



SUMMONS TO ATTEND COUNCIL MEETING

Monday 20 November 2023 at 6.00 pm

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

Please note that this meeting will be held as a physical meeting with all members of the Council required to attend in person.

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.

KIM WRIGHT
Chief Executive

Dated: 10 November 2023 (republished on 14 November 2023 and 17 November 2023)

For further information contact: James Kinsella, Governance Manager
Tel: 020 8937 2063; Email: james.kinsella@brent.gov.uk

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[Council meetings and decision making | Brent Council](#)

Limited space will be available at the meeting for the press and public to attend or alternatively it will be possible to follow the meeting via the live webcast. The link to follow proceedings via the live webcast is available [here](#)

Notes for Members - Declarations of Interest:

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

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

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

***Disclosable Pecuniary Interests:**

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

****Personal Interests:**

The business relates to or affects:

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

or

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

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

Agenda

1 Apologies for Absence

2 Minutes of the Previous Meeting

1 - 40

To confirm as a correct record, the minutes of the Council meeting held on Monday 18 September 2023.

3 Declarations of Interest

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

4 Mayor's Announcements (including any petitions received)

To receive any announcements from the Mayor.

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

To agree any appointments to Committees and Outside Bodies) in accordance with Standing Order 30(g).

6 Deputations (if any)

To hear any deputations requested by members of the public in accordance with Standing Order 32.

Members are asked to note that the following deputations are due to be received at the meeting:

6.1 **Response and action to address the climate emergency in Brent** (deputation to be made by Action for the Climate Emergency Brent)

6.2 **Implementation and operation of Blue Bag recycling scheme** (deputation to be made by Sheila Darr, local resident)

(Agenda republished to include confirmation of second deputation on 14 November 2023)

7 Questions from Members of the Public & Brent Youth Parliament

7.1 To receive question(s) submitted by the public to Cabinet 41 - 43

Members, in accordance with Standing Order 33.

Members are asked to note that one public questions has been received, which has been attached along with the written response provided.

- 7.2 To receive question(s) submitted by the Brent Youth Parliament to Cabinet Members, in accordance with Standing Order 33(c). 44 - 46

Members are asked to note that one question has been received, which has been attached along with the written response provided.

8 Petitions (if any)

For Members to consider any petitions with more than 200 signatures on which a debate has been requested, in accordance with the Council's Petition Rules and Standing Order 66.

9 Reports from the Leader and Cabinet 47 - 60

To receive a report from the Leader of the Council in accordance with Standing Order 31 providing an update on any key or significant issues arising from any matter within the responsibility of the Cabinet.

10 Questions from the Opposition and other Non-Cabinet Members 61 - 68

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

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

Members are asked to note that this session will also include an opportunity (within the time available) for other Non-Cabinet members and the Opposition to ask questions of Cabinet Members without the need for advance notice.

11 Report from Chairs of Scrutiny Committees

To receive reports from the Chairs of the Council's Scrutiny Committees in accordance with Standing Order 36. The reports have been attached as follows:

- 11.1 Resources & Public Realm Scrutiny Committee 69 - 74

- 11.2 Community & Wellbeing Scrutiny Committee 75 - 88

12 Report from the Vice-Chair of the Audit & Standards Advisory Committee 89 - 92

To receive an update report from the Vice-Chair of the Audit and Standards Advisory Committee, in accordance with Standing Order 37.

13 Non-Cabinet Member Debate 93 - 100

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

Members are asked to note that the subject identified for debate at this meeting is as follows:

Making our Borough Clean and Safe.

Please note: The motion submitted as the basis for this debate has been attached.

(Agenda republished on 17 November 2023 to include a Labour Group amendment to the original motion submitted as the basis for the Non-Cabinet Member debate)

14 Statement of Gambling Principles 2024-2027 101 - 236

To receive a report from the Corporate Director Resident Services seeking approval for adoption of the Council's Statement of Gambling Principles, which sets out the policy for dealing with applications and regulating gambling premises within the borough.

Members are asked to note that the report is also due to be considered at the Cabinet meeting on 16 November 2023. Any comments made as a result will be reported at the Council meeting.

Ward Affected:
All Wards

Contact Officer: Anu Prashar, Senior Regulatory Service Manager
Tel: 020 8937 5515
anu.prashar@brent.gov.uk

15 Changes to the Constitution 237 - 242

To receive a report from the Corporate Director Governance seeking approval for changes to the Constitution in relation to speaking rights at Planning Committee (Standing Order 42) and Contract Standing Orders.

Ward Affected:
All Wards

Contact Officer: Debra Norman, Corporate
Director Governance
Tel: 020 8937 1578 Debra.Norman@brent.gov.uk

16 Motions

243 - 252

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

Members are asked to note:

- The motions submitted for debate have been attached.
- Where a motion concerns an executive function, nothing passed can be actioned until approved by the Executive or an officer with the relevant delegated power.

(Agenda republished to include the motions submitted for debate on 14 November 2023)

17 Urgent Business

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



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

- The meeting room is accessible by lift and seats will be provided for members of the public. Alternatively, it will be possible to follow proceedings via the live webcast [HERE](#)



LONDON BOROUGH OF BRENT

Minutes of the ORDINARY MEETING OF THE COUNCIL
held in the Conference Hall, Brent Civic Centre on Monday 18 September 2023
at 6.00 pm

PRESENT:

The Worshipful the Mayor
Councillor Orleen Hylton

The Deputy Mayor
Councillor Tariq Dar MBE

COUNCILLORS:

Aden	Afzal
Agha	Ahmadi Moghaddam
Ahmed	Akram
Bajwa	Begum
Benea	M Butt
S Butt	Chan
Chappell	Chohan
Choudry	Collymore
Conneely	Crabb
Dixon	Donnelly-Jackson
Ethapemi	Farah
Fraser	Gbajumo
Georgiou	Grahl
Hack	Hirani
Johnson	Kabir
Kansagra	Kennelly
Knight	Long
Lorber	Mahmood
Matin	Maurice
Mistry	Mitchell
Moeen	Molloy
Nerva	J.Patel
Rajan-Seelan	Rubin
Shah	Smith
Tatler	

1. Mayors Introductory Statement

The Mayor welcomed all those present to the meeting and thanked everyone for their attendance.

2. **Apologies for Absence**

The Mayor reported that apologies for absence had been received from Councillors Kelcher, Miller, Mili Patel, Ketan Sheth, Krupa Sheth and Southwood.

3. **Minutes of the Previous Meeting**

It was **RESOLVED** that the minutes of the of the Council meeting held on Monday 10 July 2023 be approved as a correct record.

4. **Declarations of Interest**

The following interests were declared at the meeting:

(a) Agenda Item 8 Petitions – Protection of Brents Parks & Open Spaces:

- Councillor Lorber declared a personal interest as a Director and Trustee of Barham Park Community Library given the reference to Barham Park within the motion.
- Councillor Donnelly-Jackson declared a personal interest as a Trustee of Actionspace given the reference to Barham Park within the motion, who were an art-based charity supporting emerging and established artists with learning disabilities that had used studio space provided through ACAVA (one of the tenant organisations in the Barham Park building).

(b) Agenda Item 18.3: Motion – Rogue Landlords

- Councillors Ahmed, Dixon, Ethapemi, Hirani, Johnson, Kansagra and J.Patel all declared a personal interest as landlords within the borough;
- Councillors Ahmadi Moghaddam & Rubin declared a personal interest as members of Brent Renters Union;
- Councillor Donnelly-Jackson declared a personal interest given her previous involvement in the Action for Renters campaign.

There were no other declarations of interest made at the meeting.

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

The Mayor made the following announcements:

(i) 100th Birthday Celebration

The Mayor began her announcements with news of a recent visit she had made to a local resident (Mrs Ida Studdart) in order to celebrate her 100th birthday. Highlighting the role Mrs Studdart had played as a resident of Brent and in supporting her local community since 1965 the Mayor thanked her for the contribution made and on behalf of all members wished her a happy 100th birthday.

(ii) Brent Health and Social Care Awards

On behalf of both herself and the Council, the Mayor advised she would like to congratulate everyone who had been honoured at the recent Brent Health and Social Care Awards. Highlighting the success of the awards, the Mayor outlined how much of a privilege it had been to be able to recognise and celebrate the achievements of so many health and social care staff across Brent.

(iii) Organ Donation Week

The Mayor took the opportunity to remind members about National Organ Donation week and to encourage as many members as possible to participate and encourage others to register as organ donors.

(iv) Paryushan Festival

Recognising the importance of the week for members of the Jain community across Brent observing the Paryushan festival the Mayor hoped that Paryushan Parv would bring happiness and prosperity.

(v) Earthquake in Morocco and Flooding in Libya

In reflecting on the devastating consequences of the recent earthquake in Morocco and flooding in Libya, the Mayor advised that the Council's thoughts remained with all those whose lives had been affected by the terrible disasters.

(vi) Death of Fran Pearson (Independent Chair of Brent's Adult Safeguarding Board and Safeguarding Children's Partnership)

The Mayor advised that it was with sadness she had to inform members of the recent death of Fran Pearson who was the Independent Chair of Brent's Safeguarding Adults Board and had also recently been appointed as Independent Chair of Brent's Children's Safeguarding Partnership.

In paying tribute to Fran, the Mayor highlighted the high level of respect in which she had been held locally and nationally not only in terms of her expertise but also for the way in which she had championed and driven safeguarding activity.

In recognising how much she would be missed, the Mayor ended by expressing the Council's deepest sympathy and condolences to Fran's family, friends and colleagues at such a difficult time.

(vii) Tributes following the death of former Councillor Ruth Moher

The Mayor advised that it was with regret and sadness she also had to inform members of the recent death of former Councillor Ruth Moher who had passed away following a long illness. In paying tribute, members were reminded of Ruth's dedication and passion as a public servant who had served on the Council from 2005 to 2018 where she had represented Fryant ward and also spent time as Deputy Leader. In recognising her compassion and commitment to making a difference, the Mayor advised that she had agreed to allow other members, at this stage of the meeting, to pay further personal tribute in commemoration of Ruth.

In opening the tributes, Councillor Muhammed Butt (as Leader of the Council) began by offering his personal condolences to Ruth's husband Jim, who was also welcomed as guest at the meeting. Highlighting how well he had known Ruth, Councillor Muhammed Butt felt it important to outline her caring and compassionate nature along with the advice and guidance she had provided when he had first joined the Council. In recognising the dedication and commitment she had demonstrated in representing and supporting residents across Brent and within her ward, he ended by highlighting how much she would be missed by all those who had known and served with her over the years.

Following on, Councillor Tatler also took the opportunity to offer her personal condolences to Ruth's family, again highlighting the compassion and social values she had demonstrated and been so keen to share in supporting and mentoring other members and the local community she had served over the years. Referring to the personal support she had received from Ruth, Councillor Tatler felt there was also a need to recognise her style and how much she would be missed not only by herself but many other colleagues on the Council.

In echoing the tributes previously made, Councillor Kansagra also took the opportunity to recognise the caring, passionate and sometimes forceful nature of Ruth whom he had previously served with as a member of the Planning Committee and to offer his condolences to her family on their loss.

Councillor Mahmood, again echoing the previous comments made, also paid tribute to Ruth's caring and helpful nature recalling the support she had provided during his time as Mayor and took the opportunity to pass on his deepest sympathy to Jim and her family.

Councillor Mistry and Kabir also spoke in personal tribute to Ruth highlighting the dignity, warmth, kindness and support she had offered to them both as newly elected councillors and her dedication to serving the residents and communities across the borough, which would be greatly missed.

Councillor Lorber then spoke to pay tribute to Ruth on behalf of the Liberal Democrats Group having known her both in terms of her role as a former councillor and also through the Memory Lounge Dementia café. In terms of any wider tribute the Council could make he felt the most appropriate way to honour her memory would be to ensure support continue to be provided for those organisations working to support those with dementia and their carers.

In concluding the tributes, Councillor Nerva reflected on the previous comments made and how much Ruth would be missed as a colleague, friend and advocate for residents across Brent. Recognising the challenges associated for those living with dementia and their carers he felt it important, in response to the previous comments made by Councillor Lorber, to commend all those involved in the provision of community based dementia support across the borough. He ended by offering his deepest sympathy to Jim and the rest of Ruth's family and also by recognising the significant loss to the safeguarding regime within Brent as a result of the sad death of Fran Pearson.

Having thanked all councillors who had contributed for their kind tributes the Mayor ended by expressing the Council's sincere condolences to Ruth's family and

inviting all members to join her in observing a period of silence in memory and honour of former Councillor Ruth Moher.

All present at the meeting then stood to join the Mayor in observing a minutes silence.

(viii) Petitions

As a final announcement, the Mayor referred members to the list of current petitions tabled at the meeting, in accordance with Standing Orders which also detailed the action being taken to deal with them.

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

The Mayor referred members to the list of changes circulated in relation to appointments to Council Committees, Sub Committees and other bodies.

Having considered the changes outlined it was **RESOLVED**:

- (1) To note that the Leader of the Council had appointed Councillor Tatler to cover the role of Deputy Leader and Cabinet Member for Finance, Resources & Reform during Councillor Mili Patel's period of maternity leave. This was in addition to Councillor Tatler's existing remit as Cabinet Member for Regeneration, Planning & Growth.
- (2) The following changes in committee membership:
 - (a) General Purposes Committee – Councillor Farah to replace Councillor Mili Patel as a full member with Councillor Tatler to be appointed as Vice-Chair. Councillor Farah to be replaced by a vacancy as substitute member.
 - (b) Health & Wellbeing Board – Councillor Tatler to replace Councillor Mili Patel as a full member.
 - (c) Joint Borough IT Committee Brent, Lewisham & Southwark – To note that the Leader of the Council had appointed Councillor Tatler to replace Councillor Mili Patel as a full member and Brent's lead.
 - (d) Barham Park Trust Committee – To note that the Leader of the Council had appointed Councillor Knight to replace Councillor Mili Patel as a full member with an accompanying vacancy as substitute member.
- (3) The following change in appointments to Outside Bodies:
 - (a) London Councils Leaders Committee – Councillor Tatler to replace Councillor Mili Patel as deputy representative.
 - (b) London Councils Greater London Employment Forum – To note the Leader of the Council had appointed Councillor Tatler to replace Councillor Mili Patel as deputy representative.

- (c) London Councils Grants Committee – To note the Leader of the Council had appointed Councillor Donnelly-Jackson to replace Councillor Mili Patel as Brent's full representative with Councillor Tatler appointed as deputy representative.
- (4) To confirm the appointment of Rhys Jarvis to fill the vacant position (following the resignation of Rachel Tiffen) as an Independent co-opted Member on the Audit & Standards Advisory Committee for a four-year term of office expiring at the Annual Council meeting in May 2027 (subject to confirmation of the ongoing appointment at the Annual Council meeting each year).

7. Deputations (if any)

The Mayor advised that she had accepted a request for a deputation to be presented at the meeting by Satvinder Riyat, representing Sudbury Matters Forum as a local community group, regarding the future of Barham Park.

Unless otherwise indicated by members, the Mayor advised that she intended to allow up to five minutes for presentation of the deputation before then allowing Councillor Muhammed Butt, as Chair of the Barham Park Trust Committee, up to two minutes to respond.

As no objections were raised on the approach outlined, the Mayor welcomed Satvinder Riyat to the meeting and invited her to present the deputation.

In thanking the Mayor for the opportunity to address the meeting, Satvinder Riyat began by outlining the history of Barham Park and its buildings and nature of their gift as a community asset by Titus Barham in 1937 with the Council acting as Trustee. In noting the current governance arrangements, with the Council discharging its duties as Trustee through the Barham Park Trust Committee and the Council supporting the Trust in terms of the maintenance and upkeep of the Park and its facilities, the Sudbury Matters Forum (having recognised the limited awareness amongst residents of the Parks status) were keen to ensure that the local community had the opportunity to establish a mechanism and voice that could be used to assist in shaping and securing the future use and management of the Park and its buildings. This was felt to be particularly important given the feasibility exercise currently being undertaken by the Trust, with Satvinder Riyat announcing that as a result, the Forum were now in the process of establishing a "Friends of Barham Park" Group.

The aim of the Group was to ensure that local residents, as the beneficiaries of the Park following its gift as a community asset, were able to have a voice in its future. Satvinder Riyat advised that the Friends Group was being established as an independent, inclusive and non-partisan body which all interested parties would be welcome to join (irrespective of their proximity to the Park) in order to ensure it was as representative of the diverse communities across Brent as possible. Members were advised that the key aim of the Group would be to preserve the historical and ecological value of the Park and its buildings ensuring that they remained sustainable for present and future generations to enjoy, based on the following objectives:

1. To serve as the voice of the beneficiaries in collaboration with the Trustees to influence the future of the Park and its buildings
2. To actively participate as volunteers in the maintenance, conservation and preservation of the Park for future residents.
3. To engage with the Trustees in conducting a comprehensive survey of the Park, in order to detect the presence of any protected wildlife species.
4. To capture and preserve the history of the Park, including the architectural importance of its buildings, its previous owner and occupants, which may have cultural significance for the borough's diverse communities.
5. To educate about the Park's historic significance.

Whilst recognising the current nature of the challenges facing the Trust in supporting the upkeep and maintenance of the Park and its buildings, Satvinder Riyat ended by highlighting that the Group were committed to working with the Barham Park Trust and Council officers in order to safeguard the Park as a much valued community asset gifted to the people of the borough with anyone interested in joining the Group urged to contact: www.friendsofbarhampark.org

In welcoming and responding to the deputation, Councillor Muhammed Butt, as Chair of the Barham Park Trust, thanked the Sudbury Matters Forum for their efforts to engage with the Trust and Council, supported through Councillor Benea. In recognising the need to ensure a collaborative approach was taken to preserving the benefit and future of the Park, Councillor Muhammed Butt outlined the Trust's commitment to safeguard and build on its legacy as a much valued community asset and welcomed the established of the Friends Group through the Sudbury Matters Forum as a means of focussing future collaboration and engagement.

The Mayor thanked Councillor Muhammed Butt for his response and advised as this concluded consideration of the deputation she would move on to the next item.

8. Questions from Members of the Public

The Mayor advised that four questions had been received from members of the public, which were as follows:

Question 1 from Martin Francis to Councillor Knight (Cabinet Member for Housing, Homelessness and Renters Security) regarding the safety of high-rise, and high-risk, residential buildings in the borough following the introduction of the Building Safety Act in April 2022.

Question 2 from John Cox to Councillor Farah (Cabinet Member for Safer Communities and Public Protection) concerning the noise pollution in Harley Road, NW10, arising from the nearby HS2 works in the London Borough of Ealing.

Question 3 from Charlotte Child to Councillor Krupa Sheth (Cabinet Member for Environment, Infrastructure and Climate Action) highlighting concerns relating to pedestrian safety in Cavendish Road, Willesden Lane and The Avenue NW6 and requesting the installation of a pedestrian crossing at the junction.

Question 4 from Naishadh Patel to Councillor Nerva (Cabinet Member for Public Health and Adult Social Care) regarding the monitoring, suspension and removal of care providers that were deemed unsatisfactory and the options that were currently available to businesses who wished to become a provider of care services.

Members noted the written responses provided on each of the questions, which had been circulated with the agenda. The Mayor advised that each member of the public had been invited to the meeting in order to ask a supplementary question and whilst John Cox had been unable to attend, she was pleased to be able to welcome Martin Francis, Charlotte Child (who was attending online) and Hitesh Patel (who members were advised was attending the meeting in place of Naishadh Patel) to the meeting.

The following supplementary questions were asked of the relevant Cabinet Member(s).

Question 1 Supplementary Question from Martin Francis to Councillor Knight, Cabinet Member for Housing, Homelessness and Renters Security.

In thanking Councillor Knight for the written response provided to his original question, Martin Francis, in reiterating the importance of building safety and the Council (as landlord) meeting its requirements under the Building Safety Act sought further detail as to whether the Council had conducted full structural surveys on those buildings in scope under the Act. As part of the question details were also sought on whether any surveys had included the testing of core samples to determine the robustness of the building materials in order to identify any structural defects or issues and also the presence of any Reinforced Autoclaved Aerated Concrete (RAAC).

In thanking Martin Francis for his question and attendance at the meeting, Councillor Knight (as Cabinet Member for Housing, Homelessness and Renter's Security) referred to the detailed response already provided on his original written question. In terms of structural assessments, she confirmed that a Building Safety Strategy was in place for each of the High-Rise buildings in scope managed by the Council. This included FRA4 inspections being in place for each building and proactive checks having been conducted by Brent Housing Management in terms of evacuation plans and to ensure that fire stopping measures met the appropriate standards. In addition to the physical mitigations, the Council remained committed to ensuring tenants were provided with regular updates and up-to-date information on evacuation plans and Fire Risk Assessments.

Question 3 Supplementary Question from Charlotte Child to Councillor Krupa Sheth, Cabinet Member for Environment, Infrastructure and Climate Action.

In highlighting concern at the response provided, in terms of the low prioritisation for a pedestrian crossing at the junction between Cavendish Road, Willesden Lane and The Avenue NW6 based on the number of reported accidents and pedestrian collisions over recent years, Charlotte Child queried the approach and felt there was a need for more proactive intervention to avoid any more serious accidents involving pedestrians. As an additional concern, she also highlighted issues regarding the potential discontinuation of the 'Street Safe' app, which residents had

been able to use to provide information regarding street safety concerns and sought details on how residents should continue to report concerns relating to pedestrian safety and issues at the junction.

As Councillor Krupa Sheth (Cabinet Member for Environment, Infrastructure and Climate Action) had submitted her apologies for absence at the meeting, the Mayor advised that a written response would be provided on the supplementary question following the meeting. In addition, the Mayor advised (responding to a Point of Order by Councillor Georgiou) that she would be willing to allow Councillor Muhammed Butt (as Leader of the Council) to provide a further brief update at the meeting in order to supplement the written response provided on the original question. Following on, Councillor Muhammed Butt reassured Charlotte Child that the Lead Cabinet Member and officers would also be willing to meet with local residents to continue discussions and consider the safety concerns highlighted.

Question 4 Supplementary Question from Hitesh Patel (representing Naishadh Patel) to Councillor Nerva, Cabinet Member for Public Health and Adult Social Care.

Having thanked Councillor Nerva for the written response to the submitted question, Hitesh Patel, as a supplementary question, sought further detail on the measures in place and action being taken to encourage smaller and more local companies to engage in the procurement process for award of social care contracts.

In response, Councillor Nerva (as Cabinet Member for Public Health & Adult Social Care) advised that the Council were currently assessing bids received under the procurement process for the reablement service and to appoint providers to join Brent's homecare framework contract. This had included a significant market warming exercise with providers to make them aware of the opportunities along with specific support for local providers in terms of the procurement and bidding process. Whilst not able to comment, at this stage, on the outcome of the bidding process an assurance was provided about the Council's ongoing commitment to support local businesses in order to encourage their involvement in provision of local care services. In reiterating the responsibility that the Council had to ensure high quality care provision, Councillor Nerva detailed that an announcement regarding the outcome of the current procurement process was expected in the coming weeks.

Having noted the responses provided, the Mayor thanked the members of the public in attendance for their supplementary questions and Cabinet Members for their response and, with no further questions to be considered, advised that this concluded the public question session.

9. Petitions (if any)

The Mayor advised that she had accepted a request for a petition to be presented at the meeting by Councillor Lorber, representing local residents, which contained 1170 signatures and related to the Protection of Brents Parks and Open Spaces.

Unless otherwise indicated by members, the Mayor advised that she intended to allow up to five minutes for presentation of the petition before then allowing

Councillor Tatler (as Cabinet Member for Regeneration, Planning and Growth) up to two minutes to respond.

As no objections were raised on the approach outlined, the Mayor invited Councillor Lorber to present the petition.

In presenting the petition, Councillor Lorber highlighted his focus on Barham Park given concerns identified as to how it was felt proposals presented at the recent meeting of the Barham Park Trust Committee would set an unwelcome precedent not only in terms of the risk to the Council's long established Core Strategy of protecting and safeguarding Brent parks and open spaces but also in relation to local neighbourhood planning.

In outlining the historical context to the gift of Barham Park and its use as a much valued community asset, concerns were expressed at the management and maintenance of the Park and buildings by the Barham Park Trust along with the cost and outcome of the recent strategic property review and feasibility study presented to the Barham Park Trust Committee on 5 September 2023. Referring to the design options identified for the Park building as part of the architectural feasibility study presented to the Trust Committee, concerns were highlighted at their potential impact on the existing community based organisations currently occupying the building as tenants (given the social value they generated) and suggested alternative use including a mixture of a hotel, Airbnb, offices, café and shop units. Given approval of the recent planning application relating to development of the housing site located along the north-west corner of Barham Park and the Trust's recent agreement to progress negotiations on the possible variation of the restrictive covenant protecting against development on that site, Councillor Lorber felt the petition also served to highlight the level of concern expressed about the need to protect parks and open spaces across the borough from potential future development.

In concluding presentation of the petition, Councillor Lorber called on all members to recognise the strength of local feeling and prioritise the preservation and promotion of the borough's parks and open spaces as valuable and vital assets for local communities across the borough.

Having thanked Councillor Lorber for presenting the petition, the Mayor then invited Councillor Tatler (as Cabinet Member for Regeneration, Planning & Growth) to respond.

In responding, Councillor Tatler began by thanking all residents who had signed the petition for highlighting the value placed on Brents parks and green spaces. In seeking to focus and address the issues highlighted within the main petition, rather than wider rhetoric expressed, the opportunity was taken to reassure local residents of the Council's commitment to protecting and enhancing the boroughs parks as evidenced not only through the significant level of investment already provided by the Administration but also the ongoing use and allocation of over £2m of the Community Infrastructure Levy and planning process to secure a number of new parks and open public spaces including areas such as, Staples Corner, Neasden, Church End, Wembley Park, South Kilburn and Grand Union in Alperton. In highlighting what she regarded as the progressive nature of the Council's planning policies in seeking to balance the need for housebuilding with the wider demand for

infrastructure like parks and wider sustainability objectives, Councillor Tatler also took the opportunity to remind members of the measures adopted within the Local Plan to protect and safeguard parks and open spaces. These included Local Plan policies in Growth Areas identifying specific local park provision, a series of play areas and open spaces within new developments and the requirement for developments to provide an urban greening factor, bio-diversity gain, replacement tree canopy cover (with over 4000 new trees planted to date) and space for water and habitats that would not have existed before, with members reminded that the Liberal Democrats had opposed initial adoption of the Local Plan.

In concluding, Councillor Tatler took the opportunity to end her response to the petition by once again reassuring residents how seriously the current Administration took its ongoing responsibility to protect the boroughs parks and green spaces.

The Mayor thanked Councillor Tatler for her response and advised as this concluded consideration of the petition she would move on to the next item.

10. Annual Report from the Leader of the Council

The Mayor then invited Councillor Muhammed Butt, as Leader of the Council, to present his Annual Report on the work of the Council and State of the Borough.

Councillor Muhammed Butt opened the Annual Report by reflecting on the impact which the brief tenure of former Prime Minister Liz Truss, had created in terms of the current economic and financial challenges facing the country and public services in particular. Reference was also made to the current Prime Minister and how far removed the Government seemed to be from the impact of their policies on local communities and ongoing underfunding of public services with specific reference to schools, prisons, NHS waiting times, growing housing demand, and the part-cancellation of HS2. In contrast, he highlighted how the Labour Administration were working to support local residents, particularly those more vulnerable who relied on public services, in order to ensure no one was left behind.

In outlining the work of the Council over the past year, the Leader commended the Council's investment in services that supported residents, such as the Resident Support Fund, Council Tax Relief Scheme, the delivery of new Social and Affordable housing and the commitment to a cleaner and greener borough. In highlighting the protection being provided for local residents given the nature of the wider financial and economic challenges being faced as a result of the cost-of-living crisis he also felt it important to recognise that these investments had been delivered despite the Government's ongoing programme of austerity and also opposition from the Conservative Group who, he reminded members, had proposed removal of the Resident Support Fund as an alternative budget proposal. The stance of the Liberal Democrat Group was also queried, given their opposition to various social housing development schemes and the previous role of the Party nationally as part of the Conservative led coalition Government which had introduced the programme of austerity still impacting on public services today. To illustrate the impact of austerity across the UK, the Leader highlighted that 2.5 million food bank packages had been distributed across the UK in 2021, compared with 60,000 when the coalition had first come into power in 2010.

