



SUMMONS TO ATTEND COUNCIL MEETING

Monday, 11 July 2011 at 7.00 pm
Council Chamber, Brent Town Hall, Forty Lane,
Wembley, HA9 9HD

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.

GARETH DANIEL
Chief Executive

Dated: Friday, 1 July 2011

For further information contact: Peter Goss, Democratic Services Manager
020 8937 1351, peter.goss@brent.gov.uk

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda

Apologies for absence

Item	Page
1 Minutes of the previous meeting	1 - 20
2 Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
3 Mayor's announcements (including any petitions received)	
4 Appointments to committees and outside bodies and appointment of chairs/vice chairs (if any)	
5 Report from the Leader or members of the Executive	21 - 22
To receive reports from the Leader or members of the Executive in accordance with Standing Order 42.	
6 Questions from the Opposition and other Non- Executive Members	
Questions will be put to the Executive in accordance with Standing Order 39.	
7 Debate	
To debate key issues affecting the Borough. The issue to be discussed at this meeting is the forthcoming London Olympic games. A representative of the city operations section at the GLA and a representative of LOCOG (The London Organising Committee of the Olympic and Paralympic Games) will be present.	
8 Reports from the Chairs of Overview and Scrutiny Committees	
To receive reports from Chairs of the Overview and Scrutiny Committees in accordance with Standing Order 41.	
9 Site Specific Allocations DPD adoption	23 - 46
This report explains that the Council received an Inspector's report into the Examination of the Site Specific Allocations Development Plan	

Document (DPD) of the LDF and that the Inspector found the document sound subject to recommended changes being made. The Executive considered the matter on 11 April 2011 and recommended to Full Council that the DPD be adopted with the changes incorporated.

Ward Affected: All Wards; **Contact Officer:** Sue Harper, Director of Environment and Neighbourhood Services
Tel: 020 8937 5192
sue.harper@brent.gov.uk

10 Statement of Gambling Licensing Policy and Procedure

47 - 100

The Gambling Act 2005 requires Licensing Authorities to publish a Statement of Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough, which Brent did in January 2007. These Statements of Principles are required to be reviewed, revised and published to reflect changes in legislation, the Gambling Commission's Guidance to Licensing Authorities, and on the experience of administration and enforcement by authorities. The Executive agreed the final Statement of Principles on 11 April 2011 for approval by Full Council in July 2011.

Ward Affected: All Wards; **Contact Officer:** Geoff Galilee, Director, Health Safety & Licensing
Tel: 020 8937 5358
geoff.galilee@brent.gov.uk

11 Revised London Councils Grant Scheme 2011/2012

101 -
106

This report informs members of a revision to the proposed level of contribution Brent will make to the London Councils Grant Scheme in 2011/12. This increase in the contribution previously agreed by Full Council in January 2011 is required following the outcome from the judicial review of changes to the London Councils Grant Scheme.

Ward Affected: All Wards; **Contact Officer:** Cathy Tyson, Policy and Regeneration
Tel: 020 8937 1045
cathy.tyson@brent.gov.uk

12 Changes to the Constitution

107 -
130

This report proposes three changes to the Council's Constitution: firstly the inclusion of a protocol on Call in of Executive decisions, secondly the inclusion of the new Code of Recommended Practice on Local Authority Publicity, and lastly some minor amendments in relation to Contract Standing Orders.

Ward Affected: All Wards; **Contact Officer:** Fiona Ledden,
Director of Legal and Procurement
Tel: 020 8937 1292
fiona.ledden@brent.gov.uk

13 Dates of Council meetings for 2011/2012 131 -
132

This report confirms the dates on which Full Council is scheduled to meet for the remainder of the municipal year 2011/12 and draws attention to the removal of the October 2011 date.

Ward Affected: All Wards; **Contact Officer:** Peter Goss,
Democratic Services Manager
Tel: 020 8937 1353
peter.goss@brent.gov.uk

14 Motions (if any)

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

15 Urgent business

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



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near The Paul Daisley Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge



LONDON BOROUGH OF BRENT

Minutes of the ANNUAL MEETING OF THE COUNCIL
held on Wednesday, 11 May 2011 at 6.30 pm

PRESENT:

The Worshipful the Mayor
Councillor M Aslam Choudry

The Deputy Mayor
Councillor Michael Adeyeye

COUNCILLORS:

Aden	Al-Ebadi
Allie	Arnold
Ashraf	Mrs Bacchus
Baker	Beck
Beckman	Beswick
Brown	Butt
Castle	Cheese
Chohan	S Choudhary
Colwill	Crane
Cummins	Daly
Denselow	Gladbaum
Harrison	Hashmi
Hector	Hirani
Hossain	Hunter
John	Jones
Kabir	Kataria
Leaman	Long
Lorber	Mashari
Matthews	McLennan
Mistry	Mitchell Murray
J Moher	R Moher
Moloney	Naheerathan
Ogunro	Oladapo
BM Patel	CJ Patel
HB Patel	HM Patel
RS Patel	Powney
Ms Shaw	Sheth
Singh	Sneddon
Thomas	Van Kalwala

Apologies for absence – none were received.

Brent Community Champion Awards

Prior to the formal business of the meeting the outgoing Mayor presented Brent Community Champion Awards to the following people in recognition of their outstanding voluntary service within the borough:

Alphanso Anderson
Dr Asaad Shallal
Brian Stroud
Camelia Scirlatache
Diana King
Elmi Ahmed Hussein
Gloria Travers*
Kamalambal Vedanarayan
Kishan Parshotam
Marlena Lavern Palmer
Martha Gregg
Mohammed Walji
Mustapha Badru*
Navel Clarke
Nilesh Patel
Norman Watson Mitchell
Patricia German
Chhotu Patel*
Reginald Clarke*
Yassin Abdi Mohamed

* these people were unable to attend the meeting to collect their award.

1. To elect the Mayor of the Borough for the municipal year 2011/2012

The Worshipful the Mayor, Councillor Singh, welcomed all Members present. He then called for nominations for the office of the Mayor of the Borough for the municipal year 2011/2012.

Councillor John nominated Councillor Choudry and this was unanimously supported.

RESOLVED:

that Councillor Choudry be and he is hereby elected, Mayor of the London Borough of Brent, for the municipal year 2011/2012.

Councillor Choudry was robed and invested with the Mayor's chain.

Councillor Choudry signed the statutory Declaration of Acceptance of Office of Mayor.

The past Mayor, Councillor Singh vacated the Chair which was taken by the newly elected Mayor.

The Mayor then thanked Members of the Council for his election and informed the Council that his charities for the year would be Brent MIND and the Central Mosque of Brent.

2. Appointment of a Councillor of the Borough to be Deputy Mayor

The Mayor announced the appointment of Councillor Adeyeye as Deputy Mayor of the London Borough of Brent for the municipal year 2011/2012.

3. Votes of thanks

Councillor Arnold moved a vote of thanks, which was unanimously supported.

RESOLVED:

that the Council place on record their thanks and regard for the outstanding public service rendered by the co-opted members, independent members, observers and others who have served on council committees, sub-committee, consultative committees, boards, governing bodies, resident associations etc during the past municipal year.

Councillor John moved a vote of thanks to the retiring Mayor for his services to the community. Councillors Lorber and Kansagra spoke on behalf of their groups and paid tribute to the work of Councillor Singh during his year as Mayor.

RESOLVED:

that the Council records its appreciation of the outstanding service rendered by Councillor Singh as Mayor of the London Borough of Brent during the past municipal year and for the manner in which he has presided over Council meetings. The Council also appreciates his attendance at a vast number of events and functions and his service to all sections of Brent's diverse community.

Councillor Singh having been invested with the past Mayor's Badge thanked councillors for their tributes and reflected on his year of office.

4. Declarations of personal and prejudicial interests

None declared.

5. Minutes of the previous meetings

RESOLVED:-

that the minutes of the previous meetings held on 28 February 2011 and 13 April 2011 be approved as accurate records of the meetings, subject to the following amendments to the 28 February meeting:

2. Declarations of personal and prejudicial interests

Add - Preston Park Primary School HB Patel

Amend the spelling of Shree Sattar Gam Patidar Samaj (Europe) to Shree Sattavis Gam Patidar Samaj (Europe)

6. **Brent's Constitution**

6.1 **Changes to the Constitution**

Members had before them a report proposing minor changes to the Council's Constitution arising out of a review of the operation of some aspects of the Constitution, amendments to Standing Orders in relation to contracts, changes to reflect the new Regulations regarding Adoption and Fostering Panels, and the adoption of the Members' Allowance Scheme.

RESOLVED:-

- (i) that the Constitution be amended to incorporate the changes to the Standing Orders relating to Full Council and the Annual Meeting as set out in Appendix 1 to the report submitted;
- (ii) that the Constitution be amended to incorporate the changes to Standing Orders in relation to contracts as set out in Appendix 2 to the report submitted;
- (iii) that the Constitution be amended to reflect the legal changes to the membership of the Adoption and Permanency Panel and the Fostering Panel, as set out in Appendix 3 to the report submitted;
- (iv) that the Members Allowance Scheme set out in Appendix 4 to the report submitted be agreed.

6.2 **Amendments to terms of reference of the Planning Committee**

The terms of reference for decision making for the Planning Committee were last reviewed in their entirety as part of the drafting of the Council's Constitution in 2002. With the reduced staff resources now available it was considered appropriate to review the workload and frequency of Planning Committee meetings. The report before members proposed amendments to the Planning Committee terms of reference and alterations to the member call-in procedure.

RESOLVED:-

- (i) that the following changes to the terms of reference to the Planning Committee and the consequential changes to the Planning Code of Practice be made in the manner set out in appendix A to the report submitted to reflect the following:
 - (a) to allow the determination of applications of more than 20 dwellings (currently 10). The implication being that officers will determine applications of less than 20 dwellings;
 - (b) that, in cases where approval is recommended, the number of objectors required to determine that the decision is made by the Committee be raised from 2 to 3;

- (c) that all applications for alterations and additions to residential buildings be determined by officers unless they are called in by members for a decision by the Committee;
 - (d) that the number of members required to call in an application be increased from 2 to 3;
- (ii) that the overall number of Planning Committee meetings be reduced from 19 to 15 per year;
 - (iii) that the terms of reference of the Planning Committee include consideration of development proposals at a pre-application stage that allows for informal feedback on schemes prior to their formal submission.

7. Political balance

The report before Members dealt with the rules to be applied on the allocation of places on committees established by the Council.

RESOLVED:-

- (i) that the size of the committees to be established by the Council and the allocation of seats to each of the political groups be as follows:

Committee	Size	Labour	Liberal Democrats	Conservative
General Purposes	10	6	3	1
Planning	11	7	3	1
Audit	3*	2	1	0
Totals	24	15	7	2
Other committees	Size	Labour	Liberal Democrats	Conservative
One Council Overview and Scrutiny	8	5	2	1
Children and Young People Overview and Scrutiny	8**	5	2	1
Budget and Finance Overview and Scrutiny Committee	8	5	2	1
Partnership and Place Overview and Scrutiny Committee	8	5	2	1

Health Partnerships Overview and Scrutiny Committee	8	5	2	1
Call-in Overview and Scrutiny Committee	8	5	2	1
Alcohol and Entertainment Licensing	15	10	4	1
Standards	3#	1	1	1

*plus 1 non voting co-opted member

**plus 4 statutory co-opted members and 2 non statutory co-opted members

#plus 4 independent members

- (ii) to note that the political balance on sub-committees will be reviewed at the first meetings of the Alcohol and Entertainment Licensing Committee and General Purposes Committee.

8. Notification of appointments to the Executive and appointments to committees and other bodies

Notification of the appointment of the Executive and nominations for the places on committees and other bodies, including chairs and vice chairs, and outside bodies were tabled.

Councillor Colwill was nominated to serve on the Brent Housing Partnership Board. Upon a vote it was agreed that Councillors Colwill, Jones, Ogunro and Thomas be appointed to the Brent Housing Partnership Board.

RESOLVED:

- (i) that the appointment of the Executive, as notified by the Leader of the Council, be noted:

Councillor

John (Leader and Chair)

Butt (Deputy Leader and Vice Chair)

Arnold

Beswick

Crane

Jones

Long

J Moher

R Moher

Powney

Portfolio

Corporate Strategy and Policy Co-ordination

Finance and Corporate Resources

Children and Families

Crime and Public Safety

Regeneration and Major Projects

Customers and Citizens

Housing

Highways and Transportation

Adults and Health

Environment and Neighbourhoods

Highways Committee

Councillor

Beswick
Jones
Long
J Moher (Chair)
Powney (Vice Chair)

Alternate

John
R Moher
Arnold
Butt
Crane

- (i) that the appointment of Chairs, Vice-Chairs and the memberships of committees be as set out in Appendix A to these minutes;
- (ii) that Angela Ruotolo be appointed Chair and Sola Afuape appointed Vice-Chair of the Standards Committee;
- (iii) that Stephen Woods be appointed Chair of the Audit Committee;
- (iv) that the following statutory co-optees be appointed to the Children and Young People Overview and Scrutiny Committee for the municipal year 2011/12:

Mrs S Abbasi	Parent Governor, Primary
Dr Kumar	Parent Governor, Secondary
Vacancy	Catholic faith
Vacancy	Church of England faith

- (v) that Dr J Levison, representing the Jewish faith, and Mrs Hawra Imame, representing the Muslim faith, be appointed as non-statutory members of the Children and Young People Overview and Scrutiny Committee for the municipal year 2011/12;
- (vi) that appointments/nominations to outside bodies be made as set out in Appendix B to these minutes.

9. Municipal calendar of meetings for 2011/12

Councillor Moloney moved the adoption of the calendar of meetings as amended by the tabled supplementary report.

RESOLVED:

- (i) that the dates for Full Council and other meetings to take place during 2011/2012 as set out in Appendix 1 to the report submitted, as amended, be agreed in principle;
- (ii) that the Democratic Services Manager be authorised to make any alterations deemed necessary to the calendar during the course of the municipal year, subject to the usual consultation.

10. Urgent business

There was none.

The meeting closed at 7.45 pm

COUNCILLOR M ASLAM CHOUDRY
Mayor

Appendix A

THE EXECUTIVE AND COMMITTEES OF THE EXECUTIVE

EXECUTIVE

ARNOLD	-	Lead Member for Children and Families
BESWICK	-	Lead Member for Crime and Public Safety
BUTT (VC)	-	Lead Member for Finance and Corporate Resources
CRANE	-	Lead Member for Regeneration and Major Projects
JOHN (C)	-	Lead Member for Corporate Strategy and Policy Co-ordination
JONES	-	Lead Member for Customers and Citizens
LONG	-	Lead Member for Housing
J MOHER	-	Lead Member for Highways and Transportation
R MOHER	-	Lead Member for Adults and Health
POWNEY	-	Lead Member for Environment and Neighbourhoods

HIGHWAYS COMMITTEE (5/0/0)

BESWICK	John
JONES	R Moher
LONG	Arnold
J MOHER (C)	Butt
POWNEY (VC)	Crane

COUNCIL COMMITTEES

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE (10/4/1)

BACCHUS (C)	Aden	Adeyeye
BECKMAN	Crane	Daly
CHOHAN	Denselow	Gladbaum
HARRISON	John	Long
HECTOR	Mashari	McLennan
JONES	Al-Ebadi	Arnold
KATARIA	S Choudhary	Singh
MISTRY	Hirani	Hossain
OGUNRO	Mitchell Murray	J Moher
OLADAPO	Beswick	Butt
CHEESE	Vacant	Vacant
MATTHEWS	Vacant	Vacant
SHAW	Vacant	Vacant
SNEDDON	Vacant	Vacant
HM PATEL	BM Patel	HB Patel

AUDIT COMMITTEE**(2/1/0)**

AI-EBADI	S Choudhary	Beckman
VAN KALWALA	Harrison	Hector
ASHRAF	Green	Cummins
NON-VOTING CO-OPTED MEMBER		
STEPHEN WOODS (C)		

GENERAL PURPOSES COMMITTEE**(6/3/1)**

BESWICK	Arnold	Bacchus
BUTT (VC)	Jones	Kabir
JOHN (C)	McLennan	Mistry
LONG	Al-Ebadi	Naheerathan
J MOHER	Chohan	S Choudhary
THOMAS	Van Kalwala	Aden
BROWN	Beck	Sneddon
LORBER	Leaman	Castle
MATTHEWS	Sneddon	Allie
KANSAGRA	Colwil	HB Patel

