated certain functions and decisions to those sub-committees.
- 2.5.3 Many of the decisions are largely administrative in nature such as, the grant of non-contentious applications, including for example, those licences, permits and notices where no representations have been made. These will be delegated to council officers by the licensing committee.
- 2.5.4 Applications where there are relevant representations will be dealt with by the licensing committee/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.
- 2.5.5 The table at Schedule 5 sets out the delegation of functions under the Act 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.

## **2.6 Reviewing and updating the policy statement**

- 2.6.1 This Statement of Gambling Policy will be effective for a maximum of three years and will be reviewed thereafter. However, it may be reviewed earlier in the event of a change of policy, for example a change in local planning policy. The Council is required by law to consult on any changes to the policy.
- 2.6.2 Before the statement or revision comes into effect, the Council is obliged to publish a notice of its intention to publish a statement or revision. Such notice will ensure that applicants and persons wishing to make representations have the necessary information to do so. The Council will make available all necessary information on its website. Such information will:
- include a register of the premises licences that have been issued, where and at what times the register may be inspected;
  - specify the date on which the statement or revision is to be published;
  - specify the date on which the statement or revision will come into effect;
  - specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected;
  - be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect: be published in a local newspaper circulating in the area covered by the statement; in a local newsletter, circular, or similar document circulating in the area covered by the statement; on a public notice board in or near the principal office of the authority; on a public notice board on the premises of public libraries in the area covered by the statement.
- 2.6.3 A database of premises licences is also available on the Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## **2.7 Human Rights Act 1998**

- 2.7.1 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, considering enforcement and reviewing this policy.
- 2.7.2 The council will have particular regard to:
- (a) Article 6 – that in 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;

- (b) Article 8 – that everyone has the right to respect for his home and private life (removal or restriction of a licence may affect a person's private life); and
- (c) Article 1 of the First Protocol – that every person is entitled to peaceful enjoyment of his or her possessions (a licence is considered a possession in law) and people should not be deprived of their possessions except in the public interest.

2.7.3 The Council will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. The Council may request as much information as it requires to satisfy itself that all the requirements as set out in the principles that it applies are met.

## **2.8 Diversity and equality**

2.8.1 Subject to the general requirements of the Act, this Licensing Authority will promote equality of opportunity. In such respects, nothing within this statement of licensing principles shall undermine the right of any individual to apply for any of the licences and/or authorisations provided under the terms of the Act.

2.8.2 Brent is a diverse borough. Certain applications may impact differentially on groups who share, and do not share, particular characteristics, such as race, gender, age, disability, sexuality or religious beliefs. Applicants are expected to demonstrate such impacts have been understood and addressed in their application.

2.8.3 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 eliminate discrimination and promote good relations will give consideration to supporting those needs or customs whilst seeking to promote the three licensing objectives.

## **2.9 Exchange of Information**

2.9.1 Licensing Authorities play an important role in sharing information about gambling activity at a local level. This informs the Commission's overarching view of gambling activity and to identify risks and feed information and intelligence back to licensing authorities. The Commission has access to a wide pool of intelligence which it is able to make available to licensing authorities upon request, to support them in carrying out their regulatory responsibilities under the Act.

2.9.2 All licensing authorities are required to submit annual returns to the Commission, providing information on licensed gambling activity and details of compliance and regulatory work undertaken. This includes details of permits and notices issued, premises inspections conducted, and reasons for and outcome of licence reviews.

2.9.3 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which



includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 2.9.4 Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **2.10 Declaration**

In producing the final statement, this licensing authority declares that it will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

## **3. The licensing Framework**

### **3.1 Introduction to the Gambling Act 2005**

- 3.1.1 The Gambling Act 2005<sup>1</sup> (the “Act”) requires this Licensing Authority to draft, consult on and publish a Statement of Gambling Principles in relation to its responsibilities under the Act. Once published, this policy called the statement of Gambling principles will be kept under constant review and in any case, will be re-published after every three years. Before any revision of the statement of gambling principles is published this authority will carry out a full consultation exercise. This statement has been revised following the 3 year review and is for the period 2019-2022.
- 3.1.2 The London Borough of Brent is a Licensing Authority under the Gambling Act 2005<sup>1</sup> (the “Act”) which came into force in 2007 and established a new regime for the regulation of commercial gambling whilst repealing a number of pieces of older law. The overall approach of the Act is to permit the use of premises for gambling in so far as it satisfies the criteria listed below. However, gambling is unlawful in Great Britain unless permitted by the measures contained in the Act in relation to most commercial gambling. The criteria that must be fulfilled for gambling are:
- (a) in accordance with any relevant code of practice and guidance issued by the Gambling Commission;
  - (b) reasonably consistent with the licensing objectives; and
  - (c) in accordance with the authority’s statement of licensing principles
- 3.13 The Act requires all licensing authorities to publish a Statement of Principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commission’s guidance to licensing authorities contains further detail on the form of the council’s statement of principles.



- 3.14 Section 25 (1) of the Gambling Act states that the Gambling Commission shall from time to time issue guidance as to the manner in which local authorities are to exercise their functions and in particular, the principles to be applied by local authorities in their functions under this Act.
- 3.15 Section 25(2) states that a local authority shall have regards to the guidance issued under section 25(1).
- 3.16 It must be noted that there must be strong, robust and evidence based reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.
- 3.17 This Statement of Principles follows the principles laid down in the Gambling Commission's Guidance to local authorities and can be accessed via <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
- 3.18 The council's statement of principles is intended to have regard to the three licensing objectives set out in the Act. These objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - ensuring that gambling is conducted in a fair and open way;
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Under the Gambling Act 2005 'child' means an individual who is less than 16 years old and 'young person' means an individual who is not a child but who is less than 18 years old.
- 3.19 Licensing Authorities have broad discretionary powers to regulate gambling in their areas. These include:
- To issue a statement of licensing policy, setting expectations about how gambling will be regulated in the area;
  - Grant, refuse and attach conditions to premises licences; and
  - Review premises licences and attach conditions or revoke them as a result.
- 3.20 This Commission has wider functions under the Act, and the Council works in partnership with the Commission as dual regulators. This document does not discuss the role and responsibilities of the Commission and any references in this policy will only be insofar as it impacts on, or clarifies, this Council's functions. For example, the Commission is exclusively responsible for issuing operating and personal licences, the former of which is a necessity before the Council can determine an application for a premises licence.

- 3.21 The Commission is also mentioned in this document as being responsible for issuing Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives, and confirms that the Council will take account of all such guidance.

### **3.2 The Gambling Commission**

- 3.2.1 The Commission is a statutory body and the national regulator of gambling, with the following statutory functions:

- issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions and ensuring that holders of licences adhere to their terms;
- publishing codes of practice; and
- publishing statutory guidance to licensing authorities.

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

(0121) 230 6666

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

### **3.3 Roles and responsibilities**

- 3.3.1 The Commission is also mentioned in this document as being responsible for issuing Codes of Practice and guidance to licensing authorities regarding the manner in which they are to exercise their functions. This Statement of Gambling Policy endorses the principles set out in the Commission's Guidance and key licensing objectives, and confirms that the Council will take account of all such guidance.

### **3.4 The licensing framework**

#### **3.4.1 Types of Licence**

The Act creates three types of licence:

- (a) operating licences, which are required by businesses in order to provide gambling facilities lawfully
- (b) personal licences, which are required by some people working in the gambling industry

- (c) premises licences, which are required to authorise premises to provide gambling facilities

### **3.5 Operating licences**

These are linked to different types of gambling activity and include:

- Casino operating licence;
- Bingo operating licence;
- General betting operating licence;
- Gaming machine general operating licence for adult gaming centre or for family entertainment centre.

### **3.6 Personal licences**

A holder of a personal licence may be authorised to perform certain functions. It can authorise the holder to perform specified operational function relating to the provision of gambling machines or a person who provides gambling facilities. The Commission can impose licence conditions on personal licences. These licences are usually held by people in key management positions such as strategy, marketing, finance and compliance. These licences are not specific to one venue.

### **3.7 Premises Licences**

Premises licences are issued by the licensing authority to enable premises to be used for gambling. These include:

- casinos premises
- bingo premises
- betting premises, including tracks
- adult gaming centres
- licensed family entertainment centres

## **4 Principles to be applied by Licensing Authorities**

### **4.1 Licensing Objectives**

4.1.1 In exercising its functions under the Act, this Council must have regard to the licensing objectives which are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

- ensuring that gambling is conducted in a fair and open way;
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.1.2 The Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.”
- 4.2 **Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 4.2.1 This authority recognises that the Commission takes a lead role in preventing gambling from being a source of crime and will have investigated issues of suitability under the process for an Operators’ licence.
- 4.2.2 However, the location of a premises is an important factor when determining a premises licence application. Therefore, this Authority will pay particular attention to the location of gambling premises and the local level of crime. Where an area has a high levels of organised crime, careful consideration will be given to whether it is appropriate for gambling premises to be located there and if so what conditions may be necessary to minimise the risk of crime.
- 4.2.3 Operators should also be aware of and take into account issues of local crime and anti-social behaviour.
- 4.2.4 Licensees will be expected to demonstrate that they have given careful and adequate consideration to this objective. In considering whether to grant a premises licence, this Authority will also give appropriate consideration to issues such as:
- The configuration, design and layout of the premises, paying particular attention to steps taken to ‘design out’ crime
  - The arrangements in place to control access
  - Security arrangements within the premises, including whether CCTV is installed (or intended) and if so the standard of the CCTV and the positioning of the cash registers.
  - Training provided to staff around crime prevention measures
  - The level of staff intended to be provided at the premises, including whether door supervisors are employed
  - The arrangements for age verification checks
  - The provision of adequate sanitary accommodation
  - Steps proposed to be taken to redress the recurrence of any historical crime and disorder issues
  - Steps proposed to prevent disorderly behaviour associated with the premises including by street drinkers outside the premises.
  - The likelihood of any violence, public disorder or policing problems if the licence is granted.

4.2.5 The above list is not exhaustive. Reference will also have to be made to issues raised by the local area profile detailed in section 6 of this policy.

4.2.6 It is noted that the distinction between disorder and nuisance in the case of gambling premises and that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

#### **4.3 Objective 2: Ensuring that gambling is conducted in a fair and open way**

4.3.1 The Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is, however, more of a role for licensing authorities with regard to tracks which is explained in more detail below.

4.3.2 Any suspicions raised that gambling is not conducted in a fair and open way will be brought to the attention of the Commission. Similarly, any concerns relating to fair trading legislation will be brought to the attention of Trading Standards.

#### **4.4 Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling**

4.4.1 This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children [excepting category D machines]). The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas, restrictions on signage etc.

4.4.2 Licensees and applicants will be expected to demonstrate that they have given careful consideration to measures intended to protect children. This Authority will give appropriate consideration to measures intended to protect children such as:

- Arrangements for age verification
- Arrangements for segregation between gaming and non-gaming areas in premises where children are permitted.
- Arrangements for supervision of machine areas in premises where children are permitted
- The provision of signage and notices

4.4.3 This Authority will also consider whether the structure or layout and configuration of a premises either inhibits adequate supervision of the premises or prohibits it. In such cases the applicant for a licence should consider what changes are or might be required to mitigate this. Such changes include:

- The positioning or relocation of staff or CCTV to enable direct lines of sight of entrances/machines
- The use of floor walkers to monitor use of machines

4.4.4 The intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering the premises which are adult only environments. This Authority will consider whether staff will be able to adequately supervise the gambling premises to ensure this.

4.4.5 The Commission's general licence conditions and associated codes of practice include requirements as part of the Operating Licences that licensees must have and put into effect social responsibility policies and procedures designed to prevent under age gambling and monitor the effectiveness of these.

4.4.6 In order that this Authority may make proper informed judgement as to the effectiveness of these policies and procedures at the premises and in the locality concerned, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered on their own merit.

#### **4.5 Protecting vulnerable adults**

4.5.1 The Act does not prohibit groups of adults from gambling in the same way that it does children.

4.5.2 The Commission does not define 'vulnerable adults', it does for regulatory purposes assume that this group includes people who may 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 mental health needs, learning disability or substance misuse relating to drugs or alcohol.

4.5.3 The Commissions general licence conditions and associated codes of practice include requirements as part of Operating Licences that licensees must have and put into effect policies and procedures that promote socially responsible gambling. In particular, the codes of practice place responsibilities on licensees:

- To make information readily available to customers on how to gamble responsibly and how to access information about and in respect of gambling problems.
- For customer interaction where they have concerns about a customer's behaviour may indicate problem gambling.
- To participate in the national multi-operator self-exclusion scheme
- To take all reasonable steps to refuse service or otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling
- To take all reasonable steps to prevent any marketing material being sent to a self-excluded customer.

4.5.4 In order that this authority may make a proper informed judgement as to the effectiveness of these policies and procedures, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered upon their individual merits.

4.5.5 This Authority will want to understand the steps taken by the applicant to monitor the effectiveness of these policies and procedures.

#### **4.6 Choosing a suitable location**

4.6.1 Location of the premises has already been raised within this policy under the first licensing objective. However, locations carry broader considerations that can potentially impact on each of the licensing objectives and beyond. This Authority recognises that betting shops have always been situated in areas of high population where there are likely to be high numbers of children. This in itself is not a problem where appropriate steps have been taken to minimise the risks of children being attracted to gambling.

4.6.2 This Authority will give careful consideration to any application in respect of premises that are located in close proximity to:

- Schools
- Parks, playgrounds and open spaces
- Stations and transport hubs where large number of children may be expected to congregate
- Leisure facilities, youth clubs and community centres
- Hostels or other accommodation for vulnerable children, young persons and adults
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, council housing offices, addiction clinics or help centres, places where alcohol and drug dependent people may congregate etc.
- Faith premises and places of public worship (including churches, temples, mosques etc.) which may tend to be frequented by children and/or vulnerable people.
- Areas that are prone to young people congregating, including (but not limited to) for the purposes of participating in anti-social behaviour, activities such as graffiti/tagging underage drinking and public drinking etc.
- Recorded instances of attempted underage gambling.

4.6.3 The licensing authority is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks is:

- in accordance with any relevant code of practice and guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy

## **5. Brent Profile**

### **5.1 Health in Brent**

- 5.1.1 Substance Misuse- in Brent, the estimated prevalence of opiate and/or crack cocaine use was 8.3 per 1,000 of the population aged 15 to 64 in 2011/12. This was similar to the England average rate, 8.4 per 1,000 of the population. The number of adults in treatment in Brent has risen slightly from 1,696 in 2013/14 to 1,739 in 2014/15, equating to an increase of 3%.
- 5.1.2 Although 31.4% of the population aged 16 and over abstain from alcohol use, almost twice the national average of 16.5%, of greater concern is the proportion of high risk drinkers in Brent which at 7.1% is above the national average of 6.7%.
- 5.1.3 The rate of alcohol related harm hospital stays was 610, which is higher than the England average
- 5.1.4 Mental Health Disorders - One in four people in the UK will experience a mental health problem each year. Common Mental Health Disorders (CMDs) include depression and anxiety. In 2012/13, 3.4% of the population in Brent CCG aged 18 and over had a recorded diagnosis of depression.
- 5.1.5 This was below the England average which was 5.8%. Estimates of self-reported daily anxiety show that 18.8% of Brent residents consider themselves to have high levels of daily anxiety compared to the England average of 20% (2013/14). Estimates show that in Brent in 2014, 33,959 people aged 18 to 64 years were thought to have a CMD. By 2030, this is projected to increase to 36,265 people, an increase of 7%.
- 5.1.6 Severe and enduring mental health and conditions include long term illnesses such as schizophrenia, personality disorder, and bipolar disorder. In 2011/12, the prevalence of severe and enduring mental health conditions in Brent was 1.1% of the adult population, which is above both the London (1%) and England (0.8%) averages.

### **5.2 Concerns surrounding Fixed Odd Betting Terminals (FOBT's)**

- 5.2.1 This Council is concerned about the amount of money which is being spent on FOBTs in the borough, which suffers from high levels of deprivation in certain areas. At present there are an estimated 200 B2 gaming machines in Brent, an estimate based on the 87 betting shops multiplied by the legal maximum allowed. There is no borough-specific data about gambling participation.
- 5.2.2 Brent Council is keen to reduce gambling related harm. There is little borough-specific data available, but problem gambling prevalence rate among adults in Great Britain is 0.8% or approximately 430,000 people. Problem gamblers can already access treatment services in primary and secondary care including specialised mental health services. At present, there isn't a commissioned service through Public Health in Brent and



therefore residents have to rely on the national helpline. National Gambling Helpline records data for around 7% of Helpline and Netline calls each year. From April 2013 – March 2016 it is estimated that approximately 3,742 people from Brent contacted the helpline. In addition, Gamcare provided 46 Brent residents with face-to-face counselling.