As an alternative, Councillor Muhammed Butt highlighted the way in which the Labour Party nationally and Administration in Brent were working to protect public services and local residents based on continued investment in the economy, education, health and social care, the environment and local communities. Within Brent this had involved continuing to support local businesses, investment in early years support and school improvement, health prevention services and integrated care along with work to tackle the climate emergency, improve air quality and provide community facilities and support in order to promote social cohesion, community safety and more vulnerable members of society. In commending the work of each Cabinet Member in support of the Council's objectives, Councillor Muhammed Butt concluded by recognising the extent of work still required to mitigate against the damage being caused through the actions of the current Conservative Government and in seeking to continue improving the lives of residents and to make the borough an even better place to live and work.

The Mayor thanked the Leader for his Annual Report and then advised that she would open up the debate for contributions from other members, starting with a response from the Conservative and Liberal Democrat Group.

In responding to the Annual Report, Councillor Kansagra (as Leader of the Conservative Group) queried why the Annual Report had not been focussed on the Administration's delivery of the Council's objectives and instead had sought to criticise the Government, despite the significant package of financial support provided and what he felt had been the favourable financial settlement provided for the Council, which had been achieved within the context of the economic challenges created as a result of the pandemic and war in Ukraine. In highlighting the significant package of financial support provided by the Government for businesses and individuals to assist in managing the impact of the pandemic and cost-of-living crisis he concluded by questioning the Leaders recollection about how the funding provided by Government had been used by the Labour Administration in Brent to assist local residents in tackling these issues.

The Mayor then invited a representative from the Liberal Democrats Group to respond, with Councillor Lorber nominated to speak. In referencing the earlier discussion surrounding support for residents living with dementia, Councillor Lorber highlighted concerns regarding the progress by the current Administration in working towards Brent being recognised as a Dementia Friendly borough. In raising this as an issue, Councillor Lorber commended the work of the Barham Memory Lounge and Café in providing support for those living with dementia and their carers. This had been supported through space provided within the Barham Park building by Barham Community Library alongside a successful bid for Lottery Funding. Reference was also made to a successful bid for Neighbourhood Community Infrastructure Levy (NCIL) funding to support refurbishment of the existing facilities in order to enable the establishment of a dementia hub operated in partnership with the Memory Lounge to provide community support and further outreach work, which it had not been possible to progress as a result of decisions taken by the Barham Park Trust relating to the lease of units within the Barham Park building. In highlighting the commitment made by the Leader to improve the lives of residents across the borough, Councillor Lorber felt this should also extend to the Council taking positive action to support those living with dementia in Brent and their carers.

Having thanked Councillors Kansagra and Lorber for their contributions, the Mayor then moved on to open up the debate and invite contributions from other members.

As a Point of Order, following Councillor Lorber's comments on the Annual Report, Councillor Crabb highlighted a need to ensure appropriate language was used in relation to the reference of those living (as opposed to suffering) with dementia and commended the Council's efforts to ensure that the borough was genuinely dementia friendly.

In echoing Councillor Crabb's comments regarding the need for care with the language used when referring to dementia, Councillor Donnelly-Jackson urged members to avoid the use of ableist language. The work being undertaken by organisations such as Ashford Place & Community Action on Dementia as part of the wider activity being undertaken around the provision of dementia support across Brent was also recognised along with the way in which NCIL funding had been used to make a positive impact in supporting community based projects, including funding provided for the Dementia Hub initiative.

Moving on, Councillor Maurice addressing the remarks made by the Leader regarding austerity, felt it was important to recognise the poor financial state of the country inherited from the previous Labour Government in 2010 and nature of the challenges faced since then in relation to the fiscal deficit which had needed to be addressed. In terms of other issues impacting Brent, Councillor Maurice also highlighted what he felt were growing concerns being expressed by local residents in relation to crime and safety across the borough. In addition, he felt there was need to recognise and commend the Government for the level of investment provided to address issues such as highway and pothole repairs and improve access to health and social care services which had all directly benefitted residents in Brent.

As additional Points of Order, in response to Councillor Maurice's comments, Councillor Crabb felt there was a need to recognise the process and precedent for the exchange of power between incoming and outgoing Governments with Councillor Nerva also clarifying the position regarding the limited access to funding provided by the Government for Transport for London, in relation to highway maintenance and repairs and associated impact on the borough. Councillor Lorber also took the opportunity to comment in highlighting that reference to the start of austerity could, in his view, be traced back to the Labour Government in 2008.

In support of the approach outlined by the Leader within his Annual Report and challenging the views expressed by the Conservative Group, Councillor Kennelly felt it was important to recognise the positive benefits of the additional investment provided by the Labour Administration especially in relation to the maintenance and repair of roads and pavements across the borough, including within his ward, along with the plans for wider investment to ensure the economic stability of the country being developed by Labour on a national basis.

As no further members indicated that they wished to speak, the Mayor then invited the Leader to sum up and close the debate on the Annual State of the Borough Report.

Councillor Muhammed Butt began his response by reminding members of the achievements delivered by the current Administration despite the financial difficulties facing the Council as a result of the funding restrictions and programme of austerity which had been imposed by the Conservative and coalition led Government. This had resulted in the Council having to manage a reduction of £210m in its budget since 2010 accompanied by a range of additional pressures, including changes in the welfare and asylum system which had resulted in the Council needing to step in and provide additional support. Within this context, the Leader assured members that the Council remained committed to investing in the delivery of new homes, creation of jobs and working to improve community safety, education, health and social care provision and the local environment in order to ensure the best possible outcomes for local residents and those needing support.

The Mayor thanked Councillor Muhammed Butt for his response and advised that this concluded the debate. As a result, it was therefore **RESOLVED** to formally note the Annual State of the Borough Report.

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

The Mayor then invited Councillor Muhammed Butt, as Leader of the Council, to introduce the report updating members on the work being undertaken across each Cabinet portfolio in order to provide ongoing support and services to residents within the borough. In presenting the report, the Leader highlighted the work being undertaken to continue delivering the Council's key corporate objectives and in providing ongoing support and services to meet the needs of residents across the borough. Members were also asked to note that no Executive decisions had been taken under the Council's urgency procedures, since the previous update provided for the Council meeting in July.

The Mayor thanked the Leader for his report and it was **RESOLVED** to formally note the update provided.

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

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

The Mayor advised that five written questions had been submitted in advance of the meeting for response by the relevant Cabinet Member and the written responses circulated within the agenda were noted. The Mayor then invited supplementary questions on the responses which had been provided:

- 12.1 Councillor Gbajumo thanked Councillor Grahl, as Cabinet Member for Children, Young People and Schools, for the written response to her question regarding the examination results achieved by young people across Brent. In commending the work being undertaken by the Council to support schools, further detail was sought as a supplementary question on the wider

measures being taken to maintain and support levels of educational attainment across the borough and potential challenges identified.

In response, Councillor Grahl (as Cabinet Member for Children, Young People and Schools) began by taking the opportunity to recognise and celebrate the educational attainment and success achieved by young people across the borough. This had, she pointed out, been achieved against the background of a national trend in lower grades driven in part by a change to pre pandemic grading protocols, with Councillor Grahl supporting the calls being made for the return to a fairer grading system. Focussing on the positive results achieved across Brent which had exceeded the national average, Councillor Grahl was keen to ensure the results achieved by young people supported by their families, schools and teachers was formally recognised given the difficult circumstances and significant hardship posed by wider challenges such as the cost-of-living crisis. Councillor Grahl also commended the role of the Setting and School Effectiveness Service along with the measures put in place by the Council to support families through initiatives such as the Holiday Activities and Food Programme and Resident Support Fund. Furthermore, Councillor Grahl highlighted the importance of the Council's investment in Special Education Needs and early needs provision in terms of the wider impact on young people's future life chances and ended by once again congratulating and praising the efforts of Brent's young people which had resulted in such positive exam results in such challenging circumstances.

- 12.2 Having thanked Councillor Nerva, as Cabinet Member for Public Health and Adult Social Care, for the written response provided to her question regarding the impact of the recent decision by a private sector provider to seek a buyer for the GP practices they currently operated, including those within Brent, Councillor Long highlighted the impact and confusion being created amongst local residents given the uncertain future of the affected practices and the threat of further GP privatisation. As a supplementary question Councillor Long, having outlined her concern at the proposals, sought further detail on their potential impact both in terms of patients and the wider primary care sector across Brent and North West London.

Having thanked Councillor Long for highlighting the concerns raised, Councillor Nerva advised he would ensure these were relayed to the Integrated Care Partnership. Whilst not responsible for managing the provision of NHS and Primary Care Services across the Borough, Councillor Nerva outlined the close partnership working between the Council and health providers and reiterated the Council's aspiration for everyone to be able to access quality primary healthcare, which it was not felt the proposals would support. The issue raised had already been identified as a potential risk and would continue to be with health partners in terms of both their impact locally and across the wider North West London region with Councillor Nerva concluding his response by highlighting Labour's commitment towards maintaining and supporting the NHS including a move away from GP contracts.

- 12.3 Having noted the apologies for absence submitted by Councillor Krupa Sheth and thanking her, as Cabinet Member for Environment, Infrastructure

and Climate Action, for the written response on the measures taken to address concerns relating to the introduction of the new Resident Parking Permit contract and transition to the new permit system Councillor Dixon advised she had no specific supplementary question. In recognising the work undertaken to address the concerns identified by local residents in relation to the transition the opportunity was, however, taken to highlight the need to ensure that lessons learnt, particularly in relation to engagement with local residents, were recognised.

- 12.4 Councillor Maurice began by expressing disappointment at the written response provided by Councillor Knight, as Cabinet Member for Housing, Homelessness and Renters Security, regarding the measures taken to deal with rough sleepers in Woodcock Park. In expressing concern at what was felt to be a delay in appropriate action being taken to address the concerns identified by local residents and other stakeholders neighbouring the park, further details were sought as a supplementary question at the reasons for the delay in appropriate and permanent action being taken to address the initial concerns when first raised.

In response, Councillor Knight began by highlighting as additional context the concerning increase in homelessness and number of rough sleepers across London. The pressures created as a result had been made worse as a result of the cost-of-living crisis and limited supply of suitable alternative temporary accommodation both across London and within Brent. In highlighting the need for care in the language used around homelessness and to describe rough sleepers, Councillor Knight outlined the specific measures which had been taken in response to the concerns identified relating to the two rough sleepers in Woodcock Park. Given the immigration status of both individuals members were advised that the main issue had related to neither currently having EU Settlement Scheme (EUSS) status meaning they were not currently eligible for housing support and with no recourse to public funds. The Rough Sleeper Outreach Team (commissioned through St Mungo's) had ascertained that one of the individuals was planning to return to their country of origin whilst the second was now engaged with the immigration service in seeking to resolve his current status under the EUSS. Pending the completion of that process, the individual had been offered one of the two bed spaces available for non eligible rough sleepers. In highlighting the difficulties and challenges created by the current immigration system, Councillor Knight ended by reassuring members that the Rough Sleeper Outreach Team would continue to engage with individuals until a more effective solution was achieved in order to ensure the necessary support could be provided for those most in need.

- 12.5 Councillor Georgiou, in noting the written response to the question submitted regarding the use of Shared Ownership housing by Councillor Knight as Cabinet Member for Housing, Homelessness and Renters Security, felt the details provided appeared to contradict the Council's position on different housing schemes. In highlighting concerns regarding use of shared ownership he therefore sought further clarification, as a supplementary question, as to the Council's position on the appropriateness of Shared Ownership being classified as a genuinely Affordable Housing option in the development of housing schemes across Brent, particularly

given the difference in approach between schemes such as Grand Union, Alperton and Watling Gardens.

Whilst recognising the context in which the question had been raised, Councillor Knight felt it important to highlight that Shared Ownership was included as a permitted model of affordable housing by the Greater London Authority under their Affordable Homes delivery programme with Brent as one of the delivery partners. Although aware of the concerns highlighted, Councillor Knight advised that the model had been able to deliver benefits for different groups of Brent residents but again outlined how decisions on individual sites had needed to be taken on a case-by-case basis. This was in order to reflect the state of the market, housing demand and viability challenges impacting each site and development scheme and to ensure that the delivery of the Council's wider social housing programme was safeguarded. For these reasons, she advised, it was difficult to compare the status and approach adopted towards the inclusion of Shared Ownership schemes at Grand Union and Watling Gardens or on other sites. In highlighting the difficult nature of decisions needing to be taken given the increasing challenge in being able to meet housing need, Councillor Knight concluded her response by outlining how different schemes would need to include a range of tenures that provided affordability as well as a good standard of homes across Brent.

Having thanked members for their written questions and Cabinet Members for the responses provided to the supplementary questions, the Mayor then advised that the remainder of time available would be used for an open question time session to the Cabinet. Questions relating to the following issues were raised and responses provided, as set out below:

- (i) Councillor Kennelly, seeking further details on the recent change in approach announced by the Metropolitan Police in no longer attending calls to a majority of mental health related incidents introduced under the Right Care Right Person scheme and the wider impact it was anticipated this would have in terms of health services and professionals across Brent along with the action being taken to address the concerns identified.

In response Councillor Nerva, as Cabinet Member for Public Health and Adult Social Care, recognised the concerns raised explaining that the Police had decided to implement the policy based on a trial in a non-urban area outside of London which had led mental health practitioners to also express concerns regarding its appropriateness and impact across more urban areas. Members were reassured that concerns regarding the practical operation and impact of the policy had been raised by the health service with the police and assured members the Council also remained committed to working with health care partners and the police across the North West London region to monitor any impact arising from implementation of the policy and in order to ensure that individuals affected and mental health practitioners were kept safe.

- (ii) Councillor Hirani, supporting the concerns highlighted by Councillor Maurice in his written question relating to the delay in identifying a solution to tackle the rough sleepers in Woodcock Park with a request for further details on

visits undertaken by the Leader and Cabinet Member(s) to the Park in order to explore the concerns being raised and engagement with local ward councillors on any lessons learnt as a result.

In response Councillor Muhammed Butt, as Leader of the Council, highlighted the importance in ensuring that the individuals involved received the support and care needed and assured Councillor Hirani that relevant lead members had visited the Park to ensure the necessary action was being taken and support provided.

- (iii) Councillor Lorber highlighting concern and seeking an apology for the way he felt the Barham Park Trust Committee held on 5 September 23 had been conducted in relation to the opportunity provided for tenant organisations and representatives of the local community to speak at the meeting and the specific treatment of the representative from Barham Community Library.

In response, Councillor Muhammed Butt, as Chair of the Trust Committee, clarified that representatives from tenant organisations in the Barham Park building had all been invited to attend the Trust meeting in order to make representations and update Trust members on the activity their organisations had been involved in delivering over the previous year. Whilst representatives of the other organisations who had addressed the meeting had accepted the remit, the representative from the Friends of Barham Library had sought to raise a number of other issues, which had led to the subsequent exchange during the meeting and the representative having to be reminded of the scope agreed for any representations.

In responding to an issue raised by Councillor Lorber as a subsequent point of clarification in relation to the response and rights of the public to speak at meetings, Debra Norman (as Corporate Director of Governance) advised that as the concerns highlighted had also been formally raised in written correspondence by Councillor Lorber they would be subject to a separate written response.

- (iv) Councillor Mistry highlighting concerns regarding the problems being caused by the use of paan along Kingsbury Road and requesting the introduction of a similar approach towards prevention, education and enforcement as that implemented along Ealing Road in order to tackle the issue.

Given the Cabinet Member for Environment, Infrastructure and Climate Action had submitted her apologies for absence at the meeting, the Mayor advised that a written response would be provided on the issue raised following the meeting.

- (v) Councillor Jayanti Patel seeking further detail on the action being taken by the Council against Utility Companies undertaking works without the necessary permission or who were found not to have completed highway repairs to the necessary standard following the conclusion of their work, with reference as specific examples to works along Stag Lane, Dryburgh Gardens and Kingsbury Road.

Given the Cabinet Member for Environment, Infrastructure and Climate Action had submitted her apologies for absence, the Mayor once again advised that a written response would be provided on the issue raised following the meeting.

- (vi) Councillor Georgiou seeking details as to when the next scheduled update in relation progress on the New Council Homes Programme would be available.

In responding, Councillor Knight, as Cabinet Member for Housing, Homelessness and Renters Security, advised that the update was now expected to be presented to Cabinet before the end of the year. Whilst recognising the delay it was explained this had been caused as a result of the current economic challenges which had resulted in the need to undertake further assessment of the funding position on individual schemes to ensure their ongoing viability. Despite the delay in the update, Councillor Knight reassured members that the Council remained on track to deliver against its targets in relation the provision of affordable social housing across the borough.

At this stage in the proceedings, the Mayor advised that the time available for the open question session had expired. The Mayor therefore thanked all members for their contributions and advised that the meeting would now move on to the next item.

13. Report from Chairs of Scrutiny Committees

Before being presented with the updates from each Scrutiny Committee, the Mayor reminded members the time set aside for this item was 12 minutes, with each Chair having up to three minutes in which to highlight any significant issues arising from the work of their Committees. Once these updates had been provided, the remaining time available would then be opened up for any other non-Cabinet members to question (without the need for advance notice) the Scrutiny Committee Chairs on matters relating to the work of their Committee.

As Councillor Ketan Sheth had given his apologies for the meeting, the Mayor advised that the report on the activity of the Community & Wellbeing Scrutiny Committee would be noted as submitted.

The Mayor then invited Councillor Conneely as chair of the Resources & Public Realm Scrutiny Committee to introduce the update report on the work being undertaken by that Committee. The following issues were highlight as part of the update:

- The broad and dynamic nature of the Committee's work programme being delivered during 2023-24.
- Key issues considered since the previous update had included a review of the operational performance of the Shared Technology Service (STS) along with an update on progress in implementing the Brent and STS cyber security strategies; a review of the performance and resourcing of the planning enforcement process and progress being made in development of the

- Council's Community Engagement Framework, including the engagement process with local stakeholders and communities.
- The Committee had also been involved in actively monitoring the Council's financial forecast position and medium-term financial outlook along with the risks and uncertainties regarding the budget setting position for 2024 – 25 and 2025-26 which, given the challenges identified, had resulted in a number of priority protection areas being outlined for consideration. The Committee had also now also established its cross Committee Scrutiny Budget Task Group in order to review and feed into the consultation process on the budget proposals for 2024-25 and 2025-26 and ensure the proposals being developed remained transparent in nature and were designed to meet the needs of Brent's residents, with members thanked for their participation in the process.

With no further issues raised, the Mayor thanked Councillor Conneely for presenting her update and it was **RESOLVED** that the contents of both scrutiny update reports be noted.

Following the updates provided, the Mayor advised that as no members indicated they had any questions she would move straight on to the next item.

14. **Report from the Vice Chair of the Audit & Standards Advisory Committees**

The Mayor invited Councillor Chan, as the Vice-Chair of the Audit & Standards Advisory Committee, to introduce the report updating members on the work of the Committee.

In terms of issues highlighted, Councillor Chan drew members' attention to the important role and work undertaken by the Committee in relation to monitoring and advising on various governance matters relating to audit activity, the Council's finance, accounting and regulatory framework and members standards of conduct. As one of their key responsibilities, members were advised that the Committee were currently in the process of signing off the Council's Annual Statement of Accounts 2022–23. This had included the opportunity to review and seek assurance around the management responses on the External Audit findings and Enquiries of Management, with Councillor Chan highlighting the importance of the process in terms of the wider financial challenges, risks and pressures being faced by local authorities as a result of the current economic climate and Government's programme of austerity. Whilst no significant issues had been identified to date in relation to the external audit process, the Committee would continue to maintain a focus on the adequacy of the Council's governance, risk and control arrangements in order to provide assurance and confidence on compliance and control of the Council's key governance, financial management and accounting arrangements.

The Mayor thanked Councillor Chan for the update provided and it was **RESOLVED** that the report be noted.

15. **Non Cabinet Members' Debate**

In accordance with Standing Order 34, the Mayor advised that the next item on the agenda was the non-cabinet member debate, with the subject chosen for

consideration being the provision of support regarding cases of Reinforced Autoclaved Aerated Concrete (RAAC) in Brent Schools.

Members were advised that the motion submitted as the basis for the debate had been circulated with the agenda and that the time available for the debate was 25 minutes.

Prior to the introduction of the motion submitted for debate, Councillor Kansagra raised a Point of Order regarding the limited notice provided of the subsequent amendment to the original motion which had submitted by the Labour Group. As a result, he advised he would be seeking to raise the process and timing for the submission of amendments to motions at the next Constitutional Working Group in an effort to ensure sufficient time was provided for amendments to be properly considered in advance of the relevant meeting.

Having noted the comments highlighted by Councillor Kansagra, the Mayor then invited Councillor Mistry to introduce the motion which had been submitted as the basis for the Non-Cabinet Member debate. As context for the debate, Councillor Mistry outlined the background to the use of Reinforced Autoclaved Aerated Concrete (RAAC) in building construction and safety concerns relating to its use in the construction of school buildings. As a result of an inspection programme initiated by the Department for Education (DfE), the Secretary of State for Education had recently confirmed a total of 156 schools across England as having identified RAAC within their buildings of which 52 now had mitigations in place. In terms of Brent, one school had initially been identified within the list (St Gregory's Catholic Science College School) with another having subsequently been identified at Kingsbury High School but she was pleased to note that work was now underway to complete repairs following the introduction of safety measures and liaison with the Council. In recognising that there would be no financial impact on the Council in terms of St Gregory's Catholic Science College, as the school operated as an Academy, Councillor Mistry advised that the motion was seeking to ensure the necessary support was in place for any further schools identified as being affected moving forward, recognising the issue as one which fell under the responsibility of successive Governments since the 1980s.

In addressing the amendment submitted to the motion by the Labour Group, Councillor Mistry expressed disappointment at the extent of the changes proposed as it was hoped that members from all groups on the Council would be seeking the same outcome in terms of the support and financial assistance being sought from the DfE to mitigate and ensure the necessary repairs could be undertaken to ensure the safety of all sites affected. Whilst recognising the support provided for St Gregory's Catholic Science College School, Councillor Mistry reiterated the need to recognise this as a failure of successive governments and hoped that on this basis all members would support the original motion in seeking to pledge support for those schools currently affected by RAAC or which may be identified in future and to ensure any mitigations required as a result were fully funded at no cost to the schools and with the use of construction materials in schools continuing to be closely monitored to prevent any similar safety concerns in future.

The Mayor thanked Councillor Mistry for introducing the motion and then drew member's attention to an amendment submitted by Councillor Grahl on behalf of the Labour Group, which had been circulated in advance of the meeting.

In moving the amendment Councillor Grahl began by highlighting a need to recognise what she felt was the incompetence of the current and previous Conservative Governments in the neglect of capital and infrastructure investment for vital public services, including schools compounded by the impact of austerity and their current education policy. In recognising that RAAC had been a long standing issue she highlighted and commended the steps taken by the previous Labour Government in launching the Building Schools for the Future programme which had been designed to rebuild/refurbish all secondary schools in the UK and expressed concern at the impact which the subsequent scrapping of the scheme by the coalition Government in 2010 was now having in terms of the school estate and on the reduction in level of funding provided and programme delivered for the rebuilding of schools. In summarising the cumulative impact of the Conservative Government's actions, Councillor Grahl felt this had led to a funding and accountability crisis in the oversight of educational provision, with buildings at risk of collapse, difficulties in relation to the funding of school budgets, teacher recruitment and a lack of SEND provision that was ultimately failing children and schools. As a result, Councillor Grahl advised the Labour Group would be seeking to oppose the original motion in favour of the amendment moved, as set out below, which whilst focussed on the support required by schools had also been designed to reflect the concerns identified in relation to the impact of the Conservative Governments approach towards austerity and the funding of vital public services such as schools. As a result, the amendment moved as was follows:

To add the wording underlined and delete the wording indicated:

“Provision of support to deal with cases of RAAC (Reinforced Autoclaved Aerated Concrete) in Brent Schools

This Council notes:

Reinforced Autoclaved Aerated Concrete (RAAC) is a lightweight form of concrete pioneered in Sweden whose use swept across Europe particularly in schools, colleges, and other building construction from the 1950's until the mid-1990s. Used in flat roofing, floors, and walls it offered a cheaper alternative to standard concrete, but its short lifespan means its use in permanent buildings has caused problems. The Secretary of State for Education has clarified, out of 22,500 schools in England, 156 have been confirmed to have RAAC and 52 of these have already got mitigations in place and are dealing with repairs.

To date, it has been identified that only one Brent school, although not maintained by the Council, has RAAC. St. Gregory's Catholic Science College discovered it had RAAC in its Maths block in November 2022. Safety measures were introduced, and work ~~is under way which~~ was completed by Tuesday 12th September ~~should be completed by Monday 11th September~~. The Council was informed by the school's CEO/Headteacher in January 2023 of the discovery of RAAC. There is no current financial impact to the Council as the school affected is operated by an academy trust ~~not a community school~~, therefore the local authority is not the responsible body.

Upon notification in January 2023, DfE have supported the school in arranging surveys and discussing the management of RAAC. Since the summer, a dedicated

case officer has been assigned to the school from the DfE to manage the next steps of removing RAAC from the school with all costs to be reimbursed by the DfE as it rightfully should.

When Brent residents apply for rear building extensions, building control officers demand high quality materials be used. If this RAAC was known to have a recommended 30-year lifespan there must be question as to why it was approved in long term school and civic developments and what reviews were put in place by Building Control to undertake regular checks on its safety?

~~Let's also not get carried away with the way~~ Parents, teachers and pupils across the country have been rightly concerned about the news of RAAC and this has been reflected in how it has been reported. We all remember Gordon Brown's comments about a Rochdale constituent calling her a "bigoted woman" and who later went on to deliver a personal grovelling apology. Never has it been so evident that the journalists of this country lead and dictate the news agenda, something the Secretary of State for Education Gillian Keegan MP should have learnt from is the tenth Conservative Secretary of State for Education since 2010 and showed no sympathy for parents' concerns across the UK in her highly unprofessional behaviour when she was being interviewed by ITV news.

As a result, this Council recognises:

- That ~~the Conservative successive Governments of different political persuasions since in the 1980s have all colluded in neglecting capital and infrastructure investment to service despite~~ insatiable public demand for increased revenue spending on vital public services. This has been worsened by the effects of Austerity which decimated the country's public services and de-funded buildings provided for our nation's schoolchildren. People a century ago were truly building schools for the future; today's squabbles are much more about 'Patching Schools for the Present'. The uncomfortable truth is that this really, if anything, has been a pass-the-parcel problem ~~by successive made worse by the current Conservative governments,~~ putting at risk school children and staff.
- ~~That whilst It was a Labour Government that launched may cite the Building Schools for the Future Programme, which was the biggest school building programme since the Victorian times allocating £55billion to rebuild every secondary school in the country. In the first months of the Conservative-led Coalition Government in 2010, then Secretary of State for Education Michael Gove scrapped the scheme and offered no replacement. Gove has later called the cancellation of this programme his biggest mistake in office. there was criticism of the scheme in a National Audit Office (NAO) report and a review of the scheme~~ commissioned by the government, which found the allocation of funding for school buildings had been "complex, time-consuming, expensive and opaque".
- Covid has taught us so many things and lead us to deal with issues that we thought would never be achieved. We will also deal with this: and learn the valuable lesson of investing in our public services to ensure good practice and safety for all of our residents.

- Whilst global events continue, there is also a need to recognise that the safety of our children comes first. The issue of RAAC has been missed ~~by successive governments of all colours, including the coalition,~~ for over 30 years. In 2002 the Labour government first became aware of the deterioration and risks of RAAC via a BRE (Building Research Establishment) report. In 2018 Conservative Minister Damian Hinds ordered an urgent and comprehensive review of RAAC in all schools. It is because of these inspections that we know the extent of the current risks. Senior officials at the Department of Education told the treasury while Rishi Sunak was Chancellor at the time that there was a need to rebuild 300 to 400 schools a year in England, Sunak only allowed funding for 100 schools which was then halved to 50.

This Council therefore resolves:

- To request the Cabinet Member for Children, Young People and Schools writes to the Secretary of State for Education to call for urgent additional funding to be secured for buildings affected by RAAC in Brent and across the UK, and for her to outline what measures the Government is doing to ensure the safety of our schoolchildren.
- To pledge to support, in any way we can guide and advise St Gregory's Catholic Science College, which is the only Brent schools currently affected with RAAC while also noting that there are limitations to how we as a Council can assist as the school is operated by an Academy and we pledge to support, guide and advise any schools which may become known in future.
- To recognise that school requests for planning permission and other compliance issues from the council should be dealt with expeditiously. while following the planning and safety legislation that underpins all planning decisions.
- To work cross party to expedite planning permissions where required for the temporary classrooms and Portacabins schools may require and should they go down this route, to house the classrooms on site or alternatively assist in finding suitable accommodation across the borough. For example, when schools ask for planning permission there should be no complacency in recognising any defects and dealing with them quickly.
- To communicate with the affected schools should they need help with contractors for remedial works.
- In the case of schools which are affected by RAAC but are not the council's responsibility, if the schools are short of funds to remedy the defects the Council to call on the Government to provide the necessary funding and not rely on already stretched Local Government budgets. consider providing financial support recognising that the DfE has already committed to refund all costs associated with RAAC."
- To continue closely monitoring through building control functions all schools for cases of unsafe materials.