EMPLOYEES' JOINT CONSULTATIVE COMMITTEE**(5/2/1)**

LONG	Beswick	Butt
MITCHELL MURRAY	Bacchus	Beckman
J MOHER	Van Kalwala	Kataria
R MOHER	Al-Ebadi	Arnold
MOLONEY	Aden	Adeyeye
HUNTER	Vacant	Vacant
SNEDDON	Vacant	Vacant
COLWILL	HB Patel	BM Patel

TEACHERS' JOINT CONSULTATIVE COMMITTEE**(5/2/1)**

AL-EBADI	Hector	Hirani
ARNOLD (C)	S Choudhary	Oladapo
CHOHAN	John	Jones
HARRISON	Crane	Daly
HOSSAIN	Denselow	Gladbaum

HUNTER SNEDDON	Vacant Vacant	Vacant Vacant
HM PATEL	Baker	Colwill

PLANNING COMMITTEE

(7/3/1)

DALY (VC) KABIR McLENNAN MITCHELL-MURRAY RS PATEL SHETH (C) SINGH	Long Oladapo J Moher Thomas Gladbaum Mitchell Murray Hossain	Naheerathan Powney Moloney Van Kawala Harrison R Moher Mashari
CUMMINS HASHMI CJ PATEL	Cheese Castle Lorber	Allie Beck Castle
BAKER	Kansagra	HB Patel

ONE COUNCIL OVERVIEW AND SCRUTINY COMMITTEE

(5/2/1)

BECKMAN CHOHAN MCLENNAN MITCHELL-MURRAY SHETH	Van Kalwala Hirani Harrison Denselow Kabir	Mashari Hossain Hector Gladbaum Kataria
ASHRAF (C) LORBER	Brown Matthews	Beck Brown
COLWILL (VC)	BM Patel	Kansagra

BUDGET AND FINANCE OVERVIEW AND SCRUTINY COMMITTEE

(5/2/1)

S CHOUDHARY MASHARI (VC) NAHEERATHAN SHETH VAN KALWALA	Chohan Harrison McLennan Denselow Kataria	Moloney Hector Mistry Gladbaum Daly
ALLIE (C) LEAMAN	Green Brown	Cummins Lorber
HB PATEL	BM Patel	HM Patel

CALL-IN OVERVIEW AND SCRUTINY COMMITTEE**(5/2/1)**

BACCHUS	Harrison	Sheth
DENSELOW (VC)	Beckman	Hossain
GLADBAUM	Adeyeye	Al-Ebadi
KABIR	Mitchell-Murray	Chohan
MISTRY	McLennan	Aden
ASHRAF (C)	Clues	Brown
LORBER	Matthews	Allie
HB PATEL	BM Patel	Colwill

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**(5/2/1)**

ADEN	Mistry	Oladapo
AL-EBADI	Mashari	Patel
GLADBAUM (C)	S Choudhary	Hector
HARRISON	Hirani	Hossain
MITCHELL-MURRAY	Daly	Denselow
GREEN	Sneddon	Ashraf
MATTHEWS (VC)	Clues	Allie
HM PATEL	Baker	Kansagra
STATUTORY CO-OPTEES:	<i>Mrs S Abbasi (Primary School Parent Governor)</i>	
	<i>Dr Kumar (Secondary School Parent Governor)</i>	
	<i>Vacancy (Catholic Faith)</i>	
	<i>Vacancy (Church of England Faith)</i>	
NON-STATUTORY CO-OPTEES:	<i>Dr Levison (Jewish Faith)</i>	
	<i>Mrs Hawra Imame (Muslim Faith)</i>	
OBSERVERS:	<i>Mr A Carter</i>	
	<i>Ms J Cooper</i>	
	<i>Mrs L Gouldbourne</i>	
	<i>Ms C Jolinon</i>	
	<i>Mr B Patel</i>	
	<i>Brent Youth Parliament representatives</i>	

HEALTH PARTNERSHIPS OVERVIEW AND SCRUTINY COMMITTEE**(5/2/1)**

DALY	Sheth	Van Kalwala
HECTOR	Aden	Al-Ebadi
HIRANI	Naheerathan	Oladapo
KABIR (C)	Mitchell Murray	Moloney
OGUNRO	McLennan	Mistry
BECK	Clues	Cheese
HUNTER (VC)	Leaman	Shaw

JOINT (LONDON-WIDE) OVERVIEW AND SCRUTINY COMMITTEE**AL-EBADI**

Mashari

OTHER BODIES AND PANELS**ADOPTION AND PERMANENCY PANEL****(1/0/0)****HOSSAIN****FOSTERING PANEL****(1/0/0)****GLADBAUM****SCHOOL ADMISSIONS FORUM****(3/1/1)****GLADBAUM (C)
HARRISON
JONES**R Moher
Kabir
McLennanRS Patel
Kataria
Mistry**ASHRAF**

CJ Patel

Hashmi

KANSAGRA

HM Patel

HB Patel

TRADING STANDARDS JOINT ADVISORY BOARD**(1/1/1)****JONES**

Powney

Beswick

HASHMI

Brown

CJ Patel

BAKER

BM Patel

HM Patel

WELSH HARP JOINT CONSULTATIVE COMMITTEE**(3/1/0)****SINGH
KATARIA
MASHARI**R Moher
J Moher
KabirHirani
Crane
John**ASHRAF**

Hashmi

CJ Patel

SERVICE USER CONSULTATIVE FORUMS

USER FORUM	CHAIR	2 ADDITIONAL COUNCILLORS
BLACK AND MINORITY ETHNIC	ADEN	Kataria Lorber
BRENT DISABLED	ADEYEYE	Hector vacancy
PENSIONERS'	MOLONEY	Hossain Clues
PRIVATE SECTOR HOUSING	McLENNAN	S Choudhary HM Patel
VOLUNTARY SECTOR LIAISON	AL-EBADI	Kabir Colwill

AREA CONSULTATIVE FORUMS

AREA FORUM	CHAIR	VICE-CHAIR
HARLESDEN KILBURN AND KENSAL KINGSBURY AND KENTON WEMBLEY	THOMAS DENSELOW NAHEERATHAN MITCHELL MURRAY HIRANI	GLADBAUM OLADAPO RS PATEL HOSSAIN
WILLESDEN		KATARIA

YOUTH PARLIAMENT

MASHARI - (Co-Chair)
OLADAPO - (Co-Vice-Chair)

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OUTSIDE BODIES NOMINATIONS 2011/12

Name of outside body organisation	Member/s nominated for municipal year 2011/12	Member/s appointed 2010/11
Age Concern	Choudhary [L], HB Patel [C]	Chohan [L], Vacancy [C]
Brent Housing Partnership (BHP) Board	Thomas [L], Ogunro [L], Jones [L], Colwill [C]	Long [L], Ogunro [L], Jones [L], Colwill [C]
Brent Learning Disabilities Partnership Board	Gladbaum [L], Hirani [L]	Gladbaum [L], Hirani [L]
Brent Sports Council	Mistry [L], Moloney [L], Colwill [C]	Mistry [L], Moloney [L], Colwill [C]
Central and North West London NHS Foundation Trust	Sheth [L]	Sheth [L]
Chalkhill Community Centre	Beckman [L]	Choudhary [L]
Chalkhill Community Trust Fund	Aden [L], Choudhary [L]	Aden [L], Beckman [L]
Edward Harvist Trust	Choudhary [L]	Choudry [L]
Energy Solutions (North West London)	Kataria [L]	Kataria [L]
Environmental Protection UK	Powney [L], Long [L], HM Patel [C]	Powney [L], Long [L], HM Patel [C]
Fortunegate Community Housing	Gladbaum [L], Hirani [L]	Gladbaum [L], Hirani [L]
Greater London Enterprise Board	Crane [L]	Crane [L]
Hillside Housing Trust	Moloney [L]	Moloney [L]
Historic Environment Champion (English Heritage)	Baker [C]	Baker [C]
LHC - Building Components and Solutions	Long [L], Ogunro [L]	Thomas [L], Ogunro [L]

Local Government Association General Assembly	John [L], Butt [L] (dep)	John [L], Butt [L] (dep)
Local Government Information Unit (Management Committee)	Jones [L], Gladbaum [L] (dep)	Jones [L], Gladbaum [L] (dep)
London Accident Prevention Council	Adeyeye [L], HB Patel [C]	Adeyeye [L], Baker [C]
London Councils Children and Young People's Forum	Arnold [L], Mashari [L] (dep)	Arnold [L], Mashari [L] (dep)
London Councils Ltd	John [L], Butt [L] (dep), R Moher [L] (dep)	John [L], Butt [L] (dep), R Moher [L] (dep)
London Councils Crime and Public Protection Forum	Beswick [L], Butt [L] (dep)	Beswick [L], Butt [L] (dep)
London Councils Culture, Tourism and 2012 Forum	Powney [L], Crane [L] (dep)	Powney [L], Crane [L] (dep)
London Councils Economic Development Forum	Crane [L], J Moher [L] (dep)	Crane [L], J Moher [L] (dep)
London Councils Greater London Employment Forum	Butt [L], Harrison [L]	Jones [L], Harrison [L]
London Councils Health and Adult Services Forum	R Moher [L], McLennan [L]	R Moher [L], McLennan [L]
London Councils Housing Forum	Long [L], Al-Ebadi [L]	Thomas [L], Al-Ebadi [L]
London Youth Games Committee	Mistry [L]	Mistry [L]
Museums Association	BM Patel [C]	BM Patel [C]
North West London Valuation Tribunal	No appointment required for 2011/12	Mr K Sheth, Mr M Ahulwalia, Mr J Patel
Park Royal Partnership Ltd	Van Kalwala [L]	Van Kalwala [L]
Partners for Brent (Local Strategic Partnership)	John [L]	John [L]
Queen's Park Joint Consultative Group	Adeyeye [L], Denselow [L]	Adeyeye [L], Denselow [L]

Reserve Forces and Cadets Association for Greater London	Mistry [L]	Mistry [L]
South Kilburn Neighbourhood Partnership Board	Arnold [L]	Arnold [L]
Standing Advisory Council for Religious Education (SACRE)	Moloney [L], Chohan [L], Choudhary [L]	Moloney [L], R Patel [L], Choudry [L]
Agreed Syllabus Conference	Moloney [L], Chohan [L], Choudhary [L], Gladbaum [L], Arnold [L]	N/A
Tricycle Theatre	John [L], (alt Arnold [L], agreed with Tricycle), Colwill [C]	John [L], (alt Arnold [L], agreed with Tricycle), Colwill [C]
Wembley Educational Foundation	Mitchell Murray [L], HB Patel [C]	Mitchell Murray [L], HB Patel [C]
Wembley Eleemosynary Charities	Hossain [L], Mitchell Murray [L]	Hossain [L], Mitchell Murray [L]
West London Alliance	John [L]	John [L]
West London Partnership	John [L]	John [L]
West London Waste Authority	Powney [L]	Powney [L]
Willesden Consolidated Charities	Jones [L], Hector [L], Choudry [L], Hashmi [LD]	Jones [L], Hector [L], Choudry [L], Hashmi [LD]
Willow Housing Board	Thomas [L], R Moher [L]	Thomas [L], R Moher [L]

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FULL COUNCIL – 11 JULY 2011

Report from the Executive

1. Items to be reported by the Executive

The Leader has given notice that the Executive will report to Council on the following items:

- i. Leader's meeting with Mayor of London
- ii. Arts and Festivals strategy
- iii. Waste strategy
- iv. Stonebridge Adventure Playground & SEN After School Clubs
- v. John Billam Adult Day Care Centre
- vi. Day opportunities strategy review – mental health

2. Decisions taken by the Executive under the Council's urgency provisions

Under the provisions of rule 38 of the Access to Information Rules in the Constitution, the Executive is required to report to the next Full Council for information on any key decisions taken by them but which did not appear in the Forward Plan.

Crest Academies

The above item was considered by the Executive on 11 April 2011 when the decision was taken To correct the minutes of the Executive held on 15 February 2011 to reflect the agreement at the meeting.

Reason why it was impractical to defer the decision until it could be included on the Forward Plan:

The minutes need to be formally corrected to reflect the agreement given at the meeting as there is an urgent need to implement decisions taken.

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Full Council

11 July 2011

Report from the Director of Regeneration and Major Projects

For Action

Wards affected:
All

Site Specific Allocations DPD

1.0 Summary

- 1.1 This report explains that the Council received an Inspector's report into the Examination of the Site Specific Allocations Development Plan Document (DPD) of the LDF and that the Inspector found the document sound subject to recommended changes being made. The Executive considered the matter on 11 April and recommended to Full Council that the DPD be adopted with the changes incorporated.

2.0 Recommendation

- 2.1 That Full Council adopt, with the recommended changes, the Site Specific Allocations Development Plan Document.

3.0 Detail

Examination of the Site Specific Allocations DPD

- 3.1 The Site Specific Allocations DPD forms part of the Council's Local Development Framework (LDF). It follows on from the adoption of the Core Strategy and provides more detailed planning guidance for more than 70 development sites in the Borough. Both these DPDs will be supplemented by a Wembley Area Action Plan, and then a Development Management Policies DPD. When both of these documents are adopted the UDP will have been replaced as the local Development Plan for the borough.
- 3.2 The Allocations were subject to examination by an independent Inspector, who held hearing sessions to consider oral evidence in November/December 2010. A number of changes to the document were proposed both before and during the hearing sessions and these were made available on public consultation for an eight week period

commencing on November 25th 2010. All comments were passed on to the Inspector who then considered these alongside the representations made prior to submission. The Council has now received the Inspector's report.

Inspector's Report

3.3 As indicated above, the Inspector has found the Site Specific Allocations DPD sound subject to a number of recommended changes. This means that the Council can adopt the document with the changes incorporated. The changes were proposed by the Council. Executive is asked to recommend to Full Council that the Site Specific Allocations DPD be adopted with the changes included. The recommended changes included in the Inspector's report are attached as Appendix 1.

3.4 The Non-technical summary of the Inspector's report is repeated below:

"This report concludes that the London Borough of Brent Site Specific Allocations Development Plan Document (DPD) provides an appropriate basis for the planning of the Borough over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

Changes to clarify the relationship between the DPD, the Core Strategy and the 'saved' parts of the Council's Unitary Development Plan and to explain the format and content of the DPD;
Changes to bring the DPD into line with up-to-date negotiations with developers and site owners;

Changes to bring the DPD into line with up-to-date national and strategic policies; and,

Changes to ensure that there is a proper framework in place to ensure delivery of the allocated sites.

All of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy."

The full Inspector's report is available online at:

<http://www.brent.gov.uk/tps.nsf/Planning%20policy/LBB-321>

3.5 When the DPD is adopted, it will supersede those parts of the UDP referred to in the DPD, including the whole of the 'Site Specific Proposals' chapter.

4.0 Financial Implications

4.1 The adoption of the Site Specific Allocations DPD provides a more up-to-date statutory Plan which carries greater weight in making planning decisions, which leads to fewer appeals and reduced costs associated with this. It also provides greater certainty for developers who are more likely to bring forward sites for development in the knowledge that schemes which comply with the requirements of the allocation have a

good chance of receiving planning consent. This helps to deliver more housing in the borough, including affordable housing, and

- 4.2 The costs of examining the Site Specific Allocations DPD are estimated at about £60,000. The Council has yet to be invoiced by the Inspectorate for the costs of examination. If the Core Strategy were not adopted and resubmitted a similar cost would be required.

5.0 Legal Implications

- 5.1 The preparation of the LDF, including the Site Specific Allocations DPD, is governed by a statutory process set out in the Planning and Compulsory Purchase Act 2004 and associated Government planning guidance and regulations. Once adopted the DPD will have substantial weight in determining planning applications and will supersede part of the UDP.

6.0 Diversity Implications

- 6.1 Full statutory public consultation has been carried out in preparing the DPD and an Impact Needs / Requirement Assessment (INRA), which assessed the process of preparing the Core Strategy and SSA DPD, was prepared and made available in November 2008.

7.0 Staffing/Accommodation Implications

- 7.1 There are no staffing or accommodation implications arising directly from this report.

8.0 Environmental Implications

- 8.1 The DPD deals with the appropriate development of 71 sites around the borough and thus will have a significant effect on controlling impacts on the environment including requiring measures to mitigate climate change. Sustainability appraisal has been undertaken at all stages of preparing the DPD.