- 5.2.3 Research has shown that there is a relationship between the spatial distribution of licensed betting offices (LBO's) and problem gambling, although other factors could be driving this. The sample of those playing B2 machines in the research demonstrates 'rates of problem gambling are higher among those who live in LBO concentrations and suggests that those living within LBO concentrations may be considered an at-risk or vulnerable group'<sup>1</sup>.
- 5.2.4 It should be noted that the cost-benefit analysis in the impact assessment by DCMS argues that the reduction of the maximum stake to £2 will result in benefits of reduced gambling-related harm and there could be a reduced expenditure on government programmes which mitigate harm such as healthcare and mental health, welfare, housing and criminal justice<sup>2</sup>. A reduction of the stake to £2 for category B2 machines would bring it in line with all other categories of gaming machines apart from B1 machines used in Casinos

### **5.3 Risk Assessments**

- 5.3.1 In February 2015, the Gambling Commission revised its 'Licence Conditions and Codes of Practice (LCCP)' which formalised the need for operators to consider local risks, specifically the Social Responsibility Code 10.1.1, requires that all existing and proposed premises licence holders carry out risk assessments in accordance with the licensing objectives. These risk assessments will then underpin the measures required in order to mitigate those risks. The relevant assessments are required to take the licensing authority's statement into consideration in order to alleviate the risks.
- 5.3.2 From 6 April 2016, the LCCP has required all existing licensees that provide gambling facilities at their premises, to assess risks to the licensing objectives and have policies, procedures and control measures in place to reduce those risks.
- 5.3.3 The Gambling Commission believes that gambling related harm are often not recognised and in their view require greater attention<sup>3</sup>. They also identify those who are likely to be more vulnerable to gambling harm. Those with the strongest vulnerability are:

<sup>1</sup> Gaynor Astbury & Heather Wardle, Secondary Analysis of Machines Data: Examining the effect of proximity and concentration of B2 machines to gambling play (Geofutures, 2016) p32

<sup>2</sup> Impact Assessment Consultation on Proposals for Changes to Gaming Machines, DCMS pp.12-14

<sup>3</sup> Gambling-related harm as a public health issue - Briefing paper for Local Authorities and local Public Health providers February 2018

- Ethnic Groups
- Youth
- Low IQ
- Substance abuse/misuse
- Poor mental health

It is also identified that the wider group of people around a gambler may be negatively impacted. This includes the wellbeing of partners, children, friends, employees, the community and the economy.

5.3.4 In December 2016 the Institute for Public Policy Research (IPPR) published research on the cost of gambling related harm in Great Britain<sup>4</sup>.

5.3.5 The report estimated that the **direct cost** of problem gamblers to the public purse was between £260 million and £1.2 billion per year<sup>4</sup>. The estimates on this are wide, the availability of relevant data was limited, and it only captures the fiscal impact and not more personal or social costs. Although this data is national and may not necessarily directly relate to local areas, providers should demonstrate their awareness of the potential for such harms in the locality of their application and propose measures to mitigate them.

Department	Cost of range England	Cost of range Great Britain
Health:		
Hospital inpatient services	£110m-£290m	£140m-£610m
Mental health primary care	£10m-£20m	£10m-£40m
Secondary mental health services	£20m-£50m	£30m-£110m
Welfare and employment:		
JSA claimant costs and lost labour tax receipts	£30m-£80m	£40m-£160m
Housing:		
Statutory homelessness applications	£10m-£30m	£10m-£60m
Criminal Justice:		
Incarcerations	£30m-£90m	£40m-£90m

Table 1: Direct cost of problem gamblers

Licensees must take into account any relevant matters identified in the licensing authorities Statement of Principles when carrying out their risk assessments.

5.3.6 A local risk assessment should also be undertaken or updated by a licensee, when applying for:

- A new premises licence

<sup>4</sup> Cards on the table: The cost to government associated with people who are problem gamblers in Britain, IPPR, December 2016

- When applying for a variation of an existing premises licence
- To take into account any local significant changes in the local area
- When there are significant changes with their premises that may affect the existing local risk assessment.

Local risk assessments shall be kept on the premises and made readily available to all relevant staff and authorised officers.

## **5.4 Local Area Profile**

5.4.1 The local area profile has been proposed in order to help inform specific risks that operators will need to address in their risk assessments. It ensures gambling operators consider all of the relevant data in order to safeguard anyone who is in direct or non-direct contact with gambling but equally to protect those most at risk.

5.4.2 The following criteria should be considered when carrying out local risk assessments. Research shows a higher prevalence of problem gambling in deprived areas<sup>5</sup>.

5.4.3 The areas to be considered for the local area profile are:

- **Deprivation**
  - Income
  - Employment
  - Education, Skills & Training
  - Health & Disability
  - Crime
  - Barriers to Housing & Services
  - Living Environment
  - Income deprivation affecting children
  - Income deprivation affecting older people
- **Crime & Disorder Data in relation to Local Anti-social Behaviour (ASB)**
- **Local Amenities**
  - Bank/Building Societies
  - Education Establishments
  - Places of Worship
  - Betting Shops, Adult Gaming Centres (AGC's) & Bingo premises
  - Premises Licensed under the Licensing Act 2003
  - Pay day/Loan establishments/Pawn shops/Cash convertors
  - Vulnerable Housing/Emergency accommodation/Supported Housing
  - Substance Misuse & Drug & Alcohol recovery services
  - GP's/Surgery
  - Job Centres

5

[https://www.researchgate.net/publication/315788709\\_Examining\\_the\\_effect\\_of\\_proximity\\_and\\_concentration\\_of\\_B2\\_machines\\_on\\_gambling\\_play](https://www.researchgate.net/publication/315788709_Examining_the_effect_of_proximity_and_concentration_of_B2_machines_on_gambling_play) (pg90)

## 5.5 Instructions on use of the Maps

### 5.5.1 Deprivation

In relation to **deprivation**, both the overall and individual maps should be reflected upon by visiting [www.linktomaps.com](http://www.linktomaps.com)

### 5.5.2 ASB

The **ASB** data map should also be used to identify high levels of issues in the Borough in relation to the positioning of the proposed or existing gambling site. The map can be found by visiting

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

A static version of the same map can be found by visiting [www.linktomaps.com](http://www.linktomaps.com)

### 5.5.3 Local Amenities

In terms of **local amenities**, the following interactive map should be used, taking into account all of the above amenities in relation to the premises

<https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5cAurora%5cAurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always>

5.5.4 It is Brent's position that all areas shaded as the '*most deprived*' on the 'Index of Multiple Deprivation (IMD)' map and all areas shaded as the 'most deprived' on 'ASB data map', should be considered as being at high overall risk of gambling related harm and therefore inappropriate for further gambling establishments. Operators would therefore be asked not to consider locating new premises or relocating existing premises within these areas. Nevertheless, any application made in such an area will be determined on its individual merits.

5.5.5 Where operators do locate areas where they contemplate placing a new premises, the local amenities interactive map can be used to identify specific risks which should be the subject of mitigation or control measures in the form of a local risk assessment.

## 5.6 Risk Assessments - Further Considerations

5.6.1 This Licensing Authority recommends that the following matters are considered by operators when making their risk assessments:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Gaming trends that may reflect benefit payments
- Arrangement for local localised exchange of information regarding self-exclusions and gaming trends
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall
- Range of facilities in proximity to licensed premises such as other gambling outlets, banks, payday loan shops, post offices, alcohol & entertainment facilities etc.

- Known problems in the area such as problems arising from street drinkers, young people participating in anti-social behaviour, drug dealing activities etc.

5.6.2 For matters related to children and young person risk assessments should address the following:

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, religious institutions, entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, cafes, shops and any other place where children are attracted.
- Areas that are prone to young people participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc.
- Recorded incidents of attempted underage gambling.

5.6.3 For matters relating to vulnerable adults risk assessments should address the following:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangements for localised exchange of information regarding self-exclusions and gaming trends
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

This list is not exhaustive and other factors not in this list or listed elsewhere in the statement of principles must be taken into consideration.

## **5.7 Assessing Applications**

5.7.1 Whilst applications will continue to be assessed on their own merit, the local area profile maps that have been provided alongside this document must be taken into consideration if an application is to be made to Brent Council.

5.7.2 Where risks are present, mitigation or control measures should be identified in operating schedules and risk assessments when making an application. It is vital that an open discussion on concerns raised by the local authority, are also addressed.

5.7.3 The application should have regard to the three Licensing Objectives.

### **5.7.4 Factors Taken Into Consideration by Local Authority**

The following list which is not exhaustive are some of the factors that will be taken into account when considering an application:

- The location of the premises
- How the Local Area Profile map data provided in this document has been addressed
- Hours of Operation
- The size and layout of the premises
- The level of management to be provided
- The input from responsible authorities
- The input of interested parties
- The risk assessment and operating schedule provided

## **5.8 Conditions to be added to licence**

- 5.8.1 In addition to mandatory and default conditions, Brent Council may also impose conditions at its discretion which are relevant, fair and reasonable in relation to the proposed application.
- 5.8.2 In addition to this, the Commission's Licence Conditions and Codes of Practice, should be considered by both the local authority and operators. These may be viewed by visiting:  
<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>

## **5.9 Summary**

- 5.9.1 New applicants are asked to utilise all of the map data provided in this document relating to deprivation and ASB when making a decision as to whether an application should be made in the first instance.
- 5.9.2 If operators decide to apply, they should still take into consideration the data relating to deprivation and ASB but should also consider the data relating to local amenities. The data relating to local amenities may also show cause for concern, resulting in the operator deciding against an application at the proposed location.
- 5.9.3 Lastly, all operators will need to take into consideration neighbouring wards and Boroughs when making a decision to apply for a new licence and/or writing/modifying risk assessments. As discussed, the provided list is not exhaustive, if other factors are identified, these should also be reflected upon in risk assessments.

## **6 Premises licences**

### **6.1 General principles**

- 6.1.1 This Statement of Principles does not set out to explain the process and procedure for a premises licence, variation or transfer. However, it does set out for the benefit of applicants and all other interested parties some

important matters that this Authority will have regard to when determining applications.

6.1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

6.1.3 Applications for premises licences and club premises certificates must be made on the prescribed form and accompanied by

- The prescribed fee
- The prescribed documents, namely a plan of the premises (ideally at 1:100 scale, unless otherwise agreed with the Authority).

6.1.4 Application forms and statutory notices can be downloaded from the Commission's website. An application for a premises licence may only be made by persons (which includes companies or partnerships):

- Who are aged 18 or over
- Who have the right to occupy the premises
- Who have an operating licence or applied for an operating licence which allows them to carry out the proposed activity

The premises licence can not be determined until an operating licence has been issued.

6.1.5 Applications must be completed in full and signed and dated. Incomplete applications will not be processed.

6.1.6 Similarly, a licence application and any licence subsequently issued is not valid if the relevant 'application notices' have not been made. These include:

- A notice placed outside the premises for 28 consecutive days in a place where it can be easily seen and read by passers by
- A public notice placed in a newspaper or newsletter of local relevance on at least one occasion within 10 days of application being made.
- Notice provided to all relevant responsible authorities, including the Commission, within seven days of the application being made.

6.1.7 Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications in relation to premises licences.

- 6.1.8 Section 135 of the Act identifies the following bodies as responsible authorities:
- The licensing authority in whose area the premises is wholly or partly situated
  - The Gambling Commission
  - The Chief Officer of Police
  - London Fire Brigade
  - The local planning authority
  - Environmental Health
  - Childrens Safeguarding Team
  - HM Revenue and Customs
  - Any other person prescribed by the Secretary of State
- 6.1.9 The licensing authority expects applicants for new licences or variations to assess the local risks to the licensing objectives posed by the provision of gambling facilities at the premises, and have policies, procedures and control measures to mitigate those risks. The licensing authority will request copies of the risk assessments as part of the application process, and will consider both the adequacy of the risk assessment and the control measures proposed, and whether it is proportionate to incorporate the control measures as conditions on the licence.
- 6.1.10 The Commission's Guidance to local authorities states that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' (see below regarding Casinos), and also that unmet demand is not a criterion.
- 6.1.11 Under s.150 of the Act, the Council will issue premises licences, if appropriate, for the provision of facilities on:
- casino premises
  - bingo premises
  - betting premises, including tracks and premises used by betting intermediaries
  - adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
  - family entertainment centre (FEC) premises (for category C and D machines).
- 6.1.12 The Council may also issue a FEC gaming machine permit, which authorizes the use of category D machines only.
- 6.1.13 The gambling activity of the premises should be linked to the premises described. For example, in a bingo premises, the licensed gambling activity will be bingo, gaming machines may be made available for use in licensed bingo premises only where there are also substantive facilities for non-remote bingo, provided in reliance on the licence available in the premises.

## **6.2 Definition of premises**



6.2.1 The Act defines ‘premises’ as including any ‘place’. Section 152 of the Act prohibits more than one premises licence applying to any place. But a single building could be subject to more than one premises licence providing they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

6.2.2 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, this Licensing Authority does not consider that areas of a building that:

- are not clearly distinct and identifiable from each other (including their external and internal appearance and décor); or
- are artificially separated (e.g. by low and/or transparent partitions or barriers); or
- are temporarily separated and can be properly regarded as different premises.

When deciding if parts of a building/place constitute premises in their own right, the Licensing Authority also will take into account the definition of “premises” in the Act.

6.2.3 Any premises that are artificially or temporarily separated by ropes or moveable partitions will not be considered as a separate premises. If the premises are located within a larger venue, this authority will require a plan of the venue in which the premises should be identified as a separate unit.

6.2.4 Each application will be considered on its own merit. However, in cases where a proposal is intended to create separate premises with additional gaming entitlement which impacts on the licensing objectives, then this authority will not automatically grant a licence even where the mandatory conditions relating to access between premises are observed.

6.2.5 In considering licensing applications, the Licensing Authority will particularly take into account:

- the design and layout of the premises;
- the training given to staff in crime prevention measures appropriate to those premises;
- physical security features installed in the premises. this may include matters such as the positioning of cash registers and the standard of any CCTV system.
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks;

- the likelihood of any crime, public order and anti-social behaviour issues if the licence is granted.
- the steps proposed by an applicant with regard to the licensing objectives, the associated robust risk assessments as well as any licence conditions proposed by the applicant.

### 6.3 Access to premises

6.3.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provision for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18, and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18 can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

6.3.2 The relevant access provisions for each premises type is as follows:

Premises	Access provision
Casinos	<ul style="list-style-type: none"> <li>• the principal entrance to the premises must be from a 'street'</li> <li>• no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons</li> <li>• no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence</li> </ul>
AGC's	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from any other licensed gambling premises.</li> </ul>
Betting shops	<ul style="list-style-type: none"> <li>• access must be from a 'street' or from other premises with a betting premises licence</li> <li>• no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.</li> </ul>
Tracks	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a casino or AGC</li> </ul>
Bingo premises	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track</li> </ul>
FECs	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track</li> </ul>

Table 2: Access type for each premise

### 6.4 Access to gambling by children and young people

- 6.4.1 One of the objectives of the Act is protecting children and other vulnerable persons from being harmed or exploited by gambling. It is an offence to invite, cause or permit a child or young person to gamble or to enter certain gambling premises. Children are defined under the Act as under 16s and young persons as 16-17 year olds. An adult is defined as 18 and over.
- 6.4.2 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:
- casinos are not permitted to admit anyone under 18 ;betting shops are not permitted to admit anyone under 18;
  - bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
  - AGCs are not permitted to admit those under 18 ;
  - FECs and premises with a liquor licence (for example pubs) can admit under-18s, but they must not play category C machines which are restricted to those over 18 years of age.;
  - clubs with a club premises certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
  - all tracks can admit under-18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place.
- 6.4.3 This was extended to other sporting venues under the Gambling Act 2005 (Exclusion of Children from Track Areas) Order 2007. Tracks will be required to have policies to ensure that under-18s do not participate in gambling other than on category D machines.
- 6.4.4 This Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, the Council is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits.
- 6.4.5 The under-18s must not have access to areas where category B and C gaming machines are located, and this is achieved through default conditions that require the area to be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an

entrance designed for that purpose supervised at all times to ensure that under-18s do not enter the area, and supervised by either:

- one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
- CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
- arranged in a way that ensures that all parts of the area can be observed.

6.4.6 A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.

6.4.7 There are other conditions which attach to each type of premises which are set out in Part 9 of the Commission's Guidance and other Parts relating to each type of premises.

## **6.5 Multiple activity premises – layout and access**

6.5.1 With the exception of bingo clubs, tracks on race days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.

6.5.2 The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling. In considering applications for such premises, this Council will have regard to the following along with other criteria outlined in Guidance from the Commission:

- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area; and
- in this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit customers should be able to participate in the activity named on the premises licence.

## **6.6 Single and combined licences**

6.6.1 Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machines.

6.6.2 The exception to this relates to tracks, that is a horse racing course, dog track or other premises where races or sporting events take place, which may be subject to more than one premises licence, provided each licence relates to a specified area of the track.

6.6.3 To determine whether two or more proposed premises are truly separate, this Authority will consider the following factors in making their decision:

- Is a separate registration for business rates in place for the premises?
- Is the neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway
- Can the premises only be accessed from any other gambling premises?

## **6.7 Premises Plans**

6.7.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) states that a plan must show:

- the extent of the boundary or perimeter of the premises;
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises ;
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

6.7.2 The Regulation states (other than in respect of a track) ‘...the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence’. This includes information on supervision, CCTV, line of sight to all machines and players, Mag locks, use of privacy booths, blue lights etc. However, this minimum requirement is not sufficient to satisfy the licensing objectives, in particular the social responsibility codes, and the Licensing Authority’s policy statement. In such a case, this Council will request more information from the applicant.

## **6.8 Application for premises variation (s.182(b)): ‘material change’**

6.8.1 When considering an application for variations, this Council will have regard to the principles to be applied as set out in s.153 of the Act.