The Mayor thanked Councillor Grahl for moving the amendment on behalf of the Labour Group and then opened the debate for contributions from other members in relation to both the original motion and amendment.

Councillor Maurice in opening the debate and supporting the original motion moved by Councillor Mistry, highlighted what he felt was the importance in recognising that it had been successive Governments, including both Conservative and Labour, who had failed to recognise the issue and neglected to provide the necessary capital and infrastructure investment required over the years. Whilst recognising the concerns highlighted, he also felt it important to note that to date only 156 schools out of 22,500 across England were confirmed to be affected by RAAC (with only two in Brent) and 52 of these already having mitigations in place. The limited lifespan associated with RAAC had been known since its use in construction from the 1950's through to 1990's with initial risks first identified in 2002 and the Conservative Government in 2018 having started the comprehensive review process involving schools and having advised they would cover the cost for any repairs. It was on this basis he advised he would be supporting the original motion rather than amendment moved by the Labour Group.

Speaking in support of the amendment, Councillor Donnelly-Jackson felt it was important to recognise the failings of the current Conservative Government in addressing the multiple warnings and safety concerns highlighted in relation to the use of RAAC, especially from 2020 onwards and queried why the extent of the problem in terms of school and the wider public sector infrastructure (including hospital buildings) had still not been clarified. In highlighting the need to recognise austerity as a political ideology which had led to the neglecting and defunding of capital and infrastructure investment, Councillor Donnelly-Jackson felt the current and previous coalition Government had failed to recognise the need for ongoing investment in vital public services, which as a result had placed the safety of school children and other local residents at risk.

Councillor Ethapemi, again speaking in support of the amended motion, also expressed concern at what he felt to be the lack of crucial infrastructure investment by the Conservative Government to ensure that schools were able to provide the safe environments pupils needed to learn and grow. Concern was also highlighted in relation to the timing of guidance and advice issued by the DfE on RAAC towards the end rather than at the start of the summer school holiday period in order to provide additional time to prepare and plan for the impact on individual schools and minimise the level of disruption and impact on young people. In emphasising that opportunities to resolve the issue had been missed, Councillor Ethapemi also attributed this issue to Government austerity and called for sufficient investment in public services.

Councillor Kennelly, also speaking in support of the Labour Group amendment, highlighted the mistake he felt had been made by Michael Gove as Secretary of State for Education in 2010 in cancelling the previous Labour Government's Building Schools for the Future Programme and offering no alternative in relation to a school building programme, leading to the problems now being experienced. As an alternative, he felt members could be assured of the investment that would be provided by a future Labour Government in the future of schools and ensuring prosperity for all.

In further support of the amendment, Councillor Rubin firstly took the opportunity to thank officers and school staff for their efforts in safeguarding children and expressed surprise that the Conservative Group had decided to highlight the issue of RAAC, given the failure of the Conservative Government to have addressed the issue and provide adequate infrastructure investment. In response to the criticism of the Building Schools for the Future (BSF) programme outlined within the original motion which had been moved by the Conservative Group as the basis for the debate, Councillor Rubin outlined that BSF had been based on a costed programme of scheduled work with its subsequent cancellation by the Conservative led coalition Government and subsequent defunding of further infrastructure investment felt to have represented a short-term approach that had led to the problems now being experienced. In concluding, Councillor Rubin also questioned the current model of school governance, highlighting that approx. 69% of schools impacted by RAAC had been identified as not under local authority control and once again was assured of the plans for any future Labour Government to invest in the future of schools and country as a whole.

As a final contribution Councillor Tatler also spoke to question the stance taken within the original motion regarding Building Schools for the Future, having highlighted her personal experience of the positive difference made by the programme during her teaching career. Members were also reminded of the repeated attempts by the Labour Party to raise concerns in Parliament about the plans to address the problems associated with RAAC in school and other public sector buildings, which had been dismissed by the Conservative Government and she felt highlighted why they could not be trusted to protect public services. As a result, Councillor Tatler advised she would also be supporting the amendment moved by the Labour Group.

As there were no further contributions, the Mayor then invited Councillor Grahl, as Cabinet Member for Children, Young People and Schools, to summarise and close the debate.

In drawing the debate to a close, Councillor Grahl thanks members for their comments and reassured members that at this stage only one school in Brent had been significantly impacted by RAAC, with another school identifying a small amount of RAAC in a storage area which had now been sectioned off. In outlining the measures in place to deal with the issues which had been identified, Councillor Grahl ended by thanking all schools and their staff across the borough for their ongoing support in response to the challenges identified and for the reasons outlined during the debate hoped members would support the amendment moved.

Having concluded discussions, the Mayor then moved to the vote on the motion moved as the basis for the Non-Cabinet Member debate starting with the amendment moved by the Labour Group. The amendment, as set out above, was then put to the vote and declared **CARRIED**.

The Mayor then moved on to put the substantive motion, as amended, to a vote which was declared **CARRIED**.

It was therefore **RESOLVED** to approve the following motion as the outcome of the non-cabinet member debate:

“Provision of support to deal with cases of RAAC (Reinforced Autoclaved Aerated Concrete) in Brent Schools

This Council notes:

Reinforced Autoclaved Aerated Concrete (RAAC) is a lightweight form of concrete pioneered in Sweden whose use swept across Europe particularly in schools, colleges, and other building construction from the 1950's until the mid-1990s. Used in flat roofing, floors, and walls it offered a cheaper alternative to standard concrete, but its short lifespan means its use in permanent buildings has caused problems. The Secretary of State for Education has clarified, out of 22,500 schools in England, 156 have been confirmed to have RAAC and 52 of these have already got mitigations in place and are dealing with repairs.

To date, it has been identified that only one Brent school, although not maintained by the Council, has RAAC. St. Gregory's Catholic Science College discovered it had RAAC in its Maths block in November 2022. Safety measures were introduced, and work was completed by Tuesday 12th September. The Council was informed by the school's CEO/Headteacher in January 2023 of the discovery of RAAC. There is no current financial impact to the Council as the school affected is operated by an academy trust, therefore the local authority is not the responsible body.

Upon notification in January 2023, DfE have supported the school in arranging surveys and discussing the management of RAAC. Since the summer, a dedicated case officer has been assigned to the school from the DfE to manage the next steps of removing RAAC from the school with all costs to be reimbursed by the DfE as it rightfully should.

When Brent residents apply for rear building extensions, building control officers demand high quality materials be used. If this RAAC was known to have a recommended 30-year lifespan there must be question as to why it was approved in long term school and civic developments and what reviews were put in place by Building Control to undertake regular checks on its safety?

Parents, teachers and pupils across the country have been rightly concerned about the news of RAAC and this has been reflected in how it has been reported. The Secretary of State for Education Gillian Keegan MP is the tenth Conservative Secretary of State for Education since 2010 and showed no sympathy for parents' concerns across the UK in her highly unprofessional behaviour when she was being interviewed by ITV news.

As a result, this Council recognises:

- That the Conservative Government in the 1980s colluded in neglecting capital and infrastructure investment despite insatiable public demand for increased revenue spending on vital public services. This has been worsened by the effects of Austerity which decimated the country's public services and de-funded buildings provided for our nation's schoolchildren. People a century ago were truly building schools for the future; today's squabbles are much more about 'Patching Schools for the Present'. The uncomfortable truth is that

this really, if anything, has been a pass-the-parcel problem made worse by the current Conservative Government, putting at risk school children and staff.

- It was a Labour Government that launched the Building Schools for the Future Programme, which was the biggest school building programme since the Victorian times allocating £55billion to rebuild every secondary school in the country. In the first months of the Conservative-led Coalition Government in 2010, then Secretary of State for Education Michael Gove scrapped the scheme and offered no replacement. Gove has later called the cancellation of this programme his biggest mistake in office.
- Covid has taught us so many things and lead us to deal with issues that we thought would never be achieved. We will also deal with this and learn the valuable lesson of investing in our public services to ensure good practice and safety for all of our residents.
- Whilst global events continue, there is also a need to recognise that the safety of our children comes first. The issue of RAAC has been missed for over 30 years. In 2002 the Labour government first became aware of the deterioration and risks of RAAC via a BRE (Building Research Establishment) report. In 2018 Conservative Minister Damian Hinds ordered an urgent and comprehensive review of RAAC in all schools. It is because of these inspections that we know the extent of the current risks. Senior officials at the Department of Education told the treasury while Rishi Sunak was Chancellor at the time that there was a need to rebuild 300 to 400 schools a year in England, Sunak only allowed funding for 100 schools which was then halved to 50.

This Council therefore resolves:

- To request the Cabinet Member for Children, Young People and Schools writes to the Secretary of State for Education to call for urgent additional funding to be secured for buildings affected by RAAC in Brent and across the UK, and for her to outline what measures the Government is doing to ensure the safety of our schoolchildren.
- To pledge to support in any way we can St Gregory's Catholic Science College, which is the only Brent school currently affected with RAAC while also noting that there are limitations to how we as a Council can assist as the school is operated by an Academy and we pledge to support, guide and advise any schools which may become known in future.
- To recognise that school requests for planning permission and other compliance issues from the council should be dealt with expeditiously while following the planning and safety legislation that underpins all planning decisions.
- To work cross party to expedite planning permissions where required for the temporary classrooms and Portacabins schools may require and should they go down this route, to house the classrooms on site or alternatively assist in finding suitable accommodation across the borough. For example, when

schools ask for planning permission there should be no complacency in recognising any defects and dealing with them quickly.

- To communicate with the affected schools should they need help with contractors for remedial works.
- In the case of schools which are affected by RAAC but are not the council's responsibility, if the schools are short of funds to remedy the defects the Council to call on the Government to provide the necessary funding and not rely on already stretched Local Government budgets.

To continue closely monitoring through building control functions all schools for cases of unsafe materials."

16. **Brent Youth Justice Plan 2023-24**

The Mayor invited Councillor Grahl, as Cabinet Member for Children, Young People and Schools, to introduce a report from the Corporate Director of Children & Young People presenting the Brent Youth Justice Plan 2023/24. In introducing the report members were advised that the Youth Justice Plan included an overview of local youth justice progress and priorities along with the arrangements for monitoring performance, with the Plan (in accordance with statutory requirements) having been submitted to the Youth Justice Board for review and approval prior to its formal consideration by Cabinet in advance of its recommended adoption by Full Council.

In recognising the commitment and achievements of the Youth Justice Service and the wider partnership work being undertaken to support children and young people who were at risk of or had entered the youth justice system, attention was also drawn to the overall performance achieved by the service particularly in respect of the reduction in number of young people entering the criminal justice system for the first time and low numbers of young people in custody. The strong performance identified was attributed to the Council's focus on prevention and engagement with children and young people, with the positive feedback provided through young people and their parents and carers also highlighted and thanked expressed to all those working within the Youth Justice Service for their efforts, diligence and innovation in supporting young people.

As no other members had indicated they wished to speak and Councillor Grahl had confirmed she did not need to exercise her right of reply the Mayor then put the recommendations in the report to the vote and they were declared **CARRIED**.

Council therefore **RESOLVED** following its referral by Cabinet on 11 September 2023 to approve formal sign off and adoption of the Brent Youth Justice Plan 2023-24.

17. **Treasury Management Outturn Report 2022-23**

The Mayor then invited Councillor Tatler, as Deputy Leader and Cabinet Member for Finance, Resources and Reform Leader, to introduce a report from the Corporate Director of Finance and Resources updating members on the Council's Treasury Management Activity during 2022 - 23. In introducing the report, the Deputy Leader felt it important to recognise the economic background in relation to

the current outturn position which included the continuing economic volatility and challenges arising from the war in Ukraine and increase in both inflation and interest rates. In recognising the importance of the Treasury Management function in managing and planning for the level of funding required to support the Council's activities, services and affordability of the capital programme members noted that the activity looked to optimise the effect of borrowing costs and investment income whilst managing the associated risks in line with the Council's Treasury Management Strategy and Prudential Indicators, which had been approved by Full Council in February 2022 and in accordance with relevant professional codes and legislation.

In noting that the Council had complied with its Prudential Indicators for 2022–23, members attention was also drawn to a review of the Minimum Revenue Provision (MRP) undertaken following a recommendation from the Council's external auditor which had resulted in a change of approach for assets acquired prior to 2008. This had resulted in the expected economic life of these assets having to be revised downwards with the changes reflected in the updated MRP statements for 2021–22 through to 2023–24 included within Appendices 4 – 6 of the report.

As no other members had indicated they wished to speak and Councillor Tatler had confirmed she did not need to exercise her right of reply the Mayor then put the recommendations in the report to the vote and they were declared **CARRIED**.

Council therefore **RESOLVED**:

- (1) To note and approve, following its consideration by Audit & Standards Advisory Committee on 18 July 2023 and Cabinet on 11 September 2023, the 2022 - 23 Treasury Management outturn report and the Minimum Revenue Provision (MRP) Strategies in Appendix 4 – 6 of the report, in compliance with CIPFA's Code of Practice on Treasury Management (the Code).
- (2) To note that for 2022 - 23 the Council had complied with its Prudential Indicators which were approved by Full Council on 22 February 2022 as part of the Council's Treasury Management Strategy Statement and Capital Strategy Statement.

18. **Changes to the Constitution**

The Mayor then invited Councillor Muhammed Butt, Leader of the Council, to introduce a report from the Corporate Director of Governance outlining a number of proposed changes to the Constitution. In introducing the report, it was noted that the changes related to an update of the Terms of Reference for the Health & Wellbeing Board and arrangements under Standing Order 42 for the withdrawal of motions at Council meetings.

The Mayor thanked the Leader for introducing the report and then opened the debate for contributions from other members.

In view of the proposed amendment to Standing Orders relating to the withdrawal of motions, Councillor Kansgara (referring to the comments made at the start of the Non-Cabinet Member debate) reminded members that he would also be seeking to

raise the timing for the submission of amendments to motions at the next Constitutional Working Group.

Councillor Lorber also spoke in relation to the proposed amendment to Standing Order 42, expressing concern at the current rules relating to the submission of amendments on motions which he pointed out had caused the issue at the previous Council meeting that now required clarification. In view of the concerns which had been raised by both Opposition Groups relating to the use and timing of amendments and the criteria regarding their content, Councillor Lorber moved a further amendment in relation to Standing Order 42 relating to the Rules of Debate at Full Council Meetings seeking to prevent the submission of any amendment on motions which had been submitted for debate at Council meetings, with members (he pointed out) already having the ability to vote against motions they did not support.

In response to the proposal moved by Councillor Lorber, the Mayor advised that the usual process for dealing with matters such as these would have been for it to be considered by the Constitutional Working Group, prior to being raised at Full Council. On this basis, she ruled that consideration of the proposal should take place once it had been subject to consideration at the Constitutional Working Group.

As no other members indicated they wished to speak the Mayor thanked members for their contribution and invited Councillor Muhammed Butt to exercise his right of reply. In closing the debate, Councillor Muhammed Butt also took the opportunity to remind members of the role and function of the Constitutional Working Group which he advised would be the appropriate forum to undertake consideration of the concerns highlighted relating to the treatment of amendments to motions rather than tabling them (without prior cross-party consideration) at the Council meeting. On this basis, he commended the report as submitted and without amendment to the Council.

Having thanked Councillor Muhammed Butt for closing the debate, the Mayor then put the recommendations in the report to the vote and they were declared **CARRIED**.

Council therefore **RESOLVED**:

- (1) To approve the amendments to the Constitution as detailed within Appendix 1 of the report relating to the updated Terms of Reference for the Health & Wellbeing Board and update to Standing Order 41 on the process for withdrawal of Council Motions.
- (2) Following on from (1) above, to authorise the Corporate Director, Governance to amend the Constitution accordingly, including making any necessary incidental or consequential changes.
- (3) To note that, to the extent that the changes related to executive functions of the Council, they had been approved by the Leader.

19. **Motions**

Before moving on to consider the motions listed on the summons, the Mayor advised members that a total of 30 minutes had been set aside for the consideration of the three motions submitted for debate, based on an initial allocation of 10 minutes per motion. Should the time taken to consider the first motion be less than 10 minutes she advised that the remaining time available would be rolled forward for consideration of the remaining motions.

19.1 1st Motion (Conservative Group) – Management of Road and Utilities Works Across the Borough

The Mayor invited Councillor Maurice to move the first motion which had been submitted on behalf of the Conservative Group. Councillor Maurice began by providing context to the motion which had been focussed on concerns regarding the lack of coordination and management of road works, repairs and temporary traffic lights in the borough. Whilst recognising that road and utilities works were often essential, Councillor Maurice highlighted the disruption being caused as a result of their lack of co-ordination across the borough and advised members that the motion had therefore been designed to seek and encourage greater cooperation and coordination between all stakeholders and agencies in planning and undertaking these type of works to ensure that disruption was minimised.

The Mayor thanked Councillor Maurice for moving the motion and then drew members' attention to an amendment submitted on behalf of the Labour Group, which had been circulated in advance of the meeting.

Given that Councillor Krupa Sheth (in whose name the amendment had been submitted) had submitted her apologies for absence at the meeting, Councillor Muhammad Butt (as Leader of the Council) was invited by the Mayor to move the amendment on behalf of the Labour Group. In commending the ongoing work being undertaken by officers and the lead Cabinet Member to ensure that disruption arising from major road and utility works for residents travelling around the borough were minimised, Councillor Muhammed Butt, in moving the amendment, felt it important to recognise the efforts already being made to ensure these works were managed on a co-ordinated basis. This approach included quarterly coordination meetings between the Council and utility companies in order to plan and co-ordinate works, although it was pointed out there would still be times when emergency works would be required which may clash with other works in the same area and could not be planned for in advance. As a result, he advised the amendment moved was designed to recognise these efforts and ensure continued engagement between all stakeholders in an attempt to address the concerns highlighted and encourage further joined up working to ensure that wherever possible roadworks were co-ordinated and managed so as to cause minimal disruption for residents across all parts of the borough. On this basis the amendment moved was as follows:

To add the wording underlined and delete the wording indicated.

“Management of Road and Utilities Work across the Borough

~~The Brent Conservative Group is concerned about the lack of~~ The coordination and management of the many road works, repairs and temporary traffic lights in our

borough. continues to be of importance to Brent Council to ensure cohesion for our residents travelling around the borough.

This ~~The~~ Council have listened to had numerous complaints concerns from residents who whilst appreciating that these works need to be carried are apprehensive about the potential disruption this can cause to them ~~are very unhappy at the way they are managed and the traffic chaos that they cause.~~ and continues to work with utility companies and meet with officials regularly to ensure disruption to residents during necessary major works is kept to a minimum.

~~As an example; it has been taking up to an hour to get through the temporary lights on East Lane in Wembley.~~

The Council's Network Management Team hold quarterly coordination meetings with ~~We are also concerned that the utility companies do not in order to coordinate works so that they are carried out together and with minimal and minimize disruption however there are times when emergency works are required and this can unfortunately clash with other works near the location.~~

~~There are numerous examples of roadworks being started, temporary traffic management put in place but nobody appears to be working for several days or even weeks. Stonebridge has had two sets of temporary lights working against each other for weeks, with no one working there, with disruption at Blackbird Hill, Preston Road, Watford Road near Northwick Park Hospital to give just a few further examples.~~

Council is therefore asked to note that in relation to the following concerns:

- Roadworks, though essential, can cause major traffic hold ups including in some cases gridlock, can lead to road rage and leads to an increase in pollution, and the Council continues to work with utility companies to prevent major disruption arising from these major works.
- The lack of regular interaction between the various agencies who own services beneath our streets - There is ~~no~~ regular interaction between the various agencies ~~who own the services beneath our streets.~~ with quarterly coordination meetings between the Council and utility companies to discuss major works.
- The coordination of roadworks - There is ~~no~~ coordination to ensure that roadworks are carried out in such a manner so they do not interact to cause further disruption. The Council requires 10 days notice for major works and 3 days notice for minor works. The permitting software used will automatically identify clashes should two sets of works be programmed in close proximity to each other during the same time period.
- Disruption to road users - There 'appears' to be ~~no~~ are measures put in place by the Council to ensure that roadworks are timed and coordinated so as to cause the minimum disruption to road users. However, there may be times where emergency and urgent works are required which may clash with other scheduled works.

Therefore, ~~As a result of the concerns highlighted~~ the Cabinet Member for Environment, Infrastructure and Climate Action is asked to ensure:

- (1) That, with the exception of emergencies e.g. burst water mains, when a utility company applies for permission to carry out road works, the Council continues its work with ~~notifies all other~~ utility companies to coordinate their planned works programme to ensure minimal disruption for residents across the borough. ~~see if they need to carry out works so that it can all be done at the same time.~~
- (2) That the Network Management Team continues to hold quarterly coordination meetings with utility representatives to discuss major works and assist in avoiding clashes. ~~That roadworks are planned so that other roadworks are not carried out at the same time within ½ mile of the application.~~
- (3) That companies continue to ~~who~~ apply for permission to carry out works and in line with the regulations of their permit if granted must do so within a certain time frame and if not completed on time, should be fined by the local authority in accordance with the current Government legislation, unless an extension is agreed."

The Mayor thanked Councillor Muhammed Butt for moving the amendment on behalf of the Labour Group. As there were no other members who had indicated they wished to speak she then moved on to invite Councillor Maurice (as mover of the original motion) followed by Councillor Muhammed Butt (as mover of the amendment) to exercise their right of reply.

In exercising his right of reply Councillor Maurice, whilst recognising the intent behind the approach outlined within the amendment moved by the Leader of the Council, highlighted the frustration and level of concern still being expressed by local residents in relation to the disruption being experienced. On this basis he advised the Conservative Group would be supporting the original rather than amended motion which had been moved.

Councillor Muhammed Butt in closing the debate and exercising his right of reply on the amendment again outlined the extent of work being undertaken with all stakeholders to plan and co-ordinate road and utility works in order to minimise disruption for local residents and road users and on this basis advised that the Labour Group would be supporting the amendment rather than original motion which had been moved.

Having thanked councillors for their contributions, the Mayor then moved to the vote on the motion starting with the amendment moved by the Labour Group. The amendment, as set out above, was then put to the vote and declared **CARRIED**.

The Mayor then moved on to put the substantive motion, as amended and set out below, to a vote which was declared **CARRIED**.

It was therefore **RESOLVED** to approve the following motion:

"Management of Road and Utilities Work across the borough.

The coordination and management of the many road works, repairs and temporary traffic lights in our borough continues to be of importance to Brent Council to ensure cohesion for our residents travelling around the borough.

The Council have listened to concerns from residents who whilst appreciating that these works need to be carried are apprehensive about the potential disruption this can cause to them and continues to work with utility companies and meet with officials regularly to ensure disruption to residents during necessary major works is kept to a minimum.

The Council's Network Management Team hold quarterly coordination meetings with utility companies in order to coordinate works and minimize disruption however there are times when emergency works are required and this can unfortunately clash with other works near the location.

Council is therefore asked to note that in relation to the following concerns:

- Roadworks, though essential, can cause major traffic hold ups including in some cases gridlock, can lead to road rage and leads to an increase in pollution, and the Council continues to work with utility companies to prevent major disruption arising from these major works.
- The lack of regular interaction between the various agencies who own services beneath our streets - There is regular interaction between the various agencies with quarterly coordination meetings between the Council and utility companies to discuss major works.
- The coordination of roadworks - There is coordination to ensure that roadworks are carried out in such a manner so they do not interact to cause further disruption. The Council requires 10 days notice for major works and 3 days notice for minor works. The permitting software used will automatically identify clashes should two sets of works be programmed in close proximity to each other during the same time period.
- Disruption to road users - There are measures put in place by the Council to ensure that roadworks are timed and coordinated so as to cause the minimum disruption to road users. However, there may be times where emergency and urgent works are required which may clash with other scheduled works.

Therefore, the Cabinet Member for Environment, Infrastructure and Climate Action is asked to ensure:

- (1) That, with the exception of emergencies e.g. burst water mains, when a utility company applies for permission to carry out road works, the Council continues its work with utility companies to coordinate their planned works programme to ensure minimal disruption for residents across the borough.
- (2) That the Network Management Team continues to hold quarterly coordination meetings with utility representatives to discuss major works and assist in avoiding clashes.

- (3) That companies continue to apply for permission to carry out works and in line with the regulations of their permit if granted must do so within a certain time frame and if not completed on time, should be fined by the local authority in accordance with the current Government legislation, unless an extension is agreed.”

19.2 2nd Motion (Liberal Democrats Group) - Making our Borough Clean and Safe

The Mayor then invited Councillor Georgiou to move the second motion which had been submitted on behalf of the Liberal Democrats Group. Prior to addressing the motion, Councillor Georgiou expressed concern at what was felt to be the negative effect of the amendment to the motion which had been submitted by the Labour Group in advance of the meeting. In highlighting the aim of the original motion to address concerns being raised by local residents regarding the state and cleanliness of the boroughs streets it was felt the extent of the proposed changes within the amendment would have the effect of negating the original spirit and basis of the original motion and preventing effective scrutiny of the Administration. On this basis, he advised the Mayor that the Liberal Democrats Group were no longer minded to move the motion and would instead be seeking to withdraw it from consideration at the meeting.

It was therefore **RESOLVED** having been put to a vote, in accordance with Standing Order 42(I), to approve withdrawal of the Motion submitted by the Liberal Democrats Group from consideration at the meeting.

19.3 3rd Motion (Labour Group) – Rogue Landlords

The Mayor then invited Councillor Johnson to move the motion submitted by the Labour Group. In moving the motion Councillor Johnson, whilst recognising the contribution made by the Private Rented Sector (PRS) to the provision of housing across the borough and support by a majority of landlords working in close partnership with the Council, felt it important to recognise the problems being caused by the small number acting in a more unscrupulous way. In referencing the case involving Jaydipkumar Valand as a landlord within Brent issued with the first banning order preventing him from letting or engaging in any residential property management work across England, he advised the motion was focussed on highlighting the impact which rogue landlords could have on vulnerable tenants and the wider community as well as on the work being undertaken to protect local residents living in the PRS and in support of the Renters Reform Bill.

With renters in the PRS making up the largest proportion of occupiers in the borough, Councillor Johnson was keen to outline the impact for those having to live in substandard and unsafe accommodation as a result of rogue landlords failing to maintain their property to a safe condition or in seeking to harass their tenants in terms of not only their quality of life but also productivity and health & wellbeing. In concluding, he therefore hoped all members would join him in support to the motion and in seeking to support the work being undertaken to safeguard the rights of tenants and to deter and tackle unscrupulous landlords.

The Mayor thanked Councillor Johnson for moving the motion before inviting other members to speak, with the following contributions received.

In supporting Councillor Johnson's opening statement, Councillor Kabir also took the opportunity to highlight concerns regarding the impact of absent landlords in terms of them being held to account for management of their properties. In recognising the pressure on supply and affordability of rented accommodation and limited choices this presented to tenants given the demand identified, she felt this was an issue which also needed to be addressed and confirmed her support for the motion.

Councillor Maurice in welcoming the prosecution of the landlord identified within the motion and protection being offered through the Renters Reform Bill also supported the reference within the motion to the majority of good landlords in Brent who were operating in partnership with the Council. Whilst keen to ensure the necessary protections were in place to support tenants within the PRS he ended by also highlighting what he felt was a similar need for landlords to have the necessary protection and power to deal with tenants creating problems.

In response to the debate, Councillor Lorber whilst supporting the motion and action being taken to tackle rogue landlords and provide tenants with the necessary safeguards felt it was also important to recognise and strengthen the role of the landlord licensing scheme and wider regulatory system in the process, particularly in relation to those landlords seeking to convert residential properties into Houses in Multiple Occupation (HMOs).

Also speaking in support of the motion, Councillor Ahmadi Moghaddam reminded members of the Council motion passed in September 2022 seeking to support the safety and security of tenants in the private rented sector during the cost-of-renting crisis, which had called upon the government to introduce new legislation to regulate rent increases, strengthen enforcement and improve energy standards within the rental sector. In commending the work undertaken to date in tackling these issues and seeking to license and tackle rogue landlords in the PRS he outlined his support for the current motion as a means of further seeking to protect tenants and ensure, as a basic principle, everyone had access to a safe and affordable home.