9.0 Background Papers

Brent Site Specific Allocations DPD, Submission Version, June 2010

Brent Core Strategy, July 2010

Inspector's Report on the Examination into the London Borough of Brent Site Specific Allocations Development Plan Document

Contact Officers

Any person wishing to inspect the above papers should contact Ken Hullock, Planning & Development 020 8937 5309

Andy Donald

Director of Regeneration & Major Projects

Appendix 1 – Inspector’s Recommended Changes

Changes proposed by the Council which go to the Soundness of the SSA DPD

These changes are required in order to make the SSA DPD sound.

Change No.	Policy/Paragraph /Page	Change
PC1	Page 7. Paragraph 1.11.	<p>Delete paragraph 1.11 and replace by the following text as paragraph 1.11:-</p> <p>‘The SSA DPD needs to be considered together with the Core Strategy and ‘saved’ policies and proposals within the council’s Unitary Development Plan 2004, which also contains development proposals that are not repeated in this DPD. Thus, the SSA DPD allocates new housing sites (approximately 11,000 homes) but much of the remaining Core Strategy Housing Target figure (minimum of 22,000 homes) is set out within sites included in the saved UDP. The “allocation” text itself details uses and particular issues that need to be addressed by development, such as setting or height. For residential sites, an indicative capacity and phasing is provided using the method outlined below.’</p>
PC2	Page 8. Paragraph 1.13	<p>Delete ‘.’ at the end of paragraph 1.13 and add the following text:-</p> <p>‘,which could result in a higher or lower number of homes than indicated in the allocation.’</p>
PC3	Page 9. Paragraph 1.20	<p>Add the following text at the end of paragraph 1.20:-</p> <p>‘When a planning application is made, the applicant will be required to demonstrate that the infrastructure requirements of the proposal can be met, including social and utilities infrastructure.’</p>
PC4	Page 9. Paragraph 1.21	<p>Delete ‘Monitoring’ title and text in paragraph 1.21 and replace by:-</p> <p>‘Monitoring and Implementation</p> <p>The council is required to monitor development and to produce an Annual Monitoring Report (AMR). Site Specific Allocations will be monitored to assess whether</p>

		development is being delivered and is in accordance with the guidance for each site as set out in this DPD, as well as against the general monitoring indicators shown in the Core Strategy. Appendix 5 includes a schedule of all sites showing the estimated phasing of development, when planning applications are anticipated and whether additional planning guidance exists or will be provided.'
PC5	Page 12	<p>After the Policy CP7 box insert the following text:-</p> <p>'It is the council's intention to replace the saved UDP policies and proposals for Wembley in an Area Action Plan DPD. Although proposals in the UDP are somewhat old, the broad principles of proposals are such that the council considers that they do not need to be updated by new SSA's in most instances.</p> <p>One exception, however, is the policy within WEM27 (the UDP Wembley Inset Plan) which fixes the size of foodstore that could be provided within the WEM27 site to 2,500m2. While the general land use principles set out in WEM27 still apply, its objectives for retail use in Wembley have altered over time, and are reflected by the above policy CP7. Particularly, there is evidence that there are significant retail needs in the Borough for both comparison and convenience goods over the period of the LDF, as set out in the Core Strategy. The council would therefore accept the need to be more flexible in considering any application involving a foodstore in excess of the 2500m2 limit set in WEM27. The council would consider any such application having proper regard to the considerations set out in PPS4, notably the availability of sequentially preferable sites for a foodstore within Wembley Town Centre, as well as the potential impact or regeneration benefits of such a proposal.'</p>
PC6	Page 18. Site W6 Amex House	<p>Delete text under 'Flood Risk Comments' and replace by:-</p> <p>'Any development should not be in excess of the existing buildings footprint, should not impede flood water flows and should not increase surface water run-off or reduce flood water storage.</p> <p>The FRA should include: demonstration that the site layout has been designed sequentially to place development in areas of lowest flood risk; design criteria for proposed development to ensure it is not at risk of flooding; demonstration of safe access/egress from the site during a</p>

		flood event. Flood zones are subject to change and modelling and re-modelling is carried out on a quarterly basis by the Environment Agency, therefore it must be ensured that the most up to date data is used as part of the FRA.'
PC7-12	Pages 27-32. Site A2 Minavil House & Unit 7, Rosemount Road; Site A3 Former B&Q and Marvelfairs House; Site A4 Atlip House; Site A5 Sunleigh House; Site A6 Woodside Avenue; and Site A7 Mount Pleasant / Beresford Avenue	From the ' Allocation ' entries for each site, delete the following text:- 'To assist this, an undeveloped buffer strip of 5 metres from the canal will be encouraged.'
PC13	Page 30. Site A5 Sunleigh Road	In the Indicative Development Capacity table, replace:- '57 units' and '58 units' by '90 units' in each case.
PC14	Page 31. Site A6 Woodside Avenue	Delete text under ' Allocation ' heading and replace by:- 'Mixed use including residential, amenity space and workspace for appropriate B1, D1 and A Class Uses. The Council will expect a comprehensive development following an agreed Masterplan that sets out land uses and proposed development in more detail. The development will bring forward a proportion of managed affordable workspace. Improvements will be sought to public transport as part of any proposal to develop the site. The development will exploit the canal-side location. Proposals should conserve and enhance the adjacent canals Site of Metropolitan Nature Conservation Importance designation.'

		<p>In the Indicative Development Capacity table, delete:- '85 units 85 units 2013-14 2015-16' and replace by:- '110 units 110 units 2012-13 2015-16'</p>
PC15	Page 32. Site A7 Mount Pleasant/Beresford Avenue	<p>In first line of text under 'Allocation' heading delete:- 'zero emission or low carbon'.</p>
PC16	Page 43 Site CE4 Homebase	<p>Delete text under 'Allocation' heading and replace by:- 'Mixed use redevelopment including residential (of which a significant proportion should be family sized) and light industrial units. Retail development would be acceptable only if there are no alternative sites available in terms of the sequential approach to development and if there were to be no harmful impact on nearby centres, including upon proposals to regenerate them.'</p>
PC17	Page 48. Site B/C1 Oriental City and Asda	<p>Under the 'Planning History' heading insert the following sub-heading:- 'For the former 'Oriental City' part of the site:' Under the 'Allocation' heading delete '(for bulky goods)' from the first sentence of the text. Insert the following text after the first sentence:- 'The scale and type of retail development permitted will depend upon there being, in accordance with the sequential approach set out in policy CP16 of the Core Strategy, no alternative sites available, and upon the results of a retail impact assessment.'</p>
PC18	Page 50. B/C3 Capitol Way	<p>Under the 'Allocation' heading delete:- 'B1c light industry and /or work/live development' from the second sentence and replace with:-</p>

		'..employment / community uses suitable for a mixed use development'.
PC19	Page 52. Site PR1 Former Guinness Brewery	<p>Delete text under 'Allocation' heading and replace by:-</p> <p>'Industrial and warehousing development having regard for business park development occurring to the west. Development should have regard for the possible Fast Bus route through Park Royal and provide for east/west cycle route and pathway at the north of the site. Proposals should seek to conserve and enhance the adjacent Nature Conservation designation.'</p> <p>Delete text under 'Justification' heading and replace by:-</p> <p>'This site is designated as a Strategic Industrial Location by the London Plan and Brent's Core Strategy.'</p>
PC20	Page 53. Site PR2 First Central	<p>Delete text under 'Allocation' heading and replace by:-</p> <p>'B1 office development and hotel site required to support employment growth objectives in Park Royal, in addition, enabling residential development is considered to bring forward appropriate transport improvements. The Council will encourage a more intensive use of land at this site employing innovative design and configuration. Acceptable proposals must build on the existing consent by providing the majority of B1 floorspace and hotel use from the existing consent. The proposal will also need to secure the provision of appropriate transport improvements, including public transport. Part of these works must include public realm works to enhance pedestrian access to Park Royal Station. Acceptable uses on the site will include a residential element, and a reasonable balance of B1 floorspace to be provided on the remainder. Ancillary health and leisure and small scale complementary retail uses are supported. Any residential development should meet educational, health and other needs arising from it. Comprehensive proposals for all of the undeveloped land will be required and must demonstrate how they will be integrated with recent adjoining development. Proposals should seek to conserve and enhance the adjacent Nature Conservation designation. Any application</p>

		<p>shall be accompanied by an urban design framework, showing how different phases will be developed and the relationship between them.'</p> <p>Delete text under 'Justification' heading and replace by:-</p> <p>'This proposal will ensure the delivery of appropriate transport improvements, including public realm works to enhance the pedestrian access to Park Royal Station. The transport improvements will help to sustain a long term office market in the location. The proposal will enable the completion of further offices to help diversify the employment offer within Park Royal and continue to regenerate the Western Gateway of the estate.'</p>
PC21	Page 58. Site 3 Dollis Hill Estate	<p>Under 'Allocation' heading, delete first and second sentences and replace by:-</p> <p>'Mixed use development including school, residential and employment development.'</p>
PC22	Page 68. Site 13 Sainsbury's Superstore	<p>Under 'Allocation' heading, delete third sentence:-</p> <p>'Vehicular access to the site will be limited to existing locations.'</p> <p>and replace by:-</p> <p>'Any associated change to the position of the existing site access should ensure that traffic conditions in the residential part of Draycott Avenue are not made materially worse, and that measures are incorporated to alleviate any additional congestion that would otherwise arise.'</p>
PC23	Page 70. Site 15 Northwick Park Hospital	<p>Delete text under 'Description' heading and replace by:-</p> <p>'Existing hospital campus with associated car parking and ancillary buildings and adjacent Ducker Pond site. Key worker housing is located in the south east of the site.'</p> <p>Delete first 2 sentences under 'Allocation' heading and replace by:-</p> <p>'Redeveloped hospital with ancillary retail and leisure uses. Community use (Use Class D1) and enabling residential development may be appropriate alternative uses for parts</p>

		<p>of the site that are surplus to the requirements of the new hospital. Development should be in accordance with an agreed masterplan.'</p> <p>Delete first sentence under 'Flood Risk Comments' heading and replace by:-</p> <p>'Any planning application for the site with a site area in excess of 1 ha should be accompanied by a Flood Risk assessment.'</p> <p>Under 'Justification' heading, delete 'buildings and facilities' in first sentence and replace by:-</p> <p>'a new hospital'.</p>
PC24	Page 74. Site 19 Stonebridge School	<p>Delete text under 'Allocation' heading and replace by:-</p> <p>'Residential development limited to rear of site only where it has limited impact on the setting of the Listed building. Such development is acceptable where it supports improvement to new or improved school buildings. As indicated within PPS5, all development must consider the quality of the heritage asset and the setting of the listed school and must be respectful of the historic architectural precedents.'</p> <p>In the Indicative Development Capacity table delete:-</p> <p>'122 units 123 units'</p> <p>Replace by:-</p> <p>'25 units 25 units'</p> <p>Delete text under 'Justification' heading and replace by:-</p> <p>'Limited development opportunity which must respect the setting and design of a listed building.'</p>
PC25	Pages 75-76. Site 20 Former Unisys and Bridge Park	<p>Delete all text and replace by:-</p> <p>'Address: North Circular Road, NW10 Ward: Stonebridge. Area: 2.85 hectares.</p>

	Centre	<p>Description: Site lies next to the North Circular Road and comprises 2 vacant office buildings (former Unisys), a borough owned and run sports and recreation centre, a war memorial, office units, and marginal industrial units</p> <p>Core Strategy policy context: Core Policies 13,17, 18, 19, 21 and 23</p> <p>Planning guidance: The Council intend to prepare a Supplementary Planning Document for this site in 2011.</p> <p>Planning history: July 2003 - Planning permission granted [LPA ref: 02/0945] for the Change of use of buildings from offices to hotel. Sept 1997 – Planning permission granted [LPA ref: 97/1067] for the conversion to 330-bedroom hotel and erection of single-storey glazed extension linking the 2 existing blocks, new penthouse storey on front block.</p> <p>Allocation: Redevelopment of the combined site, which may come in complementary phases, with a mixed use development to include community uses with sports and recreation, residential, B1, local needs retail and hotel uses. The re-provision of a sports centre will be sought if a development would result in the loss of the existing provision. Any residential development permitted within 30 metres of the central section of the North Circular Road will require mitigation from noise pollution, which may include placing habitable rooms on quieter facades wherever practicable. Any new development must secure satisfactory environmental noise and air quality conditions. Proposals will be required to improve pedestrian movement into, out of and around this site, including contributions towards improving sustainable access to the site, such as a footbridge across the North Circular Road. Taller buildings and higher densities are encouraged with density and heights scaled down towards the southern section, family housing is encouraged, provided that safe access/ egress in times of flood can be achieved. A Transport Assessment will be required to assess the cumulative impact of proposed developments in and around the site.</p> <p>Indicative development capacity 120 units 125 units</p> <p>Indicative development phasing 2013 - 14 2015 - 16</p> <p>Flood risk comments:</p>
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		<p>Much of the site falls within flood zones 3a, a Level 2 Strategic Flood Risk Assessment (SFRA) has been produced which should inform any development on this site. This is contained in the Sequential Test Report. Any development should not be in excess of the existing buildings footprint, should not impede flood water flows and should not increase surface water run-off. Development should be concentrated in the areas of lowest flood risk on the site. Development proposals for this site will require Flood Risk Assessment (FRA) and close liaison with the Environment Agency. The FRA should include: detailed modelling; assessment of existing buildings permeability to flood waters and flood flows; introduction of SUDS; and, assess and map flood extents, depths and speeds of flood waters. Flood zones are subject to change and modelling and re-modelling is carried out on a quarterly basis by the Environment Agency, therefore any assessment must ensure that the most up to date data is used as part of the Flood Risk Assessment.</p> <p>Justification: A combined site mixed use redevelopment on previously developed land in a prominent location to help deliver improved sports and leisure facilities.'</p>
PC26	Page 79. Site 24 Wembley Point	<p>Delete site title and replace by:-</p> <p>'24. Wembley Point and Argenta House'</p> <p>Delete text under 'Description' heading and replace by:-</p> <p>'A large 21 storey office tower surrounded by car parking and Argenta House separated from the car park by Wembley Brook. The site is located immediately adjacent to Stonebridge Park Underground and Overground Station to the south and the North Circular Road to the east and Harrow Road to the North.'</p> <p>Delete text under 'Allocation' heading and replace by:-</p> <p>'Redevelopment of site should retain the office use of the building and develop part of the site, for residential and other uses which are complementary to the mixed office/residential development and to the functioning and role of the adjacent Monks Park Neighbourhood centre. Proposals should deliver an improved pedestrian</p>

		<p>experience and linkages to Stonebridge Park rail station and improved pedestrian access across the North Circular Road (NCR). Residential development will not be permitted within 30 metres of the central section of the NCR and will require mitigation for noise pollution, including use of orientation/internal layout to place habitable rooms on quieter facades wherever practicable. Development should have regard for the potential Fast Bus route through Park Royal. Redevelopment should include an undeveloped buffer strip of 8m from the River Brent and Wembley Brook, or other mitigating measures which reduce flood risk, enhance biodiversity, improve maintenance access, amenity and water quality.'</p> <p>Delete text under 'Flood Risk Comments' heading and replace by:-</p> <p>'In Brent's Level 2 SFRA (2010) the majority of the site was found to lie within flood risk zone 2 with part of the site affected by flood risk zone 3a. Flood zones are subject to change and modelling and re-modelling is carried out on a quarterly basis by the Environment Agency, therefore any site specific Flood Risk Assessment prepared must ensure that the most up to date data is used. Development proposals on the site should also adhere to the requirements of national guidance on flooding, currently set out in PPS25.'</p> <p>Under the 'Justification' heading, add the following text to the end of the sentence:-</p> <p>', and provide better connections to Stonebridge Station'.</p>
PC27	Page 100 Monitoring and Implementation	Create new Appendix 5 to contain a Monitoring and Implementation Framework comprising the text and table set out in Appendix C .

Changes proposed by the Council which do not go to the Soundness of the SSA DPD

These changes include factual updates, corrections of minor errors or other minor amendments. They are not required in order to make the SSA DPD sound but are endorsed in the interests of clarity.