## **6.9 Representations**

- 6.9.1 In dealing with an application, the Council is obliged to consider representations from two categories of person, referred to in the Act as Responsible Authorities and Interested Parties.
- 6.9.2 Representations from other parties are inadmissible. Having determined that the representation is admissible, this Council must consider its relevance.
- 6.9.3 Only representations that relate to the licensing objectives, or those that raise issues under the licensing authority's policy statement, or the Commission's Guidance or Codes of Practice, are likely to be relevant.

## **6.10 Additional information to be made available**

- 6.10.1 In order to ensure that applicants and persons wishing to make representations have the necessary information to do so, the Council will make available all necessary information on its website. Such information will include a register of the premises licences that have been issued, where and at what times the register may be inspected. A database of premises licences is also available on the Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## **6.11 Premises ready for gambling**

- 6.11.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 6.11.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 6.11.3 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, this authority will determine applications on their individual merits, applying a two stage consideration process as follows:
- first, whether the premises ought to be permitted to be used for gambling; and
  - second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 6.11.4 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

## **6.12 Location**

6.12.1 This Licensing Authority will take into account, for the protection of children and vulnerable persons, the following when determining whether a premises location is suitable for a grant of a licence:

- the proximity of the premises to any recognised schools, centres or establishments for the education, training or care of young persons and/or vulnerable persons;
- the proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons;
- the proximity of the premises to any youth club or similar establishment; and
- the proximity of the premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons and/or vulnerable persons.

6.12.2 Where an area has, or is perceived to have, unacceptable levels of crime and/or disorder, this Licensing Authority will consider carefully whether such an area is suitable for gambling premises and whether licence conditions may be appropriate or successful.

### **6.13 Planning & Building Control**

6.13.1 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should instead be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. In any event section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

### **6.14 Duplication with other regulatory regimes:**

6.14.1 This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. When considering an application for a premises license, this authority will disregard the likelihood of planning or building regulations being awarded. It will listen to and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

6.14.2 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under

relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

## **6.15 Responsible Authorities**

- 6.15.1 The Licensing Authority is required to notify all Responsible Authorities of applications and they are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences. All representations made by Responsible Authorities are likely to be relevant representations if they relate to the three licensing objectives.
- 6.15.2 The Responsible Authorities are defined in the Glossary at Appendix G. The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.
- 6.15.3 The principles are:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 6.15.4 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

## **6.16 Interested Parties**

- 6.16.1 Interested Parties can make representations about licence applications, or apply for a review of an existing licence.
- 6.16.2 The Act states that: "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - (b) has business interests that might be affected by the authorised activities, or represents persons who satisfy paragraph (I) or (II)
- 6.16.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act 2005 to determine whether a person is an interested party.
- 6.16.4 The principles are:
- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will take account of the examples of considerations provided in the Commission's



#### Guidance to Licensing Authorities.

- It will however take into account the size of the premises and the nature of the activity that will be taking place in it. Larger premises are likely to affect people over a wider area than smaller premises.
- The widest lawful interpretation will be given to the Gambling Commission's guidance phrase "has business interests" to include partnerships, charities, faith groups and medical practices.

6.16.5 Interested Parties can be persons who are democratically elected such as Councillors and Members of Parliament (provided they satisfy 8.2.3(c) above). No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

6.16.6 If individuals wish to approach councillors to ask them to represent their views then care should be taken to ensure that such councillors are not part of the Licensing Sub-Committee dealing with the licence application.

#### **6.17 Body assigned as competent to advise on the protection of children from harm**

6.17.1 The Council's local safeguarding Children Board has been identified as competent to advise on the protection of children from harm.

6.17.2 This board is designated as a competent body because the body will be responsible for:

- Providing professional and expert opinion
- Ensure accountability by being answerable to elected members rather than any particular interest group.

### **7 Premises Licence Conditions**

#### **7.1 Introduction**

Any model conditions attached by the Licensing Authority to any particular licence will be proportionate and applied when the individual circumstances warrant it and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;

- fair and reasonable in relation to the scale and the type of premises, and
- in the Licensing Authority's consideration be reasonable in all other respects.

7.1.1 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this Policy for each of the different licence types.

7.1.2 The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's current guidance.

7.1.3 The Licensing Authority will also ensure that where category A to C gaming machines are on offer in premises to which children are admitted:

all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

7.1.4 The above considerations will apply to premises including buildings where multiple premises licences are applicable.

7.1.5 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, with each licence relating to a specified area of the track. The Licensing Authority will consider the impact upon the licensing objective that refers to the protection of children. It will require that the entrances to each part of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. The Licensing Authority will take into consideration any guidance issued by the Commission in this respect.

7.1.6 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences, and these are stipulated in the Act or its statutory regulations.

7.1.7 Applicants shall offer licence conditions to the Licensing Authority as a part of their application. Examples of such conditions are:

- the premises shall be fitted out and operational within 6 months of the issue of the licence;
- the Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.
- there shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 25 years.
- Challenge 25
  - (a) The Licensee shall have a "Challenge 25" policy whereby all customers who appear to be under the age of 25 are asked for proof of their age.
  - (b) The Licensee shall prominently display notices advising customers of the "Challenge 25" policy.
  - (c) The following proofs of age are the only ones to be accepted :
    - (i) Proof of age cards bearing the "Pass" hologram symbol
    - (ii) UK Photo Driving licence
    - (iii) Passport

## **7.2 Staff competency and training**

7.2.1 All staff shall be trained in the premises proof of age compliance scheme and records of the training given shall be retained on the premises and made available for inspection by authorised officers.

7.2.2 The licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

## **7.3 Refusals Book**

7.3.1 The Refusals book shall be used to record details of all age-related refusals. The log shall be reviewed monthly by the nominated responsible member of staff and any action taken recorded in the book and signed off.

- 7.3.2 The Refusals Book to be reviewed monthly by a nominated responsible member of staff and date and time of each examination to be endorsed in the book. This log shall be retained on the premises and made available for inspection by authorised officers.

#### **7.4 CCTV**

- 7.4.1 The CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public. The CCTV shall monitor each entrance, exit and the gaming areas.
- 7.4.2 The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the Police or an officer of the Licensing Authority, upon request.

#### **7.5 Numbers of staff and door supervisors**

- 7.5.1 The Licensing Authority will consider on a case by case basis whether the numbers of staff proposed to be on duty at a premises at any one time are adequate in relation to the control of the premises and especially with regard to the monitoring of persons using the premises, age verification, vulnerable persons, the ejection of or refusal to serve persons, and the maintenance of good order on the premises.
- 7.5.2 When making an application for a licence, applicants are recommended to inform the Licensing Authority of the numbers of staff that will be on duty at the premises at any one time and the times that such numbers will be on duty.
- 7.5.3 The Licensing Authority will consider on a case by case basis whether there is a need for door supervisors to meet the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and preventing the premises becoming a source of crime.
- 7.5.4 It is noted that door supervisors at casinos or bingo premises, who are directly employed by the casino or bingo premises operator, are not required to be licensed by the Security Industry Authority. The Licensing Authority's policy expectations for such door supervisors working at casinos or bingo premises are that the Licensing Authority will expect the door supervisors to have:
- a competency qualification of Level 2 for Door Supervision in the National Qualification Framework (NQF), or
  - an equivalent qualification or training which would meet the criteria of the Security Industry Authority for the licensing of that person as a Door Supervisor by that Authority.

- 7.5.5 The above expectations are in recognition of the nature of the door supervisors' work in terms of searching individuals, dealing with potentially aggressive persons, young and vulnerable persons etc.
- 7.5.6 A book shall be kept at the premises, which is maintained with the following records:
- the full name and address of the door supervisor deployed;
  - the time they commenced and finished duty; and
  - all incidents that the door supervisors dealt with.
- 7.5.7 If there are any future changes in the licensing or approval/registration regime administered by the Security Industry Authority that affect door supervisors these will be taken into account by the Licensing Authority.
- 7.5.8 The term 'door supervisor' means any person:
- guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage; or
  - guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.
- 7.5.9 For premises other than casinos and bingo premises, the Licensing Authority may decide that supervision of entrances/exits/machines is appropriate for particular cases

## **8 Protection of children and vulnerable persons - premises other than betting premises**

### **8.1 Advertising Gambling Products**

- 8.1.1 Brent Council notes that the Commission's Licence Conditions and Codes of Practice require all advertising of gambling products to be undertaken in a socially responsible manner. Licencees should follow any relevant industry code of practice on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.
- 8.1.2 The following general principles shall apply to advertising:
- Must be legal and not misleading
  - Must not encourage irresponsible or excessive gambling
  - Must take care not to exploit children and other vulnerable persons

### **8.2 Adult gaming centres**

- 8.2.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the relevant

licensing authority. The holder of an AGC premises licence that was issued prior to 13 July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. An AGC licence granted after 13 July 2011 may make available for use a number of category B machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

8.2.2 Gambling machines provide a form of gambling which is attractive to children and AGC's will contain machines of a similar format to the category D machines on which children are allowed to play.

8.2.3 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- Entry control system
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

8.2.4 Gaming machines provide opportunities for solitary play and immediate payouts and as such are likely to encourage repetitive and excessive play. Therefore when considering premises licence applications which include gaming machines particular regard will be given to the third licensing objective.

### **8.3 (Licensed) Family Entertainment Centres**

8.3.1 The Act creates two classes of family entertainment centres (FEC). This part of the policy is regarding licensing FECs. Persons operating a licensed FEC must hold a 'gaming machine general operating licence from the Commission and a premises licence from the relevant licensing authority. The FECs make category C and D machines available.

8.3.2 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate measures/ licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8.3.3 This Licensing Authority will refer to any operating licence conditions, current Guidance or Codes of Practice by the Gambling Commission as to the way in the area's containing category C or higher machines should be delineated and/or separated.

8.3.4 In determining any application for a permit this Authority will have regard to the licensing objectives and will expect the applicant to show that there are policies and procedures in place to protect children from harm, relating not just from gambling but also wider child protection considerations, including the risk of child sexual exploitation. The effectiveness of such policies and procedures will be considered on their merits. The Authority expects measures to train staff on:

- Appropriate action regarding suspected truanting school children on the premises
- Dealing with unsupervised young children being on the premises or children causing perceived problems on or around the premises.
- Staff training on maximum stakes and prizes.

8.3.5 SR 3.2.5(2) requires operators to ensure that employees prevent access and challenge children or young persons who attempt use of category C machines. The licensing authority will ensure that staffing and supervision arrangements are in place to meet this requirement both at application stage and at subsequent inspections.

## **8.4 Casinos**

8.4.1 Section 166(1) of the Act states that a licensing authority may resolve not to issue casino premises licence. This Authority has not passed such a resolution but it is aware of the power to do so.

8.4.2 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures / licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

## **8.5 Bingo Premises**



8.5.1 A holder of a bingo licence is able to offer bingo in all its forms. It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.5.2 Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

8.5.3 This Licensing Authority will take account of any current guidance from the Commission as to the suitability and layout of bingo premises.

8.5.4 Where a bingo premises licence is obtained primarily to benefit from the gaming machine entitlement that it provides the Authority will need to be satisfied that only bingo shall be played at the premises. Close scrutiny will be given to any excluded areas of the premises.

8.5.5 Young persons aged 16 and under may be employed in bingo premises provided their duties are not concerned with the gaming or gaming machines. Licences will not be granted unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures that they will undertake to protect young employees.

## **8.6 Betting Premises**

8.6.1 There are two different types of premises that require a betting licence. The licences for these premises are named “Betting Premises Licence (In Respect Of Premises Other Than A Track)’ and ‘Betting Premises Licence (In Respect Of a Track)’.

## **8.7 Betting Premises Licence (In Respect Of Premises Other Than A Track)**

- (a) This type of licence allows premises (i.e. betting offices) to provide ‘off course’ betting i.e. betting that takes place other than at a track. There are also betting offices at tracks that have a separate premises licence from the track licence. Tracks and betting offices at tracks are discussed in the following section.
- (b) This section of the policy concentrates on ‘off course’ betting that takes place other than at a track and includes an entitlement to provide up to four gaming machines of category B2, B3, B4, Cor D and any number of betting machines. This Licensing Authority may, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licence condition. When considering whether such a condition should be imposed, the Licensing Authority will take into account:
  - the size of the premises;
  - the number and location of the machines;
  - the number of counter positions available for person-to-person transactions, and
  - the numbers of, and ability of staff to monitor the licensed premises and prevent persons under the age of 18 from entering the premises.
- (c) The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. However appropriate measures / licence conditions may cover issues such as:

- proof of age schemes;
- CCTV;
- the numbers of staff on duty at any one time;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices / signage;
- specific opening hours;
- self-barring schemes;
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- (d) There are particular concerns about the use of B2 Fixed Odds Betting Terminals (FOBTs). We recognise that it is permissible for a betting operator to provide solely FOBTs as their allocation of gaming machines, the high prize, high stake gaming provided enables considerable sums of money to be spent in a very short period of time, which increases the risk of gambling related harm. Nevertheless, the applicant in each case will be expected to demonstrate that they can offer sufficient facilities for betting alongside any gaming machine provision.
- (e) Where FOBTs are provided these gaming machines shall be located within direct line sight of the supervised counter. Information leaflets and posters shall be provided in close proximity to the location of any FOBTs. These should be aimed at customers/families/friends to provide information on how to identify signs of problem gambling and available pathways to advice and assistance (e.g. helpline numbers and online counselling services).
- (f) Where the local area profile identifies any relevant local risk of gambling related harm, operators may consider additional protections for the vulnerable. This might include:
  - Removing Automated Teller Machines (ATM's) from the betting office
  - Restricting FOBTs to account based play

- (g) Licensed betting premises are only permitted to offer gambling facilities between 0700 and 2200 hours, unless the local authority has agreed an extension of operating hours. We recognise that longer operating hours may attract more vulnerable people such as those who may be intoxicated or have gambling addictions. Therefore, this Authority is unlikely to grant any extension of operating hours unless it is satisfied that robust measures will be undertaken to protect the vulnerable.
- (h) Children and young persons are not permitted to enter licenced betting premises. Social Responsibility (SR) Code 3.2.7(3) in the licence Conditions and Codes of Practice (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.
- (i) As per the Commision's Guidance we will consider restricting the number and location of betting machines in respect of applications for betting premises licences. When considering the number, nature and circumstances of betting machines an operator wants to offer, the Commission's Guidance will be followed and take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of the staff to monitor the use of machines.
- (j) This Authority will have regard to the local area profile set out in Section 5 of this policy and to the risk assessment compiled in response to it.

## **8.8 Betting Premises Licence (In Respect Of a Track)**

### **8.8.1 General**

- (i) Tracks are sites (including football stadium, horse racecourses and dogtracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totalisator" or "tote"), and also general betting, often known as "fixed-odds" betting.
- (ii) The holders of a track premises licence do not need to have an operating licence issued by the Gambling Commission unless they themselves wish to offer betting facilities at the track. Under the legislation the licence allows anyone with an operating licence to offer 'on course' betting facilities at a licensed track.
- (iii) Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specified area of the track. There can be a 'main' premises licence and, in addition, 'subsidiary' premises licences for the parts of the track not covered by the main licence.

### **8.8.2 Children and Young Persons**

- (a) Children and young persons are allowed to be present on a track licensed premises whilst betting is taking place, although they not allowed to enter areas of the track where gaming machines (other than category D machines) are provided. Therefore the Licensing Authority will carefully consider the impact of the licensing objective of the protection of children and vulnerable persons in relation to each application for premises licences at a track.
- (b) We will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gambling/gaming facilities.
- (c) Appropriate measures/ licence conditions may cover issues such as:
  - proof of age schemes;
  - CCTV;
  - the numbers of staff on duty;
  - door supervisors;
  - supervision of entrances/machine areas;
  - the physical separation of, and clear distinction of areas;
  - location of entry;
  - notices/signage.

This list is not mandatory nor exhaustive and is merely indicative of example measures.

## **8.9 Betting machines (also known as Bet Receipt Terminals) at tracks**

- (a) The potential space for betting machines at a track may be considerable, bringing with it significant problems in relation to:
  - the proliferation of such machines;
  - the ability of track staff to supervise the machines if they are scattered around the track; and
  - preventing persons under the age of 18 from being able to use the machines.

8.9.1 This Licensing Authority will, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at a betting premises by attaching a licence condition to a betting

premises licence. When considering whether such a condition should be imposed, the Licensing Authority will take into account the:

- size of the premises;
- number and location of the machines;
- number of counter positions available for person-to-person transactions; and
- ability of staff to monitor the licensed premises and prevent persons under the age of 18 from using the machines.

#### 8.9.2 Condition on rules being displayed at tracks

- (a) The Licensing Authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

#### 8.9.3 Applications and plans for tracks

- (a) Applicants must comply with any relevant regulations or guidance issued by the Gambling Commission in relation to applications for tracks. Applicants must ensure that the Licensing Authority is made completely aware of what it is being asked to licence.
- (b) The information submitted with the application must include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of:
  - dog tracks and horse racecourses
  - fixed and mobile pool betting facilities operated by the Tote or track operator; and
  - other proposed gambling facilities.
- (c) The plans should make clear what is being sought for authorisation under the track betting premises licence. It must also be made clear what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- (d) Unless there is a compelling reason to not do so, the Licensing Authority will require all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This will ensure that there is clarity between the respective

responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **8.10 Travelling Fairs**

- 8.10.1 Travelling fairs (as defined in the Act) may provide an unlimited number of Category D gaming machines and equal chance prize gaming without the need for any authorisation from the Licensing Authority, provided that such facilities amount to no more than an ancillary amusement at the fair.
- 8.10.2 There is a 27-day per calendar year statutory limit for a piece of land being used as a fair, and this regardless of whether it is the same or different travelling fairs using the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries are monitored so that the statutory limits are not exceeded.