As a further contribution to the debate, Councillor Kennelly also spoke in support of the Brent Renters Union and the motion, highlighting the need to ensure that issues relating to the provision of substandard accommodation in the private rented sector, including damp and mould, were tackled proactively and swiftly using all measures available to ensure the protection of renters rights and a decent standard of living for all residents.

Councillor Donnelly-Jackson also spoke in support of the motion based on her personal experience of the private rented sector and also in seeking to highlight and welcome the support being provided through organisation such as Shelter and Advice for Renters. In commending the selective licensing scheme introduced by the Council, Councillor Donnelly-Jackson advised she was keen to ensure effective regulation of landlords in the PRS including the removal of Section 21 evictions.

Councillor Smith also spoke in support of the sentiments and comments highlighted during the debate and need to ensure effective regulation of landlords operating in the private rented sector.

As final contributions to the debate given the time available, Councillor Grahl ended by expressing concern at the Government's delay in progressing the Renters Reform Bill given the impact in seeking to protect and enhance the rights of tenants in the private rented sector. In the same way, Councillor Kansagra also felt there was a need to recognise the Council's role and responsibilities as a landlord for the properties and tenants they managed.

Highlighting the limited time remaining, the Mayor then invited Councillor Johnson to exercise his right of reply. In responding and closing the debate, Councillor Johnson thanked members in the support expressed for the motion and the commitment being sought to ensure that no tenants living in the private rented sector across the borough had to live in substandard or unsafe accommodation or face harassment by their landlords. On this basis it was hoped that all members would support the motion.

Having once again thanked all members for their contributions, the Mayor then put the motion, to a vote which was unanimously declared **CARRIED**.

It was therefore **RESOLVED** to approve the following motion:

Rogue Landlords

This Council notes:

- The important contribution the Private Rented Sector (PRS) makes to the provision of housing in the borough, with renters of private accommodation making up the largest proportion of occupants in our borough.
- The majority of private landlords renting out properties in Brent are good landlords who work in close partnership with the Council.
- However, this is not the case for all landlords and the Council is fully committed to ensure that no private rented sector tenant is living in substandard accommodation. We believe everyone should live in a warm and dry home.
- A recent survey by the Chartered Institute of Environmental Health (CIEH) showing that of those officers working on housing enforcement in the private rented sector, nine out of ten had encountered landlords engaging in harassment or illegal eviction, and 78% had dealt with landlords who persistently refuse to maintain their property to a safe condition.
- That rogue landlords can have a devastating impact on vulnerable tenants and the wider community.

This Council further notes:

- The Labour Administration's commitment to take a zero-tolerance approach to rogue landlords and to use the full range of tools and powers at its disposal to tackle rogue landlords.
- The case of Jaydipkumar Valand, who was found guilty of raking in £360,000 by packing up to 40 tenants in to a four bed semi-detached home in Napier Road, Wembley, back in 2018. Due to the hard work of Brent enforcement officers, Valand was issued with Brent Council's first ever banning order which now prevents him from letting out any houses in England or engaging in any sort of property management work in the country for the next five years.
- The new selective licensing scheme that the Council introduced on 1 August to protect renters' rights and secure a decent standard of living for all residents. Landlords who rent out properties in Dollis Hill, Harlesden & Kensal Green and Willesden Green are now legally required to have a property licence.

This Council resolves:

- To do more to publicise successful legal action against landlords and lettings agents, which will act as a deterrent to bad landlords and raise awareness of landlords duties and responsibilities.
- Request that the Cabinet Member for Housing, Homelessness and Renters Security calls on the Secretary of State for Housing, Levelling-Up and Communities to support Brent Council's commitment to further landlord licensing schemes in the borough.
- Request that the Cabinet Member for Housing, Homelessness and Renters Security calls on the UK Government to urgently bring forward legislation to bring the Decent Homes Standard to the private rented sector as proposed in the Renters Reform white paper.

To continue to work with the Mayor of London to lobby the Government to increase funding to London and its Boroughs for the delivery of affordable homes."

20. Urgent Business

There were no urgent items of business raised at the meeting so the Mayor, in closing the meeting, thanked all members for their co-operation and support and advised that she looked forward to seeing everyone again in person at the next Full Council which would be on Monday 20 November 2023.

The meeting closed at 8.55 pm

COUNCILLOR ORLEEN HYLTON
Mayor

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Item 7.1: Questions from Members of the Public

Full Council – 20 November 2023

1. Question from Peggy Wylie to Councillor Krupa Sheth (Cabinet Member for Environment, Infrastructure & Climate Action)

The 206 bus route is for many living in the Kings Drive, The Paddocks, Salmon Street area a real necessity. However, when there is an event scheduled at Wembley Stadium no 206 service is provided to the area after 11.00/noon (or even earlier) because the service is curtailed at Brent Park.

The suspension of this service to the Wembley Park, Kings Drive, The Paddocks and Salmon Street area disproportionately affects our most vulnerable residents - the elderly, disabled, parents with small children and women travelling home alone at night. It also affects people needing to travel from this area to reach their place of employment and in particular those that work for Tesco, IKEA.

Brent's local plan for our area proposed the opening of North End Road to allow traffic to and from Bridge Road, Wembley Park, which would enable the 206 to serve our area on event days. The changes to the road layout have been completed and yet we are still deprived of our bus on event days.

As a result, can the Cabinet Member for Environment, Infrastructure & Climate Action advise if the combined forces of the London Borough of Brent, Transport for London ("Every journey matters!") and Wembley Stadium Limited will listen and take note of residents' needs and finally commit to seeking an urgent and permanent solution allowing the 206 bus to run its full route to the Paddocks on Wembley Stadium event days?

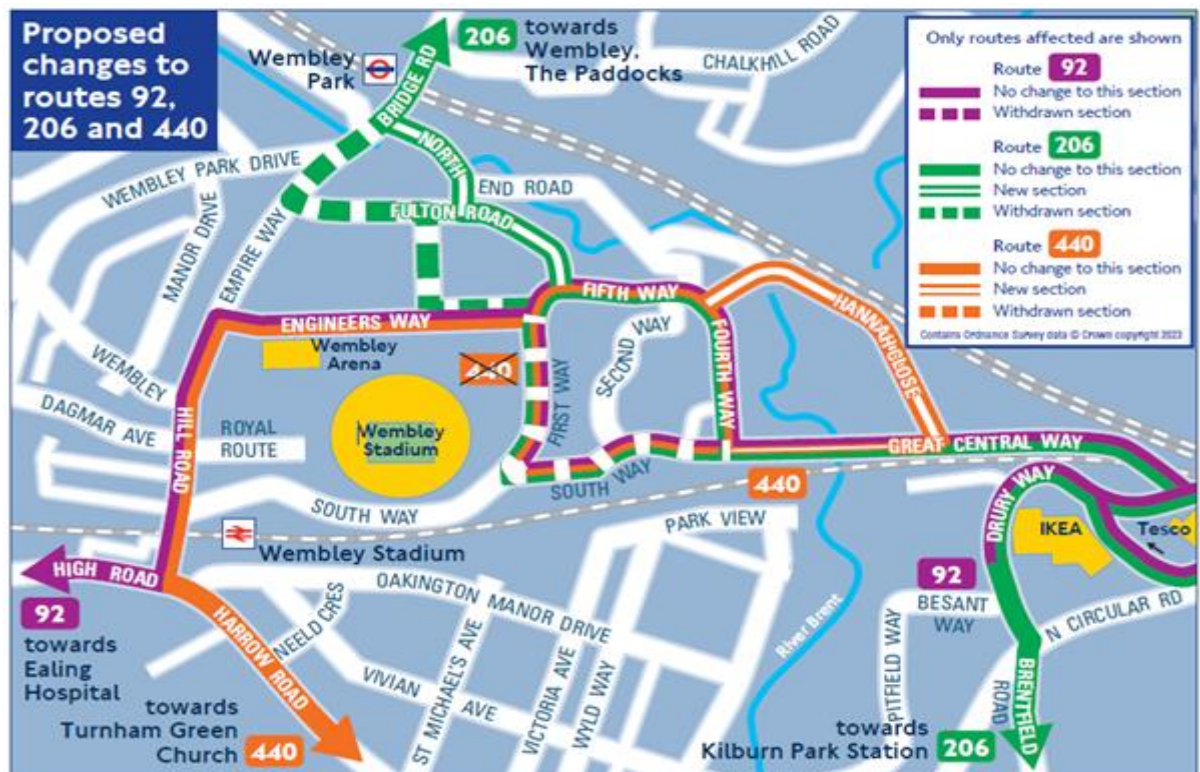
Response:

Transport for London (TfL) are responsible for the provision of bus services in London and consult on route changes and frequencies to improve services and efficiency.

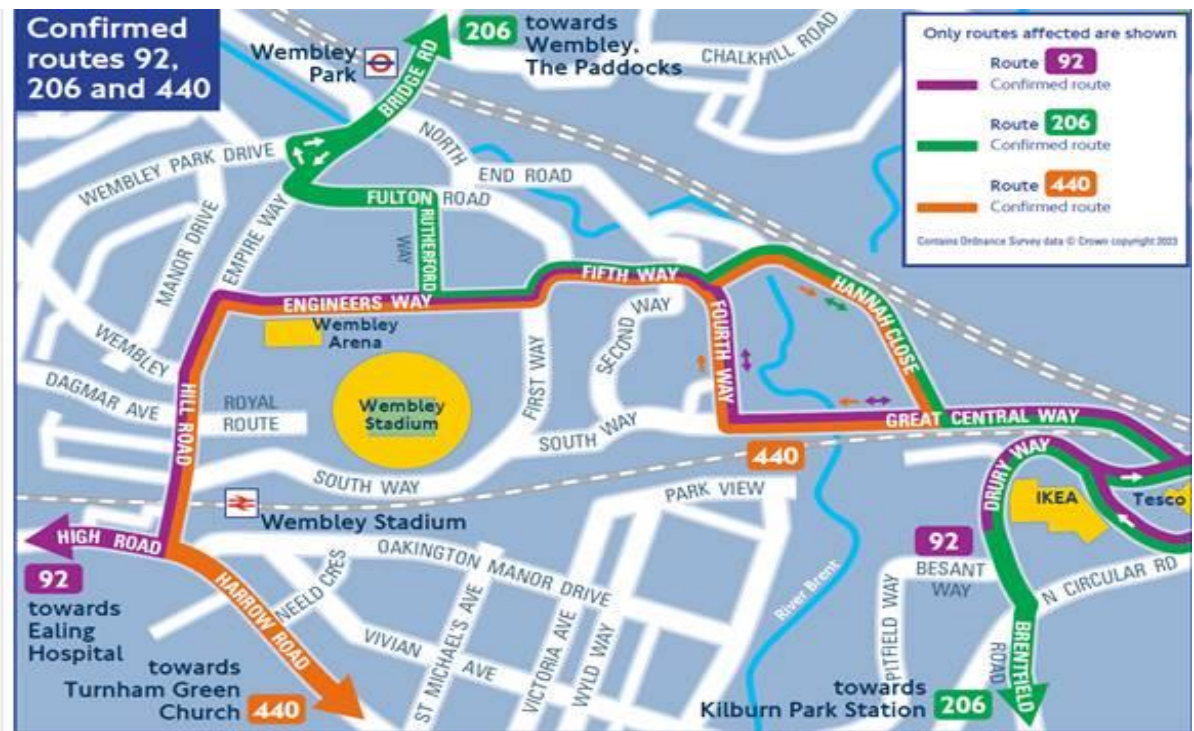
Brent liaises with TfL on the bus services provided in the borough and requests improvements to satisfy the needs of residents and businesses. Brent also liaises with TfL buses for Wembley Stadium events where it is necessary to curtail / divert services for security. However, the council is committed to implementing infrastructure improvements identified under the Wembley Area Action plan and recently completed the North End Road connection and Wembley 2 Way working

projects which will enable bus services to be provided via this route on stadium event days in the future.

TfL carried out a consultation earlier this year on proposed changes to bus routes 92, 206 and 440 through the Wembley Park area with a view to simplifying the bus network following the introduction of two-way working arrangements in the area and which would allow for services to continue to serve the area on event days. The plan below outlines the proposals for all three services.



Following the consultation and following subsequent route tests, TfL has advised that the proposed changes to routes 92 and 440 will now go ahead, but a revised change to route 206 is to be implemented. This is due to the need for further works to signalise the junction at Bridge Road/North End Road (which is planned) control parking, and to strengthen a culvert. The latter is now required in order to support the intention to introduce electric buses on the 206 route. As such, and for the immediate future at least, route 206 will continue to serve Fulton Road and Rutherford road (see plan below). It is intended that all these changes will be introduced during 2024.



The Council will continue to work with TfL to deliver improvements to bus services through the area on stadium event days and throughout the borough.

Item 7.2: Questions from Brent Youth Parliament

Full Council – 20 November 2023

1. Question from Brent Youth Parliament to Councillor Grahl (Cabinet Member for Children, Young People and Schools)

What plans does the Council have in place to improve the support for young people with SEN in schools and outside of school, as they progress through the education system and fundamentally into adult life?

Response:

The Council's SEND Strategy 2021-25 sets out agreed actions for improving services for children and young people with SEND to ensure their successful progress through the education system and into adulthood. This was developed with young people with SEND and their families and implementation of the actions are regularly tracked by Brent Children's Trust.

The Council provides a range of support to Brent early year settings, schools and colleges to ensure that children and young people with SEND have the best possible outcomes. There are a range of specialist teams in the Council's Inclusion Service that support children and young people with SEND, from the 0-25 SEND team who work with schools and parents to ensure Education, Health and Care Plans are appropriate to teams that support children and young people's specific SEND needs, for example the Early Years Inclusion Team, the Brent Deaf and Hearing Support Service, the Brent Vision Impairment Service (BVIS) and the Brent Outreach Autism Team (BOAT). To improve support for children and young people in education settings, the SEND support team has been rolling out a Graduated Approach Framework in Schools (GAF). The 'GAF' outlines to schools a range of support that they can put in place to meet the different needs of children and young people with SEND, with practical examples and signposting to other services that can support.


The council is also expanding the number of special school places through a £44m capital programme which includes a new secondary special school. In addition, the council is providing grant funding to schools to develop inclusive environments and facilities that better meet the needs of children and young people with SEND.

The Brent Local Offer provides information about a range of short break activities for Brent children and young people, which include social and skills-based opportunities. Young people have also helped to design and develop a website called Preparing for Adulthood <https://www.brentyouthzone.org.uk/pfa> where young people with SEND from 14 years old can find information about the help

and activities in and around Brent that they can access to support them on their journey to adulthood. To support older young people with SEND, the Council has agreed capital investment in a Post-16 Skills Resource Centre which is in the development phase. This will take the form of a horticultural and education centre at Welsh Harp and facilities on a new site in Cricklewood to help young people with SEND develop employment and independent living skills.

It is important that young people with SEND are involved in shaping the services available to them and the Council is developing a Young Persons SEND forum to do this on a regular basis.

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 Brent	Full Council 20 November 2023
	Report from the Leader of the Council
Update report from the Leader and Cabinet	

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

1.0 Purpose of the Report

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

2.0 Recommendation(s)

- 2.1 Council is asked to note this report.

3.0 Detail

- 3.1 In accordance with Standing Order 31, this report presents an outline by the Leader and Cabinet Members on the key and significant issues identified as arising from their remits and that of the Cabinet, including their contribution to the Borough Plan and other Strategic Priorities.
- 3.2 Up to 3 minutes is provided at the Council meeting for the Leader, or any other Cabinet Member(s) identified to present the report highlighting any issues felt to be of significance.
- 3.3 Set out in Appendix One are the written updates provided.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 The relevant Lead Cabinet members have provided the updates detailed within Appendix 1 of the report.

5.0 Financial Considerations

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

6.0 Legal Considerations

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

7.0 Equality, Diversity & Inclusion (EDI) Considerations

- 7.1 As the report is for information purposes there are no direct equality, diversity or inclusion implications.

8.0 Climate Change and Environmental Considerations

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

9.0 Human Resources/Property Considerations (if appropriate)

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

10.0 Communication Considerations

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

Leader of the Council - Councillor Muhammed Butt

Anyone at the Civic Centre lately or our Brent Hubs, will see that the queues are getting longer, as more residents turn to us for help during the winter period. Many of you will have heard me and our Labour Councillors say that every year it gets tougher and tougher to keep services running, as the compound consequences of cuts get deeper and deeper.

I often hear, “well what about my council tax?” My answer remains the same: after 13 years of the Conservatives, with the largest cuts to public spending since the Second World War – council tax barely touches the sides. The yearly funding Brent Council receives from government has decreased in real terms from £272m in 2010 to £91.63m in 2023. What does that mean? It means the government has put its bill on you. Any councillor will explain, council tax doesn’t look at wealth, or your ability to pay – but at your property value in 1991.

When the government chose to impose austerity on public services, it did not think to the future. We’ve seen how cuts manifest, through crumbling infrastructure, spiralling waiting times in the NHS and basic services like dentistry in chronic demand.

Many councils have defaulted on their debts. In Brent we are clear, what funding we do have will always be directed to frontline services and those that provide help, like our Residents Support Fund. But those queues at the Civic Centre are creating an immense financial strain. Our housing team are receiving 150 homelessness applications per week, the highest anyone has ever known it. We are legally obliged, not to mention morally bound – to support anyone asking for help.

With precious few landlords offering affordable properties – and despite building more new council homes – demand is outstripping our supply. Fulfilling our housing duties now means placing more and more residents into Temporary Accommodation like Hotels and B&Bs.

And this has a consequence. Nationally, councils are spending £1.7bn on Temporary Accommodation. For us in Brent, the demand has left us with a financial pressure worth £13m. We are bringing in spending controls to help us balance this year’s budget, but I won’t pretend that it will be easy. I have always said austerity was a political choice, not an economic necessity. I can only hope that funding councils properly becomes an economic necessity and not a political choice left ever again to this government.

If you have any other questions, please feel free to contact via the following email address. Contact: Cllr.Muhammed.Butt@brent.gov.uk

Deputy Leader and Cabinet Member for Finance, Resources and Reform and Cabinet Member for Regeneration, Planning and Growth – Councillor Shama Tatler

Top news since my last report:

- 1) The Q2 Financial report was presented to Cabinet on the 16th October 2023 which set out how the current local and national challenges are having a dramatic impact on the councils finances. These challenges are due to pressures faced by the majority of London councils in carrying out their statutory duties.
- 2) Brent's external auditors Grant Thornton have signed off the Councils 2022-23 Financial Statement's with an unqualified opinion. This is a major milestone that gives us external assurance on our accounts. It should be noted that we are 1 of only 10 council's in the country (first in London) that have had our 2022-23 accounts signed off, which is testament to the hard work and dedication by our council officers.
- 3) Cabinet approved SCIL contributions to Alperton Park improvements and South Kilburn Medical Centre.

Other news:

- 1) Brent Works hosted a recruitment event for Wilko staff on 3rd October supporting those at risk of redundancy.
- 2) Brent Start Student Awards took place on November 2nd and were a huge success.
- 3) With regard to the Church End Development Plan, there is successful momentum onto the next phase to find an operator for the operational management of Church End Youth Anchor within the Hornby Court NW10 site over a 10-year term, as well as delivery of services within the future secured space. The Youth Anchor will act as a community hub within Church Road high street, supporting young people and the local community to access tools and resources to help improve their lives.
- 4) The Senior Staff Appointments Sub Committee has appointed a new Director of Human Resources and Organisational Development who will begin in January 2024.

If you have any other questions, please feel free to contact via the following email address. Contact: Cllr.Shama.Tatler@brent.gov.uk

Cabinet Member for Safer Communities and Public Protection - Councillor Harbi Farah

Top news since my last report:

- 1) Trading Standards have undertaken a successful prosecution for the sale of lighter fluid (Butane gas) to a person under the age of 18 by Cricklewood Household Accessories. This was the second prosecution after the company sold a knife last year to a 15-year-old boy. The magistrates doubled the fine to £2,000. The director was also fined £500 and both were ordered to pay our costs of £1,000.
- 2) Trading Standards have also participated in London Trading Standards week in order to highlight their work. This included a large seizure of illicit tobacco from a retailer who continues to flout the law, advice on how to avoid being scammed and how to report a scam. The twitter post has had over 2000 views.
- 3) Licensing team are dealing with the renewal of Pavement licences issued under the Business and Planning Act which all expired at the end of September 2023. This part of the Act has been extended again for licences to be renewed until 30 September 2024.
- 4) The Council's Domestic Abuse MARAC training package has been revamped and the first training session was a success.
- 5) We have formed a new partnership with a mental health organisation called Rethink and they will be joining the Exploitation Violence and Vulnerability Panel (EVVP) as a service partner.
- 6) The CCTV Unit will be installing 5 mobile cameras with audio functionality to monitor crime hotspots in Brent over the next few months. The cameras were funded by the police as part of the operation Nightingale project.
- 7) The Anti-Social Behaviour Team (CPT) secured Closure Orders on 5 properties at Alexandra Court which were associated with drugs, nuisance, and exploitation of vulnerable residents.

If you have any other questions, please feel free to contact via the following email address. Contact: Cllr.Harbi.Farah@brent.gov.uk

Cabinet Member for Public Health and Adult Social Care - Councillor Neil Nerva

Top news since my last report:

- 1) **Planning for Winter** - The Health and Wellbeing Board on 30th October considered a report on winter planning and community resilience across the local health, social care and wellbeing system.

Key elements of the Place Plan for Bren included:

- Taking preventative action to mitigate where possible, the impact of illness of individuals, families and the health and care system, through our flu, and COVID immunisation delivery, particularly amongst groups experiencing the highest levels of health inequalities.
- Communication with local citizens to support them to navigate the local health and care offer.
- Support to all residents experiencing homelessness and asylum seekers through on-site vaccination clinics by the Brent Health Matters Teams and / or Find and Treat Team.
- Improving patient flow to free up hospital beds by providing effective, prompt and high impact interventions in and out of hospital care.
- Securing efficient discharge pathways to reduce the length of time our citizens spend in the hospital once medically fit to leave by maximising the use of DHSC funding.

- 2) **Healthy Start** is a national initiative providing a nutritional safety net for families with children under the age of 4. Families in receipt of certain benefits, tax credits, or pregnant women under the age of 18, can receive money onto a digital card which can pay for vegetables, milk and fruit every 8 weeks.

Public Health has been working with local retailers to improve awareness of the Healthy Start card, to encourage residents to use their card when shopping locally at no extra cost to the retailer. This work has been focused in Stonebridge and Harlesden.

- 3) **Oral Health Bus** - Schools being visited in November are as follows:
 - a. 15th Nov – Preston Park
 - b. 22nd Nov – St Robert Southwell
 - c. 29th Nov – Anson Primary School

If you have any other questions, please feel free to contact via the following email address. Contact: Cllr.Neil.Nerva@brent.gov.uk

Cabinet Member for Environment, Infrastructure and Climate Action - Councillor Krupa Sheth

Top news since my last report:

- 1) **Planned Footway Maintenance** – several footway schemes have been brought forward for progression in advance of the 2023 - 2026 Highways Works Programme report to Cabinet:

North Area (O'Hara)

Ledway Drive, Kenton – Started 18/9/23.

Totternhoe Close, Kenton – Started 28/9/23.

South Area (GWH)

Park Place, Wembley Hill - started 4/9/23.

Oakington Avenue, Wembley Hill – started 4/9/23.

- 2) **Short Sections Carriageway Patching programme** – Following on from the completion of our Winter Resilience programme, consisting of large patch repairs at multiple locations on high trafficked routes, a further £200k programme of large patch repairs on main roads has been issued to our new contractor O'Hara's. In total 41 locations have benefited large from patch repairs.

Other news:

- 1) There are currently 31 school street zones in the borough. The service has secured an additional £117k from available Public Health funds towards supporting active travel. TfL have agreed for equivalent amount of funding to be used towards consultation and implementation of the following new school streets at:

- Carlton Ave East
- Coniston Gardens
- Shaftsbury Avenue
- Okehampton Road

The service is also relocating 6 existing CCTV camera from high compliance locations to existing larger school streets at;

- Crownhill Road (x2)
- Perrin Road
- Slough Lane
- Mora Road
- Dollis Hill Avenue

All sites have been subject to a review of signage and installation of warning signs.

If you have any other questions, please feel free to contact via the following email address. Contact: Cllr.Krupa.Sheth@brent.gov.uk

Cabinet Member for Housing, Homelessness and Renters Security – Councillor Promise Knight

- 1) Energy efficiency designs have been completed for approximately 95 properties and works have started on the first 6 street properties.
- 2) The Private Housing Service have been awarded an additional £463,953.00 from DLUHC for the provision of adaptations for disabled residents.
- 3) Brent has joined other local authorities campaigning for additional resources to support the unprecedented demand for Temporary Accommodation.

The letter calls on the government to:

- Raise Local Housing Allowance rates to a level that will cover at least 30% of local market rent and commit to annual uprating.
- Provide £100m additional funding for Discretionary Housing Payments in 2023-24 and an additional £200m in 2024-25.
- Provide a £150m top-up to the Homelessness Prevention Grant for 2024-25.
- Review the cap for housing benefit subsidy rate for local authority homelessness placements.
- Develop policy to stimulate retention and supply in the privately rented sector.
- Give councils the long-term funding, flexibility and certainty needed to increase the supply of social housing.

Other news:

- 1) **Building safety** – BHM met the Building Safety Regulators timescales and have registered 41 high risk buildings and provided the necessary structural and safety information. BHM are also close to completing communal fire door checks to all high-risk buildings. Inspections to individual flat entrance fire doors are also undertaken when communal checks are completed. Where access is not gained an "importance of fire doors" leaflet is left encouraging residents to report any defects with their doors. We are still in the process of checking our buildings for Reinforced Autoclaved Aerated Concrete (RAAC). A desktop exercise was conducted on the properties. Alongside other properties, 34 garages and 38 meeting rooms have also been assessed.
- 2) **Work with London Renters Union** - The Leader and I attended the LRU assembly on 30th. September. I have made a commitment to explore their requests and will continue to work the LRU and others to campaign for renters' rights.
- 3) **Recruitment** - After a successful recruitment drive, we have appointed 8 more compliance officers. These officers will be responsible for inspecting licenced properties in order to make sure that they comply with the license conditions.

If you have any other questions, please feel free to contact via the following email address. Contact: Cllr.Promise.Knight@brent.gov.uk

Cabinet Member for Children, Young People and Schools – Councillor Gwen Grahl

Top news since my last report:

1) Pan-London Care Leavers Compact

We have been working with our colleagues at the GLA and across London to improve our current offer to care leavers, for whom we provide support with housing, employment, education and healthcare. The GLA have recently announced provision of half price transport on TFL from January 2024, which our young people have responded very positively to on the Corporate Parenting Committee. They are also working with London councils on a standardised offer led by the voices of young people incorporating six key commitments. As a result we will be looking into provision of a rent deposit scheme, and reviewing or enhancing the other support we provide.

2) Prioritising school safety following events in the Middle East

We have been cooperating with the Community Safety Team to ensure all children and young people in our borough feel safe and reassured following events in Gaza and Israel. This has included liaising closely with headteachers, responding quickly to concerns and receiving frequent updates from the police and other council departments. We encourage any parents, teachers or residents experiencing intimidation or hate crimes to please report these to police immediately.

3) Proposed action published on declining Primary School pupil numbers

The council's plans to ensure the sustainability of primary schools across the borough have now been published and were approved by cabinet on 16th October. Unlike in other boroughs, we do not intend to close any entire schools at the current time but we will be starting an informal consultation on reducing pupil numbers at two schools in the worst affected area – Mitchell Brook Primary School (from 90 to 60) and Leopold Primary School (from 120 to 60). This would entail the phased closure of the Gwenneth Rickus site at Leopold, originally bulge accommodation opened in 2015. We will be working with the schools as well as ward members and other community stakeholders to understand their views over the coming weeks and months.

If you have any other questions, please feel free to contact via the following email address. Contact: Cllr.Gwen.Grahl@brent.gov.uk

Cabinet member for Customers, Communities and Culture - Councillor Fleur Donnelly-Jackson

Top news since my last report:

1) Community Grants formerly known as NCIL

Applications for Community Grants opened on Friday 5 September (17:00) and closed on 12 November (23:59). Not-for-profit organisations, companies, and schools were encouraged to apply for the Community Grant Fund. A range of on-line support sessions was offered between 18th September to 27th September.

One to one support was available across the borough, and this has been well received by residents; footfall of attendees has been high. Individual support is also being offered by the Community Social Infrastructure Team, particularly to grass root organisations.