Change	Policy/Paragraph	Change
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No.	/Page	
MC1	Page 14. Site W1 Wembley West End	Under the ' Core Strategy Policy Context ' heading add:- '14, 16 and 21' to the list of Core Policies
MC2	Page 15. Site W3 Brent Town Hall	Under the ' Core Strategy Policy Context ' heading add:- '17, 21 and 23' to the list of Core Policies
MC3	Page 17. Site W5 Wembley Eastern Lands	Under the ' Core Strategy Policy Context ' heading add:- '14, 15, 19, 20, 21 and 23' to the list of Core Policies In the ' Indicative Development Capacity ' table replace '2011 2012, by '2013-2014'.
MC4	Page 20. Site W8 Brent House and Elizabeth House	Under the ' Core Strategy Policy Context ' heading add:- '16, 20 and 21' to the list of Core Policies
MC5	Page 21 Site W9 Wembley High Road	Under the ' Allocation ' heading delete the third sentence beginning:- "Development on the northern side of the tracks ... '
MC6	Site W10 Wembley Chiltern Embankments	Under the ' Core Strategy Policy Context ' heading add:- '16, 20, 21 and 23' to the list of Core Policies
MC7	Page 38. Site SK5 Moberley Sports Centre	Delete the text under the ' Description ' heading and replace by:- 'Underutilised site comprising sports facilities, nursery space, an ancillary cottage and open hard-standing located off Kilburn Lane and Banister Road to the south of Kensal

		<p>Rise station.'</p> <p>After the final sentence under the 'Allocation' heading add:-</p> <p>'Development proposals should have regard to the Conservation Area designation adjacent to the site in Kilburn Lane.'</p> <p>Provide a clearer map, including street names in the published document</p>
MC8	Pages 41-44. Site CE1 Church End Local Centre; Site CE3 Former White Hart PH and Chuch; Site CE4 Homepage; and Site CE5 Chancel House	<p>After the last sentence of each section of text under the 'Allocation' heading add:-</p> <p>'Regard should be had to any potential impact of development upon sensitive neighbouring uses, especially the Magistrates Court.'</p>
MC9	Page 52. Former Guinness Brewery	<p>Under the 'Core Strategy Policy Context' heading delete:-</p> <p>'and 19'</p> <p>and replace by</p> <p>', 19 and 20'</p> <p>in the list of Core Policies</p>
MC10	Page 64. Site W9 Harlesden Plaza	<p>After the last sentence under the 'Allocation' heading add:-</p> <p>'Development proposals should have regard to the Conservation Area designation on the High Street frontage as well as to the Archaeological Priority Area designation across the site.'</p>
MC11	Page 66. Site 11 Manor Park Road	<p>After the last sentence under the 'Allocation' heading add:-</p> <p>'Development proposals should have regard to the Archaeological Priority Area designation across the site.'</p>

MC12	Page 71. Site 16 Morrisons Supermarket	<p>In the second sentence of text under the 'Allocation' heading delete:-</p> <p>'above'</p> <p>and replace by:-</p> <p>'and'.</p> <p>Delete third sentence under the 'Allocation' heading.</p> <p>In the first sentence under the 'Justification' heading delete:-</p> <p>'residential'</p> <p>and replace by:-</p> <p>'mixed use'.</p>
MC13	Page72. Site 17 Alpine House	<p>In the first sentence of the text under the 'Allocation' heading delete:-</p> <p>'In line with the 2008 planning permission, mixed'</p> <p>And replace by:-</p> <p>'Mixed'</p>
MC14	Page 74. Site 19 Stonebridge Schools	<p>Add the following text under the 'Planning History' heading:-</p> <p>'Sept 2009 Stonebridge School Listed Grade II'</p>
MC15	Page 83. Site 28 Queens Parade/Electric House	<p>After the final sentence under the heading 'Allocation' add:-</p> <p>'Development proposals should have regard to the Conservation Area designation of the site.'</p>

Proposed Change PC27 – Content of Appendix 5 Monitoring and Implementation Strategy

Appendix 5 Monitoring and Implementation Framework

As indicated in paragraph 1.21, the implementation of Site Specific Allocations will be assessed in the Annual Monitoring Report. Not only will sites be monitored against the estimated phasing of the delivery of development but will be assessed also as to whether or not development is in accordance with the guidance for each site.

The vast majority of the allocated sites are privately owned and will be brought forward for development by private developers, so there will be little opportunity for the council to intervene directly to ensure implementation. Where it is apparent that sites are not coming forward for development as anticipated, where no planning application has been submitted by the target date or where development has not commenced at a point which would ensure completion in-line with the completion target dates, then the council will seek to establish with landowners or agents what the obstacles to delivery are.

Where the council's approaches to the developer/owner indicate that an allocated site is unlikely to come forward for development during the plan period, the council will consider, in the light of - amongst other things - housing delivery rates against overall targets, whether there is a need to allocate additional sites in order to ensure an adequate supply of housing land.

Site Specific Allocation	First phase housing complete	Final phase housing complete	Other land uses proposed	Owner /Developer	Target date for planning application	Further Planning Guidance to assist with implementation
WEMBLEY GROWTH AREA						
<i>W1 Wembley West End</i>	2018	2020	Retail/leisure/public car parking	Private	Planning application 2015	Planning Brief for site approved in 2006
<i>W3 Brent Town Hall</i>	2016	2018	Office/hotel/community by 2016	Council/Private	Planning application 2014	Planning Statement 2005
<i>W4 Shubette Hse./Karma Hse./Apex Hse.</i>	2012	2014	Hotel/retail /offices/managed affordable workspace	Private	Planning permission for Shubette Hse. granted in 2009 Planning permission for Karma Hse granted in 2005	Wembley Masterplan 2009
<i>W5 Wembley Eastern Lands</i>	2012	2024	Leisure/hotel/office/open space	Private	Planning application 2011	Wembley Masterplan 2009
<i>W6 Amex Hse.</i>	2012	N/A	Workspace for creative	Private	Planning application	Wembley Masterplan

			industries/ managed affordable workspace		2011	2009
<i>W7 Chesterfield Hse.</i>	N/A	N/A	Hotel/retail/food & drink by 2014	Private	Planning permission 2011	Wembley Link SPD to be adopted 2011
<i>W8 Brent Hse. /Elizabeth Hse.</i>	2012	2020	Retail/Office	Council/Private	Planning permission for Elizabeth Hse. granted in 2010 Planning application for Brent Hse. 2017	Wembley Link SPD to be adopted 2011
<i>W9 Wembley High Road</i>	2016	2022	Retail / offices	Private	Planning application 2014	Wembley Link SPD to be adopted 2011
<i>W10 Wembley Chiltern Embankments</i>	2018	2022	Town centre uses	Network Rail	Planning application 2016	Wembley Link SPD to be adopted 2011
<i>W11Former Wembley Mini-market</i>	2014	N/A	Commercial or car parking	Private	Planning permission granted in 2010	
ALPERTON GROWTH AREA						
<i>A1 Alperton House</i>	2016	N/A	Workshops / Food & Drink	Private	Planning application 2014	Alperton Masterplan SPD to be adopted 2011
<i>A2 Minavil House & Unit 7 Rosemont Road</i>	2012	N/A	Offices	Private	Planning permission granted in 2010	Alperton Masterplan SPD to be adopted 2011
<i>A3 Former B&Q and Marvelfairs House</i>	2012	2016	B1 workspace and A3	Private	Planning permission granted for B&Q site in 2010	Alperton Masterplan SPD to be adopted 2011
<i>A4 Atlip Road</i>	2012	2018	Employment and A3 uses	Private	Planning permissions granted for parts of the site in 2006, 2007 & 2009	Alperton Masterplan SPD to be adopted 2011
<i>A5 Sunleigh Road</i>	2016	2018	Commercial including workspace and A3	Private	Planning application 2014	Alperton Masterplan SPD to be adopted 2011
<i>A6 Woodside Avenue</i>	2014	2016	B class uses including affordable workspace	Private	Planning application 2012	Alperton Masterplan SPD to be adopted

						2011
<i>A7 Mount Pleasant / Beresford Ave</i>	2018	N/A	Work live development and managed affordable workspace	Private	Planning application 2016	Alperton Masterplan SPD to be adopted 2011
STH. KILBURN GROWTH AREA						
<i>SK1. Queen's Park Station Area</i>	2014	2016	Community Facilities, retail and bus interchange	Private	Planning application 2012	Queens Park Station Area SPD, 2006. Sth Kilburn SPD to be reviewed and adopted 2012
<i>SK2. British Legion, Marshall Hse & Albert Rd Day Centre</i>	2013	2016	N/A	Council/Private	Planning application 2011	Queens Park Station Area SPD, 2006. Sth Kilburn SPD to be reviewed and adopted 2012
<i>SK4. Canterbury Works</i>	2012	2014	Offices and community facilities	Private	Planning application 2011	Sth Kilburn SPD to be reviewed and adopted 2012
<i>SK5. Moberley Sports Centre</i>	2016	N/A	Sports provision and nursery school	Westminster City Council	Planning application 2014	Sth Kilburn SPD to be reviewed and adopted 2012
Church End Growth Area						
<i>CE1. Church End Local Centre</i>	2012	2014	Retail, public square, local offices and health centre	Council/housing association/private	Planning application 2011	Informal Guidance 2006
<i>CE3. Former White Hart PH and Church</i>	2014	N/A	Retail	Private	Planning permission granted in 2009	Informal Guidance 2006
<i>CE4. Homebase</i>	2014	N/A	Retail	Private	Planning application 2012	Informal Guidance 2006
<i>CE5 Chancel House</i>	2020	N/A	Employment use	Private	Planning application 2018	Informal Guidance 2006
<i>CE6. Asiatic Carpets</i>	2014	2016	Light Industrial/Managed affordable work space	Private	Planning application 2012	Informal Guidance 2006
Burnt Oak/						

Colindale Growth Area						
<i>B/C1 Oriental City and Asda</i>	2014	2020	Retail, community use (incl. school) commercial	Private	Planning Permission renewed 2010	Burnt Oak / Colindale Development Framework SPD to be adopted 2012
<i>B/C2 Sarena Hse./Grove Park/Edgware Rd</i>	2014	2020	Workspace (incl. managed affordable)	Private	Planning application 2012	Burnt Oak / Colindale Development Framework SPD to be adopted 2012
<i>B/C3 Capitol Way</i>	2012	2022	Retail / car showroom / community use	Private	Planning permission 2009	Burnt Oak / Colindale Development Framework SPD to be adopted 2012
<i>B/C4 3-5 Burnt Oak Broadway</i>	2012	2014	Retail	Private	Part completed and planning permission renewed for remainder 2010	Burnt Oak / Colindale Development Framework SPD to be adopted 2012
Park Royal						
<i>PR1 Former Guinness Brewery</i>	N/A	N/A	Industry and warehousing	Private	Planning permission 2008	Guinness Brewery SPD, 2005 and Park Royal Opportunity Area Framework to be adopted 2011
<i>PR2 First Central</i>	2014	2016	B1 offices / hotel	Private	Planning permission for offices/hotel 1999 part implemented. Planning application for residential 2010	Park Royal Opportunity Area Framework to be adopted 2011
<i>PR3 Former Central Middlesex Hospital</i>	N/A	N/A	Hospital expansion and industrial / employment development	Private	Planning application 2012	Park Royal Opportunity Area Framework to be adopted 2011
Rest of the Borough						
<i>1. Metro Hse.</i>	2012	N/A	Safer Neighbourhood Team base	Private	Planning permission 2010	

2. <i>Garages at Barnhill Rd</i>	2010	N/A	N/A	Private	Planning permission 2007	
3. <i>Dollis Hill Estate</i>	2012	N/A	New school and employment development	Private	Planning permission 2010	
4. <i>Dollis Hill House</i>	N/A	N/A	Food & drink use / community use / conferencing	Council		
5. <i>Priestly Way, North Circular Road</i>	N/A	N/A	Employment development	Private		
6. <i>Neasden Lane / Birse Crescent</i>	2012	N/A	Retail	Private	Planning application 2011	
7. <i>Neasden Lane / North Circular Road</i>	2012	N/A	Hotel/retail	Private	Planning application 2011	
8. <i>Former Kingsbury Library & Community Centre</i>	2012	N/A	Community /education use	Council/Private	Planning application 2011	
9. <i>Harlesden Plaza</i>	2016	2020	Retail / community use	Private	Planning application 2014	
10. <i>Former Willesden Court House</i>	2012	N/A	Community use	Private	Planning permission 2009	
11. <i>Manor Park Road</i>	2014	N/A	N/A	Private	Planning application 2012	
12. <i>Former Willesden Social Club & St. Joseph's Court</i>	2012	N/A	Community use	Private	Planning permission subject to S106, 2010	
13. <i>Sainsbury's Superstore</i>	2014	N/A	Retail	Private	Planning application 2012	
14. <i>Clock Cottage</i>	2012	N/A	Community use / residential institution	Private	Planning application 2011	
15. <i>Northwick Park Hospital</i>	2020	N/A	Hospital redevelopment	Hospital Trust	Planning application 2018	
16. <i>Morrison's Supermarket</i>	2018	N/A	Retail	Private	Planning application 2016	
17. <i>Alpine House</i>	2012	2014	Affordable workspace	Private	Planning permission	

					2008	
18. Bridge Road	2012	N/A	N/A	Private	Planning application 2011	
19. Stonebridge Schools	2014	2016	N/A	Council	Planning application 2012	
20. Former Unisys & Bridge Park Centre	2014	2016	Community use, sports facilities, B1, local needs retail and hotel	Council/Private	Planning application 2012	Site-wide SPD to be adopted 2011
21. Land Adjoining St. Johns Church	2014	N/A	Community facility	Private	Planning permission 2010	
22. Roundtree Road	2011	N/A	Community / retail	Housing Association	Planning permission 2010	
23. Vale Farm Sports Centre	N/A	N/A	Sport and recreation	Council		
24. Wembley Point	2016	N/A	Office / local retail / leisure / community use	Private	Planning application 2014	
25. Vivian Avenue	2014	N/A	Community use	Private		
26. Old St. Andrew's Church	N/A	N/A	Community use	Private		
27. Hawthorn Road	2014	N/A	N/A	Private	Planning application 2012	
28. Queen's Parade / Electric House	2014	N/A	Retail / food & drink	Housing Association	Planning application 2012	
29. Former Dudden Hill Lane Playground	2012	N/A	Community / leisure or retail	Private	Planning application 2011	
30. Gaumont State Cinema	N/A	N/A	Community / arts & culture / retail / entertainment / employment workspace	Private	Planning permission 2009	
31. Kilburn Square	2010	N/A	Community use and retail	Private	Planning permission 2009. Revised planning application 2010	
32. Former Rucklidge Service Station	2014	N/A	N/A	Private	Planning application 2012	

	<p style="text-align: center;">Full Council 11 July 2011</p> <p style="text-align: center;">Report from the Director of Environment & Neighbourhood Services</p>
<p>For Action Wards Affected: ALL</p>	
<p style="text-align: center;">Statement of Gambling Licensing Principles</p>	

Forward Plan Ref:

1.0 Summary

- 1.1 The Gambling Act 2005 requires Licensing Authorities to publish a Statement of Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough, which Brent did in January 2007.
- 1.2 These Statements of Principles are required to be reviewed, revised and published to reflect changes in legislation, the Gambling Commission's Guidance to Licensing Authorities, and on the experience of administration and enforcement by authorities.
- 1.3 The Executive agreed the final Statement of Principles on 11 April 2011 for approval by Full Council in July 2011.

2.0 Recommendation

- 2.1 It is recommended that Full Council approve for publishing the Council's revised Statement of Gambling Licensing Principles.

3.0 Detail

3.1 The Gambling Act 2005, which received Royal Assent in April of that year, did not actually come into force until September 2007, at which point Brent as a Licensing Authority took on extended responsibility for the licensing and regulation of premises where gambling is carried on e.g. betting offices, adult/family amusement centres, bingo halls, tracks, travelling fairs.

3.2 To facilitate this function the Council was required to publish a statement of principles by which it would apply to regulate gambling premises, and this Brent did in January 2007. The published statement must have regard to and be consistent with the three objectives laid down in the Act which in short are:

- Preventing gambling from being a source of crime and disorder;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from harm or exploitation.

In addition when preparing the statement licensing authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance (note: authorities departing from the guidance should have strong and defensible reasons for failing to take account, clearly expressed and explained, to avoid judicial review).

3.3 It is important to note that whilst the statement establishes the principles and criteria which the Council will apply in exercising its regulatory functions for this activity it cannot, however, 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."

3.4 The statement must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. It has been pointed out by the DCMS (Dept. for Culture, Media and Sport) that these statements are meant to be high level statements of the principles to be applied by authorities when carrying out their functions, and not for them to enter into process detail.

3.5 Brent's statement of principles (attached as appendix A) was developed, prepared and consulted upon with due regard to the requirements of the regulations, and guidance from both Local Government Regulation (formerly LACORS) and the Gambling Commission, which achieves a degree of consistency across licensing areas and authorities and supports consistent regulation so that the industry know what the requirements of authorities are.