## **9. Other relevant processes**

### **9.1 Provisional Statements**

- 9.1.1 Application for a provisional statement can be made for premises that an applicant expects to be constructed or to be altered, or expects to acquire the right to occupy. Representations can be made against an application for a provisional statement in the same manner as for a premises licence. The process for considering an application for a provisional statement is the same as that for premises licences (with the exceptions that an applicant need not have the right to occupy the premises and need not have an operating licence).
- 9.1.2 Once the premises have been constructed, altered or acquired by the holder of a provisional statement, they can put in an application for the necessary premises licence. If a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises licence is subsequently made in relation to the same premises.
- 9.1.3 No further representations from relevant authorities or interested parties can be taken into account in relation to the premises licence application unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by way of representations at the provisional licence stage, or
  - which, in the authority's opinion, reflect a change in the operator's circumstances, or
  - where the premises has not been constructed in accordance with the plan and

- information submitted with the provisional statement application.

This must be a substantial change to the plan and the Licensing Authority will discuss any concerns they have with the applicant before making a decision. Section 210 of the Act (which applies to premises licences and provisional statements) makes it clear that a Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

## **9.2 Reviews**

9.2.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from interested party or responsible authority. A formal review of a premises licence may result in the Licensing Authority imposing additional conditions or revoking the licence.

### **9.2.2 Initiation of review by Licensing Authority**

- The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review, or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by Licensing Committee or one of its Sub-Committees.
- In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence general reviews, the Licensing Authority will most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence.
- In relation to particular premises, the Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives them cause to believe that a review may be appropriate.

9.2.3 Application for review by responsible authorities and interested parties  
Whilst, requests for a review of a premises licence can be made by interested parties or responsible authorities, it is for the Licensing Authority to decide whether the review is to be carried-out. However the Licensing Authority recognises that its decision to carry out a review must not amount to pre-judging the outcome of the review.

9.2.4 An application for a review may be (but need not be) rejected if the Licensing Authority thinks that the grounds on which the review is sought:



- are not relevant to the principles that must be applied by the Licensing Authority in accordance with section 153 of the Act.
- 9.2.5 If the application raises issues that are not relevant to the current Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then the Licensing Authority may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that the Authority is required to permit the use of premises for gambling in so far as we think that permission is in accordance with the matters set out in that section.
- 9.2.6 Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;
- that the grounds are frivolous;
  - that the grounds are vexatious;
  - that the grounds “will certainly not” cause the authority to revoke or suspend a licence or remove, amend or attach conditions on the premises licence;
  - are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
  - are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances the Licensing Authority will take into account the period of time that has passed since the representations were made, but the underlying requirement is that the Licensing Authority should not review the licence on the basis of the same arguments considered on the grant of the premises licence.
- 9.2.7 The matters which will generally be considered relevant for any review are:
- any relevant current code of practice issued by the Commission;
  - any relevant current guidance issued by the Commission;
  - the licensing objectives;
  - the Council’s Statement of Gambling Principles, and
  - The Gambling Act 2005 and the regulations made thereunder
- 9.2.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the Chief Officer of Police or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs

9.2.9 There is a right of appeal against the Council's decision.

### 9.3 Rights of appeal and judicial review

9.3.1 The Council is required by law to give reasons for a rejection of an application, but it is also good practice for it to give reasons for all decisions. Failure to give reasons may result in an appeal of the decision or the suggestion that the Council did not have regard to all the relevant information when making its decision, in line with its obligation under s.153 of the Act. It is particularly important that reasons should reflect the extent to which the decision has been made with regard to the licensing authority's policy statement and this Guidance. Reasons for decisions should be made available to all of the parties of any process. The Council's decision may be subject to judicial review. Details relating to appeals against decisions by a licensing authority are set out in s.206 - 209 of the Act.

### 9.4 Who can appeal?

9.4.1 The table below identifies who can appeal different types of premises licence decisions.

Type of decision	Section of Act	Who may appeal
Decision to reject an application for a premises licence or to vary a premises licence, or an application for a provisional statement	s.165, s.187 and s.188	The applicant
Decision to grant an application for a premises licence or to vary a premises licence, or an application	s.164, s.187 and s.188	<ul style="list-style-type: none"> <li>• The applicant*</li> <li>• Any person who made representations</li> </ul>

for a provisional statement		on the application
Decision to take action or to take no action following a review	s.202	<ul style="list-style-type: none"> <li>• The applicant</li> <li>• Any person who made representations on the application</li> <li>• The person, if any, who applied for the review</li> <li>• The Commission</li> </ul>

Table 3: Appealing premises licence decisions

## 9.5 Who to appeal to

- 9.5.1 An appeal against a decision of a licensing authority is made to the Magistrates' Court, then to the High Court if necessary. As soon as the appeal decision has been notified to all parties, the Council will implement the Court's decision as soon as possible.

## 10. Other Consents

### 10.1 Temporary use notices (TUN)

- 10.1.1 A TUN allows the use of premises for gambling where there is no premises licence but where a licensed gambling operator wishes to use the premises temporarily for providing facilities for gambling. The type of premises that might be suitable for a Temporary Use Notice could include hotels, conference centres and sporting venues.
- 10.1.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments, dominoes, backgammon, mah-jong or bingo.
- 10.1.3 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Commission's guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act

"premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority will need to look at, amongst other things, the ownership/occupation and control of the premises.

10.1.4 The holder of an operating licence must give notice to the licensing authority in whose area the premises are situated. The Secretary of State has prescribed the form of the notice which must specify information including:

- the type of gaming to be carried on;
- the premises where it will take place;
- the dates and times the gaming will take place;
- any periods during the previous 12 months that a TUN has had effect for the same premises;
- the date on which the notice is given;
- the nature of the event itself.

10.1.5 This Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises as recommended in the Commission's Guidance to Licensing Authorities.

10.1.6 Appeals

An appeal against the Licensing Authority's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrates' court within 14 days of receiving notice of the authority's decision. There is a further right of appeal to the High Court or Court of Session on a point of law.

## **10.2 Occasional use notices**

10.2.1 An occasional use notice permits licensed betting operators to use tracks for betting on eight days or fewer in a calendar year, where the event is of a temporary nature. Betting may therefore be permitted by an occasional use notice without the need for a full premises licence. The licensing authority has very little discretion regarding these notices besides ensuring that the statutory limit of eight days a year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

10.2.2 Tracks are usually regarded as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify.

### **10.3 Gaming machines**

- 10.3.1 Gaming machines cover all types of machine on which people can gamble, subject to a few exemptions. The Act sets out the categories of gaming machine and the number of such machines that may be permitted in each type of gambling premises. There are four categories of gaming machine: categories A, B, C and D with category B divided into a further five subcategories.
- 10.3.2 There is a minimum age of 18 for all players for all category A, C and C machines. However, there is no minimum age for players of category D machines. The holder of any permit must comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.
- 10.3.3 The maximum number of machines permitted and in the case of casinos the ratios between tables and machines is set out in Appendix C.

### **10.4 Permits**

- 10.4.1 Licensing Authorities may issue a range of permits for gambling which are designed as a light touch approach to low level ancillary gambling. They are used where stakes and prizes are subject to very low limits and/or gambling is not the main function of the premises. As a Licensing Authority, this Council may only grant or reject an application for a permit. It may not attach any conditions to the permit.
- 10.4.2 Holders of alcohol-licensed premises gaming machine permits and club permits are required to comply with the Commission's codes of practice on the location and operation of machines.
- 10.4.3 Licensing Authorities may issue the following permits:
- Family entertainment centre gaming machine permits;
  - Club gaming permits and club machine permits;
  - Alcohol-licensed premises gaming machine permits;
  - Prize gaming permits.

### **10.5 Unlicensed Family Entertainment Centre**

- 10.5.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (section 238 of the Act).
- 10.5.2 The Act enables a Licensing Authority to prepare a statement of principles which it proposes to consider when determining the suitability of an applicant

for a permit. In preparing this statement and/or considering applications it may have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission. The Commission's guidance advises that given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to child protection issues.

10.5.3 The council may only grant a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. The Council cannot attach conditions to this type of permit but may ask applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);
- that staff are trained to have a full understanding of the maximum stakes and prizes (24.7);
- appropriate measures/training for staff regarding suspected truant school children on the premises; and
- measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

## **10.6 Club Gaming and Club Machines Permits**

10.6.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.

10.6.2 Members Clubs, Miner's welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

10.6.3 The Commission's Guidance states: "Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations". The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

10.6.4 There is a fast-track procedure which prevents objections to be made by the Commission or the police, and reduces the grounds on which an authority can refuse a permit. The grounds for refusal are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled;

10.6.5 However, the Council may refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members" or commercial club or miners" welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous 10 years;
- an objection has been lodged by the Commission or the Police.

10.6.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **10.7 Premises licensed to sell alcohol**

10.7.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to have 2 gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority.

10.7.2 This local authority expects all licensees to adhere to the:

- Code of Practice for gaming machines in alcohol licenced premises
- Code of Practice for equal chance gaming in alcohol licensed premises.

10.7.3 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

10.7.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives and any guidance issued by the Commission under S.25 of the Gambling Act 2005 and any other relevant matters.

10.7.5 This Licensing Authority considers that such matters will be decided on a case by case basis but will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18s do not have access to the adult-only gaming machines. Measures which will satisfy the authority will include that the adult machines be in direct sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage shall be used with regards to age restriction. Applicants shall provide information leaflets/helpline numbers for organisations such as GamCare.

10.7.6 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

10.7.7 The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **10.8 Prize gaming and prize gaming permits**

10.8.1 Prize gaming relates to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. The Council can issue a prize gaming permit to authorise the licence holder to provide facilities for gaming with prizes on specified premises.

10.8.2 A casino operating licence permits the licence holder to provide all games of chance, except any form of bingo which, is excluded from the scope of the



casino licence. If a casino wishes to provide bingo generally, it would need to obtain a bingo operating licence, with the proviso that only one premises licence may be issued for any particular premises at any time, so the premises would need to be distinct.

10.8.3 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any guidance from the Commission. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

10.8.4 The permit holder must comply with the relevant conditions in the Act, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;
- the game must be played and completed on the day the chances are allocated; the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

10.8.5 The permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.

10.8.6 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. A permit will be still valid pending renewal including an appeal against a decision not to renew. The permit must be kept on the premises and it is an offence not to produce it when requested to do so by a constable, an enforcement officer, or an authorised local authority officer. There is a right of appeal against a decision not to grant or renew a permit.

## **11. Non-commercial and private gaming, betting and lotteries**

The Act allows gambling without any specific permissions under limited circumstances as follows:

- non-commercial gambling;
- incidental non-commercial lotteries;

- private gaming and betting.

### **11.1 Non-commercial gaming**

This is allowed if it occurs at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if it is organised by or on behalf of a charity or for charitable purposes; or it enables participation in or support of athletic or cultural activities. It will therefore be possible to raise funds for a local hospital appeal or a charitable sporting endeavour. Events such as race nights or casino nights are also permitted if they comply with the regulations and profits go to a 'good cause'.

### **11.2 Incidental non-commercial lotteries**

- Licensing Authorities are responsible for registering societies to run Small Society Lotteries.
- Incidental non-commercial lotteries, private lotteries and customer lotteries do not require to be registered.
- The definitions of the above types of lottery are contained in Schedule 11 of the Act.
- Other lotteries require an operating licence from the Gambling Commission.

### **11.3 Private gaming**

- 11.3.1 This can take place anywhere to which the public do not have access, for example, a workplace. Domestic and residential gaming may be permitted subject to the following conditions:
- 11.3.2 Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling; if it is on a domestic occasion; and if no charge or levy is made for playing.
- 11.3.3 Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and if more than 50% of the participants are residents.
- 11.3.4 Private gaming can potentially take place on commercial premises if a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are members of the club.

## **12. Poker**

**12.1** Poker can be played legally in the following circumstances:

- in casinos (including under temporary use notice)
- as exempt gaming in clubs and alcohol-related premises;
- under a club gaming permit
- as non-commercial gaming
- as private gaming

**12.2** **Poker in casinos**

12.2.1 Poker can be played in casinos licensed by the Commission. Casinos can also run poker tournaments at temporary venues for a limited amount of time under temporary use notices (TUNs). Where a third party organisation is involved in a poker competition held in a licensed casino, the casino operator must bear full responsibility for that competition. Similarly, where an online competition culminates in live competition in a casino, the online partner may provide systems and staff for the event, but responsibility lies with the operator whose premises are being used.

12.2.2 A casino may have a commercial relationship with an agent to promote poker in the casino, but the poker games that result are the responsibility of the casino and not of the agent.

**12.3** **Poker in alcohol-licensed premises**

12.3.1 The Commission actively engages with the larger national and regional organisers of poker leagues to remind them of the limited exemptions that apply to poker being offered in pubs. This authority conducts appropriate enforcement to detect and prevent infringements of such localised requirements as stake and prize limits, because the Council issued the alcohol premises licence in the first place.

12.3.2 In some poker tournaments the organisers offer 'prizes' at the end of a series of weekly games for the players with the most points. It is likely that the association of a prize with a monetary value with a game or series of games constitutes gaming. Therefore, if the eventual prize is worth more than the maximum prize set out in regulations then it could be unlawful gaming. For example, if a tournament simply involves a series of straightforward 'knockout' qualifying rounds, culminating in a 'final' game, then the winner's prize in the final – whether it comprises the stakes laid in that game, a separate prize provided by the organiser, or a combination of the two – must not exceed £100, which is the limit set by the regulations.

**12.4** **Poker under a club gaming permit**

- 12.4.1 A club gaming permit can only be granted to a members' club (including a miners' welfare institute), but cannot be granted to a commercial club or other alcohol-licensed premises. Other than in the case of clubs established to provide facilities for gaming of a prescribed kind (currently bridge and whist), clubs seeking club gaming permits must be established 'wholly or mainly' for purposes other than gaming. When a club gaming permit is granted there are no limits on the stakes and prizes associated with poker.
- 12.4.2 If a club established to provide facilities for gaming of a prescribed kind (currently bridge and whist) has a club gaming permit, it may not offer any other gaming besides bridge and whist. If such a club does not have a permit, it may provide exempt gaming provided it is not established to function for a limited period of time and it has at least 25 members. If it wishes to offer other non-exempt gaming it will require a Commission casino operating licence and any relevant personal licences.
- 12.4.3 The poker which a club gaming permit allows is subject to the following conditions:
- (a) In respect of equal chance gaming:
    - (i) the club must not deduct money from sums staked or won the participation fee must not exceed the amount prescribed in regulations; and
    - (ii) the game takes place on the premises and must not be linked with a game on another set of premises.
  - (b) Two games are linked if:
    - the result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
    - the amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game;
    - a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
    - only club members and their genuine guests participate.
  - (c) In respect of other games of chance:
    - the games must be pontoon and chemin de fer only;
    - no participation fee may be charged otherwise than in accordance with the regulations;
    - no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

- 12.4.4 All three types of gaming are subject to the 48 hour rule, meaning that the games may only be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

## **12.5 Poker as non-commercial gaming**

- 12.5.1 This is allowed if it takes places at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. One or more persons may benefit from the proceeds of such events if the activity is organised by or on behalf of a charity or for charitable purposes; or to enable participation in or support of athletic or cultural activities.

- 12.5.2 It would be possible to raise funds for an individual providing the proceeds were for example a wheelchair or to support a sporting endeavour. Events such as poker nights or casino nights are also permitted if they comply with the regulations and are run on a non-commercial basis.

## **12.6 Poker as private gaming**

- 12.6.1 Poker offered as private gaming can take place anywhere to which the public do not have access, including a workplace. Domestic and residential gaming are two subsets where non-equal chance gaming is allowed.

- Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling or it is on a domestic occasion and no charge or levy is made for playing.
- Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and more than 50% of the participants are residents.

- 12.6.2 Private gaming can potentially take place on commercial premises in circumstances where a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are not selected by a process which means that, in fact, they are members of the public rather than members of the club.

- 12.6.3 The law in this area is complex. It is contained in SI No 3157/2007: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007. Organisers should be advised to seek their own legal advice before proceeding with the event. 29.48 It is a condition of private gaming that no charge (by whatever name called) is made for participation and Schedule 15 to the Act makes it clear that a deduction from or levy on sums staked or won by participants in gaming is a charge for participation in the gaming. It is irrelevant whether the charge is expressed to be voluntary or compulsory, particularly if customers

are prevented from playing if they do not make the 'voluntary' donation, or there is strong peer pressure to make the donation.

- 12.6.4 A relevant decided case in another licensing field is that of *Cocks v Mayner* (1893) 58 JP 104, in which it was found that an omnibus said to be available free of charge but whose passengers who were invited to (and in some cases did) make a voluntary contribution was 'plying for hire' without the appropriate licence.