Further information can be found at: www.brent.gov.uk/communitygrants

2) New website launched for advice for Asylum Seekers and Refugees

The new website will provide a resource where asylum seekers and refugees and the organisations that support them can find information about available support and other useful details all in one place. Further details here: <https://www.brent.gov.uk/neighbourhoods-and-communities/support-for-refugees-and-asylum-seekers-in-brent/looking-for-housing>

3) Multi-Faith engagement

I recently met with the Multi-Faith Forum to discuss their ongoing work promote community cohesion during these most challenging of times. Now in its 20th year the Multi-Faith Forum continues to work across all faiths and has recently released a statement regarding the ongoing conflict in the Middle East. This can be read here: <https://www.brent.gov.uk/news-in-brent/2023/october/statements-on-situation-in-the-middle-east>

As part of my work representing all communities, I visited Brent Central Mosque to hear about their longstanding work in the local area and hear about some of their future plans.

Alongside the Deputy Leader I also attended a meeting for the Jewish community given the ongoing conflict in the Middle East and concerns around a worrying rise in hate crimes in the borough.

The council is continuing to plan for the next Holocaust Memorial Day event and I will ensure all councillors receive an invite in due course.

Finally, I wish to remind members of our upcoming work to mark Islamophobia Awareness Month this November. Islamophobia Awareness Month takes place

annually during the month of November to celebrate the positive contributions of Muslims to British society and raise awareness of Islamophobia, with the hope of creating a society free from hate. This year's theme is 'Muslim stories', aiming to build connections among individuals from diverse backgrounds using the transformative power of storytelling to help raise awareness of all forms of discrimination and hatred.

All residents are invited to join an in-person event on 21 November from 6 to 8pm at Brent Civic Centre, Conference Hall, to discover the rich tapestry of Muslim Stories through engaging discussions, presentations, and thought-provoking narratives.

You can read more here: <https://www.brent.gov.uk/news-in-brent/2023/november/brent-marks-islamophobia-awareness-month-this-november>

Other news:

- 1) **Family Food Fund** - At the end of September we have spent £422,400. The number of applications received in September is 560 and 228 have been accepted. The main reason for rejection was the resident was already receiving FSM.
- 2) **Disability Forum** - The next Disability Forum will take place on 7 December 3-5pm. Potential speakers are: Mencap and Andrew Davies on the Adult Social Care Charging Consultation. I met with Mencap's DRaP group and they also had a stall as part of Hate Crime Awareness week.
- 3) **Brent Hubs September Performance** - Total number of enquires for month of Sept – 1568. Total number of fully resolved enquires at first touch – 1501 (96%).
- 4) **Discretionary Housing Payments** - By the end of September we have supported 518 households with £1,001,252. We have spent 62% of our allocated grant so far and are on track to spend it all by March 2024.

If you have any other questions, please feel free to contact via the following email address. Contact: Cllr.Fleur.Donnelly-Jackson@brent.gov.uk

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Questions from the Opposition and Other Non-Cabinet Members

Full Council – 20 November 2023

1. Question from Councillor Rajan-Seelan to Councillor Donnelly-Jackson (Cabinet Member for Customers, Communities and Culture)

British Tamils have enriched and continue to enrich the fabric of the United Kingdom. In Brent we have a longstanding Tamil community that have contributed to this borough in an array of fields, from business to healthcare, and sports to education. North West London also has the largest Tamil community in the country.

January is Tamil Heritage Month, which part of a nationwide programme to encourage communities and organisations to connect with the rich cultural heritage of British Tamils.

Will the Cabinet Member for Customers, Communities and Culture and Brent Council work to ensure that the contribution of British Tamils is highlighted by Brent Council as part of Tamil Heritage Month?

Response:

We are committed to celebrating the rich diversity across Brent, this includes recognising and amplifying the contributions of the Tamil community.

This year our staff networks organised an online session with a Tamil author who spoke to staff about Tamil Heritage and how Pongal is celebrated. They are seeking to organise another lunch and learn next year for Tamil Heritage Month.

Additionally, Ealing Road Library has a Tamil Reading Club who come together around every month to celebrate their culture. For Tamil Heritage Month the Council works with the reading club to help organise their annual celebration which usually consists of speakers, musicians and dancers. We are working with them again this year to support and help organise their activities.

2. Question from Councillor Ahmed to Councillor Krupa Sheth (Cabinet Member for Environment, Infrastructure & Climate Action):

Over the last month residents have been adjusting to changes to recycling in the borough. We know from our successful trial last year with over 5,000 households, that change does take time to crystalise. Last year the trial saw an increase in recycling with the blue bag from 50% in the first week to 71% in the eighth week – and crucially, an exceptionally low contamination rate of 1%.

Will the Cabinet Member for Environment, Infrastructure and Climate Action, outline how the changes will prevent more recyclable waste from going to landfill and support our wider environmental goal of becoming carbon neutral by 2023?

Response:

We have seen a 50% increase in tonnage of paper and cardboard collected through October, the first month of the new service. By removing paper and cardboard from the dry mixed recycling stream, contamination is at a low 1%. The higher quality of paper and cardboard collected results in higher rates of fibre recycled. Further data and results will take at least 12 weeks to spot any additional trends.

It is important to note that recycling, even if rejected due to high contamination, does not go to landfill; any rejections are sent to an energy recovery facility.

3. Question from Councillor Aden to Councillor Knight (Cabinet Member for Housing, Homelessness & Renters Security)

Analysis by the LGA has shown that temporary accommodation has risen by 89 per cent over the past decade to 104,000 households at the end of March 2023 – the highest figures since records began in 1998 – costing councils at least £1.74 billion in 2022/23.

The severe shortage of social housing means councils like Brent are being forced to pay to house people in private temporary accommodation, including hotels and B&Bs.

Will the Cabinet Member for Housing, Homelessness and Renters Security set out some of the measures this council is taking to address the unprecedented surge in homelessness applications; the use of Temporary Accommodation and set out some of the contextual factors which are fuelling the housing crisis in Brent?

Response:

The Housing Needs Service has seen a 22% increase in demand from homeless households from 2021/22 to 2022/23. Whilst the COVID – 19 pandemic, associated lockdowns and the ban on Private Rented Sector evictions have been a factor in this growth, demand for homelessness services continues to grow, driven by inflation and the cost-of-living crisis. There has been a further 24% increase in demand in Q2 of 2023/24, compared with the same quarter last year. If demand continues at the same rate, the service will receive a total of 7,500 applications this financial year, an average of 144 applications every week.

This extraordinary increase in demand from homeless households, coupled with the contraction of the Private Rented Sector (PRS) properties available at the Local Housing Allowance (LHA) level, used to prevent and relieve homelessness, and to end the main homelessness duty, has resulted in a projected £4.5m overspend in the Temporary Accommodation (TA) budget, as well as a £7.5m projected subsidy loss which are directly related to the pressures the service is under.

A Temporary Accommodation (TA) Supply and Spend project has been set up to tackle the overspend. The project has 5 strands to help reduce the cost of TA / Housing Benefit (HB) subsidy spend, as well as increasing the supply of more cost-effective TA.

- 1 - Existing HB claims
- 2 - Affordability criteria for TA placements
- 3 - New and alternative supply of TA
- 4 - Use of housing land
- 5 – Voids

Work has started to decant the TA placements creating the highest costs to subsidy, the majority of which are in nightly paid accommodation in High

Wycombe and source alternative TA accommodation. However progress is slow, due to the lack of affordable accommodation available and the ongoing demand of new homeless households presenting every day.

These issues are not unique to Brent. A Homelessness and Temporary Accommodation summit was held on 31 October, organised by the District Councils' Network (DCN) and Eastbourne Borough Council. 158 councils attended the summit and agreed to submit a letter to the Chancellor of the Exchequer, urgently calling on the Government to:

- Raise Local Housing Allowance rates to a level that will cover at least 30% of local market rent and commit to annual uprating.
- Provide £100m additional funding for Discretionary Housing Payments in 2023-24 and an additional £200m in 2024-25.
- Provide a £150m top-up to the Homelessness Prevention Grant for 2024-25.
- Review the cap for housing benefit subsidy rate for local authority homelessness placements.
- Develop policy to stimulate retention and supply in the privately rented sector.
- Give councils the long-term funding, flexibility and certainty needed to increase the supply of social housing.

Councillor Muhammed Butt added his name to this letter, as Leader of the Council.

4. Question from Councillor Hirani to Councillor Krupa Sheth (Cabinet Member for Environment, Infrastructure & Climate Action):

Given the serious concerns being raised by residents across the borough with regards to the Blue Bag Recycling Scheme will the Cabinet Member for Environment, Infrastructure and Climate Action agree to commission an independent report on the roll out of the scheme and its financial implications. It does not appear that this scheme has been properly thought through and should therefore be suspended until a full investigation and report can be provided to Full Council. This is strongly backed by an e-Petition with over 2000 signatures demanding the scheme be cancelled.

In advance of this, can the Cabinet Member for Environment, Infrastructure and Climate Action also address the following operational issues:

- (1) How is it possible to keep these bags dry during the rain events we have had recently?
- (2) Where are residents expected to store these bags?
- (3) What is expected to happen to cardboard and paper when these bags are full? Should this be placed into the Blue/Black Bin?
- (4) Residents in flats do not have these blue bags so what are they expected to do with their cardboard and paper?
- (5) Was training given to Veolia when dealing with these blue bags as it appears that on some occasions the cardboard/ paper has been blown around and not collected?
- (6) How much does this scheme cost and are there any actual savings? Can you show the figures?

Response:

- (1) How is it possible to keep these bags dry during the rain events we have had recently?**

The blue sack is weighted at the bottom to avoid it being blown away and is weatherproof when the lid is fully sealed using the Velcro strips, to protect the contents inside. Please ensure the lid is sealed. Any faulty/leaking sacks will be replaced free of charge.

- (2) Where are residents expected to store these bags?**

The sack can be folded and stored inside when not in use or kept outside by your other bins where there is space to do so. Residents can choose whether to store their sack indoors or outdoors, so long as it is presented at the kerbside on the scheduled collection day.

We appreciate that not all residents will have space to store their blue sack indoors. We advise those residents to transfer their paper and flattened cardboard to the blue sack at their convenience, as they have previously done with their blue lidded recycling bin, placing it between other bin containers.

(3) What is expected to happen to cardboard and paper when these bags are full? Should this be placed into the Blue/Black Bin?

If the paper and cardboard sack becomes full, residents may present any excess paper and card in a bundle next to their sack on collection day.

Please **do not** place paper and card in your blue-lidded recycling bin, as collections crews will be instructed not to collect these bins on the same week as the blue sack.

Residents are advised not leave any excess cardboard out alongside their sack when rain or strong winds are predicted. Instead, we are advising those residents who continuously have more paper and cardboard for one blue sack, to order an additional sack. Residents can order a second bag or additional bags for free.

(4) Residents in flats do not have these blue bags so what are they expected to do with their cardboard and paper?

Those in flats with shared communal bins are not part of the changes and will continue to use the large recycling bins for mixed recycling, which is being collected separately to kerbside properties.

(5) Was training given to Veolia when dealing with these blue bags as it appears that on some occasions the cardboard/ paper has been blown around and not collected?

Training has been given to collection staff ahead of the recycling collections with further training and monitoring ongoing with collection issues occurring and being reported to Veolia.

(6) How much does this scheme cost and are there any actual savings? Can you show the figures?

The change to alternate weekly twin stream recycling collections for street level households was estimated to save the council £1.2m per annum on annual disposal costs for waste when compared to the weekly comingled recycling collection (where all recycling goes in one bin).

We will be monitoring the impact of the service in the coming weeks and months in order to assess the impact of the service change on our recycling and saving targets.

5. Question from Councillor Georgiou to Councillor Knight (Cabinet Member for Housing, Homelessness and Renters Security):

There are far too many people in Brent without access to a genuinely affordable home.

Recently the Labour Cabinet had to confirm a £13 million overspend in the Council's finances due to the rising costs of temporary accommodation. Failures in providing new homes on a timely basis and within budget are therefore very costly both in terms of their social and financial impact.

In view of this can the Cabinet Member for Housing, Homelessness & Renters Security confirm:

- (1) The Current position on the Altamira Morland Gardens housing project and whether it is being aborted because the planning permission may have expired.
- (2) The total cost of this project in terms of architects, builders, decanting and other costs.
- (3) How much GLA investment has been lost.
- (4) The impact of the failures and delays in the Altamira project on the Twybridge Way site also in Stonebridge.
- (5) If, in view of the above, and Altamira's historic importance, the current project will now be aborted and a more sympathetic project which retains the Villa at its heart will now be pursued.

Response:

- (1) The Current position on the Altamira Morland Gardens housing project and whether it is being aborted because the planning permission may have expired.**

Brent Council is facing a £13million [overspend](#) this year that is mainly due to rapidly rising homelessness. The overspend is despite Brent receiving the largest [New Homes Bonus](#) in the country for 2023/24 thanks to its impressive delivery of much needed new homes.

The Council played a direct role in achieving this, with 846 homes completed to date, 1,265 homes on site (not including Morland Gardens) and a plan to develop a further 572 homes for social rent.

The Council has continued to build, despite national and global factors affecting the cost of building homes. Increases in inflation, material costs and labour shortages have affected all developers' ability to build. Despite this, the Council has continued to prioritise developing new homes and is focussed on increasing affordable housing for Brent residents.

I can confirm the planning permission for this scheme expired. The project is now being reviewed and a decision will be taken to Cabinet in December 2023.

(2) The total cost of this project in terms of architects, builders, decanting and other costs.

The total cost of the project in terms of architects, builders, and other costs is £4.13m of which £1.6m was for the decant.

(3) How much GLA investment has been lost


There is £9.4m grant allocated to the scheme.

(4) The impact of the failures and delays in the Altamira project on the Twybridge Way site also in Stonebridge.

The Twybridge Way site remains an option for the Council to redevelop. The Council is currently reviewing all potential sites to determine the best use and so whilst this review is being completed, Brent Start will continue to operate from this location.

(5) If, in view of the above, and Altamira's historic importance, the current project will now be aborted and a more sympathetic project which retains the Villa at its heart will now be pursued.

No decision has been made about the future of the Morland Gardens site.

	Full Council 20 November 2023
	Report from the Corporate Director of Communities & Regeneration
Resources and Public Realm Committee Chair's Update Report	

Wards Affected:	All
Key or Non-Key Decision:	Council
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Jason Sigba, Strategy Lead – Scrutiny, Strategy and Partnerships Tel: 020 8937 2036 Email: Jason.Sigba@brent.gov.uk Tom Pickup, Policy Partnerships and Scrutiny Manager, Strategy and Partnerships Email: Tom.Pickup@brent.gov.uk Janet Latinwo, Head of Strategy and Partnerships Tel: 020 8937 4104 Janet.Latinwo@brent.gov.uk

1.0 Executive Summary

- 1.1 To present Full Council with a report providing updates on the meetings and activities of the Resources and Public Realm Committee since the last Full Council meeting on 18 September 2023.

2.0 Recommendation(s)

- 2.1 To note the update from the Chair of the Resources and Public Realm Scrutiny Committee.

3.0 Detail

3.1. Contribution to Borough Plan Priorities & Strategic Context

- 3.1.1 The work of the Committee contributes to the delivery of all of the strategic priorities set out in the Borough Plan 2023-2027. It seeks to ensure Council decision-making remains transparent, accountable and open, resulting in improved policies and services.

3.2. Background

- 3.2.1 Brent Council has two scrutiny committees; the Resources and Public Realm Scrutiny Committee and the Community and Wellbeing Scrutiny Committee. The Council is also a member of the North West London Joint Health Overview and Scrutiny Committee (NWL JHOSC).
- 3.2.2 A scrutiny committee can look at anything which affects the borough or its inhabitants, subject to its remit.
- 3.2.3 Brent Council Standing Orders allow for the chairs of the scrutiny committees to report to ordinary Council meetings on the activities of their committees¹.

The Resources and Public Realm Scrutiny Committee

- 3.2.4 The remit of the Resources and Public Realm Scrutiny Committee is set out in the Council Constitution under the Terms of Reference for scrutiny committees². The remit of the Committee includes:

Corporate policy, partnerships and resources; Budget; Customer services; Commercial services; Planning policy; Environmental policy; Public realm; Employment and skills; IT; Recycling; Regeneration; Transport and highways; Community safety; Property; Emergency planning and business continuity.

- 3.2.5 The Committee is also the Council's "crime and disorder committee" for the purposes of Section 19 of the Police & Justice Act 2006 and as such may review or scrutinise decisions made, or other action taken, in connection with the discharge of the crime and disorder functions by the responsible authorities (as defined by section 5 of the Crime and Disorder Act 1998) who make up the Safer Brent Partnership, in order to make reports or recommendations to Full Council.

¹ Brent Council Constitution, Part 2, paragraph 36.

<https://democracy.brent.gov.uk/documents/s123308/Part%202%20April%202022%20Procedural%20Rules.pdf>

² Brent Council Constitution Part 4.

<https://democracy.brent.gov.uk/documents/s123310/Part%204%20May%202022%20Terms%20of%20Reference%20.pdf>

- 3.2.6 Since the last update to Full Council on 18 September 2023 the Resources and Public Realm Scrutiny Committee has met two times (26 October 2023 and 7 November 2023).

26 October 2023

- 3.2.7 The Committee heard from the Deputy Leader and Cabinet Member for Finance, Resources, and Reform, Cllr Shama Tatler, and received a report from the Corporate Director of Governance on the Barham Park Trust Committee's decision to approve the Barham Park Trust Accounts 2022/23. To note this discussion was a result of a successful and valid call-in request made by five non-cabinet members in accordance with Standing Order 14 which claimed the following:

- The accounts are produced on the wrong basis, inconsistent with previous years.
- The accounts are wrong and misleading.
- The accounts do not show correct figures for both income and expenditure, incurred by the Trust.
- The accounts do not show sufficient analysis and detail of main expenses.
- The accounts do not show the correct interest earned due.
- The accounts show a charge or consultants' fees, which were due to be met by the Council and not the Trust.
- The review carried out (by the Independent Examiner) is inadequate and failed to identify numerous mistakes as set out above.
- In view of the above concerns, the appointment and nomination of the person to carry out future independent review also needs to be reconsidered.
- No such submission should be made (to the Charity Commission) until the correct accounts are presented, as any such submission would lead to reputational damage to the Trust.

- 3.2.8 Many of the points outlined above were elaborated on by Councillor Paul Lorber in person at the meeting. These were disputed by the Deputy Leader and the Deputy Director of Finance. It was however stated that Brent's Chief Executive, Kim Wright, had commissioned a high-level consultancy based review relating to the issues and concerns raised about the accuracy of the Barham Park Trust accounts for 2022/23. At the time of the call-in meeting this review had not yet concluded. Additionally, the Independent Examiner, was on pre-planned annual leave, and therefore the Committee could not present any clarifying questions to him.

- 3.2.9 Based on the above factors, the Committee referred the item back to the Barham Park Trust Committee to reconsider its decision.

7 November 2023

- 3.2.10 The Committee heard from the Deputy Leader and Cabinet Member for Finance, Resources, and Reform, Cllr Shama Tatler, and received a report from the Corporate Director of Governance on the Complaints Annual Report

2022/23 with two appendices attached (Adult Social Care Statutory Complaints 2022/23 and Children's Social Care Statutory Complaints 2022/23). The Leader of the Council was also in attendance for this item and contributed to the discussion. Members reviewed the effectiveness of the current complaints procedure (e.g. how easy it is for residents to navigate the current procedure, the quality of responses provided, and the timeliness of responses etc.), and sought additional detail on the root causes of complaints causing the most risk to the Council's reputation and leading to the most cases of compensation being paid out. The Committee proceeded to question how the different types of complaints and root causes of complaints are being proactively addressed, asking for examples of the service improvements/learnings implemented. As part of this discussion, committee members, for example, explored how the Council welcomes and collates feedback from service users, residents, and other local authorities in making service improvements as well as general improvements to the complaints process. At the end of the discussion, the Committee made the following suggestions for improvement:

1. Moving forward publish a user-friendly summary version of the Complaints Annual Report to accompany the full version.
2. Publicise and promote service improvements made as a result of upheld complaints.
3. Improve the publicity and accessibility of the complaints procedure. For example, promoting the complaints procedure more regularly in 'Your Brent', and adding the customer service telephone number to the 'How to make a complaint' section of the Council website.
4. Liaise with other local authorities for learnings to reduce the amount of ASC cases being referred to the Local Government and Social Care Ombudsman (LGCSO).

3.2.11 The Committee proceeded to review the Council's Quarter 2 2023/24 financial performance. The item was also introduced by the Deputy Leader and Cabinet Member for Finance, Resources and Reform, Cllr Shama Tatler, and an accompanying report was provided to committee members by the Corporate Director of Finance and Resources, highlighting most notably a forecast overspend of £13.4m against the General Fund revenue budget at Quarter 2. The main cause of the forecast overspend is within the Housing Service, where it was highlighted that the department continues to see an exceptionally high level of demand due to a rise in homelessness and a reduction in the supply of suitable accommodation. Although Brent has maintained a strong position in terms of financial resilience and sustainability with a good track record of delivering savings and balancing the overall budget, officers did however stress how increasingly difficult this is becoming taking into consideration that the core funding the Council receives from central government has decreased by 78%, and where £210m of cuts have already been made since the austerity programme began back in 2010. Thus emphasis was placed on the need for the Council to take urgent actions in the short and medium term to maintain financial control. These include, but are not limited to, the implementation of a

Budget Assurance Panel to provide additional oversight and scrutiny of the Council's financial position, limits on new recruitment, and reductions in the use of agency staff. The Committee recognised the proactivity of officers in identifying measures to reduce the risk of the Council's financial situation worsening. However, sought further reassurances around the specific mitigations to address Brent's temporary accommodation pressures, whilst also raising specific questions about income generation options, the financial risks associated with Council borrowing, and the use of Council reserves. Furthermore, as the outlined measures have only recently been implemented, members stressed the need for officers to provide additional updates to the Committee throughout the course of the financial year in order for the financial situation to be closely monitored. At the end of the discussion, the Committee made the following recommendations and suggestions for improvement:

Recommendations to Cabinet

1. Continue to lobby central government to establish a locally controlled business rates system in order for local authorities to influence policy around the setting of Business Rates and to generate additional income.

Suggestions for Improvement made to council departments:

1. Explore new ways to increase collection rates for Business Rates, learning lessons from other local authorities.
2. Liaise with the Office for National Statistics to explore whether further census data could be provided to the Council on the specific properties in the borough identified as 'unoccupied dwellings'.
3. Undertake a communications and engagement campaign to encourage owners to rent vacant properties to the Council to address the shortage in temporary accommodation supply.

Next meeting: 24 January 2024

3.2.12 The next meeting of the Resources and Public Realm Committee will be held on 24 January 2024. As it currently stands, members will review the following papers:

1. Budget Scrutiny Task Group Findings Report
2. Draft Property Strategy/Asset Review Findings Report
3. Safer Brent Partnership Annual Report 2022/23

4.0 Stakeholder and ward member consultation and engagement

4.1 Councillors will discuss this report at the Council meeting.

5.0 Financial Considerations

5.1 There are no financial considerations arising from this report.

6.0 Legal Considerations

6.1 There are no legal considerations arising from this report.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1 There are no EDI considerations arising from this report.

8.0 Climate Change and Environmental Considerations

8.1 There are no climate change and environmental considerations arising from this report.


9.0 Communication Considerations

9.1 There are no communication considerations arising from this report.

Report sign off:

Zahur Khan

Corporate Director, Communities and
Regeneration

 Brent	Full Council 20 November 2023
	Report from the Corporate Director of Communities and Regeneration
Community and Wellbeing Scrutiny Committee Chair's Update Report	

Wards Affected:	All
Key or Non-Key Decision:	Council
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	One Appendix 1: Updated Community and Wellbeing Scrutiny Committee Work Programme 2023-24
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	<p> Chatan Popat Strategy Lead – Scrutiny, Strategy and Partnerships Tel: 020 8937 5068 Email: chatan.popat@brent.gov.uk </p> <p> Tom Pickup Policy Partnerships and Scrutiny Manager, Strategy and Partnerships Email: tom.pickup@brent.gov.uk </p> <p> Janet Latinwo Head of Strategy and Partnerships, Strategy and Partnerships Tel: 020 8937 4104 Email: janet.latinwo@brent.gov.uk </p>

1.0 Executive Summary

- 1.1. To update Full Council on the meetings and activities of the Community and Wellbeing Scrutiny Committee and North West London Joint Health Overview Scrutiny Committee since the last meeting of Full Council on 18 September 2023.

2.0 Recommendation(s)

- 2.1 That Full Council:

Note the report and the Community and Wellbeing Scrutiny Committee's updated 2023/24 work programme within.

3.0 Detail

3.1 Contribution to the Borough Plan and Strategic Priorities

- 3.1.1 The work of the committee contributes to the delivery of all of the strategic priorities within the Borough Plan as it seeks to support, advise and enhance the Council's activity. The recent activity outlined in this report contributes most specifically to the "A Healthier Brent" strategic priority within the plan.

3.2 Background

- 3.2.1 Brent Council has two scrutiny committees: the Community and Wellbeing Scrutiny Committee and the Resources and Public Realm Scrutiny Committee. The council also participates as a full voting member in the North West London Joint Health Overview Scrutiny (NWL JHOSC). Councillor Ketan Sheth was re-elected as chair of the NWL JHOSC at its first meeting of the 2023/24 municipal year in July 2023.

- 3.2.2 A scrutiny committee can review anything which affects the borough or its inhabitants, subject to its remit. The remit of the Community and Wellbeing Scrutiny Committee is set out in the Council Constitution under the Terms of Reference for Scrutiny Committees which includes:

Adult social care; Safeguarding; Children's services; Cultural services; Education; Health; Housing; Public Health and Wellbeing.

- 3.2.3 As part of its remit set out in the constitution, and its role to review the provision and operation of health services within the borough, the Community and Wellbeing Scrutiny Committee can scrutinise, and make recommendations to NHS organisations or relevant health service providers.

- 3.2.4 The Community and Wellbeing Scrutiny Committee's 2023/24 work programme has been amended since the last Full Council meeting was held and is detailed in Appendix 1. It outlines the policy areas and council decisions the committee plans to review during the 2023/24 municipal year. Statutory guidance on overview and scrutiny recommends that for scrutiny to be effective, scrutiny committees focus on conducting fewer in-depth reviews of highly significant topics¹.

The Community and Wellbeing Scrutiny Committee

- 3.2.5 The Community and Wellbeing Scrutiny Committee met for its second meeting of the municipal year on 21 September 2023. The Committee reviewed a two-

¹ *Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities* (Ministry for Housing, Communities and Local Government), p21

part item on the Outcome of Ofsted's ILACS (Inspection of Local Authority Children's Services) Inspection and the Current Children's Social Care Improvement Activity. The paper was introduced by Nigel Chapman (Corporate Director Children and Young People). The Committee were informed that the department had been very pleased to receive an overall 'good' rating when the new judgement was published in April 2023 following the inspection in February 2023, with 'good' across the board in all sub-categories. This was the first time Brent had been judged 'good' across the Board in all areas. In 2018 the Council had been judged 'good' overall, with some variability in sub-categories.

- 3.2.6 Within the inspection outcome, there were some areas for improvement that Ofsted expected the Council to action. The Committee were informed that the Council was expected to produce an action plan to Ofsted within a specified time period of 60 days based on the 4 recommendations given, which had been completed. Alongside that, the Children and Young People (CYP) department had a wider, comprehensive practice improvement plan which picked up other areas that had been highlighted during the inspection, but which had not been included in the Ofsted recommendations. One of the main priorities of this was the revised workforce development plan to create stability in the workforce at every level, particularly those hard to recruit, frontline posts. Councillor Gwen Grahl (Cabinet Member for Children, Young People & Schools) added that the inspection had come at a time of significant change within the CYP department, with both Nigel Chapman and Palvinder Kudhail (Director of Integration and Improved Outcomes) relatively new to their posts. Although workforce and turnover is a national problem, Brent wants to be a leader in attracting good quality social workers to Brent on a long-term basis and Councillor Grahl expressed that both had demonstrated good leadership on that across London.
- 3.2.7 In relation to the second part of the paper: 'Current Children's Social Care Improvement Activity', Nigel Chapman highlighted that retaining social worker staff was the biggest risk area to the department regarding social work activity. Workforce and turnover of social workers had been a factor in the Council's looked after children (LAC) work being judged as 'good' as opposed to retaining its 'outstanding' judgement from the previous inspection. It was highlighted this was both a national and regional issue, and the last nationally published data on social workers showed that the number of agency workers had risen by 13% from September 2022. In Brent, the number of agency workers increased by 19%, meaning Brent was above the national average in terms of agency workers, and vacancies were also high at approximately 20%. However, the Council's caseload activity, which was a determining factor in social workers feeling well supported, was manageable and below the London average. The Committee were also advised that the issues around social worker recruitment and retainment were beyond a single local authority's ability to control. However, the Committee were informed of the London Pledge which has now been running for a year. Local authorities in London have signed up to the Pledge which caps the rates social workers were paid through an agency. This has had a lot of impact, and within a year the Council's spend on agencies has reduced and stability has been increased.