- 3.6 Consultation on the revised statement was wide and included the statutory consultees, those required by legislation, associations and authorities, the industry and all members.
- 3.7 The revised statement sent out for consultation and comment prior to final drafting and submission to the Executive Committee was not a new document but the original statement amended to bring it up to date with references, facts etc., and with revised sections in the following four notable areas:
1. Enforcement – the need to expand on the requirement to state what the authority’s policy is in respect of an inspection program that is risk based, proportionate and with appropriate criteria for enforcement.
 2. Splitting premises – this relates to the practice that some operators have been pursuing to try and establish two licensed premises (and thus additional gaming machines) within a single building/area by means of artificial or temporary separation.
 3. “Ready for gambling”- emphasis is being placed on the preferred option of applicants for premises licences to be directed along the alternative route of applying for “provisional statements” at the early stage when premises are not ready for occupation and gambling activity, and may not even be in the applicant’s ownership; the decision making and setting of conditions at such a stage for a premises licence may be inappropriate when all is not known!
 4. Temporary Use Notices (TUN) - this is a relatively new permission and it is important that licensing authority statements’ are clear about the possible misuse of the TUN provision by applicants who may try and achieve regular gambling in places that should only be limited, if at all, to no more than 21 days in any 12 month period.

There have been no responses to the consultation process on the revised statement of principles.

4.0 Financial Implications

- 4.1 The costs of undertaking the statement of principles process are contained within the existing service budget.

5.0 Legal Implications

- 5.1 The Council is required under section 349 of the Gambling Act 2005 to prepare and publish a statement of the principles that they propose to apply in exercising their functions and to review its statement “from time to time” and to

revise it if it thinks that this is necessary in light of the review and publish any revision.

- 5.2 In accordance with section 349 of the Act and the 2006 Licensing Authority Policy Statement Regulations the Council must publish the revised statement for at least four weeks prior to it coming into effect and advertise the fact that the revised statement is to be published.

6.0 Diversity Implications

- 6.1 Section 4.3 of the Statement of Licensing Principles deals with diversity matters and reflects the Council's position and expectations.
- 6.2 From the implementation of the existing Council Statement of Licensing Principles (January 2007) equalities monitoring has been undertaken, which has not highlighted any adverse impact towards the various community groups or resulted in any complaints based on equalities issues.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 There are none specific to this report.

Background Papers

The Gambling Act 2005

London Borough of Brent – Statement of Gambling Licensing Principles

Gambling Commission – Guidance to Licensing Authorities (3rd edition May 2009)

LACORS – Statement of Principles Guidance, Template and notes

Contact Officers

Geoff Galilee

Head of Service Health Safety & Licensing – Brent House, 349/357 High Road, Wembley, Middlesex, HA9 6BZ.

Tel: 020 8937 5358 Fax: 020 8937 5357

E-mail: hsl@brent.gov.uk

Sue Harper

Director of Environment & Neighbourhood Services



LONDON BOROUGH OF BRENT STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

Preface

The gambling laws in Great Britain were updated and a new regime for the regulation of commercial gambling established under The Gambling Act 2005. The new law came fully into force on 1st September 2007.

The Act of 2005 replaced most of the existing laws about gambling in the UK at that time and put into place an improved, more comprehensive structure of gambling regulation. It modernised 40- year-old gambling laws and was designed to face the challenges of today and the future, which included a new structure of flexible protections for children and vulnerable adults and, in particular, brought the rapidly developing internet gaming sector within UK regulation for the first time. The Act created the new Gambling Commission to enforce stronger gambling regulations (see page 38 for detail).

Significantly, local authorities were given new and extended responsibilities for licensing premises for gambling. In some cases (such as gaming machine arcades or leisure centres), those built on existing responsibilities. In other major areas, including betting, casino gaming and bingo they transferred to local authorities responsibilities and functions which previously lay with the licensing justices.

Prior to the Act of 2005 coming fully into force in 2007, all local licensing authorities were required to develop, consult on and publish a statement of its licensing policy and principles, which came into effect on 31st January 2007. In addition the statement should be published every 3 years and from time to time reviewed and if necessary revised.

The Council recognises that today many people enjoy gambling as part of mainstream entertainment, leisure and sporting activities from which economic and social benefits arise for businesses and employment within the borough. However, gambling also brings downsides by presenting particular risks to children and the vulnerable, existing problem gamblers and in certain circumstances being the cause of crime and disorder.

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 dealing 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.

Geoff Galilee – Head of Service
Health Safety & Licensing – Environment and Neighbourhood Services



STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

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This Statement of Licensing Principles was approved by Brent Council on July 2011.

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities (3rd Edition) published in May 2009.

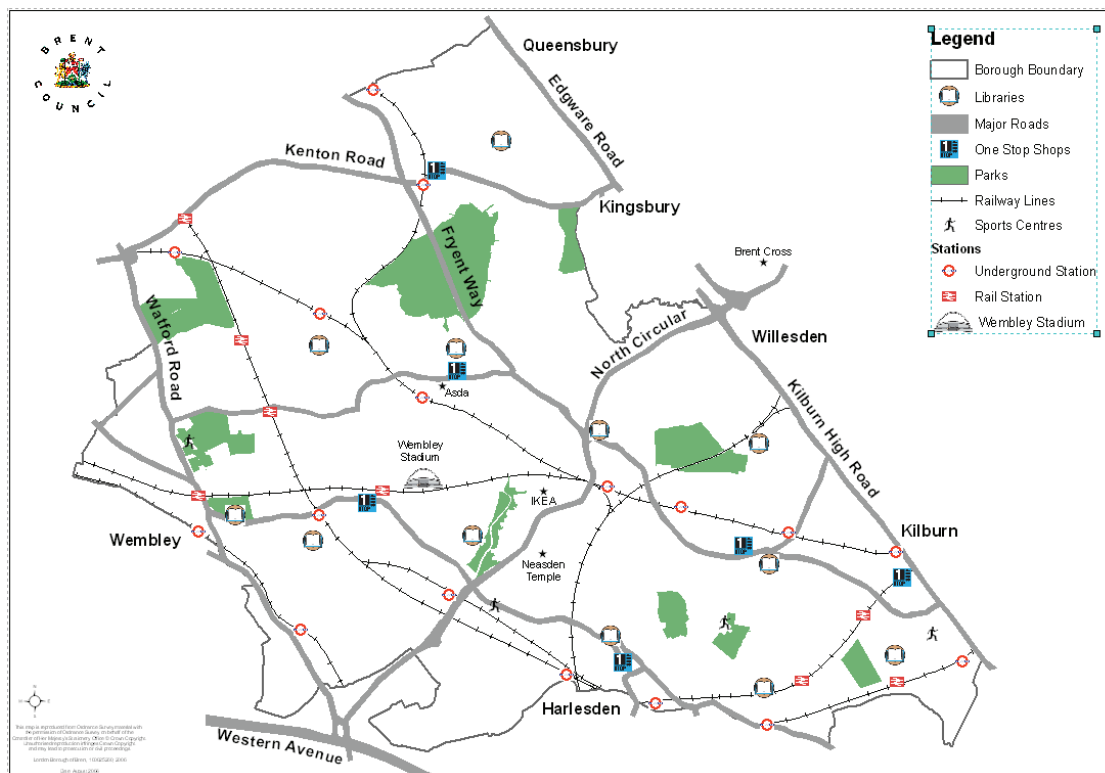
PART 1: INTRODUCTION & PRINCIPLES

1.1 Introduction

- 1.1.1 Brent Council as the local authority for the London Borough of Brent became a “Licensing Authority” under the Gambling Act 2005 (the Act), which came fully into force in 2007 and established a new regime for the regulation of commercial gambling whilst repealing a number of pieces of older law.
- 1.1.2 The Act requires Brent, along with all other licensing authorities, to publish a statement of principles that will be applied when carrying out its licensing functions. This statement of Licensing principles fulfils that statutory requirement and details Brent’s general approach to the making of decisions under the Act.
- 1.1.3 The main function of the Council as a Licensing Authority, through its licensing committee, will be to licence premises where gambling is to take place and issue a range of licences, permits and authorisations for gambling in its area. In addition the licensing authority will have power to impose conditions and review licences.
- 1.1.4 Additionally, the Council will be empowered by the Act to take enforcement action when an offence under the legislation has been committed or when premises or activities are unlicensed, or licence conditions are not complied with; this will be supported by powers of entry and inspection to ensure compliance.
- 1.1.5 This document does refer to the Gambling Commission, which has wider functions under the Act and with whom the Council will work alongside as a dual regulator. However, it 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 Authority’s functions. For example, the Commission is exclusively responsible for issuing operator and personal licences, the former of which is a necessity before the Council can consider an application for a premises licence (see page 38 for Gambling Commission details).
- 1.1.6 The Gambling 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 endorses the principles set out in the Gambling Commission Guidance and key licensing objectives and confirms that the Council will take account of all such guidance.

1.2 Profile of Brent

- 1.2.1 Brent Council is classified as one of the 19 Outer London Boroughs; although it has many 'inner' London characteristics with its southern boundaries adjoining 3 of the capital's 14 Inner London Boroughs.
- 1.2.2 Brent is located in the north western region of London and covers an area of approximately 4,325 hectares and is crossed by two of the main arterial routes into London and is divided by the North Circular Road.
- 1.2.3 Brent has an increasing population that now in the region of 289,000 which reflects approximately 20% increase on the 1991 census.
- 1.2.4 The borough can be broadly characterised as more affluent in the north (north of the North Circular Road) and generally more deprived to the South, reflecting its origins as the former boroughs of Willesden and Wembley, which were combined to become the London Borough of Brent.



- 1.2.5 Dynamic population movements and recent growth have resulted in the borough becoming the second most ethnically diverse in the country, with an ethnic majority population (55% of residents are from black and

-
- minority ethnic communities - and the diversity within the minority communities itself is second –to-none) generating a series of distinct local communities.
- 1.2.6 Brent’s population is also a young one with 40% of residents being under the age of 30 and 25% under 19 years of age.
- 1.2.7 Brent does have significant regeneration opportunities underway with Park Royal – Europe’s largest industrial estate - situated in the southwest corner of the borough and Wembley the home of the new national stadium with its magnificent arch, visible from miles around. The land surrounding the stadium is the subject of ambitious development plans by Quintain Estates to transform the area into an exciting destination for living and entertainment with new restaurants, bars, cinemas, shops and an already redeveloped Wembley Arena with Public Square.
- 1.2.8 However, despite the above 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.
- 1.2.9 The borough map in Appendix ‘A’ indicates areas of deprivation and shows the locations of existing gambling establishments. These premises include, betting shops, bingo halls, amusement centres and a betting track, which in number total approximately 104. Not included on the map are the numerous places licensed for ‘On’ alcohol sales e.g. pubs, clubs that have gaming machines, and which number in the hundreds.

1.3 The Licensing Objectives

- 1.3.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act.
- 1.3.2 The licensing 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; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling;

1.3.3 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3.4 This 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 issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority’s statement of licensing policy;

1.4 Consultation

1.4.1 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.

1.4.2 Brent Council have endeavoured to consult as widely as possible on this statement before finalising and publishing. A list of those persons and/or bodies we consulted is attached in Appendix F.

1.4.3 The Gambling Act requires that the following parties are consulted about the statement by Licensing Authorities:

- The Chief Officer of Police for the borough;
- 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
- 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.

1.4.4 The list of persons/bodies that this authority may include in consultation, but is not limited to is:

- The police
 - Responsible authorities such as the fire authority, child protection,
-

Gambling Commission

- Interested parties such as trade associations
- Interested parties such as residents associations

1.4.5 Our consultation on this revised statement of principles took place between 18th February 2011 and 11th March 2011 and we had regard to the HM Government Code of Practice on Consultation (published July 2008, which is available at:

<http://www.berr.gov.uk/files/file47158.pdf>

1.4.6 The full list of comments made and the consideration by the Council of those comments is available by request to the Licensing Service (contact details can be found on page 34).

1.4.7 This statement of principles was approved at a meeting of the Full Council on.....**July 2011** following consultation and was published via our website on..... **July 2011**. Copies were placed in the public libraries and One Stop Shops of the borough as well as being available in the Town Hall.

1.4.8 ***It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.***

1.5 Licensing Authority functions

1.5.1 Brent as a Licensing Authority is required under the Act to carry out various regulatory functions and will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- 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

- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

1.5.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

1.6 Declaration

1.6.1 In producing the final statement, this licensing authority declares that it has had 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.

1.7 Responsible Authorities

1.7.1 The licensing authority is required to notify all 'Responsible Authorities' (public bodies that must be notified) 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.

1.7.2 The responsible authorities are defined in the Glossary (Appendix B) and the contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's Licensing Service website at: www.brent.gov.uk.

1.7.3 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.

1.7.4 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.

1.7.5 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.

1.8 Interested parties

1.8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“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:-

- I. lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- II. has business interests that might be affected by the authorised activities, or
- III. represents persons who satisfy paragraph (I) or (II)”

1.8.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

1.8.3 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 consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.18. 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. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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- 1.8.4 Interested parties can be persons who are democratically elected such as councillors and MP's (provided they satisfy (iii) in 1.8.1 above). No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected. Other than these however, 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.
- 1.8.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Sub - Committee dealing with the licence application. If there are any doubts then please contact the Council's Licensing Service (contact details on page 38).

1.9 Exchange of Information

- 1.9.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 1.9.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 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.
- 1.9.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

1.10 Enforcement

- 1.10.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of
-

premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

1.10.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for Licensing Authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, (save where to do so would impede proper exercise of the functions) and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects;

1.10.3 As per the Gambling Commission's Guidance for Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

1.10.4 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
- The principles set out in this statement of licensing policy

1.10.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

1.10.6 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.

1.10.7 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

1.10.8 Bearing in mind the principle of transparency, this licensing authority's enforcement policy will be available upon request from the Licensing Service (*contact details on page 38*). Our risk methodology will also be available upon request.

PART 2: PREMISES LICENCES

2.1 General Principles

2.1.1 Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2.1.2 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:

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

2.1.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 23) and also that unmet demand is not a criterion for a licensing authority.

2.1.4 **Definition of “premises”:** In the Act, "premises" has a wide meaning and is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been

taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

2.1.5 The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. 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, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

2.1.6 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should 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 they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- 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. 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 names on the premises licence.

2.1.7 The Guidance also gives a list of factors which the licensing authority

should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' 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?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below as in section 7.25 of the Guidance:

2.1.7(1) Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

2.1.7(2) Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

2.1.7(3) Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- 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 and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

2.1.7(4) Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

2.1.7(5) Bingo Premises

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- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

2.1.7(6) **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

2.1.8 **Premises "ready for gambling"**

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.

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 (see Section 2.9 for further detail) should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their individual merits, applying a two stage consideration process:-

- 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.

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.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

2.1.9 **Location:** This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

2.1.10 **Planning:** The Gambling Commission Guidance to Licensing Authorities states:7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and to disregard irrelevant matters, i.e. those not related to gambling and the licensing objectives. An example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance: 7.66 - 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.

2.1.11 **Duplication with other regulatory regimes:** This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, 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.

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.

2.1.12 Licensing objectives: Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

2.1.13 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction

2.1.14 Ensuring that gambling is conducted in a fair and open way: This licensing authority has noted that the Gambling 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 with regard to tracks which is explained in more detail in the 'tracks' section below – page 25).

2.1.15 Protecting children and other vulnerable persons from being harmed or exploited by gambling: This licensing authority has noted the Gambling Commission's Guidance for local authorities states that 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). The licensing authority will therefore consider, as suggested in the Gambling Commission's

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- Guidance, 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.
- 2.1.16 This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.
- 2.1.17 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.
- 2.1.18 **Conditions:** Any conditions attached to licences will be proportionate 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;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 2.1.19 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of 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 regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively, which may be by way of a risk assessment and include measures such as the use of CCTV, the removal of cash overnight from gaming machines, certified “Raid Control” and an “Under 21” policy etc.
- 2.1.20 This licensing authority will also consider specific measures which may be required for buildings which 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 Gambling Commission's Guidance.
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2.1.21 This authority will also ensure that where category C or above 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 strictly prohibited to persons under 18 years of age.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

2.1.22 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

2.1.23 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

2.1.24 **Door Supervisors:** The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require

that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2.2 Adult Gaming Centres

2.2.1 This licensing authority will specifically have regard to 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, for example, ensure that under 18 year olds do not have access to the premises.