## **12.7 Advertising**

- 12.7.1 The Gambling (Licensing and Advertising) Act 2014 amended the Act so that from 1 November 2014, gambling operators that provide facilities for remote gambling or advertise to consumers in Great Britain will require a licence issued by the Commission. As an example, many poker websites promote other online gambling websites, usually by the provision of a hyperlink to that website. A hyperlink has been deemed to constitute advertising as it brings facilities for advertising to the attention of the person who clicks on the link.
- 12.7.2 It is not an offence to advertise non-remote gambling that is offered by operators not licensed by the Commission. For example, a prize could now include entry into a poker tournament, subject to meeting the appropriate prize limits.

## **13. Small society lotteries**

### **13.1 Introduction**

Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within two categories:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.
- The Council will need to know the purposes for which a society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, has been established so as to ensure that it is a non-commercial organisation. S.19 of the Act defines a society as such if it is established and conducted:
  - for charitable purposes, as defined in s.2 of the Charities Act 2006;
  - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;

- for any other non-commercial purpose other than that of private gain.

13.1.1 Participation in a lottery is a form of gambling, and as such licensing authorities must be aware that the societies they register are required to conduct their lotteries in a socially responsible manner and in accordance with the Act. The minimum age for participation in a lottery is 16 and Social Responsibility (SR) code 3.2.9 requires lottery licences to have effective procedures to minimise the risk of lottery tickets being sold to children, including:

- procedures for: checking the age of apparently underage purchasers of lottery tickets;
- taking action where there are unlawful attempts to purchase tickets.

13.1.2 The licensee must take reasonable steps to ensure that all those engaged in the promotion of lotteries understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

13.1.3 Licensing Authorities may propose to refuse an application for any of the following reasons:

- an operating licence held by the applicant for registration has been revoked; or
- an application for an operating licence made by the applicant for registration has been refused within the past five years;
- the society in question cannot be deemed non-commercial;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in schedule 7 of the Act;
- information provided in or with the application for registration is found to be false or misleading.

## **13.2 External lottery managers' licence status**

13.2.1 External lottery managers (ELMs) are required to hold a lottery operator's licence issued by the Commission to promote a lottery on behalf of a licensed society. However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors.

13.2.2 Key indicators will include:

- who decides how the lottery scheme will operate;

- who appoints and manages any sub-contractors;
- the banking arrangements for handling the proceeds of the lottery;
- who sells the tickets and pays the prizes;
- who controls promotional aspects of the lottery.

13.2.3 Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences held on its website.

### **13.3 Lottery tickets**

13.3.1 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society;
- the price of the ticket, which must be the same for all tickets;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM;
- the date of the draw, or information which enables the date to be determined.

13.3.2 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it. The Commission recommends that licensing authorities require all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority has powers to inspect the records of the lottery for any purpose related to the lottery.

13.3.3 The Act stipulates that lottery tickets may only be sold by persons who are aged 16 or over to persons who are aged 16 or over. With regards to where small society lottery tickets may be sold, this Council will adhere to the Commission's recommendations and apply the following criteria to all small society lottery operators:

- lottery tickets must not be sold to a person in any street, bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not;



- tickets may, however, be sold in a street from a static structure such as a kiosk or display stand;
- tickets may also be sold door to door;
- licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

13.3.4 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

#### **13.4 Application and registration process for small society lotteries**

13.4.1 On receipt of an application for a small society lottery this Authority will check the:

- society status – the society in question must be ‘non-commercial’;
- lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

13.4.2 The promoting society of a small society lottery must be registered with the Licensing Authority where their principal office is located throughout the period during which the lottery is promoted. If this Licensing Authority believes that a society’s principal office is situated in another area, it would inform the society and the other Licensing Authority as soon as possible.

13.4.3 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application. Applicants will be asked to provide a copy of their terms and conditions and a declaration, stating that they represent a bona fide non-commercial society.

13.4.4 In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.

13.4.5 Because of this possibility, this Licensing Authority will carefully consider any application by a society for more than one registration. If the aims and objectives are the same and therefore the threshold limits for small society lotteries are likely to be exceeded, the applicant will be advised to apply to the Commission for a society lottery operating licence.

- 13.4.6 By virtue of Schedule 11 paragraph 31(5), societies may not hold an operating licence and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of 3 years during which a large society cannot convert to small society status. Licensing Authorities should check that applicants for registration do not hold (and have not held in the preceding 3 years) a society lottery operating licence granted by the Commission.
- 13.4.7 This authority will also wish to check with the society at the time the annual fee is paid to renew the registration, to ensure that a society does not hold a duplicate registration with this council or another local authority where the aims and objectives of the societies are the same. If that is the case and the combined proceeds exceed or are likely to exceed the threshold limits for small society lotteries, the society will be advised to apply to the Commission for a society lottery operating licence. This Licensing Authority will also notify the Commission.
- 13.4.8 Once the application for registration has been accepted and entered on the local register, the Licensing Authority must then notify both the applicant and the Commission of this registration as soon as practicable. The Commission would prefer to receive this information electronically via email to [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk).
- 13.4.9 Registrations run for an unlimited period, unless the registration is cancelled. If a Licensing Authority cancels the registration of a society they are required by paragraph 53 of Schedule 11 of the Act to notify the Commission.

### **13.5 Refusal of an application**

- 13.5.1 Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for licensing authorities to refuse a small society lottery registration application. A Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. Licensing Authorities should inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence.
- 13.5.2 In summary, Licensing Authorities may propose to refuse an application for any of the following reasons:
- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years;
  - the society in question cannot be deemed non-commercial;
  - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act;
  - information provided in or with the application for registration is found to be false or misleading.

### **13.6 Revocation of a small society's registered status**

- 13.6.1 A Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. A revocation cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, licensing authorities should inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion. Representations that may result after such a decision will be handled in accordance with local procedures.

### **13.7 Appeals**

- 13.7.1 Following the conclusion of any hearings and receipt of representations, paragraph 51 of Schedule 11 to the Act then requires the authority to notify the applicant or the society as soon as possible if their registration is still to be revoked, or if their application for registration has still been rejected.
- 13.7.2 The applicant or society may appeal to the Magistrates' Court against the decision within 21 days following receipt of the notice of the decision to lodge an appeal. On appeal they may choose to affirm the decision of the Licensing Authority, reverse the decision, or make any other order.
- 13.7.3 The Society or its external lottery managers must submit returns containing certain information to the Licensing Authority. This information allows licensing authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.
- 13.7.4 The following information must be submitted:
- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
  - the total proceeds of the lottery; the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
  - the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
  - the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
  - whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.
- 13.7.5 This Council requires returns to be submitted electronically at

[business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk).

#### **14. Chain gift schemes**

- 14.1** It is an offence to invite others to join a chain gift scheme or to participate knowingly in the promotion or administration of such a scheme. These schemes are similar to pyramid selling schemes, but escape the ban on them because they do not involve the sale of any product. If this Council becomes aware of such a scheme operating in the Borough, the Trading Standards team will investigate to ascertain if an offence under the Consumer Protection from Unfair Trading Regulations 2008 has been committed. A person found guilty of the offence could be liable to a fine or imprisonment.

#### **14.2 Street collectors selling game cards**

- 14.2.1** If this Council becomes aware of street sellers in the borough approaching the public to sell them game cards 'to raise money for good causes', it will ask the Trading Standards to investigate. It will be unlikely that the product being sold is a legal lottery. This is because societies selling larger lotteries are not permitted to sell lottery tickets in the street.

#### **15. Compliance and Enforcement Matters**

##### **15.1 Good practice in regulation**

- 15.1.1** The Council has a duty to have regard to the statutory principles of good regulation as set out in the Regulators' Code. These provide that regulation should be carried out in a way that is:
- (a) Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - (b) Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
    - a. Consistent: rules and standards must be joined up and implemented fairly;
    - b. Transparent: regulators should be open and keep regulations simple and user friendly; and
    - c. Targeted: regulation should be targeted only at cases in which action is needed; it should focus on the problem and minimise side effects.
- 15.1.2** The Regulator's Code is enshrined in the Council's own Enforcement Policy with which every enforcement officer is required to adhere. As per the Commission's Guidance for licensing authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 15.1.3** This licensing authority has adopted and implemented a risk-based inspection programme based on:

- the licensing objectives;
  - relevant codes of practice;
  - guidance issued by the gambling commission, in particular at part 36; and
  - the principles set out in this statement of licensing policy.
- 15.1.4 As well as ensuring that all enforcement activity is proportionate, consistent, transparent and accountable, the policy also requires that activity is targeted primarily on those activities and premises which give rise to the most serious risks or where risks are least well controlled. This will be intelligence led approach. Regard will also be had to the local area profile set out in this policy.
- 15.1.5 This risk based approach will also be applied to inspections of premises to ensure that high risk premises requiring greater level of attention will be targeted whilst low risk premises will receive a lighter touch. Premises will be assessed on the basis of
- The type and location of the premises
  - The past operating history of the premises
  - The confidence in management
  - The arrangements in place to promote the licensing objectives
- 15.1.6 Where appropriate to do so, this Authority will work with other responsible authorities to promote the licensing objectives through enforcement. Compliance will normally be sought through early engagement, mediation, education and advice. In cases where this is not possible officers will seek to achieve compliance through the most appropriate route having regards to all the relevant matters. Where appropriate, regard will be given to primary authority directions.
- 15.1.7 When a decision of whether or not to prosecute is required then this Authority will follow the principle criteria from the Guidance in the Code for Crown Prosecutors which requires the two main tests to be considered:
- Whether the standard of evidence is sufficient for a realistic prospect of conviction
  - Whether a prosecution is in the public interest.
- 15.1.8 The main enforcement and compliance role for this licensing authority in terms of the Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Commission will be the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Commission.

- 15.1.9 This Licensing Authority recognises that certain bookmakers and other licensed premises operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual within the organisation/company, and whom the authority may contact first should any compliance queries or issues arise.

## **15.2 Enforcement Related Fees**

- 15.2.1 Licensing Authorities compliance and enforcement work and the costs of dealing with illegal gambling is covered by fees from premises licences and permits. The Act requires licensing authorities to “aim to ensure that the income from fees ... As nearly as possible equates to the costs of providing the service to which the fee relates and work, including the cost of dealing with illegal gambling in a Licensing Authority’s area”. This Council will closely track its costs to demonstrate how it arrived at the fee and will review such fees annually.

## **15.3 Application Forms**

- 15.3.1 This Council has provided information on how to make applications for licences and other permissions under the Act. Linked to this information is an online application form as well as a list of ‘responsible authorities’ and their appropriate contact details. As there are no prescribed application forms for family entertainment centres, prize gaming, or licensed premises gaming machine permits, this Council will accept applications for these licences in the hard copy which can be downloaded from [www.brent.gov.uk/business](http://www.brent.gov.uk/business) .

## **15.4 Enforcement officers and authorised persons**

- 15.4.1 S.303 of the Act enables the Commission to designate employees of the Commission and to appoint persons other than employees as enforcement officers for the purpose of the Act. Such persons are deemed to be authorised if:
- the premises are wholly or partly situated in the authority's area; and
  - the officer is designated by the authority as an authorised person for the purposes of s.304.
- 15.4.2 These authorised persons will exercise their inspection powers in accordance with the principles set out in the Licensing Authority’s policy statement.

## **15.5 Powers of entry**

- 15.5.1 The Act states that authorised persons, constables and enforcement officers may: undertake activities for the purpose of assessing compliance with provisions made under the Act or to assess whether an offence is being committed under the Act; enter premises if they reasonably suspect that facilities for gambling are being, are about to be, or have been provided on

the premises. This would include a private club but does not apply if the suspected gambling is private or non-commercial gaming or betting.(s.307).

**15.5.2** If in doubt, this Licensing Authority will:

- (a) seek legal advice about also securing a warrant issued by a justice of the peace to enter a premises in respect of which an application has been made for a family entertainment centre (FEC) gaming permit to consider the application, or to enter a premises in respect of which a FEC gaming machine permit has effect, in order to determine compliance with gaming machine permit requirements (s.309);
- (b) enter premises with 'on-premises' alcohol licence to determine if any gaming that is taking place satisfies the conditions for exempt gaming in s.279 of the Act, to ascertain that any bingo taking place meets the requirements of the Act, or to ascertain the number and category of gaming machines being made available for use on the premises (s.310);
- (c) enter premises in respect of which an application has been made for a prize gaming permit, to consider the application, or to enter a premises in respect of which a prize gaming permit has effect in order to determine whether prize gaming on the premises complies with the requirements of the Act and regulations under it (s.311).

**15.5.3** Where an application for a club gaming permit or club machine permit has been made, enforcement officers or the police may also enter a members' club, a commercial club or miners' welfare institute under for matters connected with consideration of the application, to determine whether gaming is taking place or is about to take place on the premises; and such gaming meets the requirements for exempt gaming in section 269 of the Act, a club gaming permit or a club machine permit.

**15.5.4** Only police officers and enforcement officers can enter the premises that have been granted a permit to determine if the things being done are in accordance with that permit (and not primarily because they suspect a crime is taking place/has taken place). Under s.318 of the Act a constable, enforcement officer or authorised person can only enter a dwelling under a warrant issued by a justice of the peace. In all circumstances, only a police officer or enforcement officer can seize evidence.

## **15.6**     **Illegal gambling**

**15.6.1** The prevention of illegal gambling is an enforcement priority for the Council. Combating illegal gambling is of significant benefit to the licensed community as the provision of illegal unregulated gambling impacts upon the reputation of the industry as a whole. The persistent and widespread existence of illegal gambling also reduces the incentive on operators to be correctly licensed. The Council will take formal enforcement action against those providing or facilitating illegal gambling in one premises. But the Commission will generally take the lead in prosecuting the offence of providing facilities for widespread and organised gambling.

## **15.7 Test purchasing and age verification**

- 15.7.1 The Council will carry out test purchasing to detect whether children and your persons are accessing adult only gambling premises or are engaged in gambling intended for adults. Appropriate enforcement action will be taken against offenders.

## **15.8 Primary Authority**

- 15.8.1 The PA scheme, administered by the Better Regulation Delivery Office (BRDO) provides for a statutory partnership to be formed between a business and a single authority, e.g. a local authority. That single authority, the PA, can provide a national inspection strategy within which other local regulators can operate, to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The PA scheme therefore aims to ensure that local regulation is consistent at the national level.
- 15.8.2 Since October 2013, the PA has been extended to include age-restricted sales of gambling in England and Wales. This means local authorities in England and Wales must follow any age restricted sales of gambling national inspection plans and strategies that are published on the PA register when considering proactive age restricted sales (gambling) activity including testing. The inspection plans are designed to be largely uniform and to bring consistency to proactive test purchasing in those betting shops. These arrangements underpin the primary objectives of the Act in relation to protecting children from gambling-related harm and preventing them from accessing gambling facilities. PA plans do not prohibit licensing authorities undertaking reactive test purchasing. PA does not apply to the police or the Commission.

## **15.9 Prosecutions**

- 15.9.1 The Act gives licensing authorities in England and Wales, the police and the Commission the power to prosecute the offence of using premises for gambling without the requisite permissions. In exceptional circumstances, such as repeated deliberate breaches of premises licence conditions, licensed operators or permit holders may be prosecuted without any prior regulatory action, such as warnings, suspension or revocation of licence or removal of permit. Most prosecutions will be against those illegally providing gambling without a licence or permit.
- 15.9.2 There is a distinction between those who conduct gambling operations under a licence or permit but breach the conditions of that, and those who seek to profit from providing facilities for gambling without a licence or permit. While both situations result in unlawful gambling, the latter situation is generally considered by the Council and the Commission to be more serious.



**CONTACT**

Planning, Transport & Licensing  
Licensing Team  
London Borough of Brent  
Civic Centre  
Engineers Way  
Wembley HA9 0JF

(020) 937 5262

[business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk)

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

## Schedule 1: Summary of machine provisions by premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino(machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino(no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo premises <sup>1</sup>	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4						No limit on category C or D machines
Adult gaming centre <sup>2</sup>	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4						No limit on category C or D machines
Licensed family entertainment centre <sup>3</sup>							No limit on category C or D machines
Family entertainment centre (with permit) <sup>3</sup>							No limit on category D machines
Clubs or miners' welfare institute (with permits) <sup>4</sup>	Maximum of 3 machines in categories B3A or B4 to D						
Qualifying alcohol-licensed premises							1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)							Number of category C-D machines as specified on permit
Travelling fair							No limit on category D machines

Table 4: Summary of machine provisions by premises

1 Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight (The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2 Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

3 Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation

and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

4 Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

5 Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

## **Schedule 2: Summary of gaming machine categories and entitlements**

Link to summary of gaming machine categories and entitlements

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-B-Summary-of-gaming-machine-categories-and-entitlements.aspx>

**Schedule 3: Summary of gaming entitlements for clubs and alcohol-licensed premises**

Link to summary of gaming machine categories and entitlements

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-C-Summary-of-gaming-entitlements-for-clubs-and-alcohol-licensed-premises.aspx>

## Schedule 4: Summary of offences under the Gambling Act 2005

### General offences regarding the provision of gambling facilities

Providing gambling facilities in Great Britain without a relevant licence, permit, notice, or exemption included under the Act.	S.33
Using premises to provide gambling facilities from, or causing them to be provided, without a relevant licence, permit, notice or exemption under the Act.	S.37

### Offence Regarding cheating at gambling

Cheating, attempting to cheat, or assisting another person to cheat at gambling.	S.42
--	------

### Offence committed towards or by under 18s

Inviting, causing or permitting a child (under 16) or young person (16 – 17) to gamble, with the exception of:	
private / non-commercial gaming and betting	
participating in lotteries	
participating in football pools	
using a category D gaming machine	S.46
participating in equal chance gaming at premises subject of a prize gaming permit or an FEC premises licence	S.48
participating in prize gaming at a fair or an unlicensed FEC	
This offence includes intentional distribution of advertising to under-18s where the intent is to encourage gambling.	
It is also an offence on the part of a young person to gamble with the exception of situations listed above.	
Inviting or permitting a child or young person to enter:	
a casino	
a betting premises (except for betting areas of horse and greyhound tracks on race days)	S.47
an adult gaming centre	
areas of a family entertainment centre where category C gaming machines are situated.	S.49
This offence is committed at all times when the premises listed above are being used in reliance on the premises licence.	
It is also an offence on the part of a young person to enter the premises listed above.	