Alongside this, local authorities in London were waiting for central government feedback on further reforms in the workforce. The service has been meeting with agency staff to talk about the benefits of converting to permanent employment, and since April 2023 the service had secured 7 former agency staff who converted to permanent, and there were 3 further agency workers in the pipeline to become permanent.

- 3.2.8 The second item reviewed was the SEND Strategy Implementation and Readiness for a Joint Ofsted / CQC Inspection. Councillor Gwen Grahl introduced the report which updated the Committee on the SEND Strategy, which was an important obligation of the local authority. The report highlighted several positives including the additional 427 placements that had been introduced across the borough in both mainstream schools and a new school being built; there was no longer a deficit in the High Needs Block from which SEND support was funded and the waiting times for accessing an Education, Health and Care Plan (EHCP) had improved significantly. The Council had invested in the provision of post-16 skills and was building 2 additional centres in Welsh Harp and Airco Close. It was highlighted that there was further work to do in this area given the huge increase in demand recently; there were now over 3,000 children in Brent with an EHCP, compared to this time last year where there was just under 3,000. The continued growth was a national position and is putting a strain on the system. Nigel Chapman highlighted that the positive is that there were now more children being educated within mainstream schools, but there remained pressure for the Council to provide special school places.
- 3.2.9 In relation to readiness for a Joint Ofsted / CQC Inspection, the CYP department had been working closely with colleagues in health including Brent Integrated Care Partnership (ICP) to ensure it was as prepared as possible. The new inspection framework has been introduced in January 2023 and only a handful of inspections have taken place so far, with feedback from those areas showing that it was a much more granular inspection process than the previous version and looked more in depth at the experience of children and young people. The Committee were informed that there were 3 possible narrative judgements from the inspection: that the experience and outcomes of children and young people was generally consistently good; that the experience and outcomes for children and young people were inconsistent or that the experience, and outcomes for children and young people were generally poor. CYP have been working with Jonathan Turner (Borough Lead Director – Brent, ICP) in preparation for the inspection in order to know where there are issues. He agreed that outcomes were generally good but that there were areas where plans to improve the experience of children and young people were needed, for example around waiting times for ASD and ADHD assessments. The Brent ICP will be bidding to the NWL Integrated Care Board (ICB) to level up some of Brent's services, but that would not be resolved by the time of the inspection so those plans also needed to be evidenced during the inspection. Another area needing focus was the Special School Nursing Service provided by Central London Community Healthcare NHS Trust (CLCH) as demand for that service would increase when special school places increased. The ICP is looking at producing a business case to invest more into

those services, but in the short term the ICP had released some Section 256 funding to support CLCH to recruit on an interim basis.

- 3.2.10 The Committee were pleased to hear about the positive work being undertaken between the Council and a cluster of schools in Harlesden on the Delivering Better Value (DBV) Programme. The alignment work being completed with Brent Health Matters, Family Wellbeing Centres and the Intervention First Teaching Programme would make a real difference in the way localities worked together to support children. The intention is to continue learning from the approach and expand to other school clusters, targeting the next group of schools with additional needs through the next 2 academic years. The Council are now developing a more formalised relationship with other school clusters in order to work with them to develop local programmes. Jen Haskew (Head of Setting and School Effectiveness) is now having regular meetings with cluster leads so a mechanism to cascade good practice can be formed. The Committee heard that both primary and secondary schools were coming together regularly to meet and recognise the key issues for the communities and parents in their areas and how those needs could be met. Using funding provided by the Council, the Harlesden cluster had developed a curriculum called 'my world' which was about adjusting the curriculum to relate to the experiences of the pupils in their school. The cluster also had a good practice model of how schools could work well together across phases with a common language in the curriculum.
- 3.2.11 A report on Adult Social Care CQC assurance was also scheduled to be reviewed at the Committee meeting. However, this item was withdrawn and will be reviewed at another meeting later in this municipal year.
- 3.2.12 The Community and Wellbeing Scrutiny Committee is set to meet on 22 November 2023 for its third meeting of the municipal year. Here the committee will review three items:
- Brent Housing Management. The item will inform the Committee on readiness for tenancy satisfaction measures and an update on responsive repairs performance.
 - The second paper will report on the performance and outcomes of the New Single Homeless Prevention Service (SHPS) since it's move to The Turning Point in Harlesden from Wembley.
 - The final item will focus on the performance, quality and impact of the new pilot scheme for Selective Licensing in three wards in the south of the borough since its launch in August 2023.

The North West London Joint Health Overview and Scrutiny Committee (NWL JHOSC)

- 3.2.13 Since the last report to Full Council, the NWL JHOSC met at the Royal Borough of Kensington and Chelsea (RBKC) on 12 September 2023 for its second meeting of the municipal year. At this meeting the Committee first reviewed Proposals For Consultation On The North West London Wider Review Of Palliative Care. Jane Wheeler, (Acting Deputy Director, Mental Health, NHS North West London) introduced the report. The Committee were

updated on the proposed model of care that had been co-produced. Several key points were also highlighted during the review of this item. It was noted that currently not all boroughs in North West London provided the same offer of palliative care for residents within their own homes. Secondly, the support for residents received from out-patient services was also inconsistent in each area. The Committee were then informed that there was currently some unmet need for people that required to be embedded into provision. Finally, an update was given on the ongoing engagement and possible provisions over the options of delivery and commissioning, prior to formal consultation on the new model of care.

- 3.2.14 The second item reviewed was an update on the NWL Mental Health Strategy. Carolyn Regan (Chief Executive, West London NHS Trust) introduced the report and raised several points regarding progress made to date. The Committee were informed that a sizable amount of data analysis was being completed to assess need, prevalence and demand for the service. There was a Working Group which included representation from all boroughs and there had been some engagement events over the past few months. Details of the analysis would be made available to the group and stakeholders within the following weeks. The Committee were then advised that the approach for the strategy was being built on Joint Strategic Needs Assessments and setting out key principles. The first phase was only looking at adult services, and needs of children and young people would be explored at phase two. The ambition was for the first draft to be shared with stakeholders in October 2023.
- 3.2.15 The final item focused on the Consultation Proposals On The Future Of The Gordon Hospital. Toby Lambert (Director of Strategy and Population Health, North West London Integrated Care Board) introduced the report and explained that it was solely about the future of acute mental health services for adult residents of the Royal Borough of Kensington and Chelsea and Westminster City Council and where to allocate mental health investment. There were four options which had come out of the workshops, which included; a return to the status quo in 2019 prior to the closure; to continue with the current provision, with inpatient services only available at the St Charles Centre for Health & Wellbeing; to move the Mental Health Crisis Assessment Service to the Gordon Hospital and keep everything else the same as current arrangements or to reopen some beds at the Gordon Hospital, at a smaller scale than previously. It was yet to be decided which options would be included in the formal consultation, but the ICB and Central North West London NHS Foundation Trust's (CNWL) were committed to a discussion about all options. The Committee then discussed the proposal of a separate, more local meeting being established by the Royal Borough of Kensington and Chelsea and Westminster City Council for the purpose of continuing the scrutiny of the Gordon Hospital proposals as none of the other borough's residents were affected by the proposal apart from a very small cohort in Brent. It was agreed by the Chair that this could take place as most other Committee members had agreed to the proposal.
- 3.2.16 The next NWL JHOSC meeting is scheduled to take place on 05 December 2023 at the London Borough of Hounslow.

4.0 Stakeholder and ward member consultation and engagement

4.1 Non-executive members were involved in developing the work programme as part of their membership of the committee.

4.2 Councillors will discuss this report at the Council meeting.

5.0 Financial Considerations

5.1 There are no financial implications arising from this report.

6.0 Legal Considerations

6.1 There are no legal implications arising from this report.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1 There are no equality implications arising from this report.

8.0 Climate Change and Environmental Considerations

8.1 There are no climate change or environmental implications arising from this report.

9.0 Human Resources/Property Considerations (if appropriate)

9.1 There are no human resources implications arising from this report.

10.0 Communication Considerations

10.1 There are no communication implications arising from this report.

Report sign off:

Zahur Khan

Corporate Director, Communities and
Regeneration

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Appendix 1: 2023/24 Community and Wellbeing Scrutiny Committee Work Programme

5 July 2023

Agenda Item	Leader/Deputy Leader/Cabinet Members	Chief Executive / Corporate Directors	External Organisations	External Participants
Health Inequalities, focusing on the work of Brent Health Matters (60 minutes)	Cllr Neil Nerva, Lead Member Adult Social Care and Public Health	Helen Coombes, Interim Corporate Director, Care, Health and Wellbeing	Brent Integrated Care Partnership	Robyn Doran, Director, Brent Integrated Care Partnership
Funding and Recruitment: Impact of challenges on Brent's healthcare provision (60 minutes)	Cllr Neil Nerva, Lead Member Adult Social Care and Public Health	Helen Coombes, Interim Corporate Director, Care, Health and Wellbeing	Brent Integrated Care Partnership	Robyn Doran, Director, Brent Integrated Care Partnership

19 September 2023

Agenda Item	Leader/Deputy Leader/Cabinet Members	Chief Executive / Corporate Directors	External Organisations	External Participants
Outcome of 2023 Ofsted ILACS and current children's social care improvement activity (including current workforce challenges) (40 minutes)	Councillor Gwen Grahl, Lead Member, Children, Young People & Schools	Nigel Chapman, Corporate Director Children and Young People	TBC	TBC
SEND strategy implementation and readiness for a joint Ofsted/CQC inspection (40 minutes)	Councillor Gwen Grahl, Lead Member, Children, Young People & Schools	Nigel Chapman, Corporate Director Children and Young People	TBC	TBC
Adult Social Care CQC assurance (40 minutes) Report withdrawn – new date to be confirmed.	Cllr Neil Nerva, Lead Member Adult Social Care and Public Health	Helen Coombes, Interim Corporate Director, Care, Health and Wellbeing Claudia Brown, Director of Adult Social Services	TBC	TBC

22 November 2023

Agenda Item	Leader/Deputy Leader/Cabinet Members	Chief Executive / Corporate Directors	External Organisations	External Participants
Brent Housing Management: including readiness for tenancy satisfaction measures and responsive repairs performance (50 minutes)	Councillor Promise Knight, Lead Member, Housing, Homelessness & Renters Security	Peter Gadsdon, Corporate Director, Resident Services Hakeem Osinaike, Director, Housing		

New single homelessness service (50 minutes)	Councillor Promise Knight, Lead Member, Housing, Homelessness & Renters Security	Peter Gadsdon, Corporate Director, Resident Services Hakeem Osinaike, Director, Housing		
Selective Licensing (20 minutes)	Councillor Promise Knight, Lead Member, Housing, Homelessness & Renters Security	Peter Gadsdon, Corporate Director, Resident Services Hakeem Osinaike, Director, Housing		

30 January 2024

Agenda Item	Leader/Deputy Leader/Cabinet Members	Chief Executive / Corporate Directors	External Organisations	External Participants
Brent's Multi-Agency Safeguarding Arrangements for Children (Considered annually) (40 minutes)	Councillor Gwen Grahl, Lead Member, Children, Young People & Schools	Nigel Chapman, Corporate Director Children and Young People	Metropolitan Police NHS	Independent Chair / Scrutineer, Brent Safeguarding Children Board Jennifer Roye, Director of Quality, North West London Integrated Care Board Detective Superintendent Tony Bellis, Public Protection, North West London Basic Command Unit, Metropolitan Police
Brent Safeguarding Adults Board Annual Report 2022-2023 (Considered annually) (40 minutes)	Cllr Neil Nerva, Lead Member Adult Social Care and Public Health	Helen Coombes, Interim Corporate Director, Care, Health and Wellbeing Claudia Brown, Director of Adult Social Services	Metropolitan Police NHS	Fran Pearson, Independent Chair, Safeguarding Adults Board Jennifer Roye, Deputy Chief Nursing Officer, North West London Integrated Care Board

				Detective Superintendent Tony Bellis, Public Protection, North West London Basic Command Unit, Metropolitan Police
Brent Youth Strategy and provision (40 minutes)	Councillor Gwen Grahl, Lead Member, Children, Young People & Schools	Nigel Chapman, Corporate Director Children and Young People	Brent Community and Voluntary Sector Organisations	TBC


4 March 2024

Agenda Item	Leader/Deputy Leader/Cabinet Members	Chief Executive / Corporate Directors	External Organisations	External Participants
Substance Misuse (50 minutes)	Cllr Neil Nerva, Lead Member Adult Social Care and Public Health	Helen Coombes, Interim Corporate Director, Care, Health and Wellbeing Melanie Smith, Director of Public Health	TBC	TBC
Brent Health and Wellbeing Strategy implementation (50 minutes)	Cllr Neil Nerva, Lead Member Adult Social Care and Public Health	Helen Coombes, Interim Corporate Director, Care, Health and Wellbeing Melanie Smith, Director of Public Health	Brent Integrated Care Partnership	TBC
Social Prescribing Task Group 1 Year Update (20 minutes)	Cllr Neil Nerva, Lead Member Adult Social Care and Public Health	Helen Coombes, Interim Corporate Director, Care, Health and Wellbeing	Brent Integrated Care Partnership	Robyn Doran, Director, Brent Integrated Care Partnership

16 April 2024

Agenda Item	Leader/Deputy Leader/Cabinet Members	Chief Executive / Corporate Directors	External Organisations	External Participants
Annual school standards and achievement report (50 minutes)	Councillor Gwen Grahl, Lead Member, Children, Young People & Schools	Nigel Chapman, Corporate Director Children and Young People	Headteachers from Brent schools	TBC
Implementation of the carer's strategy (50 minutes)	Cllr Neil Nerva, Lead Member Adult Social Care and Public Health	Helen Coombes, Interim Corporate Director, Care, Health and Wellbeing Claudia Brown, Director of Adult Social Services	Representatives from Carers forum	TBC
Brent's new reablement service (20 minutes)	Cllr Neil Nerva, Lead Member Adult Social Care and Public Health	Helen Coombes, Interim Corporate Director, Care, Health and Wellbeing Claudia Brown, Director of Adult Social Services	TBC	TBC

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	Full Council 20 November 2023
	Report from the Corporate Director of Finance and Resources
Audit and Standards Advisory Committee – Vice Chair's Report	

Wards Affected:	All
Key or Non-Key Decision:	Council
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Minesh Patel, Director of Finance and Resources Tel: 020 8937 4043 Email: minesh.patel@brent.gov.uk

1.0 Executive Summary

- 1.1. This report provides a summary of the activities carried out by the Council's Audit and Standards Advisory Committee and the Audit and Standards Committee since the last update provided on 18 September 2023.

2.0 Recommendation(s)

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

3.0 Detail

3.1 Contribution to Borough Plan Priorities & Strategic Context

- 3.1.1 The Council's Audit and Standards Advisory Committee (ASAC) and the Audit and Standards Committee (ASC) play an important role in ensuring the good governance of the Council. The committees are a key component of the Council's governance framework. They contribute to the overall success of the Council by providing an independent and high-level focus on the adequacy of governance, risk and control arrangements to provide assurance and confidence to those charged with governance.

- 3.1.2 The ASAC is responsible for considering and advising the relevant council bodies on various governance matters relating to audit activity, the council's regulatory framework, and members' standards of conduct. The ASC is responsible for various governance matters including reviewing and approving the Annual Statement of Accounts, adopting the council's Annual Governance Statement and promoting high standards of conduct by members and co-opted members.

3.2 Background

- 3.2.1 Both the ASAC and ASC have met twice since the last update provided. A summary of the items discussed and considered at these meetings is set out below.

3.2.2 Audit and Standards Advisory Committee – 26th September 2023

a. Standards Report (including gifts and hospitality)

The purpose of this report was to update the Audit and Standards Advisory Committee on gifts and hospitality registered by Members, member training and a recent case highlighting action taken as a result of non-compliance with s85 Local Government Act.

b. Performance and Management of i4B Holdings Ltd and First Wave Housing Ltd

This report provided an update on i4B Holding Ltd.'s and First Wave Housing Ltd.'s draft accounts, recent performance, development strategy risk register and recent audits.

Historically, the Committee received a report from the Chair of both companies twice each year on the company's financial and operational performance, risks, business plan and governance. Following a review of the Committee's arrangements, and in consultation with the Chair and Vice-Chair, it has been agreed that moving forward the Committee will receive bi-annual reports from the Council's Chief Executive and Corporate Director of Finance and Resources, providing assurance on the arrangements the Council has in place to oversee the good performance and governance of the companies. This approach is in-line with best practice as set out in CIPFA's Audit Committees guidance.

c. Strategic Risk Register

This report provided the Committee with an update on the Council's Strategic Risks as of September 2023. The update was prepared in consultation with risk leads and the Council Management Team and summarised the risks that are considered to be of an impact and/or likelihood of materialising, and which may have an adverse effect on the achievement of the Council's corporate objectives.

The report also presented the Committee with a new Risk Management Strategy. The strategy seeks to outline the Council's approach to risk management to support a robust and consistent process for managing risk and opportunities.

d. Statement of Accounts and Pension Fund Accounts / Audit Findings Report

The purpose of this report was to provide an update on the progress of the Statement of Accounts and to review the Audit Findings Report for 2022/23.

The Committee was asked to consider the key issues and recommendations; consider the corrected audit differenced; delegate approval of the draft letter of representation to Grant Thornton to the Corporate Director of Finance and Resources; note the draft audit opinion; and note the objections to the accounts.

e. External Audit Progress Report and Sector Update

The Committee received a verbal update on progress on delivering Grant Thornton's responsibilities as the Council's external auditors along with a summary of any emerging national issues and developments that may be relevant to Brent as a local authority.

3.2.3 Audit and Standards Committee – 26th September 2023

a. Brent Council Statement of Accounts 2022/23

The Committee receive an update on the Council's Statement of Accounts 2022/23, following the consideration of their current position as discussed at the preceding Audit and Standards Advisory Committee (as detailed above).

3.2.4 Audit and Standards Advisory Committee – 12th October 2023

a. Statement of Accounts 2022-23 Update

The Committee received and reviewed the Council's and the Pension Fund Audit Findings Report for 2022/23 in order to recommend approval to the Audit and Standards Committee for signing off the Statement of Accounts.

3.2.5 Audit and Standards Committee – 12th October 2023

a. Statement of Accounts 2022-23 Update

The Committee received and reviewed the London Borough of Brent and London Borough of Brent Pension Fund Audit Findings Report for 2022/23

following its consideration at the preceding Audit & Standards Advisory Committee.

3.2.6 Forward Plan Items

This following items are due to be presented to the Audit and Standards Advisory Committee meeting on 6th December 2023:

1. Standards Report (including Gifts and Hospitality)
2. Interim Internal Audit Report 2023/24
3. Interim Counter Fraud Report 2023/24
4. External Audit Progress Report
5. Treasury Management Mid-Year Report
6. Treasury Management Strategy

4.0 Stakeholder and ward member consultation and engagement

4.1 None.

5.0 Financial Considerations

5.1 The report is for noting and so there are no direct financial implications.

6.0 Legal Considerations

6.1 The report is for noting and there are no direct legal implications.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1 None.

8.0 Climate Change and Environmental Considerations

8.1 None

9.0 Human Resources/Property Considerations (if appropriate)

9.1 None

10.0 Communication Considerations

10.1 None

Report sign off:

Minesh Patel

Corporate Director of Finance and Resources



Full Council – 20 November 2023

Motion for Non-Cabinet Member debate

Making our Borough Clean and Safe.

This Council notes:

The general condition of our area is poor and residents are increasingly frustrated that their streets are full of rubbish and illegal fly tipping. As ward Councillors we are receiving daily updates from local people about dumping in the Borough, that is getting worse, not better.

This include large fly tips in hotspot locations that have been identified by the Council for considerable time, with limited proactive action taken to prevent further ongoing dumping at these sites.

In some areas of the borough 'paan spitting' continues to be a major problem local people are forced to contend with. The Council's campaigns to reduce unsightly, unhygienic mess caused by this bad habit have failed.

Rubbish on our streets contributes to how people view the area and can have a knock-on effect in terms of further Anti-Social Behaviour in the community.

Decisions made by this Labour Administration have negatively contributed to the problem, by making it harder for some people to dispose of waste in the proper manner and by not prioritising effective enforcement and education campaigns that would deter this illegal behaviour.

A key priority of this local authority must be to address to scourge of fly tipping and crack down forcefully on those who continue to disrespect our community.

The new Waste Service Contract with Veolia is in place, and it is crucial that the company are held to account in delivering the set-out terms of their contract, particularly around targets on street cleansing.

The roll out of the new blue bags recycling service has created more problems and confusion. Operatives throw bags around which are then blown away and lost. Residents are then penalised, and their blue bins not collected on the grounds of contamination. There is a risk of local people losing confidence in the revised recycling system and turning their back on it.

It is unlikely that the new system will result in the Council's stated aim of increasing the boroughs overall recycling rate.

Prioritising making our borough clean will have a positive effect on the way people feel about where they live and how others who visit Brent view our area.

Therefore, this Council believes:

1. Keeping local streets clean and free of rubbish must be a renewed focus, particularly in light of increased dumping locally.
2. The best way to discourage illegal behaviour is by a programme of mass fining and a zero-tolerance approach to rubbish on our streets and in our open spaces and paan spitting.
3. The Brent Connects areas need to be reformed in order to ensure Enforcement Teams are not overly stretched and so that a targeted approach is deployed in hotspot fly tipping locations.
4. It is possible to change behaviours and educate people about how to treat our streets and opens spaces, through well run, targeted and engaging education campaigns.
5. Volunteers who spend hours every week trying to keep our borough clean and tidy must be commended for the work that they do and assisted wherever possible by the Council.
6. The blue bag scheme needs to be reviewed as soon as possible and improvements considered and recommendations by Scrutiny looked at again.

This Council therefore resolves to call on the Cabinet Member for Environment, Infrastructure and Climate Action:

1. To make the new Waste Service Contract with Veolia publicly available to enable effective scrutiny of the company and so that we can be confident that they are meeting the set-out terms of their contract with Brent.
2. To identify additional resource to assist the existing Waste Enforcement teams across the borough in delivering effective enforcement against those who continue to disrespect our area.
3. To scope the possibility of employing apprentices to work alongside Neighbourhood Managers and Enforcement Teams in fly tipping hotspot locations in the borough.
4. Working with the Cabinet Member for Customers, Communities & Culture, to undertake a review of the Brent Connects areas, particularly the Wembley Connects area, to see whether splitting them into smaller geographical areas can help with more effective, targeted waste enforcement work.

5. To develop an education campaign including door to door communications about the Council's renewed focus on dealing with rubbish dumping and fly tipping in the area, this will include details of fines individuals would face if caught not adhering to the law.
6. To Ensure that until the New Year all blue bins are emptied at every collection. Instructing the contractor to ensure that blue bags are not thrown about and that all bins are returned to the correct location. And above all the Cabinet reconsider the option of providing residents with a smaller wheelie bin for their mixed recycling and converting the larger bins for the bulkier cardboard and paper collection utilising the Capital budget of £1.6 million which has been allocated for this.
7. To explore the possibility of introducing a long await deposit scheme for cans and bottles, which would discourage dumping in our area.
8. To work with other London local authorities to gain insight on best practice around dealing with ongoing rubbish and fly tipping issues that are sadly prevalent in some areas in the capital.
9. To call on the Mayor of London to ensure areas in our borough under his jurisdiction are kept clean and safe, including TfL land.
10. To write to Government urging that they consider banning the sale of paan, or at the very least require businesses who sell it to have a License.
11. To write to Government about the ongoing fly tipping problems in Brent and request additional funding to support renewed efforts to get to grips with this issue.

Cllr Anton Georgiou
Alperton Ward

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Full Council – 20 November 2023

**Amendment submitted by the Labour Group to the Motion for the
Non-Cabinet Member Debate**

Proposed amendment – To add the wording in red and delete the wording indicated:

Making our Borough Clean and Safe

This Council notes:

A major issue of utmost importance to Brent Council is ~~the general condition of our area. is poor and~~ Residents are increasingly frustrated that **a small minority of individuals disregard** their streets ~~are full of~~ **and use them for** rubbish and illegal fly tipping. As ward ~~Councillors~~ we are receiving daily updates from local people about dumping in the Borough, **and we work tirelessly with Council Officers to resolve these enquiries and prevent the problem from** ~~that is getting worse, not better.~~

This includes **large** fly tips in hotspot locations that have been identified by the Council for **a** considerable time, **but with limited resources, it is an ongoing battle for our environmental enforcement teams to tackle, nonetheless we do ensure that** proactive action **is** taken to prevent further ongoing dumping at these sites.

In some areas of the borough 'paan spitting' continues to be a major problem local people are forced to contend with. The Council's campaigns to reduce unsightly, unhygienic mess caused by this bad habit ~~have failed~~ **will encourage behaviour change.**

Rubbish on our streets contributes to how people view the area and can have a knock-on effect in terms of further Anti-Social Behaviour in the community.

~~Decisions made by this Labour Administration have negatively contributed to the problem, by making it harder for some people to dispose of waste in the proper manner and by not prioritising effective enforcement and education campaigns that would deter this illegal behaviour.~~

A key priority of this local authority must be to address to scourge of fly tipping and crack down forcefully on those who continue to disrespect our community.

The new Waste Service Contract with Veolia is in place, and it is crucial that the company are held to account in delivering the set-out terms of their contract, particularly around targets on street cleansing.

The roll out of the new blue bags recycling service has ~~created more problems and confusion~~ already led to a 50% increase in the tonnage of paper and cardboard collected in the first month. Operatives throw bags around which are then blown away and lost. While the scheme requires Residents are then penalised, to adjust to the new regime and their more blue bins bags not are already being collected on the grounds of without contamination, with a record low of 1% contamination. There is a risk of local people losing confidence in the Climate Emergency Strategy should we choose to do nothing to improve the revised recycling system and turning their back on it increase levels of recycling.

It is unlikely that the new system will result in the Council's stated aim of increasing the boroughs overall recycling rate.

Prioritising making our borough clean will have a positive effect on the way people feel about where they live and how others who visit Brent view our area.

Therefore, this Council believes:

1. Keeping local streets clean and free of rubbish must be a renewed continued focus, particularly in light of increased dumping locally.
2. The best way to discourage illegal behaviour is by a programme of mass fining and continuing a zero-tolerance approach to rubbish on our streets and in our open spaces and paan spitting.
3. The Brent Connects areas need to be reformed in order to ensure Enforcement Teams are not overly stretched and so that a targeted approach is deployed in hotspot fly tipping locations – such as deployment of additional resources in Wembley and Alperton.
4. It is possible to change behaviours and educate people about how to treat our streets and opens spaces, through well run, targeted and engaging education campaigns.
5. Volunteers who spend hours every week trying to keep our borough clean and tidy must be commended for the work that they do and assisted wherever possible by the Council.
6. The blue bag scheme needs to will be reviewed as soon as possible in 2024 with and improvements to be considered by Cabinet and the recommendations by Scrutiny looked at again.