2.2.2 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion 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.

2.3 (Licensed) Family Entertainment Centres (FEC's)

2.3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

2.3.2 This licensing authority may consider measures to meet the licensing

objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 2.3.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

2.4 Casinos

- 2.4.1 **No Casinos resolution:** - This licensing authority for the avoidance of doubt has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, It will update this policy statement with details of that resolution. Any such decision will be made in accordance with the requirements of the Councils Constitution by the full Council.
- 2.4.2 **Casinos and competitive bidding:** - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made an order permitting this under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations / codes of practice issued under the Gambling Act 2005.

2.4.3 **Licence considerations / conditions:** - This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

2.4.4 **Betting machines:** This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

2.5 Bingo premises

2.5.1 This licensing authority notes that the Gambling Commission's Guidance Part 18 states:

2.5.2 **Section 18.4:** Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

2.5.3 **Section 18.6:** Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

2.6 Betting premises

2.6.1 **Betting machines:** - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and

young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

2.7 Tracks

- 2.7.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 2.7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 2.7.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion 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.

- 2.7.4 **Gaming machines:** - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

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- 2.7.5 **Betting machines:** - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 2.7.6 **Condition on rules being displayed:** - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should 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."
- 2.7.7 **Applications and plans:** - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).
- 2.7.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).
- 2.7.9 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).
- 2.7.10 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).
- 2.7.11 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and
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because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

2.8 Travelling Fairs

- 2.8.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 2.8.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 2.8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

2.9 Provisional Statements

- 2.9.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 2.9.2 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 2.9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is
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obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

2.9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

2.9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account 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.

2.9.6 In addition, the 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 objectors at the provisional statement stage;
- 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 submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

PART 3: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

3.1 Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

3.1.1 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. It should be noted that 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).

- 3.1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)
- 3.1.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority 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....Licensing authorities might wish to consider asking the 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); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

- 3.1.4 **Statement of Principles:** This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their individual merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants 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); and that staff are trained to have a full understanding of the maximum stakes and

prizes.

3.2 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

3.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. 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 Gambling 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 Gambling 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.

3.2.2 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 Gambling Commission under Section 25 of the Gambling Act 2005, and *“such matters as they think relevant.”*

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

3.2.3 It is recognised that 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.

- 3.2.4 It should be noted that 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.
- 3.2.5 It should also be noted that 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.

3.3 Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

- 3.3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 3.3.2 This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations; and
 - that the gaming offered is within the law.
 - Clear policies that outline the steps to be taken to protect children from harm.
- 3.3.3 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 Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, 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; and the result of the game must be made public in the

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- 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.

3.4 Club Gaming and Club Machines Permits

3.4.1 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.

Members Clubs and Miner's welfare institutes – and also 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.

3.4.2 Gambling Commission 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."

3.4.3 The Commission Guidance also notes that "licensing authorities may only 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 ten years; or
- an objection has been lodged by the Commission or the police.

3.4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the provisions of the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

3.4.5 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.

3.5 Temporary Use Notices (TUN)

3.5.1 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.

3.5.2 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.

3.5.2 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.

- 3.5.4 This licensing authority 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 Gambling Commission's Guidance to Licensing Authorities

3.6 Occasional Use Notices (OUN)

- 3.6.1 An occasional use notice permits licensed betting operators to use tracks for betting at on eight days or less in a calendar year , where the event concerned is of a temporary nature. Betting may therefore be permitted by an occasional use notice without the need for a full premises licence.
- 3.6.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.
- 3.6.3 Tracks are normally thought of 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 use temporarily as a track providing races or sporting events may qualify.

PART 4: DECISION MAKING

4.1 Administration, Exercise and Delegation of Functions

- 4.1.1 Brent Council's Licensing Committee established to administer its Licensing functions under the Licensing Act 2003 is delegated with the powers under the Gambling Act 2005 to make all decisions relating to premises licences.

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- 4.1.2 To provide a speedy, efficient and cost-effective service the committee has established a number of sub-committees and delegated certain functions and decisions to those sub-committees.
- 4.1.3 Many of the decision 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.
- 4.1.4 All decisions taken by the sub-committees and officers will be reported for information to the next full committee meeting.
- 4.1.5 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.
- 4.1.6 The table on Appendix C sets out the delegation of functions under the Gambling Act 2005 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.

4.2 Reviews

- 4.2.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority based on the evidence provided to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 4.2.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 4.2.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
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4.2.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

4.2.5 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

4.2.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

4.2.7 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

4.2.8 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

4.3 Diversity and Equality

- 4.3.1 Subject to the general requirements of the Act, the 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.
- 4.3.2 Brent is a diverse borough and this is recognised by Councillors and officers. The Council is aware that some applications may have greater impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs. With a view to eliminating unlawful discrimination, applicants will be expected (where appropriate) to address these concerns.
- 4.3.3 Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to promote good relations between persons of different racial groups, will give consideration to supporting those needs or customs whilst seeking to promote the three licensing objectives.

4.4 Human Rights

- 4.4.1 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.
- 4.4.2 The council will have particular regard to:
- 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;
 - Article 8 – that everyone has the right to respect for his home and private life (removal or restriction of a licence may effect a persons private life); and
 - 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);

PART 5: FURTHER INFORMATION & CONTACT DETAILS

5.1 Council Licensing Service

Further information about this Statement, the Gambling Act 2005, or the various processes within can be obtained from:

The Licensing Manager
Health Safety & Licensing Unit
London Borough of Brent
Brent House
349/357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5359
Fax: 020 8937 5357
E-mail: hsl@brent.gov.uk
Website: www.brent.gov.uk

5.2 The Gambling Commission

The Gambling Commission was set up as a Non-Departmental Public Body under the 2005 Act, to regulate gambling in the public interest and to advise local and central government on issues related to gambling. It will operate at arm's length from government ensuring its advice will be fully independent. It will be fully operational by the end of 2007.

For further information or to register your interest in the Commission you can visit their website at: www.gamblingcommission.gov.uk

Copies of the Commission's various publications, including the 'Guidance to Local Authorities – April 2006' referred to in this statement of policy are available on request in various formats from:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP

Tel: 0121 230 6500
Fax: 0121 237 2236
E-mail: info@gamblingcommission.gov.uk

APPENDIX B: 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	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 person: <ul style="list-style-type: none"> • Inspectors are appointed under the Fire Precautions Act 1971 • Inspector appointed under the Health and Safety at Work, etc. Act 1974. • Inspectors of Surveyors of ships appointed under the Merchant Shipping Act 1995; • A person in a class prescribed in regulations by the secretary of state.
Automated Roulette Equipment	2 types: a) Linked to live game of chance, e.g. Roulette 6) Plays live automated game, i.e. operates without human intervention
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	a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence 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: <ul style="list-style-type: none"> • 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; • The prizes are allocated by a series of processes; and • 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; <ul style="list-style-type: none"> • Small Society Lottery (required to register with Licensing Authorities • Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair • Private Lotteries e.g. Raffle at a student hall of residence. • 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	Exchanging of information with other regulatory bodies under the

Exchange	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: <ul style="list-style-type: none"> • Lives sufficiently close to the premises to be likely affected by the authorised activities. • Has business interests that might be affected by the authorised activities. • Represents persons in either of the above groups.
Irrelevant Representations	<ul style="list-style-type: none"> • Where other legislation can cover the representation. • Demand in premises licensing
Large Lottery	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.
Licensed Lottery	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.
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	Tickets that must: <ul style="list-style-type: none"> • Identify the promoting society • 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 • State the date of the draw, or enable the date of the draw to be determined.
Mandatory Condition	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.
Members Club	A club that must <ul style="list-style-type: none"> • have a least 24 members • be established and conducted 'wholly or mainly' for purposes other than gaming • be permanent in nature • 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: <ul style="list-style-type: none"> • for charitable purposes. • for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; of • 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	3 Types of private Lotteries: <ul style="list-style-type: none"> • Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society. • Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises. • Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize 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. The prizes will be determined by the operator before play commences.
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: <ul style="list-style-type: none"> • Expects to be constructed

	<ul style="list-style-type: none"> • Expects to be altered • Expects to acquire a right occupy.
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> <ol style="list-style-type: none"> 1. The Council Licensing Authority whose area the premises must wholly or mainly be situated; 2. The Gambling Commission; 3. Brent Police 4. London Fire and Emergency Planning Authority, 5. Planning Authority, Brent Council; 6. Environmental Health and Health & Safety Units, Brent Council 7. Brent's Safeguarding Children's Board for this purpose 8. HM Customs and Excise. <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> <p>The contact details for all responsible authorities under the Gambling Act 2005 will be available via the Council website at www.brent.gov.uk</p>
SIA	Security Industry Authority
Simple Lottery	<p>An arrangement where:</p> <ul style="list-style-type: none"> • Persons are required to pay to participate in the arrangement • In the course of the arrangement, one or more prize are allocated to one or more members of a class; and • The prizes are allocated by a process which relies wholly chance.
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 behalf a lottery is to be promoted.

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.
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.
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.
Young Person	An individual who is not a child but who is less than 18 year old.

APPENDIX C: Table of Summary of delegations of licensing functions

Matter To Be Dealt With	Full Council	Sub-Committee	Officer
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate			X (to be approved by Executive Committee)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received and from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representation have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX D: Table of exemptions

Exemptions from	Types of gambling and permissions
Operating Licence	<ul style="list-style-type: none"> • Small society lotteries • Incidental non commercial lottery • Private lottery • Customer lottery
Premises	<ul style="list-style-type: none"> • Occasional use notice • Football pools • Temporary use notice
Operating Licence and Premise Licence	<ul style="list-style-type: none"> • Family entertainment centre gaming machine permit • Club/miners welfare institute: equal chance gaming • Club gaming permit • Club machine permit • Equal chance gaming, on – licensed premises • Gaming machines: automatic entitlement, on – licensed premises • Licensed premises gaming machine permit • Travelling fair gaming machine • Prize gaming permit • Other prize gaming • Ancillary equal chance gaming at travelling fairs • Private gaming and betting • Non commercial prize gaming • Non commercial equal chance gaming

APPENDIX E: Categories of gaming machines

Category of machine	Maximum Stake	Maximum prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3A	£1	£500
B3	£1	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

APPENDIX F: 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 (see Appendix B)
 - The Council's Licensing Authority
 - The Gambling Commission
 - Brent Police
 - London Fire and Emergency planning Authority
 - Planning Authority, Brent Council
 - Environmental Health and Health & Safety Units, Brent Council
 - Brent's Safeguarding Children's Board
 - HM Customs and Excise

- All elected (Ward) Councillors within Brent Borough Council
- 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 Primary Care Trust
- Brent Magistrates Court
- Brent Mind
- Brent Residents and Tenants Associations
- Lacors (Local Authority Coordinators of Regulatory Services)
- 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
- BACTA (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 Inn keeping
 - 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

Neighbouring London Boroughs to Brent Council

Others:

- General Public (via Libraries, One Stop Shops, Council Website, Press Release)
- Wembley National Stadium Ltd
- Quintain Estates

Please note that this is not an exhaustive list and where it comes to light that other consultees should be included in the consultation, this will be carried out.

	<p style="text-align: center;">Full Council 11 July 2011</p> <p style="text-align: center;">Report from the Director of Strategy, Partnerships and Improvement</p>
For Action	Wards Affected: All
Revised London Councils Grant Scheme 2011/2012	

1.0 Summary

- 1.1 This report informs members of a revision to the proposed level of contribution Brent will make to the London Councils Grant Scheme in 2011/12. This increase in the contribution previously agreed by Full Council in January 2011 is required following the outcome from the judicial review of changes to the London Councils Grant Scheme.
- 1.2 At the Full Council Meeting in January 2011, Members agreed to contribute £436,346 in 2011/2012 to London Councils to the London Councils Grants Scheme for 2011/2012. Following a judicial review of the London Councils decision to reduce the level of funding for the London Councils Grant Scheme, the revised contribution which Brent is required to make is of £460,929 for 2011/12, which is £24,584 more than the £436,346 agreed by Full Council in January 2011. The additional £24,584 will be provided from centrally held funds.
- 1.3 London Councils has decided to increase the costs of the scheme following the judicial review challenge to cover the costs of continuing to fund projects until a final decision on the reduction in funding was made. Brent provided comments to the review of the future scope of the grants scheme carried out in October 2010 and the second round of consultation following the judicial review in February 2011.

2.0 Recommendations

Members of Full council are recommended to:-

- 2.1 agree the revised contribution to be paid by the Council in the sum of £460, 929 as recommended by London Councils towards the London Boroughs Grants Scheme for 2011/12.

- 2.2 Note that the additional £24,584 required as a result of the outcome of the judicial review of changes to the London Grants scheme will be met from centrally held funds.
- 2.3 To note that the Meeting of Full Council in February 2011 agreed that the 2011/2012 budget included reallocation of the funding no longer expected as a contribution to the London Councils Grants Scheme. Of the funding no longer required for the London Councils Grant Scheme £231,500 was reinvested in safeguarding advice and guidance services provided by the voluntary sector and £249,000 was allocated to savings.

3.0 Detail

- 3.1 The funding provided to London Councils for grants is used to support Pan- London and Sub-Regional voluntary sector projects. The aim of the scheme is to support projects and services that work across London or across a number of boroughs.
- 3.2 In 2010/11 Brent contributed £935,051 to the scheme and 182 organisations were funded to provide services in Brent.
- 3.3 London Councils reviewed the scheme, following concerns raised by boroughs that sub regional and locally allocated funding did not adequately address local needs and they did not feel they were benefiting from the financial contribution they made to the scheme. The aim was to have greater influence on how future funding is deployed at a local level.
- 3.4 As a result of the review London Councils decided to amend their funding criteria and agreed that the scheme would solely fund London wide services and would no longer commission projects that are provided on a sub-regional or local basis. The proposed changes were due to take effect from 30th June 2011.
- 3.5 The proposed reduction in contribution agreed by Full Council in January 2011 was as a direct result of the London Councils change in the funding process. Full Council agreed to a reduced contribution of £436,346 for 2011/12.
- 3.6 The decision by London Councils in January 2011 was subject to a judicial review challenge. The Administrative Court in the judicial review case found that insufficient consideration had been given to equalities duties in London Councils' approach to categorising and assessing the equality impact of their proposed change in funding. A further equality impact assessment and a further decision on the issue had to be undertaken taking into account the equality impact assessment
- 3.7 Five local organisations receive direct funding from London Councils and these were awarded funding up to October 2012 and which they will continue to receive funding..However following the judicial review two will have their funding terminated on 15th August 2011 which is before their agreed funding period. In addition there are 177 organisations funded from the scheme that provide services in the borough as well as elsewhere. However the number of Brent residents accessing services from these organisations is unclear as insufficient data is available from London Councils on local usage.

3.8 By accepting the revised recommendations of London Councils, the Council will need to consider the impact the reduced contribution will have on local organisations, residents and current funded organisations. The Council will need to take any adverse impact into consideration in deciding how to apply the reduction in funding to the London Councils Grant Scheme compared to the contribution made by the Council in 2010/11.

4.0 Financial Implications

4.1 The London Councils Grants Committee published their revised budget for 2011/12 on 13th May 2011 and a Chief's Executives' Circular was issued by London Councils on 26th May 2011 (Appendix 1).

4.2 The overall level of London Borough's contributions to the Grant Scheme that is recommended for 2011/12 represents a 49.7% reduction compared with the previous year. For Brent Council this represents a 50.7% reduction of subscription from £935,051 in 2010/11 to £460,929 in 2011/12 a net reduction of £474,122.

4.3 Members are asked to note that the Meeting of Full Council in February 2011 agreed that the 2011/2012 budget included allocation of the funding no longer expected as a contribution to the London Councils Grants Scheme. £231,500 was reinvested in safeguarding advice and guidance services and £249,000 was allocated to savings.

4.4 Details of all London Boroughs contributions for 2011/12 are also included in Appendix 1.

5.0 Legal Implications

5.1 A summary of the outcome of the judicial review challenge in the case of R (Hajrula and Hamza) v London Councils [2011] EWHC 151 (QB) (QBD) is set out in paragraph 3.6 above. Although the Administrative Court did not quash the approved budget approved by London Councils, it required London Councils to carry out a further consultation to provide greater detail regarding the equalities effects of the proposed changes to the London Boroughs Grants Scheme. London Councils have completed a further Equalities Impact Assessment to ensure that it complies with its Public Sector Equality Duty as set out under section 149 of the Equality Act 2010. As a result of the further consultation, the Grants Committee of London Councils has recommended and the Leaders Committee of London Councils has agreed to increase the costs of the scheme as set out in this report.