For a summary list of all offences under the Gambling Act 2005 please use the following link:  
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-D-Summary-of-offences-under-the-Gambling-Act-2005.aspx>

### **Schedule 5: Delegations of functions under the Gambling Act 2005**

The Council's Licensing Committee is responsible for discharging the majority of the Council's licensing functions under the Gambling Act 2005. The notable exceptions are the final approval of the Council's Statement of Gambling Principles (also known as Statement of Licensing Policy) and policy not to permit casinos. Both of these functions are reserved to full Council.

In practice, and in accordance with relevant statutory provisions, all those decisions which can be, have been delegated to officers. Further, the Alcohol and Entertainment Licensing Sub-Committee is responsible for considering and determining applications and other matters which cannot be determined by officers. That Sub-Committee can also consider and determine any other matters referred to it for determination by officers (e.g. matters which can be considered by officers but which is considered more appropriate for the Sub-Committee to do so).

**TThe n**

## **Schedule 6: List of Consultees to Statement of Licensing Principles**

**Persons or Bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions:**

### **Responsible Authorities**

- Metropolitan Police
- London Fire and Emergency Planning Authority
- Planning Authority, Brent Council
- Environmental Health, Brent Council
- Safeguarding Children's Board, Brent Council
- HM Customs and Excise
- London Borough of Brent Councillors
- Brent MPs and Member of the Greater London Authority
- All Brent Council Directorates
- Brent Community Safety Partnership
- Gamblers Anonymous
- Alcoholics Anonymous
- Brent Drug and Alcohol Action Team
- Brent Youth Offending Service National Probation Service
- National Association of Citizen Advice Bureaux
- Brent Samaritans
- Salvation Army
- Brent Magistrates' Court
- Brent Mind
- Brent Residents and Tenants Associations
- Help the Aged



**Persons or Bodies representing the interests of those carrying on gambling businesses in the borough:**

- Current holders of licences, permits, registrations etc. in the borough
- Gaming Machine Suppliers
- Association of British Bookmakers
- British Amusement Catering Trade Association
- British Casino Association
- Casino Operators Association
- The Association of Licensed Multiple Retailers
- British Beer and Pub Association
- British Institute of Innkeeping
- GamCare
- Brent Chamber of Commerce
- The Football Association
- Federation of Licensed Victuallers
- The Bingo Association
- The Working Men's Club & Institute Union
- Responsibility in Gambling Trust
- Remote Gambling Association
- The Lotteries Council

**Others**

- General Public - via Council Website and Press Release

*This is not an exhaustive list*

**Schedule 7: Glossary of terms**

Applications	Applications for licences and permits
Authorised local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A Licensing Officer, an officer of an authority other than a Licensing Authority, both of who have been authorised for a purpose relating to premises in that authority area. The following are considered authorised persons:</p> <p>Inspectors are appointed under the Fire Precautions Act 1971</p> <p>Inspector appointed under the Health and Safety at Work, etc. Act 1974.</p> <p>Inspectors of Surveyors of ships appointed under the Merchant Shipping Act 1995;</p> <p>A person in a class prescribed in regulations by the Secretary of State.</p>
Automated Roulette Equipment	<p>2 types:</p> <p>(a) Linked to live game of chance, e.g. Roulette</p> <p>(b) Plays live automated game, i.e. operates without human intervention</p>
Automatic condition	Condition attached automatically to premises licences or authorisations. The Licensing Authority has no desecration not to include or modify them.
AWP machines	Amusement with Prizes Machines.
BACTA	British Amusement Catering Trade Association.
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Ring	An area that is used for temporary „on course“ betting facilities.
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	<p>(a) Regional Casino Premises Licence</p> <p>(b) Large Casino Premises Licence</p> <p>(c) Small Casino Premises Licence</p>

	(d) Casino permitted under transitional arrangements.
Club Gaming Machine Permit	Permit to enable the preemies to provide gaming machines (3 machines of Categories B C or D).
Code of Practice	Means any relevant code of practice under section 34 of the Gambling Act 2005.
Complex Lottery	An arrangement where:  (a) Persons are required to pay to participate in the arrangement; In the course of the arrangement, one or more prizes are allocated to one or more members of a class;  (b) The prizes are allocated by a series of processes; and  (c) The first of those processes relies wholly on chance.
Council	Brent Council
Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub Committee or Licensing Officers.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Dual Use Computer	Definition in forthcoming Regulations. Exempt from a Gaming machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to be run

	without a licence from the Gambling Commission. There are 4 types: (a) Small Society Lottery (required to register with Licensing Authorities (b) Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair (c) Private Lotteries e.g. Raffle at a student hall of residence (d) Customer Lotteries e.g. Supermarket holding a hamper raffle
External Lottery Manager	An individual, firm or company appointed by the small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery
Fixed Odds Betting	General betting on tracks,
Gaming	Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events. Categories – See Appendix E
Guidance	Guidance issued by the Gambling Commission dated April 2006.
Human Rights Act 1998 Articles: 1, 6, 8 and 10	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions. Article 6: - the right to a fair hearing Article 8: - the right of respect for private and family life Article 10: - the right to freedom of expression.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events (commonly charity fund raising event, lottery held at a school fete or at a social event such as a dinner dance)
Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act (Schedule 7)
Interested Party	Interested parties can make representations about licence applications, or apply for a review of an existing licence. A person who:

	<p>(a) Lives sufficiently close to the premises to be likely affected by the authorised activities.</p> <p>(b) Has business interests that might be affected by the authorised activities.</p> <p>(c) Represents persons in either of the above groups.</p>
Irrelevant Representations	<p>Where other legislation can cover the representation.</p> <p>Demand in premises licensing</p>
Large Lottery	<p>Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries on one calendar year exceed £250.00. This requires an Operating Licence.</p>
Licensed Lottery	<p>Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission.</p> <p>Operating Licences will be required.</p>
Licensing Authority	The London Borough of Brent
Licensing Committee	A committee of 10 to 15 councillors appointed by the Council to represent the Licensing Authority.
Licensing Sub Committee	A sub committee of members appointed from the licensing committee to whom the functions of the licensing committee can be
	delegated under the Act to determine applications.
Live Gaming	Gambling on a live game as it happens.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	<p>Tickets that must:</p> <p>(a) Identify the promoting society</p> <p>(b) State the name and address of the member of Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and</p> <p>(c) State the date of the draw, or enable the date of the draw to be determined.</p>
Mandatory Condition	<p>Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.</p>

Members Club	A club that must: (a) have a least 24 members (b) be established and conducted „wholly or mainly“ for purposes other than gaming (c) be permanent in nature (d) Not established to make commercial profit controlled by its members equally
Notifications	Notification of temporary and occasional use notices
Non-commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not private gain.
Non Commercial Society/small society lotteries	A society established and conducted: (a) for charitable purposes. (b) for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or (c) for any other non commercial purpose other than that of private gain
Occasional Use Notice	Betting may be permitted on a „track“ without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting – Tracks	Betting that takes place on a track while races are taking place.
Operating Licences	Licence to permit individual and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.

Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
Premises	Defined as „any place“. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks adult gaming centres and family entertainment centres.
Private Lotteries	<p>3 Types of private Lotteries:</p> <p>(a) Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the</p> <p>Society.</p> <p>(b) Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises.</p> <p>(c) Residents" Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.</p>
Prize Gaming	<p><input type="checkbox"/> Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.</p> <p><input type="checkbox"/> The prizes will be determined by the operator before play commences.</p>
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <p>Expects to be constructed</p> <p>Expects to be altered</p> <p>Expects to acquire a right occupy</p>
Racino	Casino located at a racecourse.
Regulations:	Regulations made under the Gambling Act 2005

Relevant Representations	Representations that relate to the Licensing Objectives or that raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Code of Practice.
Responsible Authorises	<p>Responsible authorises can make representations about licence applications, or apply for review of an existing licence.</p> <p>For the purposes of this Act, the following are responsible authorises in relation to premises:</p> <ul style="list-style-type: none"> <li>(a) The Council Licensing Authority whose area the premises must wholly or mainly be situated;</li> <li>(b) The Gambling Commission;</li> <li>(c) Metropolitan Police</li> <li>(d) London Fire and Emergency Planning Authority,</li> <li>(e) Planning Authority, Brent Council;</li> <li>(f) Environmental Health, Brent Council</li> <li>(g) Brent's Safeguarding Children's Board</li> <li>(h) HM Customs and Excise.</li> </ul> <p>N.B. In accordance with the Gambling Commission's guidance for local authorities designates the Brent Safeguarding Children's Board for this purpose.</p>
SIA	Security Industry Authority
Simple Lottery	<p>An arrangement where:</p> <ul style="list-style-type: none"> <li>(a) Persons are required to pay to participate in the arrangement In</li> <li>(b) the course of the arrangement, one or more prize are allocated to one or more members of a class; and</li> <li>(c) The prizes are allocated by a process which relies wholly chance.</li> </ul>
Skills with Prize	A machine on which the winning of a prize is determined only by the Player's skill and there is no element of chance, e.g. trivia game machine Formula 1 simulators, shooting game Skills Machine are unregulated.
Small Lottery	Where the total value of tickets in a single lottery is £20,000 or less



	and the aggregate value of the tickets in a calendar year is £250,000 or less.
Small Society Lottery	A lottery promoted on behalf of non-commercial society, i.e. lotteries intended to raise funds for good causes.
Small Operations	Independent on course betting operators with only one or two employees or a bookmakers running just one shop.
Society	The society or any separate branch of such a society, on whose
Statement of Principles	Matters taken into account when considering an applicant's suitability for an application for FEC Permits etc.
Temporary Use Notice	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Small Operations	Independent on course betting operators with only one or two employees or a bookmakers running just one shop.
Totalisator or Tote	Pool betting on tracks.
Touch Bet Roulette	Where a player gambles on a live game of chance without actually being seated.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that „wholly or principally“ provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.

Vessel; and Relevant Licensing Authority	The Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races i.e. images generated by computer to resemble races or other events.
Vulnerable	Include 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 mental impairment, alcohol or drugs. For example this may include those persons who are under the influence of alcohol and/or are drunk. persons who are under the influence of alcohol and/or are drunk.
Young Person	An individual who is not a child but who is less than 18 years old.
	<p>Football temporary use notice</p> <p>Family entertainment centre gaming machine permit</p> <p>Club/miners welfare institute: equal chance gaming</p> <p>Club gaming permit</p> <p>Club machine permit</p> <p>Equal chance gaming, on – licensed premises</p> <p>Gaming machines: automatic entitlement, on – licensed premises</p> <p>Licensed premises gaming machine permit</p> <p>Travelling fair gaming machine</p> <p>Prize gaming permit</p> <p>Other prize gaming</p> <p>Ancillary equal chance gaming at travelling fairs</p> <p>Private gaming and betting</p> <p>Non commercial prize gaming</p> <p>Non commercial equal chance gaming</p>



**This page is intentionally left blank**

APPENDIX 2

## GAMBLING CONSULTATION RESPONSES

Date Received	Agency	Response to Consultation	Action Taken
6 July 2018	BACTA	<p>General Request</p> <ul style="list-style-type: none"> <li>• Consultee requested to speak to someone about the Local Area Profile and use of the maps</li> </ul>	<p>Request resolved</p> <ul style="list-style-type: none"> <li>• Licensing Enforcement Officer contacted the consultee to explain the local area profile and use of the maps. The consultee was unable to view the overlapping data sets on the map, when used in conjunction with each other. This technical issue was resolved with the Intelligence unit who had created the maps in the first instance.</li> </ul>
6 July 2018	Gamcare	<p>Provides a general list of factors to consider:</p> <ul style="list-style-type: none"> <li>• Provide a risk map</li> <li>• Consider vulnerable persons/places when making decisions on new gambling premises applications</li> <li>• Local risk assessments to be provided by gambling premises</li> <li>• Appropriate staff Training and support</li> </ul>	<p>Checked and considered</p> <ul style="list-style-type: none"> <li>• Introduced in latest version of policy in relation to local Area Profile maps</li> <li>• Introduced in latest version of policy in relation to local risk assessments and Local Area Profiles.</li> <li>• Local risk assessments must be provided by gambling premises</li> <li>• At all times, operators must be able to demonstrate that staff are</li> </ul>

		<ul style="list-style-type: none"> <li>• Adequate staff and managers at premises</li> <li>• Layout, lighting &amp; fitting out of premises</li> <li>• Promotional Material</li> </ul>	<p>competent in all areas/receive appropriate training/support in relation to all areas of gambling</p> <ul style="list-style-type: none"> <li>• Already in place in relation to local risk assessments and to be introduced in relation to Local Area Profiles</li> <li>• Already in place in relation to local risk assessments</li> <li>• Already in place in relation to local risk assessments and legislation</li> </ul>
7 July 2018	Councillor	<p>Comments made</p> <ul style="list-style-type: none"> <li>• No further licences to be issued</li> <li>• Existing licences monitored</li> <li>• Prominently display risk of irresponsible and compulsive gambling</li> </ul>	<p>Responses to comments</p> <ul style="list-style-type: none"> <li>• The Act does not permit the LA to restrict this. A risk assessment is required to determine whether a new location is suitable but the LA must aim to permit.</li> <li>• Risk based annual inspections undertaken and complaints investigated</li> <li>• We are unable to ask operators to display this information. This would be done on a risk based basis by the operator</li> </ul>

		<ul style="list-style-type: none"> <li>• Signpost Gamblers</li> <li>• Underage restrictions</li> <li>• Restrictions for large sums of betting</li> </ul>	<ul style="list-style-type: none"> <li>• All gambling premises have signposts for problem gamblers</li> <li>• All premises already have prominent displays which prohibits under 18's from entering premises</li> <li>• This will be risk assessed by each individual premises based on the issues identified in a particular customer.</li> </ul>
18 July 2018	Planning Officers	<p>Minor amendments requested</p> <ul style="list-style-type: none"> <li>• Para 1.3 clarify the vision and priorities are from the borough plan</li> <li>• Para 4.2.3 typo local crime</li> <li>• Para 5.5.1 Issues with navigating to map <a href="http://www.linktomaps.com">www.linktomaps.com</a></li> <li>• Formatting AGC table incorrect</li> </ul>	<p>Undertaken</p> <ul style="list-style-type: none"> <li>• Amendment made</li> <li>• Typo amended</li> <li>• Issues with link now resolved</li> <li>• Formatting corrected</li> </ul>
25 September 2018	Gosschalks on behalf of Association of British Bookmakers (ABB)	<p>Comments and amendments requested</p> <ul style="list-style-type: none"> <li>• The gambling principles should simply outline the principles the LA will apply when exercising its functions.</li> </ul>	<ul style="list-style-type: none"> <li>• The Statement has not been changed based on Counsel's advice. The Counsel's advice is 'The literal approach taken by ABB would mean that The Licensing Authority could not set out the population of its area, or point out the health characteristics of its population. There is nothing in the statutory</li> </ul>



		<ul style="list-style-type: none"> <li>• The executive summary is critical and inconsistent with the LA's duty contained in S.153 of the GA that it should 'aim to permit'. The exec summary should remove all pejorative (judgemental) statements and introduce the policy on the basis that each application will be judged on its own merit with the authority aiming to permit.</li> <li>• The figures quoted in the exec summary are from the Campaign for Fairer Gambling. There is no evidence to support the figures or the extrapolated (generalised) figures thereafter.</li> <li>• The 'aim to permit' principle mentioned too late in the policy (pg 17) it should be under 'statutory framework' para 2.4.</li> <li>• References to the LA seeking to promote the licensing objectives. Under the GA LA's required to 'have regard' to the objectives. No requirement for LA or applicant to seek to promote the objectives. Granted licences required to be reasonably consistent with the objectives. References to promoting the objectives should all be re-drafted (paras 2.8.3, 3.18, 3.3.3 and 5.7.3)</li> </ul>	<p>provisions that require such a narrow approach by the Licensing Authority.'</p> <ul style="list-style-type: none"> <li>• This aspect of the executive summary remains unchanged based on Counsel's advice which is 'the summary is neither irrational nor unlawful to point out gambling related harms...'</li> <li>• References related to 'Campaign for Fairer Gambling' have been removed.</li> <li>• The 'aim to permit' is now stated earlier in the Statement.</li> <li>• The Statement has been amended to read 'have regard to'.</li> </ul>
--	--	--	--