This Council therefore resolves to call on the Cabinet Member for Environment, Infrastructure and Climate Action:

1. To make ~~the~~ **a non commercially sensitive version of the** new Waste Service Contract with Veolia publicly available to enable effective scrutiny of the company and so that we can be confident that they are meeting the set-out terms of their contract with Brent.
2. To **continue to work with partners across the Council and with outside agencies** to identify additional resource to assist the existing Waste Enforcement teams across the borough in delivering effective enforcement against those who continue to disrespect our area.
3. **Where additional resource is needed** ~~To~~ to scope the possibility of employing apprentices to work alongside Neighbourhood Managers and Enforcement Teams in fly tipping hotspot locations in the borough.
4. **Subject to further engagement work,** ~~Working with~~ **to work with** the Cabinet Member for Customers, Communities & Culture, to undertake **an internal** review of the Brent Connects areas, particularly the Wembley Connects area, to see whether splitting them into smaller geographical areas can help with more effective, targeted waste enforcement work.
5. To ~~develop~~ **continue the** ~~an~~ education campaign including door to door communications about the Council's renewed focus on dealing with rubbish dumping and fly tipping in the area, this will include details of fines individuals would face if caught not adhering to the law.
6. To ~~E~~ensure that until the New Year all blue bins are emptied ~~at every collection~~ **according to criteria and scheduled times published in residents' calendars. The Council will** ~~instructing~~ the contractor to ensure that blue bags are not thrown about and that all bins are returned to the correct location. ~~And a~~ **Above all the Cabinet will** ~~reconsider the~~ **feedback from** ~~option of providing~~ residents **and the emerging data from the roll out to consider all options** ~~with a smaller wheelie bin that will support residents with for their mixed recycling~~ **more** ~~and converting the larger bins for the bulkier cardboard and paper collection~~ utilising the Capital budget of £1.6 million which has been allocated for this.
7. To ~~explore~~ **lobby the government regarding** the possibility of introducing a long awaited ~~ed~~ deposit scheme for cans and bottles, which would discourage dumping in our area.
8. To work with other London local authorities to gain insight on best practice around dealing with ongoing rubbish and fly tipping issues that are sadly prevalent in some areas in the capital.
9. To ~~call on~~ **continue our ongoing work with** the Mayor of London to ensure areas in our borough under his jurisdiction are kept clean and safe, including TfL land.
10. To write to Government urging that they consider banning the sale of paan, or at the very least require businesses who sell it to have a License.

11. To write to Government about the ongoing fly tipping problems in Brent and request additional funding to support renewed efforts to get to grips with this issue.

Cllr Krupa Sheth
Tokyngton Ward

	<p align="center">Full Council 20 November 2023</p>
	<p align="center">Report from the Corporate Director of Resident Services</p>
	<p align="center">Lead Member - Cabinet Member for Safer Communities and Public Protection (Cllr Harbi Farah)</p>
<p>Statement of Gambling Principles</p>	

Wards Affected:	All
Key or Non-Key Decision:	Council
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	Three Appendix 1: Draft Statement of Gambling Principles 2022 – 2025 Appendix 2: Consultation Responses on Draft Statement of Gambling Principles Appendix 3: Equalities Impact Assessment
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Anu Prashar, Senior Regulatory Service Manager Tel: 020 8937 5515 Email: anu.prashar@brent.gov.uk

1.0 Executive Summary

- 1.1 The London Borough of Brent is a *Licensing Authority* under the Gambling Act 2005 (the Act). Section 349 of the Act requires all licensing authorities to prepare and publish every three years a Statement of Gambling Principles that sets out their policy for dealing with applications and regulating gambling premises within their borough. The Act also requires licensing authorities to keep the Statement under review from time to time.
- 1.2 During December 2020 the Department for Digital, Culture, Media & Sport (DCMS) launched a major and wide-ranging review of gambling laws to ensure that they are fit for the digital age. There was a call for evidence and a new Gambling Bill was expected to be presented to Parliament for assent during

2022. The council at that point would have written a new gambling policy and statement of principles that aligned with the new legislation.

- 1.3 The existing gambling policy in its current form was extend by Council on the 22 November 2021 for a maximum of a further 24 months until 31 January 2024.
- 1.4 The Department for Culture, Media & Sport has published a white paper on gambling reform in April 2023 but there has yet to be any changes to the legislation. Even though the policy was extended, the new policy will need to align itself with the three year intervals, therefore this policy will run from 31 January 2022 to 2025.

2.0 Recommendation(s)

- 2.1 That Full Council approve the revised Statement of Gambling Principles (31 January 2022 – 31 January 2025) as set out within Appendix 1 of the report subject to any comments made following its consideration by Cabinet on 16 November 2023.

3.0 Detail

3.1 Cabinet Member Foreword

- 3.1.1 Under the Gambling Act 2005 ('the Act'), the council is responsible for issuing premises licences for casinos, bingo halls, betting shops, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol licensed premises.
- 3.1.2 The council must ensure that an appropriate Statement of Principles is in place as required by statute and where possible, will align this to support the following Council Policies and Strategies:
 - London Borough of Brent Borough Plan 2023-27, Prosperity and Stability in Brent

3.2 Background

- 3.2.1 Section 349 of the Act places a duty on Licensing Authorities to prepare and publish a three-year Statement of Principles for Gambling that they propose to apply in exercising their functions. The Licensing Policy Statement is a crucial component of local gambling regulation. It is expected that licensing authorities will use it to outline local issues, priorities, and risks that inform and underpin their approach to local regulation. This policy statement allows licensing authorities to agree on how gambling is managed in different parts of the local authority area, in response to local concerns and issues.
- 3.2.2 Furthermore, it provides clarity for licensees and prospective licensees regarding how their businesses are likely to be treated in different localities. With a clear and agreed policy statement, licensing authorities can work in

partnership with local businesses, communities, and responsible authorities to identify and mitigate local risks to the licensing objectives.

3.2.3 The policy statement serves as the primary means for setting out the Licensing Authority's approach to regulation considering local circumstances. It ensures that operators have sufficient awareness and understanding of the relevant licensing authority's requirements and approach, including its view on local risks, to help them comply with gambling regulations.

3.2.4 The statement must include the three licensing objectives which the policy will promote:

- 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.

3.2.5 The aim of Statement of Principles is:

- To set expectations on how gambling will be regulated in the local area.
- To set out how the Authority intends to support responsible operators and take effective actions against irresponsible operators by granting, refusing and attaching conditions to premises licences.
- To support licensing decisions that may be challenged in a court of law.
- To provide guidance to elected members on the licensing Committee, the powers available to the local authority as the licensing authority.

3.2.6 When preparing a Statement of Principles, Licensing Authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance. Any Licensing Authority departing from the guidance should have strong and defensible reasons for doing so as to avoid the potential risks and costs that would arise from any Judicial Review.

3.2.7 However, Licensing Authorities cannot consider matters relating to:

- **moral objections** to gambling. Gambling is a lawful activity and objections cannot be considered on these grounds alone;
- **planning status** of premises. A gambling licence application must be considered independently of any requirement for planning consent; and

- **demand.** The fact that there may already be sufficient gambling premises within an area to meet existing demand cannot of itself be considered when considering a new licence application.

3.2.8 Brent Council published its first Statement of Principles in January 2007, further revisions were made in January 2011, 2016, 2019 and 2022. The extended Gambling Act 2005 Statement of Principles expires on the 31 January 2024.

3.2.9 A draft Statement of Principles is attached at Appendix 1.

3.2.10 The revised draft statement has taken account of the Gambling Commission's Guidance and relevant codes of practice.

3.2.11 A seven week consultation has been undertaken which ended on 20 October 2023. Consultation responses are attached in Appendix 2.

3.2.12 Twelve responses have been received. Relevant amendments have been undertaken.

3.2.13 Once the Statement of Principles is approved by the Council, it must publish its revised Statement for a period of four weeks prior to it coming into effect on 31 January 2024 on the Council's website, in the local newspaper, on the public notice board at Council's offices and make it available for public inspection.

4.0 Stakeholder and ward member consultation and engagement

4.1 The Licensing Committee members were consulted on 2 August 2023 prior to the public consultation.

4.2 All the responsible authorities, Councillors, Director of Public Health, premises licence holders and residents have been consulted. Consultation responses are attached in Appendix 2.

5.0 Financial Considerations

5.1 None specific

6.0 Legal Considerations

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

6.2 In accordance with section 349 of the Act and regulations made under the Act, the council must publish its revised Statement for a period of four weeks prior to its coming into effect on the council's website and make it available for public inspection. The council must also advertise the fact that the revised Statement is to be published by placing a notice on its website, and in a local newspaper

and/or a public notice board in or near the council's offices and/or at a public library in the borough. It is intended that the council's revised Statement will come into force on 31 January 2024.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

- 7.1 Section 2.8 of the Statement of Principles deals with equality matters.
- 7.2 An Equality Impact Assessment has been completed and is attached at Appendix 3.

8.0 Climate Change and Environmental Considerations

- 8.1 None specific

9.0 Human Resources/Property Considerations (if appropriate)

- 9.1 None specific

10.0 Communication Considerations

- 10.1 Consultation was publicised on the council website and through the council's communication channels.
- 10.2 The revised Statement is to be published by publishing a notice on its website, and in a local newspaper and/or a public notice board in or near the Council's offices and/or at a public library in the Borough for as period of four weeks prior to its coming into effect on the council's website and make it available for public inspection.

Report sign off:

Peter Gadsdon

Corporate Director of Resident Services

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Statement of Gambling Principles 2022 - 2025

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Executive summary

Brent Council has been responsible for licensing gambling premises since 2007. This is the sixth edition of our Statement of Principles ('policy') for gambling.

We, as a licensing authority, collaborate with the Gambling Commission and other agencies to regulate gambling in our Borough. Both the Gambling Commission and the Brent Council have crucial roles to play in regulating and addressing gambling concerns at national and local levels, respectively.

Our policy is designed to find a balance between safeguarding those who may be vulnerable to the harmful effects of gambling, while also supporting and boosting the resilience of local businesses in Brent during these challenging times caused by Covid-19 and the rising cost of living. This policy aims to achieve this goal by minimising incidents related to non-compliance and ensuring that all stakeholders are able to navigate the gambling landscape with ease and confidence.

This policy reflects Brent Council's commitment to supporting licensed businesses and promoting thriving high streets, in alignment with Borough Plan 1 (2023-2027). It outlines the five priorities that will guide these efforts, ensuring that the community's needs and aspirations are at the forefront of decision-making.

The policy has been reviewed taking into consideration our local area profile which allows us to remain responsive to emerging risks and undertake evidence-based decisions when addressing local gambling issues that may affect Brent.

It is important to note that this policy is being rewritten at a time of regulatory change and update as a result of the recent publication of the government's 'White Paper' on gambling legislation.¹ The proposed changes will affect both online and land-based gambling environments. Local regulation needs to consider these proposed changes which include the transfer of unused casino licenses, the introduction of 'Cumulative Impact Assessments', the exploration of cashless payment options, and the reconsideration of machine ratios and numbers within gambling premises.

This policy should be used by applicants, residents, businesses, and responsible authorities. It must be considered when preparing or reviewing applications and used to determine if they meet the Licensing Objectives and policies.

This Statement of Principles should be read in conjunction with the following reference materials:

The Gambling Act 2005

<https://www.legislation.gov.uk/ukpga/2005/19/contents>

The Mandatory and Default Conditions for premises

¹ <https://www.gov.uk/government/publications/high-stakes-gambling-reform-for-the-digital-age>

<https://www.legislation.gov.uk/ukxi/2007/1409/contents/made>

The Licence Conditions and Codes of Practice

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/online>

Gambling Commission Guidance to Licensing Authorities

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

Data Protection Act 2018

<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

Anti-Social Behaviour Act

<https://www.legislation.gov.uk/ukpga/2003/38/contents>

The revisions incorporated into this statement, along with the consideration for our local area profile, will ensure that gambling establishments that promote responsible gambling can continue to operate and offer a valued leisure activity. It will also ensure that we have the necessary tools to tackle issues that might arise at gambling premises and safeguard vulnerable individuals from the adverse effects of gambling.

Statement of Principles for Gambling

1. Introduction

1.1 About Brent Council – General

1.1.1 Brent is located in Northwest London and covers an area of approximately 4,325 hectares. It is crossed by two of the main arterial routes into London and is divided by the North Circular Road. Brent adjoins seven other London Boroughs which include Harrow, Camden, Ealing, Barnet, Westminster, Kensington & Chelsea, and Hammersmith. Brent is an outer London Borough with many 'inner' London characteristics. Its boundaries adjoin four of the capital's 14 Inner Boroughs.

1.1.2 ONS data¹ shows that, as of 2021, Brent has a population of 339,900 which represents an increase of 9.2% on the 2011 census. This growth is higher than the overall population growth of England (6.6%), lower than the growth of neighbouring boroughs Harrow (9.3%) and Barnet (9.2%), but higher than that within Kensington and Chelsea (-9.6%) and Westminster (-6.9%). The borough can be broadly characterised as more affluent in the north and generally more deprived in the south, reflecting its origins as the former boroughs of Willesden

¹ <https://www.ons.gov.uk/visualisations/censuspopulationchange/E09000005/>

and Wembley, which were combined to become the London Borough of Brent. A map of the borough showing the main transport routes can be found in Figure 1 below.

- 1.1.3 Brent's population is a young one with 40% of residents being under the age of 30 and 25% under 19 years of age. There has been an increase of 20.9% in people aged 65 years and over, an increase of 9.2% in people aged 15 to 64 years, and an increase of 2.8% in children aged under 15 years.
- 1.1.4 Brent is a multi-ethnic and multicultural borough, with black, Asian and minority ethnic (BAME) people accommodating for 65.0% of the borough's population; the second largest proportion of BAME people in England and Wales. 44.9% of Brent's population are born in the UK, with 37.0% not speaking English as a first language. In 2022, the average income in Brent was £43,241, 6.1% higher than England's national average salary of £40,746¹. Within London, Brent ranks as the 6th lowest borough in terms of median household income, and there is a wide variation between wards in the borough. The three largest religious groups in the borough are Christians comprising of 41% of the population, followed by Muslims at 19% and Hindus at 18%. About 82% of the residents follow a religion, which is the fourth highest rate in England and Wales. The borough has the second-largest Hindu population in England and Wales and the tenth-highest Muslim population as a percentage of the population.
- 1.1.6 Currently, there are eighty-three licensed gambling premises in Brent.

¹ <https://www.ons.gov.uk/help/localstatistics>

1.2 Borough Map

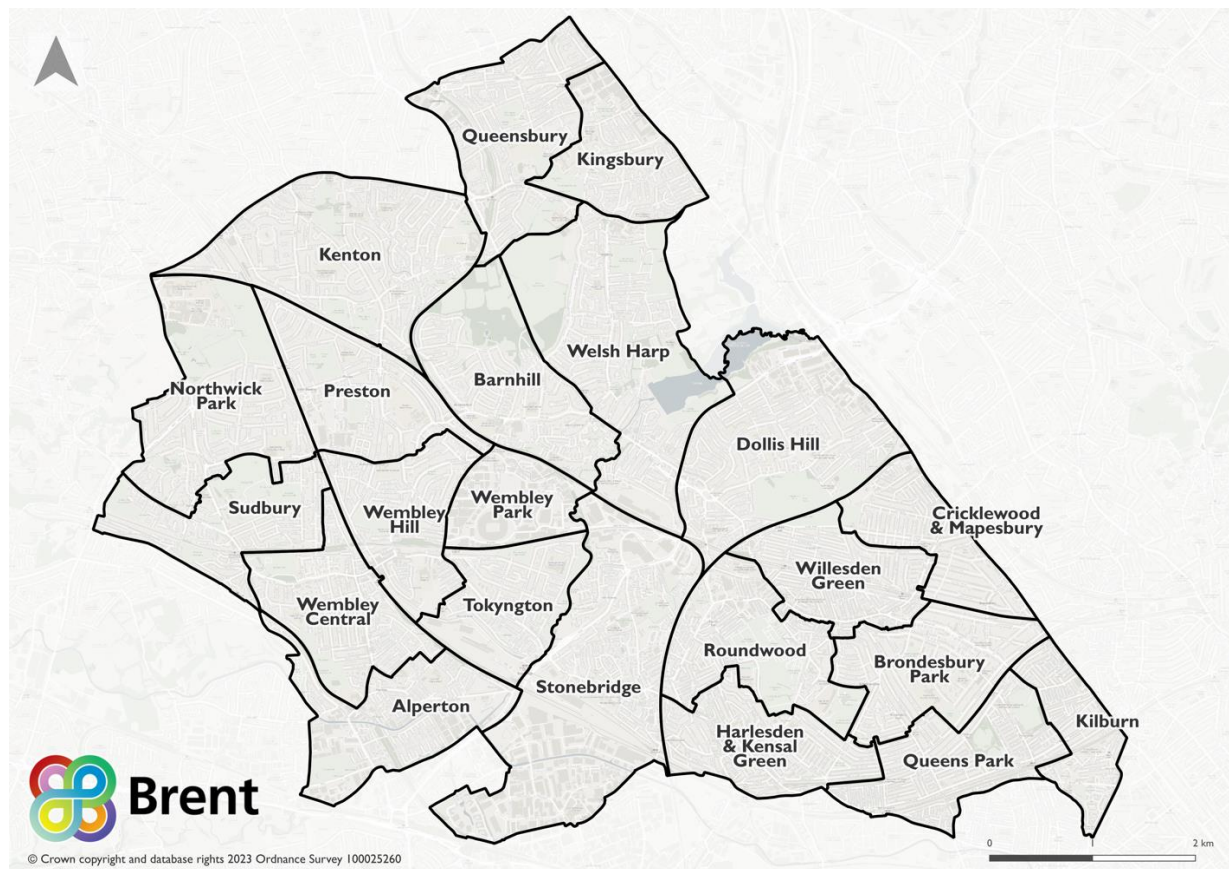


Figure 1: London Borough of Brent Map

1.3 **Brent's vision and priorities**

1.3.1 Our vision is to build a better Brent together. The current Borough Plan priorities are:

- Prosperity and Stability in Brent
- A Cleaner, Greener Future
- Thriving Communities
- The Best Start in Life
- A Healthier Brent

1.3.2 Each of the five priorities has a set of objectives which define the areas of focus for the Council, its partners, and the community:

Prosperity and Stability in Brent:

- Tackling inequality and easing the pressure of the rising cost of living. This means continuing to work with partners to build on our existing joint plans to reduce poverty, ensuring everyone has access to direct support when they need it.
- Create more accessible and genuinely affordable housing.

A Cleaner, Greener Future:

- Ensuring sustainability is central to the growth of our borough and local economy.
- Investing to make our streets cleaner and healthier.
- Continuing to work with both residents and partners to ensure that Brent is carbon-neutral by 2030.

Thriving Communities:

- We will continue to work with faith leaders, Brent hubs, and other voluntary and community sector partners to engage with underrepresented groups.
- Committing to working hard to prevent crime and anti-social behaviour.

The Best Start in Life:

- Ensuring our children and young people are safe by improving our approach to safeguarding, including for those who are transitioning to adulthood.
- Working with schools and partners to make sure access to education is fair and equal.
- Creating more opportunities and spaces to empower our young people to have their say.

A Healthier Brent:

- Explore inequalities in access, outcome and experience in health and care by ethnicity, deprivation or disability and work with our communities to develop targeted plans to address these.
- Maintain preparedness to cope with public health emergencies.
- Work with NHS and partners to deliver more cross- sector working within services that impact on health, such as housing, mental health, and community safety.

2. Purpose and Scope of this Policy

2.1 Policy Aims

2.1.1 The aim of this policy is:

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

2.2 Consultation for Statement of Gambling Principles

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

2.2.2 Brent Council has endeavoured to consult as widely as possible on this statement before finalising and publishing. A list of those persons and/or bodies consulted is attached in Schedules 6 to 9.

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

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

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

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

2.2.5 The consultation on this revised statement of principles had due regard to the HM Government Code of Practice on Consultation published July 2008. The full list of comments made and the consideration by the Council of those comments will be made available upon request.

2.3 Licensing Authority functions

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

- the licensing of premises where gambling activities are to take place by issuing premises licences.
- issuing provisional statements.
- regulating members' clubs and miners' welfare institutes that wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits.
- issuing club machine permits to commercial clubs.
- granting permits for the use of certain lower-stakes gaming machines at unlicensed family entertainment centres.
- receiving notifications from alcohol-licensed premises for the use of two or fewer gaming machines.
- issuing licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, where there are more than two machines.
- registering small society lotteries below prescribed thresholds.
- issuing prize gaming permits.
- considering notices given for temporary use of premises for gambling.

- receiving occasional use notices of betting at tracks.
- providing information to the gambling commission regarding details of licences issued (see section above on ‘information exchange’).
- maintaining registers of the permits and licences that are issued under these functions; and
- exercising its powers of compliance and enforcement under the 2005 act in partnership with the Gambling Commission and other relevant responsible authorities.

2.4 Statutory framework

2.4.1 As a licensing authority, this Council has a broad range of discretionary powers in regulating gambling. These include granting, reviewing, refusing, and attaching conditions to premises licences or revoking them as a result.

2.4.2 In addition to the Act, this licensing authority has responsibilities under the Licensing Act 2003. There are some inter-dependencies between the two Acts in terms of the framework for decision-making and the procedures that must be followed. However, the licensing objectives under the two Acts are not identical. The Council will aim to permit the use of premises for gambling in so far as we believe it is:

- In accordance with any relevant codes of practice.
- In accordance with any relevant Guidance issued by the Gambling Commission.
- Reasonably consistent with the Licensing Objectives; and
- In accordance with the Licensing Authority’s Statement of Licensing Principles

2.5 Licensing Authority Decisions

2.5.1 Brent Council’s Alcohol and Entertainments Licensing Committee is established to administer functions under the Gambling Act 2005 and is delegated with the powers under the Act to make all decisions relating to premises licences.

2.5.2 To provide a speedy, efficient, and cost-effective service the committee has established a number of sub-licensing committees and delegated certain functions and decisions to those sub-committees.

2.5.3 Many of the decisions are largely administrative in nature such as the grant of non-contentious applications, including, for example, those licences, permits and notices where no representations have been made. These will be delegated to council officers by the licensing committee.

2.5.4 Applications where there are relevant representations will be dealt with by

the licensing committee/sub-committees unless such representations are considered irrelevant, frivolous, or vexatious or unless the council, the applicant and all those persons who have made representations agree that a hearing is not necessary.

- 2.5.5 The table in Schedule 5 sets out the delegation of functions under the Act to the licensing committee, sub-committees, and officers. Where appropriate, officers may refer any matter to a sub-committee or a sub-committee to a full committee.

2.6 Reviewing and updating the policy statement.

- 2.6.1 This Statement of Gambling Policy will be effective for a maximum of three years and will be reviewed thereafter. However, it may be reviewed earlier in the event of a change of policy, for example, a change in local planning policy. The Council is required by law to consult on any changes to the policy.

- 2.6.2 Before the statement or revision comes into effect, the Council is obliged to publish a notice of its intention to publish a statement or revision. Such notice will ensure that applicants and persons wishing to make representations have the necessary information to do so. The Council will make available all necessary information on its website. Such information will:

- include a register of the premises licences that have been issued,
- include where and at what times the register may be inspected.
- specify the date on which the statement or revision is to be published.
- specify the date on which the statement or revision will come into effect.
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected.
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect: be published in a local newspaper circulating in the area covered by the statement; in a local newsletter, circular, or similar document circulating in the area covered by the statement; on a public notice board in or near the principal office of the authority; on a public notice board on the premises of public libraries in the area covered by the statement.

- 2.6.3 A database of premises licences is also available on the Commission's website at <https://www.gamblingcommission.gov.uk/public-register/premises>.

2.7 Human Rights Act 1998

- 2.7.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Brent Council will have regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications, considering enforcement action, and reviewing this policy.
- 2.7.2 The council will have particular regard to:
- (a) Article 6 – that in determination of civil rights everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
 - (b) Article 8 – that everyone has the right to respect for his home and private life (removal or restriction of a licence may affect a person's private life); and
 - (c) Article 1 of the First Protocol – that every person is entitled to peaceful enjoyment of his or her possessions (a licence is considered a possession in law), and people should not be deprived of their possessions except in the public interest.
- 2.7.3 The Council will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions. The Council may request as much information as it requires to satisfy itself that all the requirements as set out in the principles that it applies are met.

2.8 Diversity and equality

- 2.8.1 Subject to the general requirements of the Act, this Licensing Authority will promote equality of opportunity. In such respects, nothing within this statement of licensing principles shall undermine the right of any individual to apply for any of the licences and/or authorisations provided under the terms of the Act.
- 2.8.2 Brent is a diverse borough. Certain applications may impact differentially on groups who share and do not share particular characteristics, such as race, gender, age, disability, sexuality, or religious beliefs. Applicants are expected to demonstrate that such impacts have been understood and addressed in their application.
- 2.8.3 Where applications made by these groups or organisations representing them highlight special needs or customs that may affect their application, the Council, in recognising its duty to eliminate discrimination and promote good relations will consider supporting those needs or customs whilst seeking to promote the three licensing objectives.

2.9 Exchange of Information

- 2.9.1 Licensing Authorities play an important role in sharing information about gambling activity at a local level. This informs the Commission's overarching view of gambling activity and identifies risks and feeds information and intelligence back to licensing authorities. The Commission has access to a wide pool of intelligence which it can make available to licensing authorities upon request, to support them in carrying out their regulatory responsibilities under the Act.
- 2.9.2 All licensing authorities are required to submit annual returns to the Commission, providing information on licensed gambling activity and details of compliance and regulatory work undertaken. This includes details of permits and notices issued, premises inspections conducted, and reasons for and outcome of licence reviews.
- 2.9.3 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 2.9.4 Should any protocols be established as regards information exchange with other bodies then they will be made available.

2.10 Declaration

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

3 The Licensing Framework

3.1 Introduction to the Gambling Act 2005

- 3.1.1 The Gambling Act 2005¹ (the "Act") requires this Licensing Authority to draft, consult on and publish a Statement of Gambling Principles in relation to its responsibilities under the Act. Once published, this policy called the Statement of Gambling Principles will be kept under constant review and in any case, will be re-published every three years. Before any revision of the statement of gambling principles is published, this authority will carry out a full consultation exercise. This statement has been revised following the 3-year review.
- 3.1.2 The London Borough of Brent is a Licensing Authority under the Gambling Act 2005¹ (the "Act") which came into force in 2007 and established a new regime for the regulation of commercial gambling whilst repealing a number of pieces of older law. The overall approach of the Act is to permit the use of premises for gambling in so far as it is satisfying the criteria listed below. However, gambling

is unlawful in Great Britain unless permitted by the measures contained in the Act in relation to most commercial gambling. The criteria that must be fulfilled for gambling are:

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

3.1.3 The Act requires all licensing authorities to publish a Statement of Principles which it proposes to apply when exercising its functions under the Act. The form of the Statement of Principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commission's guidance to licensing authorities contains further detail on the format of the council's Statement of Principles.

3.1.4 Section 25(1) of the Gambling Act states that the Gambling Commission shall from time-to-time issue guidance as to the manner in which local authorities are to exercise their functions and in particular, the principles to be applied by local authorities in their functions under this Act.

3.1.5 Section 25(2) states that a local authority shall have regard to the guidance issued under section 25(1).

3.1.6 It must be noted that there must be strong, robust, and evidence-based reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.

3.1.7 This Statement of Principles follows the principles laid down in the Gambling Commission's Guidance to local authorities and can be accessed via <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>.

3.1.8 The council's Statement of Principles is intended to have regard to the three licensing objectives set out in the Act. These objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- ensuring that gambling is conducted in a fair and open way.
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 3.1.9 Under the Gambling Act 2005 ‘child’ means an individual who is less than 16 years old and ‘young person’ means an individual who is not a child but who is less than 18 years old.

3.2 The Gambling Commission

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

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

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3.3 Roles and responsibilities

- 3.3.1 Licensing Authorities have broad discretionary powers to regulate gambling in their areas. These include:

- To issue a statement of licensing policy, setting expectations about how gambling will be regulated in the area.
- Granting, refusing, and attaching conditions to premises licences; and
- Reviewing premises licences and attaching conditions or revoking them as a result.

- 3.3.2 The Commission has wider functions under the Act, and the Council works in partnership with the Commission as dual regulators. This document does not discuss the role and responsibilities of the Commission and any references in this policy will only be insofar as it impacts, or clarifies, this Council’s functions. For example, the Commission is exclusively responsible for issuing operating and personal licences, the former of which is a necessity before the Council can determine an application for a premises licence.

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

3.4 The licensing framework

3.4.1 Types of Licence

The Act creates three types of licence:

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

3.5 Operating licences

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

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

3.6 Personal licences

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

3.7 Premises Licences

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

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

4 Principles to be applied by Licensing Authorities

4.1 Licensing Objectives

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

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- ensuring that gambling is conducted in a fair and open way.
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.1.2 The Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.”

According to the Gambling Commission¹, ‘a customer in a vulnerable situation is somebody who, due to their personal circumstances, is especially susceptible to detriment, particularly where a business is not acting with appropriate levels of care’

4.2 Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

4.2.1 This authority recognises that the Commission takes a lead role in preventing gambling from being a source of crime and will have investigated issues of suitability under the application process for an Operators’ licence.