5.2 Constituent Councils of London Councils, which includes Brent Council, are required to contribute to any London Borough Grants Scheme expenditure, which has been incurred with the approval of at least two-thirds of the constituent Councils, pursuant to section 48 of the Local Government Act 1985. Contributions are to be proportionate to constituent Councils' populations pursuant to Regulation 6(8) of the Levying Bodies (General) Regulations 1992.

5.3 In October 1985, the London Borough Grants Scheme was set up in accordance with the requirements of section 48 of the Local Government Act 1985. The purpose of this scheme is to provide funding for voluntary organisations offering London-wide services or operating in two or more London boroughs. The thirty two London Boroughs and the Corporation of London are required by statute to contribute to the London Boroughs Grants Scheme.

6.0 Diversity Implications

- 6.1 The additional equality impact assessment has been undertaken by London Councils following the judicial review and detail of this can be found by following the link in the background papers. In summary the assessment concludes that there is likely to be some adverse impact on all equality groups if currently funded services are terminated earlier than the original funding agreements. London Councils has highlighted potential aggregate adverse impact on children and young people, black and minority ethnic communities and women as a result of decommissioning services.
- 6.2 It is difficult to assess the impact for equality groups in Brent as there is a lack of detailed information about the direct benefits of the London Boroughs Grants scheme to Brent's residents.
- 6.3 We will monitor the immediate impact of the change through complaints and/or correspondence received.

Background Papers

- London Councils Chief Executives' Circular 26th May 2011
www.londoncouncils.gov.uk/.../Circ411LCsGrantsSchemeLevy2011.pdf
- Further review of future role and scope of London Council's Grants Scheme
www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4422
- London Councils Leaders' Committee 10th May 2011 – Future role and scope of grants scheme item
www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4428
- London Councils Grants Committee May 6th 2011 Grants paper appendices including the additional equality impact assessment and outcomes of the second round of consultation
www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4423
- Leaders' Committee future role and scope of London Councils Grants Scheme Item 14th December 2010
www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4306


- London Councils Chief Executives' Circular 24/10 and related documents
www.londoncouncils.gov.uk/aboutus/corporatepublications/ceocirculars/24-10.htm
- London Councils – Consultation on the Review of the future role and scope of the London Council's Grants Scheme.
www.londoncouncils.gov.uk/services/grants/consultation.htm

Contact Officers

Joanna McCormick, Partnerships Coordinator
joanna.mccormick@brent.gov.uk, 0208 937 1608
Cathy Tyson, Assistant Director – Policy
cathy.tyson@brent.gov.uk, 0208 937 1045

Phil Newby
Director of Strategy, Partnerships and Improvement

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	<p style="text-align: center;">Annual Council 11 July 2011</p> <p style="text-align: center;">Report from the Director of Legal and Procurement</p>
<p>For Action Wards Affected: All</p>	
<p>Changes to the Constitution</p>	

1.0 Summary

- 1.1 This report proposes three changes to the Council's Constitution: firstly the inclusion of a protocol on Call in of Executive decisions, secondly the inclusion of the new Code of Recommended Practice on Local Authority Publicity, and lastly some minor amendments in relation to Contract Standing Orders.

2.0 Recommendations

Members are asked to:

- 2.1 Agree to amend the Constitution to incorporate the changes to the Standing Orders relating to call in of Executive decisions as set out in **Appendix 1**.
- 2.2 Agree to amend the Constitution to replace the old Code of Recommended Practice on Local Authority Publicity with the new Code which is set out in **Appendix 2**.
- 2.3 Agree to amend the Constitution to incorporate the changes to Standing Orders relating to contracts as set out in **Appendix 3**.

3.0 Detail

Introduction

- 3.1 The Constitution is kept under review throughout the year to ensure that it complies with relevant legislation and that it operates effectively. Following the change in administration after the May 2010 elections a cross party Constitutional Working Group (CWG) was established, which included officer representation, to consider various aspects of the Council's decision making arrangements. The

proposed changes in relation to the call in procedure were discussed in detail at these meetings and have been 'piloted' for the last two months. The proposed change to the Code of Recommended Practice on Local Authority Publicity arises as a consequence of a change in the Code which is issued by central government. The proposed changes to Standing Orders relating to contracts are about strengthening the Council's contracts database, and execution of documents. Each change is discussed in detail below and members are asked to approve the changes as set out in the appendices and described below.

- 3.2 Following this report the Director of Legal and Procurement will update the electronic version of the Constitution available on the Council's intranet and internet sites to take account of the changes agreed by the Council.

Amendments to the Call in procedure

- 3.3 CWG has considered the operation of the call-in arrangements in light of a significant rise in the number of call-ins over the last year. Members of the CWG had earlier agreed that call-in should only be used as a means of last resort on issues of significance. CWG considered two ways in which call-in might be regulated; either by the introduction of a protocol agreed by all three political groups represented on the Council or by changing the threshold required to call-in decisions.
- 3.4 In arriving at a decision CWG recognised that there needed to be a balance between effectively holding the Executive to account and effective and efficient decision making. It was generally felt that the current call-in arrangements needed to be reviewed and that the operation of the Call-in Overview and Scrutiny Committee needed to be improved. It was therefore agreed that a protocol should be developed to provide a framework for call-in that would help ensure that call-in was used only when absolutely necessary and not as an information gathering exercise.
- 3.5 A draft protocol was submitted to a meeting of CWG and it was agreed that this should be trialled initially informally before being adopted by the Council for a formal trial period. The attached protocol has operated for the last two months during which there have been two meetings of the Executive and the decisions on one item have been called-in. The Council is now asked to adopt the protocol, attached as **Appendix 1**, for inclusion in Part 7 of the Constitution for a trial period of six months after which the CWG will review its operation. Also attached as part of **Appendix 1** are the consequent amendments to Standing Orders to reflect the existence of the protocol.
- 3.6 In agreeing the protocol, CWG were mindful of the importance of the flow of information to councillors by way of an effective Forward Plan and ensuring that the overview and scrutiny committees picked up the important decisions planned to be made so that effective pre-scrutiny could be carried out. It was agreed that all members should be sent an email link alerting them to the publication of the Forward Plan each month and that the work programmes for the overview and scrutiny committees should be regularly reviewed to ensure they pick up any important issues included in the Executive's work programme.

Amendments to Part 7 of the Constitution – Codes and Protocols

- 3.7 The Local Government Act 1986 section 2 states that ‘a local authority shall not publish any material which in whole or in part appears to be designed to affect public support for a political party’.

Section 4 of the Local Government Act 1986 provides that ‘the Secretary of State may issue one or more codes of recommended practice as regards the content, style, distribution and cost of local authority publicity, and such other related matters as he thinks appropriate and local authorities shall have regard to the provisions of any such code in coming to any decision on publicity’.

‘Publicity’ is widely defined and includes ‘any communication in whatever form, addressed to the public at large or a section of the public’.

The Act prohibits certain actions by the Council and must be adhered to. The Council is to ‘have regard’ to the Code.

- 3.8 The most recent Code of Recommended Practice on Local Authority Publicity (‘the Code’) was issued on 31st March 2011. It replaces the previous Code which was first issued in 1988 and then revised in 2001. The Code of Recommended Practice on Local Authority Publicity forms part of the Council’s Constitution and is included at Part 7 under the Codes and Protocols. The previous Code is now obsolete and the Council is required to have regard to the new Code in its dealing with publicity and other related matters. In addition, the Members’ Code of Conduct paragraph 6 requires that members must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986, and failure to do so may amount to breach of the Members’ Code of Conduct.
- 3.9 The new Code is based on 7 principles – that the publicity should be lawful, cost effective, even handed, appropriate, have regard to equality and diversity and be issued with care during periods of heightened sensitivity. The Code is similar to that previously issued in relation restrictions on use of Council resources for political publicity and publicity during election and referendum periods. Members will recall that during ‘purdah’ periods specific and detailed advice is provided in relation to publicity restrictions which in part draws on the Code. New elements of the Code include those relating to lobbying and local authority newspapers.
- 3.10 A Monitoring Officer advice note will be issued shortly in relation to aspects of the Code which directly affect Members.
- 3.11 Members are asked to agree that the new Code of Practice, attached as **Appendix 2**, replace the previous Code at Part 7 of the Constitution.

Amendments to Part 3 of the Constitution – Standing Orders

- 3.12 Amendments are being proposed to the Contract Standing Orders section of Standing Orders to reflect new practices in the provision of information to the Corporate Procurement Centre. The purpose of the amendment is to ensure that

the Council's Corporate Procurement Centre is notified of all Council's procurements exceeding £20,000 in value, so as to ensure that appropriate professional support is provided and to make sure that the Council's Contract Database is an accurate record of all the contracts above this value.

3.13 An amendment is also being proposed to the Sealing and Signing of Documents section of Standing Orders to allow for insurance contracts not to be executed as a deed, irrespective of value. This is because of the unusual nature of insurance contracts in that they are brought into existence by the issue of an insurance schedule and policy documents to the insured.

3.14 Accordingly Members are asked to approve the changes set out in **Appendix 3**.

4.0 Financial Implications

4.1 There are no financial implications arising from this report.

5.0 Legal Implications

5.1 The legal issues are dealt with in the body of the report.

6.0 Diversity Implications

6.1 There are no diversity implications arising from this report.

Background Papers

Brent Constitution

Contact Officers

Should any person require any further information about the issues addressed in this report, please contact Kathy Robinson on telephone number: 020 8937 1368, or email:kathy.robinson@brent.gov.uk.

Fiona Ledden

Director of Legal and Procurement

PART 1

INTRODUCTION

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Summary

Definitions

Decision Making Structure

List of Executive Members and Portfolios

6. Overview and Scrutiny

The Council has appointed 6 Overview and Scrutiny Committees to support the work of the Executive and the Council as a whole. The Overview and Scrutiny committees hold the Executive to account by scrutinising its decisions, examining performance and asking questions of decision-makers and service providers. A decision which has been made by the Executive but not yet implemented can be called in for Scrutiny and will be considered by the Call-in Overview and Scrutiny Committee **subject to the reasons for the call-in being within the framework laid out in the call-in protocol included in Part 7 of this Constitution**. They may recommend that the Executive reconsider the decision but cannot block a decision indefinitely or impose their own views on the Executive. The Overview and Scrutiny committees are also involved in strategic and cross-cutting issues by supporting the Executive in the development and review of policy, overseeing health matters, and reviewing the performance of other partners and the Local Strategic Partnership work programme.

PART 3

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39. Questions from one opposition and non-executive members
40. Debate on Key Issues
41. Report from Chairs of Overview and Scrutiny Committee

20. Call in of Executive decisions

- (a) If:-
- (i) an Overview and Scrutiny Committee decides; or
 - (ii) five non-executive members of the Council (for the avoidance of doubt excluding voting and non-voting co-opted and independent members) request

that any decision of the Executive or a committee of the Executive or any Key Decision made by officers be called in for scrutiny then the Call-in Overview and Scrutiny Committee shall consider that decision at its next meeting which unless otherwise determined by the Leader shall in the case of a decision made by the Executive or its committee(s) take place within 15 days of the date on which the relevant decision was made or in the case of an officer decision take place within 15 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. This period will be extended by the Democratic Services Manager as appropriate to take account of any public or religious holidays identified in the Municipal Calendar.

- (b) Any such decisions or requests to call in a decision shall be made within 5 days of the date on which the relevant decision was made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. Any request to call-in shall be made in accordance with Standing Orders 5 and 6 **and the process set out in the call-in protocol included in Part 7 of this Constitution.**
- (c) Any decision which has been called in pursuant to paragraph (a) above which has not been implemented prior to the date on which the decision maker receives notification of the call in from the Democratic Services Manager shall not be implemented until the Call-in Overview and Scrutiny Committee has met to consider the decision in accordance with paragraph (a) unless the decision, in the reasonable opinion of the Chair of the relevant Overview and Scrutiny Committee, needs to be implemented as a matter of urgency and should not be delayed. The Executive shall report to the next ordinary meeting of Full Council details of any such urgent decisions and the reasons why the decision needed to be implemented as a matter of urgency.
- (d) In considering the call-in the Call-in Overview and Scrutiny Committee shall **have regard to the call-in protocol and** determine whether it accepts any response which may have been given to it by the relevant decision maker and if it does not accept their response it can, in respect of that decision, agree recommendations to be given to the decision maker.
- (e) If the Call-in Overview and Scrutiny Committee) recommends to the decision maker that it should reconsider the decision or matter then
- (i) in the case of a decision made by the Executive the Executive shall meet and shall take into account the views expressed or recommendations made to it and may then proceed to implement or change the decision as it sees fit, whether or not the matter is referred to Full Council for further consideration under Standing Order 21; or

- (ii) in the case of a key decision made by an officer, the officer who made the key decision shall take into account the views expressed or recommendations made to him or her and may then proceed to implement or change the decision as he or she sees fit, whether or not the decision is referred to Full Council for further consideration under Standing Order 19.

PART 7

CODES AND PROTOCOLS

Brent Members' Code of Conduct

Planning Code of Practice

Licensing Code of Practice

Code of Practice on Publicity

Local Code of Corporate Governance

Protocol for Member/Officer Relations

Protocol on Members' Rights of Access to Information

Protocol on Call-in

PROTOCOL ON CALL-IN

1. Introduction

1.1 The basic premise of call-in is that it is a failsafe mechanism enabling non executive Councillors to make the Executive re-consider a particular decision if it is of major concern or in Members eyes profoundly flawed.

1.2 The statutory guidance on call-in states that there needs to be an appropriate balance between effectively holding the Executive to account, being able to question decisions prior to them being implemented and allowing effective, efficient decision making. It also balances the need to make the process accessible and the need to ensure that call-in procedures are not abused or used to delay or slow down the decision making process.

1.3 As call-in can inevitably result in a delay to the implementation of decisions it should not be used for party political purposes to seek to further discuss a decision that some members do not agree with. Equally, the rights of non executive members to call-in a decision and exercise their right to question the decision, the decision maker and consider alternative options needs to be respected.

1.4 This protocol is designed to provide a locally agreed framework within which call-in can operate, a clear set of criteria against which a call-in request can be judged and a format for the effective conduct of the meeting considering the call in.

2. What is a call-in?

2.1 A decision made by the council's Executive can be called in for review before it is implemented. Decisions can be called in by five non-executive members or an Overview and Scrutiny Committee. If an Executive decision is called-in, that decision should not be implemented until it has been considered by scrutiny. Called in decisions are considered by the Call-in Overview & Scrutiny Committee. An urgency procedure is in place for any decision that cannot afford to be delayed.

2.2 The Call-in Overview & Scrutiny Committee will meet within 15 working days of the decision being made. If the Committee agrees with the reasons for the call in, the decision is referred back to the Executive along with the reasons why the Committee thinks it should be reconsidered. The Executive will then decide whether to implement the original decision or review the decision based on the views of the Call-in Overview & Scrutiny Committee. If the Committee does not agree with the reasons for call in then the matter is not referred back to the Executive and the original decision is implemented.

3. The call-in process

3.1 A call in request must be submitted within 5 days of the relevant decision being made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. When submitting the call in request members must set out the following:

- an explanation as to why they are calling in the decision and if they are calling in all or part of the decision(s).

- what they recommend the Call-in Overview & Scrutiny Committee to do in relation to the call in. .

3.2 The call-in request form or a similar format should be used to ensure full information is provided.

3.3 When a call-in request is submitted the Democratic Services Manager will refer it to the Director of Legal and Procurement and the Director of Strategy, Partnership and Improvement (the council's designated scrutiny officer) who will decide whether or not the call-in conforms with this protocol. The call-in request will be assessed against the following criteria:

- Is the call-in process being used as a means of gaining information / understanding or discussing general concerns with Members and officers? If this could be achieved through the general overview and scrutiny process or by talking to the relevant officer or lead member informally the call-in will not be valid,
- Does the call-in duplicate a recent call-in on the same issue? If the call-in duplicates another call-in made within the previous 6 months it will not be valid,
- Have the reasons for calling in the decision already been discussed by an overview & scrutiny committee? If the reasons for calling in the decision have been discussed by an overview and scrutiny committee prior to the decision being made the call-in will not be valid,
- If the call in request is considered to be frivolous, vexatious or clearly outside the call-in provisions it may be deemed invalid. Prior to deciding the validity the Director of Legal and Procurement and the Director of Strategy, Partnership and Improvement may seek clarification from the members concerned.