		<ul style="list-style-type: none"> <li>• Paras 2.8.2 – 2.8.3 to be redrafted or deleted. Not clear what they mean.</li> <li>• Para 3.18 indicates the SOP is intended to promote the 3 objectives, this is incorrect, the SOP should outline the principles that the LA will adopt when exercising its function.</li> <li>• Para 3.19 is a misstatement of the law, should be re-drafted so that it is clear about S.153. S.153 of the GA requires a LA to aim to permit subject to 4 criteria. It does not give the LA power to issue a SOLP, set expectations about regulation, grant, refuse and attach conditions to premises licences or review them.</li> <li>• Para 3.31 and 3.32 are repeats of 3.1.2. and 3.13 – should be deleted.</li> <li>• Para 3.34 repeats para 3.19 (the misstatement) – to be deleted.</li> <li>• Para 4.2.4 – the penultimate bullet point – <i>‘steps proposed to prevent antisocial behaviour, associated with the premises such as street drinking litter and obstruction of the highway’</i> should be deleted. This is an issue of nuisance and not relevant considerations for the GA. This is recognised in para 4.2.6.</li> <li>• Paras 4.4.5 &amp; 4.4.6 indicated that the LA requires documentary evidence of policies</li> </ul>	<ul style="list-style-type: none"> <li>• These paragraphs have been re-drafted as suggested by Counsel.</li> <li>• The Statement has been amended to ‘have regard to’</li> <li>• Para 3.19 has been amended to rectify this as suggested by Counsel, the first three words in the paragraph have been deleted.</li> <li>• These paragraphs have been deleted.</li> <li>• Paragraph 3.34 deleted.</li> <li>• The paragraph has been changed to read <i>‘Steps proposed to prevent disorderly behaviour associated with the premises including by street drinkers outside the premises’</i></li> <li>• As suggested by Counsel, the paragraph</li> </ul>
--	--	--	--

		<p>&amp; procedures in place to meet operating licence conditions. This is unnecessary, the GC would be satisfied of these matters when granting the operator's licence. The LA should not trespass on matters for the GC, unless there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that would make these policies and procedures relevant considerations.</p> <ul style="list-style-type: none"> <li>• Para 4.6.1 – the penultimate bullet point referring to antisocial behaviour &amp; nuisance should be deleted – not a relevant consideration for a GA applications.</li> <li>• Para 5.2 'Concerns surrounding fixed odds betting terminals' to be deleted. This is a matter of opinion and has no place in the SOP. Also, no evidence to support Campaign for Fairer Gambling's figures and unclear where the figure 1.4% of the adult population having played virtual gaming came from. Unsubstantiated.</li> </ul>	<p>has been improved by adding a few words – <i>'In order that this Authority may make proper informed judgement as to the effectiveness of these policies and procedures at the premises and in the locality concerned, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered on their own merit.'</i></p> <ul style="list-style-type: none"> <li>• The Counsel's advice is <i>'There is nothing wrong with this. It refers to young people who are protected by the licensing objectives.'</i> Therefore, the paragraph remains unchanged.</li> <li>• Counsel's response is that the licensing authority is entitled to be concerned about FOBTs and their association with harm. Hence, the statement remains unchanged in relation to</li> </ul>
--	--	--	---

		<ul style="list-style-type: none"> <li>• Para 5.2.3 referring to relationship between the spatial distribution of licensed premises and problem gambling. The ABB doesn't accept there is a relationship. Evidence shows betting offices have existed in areas of high footfall and high population for over 50 years, largely without problem.</li> <li>• All of section 5.2 should be deleted.</li> <li>• 5.3 (Risk Assessments) – 5.31 &amp; 5.32 should remain. The paras that follow should be deleted, they are nothing to do with gambling in Brent. There is no need for the figures in 5.35 to be included.</li> <li>• 5.4 – should be re-drafted. Concentrates on matters that are irrelevant for a consideration of risk to the objectives</li> </ul>	<p>this aspect. References to Campaign for Fairer Gambling have been removed as we cannot verify their figures.</p> <ul style="list-style-type: none"> <li>• As per Counsel's advice the footnoted report has been checked and reference is correct – therefore, Counsel cannot see any harm in including it. Therefore, the Statement on this paragraph remains unchanged.</li> <li>• This section is not deleted based on Counsel's response.</li> <li>• The wording in the paragraph has been changed.</li> </ul> <p>Counsel feels that the matters mentioned are relevant. He agrees that research shows a higher prevalence of problem gambling in deprived areas. A link referencing the research has been added</p>
--	--	--	--

		<ul style="list-style-type: none"> <li>• Para 5.5 should be deleted in full. Relates to deprivation &amp; anti-social behaviour. Anti-social behaviour is nuisance which is not an issue for consideration of the GA.</li> <li>• Para 5.5.4 should be deleted in full. Applications should be determined on their own merits, LA's cannot express in advance the opinion that a specific area is 'inappropriate' for further gambling premises.</li> <li>• Para 5.6 (risk assessments – further considerations) – List of bullet points to be re-drafted. These refer to matters that are not relevant when assessing risk to the objectives.</li> <li>• Para 6.13 refers to gaming machines being 'an ancillary offer on the premises' this should be re-drafted as this is not a correct reflection of the social responsibility code provision. This para to be re-drafted.</li> </ul>	<ul style="list-style-type: none"> <li>• Counsel disagrees with ABB and states that anti-social behaviour is a good proxy measure for disorder. The paragraph remains unchanged.</li> <li>• Counsel feels that the Licensing Authority is concerned about problem gambling in deprived communities and is entitled to reflect this in its policy. The para is strengthened by adding <i>'Nevertheless any application made in such an area will be determined on its individual merits'</i>.</li> <li>• Based on Counsel's advice this para remains unchanged. Para 5.6.4 has been deleted.</li> <li>• This para has been re-drafted.</li> </ul>
26 September 2018	William Hill	Comments and amendments requested	

		<ul style="list-style-type: none"> <li>• Para 5.2.1 – Do not believe estimates from a lobbying group (Campaign for Fairer Gambling) should be used as they are incorrect. These figures should be removed.</li> <li>• Paras 5.3.4 &amp; 5.3.5 – Estimates in these paras are countrywide and there is no benefit of them being in a local policy. These paras and the tables below should be removed.</li> <li>• Para 5.5.4 &amp; 6.1.2 are contradictory. 5.5.4 Identifies areas as the ‘most deprived’ and would be inappropriate for further gambling premises whereas 6.1.2 states the ‘aim to permit’. All premises should be treated on own merits there should not be any ‘no go zones’. A relocation of an existing premises where the operator had run the premises well, and proposed to provide a similar facility in the same area should not be rejected, the para goes on to suggest that the application should not even be considered. This is not the correct approach based on the ‘aim to permit’ principle.</li> <li>• Para 7 – Licence Conditions – It should be made clear that the conditions <i>could</i> be added to the licence. Current text may suggest that they apply to all existing premises.</li> <li>• Para 8.7 – Refers to additional protections for the vulnerable, to include removing</li> </ul>	<ul style="list-style-type: none"> <li>• References to Campaign for Fairer Gambling have been removed.</li> <li>• Paras have been amended.</li> <li>• Counsel feels that the Licensing Authority is concerned about problem gambling in deprived communities and is entitled to reflect this in its policy. The para is strengthened by adding <i>‘Nevertheless any application made in such an area will be determined on its individual merits’</i>.</li> <li>• Para amended.</li> </ul>
--	--	---	--

		<p>ATM's and restricting FOBT's to account based play. It is not reasonable to restrict play to account based play only, on a local basis, the system for play must remain the same across all local authorities. The Gambling Commission or Government are the authorities who will determine how such machines are played.</p>	<ul style="list-style-type: none"> <li>Based on Counsel's advice, the para is amended.</li> </ul>
27 September 2018	Salvation Army	<p>Amendments requested &amp; comments made</p> <ul style="list-style-type: none"> <li>Welcomed the fact that the Salvation Army was consulted but would ask the LA to broaden the consultation list to more faith groups.</li> <li>Para 2.8.2 – this para is welcomed.</li> <li>Comments in paras 3.18, 3.3.3, 4.1.1, 4.4, 5.6.2, 5.6.3, 6.4, 6.5.1, 6.12.1, 6.15, 6.17, 7.1.2, 7.1.3, 7.1.5 and 8. References that gambling premises should not be cited close to schools is welcomed.</li> <li>Para 3.18 – Councils commitment to prevent gambling from becoming a source of crime or disorder and protection children &amp; vulnerable people is welcomed. But further recommendations made: <ul style="list-style-type: none"> <li>Self-barring schemes – would welcome high levels of supervision over machine areas and excellent staff training.</li> <li>Would recommend stringent door controls to ensure children don't gamble and that door supervisors</li> </ul> </li> </ul>	<p>Comments noted</p> <ul style="list-style-type: none"> <li>No response required – positive comment</li> <li>No response required – positive comment</li> <li>No response required – positive comment</li> <li>Self- barring schemes – these already exist in all gambling premises</li> <li>Stringent door controls and door supervisors – All gambling premises have prominent displays which prohibits children from entering the premises. The LA cannot request that gambling premises supply door supervisors unless a review is undertaken based on</li> </ul>

		<p>are made compulsory at gambling premises and that they are all CRB checked.</p> <ul style="list-style-type: none"> <li>○ Encourages all Councils to consider insisting that all gambling premises staff are CRB checked as well as specialist training on dealing with underage children and vulnerable persons</li> </ul>	<p>evidence that there are issues with children entering the premises</p> <ul style="list-style-type: none"> <li>• The LA cannot request that gambling premises carry out CRB checks on all staff unless a review is undertaken based on evidence that there are issues within the premises which can be associated to staff. Training is based on local risk assessments which would identify particular issues with children in the area and ways to combat this.</li> </ul>
		<ul style="list-style-type: none"> <li>• 5.2 &amp; 5.5.4 – Comments noted and welcomed as have concerns over the impact of FOBT machines.</li> <li>• ATM's should not be cited inside licensed premises, but if they are they should be in a designated 'non gambling' area.</li> <li>• Note that Brent has not passed 'no casino' resolution. (8.4.1)</li> </ul>	<ul style="list-style-type: none"> <li>• No response required – positive comment</li> <li>• The LA cannot prevent ATM's from being cited in premises but there is already a restriction in place that prevents persons from gambling and withdrawing money simultaneously.</li> <li>• No response required</li> </ul>
2 October 2018	Gambling Commission	Minor amendments to be made	Undertaken



		<ul style="list-style-type: none"><li>• Link to gaming prizes instead of table in policy</li><li>• Include statement that stipulates that all gambling premises will hold a local risk assessment at the premises.</li></ul>	<ul style="list-style-type: none"><li>• Links to gaming prizes changed</li><li>• Statement included</li></ul>
--	--	--	---

**This page is intentionally left blank**

## APPENDIX 3

## Appendix 3

### London Borough of Brent

#### Statement of Gambling Principles - Equalities Impact Assessment (EqIA)

<b>Department:</b>	Regeneration and Growth
<b>Service Area:</b>	Planning, Transport & Licensing
<b>Person Responsible:</b>	Yogini Patel
<b>Timescale for Equality Impact Assessment:</b>	n/a
<b>Name of service/policy/procedure/project, etc.</b>	Statement of Gambling Principles 2019-2022
<b>Is the service/policy/procedure/project:</b>	Policy
<b>Predictive or Retrospective</b>	Predictive
<b>Adverse Impact/Not found/Found</b>	Not Found
<b>Service/policy/procedure/project etc, amended to stop or reduce adverse impact</b>	n/a
<b>Is there likely to be a differential impact on any group?</b>	No
<b>1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers</b>	No
<b>2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities</b>	No
<b>3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability</b>	No
<b>4. Grounds of faith or belief: Religion/faith including people who do not have a religion</b>	No
<b>5. Grounds of sexual orientation: Lesbian, Gay and bisexual</b>	No
<b>Consultation concluded</b>	Yes
<b>Person responsible for arranging the review</b>	Yogini Patel
<b>Person responsible for publishing results of Equality Impact Assessment:</b>	Yogini Patel
<b>Person responsible for monitoring</b>	Yogini Patel
<b>Date results due to be published and where</b>	
<b>1. What is the service/policy/procedure/project etc to be assessed?</b>	Policy -Statement of Gambling Principles 2019-2022

**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/polices 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 2015. Brent Council has reviewed its Statement of Principles and undertaken a public consultation exercise in order that the latest version can be agreed by the Full Council in November 2018 and published in January 2019.

Consultees included 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 draft Statement of Gambling Principles has been updated using the Gambling Act 2005 which remains unchanged together with the latest guidance issued by the Gambling Commission to local authorities.

Gambling operators are required to produce robust risk assessments using local area profiles to minimise gambling related harm. Local Area Profiles such as deprivation index, unemployment, hostels, housing, pay day loan shops, schools etc. for Brent have been introduced which includes interactive maps for gambling operators to use in order to produce their risk assessments.

Where areas are identified as posing a significant risk of gambling related harm to individuals but especially to children and vulnerable adults, any new operator will be asked to consider relocating their premises to a more suitable location. Examples of such areas include Wembley High Road, Harlesden High Street, Kilburn high Road etc., which have high footfall as well as those near supported accommodation, addiction treatment centres. This is not an exhaustive list as other factors also affect gambling related harm.

### **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 adults, 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**

<p><b>judgement? Please supply us with the evidence you used to make your judgement separately (by gender, race, disability etc).</b></p>
<p>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.</p> <p>The evidence is based on:</p> <ul style="list-style-type: none"> <li>• Data obtained through inspecting gambling premises</li> <li>• Crime data supplied by the Police</li> <li>• 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.</li> </ul> <p>There were five responses to the consultation and their comments have been taken on board.</p> <p><u>Race</u> None of the evidence reviewed highlighted any adverse impacts concerning race.</p> <p><u>Gender</u> None of the evidence reviewed highlighted any adverse impacts concerning gender</p> <p><u>Disability</u> None of the evidence reviewed highlighted any adverse impacts concerning disability.</p> <p><u>Faith/Belief</u> None of the evidence reviewed highlighted any adverse impacts concerning faith/belief.</p> <p><u>Sexual orientation</u> None of the evidence reviewed highlighted any adverse impacts concerning sexual orientation.</p> <p><u>Age</u> None of the evidence reviewed highlighted any adverse impacts concerning age.</p>
<p><b>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).</b></p>
<p>No.</p>
<p><b>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?</b></p>
<p>There has been consultation with key stakeholders, and a public consultation undertaken as part of the policy review).</p> <p>Public consultation was conducted via the online consultation portal on the LB Brent website.</p>

The results of this consultation informed the final draft of the Statement of Gambling Principles.
<b>8. Have you published the results of the consultation, if so where?</b>
The results have not been published to any external audience. However, each of the respondents has been written to.
<b>9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner</b>
No.
<b>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</b>
There is no adverse impact.
<b>11. If the impact cannot be justified, how do you intend to deal with it?</b>
N/A
<b>12. What can be done to improve access to/take up of services?</b>
N/A
<b>13. What is the justification for taking these measures?</b>
N/A
<b>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</b>
The Council will continue to use the Equality Monitoring Forms. Any further changes or action to be determined by licensing officer, Yogini Patel.
<b>15. What are your recommendations based on the conclusions and comments of this assessment?</b>
<b>Should you:</b>
1. Take immediate action - No
2. Develop equality objectives and targets based on the conclusions? No
3. Carry out further research? No
<b>16. If equality objectives and targets need to be developed, please list them here</b>
N/A
<b>17. What will your resource allocation for action comprise of?</b>
N/A



## Appendix 1


### Data Sources:

<b>POLICE DATA</b>	<b>LEVEL</b>
All crime with a gambling flag	Postcode Level
Grouped crime with a gambling flag	Postcode Level
<b>PREMISES</b>	
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

	<b>Full Council</b> 26 November 2018
	<b>Report from the Director of Legal and HR Services</b>
<b>Changes to the Constitution</b>	

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	4
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal and HR Services, 02089371578

## 1.0 Purpose of the Report

- 1.1 This report proposes a number of changes to the Council's Constitution. Namely, revising the terms of reference of the North West London Joint Health Overview and Scrutiny Committee; clarifying when a dependants' carers' allowance is payable to councillors; increasing officer property delegations and enhancing the opportunity for Members to speak at Full Council meetings.

## 2.0 Recommendations

- 2.1 To approve the changes to the Constitution proposed in this report and/or contained in the Appendices.
- 2.2 To authorise the Director of Legal and HR Services to amend the Constitution accordingly, including making any necessary incidental or consequential changes.
- 2.3 To note that, to the extent that the changes relate to executive functions of the Council, they have been approved by the Leader.

## 3.0 Detail

***North West London Joint Health Overview and Scrutiny Committee***

- 3.1 In 2012 NHS North West London undertook a public consultation on ‘Shaping a Healthier Future’, its strategy for reconfiguring health services in north-west London. At its annual meeting in May 2012, Full Council agreed to participate with other local authorities in the North West London Joint Health Overview and Scrutiny Committee (JHOSC) to consider and respond to NHS North West London’s proposals as part of this consultation. In 2013 after the consultation on Shaping a Healthier Future was completed, Full Council agreed to continue to participate in the JHOSC to review the implementation of the plans which arose from the Shaping a Healthier Future strategy.
- 3.2 When the JHOSC was appointed in 2013, it was agreed that it would continue until March 2018, to match the planned implementation timeframe for the Shaping a Healthier Future programme. However, the programme has continued after that date. At the last Full Council meeting the Council’s membership of JHOSC was continued until 31 December 2018 to enable a review to be undertaken. This review has concluded that the terms of reference of the JHOSC should be updated (**as shown in Appendix 1**) so that that it can continue.
- 3.3 Since the JHOSC was appointed in 2013, the North West London Collaboration of Clinical Commissioning Groups, together with local authorities, has developed the Sustainability and Transformation Plan (STP) for north-west London. It is proposed that the terms of reference of the joint committee are amended to enable it to review the STP.
- 3.4 Also, since the JHOSC was appointed in 2013, the collaboration of CCGs in north-west London has set up a joint committee, and it is proposed that the terms of reference are changed to reflect the existence of the joint committee as well.
- 3.5 The other members of the joint committee are the boroughs of Ealing, Hammersmith and Fulham, Harrow, Hounslow, Kensington and Chelsea, and Westminster. In addition, a Member of the London Borough of Richmond also attends meetings in a co-opted capacity.

### ***Dependants’ carers’ allowance***

- 3.6 The Local Authorities (Members’ Allowances) (England) Regulations 2003 allow local authorities to choose whether and, if so, the circumstances in which to pay a dependants’ carers’ allowance, in respect of arranging for the care of their children or dependants, to Members.
- 3.7 Brent’s Members’ Allowance Scheme makes provision for the payment of a dependants’ carers’ allowance in the circumstances set out in a schedule. These include the following catch-all:

*“the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees”.*

- 3.8 In accordance with best practice and, in particular, in the interests of transparency, consistency and certainty, it is proposed these other duties are specified in the Scheme itself **as shown in Appendix 2**.

### ***Officer property delegations***

- 3.9 On 22 January 2018 Full Council increased the financial limits on officer procurement decisions. For example, the thresholds for supplies and services contracts was increased to £2m and for works contracts to £5m. A review of property delegations was not undertaken at that time as changes to the senior management structures in the Resources Department were pending.
- 3.10 More recently, with the Council's Operational Director – Property & Assets in post, a review of property delegations (which are contained in Part 3 of the Constitution) have been undertaken and the proposed changes are marked up in **Appendix 3**.
- 3.11 The rationale for the increase is that the thresholds have remained at historical levels for very many years during which time property values have increased substantially. Although it is not considered that the increase will result in far fewer decisions being reported to Cabinet, operationally, the flexibility to make decisions quickly, especially in circumstances where speed is a commercial imperative, is of benefit. Further, the thresholds have been re-set at a level where it is considered that decisions by Cabinet justifies the additional cost and time expended.
- 3.12 In accordance with the Constitution, property delegations are directly conferred upon the Strategic Director Resources only who in turn can authorise other officers to exercise some or all of the powers, either conditionally or unconditionally.
- 3.13 In the circumstances set out in para. 11.3 (**see Appendix 3**), the Lead Member has to be consulted.
- 3.14 All Members of the Cabinet (at least annually) and the Chief Finance Officer (within 3 months) have to be informed of all relevant transactions.
- 3.15 Any disposals at an undervalue are excluded from the delegations.

### ***Standing orders 41: Motions***

- 3.16 Changes made at the meeting of Full Council in July to standing orders governing the conduct of Full Council meetings, have provided more and better opportunities for all Members to participate in meetings.
- 3.17 It is now proposed that standing order 41 which concerns motions be further amended so that within the time available for each motion (i.e. 10 minutes), and the overall time limit of 30 minutes for this item, more Members be allowed to speak. The proposed changes to standing order 41 are shown in **Appendix 4**.

### ***Standing orders 15: Developing proposals for the budget and capital programme***

- 3.18 It is proposed that changes be made to Standing Order 15 to reflect the process planned for the scrutiny of the budget to be set for 2019/20. The proposed changes are shown in **Appendix 5**.

#### **4.0 Financial Implications**

- 4.1 The costs associated with the payment of dependants' carers' allowances will be met from within the existing Members Allowance budget.

#### **5.0 Legal Implications**

- 5.1 According to the Remuneration of Councillors in London 2018 report produced by the London Councils' Independent Remuneration Panel:

“It is important that obstacles to becoming a councillor should be removed wherever possible. Child care costs can be a significant deterrent to service as a councillor. We repeat our strong view that in appropriate cases when they undertake their council duties, councillors should be entitled to claim an allowance for care of dependents. The dependents' carers' allowance should be set at the London living wage but (on presentation of proof of expense) payment should be made at a higher rate when specialist nursing skills are required.”

- 5.2 For the purposes of health scrutiny, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 allow for two or more local authorities to appoint a joint committee of those authorities and arrange for relevant functions to be exercisable by the joint committee subject to such terms and conditions as the authorities may consider appropriate. Regulations also provide that where the power to refer to the Secretary of State has been delegated by a Council to a joint committee, the Council cannot then discharge that function. The terms of reference agreed by full council in 2013 and the proposed terms of reference are clear that full council will retain that function.

#### **6.0 Equality Implications**

- 6.1 Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have “due regard” to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.2 “Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to the effect is a matter for the council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged. Depending on the circumstances, regard should be had to the following:

- the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision;
- the need to remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;
- the need to take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes taking account of disabled persons' disabilities. There can be a positive duty to take action to help a disabled person. What matters is how they are affected, whatever proportion of the relevant group of people they might be;
- the need to encourage persons who share a protected characteristic to participate in public life (or in any other activity in which participation by such persons is disproportionately low); and
- the need to tackle prejudice and promote understanding.

6.3 The recommended clarification in relation to the dependants' carers' allowance is a further example of how the scheme can be used to remove barriers for those wishing to stand as a councillor and to ensure any disadvantages are removed or minimised.

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 The proposals in this report have been considered by the Council's Constitutional Working Group.

## **8.0 Human Resources/Property Implications (if appropriate)**

8.1 None.

## **Background Papers**

None

### **Report sign off:**

**Debra Norman**

Director of Legal and HR Resources

**This page is intentionally left blank**



## Appendix 1

# NORTH WEST LONDON JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

### Membership

One nominated voting member from each Council participating in the North West London Joint Health Overview and Scrutiny Committee plus one alternate member who can vote. In addition, one non-voting co-opted member of the London Borough of Richmond. The committee will require at least six voting members in attendance to be quorate.

### Chair and Vice Chair

The North West London Joint Health Overview and Scrutiny Committee will elect its own chair and vice chair. Elections will take place on an annual basis each May, or as soon as practical thereafter, such as to allow for any annual changes to the committee's membership.

### Terms of Reference

1. To scrutinise the 'Shaping a Healthier Future' reconfiguration of health services in North West London and the Sustainability and Transformation Plan for North West London; in particular the implementation plans and actions by the North West London Collaboration of Clinical Commissioning Groups ('NWL CCGs') and its Joint Committee, focussing on aspects affecting the whole of North West London.
2. To review and scrutinise decisions made or actions taken by NWL CCGs and/or other NHS service providers, in relation to the 'Shaping a Healthier Future' reconfiguration and the Sustainability and Transformation Plan for North West London, where appropriate.
3. To make recommendations to NWL CCGs, NHS England, or any other appropriate outside body in relation to the 'Shaping a Healthier Future' plans for North West London and the Sustainability and Transformation Plan for North West London; and to monitor the outcomes of these recommendations where appropriate.
4. To require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply with the scrutiny function of health services in North West London.

The stated purpose of the North West London Joint Health Overview and Scrutiny Committee is to consider issues arising as a result of the Shaping a Healthier Future reconfiguration of health services and the Sustainability and Transformation Plan for North West London, taking a wider view across North West London than might normally be taken by individual Local Authorities. Individual local authority members of the North West London Joint Health Overview and Scrutiny Committee will continue their own scrutiny of health services in, or affecting, their individual areas (including those under 'Shaping a Healthier Future' and the Sustainability and Transformation Plan for North West London).

Participation in the Joint Health Overview and Scrutiny Committee will not preclude any scrutiny or right of response by individual boroughs. In particular, and for the sake of clarity,

this joint committee is not appointed for and nor does it have delegated to it any of the functions or powers of the local authorities, either individually or jointly, under Section 23 of the local authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

## **Duration**

The Joint Health Overview and Scrutiny Committee will continue until all participating authorities decide otherwise. This does not preclude individual authorities from leaving the Committee beforehand. The Committee will keep under review whether it has fulfilled its remit and any recommendation of the Committee will be reported to a Full Council meeting of each participating authority. March 2018, to match the planned implementation timeframe for the Shaping a Healthier Future programme. During this period, the committee will also hold an annual review in May each year, or as soon as practical thereafter, where it will consider and decide whether there is a need for the Joint Health Overview and Scrutiny Committee to continue or whether it has fulfilled its remit and should terminate earlier than 2018. This does not preclude individual local authorities from leaving the Joint Health Overview and Scrutiny Committee before this date. Should there be any proposals for a Joint Health Overview and Scrutiny Committee beyond this date, this would need to be considered by each participating authority in line with its own constitution and policies.

## Appendix 2.

### Dependants' Carers' Allowance

5     (1)     A dependants' carers' allowance may be claimed by a councillor in respect of \_\_\_\_\_ such expenses of arranging for the care of their children or dependants as are

\_\_\_\_\_ necessarily incurred in the attendance at meetings or the performance of \_\_\_\_\_ functions of a type specified in Schedule 2 provided that:

- i)       the allowance will be for reimbursement only of the reasonable costs of such care which shall be equal to the hourly rate of the London Living Wage (unless special care is required and approved);
- ii)      receipts shall be produced; and
- iii)     written approval of the claim is obtained from the Head of Executive and Member Services prior to the meeting.

(2)     For the purposes of regulation 7(1)(h) of the Local Authorities (Members' Allowances) (England) Regulations 2003 (see Schedule 2), the following are approved duties in respect of which councillors are entitled to claim a dependants' carers' allowance:

- i)       all approved internal and external learning and development sessions as part of the Council Member Learning and Development programme;
- ii)      meetings with government departments and other official bodies;
- iii)     meetings and/or briefings convened or authorised by Chief Officers provided that councillors of at least two political groups have been invited;
- iv)      Cabinet member/officer meetings;
- v)       formal inspections and site visits authorised by the Council;
- vi)      conferences that a councillor is appointed to attend;
- vii)     formal joint meetings with members of other authorities; and
- viii)    meetings of all other bodies to which councillors are appointed as a representative of the Council or a Committee. These include:
  - a.       joint committees with staff;
  - b.       working panels;
  - c.       steering groups; and
  - d.       advisory groups and outside bodies (appointed to by the Council).



## Appendix 3

### 11. Acquiring, managing and disposing of land and buildings

- 11.1 Only the Strategic Director Resources may acquire or dispose of an interest in land or buildings. The restrictions placed upon such acquisitions or disposals are set out in paragraphs 11.2 and 11.3 below.
- 11.2 The Strategic Director Resources may dispose of or acquire freehold land or buildings up to a value, in his or her view, of ~~£1250k~~m. The Strategic Director Resources may acquire or dispose of leases, licences, and easements in respect of land or buildings except where
- i. the annual rental value (excluding other outgoings) exceeds ~~£250k~~
  - ii. if acquired or disposed of at a premium the value would, in his or her view, exceed ~~250k~~£1m in value or
  - iii. where the leasehold term exceeds 125 years
- 11.3 Where any disposal or acquisition of an interest in land or buildings is, in the view of the Strategic Director Resources, of a value over ~~4£250k~~ and below ~~250k~~£1m, ~~or~~ where any leasehold interest has an annual value over ~~£25100k~~ or below ~~£250k~~, or where the lease length is between 50 and 125 years he or she shall consult with the Lead Member.
- 11.4 The Chief Finance Officer should be advised of any disposal or acquisition undertaken by this delegated authority within three months of any transaction.
- 11.5 All Members of the Cabinet will receive a report at least yearly on all these delegated authority transactions.
- 11.6 The Strategic Director Resources may not sell or grant any lease or easement, licence or otherwise dispose of any land or buildings unless the consideration received, as confirmed by them is the best that can reasonably be obtained, whether or not the grant, sale or disposal is covered by a general or specific consent from the relevant Secretary of State.
- 11.7 Nothing in this paragraph 11 shall prevent the Strategic Director Community Wellbeing, from granting, in accordance with the Council's policies and procedures, any secure tenancy of housing accommodation nor from selling the leasehold or freehold interest in any residential property pursuant to the right to buy scheme or the voluntary sales scheme as promoted by the Secretary of State from time to time.
- 11.8 Nothing in this paragraph 11 shall prevent the Strategic Director Resources acquiring or disposing of freehold land or acquiring granting or disposing of leasehold land for any term of years or licences and easements in respect of land and buildings where:
- (a) there is an statutory entitlement to a freehold or leasehold interest arising from a claim made in respect of residential land under the statutory enfranchisement provisions of the Leasehold Reform, Housing and Urban Development Act 1993 or Leasehold Reform Act 1967 as amended or re-enacted or

- (b) there is an statutory entitlement to a freehold or leasehold interest in accordance with the Academies Act 2010 as amended or re-enacted or other education legislation regulation order direction under education legislation or where the acquisition grant or disposal of a freehold or long leasehold term or easement is advised in accordance with a circular or guidance issued by the Secretary of State from time to time in respect of school land inclusive of the designation provision or conversion of a school into an academy or the provision of land for any school or
  - (c) statutory undertakers, telecommunication undertakings or other utilities are providing installations or equipment or laying cables pipes or other service media to in and over or through land or buildings
- 11.9 In acquiring, selling or disposing of any land or buildings or granting any lease, licence or easement in respect thereof regard shall be had to any relevant Corporate Standards on property acquisitions, management and disposals.
- 11.10 No person shall create or grant a service tenancy or service occupancy without the prior written approval of the Chief Executive.
- 11.11 In any cases where officers do not have or may not exercise delegated powers in respect of land or buildings the matter shall be determined by the Cabinet (unless precluded by law or the Constitution from exercising that power in which case the matter will be determined by the General Purposes Committee where possible or the Full Council if not possible).
- 11.12 For the avoidance of doubt the rules in this paragraph do not apply to the adoption of highways and footways if there is no legal transfer of title to land.

## Appendix 4

### 41 Motions

- (a) Members may put motions to council.
- (b) A maximum of 3 motions will be put to Council at any one meeting (two by the administration group and one by the opposition group) which will be debated.
- (c) Each group must give notice in writing of their motion to the Head of Executive and Member Services not less than 5 days before the date of the meeting. This shall include a copy of the Motion they are intending to move at the meeting. A copy of the motion shall be circulated to all members at least 2 days before the date of the meeting.
- (d) Any amendments to the motions can be accepted provided they are set out in writing to the Head of Executive and Member Services by 5.00pm on the previous working day.
- (e) The debate shall commence with the proposer being invited to speak for up to 23 minutes during which time they shall move the Motion notified to the Head of Executive and Member Services.
- (f) The proposer of an amendment will then be invited to speak for up to 32 minutes during which time they shall move the Amendment notified to the Head of Executive and Member Services.
- (g) Further speakers shall then be called by the Mayor, each limited to 2 minutes.  
~~Up to 3 speakers shall be allowed for each motion (2 from the administration group and 1 from the opposition group), each limited to 2 minutes.~~
- (h) The mover of the motion shall then have a right of reply for up to 1 minute. If one or more amendments have been moved, the mover of each amendment shall also have a right of reply for up to 1 minute in the order in which the amendments were moved.
- (i) The matter shall be put to the vote at the end of the debate. Where one or more amendments have been moved the voting process in Standing Order 43(a) and (b) shall apply.
- (j) Up to 10 minutes shall be set aside for each motion.
- (k) Up to 30 minutes shall be set aside for this item.
- (l) The Chief Executive, with the benefit of advice from the Director of Legal and HR Services, may reject a Motion if it:
  - (i) is not about a matter for which the Council has a responsibility or which affects the area;
  - (ii) is defamatory, frivolous or offensive;
  - (iii) is substantially the same as a Motion asked within the last six months;
  - (iv) requests the disclosure of information which is confidential or

- (v) exempt; or names, or clearly identifies, a member of staff or any other individual.



## Appendix 5

### 19. Developing proposals for the budget and capital programme

- (a) In the case of the Council's annual budget and of the capital programme, ~~the Resources and Public Realm Scrutiny Committee shall, meet (on more than one occasion if necessary) to consider the financial position statement prepared by the Chief Finance Officer, and to receive evidence from the Chief Executive and Strategic Directors regarding what they consider to be the critical issues for their respective departments.~~
- (b) ~~The~~ Cabinet shall present receive a report from the Chief Finance Officer ~~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.
- (be) The Resources and Public Realm Scrutiny Committee shall ~~then meet again~~ (on more than one occasion if necessary) to consider the Report to Full CouncilCabinet and the issues raised. The Committee may receive evidence from Cabinet Members and others and shall then produce a report setting out its view of the budget priorities and any other issues it considers relevant. This report shall be submitted to each Cabinet Member and each Group Leader in order to inform budget proposal discussions.
- (ce) Prior to being agreed by the Cabinet, the Cabinet's budget proposals shall be sent to members of the Resources and Public Realm Scrutiny Committee which will then meet to consider the proposals, and, if it wishes, to receive evidence from Cabinet Members and others. The Committee shall submit a note of its deliberations and comments on the proposals to the Cabinet.
- (df) Prior to agreeing its budget proposals the Cabinet shall take into account the issues raised and the note of the deliberations and comments from the Resources and Public Realm Scrutiny Committee submitted to the Cabinet under paragraph (c).
- (eg) A meeting of Full Council shall be convened in accordance with Standing Orders for the purpose of agreeing the Council's budget and setting the Council Tax.

**This page is intentionally left blank**