3.4 At least one of the following will need to be included in the reasons for call-in:

- Have the Members calling in the decision clearly identified where they believe there are any defects in the decision making process? This may include significant additional evidence that is relevant to the decision but has not been considered and alternative options / recommendations that have not been discussed but would strengthen the decision,
- Have Members identified a serious risk associated with implementing the decision that has not already been considered?
- Have Members identified an equalities issue that has not been considered?

4. The Conduct of the call-in Meeting

4.1 The Call-in Overview & Scrutiny Committee is an official committee of the council and its meeting are held in public.

4.2 The purpose of a call-in meeting is for non executive members to examine and consider the decision made by the Executive and for members of the committee to make suggestions and recommendations they consider appropriate. The Call-in Overview & Scrutiny Committee provides an opportunity for members to seek clarification of the methodology used in enabling a decision to be made, as well as explore work undertaken by officers culminating in the matter coming before the Executive.

4.3 The relevant Executive Portfolio Holder and chief officer (or his/her representative) will be invited to attend the Call-in Committee meeting to explain the reasons for the decision, respond to the issues raised in the call-in request and answer questions at the meeting.

4.4 It is the chair of the Call in Overview & Scrutiny Committee's responsibility to manage the meeting effectively by applying standing orders, maintaining good discipline and fostering a culture of respect. All contributions to the meeting should go through the chair and the chair should ensure that no purely personal disagreements or comments are allowed to continue.

4.5 To ensure that the meeting is effective the chair will:

- (a) Start each call-in agenda item by asking a representative of the members that called in the decision to set out the reasons for the call in.
 - (b) If a member of the public has made a request to address the meeting, the rules relating to members of the public addressing a meeting as set out in Standing Orders apply. Members of the public can be allowed to speak for 2 minutes or 3 minutes in exceptional circumstances. If a number of requests to speak have been received then the chair should seek to limit the number of contributions to avoid hearing the same points repeated and should seek advice from the Democratic Services Manager about how this should be managed.
 - (c) Ensure that all of the members of the public who it has been agreed will address the meeting are heard prior to the lead member and any relevant officers being asked to respond to the issues raised by the call-in.
 - (d) Invite members of the committee to question the lead member and officers and discuss the issues. Members who are not members of the committee but wish to ask a question can be invited to do so.
 - (e) Having considered the call-in invite members of the committee to come to one of the following conclusions:
 - That the grounds for the call-in are upheld. In these circumstances the committee must set out what it wants the Executive to do.
 - That the grounds for the call-in are rejected and the decision can be implemented.
- 4.6 Ensure that any member wishing to make a recommendation to the Executive clearly states what course of action they are proposing.

Appendix 2

The Code of Recommended Practice on Local Authority Publicity

1. Introduction

- 1.1 This code applies to all local authorities in England specified in section 6 of the Local Government Act 1986 and to other authorities in England which have that provision applied to them by other legislation. Where the term “local authorities” is used in this code it should be taken as referring to both those categories of authority. References to “the Act” are to the Local Government Act 1986.
- 1.2 Local authorities are required by section 4(1) of the Act to have regard to the contents of this code in coming to any decision on publicity. Section 6 of the Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. The code therefore applies in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newsheets and maintenance of websites – including the hosting of material which is created by third parties.
- 1.3 Nothing in this code overrides the prohibition by section 2 of the Act on the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Paragraphs 21 to 24 offer some guidance for local authorities on the management of publicity which may contain or have links to party political material.

Principles

- 1.4 Publicity by local authorities should:-
- be lawful
 - be cost effective
 - be objective
 - be even-handed
 - be appropriate
 - have regard to equality and diversity
 - be issued with care during periods of heightened sensitivity

Lawfulness

- 1.5 Local authorities should ensure that publicity complies with all applicable statutory provisions. Paid-for advertising must comply with the Advertising Standards Authority’s Advertising Codes.
- 1.6. Part 3 of the Communications Act 2003 prohibits political advertising on television or radio. Local authorities must ensure that their publicity does not breach these restrictions.
- 1.7. Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a local authority of material relating to a referendum under Part 7 of that Act, during the period of 28 days immediately before the referendum is held.

- 1.8. Regulation 5 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089) prohibits local authorities from publishing material in the 28 days immediately before a referendum which expresses support for, or opposition to a particular answer to a referendum question relating to the constitutional arrangements of the authority.
- 1.9. Regulation 15 of the Local Authorities (Referendums, Petitions and Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the authority, or to assist others to publish such material.

Cost effectiveness

- 1.10. In relation to all publicity, local authorities should be able to confirm that consideration has been given to the value for money that is being achieved, including taking into account any loss of potential revenue arising from the use of local authority-owned facilities to host authority publicity.
- 1.11. In some circumstances it will be difficult to quantify value for money, for example where the publicity promotes a local amenity which is free to use. In such a case authorities should be able to show that they have given thought to alternative means of promoting the amenity and satisfied themselves that the means of publicity chosen is the most appropriate.
- 1.12. If another public authority, such as central government, has issued publicity on a particular topic, local authorities should incur expenditure on issuing publicity on the same matter only if they consider that additional value is achieved by the duplication of that publicity. Additional value might be achieved if locally produced publicity gives a local context to national issues.
- 1.13. The purchase of advertising space should not be used as a method of subsidising voluntary, public or commercial organisations.
- 1.14. Local authorities should consider whether it is appropriate to seek advice from economic analysts, public relations experts or other sources of expert advice before embarking on a publicity campaign involving very large expenditure.

Objectivity

- 1.15. Local authorities should ensure that publicity relating to policies and proposals from central government is balanced and factually accurate. Such publicity may set out the local authority's views and reasons for holding those views, but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy.
- 1.16. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public's opinions

about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.

- 1.17. Where paid-for advertising is used by local authorities, it should be clearly identified as being advertising. Paid-for advertising, including advertisements for the recruitment of staff, should not be used in any publication owned or controlled by a political party.
- 1.18. Advertisements for the recruitment of staff should reflect the tradition of political impartiality of local authority employees and should not (except in the case of advertisements relating to the appointment of staff pursuant to section 9 of the Local Government and Housing Act 1989 (assistants for political groups)) refer to any political activities or affiliations of candidates.

Even-handedness

- 1.19. Where local authority publicity addresses matters of political controversy it should seek to present the different positions in relation to the issue in question in a fair manner.
- 1.20. Other than in the circumstances described in paragraph 34 of this code, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. This might be appropriate, for example, when one councillor has been the “face” of a particular campaign. If views expressed by or attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.
- 1.21. It is acceptable for local authorities to host publicity prepared by third parties – for example an authority may host a blog authored by members of the authority or a public forum on which members of the public may leave comments. Maintenance by a local authority of a website permitting the posting of material by third parties constitutes a continuing act of publication by that local authority which must accordingly have a system for moderating and removing any unacceptable material.
- 1.22. It is generally acceptable for local authorities to host publicity, such as a blog, which itself contains links to external sites over which the local authority has no control where the content of those sites would not itself comply with this code. This does not amount to giving assistance to any person for the publication of material which local authorities are not permitted to publish. However, particular care must be taken by local authorities during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums which contain links to impermissible material during such periods.
- 1.23. It is acceptable for publicity containing material prepared by third parties and hosted by local authorities to include logos of political parties or other organisations with which the third parties are associated.
- 1.24. It is acceptable for publicity produced or hosted by local authorities to include a logo associated with a particular member of the authority, such as a directly elected mayor, or leader of the authority. Publicity material produced by local

authorities relating to a particular member must not seek to affect public support for that individual.

- 1.25. Where local authorities provide assistance to third parties to issue publicity they should ensure that the principles in this code are adhered to by the recipients of that assistance.

Appropriate use of publicity

- 1.26. Local authorities should not incur any expenditure in retaining the services of lobbyists for the purpose of the publication of any material designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.
- 1.27. Local authorities should not incur expenditure on providing stands or displays at conferences of political parties for the purpose of publicity designed to influence members of political parties to take a particular view on any issue.
- 1.28. Local authorities should not publish or incur expenditure in commissioning in hard copy or on any website, newsletters, newssheets or similar communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsletters, newssheets or similar communications, they should not issue them more frequently than quarterly, apart from parish councils which should not issue them more frequently than monthly. Such communications should not include material other than information for the public about the business, services and amenities of the council or other local service providers.
- 1.29. Publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or by any particular group for which services are provided.
- 1.30. All local authority publicity should clearly and unambiguously identify itself as a product of the local authority. Printed material, including any newsletters, newssheets or similar publications published by the local authority, should do this on the front page of the publication.

Equality and diversity etc

- 1.31. Publicity by local authorities may seek to influence (in accordance with the relevant law and in a way which they consider positive) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues.
- 1.32. Local authorities should consider how any publicity they issue can contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

Care during periods of heightened sensitivity

- 1.33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this code. It may be necessary to suspend the hosting of

material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.

- 1.34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.
- 1.35. In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.

SEALING AND SIGNING OF DOCUMENTS

71. Custody of Seal

The common seal of the Council shall be kept in a safe place in the custody of the Director of Legal and Procurement and shall be secured by two different locks, the keys or combination of which shall be kept by the Director of Legal and Procurement provided that the Director of Legal and Procurement may entrust the keys or combination temporarily to another officer of the Council.

72. Sealing of Documents

- (a) The Common Seal of the Council shall not be affixed to any document unless the transaction or decision to which the document gives effect is authorised by a person or body in accordance with the Constitution and is confirmed as being so authorised by the Director of Legal and Procurement or a member of his or her staff or a person nominated or authorised by him or her for that purpose.
- (b) The seal shall be attested by the Director of Legal and Procurement or a deputy or other person duly authorised by the Director of Legal and Procurement for that purpose and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the person who has attested the seal.

73. Contracts, agreements or transactions to be in writing and/or under seal

- (a) All contracts, agreements or transactions
 - (i) in respect of which there is no consideration
 - (ii) that exceed £500,000 in value over the life of the contract including contracts where the Council is providing goods, services or works to another body); or
 - (iii) which are grants that exceed the sum of £150,000

must be executed as a deed under seal in accordance with these Standing Orders. **However this will not apply to contracts for insurance where the contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.**

- (b) Any other contract, agreement or other transaction which is:
 - (i) £150,000 in value or more (in money or money's worth); or
 - (ii) relates to land or property

shall be in writing and shall EITHER be executed as a deed under seal in accordance with these Standing Orders OR be signed by two officers who are

either Chief Officers or officers duly authorised in accordance with the Constitution by the Chief Officer under whose authority the contract is entered into. **However this will not apply to contracts for insurance where the contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.**

- (c) Other contracts shall be executed under seal if the relevant Chief Officer or the Director of Legal and Procurement considers that to do so would be in the Council's best interest.
- (d) Contracts below £150,000 shall be in writing (which includes the Council's official order form) and signed in accordance with the Financial Regulations or any relevant financial procedures issued by the Director of Finance and Corporate Services. **However this will not apply to contracts for insurance where the contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.**

84. General Requirements


- (a) Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions AND shall be procured in accordance with all relevant domestic and European legislation and unless for good operational and/or financial reasons the Executive (or, if appropriate, the General purposes Committee) agrees otherwise with these Contract Standing Orders and the Council's Financial Regulations.
- (b) In addition to the powers of the Executive in paragraph 84(a) to grant an exemption from the requirement to procure in accordance with these Contract Standing Orders, the Director of Finance and Corporate Services is also able to grant such exemptions:
- (i) on grounds of extreme urgency
 - (ii) where the exemption sought is in relation to the requirement to obtain 3 written quotes under Standing Order 86(b).
- The Director of Finance and Corporate Services shall only exercise his / her authority under this paragraph (i) following legal advice that there is no breach of domestic or EU law or the Council's own procedures in the exercise of the authority (ii) where there are good operational and / or financial reasons for doing so.
- (c) Chief Officers shall ensure in undertaking any contract procurement that:-
- (i) fair, transparent and auditable processes are followed at all stages;
 - (ii) tender exercises are conducted appropriate to the nature of the contract being procured;
 - (iii) all tenderers are treated equally and fairly;
 - (iv) these Contract Standing Orders are complied with; and
 - (v) the Contract Database is kept updated at all times as set out in Standing Order 110.**
- (d) Contract tendering procedures are contained in the Council's Contract Procurement and Management Guidelines which shall be updated and amended from time to time to comply with these Contract Standing Orders. Advice on any of the requirements of these Contract Standing Orders shall be sought from the Director of Legal and Procurement or Director of Finance and Corporate Services as appropriate.
- (e) For the avoidance of doubt these Contract Standing Orders apply to:-
- (i) the appointment of consultants; and
 - (ii) the establishment of Framework Agreements.
- (f) Subject to paragraph (a) and (b) above and Standing Order 97 (Mandatory Approved List), all medium and high value contracts shall be entered into and procured in accordance with the formal tendering procedures set out in these Standing Orders.

Authority to go out to tender and enter into contracts

- (a) Chief Officers have delegated to them power to invite expressions of interest, agree shortlists, invite Tenders, negotiate, award, and terminate contracts in accordance with paragraph 2.5, of Part 4 of this Constitution. No individual Member may enter into a contract on the Council's behalf.
- (b) Where approval to invite expressions of interest is required from the Executive (or if appropriate the General Purposes Committee or Pension Fund Sub-Committee) the Executive, the General Purposes Committee, or the Pension Fund Sub-Committee as the case may be shall receive and consider a report setting out the pre-tender considerations specified in Standing Order 89 and shall give such approval or approvals as it considers necessary.
- (c) Where approval to award, or terminate a contract is required to be obtained or is in any event sought from the Executive (or the General Purposes Committee or Pension Fund Sub-Committee), the Executive, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be shall receive and consider a report setting out all relevant information necessary to enable it to give such approval or approvals as it considers necessary.
- (d) **Chief Officers are responsible for ensuring that the relevant category manager in the Corporate Procurement Centre is notified of all proposed procurements exceeding £20,000 in value. The role of the category manager under this Standing Order 88 is to advise on appropriate procurement routes, ensuring that the service department takes legal advice as necessary.**

110. Contracts Register

- (a) A register of all contracts placed by the Council to the value of **£20,000** or more over the term of the contract shall be maintained by the Contract **Database** Officer **within the Corporate Procurement Centre**. Such register shall for each contract specify the name of the relevant Council's Service Unit, the contractor, the services, supplies or works to be provided, the contract value and contract term and where relevant any provisions for extension. Details of all such contracts awarded **must** be reported to the Contract **Database** Officer within **two weeks** of award and in the required format.
- (b) **Chief Officers shall also ensure that for all contracts on the database, all contract extensions and variations, early terminations, assignments and novations are notified to the Contract Database Officer and to the relevant category manager in the Corporate Procurement Centre.**

	<p style="text-align: center;">Council 11 July 2011</p> <p style="text-align: center;">Report from the Democratic Services Manager</p>
For Action	Wards Affected: All
<p style="text-align: center;">Dates of Council meetings for 2011/2012</p>	

1. Summary

- 1.1 This report confirms the dates on which Full Council is scheduled to meet for the remainder of the municipal year 2011/12 and draws attention to the removal of the October 2011 date.

2. Recommendation

- 2.1 That Members note the removal of the October meeting of Full Council from the 2011/12 meetings programme.

3. Staffing Implications

- 3.1 There are none specific to this report.

4. Financial Implications

- 4.1 There are none specific to this report.

5. Detail

- 5.1 The Council's programme of meetings was agreed at the Annual Meeting held on 11 May 2011. The programme inadvertently included a date for Full Council to meet in October. Members will recall that a decision by Council on 13 September 2010 removed the October meeting and confirmed that meetings of the Council would take place on the basis of a programme of six Council meetings a year. This followed the recommendation of the Constitutional Working Group which reported at that time.

5.2 There are no changes proposed to the other dates for meetings of Full Council that were agreed by the Annual meeting as follows:

11 July 2011
12 September 2011
21 November 2011
23 January 2012
27 February 2012 (Council Tax and Budget Setting)
16 May 2012 (Annual meeting of Council)

6. Background Information

Report to Council 'Changes to the constitution' dated 13 September 2010
Report to Annual Council 'Municipal Calendar of Meetings' dated 11 May 2011

Anyone wishing to inspect the above documents should contact:
Toby Howes, Democratic Services, Room 105, Brent Town Hall.
Tel: 020 8937 1307; e-mail: toby.howes@brent.gov.uk

PETER GOSS
DEMOCRATIC SERVICES MANAGER