¹ www.gamblingcommission.gov.uk/about-us/guide/page/vulnerability-statement-what-do-we-mean-by-vulnerability

- 4.2.2 However, the location of a premises is an important factor when determining a premises licence application. Therefore, this Authority will pay particular attention to the location of gambling premises and the local level of crime. Where an area has a high level of crime and/or disorder, careful consideration will be given to whether it is appropriate for gambling premises to be located there and if so, what conditions may be necessary to minimise the risk of crime.
- 4.2.3 Licensees will be expected to demonstrate that they have given careful and adequate consideration to this objective. In considering whether to grant a premises licence, this Authority will also give appropriate consideration to issues such as:
- The configuration, design, and layout of the premises, paying particular attention to steps taken to 'design out' crime
 - The arrangements in place to control access.
 - Security arrangements within the premises, including whether CCTV is installed (or intended) and if so the standard of the CCTV and the positioning of the cash registers.
 - Training provided to staff around crime prevention measures.
 - The level of staff intended to be provided at the premises, including whether door supervisors are employed.
 - The arrangements for age verification checks
 - Steps proposed to be taken to redress the recurrence of any historical crime and disorder issues
 - Steps proposed to prevent disorderly behaviour associated with the premises including by street drinkers outside the premises.
 - Consideration of the appropriate placement of externally visible signage, where better lines of sight into the premises would aide in the reduction of crime and anti-social behaviour associated with the premises.
 - The likelihood of any violence, public disorder, or policing problems if the licence is granted.
- 4.2.4 The above list is not exhaustive. Reference will also have to be made to issues raised by the local area profile detailed in section 6 of this policy.
- 4.2.5 It is noted that the distinction between disorder and nuisance in the case of gambling premises and that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.
- 4.2.6 Some UK Police Authorities have trialled screening for gambling addiction as a result of concerns that high-stakes betting activity may be a driver for crime. Although we accept that causality is often difficult to establish in respect of specific crimes, we would expect licence applicants and licence holders to have an awareness of this potential link and to be vigilant in respect of

monitoring customer activity for signs of a link between gambling behaviour and criminal activity. This may include:

- Measures to address the risk of the premises being used for drug dealing.
- Measures to address the risk of the premises being used for the sale of stolen goods.
- Consideration of how to prevent the association of premises with crime and disorder, especially where residents or members of the public may be threatened, verbally abused, or physically abused as a result of persons congregating in or around the premises.

The measures mentioned above may include:

- An upgraded CCTV system includes cameras both inside and outside the premises,
- a monitor at the staff counter area for surveillance,
- the removal of advertising from the window to provide a better view of the exterior of the premises.
- increased staffing
- an SIA licensed security officer at the premises at specific times

4.2.7 The London Borough of Brent has implemented a Public Spaces Protection Order (PSPO) for three years starting on February 1, 2023. Restricted Areas will be identified in three maps, where activities listed under prohibitions are not allowed. Police and council officers have the power to require persons to cease restricted actions. The PSPOs have been implemented due to concerns around specific nuisances affecting the quality of life of residents within the community, including in response to the nuisance that is caused by street-drinking and anti-social behaviour. Where premises are located within such areas, Brent Council would expect that licensees take this into account when implementing risk mitigation measures as part of the Local Area Risk Assessment. Specific measures which may be appropriate include:

- Consideration of how to prevent the breach of Mandatory Licence Conditions by permitting alcohol to be brought onto the licensed premises.
- Use of clear signage which explains that it is prohibited to allow alcohol on the premises.
- Prevention of use of the premises by anyone who is or appears to be under the influence of alcohol, or drugs.
- Consideration of the vulnerability to gambling-related harm of customers who may be under the influence of alcohol or drugs.
- Training for staff in how to deal with customers under the influence of drugs or alcohol.

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

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

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

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

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

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

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

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

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

4.4.4 Part 4 of the Act establishes offences related to children and gambling, including participation, entry to premises, and employment. For the purposes of the Act, any person aged less than 16 is a child, any person aged sixteen

or more, but who is not yet eighteen, is a young person. Sections 46 and 48 prohibit inviting children and young persons to gamble and participating in gambling, while sections 47 and 49 prohibit inviting young persons onto gambling premises. The intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering the premises which are adult-only environments. This Authority will consider whether staff will be able to adequately supervise the gambling premises to ensure that an offence is not committed.

- 4.4.5 The Commission's Licence Conditions and Codes of Practice include requirements for holders of Operating Licences that licensees must have and put into effect 'Social Responsibility' policies and procedures designed to prevent underage gambling and monitor the effectiveness of these.

4.5 Protecting vulnerable adults

- 4.5.1 Since the last Statement of Policy review, the Gambling Commission has provided further guidance on the factors which may make an individual vulnerable to gambling harm as part of the publication of formal guidance to accompany the relevant social responsibility code provisions. The following provides useful guidance when considering vulnerability¹:

- **personal and demographic** - if the individual is experiencing poor physical or mental health, physical or cognitive impairment, suffering side effects from a brain injury or medication or has an addiction
- **situational** - if the individual is experiencing financial difficulties, is homeless, is suffering from domestic or financial abuse, has caring responsibilities, experiences a life change or sudden change in circumstances
- **behavioural** - if an individual has a higher than standard level of trust or high appetite for risk
- **market-related** - if an individual is engaged in an activity which is highly complex; that they have a lack of knowledge and/or experience of the market
- **access** - if an individual has difficulty accessing information because of poor literacy or numeracy skills, knowledge, dyslexia.

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

¹<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/page/vulnerability#:~:text=Life%20events%20or%20changes%20to,or%20other%20factors%2C%20as%20follows.>

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

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

- How staff members are trained to protect customers and provide effective customer interaction
- How staff members are trained to identify and act on markers of gambling harm
- How staff members are trained to be alert to potential signs of vulnerability and to determine whether an individual presents an increased level of risk of experiencing gambling harms

4.5.4 Although the following is not a definitive list, this Authority would expect that staff members have received training to identify and act on potential indicators of gambling harm such as:

- Depositing behaviour – High frequency of deposits, chasing losses, indications that bank transactions have been declined due to insufficient funds
- Bonus seeking behaviour
- Repeated over-riding or ignoring of responsible gambling tools such as session limits
- Spending extended periods of time engaged in gambling on the premises
- Accessing gambling facilities late at night
- Aggressive behaviour
- Frequent complaints

4.5.5 This Authority will want to understand the steps taken by the applicant to monitor the effectiveness of their policies and procedures and to evaluate the impact of their customer interactions.

4.6 Choosing a suitable location

4.6.1 The location of gambling premises has already been raised within this policy under the first licensing objective. However, locations carry broader considerations that can potentially impact on each of the licensing objectives and beyond. This Authority recognises that adult gaming centres are increasingly being opened in densely populated areas of the borough where there may be high numbers of children and young people. This in itself is not a problem where appropriate steps have been taken to minimise the risks of children being attracted to gambling. However, in relation to Adult Gaming Centres, and specifically where they are located within areas involved in provision of the borough's night-time economy and intend to open late at night, this Authority would expect that this would be taken into consideration within the Local Area Risk Assessment.

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

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

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

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

5. Brent Profile

5.1 Health in Brent

- 5.1.1 According to the National Drug Treatment Service Monitoring System (NDTMS), Brent has higher rates of opiate and crack misuse compared to the London or national average. The borough also has higher rates of opiate use and similar rates of crack use compared to the London average and above the national average.
- 5.1.2 The rate of alcohol-related hospital admissions for minors in Brent is lower than both the London and national averages. Most youths do not abuse drugs, but around 140 young people in Brent access specialist substance misuse services, with the most common referral being from the youth justice system and cannabis being the most commonly used substance.
- 5.1.3 Regular alcohol use above low-risk levels can cause hospital admissions, most commonly involving high-risk, dependent, or binge drinkers. From 2013/14 to 2017/18, alcohol-related hospital admission rates have increased in Brent, with higher rates for men compared to London and England averages.
- 5.1.4 Services, both substance misuse treatment services and general physical and mental health services, have identified a need to respond to an aging and older cohort of people misusing alcohol and/or drugs within Brent.
- 5.1.5 Preventing opiate, crack, and cocaine usage remains a priority in Brent. Addressing new challenges posed by Novel Psychoactive Substance (NPS) is also a current priority.

5.2 Levels of Harm identified within Health Survey for England

- 5.2.1 The Health Survey for England 2021, published in May 2023, found that 50% of adults participated in gambling within the last year. Men (55%) were more likely than women (45%) to gamble.
- 5.2.2 Brent Council is keen to reduce gambling-related harm. There is little borough-specific data available, but of those surveyed as part of the Health Survey for England, 2.8% were identified as at-risk or problem gamblers, with men (4.4%) more likely than women (1.1%) to be identified as at-risk or problem gamblers. These individuals are likely to experience negative social, financial, and psychological consequences as a result of their gambling behaviour.
- 5.2.3 The report suggests that certain types of gambling can be more harmful than others. For instance, the prevalence of rates of problem gambling is higher among those who engage in online gambling compared to those who participate in other forms of gambling such as the National Lottery. Neither of these products is regulated by Brent Council.

5.3 Risk Assessments

- 5.3.1 In February 2015, the Gambling Commission revised its 'Licence Conditions and Codes of Practice (LCCP)' which formalised the need for operators to consider local risks, specifically the Social Responsibility Code 10.1.1, which requires that all existing and proposed premises licence holders carry out risk assessments in accordance with the licensing objectives. These risk assessments will then underpin the measures required in order to mitigate those risks. The relevant assessments are required to take the licensing authority's statement into consideration in order to alleviate the risks.
- 5.3.2 From 6 April 2016, the LCCP has required all existing licensees that provide gambling facilities at their premises, to assess risks to the licensing objectives and have policies, procedures, and control measures in place to reduce those risks.
- 5.3.3 The Gambling Commission believes that gambling-related harm are often not recognised and, in their view, require greater attention¹. They also identify those who are likely to be more vulnerable to gambling harm. Those with the strongest vulnerability are:
- Ethnic Groups
 - Youth
 - Neurodivergent
 - Low IQ
 - Substance abuse/misuse
 - Poor mental health

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

- 5.3.4 In 2023, harmful gambling cost the UK government approximately £412.9 million in direct financial costs, and between £635 and £1,355.5 million in annual societal health impacts. The combined estimate is around £1.05 to £1.77 billion. Cultural and relationship costs have not been factored in. Although this data referenced above, and summarised within the table below, is national and may not necessarily directly relate to local areas, providers should demonstrate their awareness of the potential for such harms in the locality of their application and propose measures to mitigate them.

¹ Gambling-related harm as a public health issue - Briefing paper for Local Authorities and local Public Health providers February 2018

Table 1. Estimated excess cost of harm associated with gambling in England, by type of harm and type of cost (in 2021 to 2022 prices)¹

Type of harm (or domain)	Sub-domain	Cohort	Government (or direct) costs (£ millions)	Wider societal (or intangible) costs (£ millions)	All costs (£ millions)
Financial	Statutory homelessness	Adults	£49	N/A	£49
Health	Deaths from suicide	Adults	N/A	£241.1 to £961.7	£241.1 to £961.7
Health	Depression	Adults	£114.20	£393.80	£508
Health	Alcohol dependence	Adults	£3.50	N/A	£3.50
Health	Illicit drug use	17 to 24 years	£1.80	N/A	£1.80
Total health harms	All health sub-domains	All health cohorts	£119.50	£635 to £1,355.5	£754.4 to £1,475
Employment and education	Unemployment benefits	Adults	£77	N/A	£77
Criminal activity	Imprisonment	Adults	£167.30	N/A	£167.30
Excess cost (£ millions)	All sub-domains	All cohorts	£412.90	£635 to £1,355.5	£1,047.8 to £1,768.4

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

¹ [https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-summary--2#:~:text=Our%202023%20economic%20analysis%20estimated,in%202021%20to%202022%20prices\).](https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-summary--2#:~:text=Our%202023%20economic%20analysis%20estimated,in%202021%20to%202022%20prices).)

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

5.3.5 Local risk assessments should be kept on the premises and made readily available to all relevant staff and authorised officers in request. Where electronic copies are held, the Licensing Authority would expect to be provided with a digital copy within two working days of the request being received.

5.4 Local Area Profile

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

5.4.2 The following criteria should be considered when carrying out local risk assessments. The current interactive map can be accessed using the following link:

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

5.5 Factors informing the Local Area Profile

5.5.1 Deprivation

5.5.2 Research shows a higher prevalence of problem gambling in deprived areas. In relation to deprivation, both the overall and individual maps should be reflected upon.

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

5.5.4 The following factors have been used to inform the Local Area Profile relating to deprivation:

- Income
- Employment

- Education, Skills & Training
- Health & Disability
- Crime
- Barriers to Housing & Services
- Living Environment
- Income deprivation affecting children.
- Income deprivation affecting older people.

5.5.5 Crime & Disorder Data in relation to Local Anti-social Behaviour (ASB)

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

5.5.7 Local Amenities

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

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

- Bank/Building Societies
- Education Establishments
- Places of Worship
- Betting Shops, Adult Gaming Centres (AGC's) & Bingo premises
- Premises Licensed under the Licensing Act 2003
- Pay day/Loan establishments/Pawn shops/Cash convertors
- Vulnerable Housing/Emergency accommodation/Supported Housing
- Substance Misuse & Drug & Alcohol recovery services
- GP's/Surgery
- Job Centres

5.6 Risk Assessments - Further Considerations

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

- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Gaming trends that may reflect receipt of benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends
- Urban settings such as proximity to schools, commercial environment, factors affecting footfall

- Range of facilities in proximity to licensed premises such as other gambling outlets, banks, payday loan shops, post offices, alcohol & entertainment facilities etc.
- Known problems in the area such as problems arising from street drinkers, young people participating in anti-social behaviour, drug dealing activities etc.

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

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

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

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

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

5.7 Assessing Applications

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

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

- 5.7.3 The application should have regard to the three Licensing Objectives.
- 5.7.4 The following list (which is not exhaustive) shows some of the factors that will be taken into account when considering an application:
- The location of the premises
 - How the Local Area Profile map data provided in this document has been addressed.
 - Hours of Operation
 - The size and layout of the premises
 - The level of management oversight to be provided.
 - The input from responsible authorities
 - The input of interested parties.
 - The risk assessment and operating schedule provided.

5.8 Conditions to be added to licence.

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

5.9 Summary

- 5.9.1 New applicants are asked to utilise all of the map data provided in this document relating to deprivation and ASB when making a decision as to whether an application should be made in the first instance.
- 5.9.2 If operators decide to apply, they should still take into consideration the data relating to deprivation and ASB but should also consider the data relating to local amenities. The data relating to local amenities may also show cause for concern, resulting in the operator deciding against an application at the proposed location.
- 5.9.3 'Lastly, all operators will need to consider all local risks to the licensing objectives posed by the provision of gambling at their premises. This may include identifying risks which take into account issues which relate to factors present within neighbouring wards and Boroughs. Applicants will be expected to take these into account when making a decision to apply for a new licence and/or writing/modifying risk assessments.'

6 Premises licences

6.1 General principles

6.1.1 This Statement of Principles does not set out to explain the process and procedure for a premises licence, variation, or transfer. However, it does set out for the benefit of applicants and all other interested parties some important matters that this Authority will have regard to when determining applications.

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

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

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

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

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

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

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

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

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

- A notice is placed outside the premises for 28 consecutive days in a place where it can be easily seen and read by passers by

- A public notice placed in a newspaper or newsletter of local relevance on at least one occasion within 10 days of application being made.
 - Notice is provided to all relevant responsible authorities, including the Commission, within seven days of the application being made.
- 6.1.7 Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications in relation to premises licences.
- 6.1.8 Section 135 of the Act identifies the following bodies as responsible authorities:
- The licensing authority in whose area the premises is wholly or partly situated
 - The Gambling Commission
 - The Chief Officer of Police
 - London Fire Brigade
 - The local planning authority
 - Environmental Health
 - Children's Safeguarding Team
 - HM Revenue and Customs
 - Any other person prescribed by the Secretary of State
- 6.1.9 The licensing authority expects applicants for new licences or variations to assess the local risks to the licensing objectives posed by the provision of gambling facilities at the premises, and have policies, procedures, and control measures to mitigate those risks. The licensing authority will request copies of the risk assessments as part of the application process and will consider both the adequacy of the risk assessment and the control measures proposed, and whether it is proportionate to incorporate the control measures as conditions on the licence.
- 6.1.10 The Commission's Guidance to local authorities states that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' (see below regarding Casinos), and also that unmet demand is not a criterion.
- 6.1.11 Under s.150 of the Act, the Council will issue premises licences, if appropriate, for the provision of facilities on:
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
 - family entertainment centre (FEC) premises (for category C and D machines).

- 6.1.12 The Council may also issue a FEC gaming machine permit, which authorises the use of category D machines only.
- 6.1.13 The gambling activity of the premises should be linked to the premises described. For example, in a bingo premises, the licensed gambling activity will be bingo, gaming machines may be made available for use in licensed bingo premises only where there are also substantive facilities for nonremote bingo, provided in reliance on the licence available in the premises.

6.2 Definition of premises

- 6.2.1 The Act defines ‘premises’ as including any ‘place’. Section 152 of the Act prohibits more than one premises licence applying to any place. But a single building could be subject to more than one premises licence providing they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.
- 6.2.2 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, this Licensing Authority does not consider that areas of a building that:
- are not clearly distinct and identifiable from each other (including their external and internal appearance and décor); or
 - are artificially separated (e.g., by low and/or transparent partitions or barriers); or
 - are temporarily separated and can be properly regarded as different premises.

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

- 6.2.3 Any premises that are artificially or temporarily separated by ropes or moveable partitions will not be considered as a separate premises. If the premises are located within a larger venue, this authority will require a plan of the venue in which the premises should be identified as a separate unit.
- 6.2.4 Each application will be considered on its own merit. However, in cases where a proposal is intended to create separate premises with additional gaming entitlement which impacts on the licensing objectives, then this authority will not automatically grant a licence even where the mandatory conditions relating to access between premises are observed.

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

- the design and layout of the premises.
- the training given to staff in crime prevention measures appropriate to those premises.
- physical security features installed in the premises. this may include matters such as the positioning of cash registers and the standard of any CCTV system.
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks.
- the likelihood of any crime, public order, and anti-social behaviour issues if the licence is granted.
- the steps proposed by an applicant with regard to the licensing objectives, the associated robust risk assessments as well as any licence conditions proposed by the applicant.

6.3 Access to premises

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

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

Type of premises	Access provisions
Casinos	the principal entrance to the premises must be from a 'street'
	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
AGCs	no customer must be able to access the premises directly from any other licensed gambling premises.

Betting shops	access must be from a 'street' or from other 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 unless that shop is itself a licensed betting premises.
Tracks	no customer must be able to access the premises directly from a casino or AGC.
Bingo premises	no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track.
FECs	no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track.

6.4 Access to gambling by children and young people

6.4.1 One of the objectives of the Act is protecting children and other vulnerable persons from being harmed or exploited by gambling. It is an offence to invite, cause or permit a child or young person to gamble or to enter certain gambling premises. Children are defined under the Act as under 16s and young persons as 16–17-year-olds. An adult is defined as 18 and over.

6.4.2 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos are not permitted to admit anyone under 18; betting shops are not permitted to admit anyone under 18.
- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo or play category B or C machines that are restricted to those over 18.
- AGCs are not permitted to admit those under 18.
- FECs and premises with a liquor licence (for example pubs) can admit under-18s, but they must not play category C machines which are restricted to those over 18 years of age.
- clubs with a club premises certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines.

- all tracks can admit under-18s, but they may only have access to gambling areas on days where races or other sporting events are taking place or are expected to take place.
- 6.4.3 This was extended to other sporting venues under the Gambling Act 2005 (Exclusion of Children from Track Areas) Order 2007. Tracks will be required to have policies to ensure that under-18s do not participate in gambling other than on category D machines.
- 6.4.4 This Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, the Council is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised, and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits.
- 6.4.5 The under-18s must not have access to areas where category B and C gaming machines are located, and this is achieved through default conditions that require the area to be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose supervised at all times to ensure that under-18s do not enter the area, and supervised by either:
 - one or more persons whose responsibilities include ensuring that under-18s do not enter the areas.
 - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas.
 - arranged in a way that ensures that all parts of the area can be observed.
- 6.4.6 A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.
- 6.4.7 There are other conditions which attach to each type of premises which are set out in Part 9 of the Commission's Guidance and other Parts relating to each type of premises.
- 6.5 Multiple activity premises – layout and access**
 - 6.5.1 With the exception of bingo clubs, tracks on race days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore, businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.
 - 6.5.2 The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children

are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling. In considering applications for such premises, this Council will have regard to the following along with other criteria outlined in Guidance from the Commission:

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

6.6 Single and combined licences

- 6.6.1 Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machines.
- 6.6.2 The exception to this relates to tracks, that is a horse racing course, dog track or other premises where races or sporting events take place, which may be subject to more than one premises licence, provided each licence relates to a specified area of the track.
- 6.6.3 To determine whether two or more proposed premises are truly separate, this Authority will consider the following factors in making their decision:
- Is a separate registration for business rates in place for the premises?
 - Is the neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?

6.7 Premises Plans

- 6.7.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) states that a plan must show:
- the extent of the boundary or perimeter of the premises.
 - where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building.

- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises.
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises.
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

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

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

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

6.9 Representations

6.9.1 In dealing with an application, the Council is obliged to consider representations from two categories of person, referred to in the Act as Responsible Authorities and Interested Parties.

6.9.2 Representations from other parties are inadmissible. Having determined that the representation is admissible, this Council must consider its relevance.

6.9.3 Only representations that relate to the licensing objectives, or those that raise issues under the licensing authority’s policy statement, or the Commission’s Guidance or Codes of Practice, are likely to be relevant.

6.10 Additional information to be made available

6.10.1 In order to ensure that applicants and persons wishing to make representations have the necessary information to do so, the Council will make available all necessary information on its website. Such information will include a register of the premises licences that have been issued, where and at what times the register may be inspected. A database of premises licences is also available on the Commission’s website at www.gamblingcommission.gov.uk.

6.11 Premises ready for gambling

- 6.11.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 6.11.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 6.11.3 In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, this authority will determine applications on their individual merits, applying a two-stage consideration process as follows:
- first, whether the premises ought to be permitted to be used for gambling; and
 - second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 6.11.4 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

6.12 Location

- 6.12.1 This Licensing Authority will take into account, for the protection of children and vulnerable persons, the following when determining whether a premises location is suitable for a grant of a licence:
- the proximity of the premises to any recognised schools, centres or establishments for the education, training, or care of young persons and/or vulnerable persons.
 - the proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons;
 - the proximity of the premises to any youth club or similar establishment; and
 - the proximity of the premises to recognised community, welfare, health, and similar establishments used specifically or to a large extent by young persons and/or vulnerable persons.

- 6.12.2 Where an area has, or is perceived to have, unacceptable levels of crime and/or disorder, this Licensing Authority will consider carefully whether such an area is suitable for gambling premises and whether licence conditions may be appropriate or successful.

6.13 Planning & Building Control

- 6.13.1 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should instead be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. In any event section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

6.14 Duplication with other regulatory regimes:

- 6.14.1 This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. When considering an application for a premises license, this authority will disregard the likelihood of planning or building regulations being awarded. It will listen to and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 6.14.2 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

6.15 Responsible Authorities

- 6.15.1 The Licensing Authority is required to notify all Responsible Authorities of applications and they are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences. All representations made by Responsible Authorities are likely to be relevant representations if they relate to the three licensing objectives.
- 6.15.2 The Responsible Authorities are defined in the Glossary at Appendix G. The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

6.15.3 The principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

6.15.4 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

6.16 Interested Parties

6.16.1 Interested Parties can make representations about licence applications or apply for a review of an existing licence.

6.16.2 The Act states that: "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

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

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

6.16.4 The principles are:

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will take account of the examples of considerations provided in the Commission's Guidance to Licensing Authorities.
- It will however take into account the size of the premises and the nature of the activity that will be taking place in it. Larger premises are likely to affect people over a wider area than smaller premises.
- The widest lawful interpretation will be given to the Gambling Commission's guidance phrase "has business interests" to include partnerships, charities, faith groups and medical practices.

6.16.5 Interested Parties can be persons who are democratically elected such as Councillors and Members of Parliament (provided they satisfy 8.2.3(c)

above). No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these, this authority will generally require written evidence that a person/body (e.g., an advocate/relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

- 6.16.6 If individuals wish to approach councillors to ask them to represent their views, then care should be taken to ensure that such councillors are not part of the Licensing Sub-Committee dealing with the licence application.

6.17 Body assigned as competent to advise on the protection of children from harm

- 6.17.1 The Council's local safeguarding Children Board has been identified as competent to advise on the protection of children from harm.

- 6.17.2 This board is designated as a competent body because the body will be responsible for:

- Providing professional and expert opinion
- Ensure accountability by being answerable to elected members rather than any particular interest group.

7 Premises Licence Conditions

7.1 Introduction

Any model conditions attached by the Licensing Authority to any particular licence will be proportionate and applied when the individual circumstances warrant it and will be:

- relevant to the need to make the proposed building suitable as a gambling facility.
- directly related to the premises and the type of licence applied for.
- fair and reasonable in relation to the scale and the type of premises, and
- in the Licensing Authority's consideration be reasonable in all other respects.

- 7.1.1 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this Policy for each of the different licence types.

- 7.1.2 The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's current guidance.
- 7.1.3 The Licensing Authority will also ensure that where category A to C gaming machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
 - only adults are admitted to the area where these machines are located.
 - access to the area where the machines are located is supervised.
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 7.1.4 The above considerations will apply to premises including buildings where multiple premises licences are applicable.
- 7.1.5 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, with each licence relating to a specified area of the track. The Licensing Authority will consider the impact upon the licensing objective that refers to the protection of children. It will require that the entrances to each part of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. The Licensing Authority will take into consideration any guidance issued by the Commission in this respect.
- 7.1.6 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences, and these are stipulated in the Act or its statutory regulations.
- 7.1.7 Applicants shall offer licence conditions to the Licensing Authority as a part of their application. Examples of such conditions are:
- the premises shall be fitted out and operational within 6 months of the issue of the licence.

- the Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.
- there shall be a minimum of 2 staff (excluding back-room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 25 years.
- Challenge 25
 - (a) The Licensee shall have a "Challenge 25" policy whereby all customers who appear to be under the age of 25 are asked for proof of their age.
 - (b) The Licensee shall prominently display notices advising customers of the "Challenge 25" policy.
 - (c) The following proofs of age are the only ones to be accepted:
 - (i) Proof of age cards bearing the "Pass" hologram symbol
 - (ii) UK Photo Driving licence
 - (iii) Passport

7.2 Staff competency and training

- 7.2.1 All staff shall be trained in the premises proof of age compliance scheme and records of the training given shall be retained on the premises and made available for inspection by authorised officers.
- 7.2.2 The licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.
- 7.2.3 All staff shall be trained in identifying those who may be vulnerable to gambling harm and records of the training given shall be retained on the premises and made available for inspection by authorised officers.

7.3 Refusals Book

- 7.3.1 The Refusals book shall be used to record details of all age-related refusals. The log shall be reviewed monthly by the nominated responsible member of staff and any action taken recorded in the book and signed off.
- 7.3.2 The Refusals Book to be reviewed monthly by a nominated responsible member of staff, and date and time of each examination to be endorsed in

the book. This log shall be retained on the premises and made available for inspection by authorised officers.

7.4 CCTV

- 7.4.1 The CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public. The CCTV shall monitor each entrance, exit and the gaming areas.
- 7.4.2 The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the Police or an officer of the Licensing Authority, upon request.

7.5 Numbers of staff and door supervisors

- 7.5.1 The Licensing Authority will consider on a case by case basis whether the numbers of staff proposed to be on duty at a premises at any one time are adequate in relation to the control of the premises and especially with regard to the monitoring of persons using the premises, age verification, vulnerable persons, the ejection of or refusal to serve persons, and the maintenance of good order on the premises.
- 7.5.2 When making an application for a licence, applicants are recommended to inform the Licensing Authority of the numbers of staff that will be on duty at the premises at any one time and the times that such numbers will be on duty.
- 7.5.3 The Licensing Authority will consider on a case-by-case basis whether there is a need for door supervisors to meet the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling and preventing the premises becoming a source of crime.
- 7.5.4 It is noted that door supervisors at casinos or bingo premises, who are directly employed by the casino or bingo premises operator, are not required to be licensed by the Security Industry Authority. The Licensing Authority's policy expectations for such door supervisors working at casinos or bingo premises are that the Licensing Authority will expect the door supervisors to have:
- a competency qualification of Level 2 for Door Supervision in the National Qualification Framework (NQF), or
 - an equivalent qualification or training which would meet the criteria of the Security Industry Authority for the licensing of that person as a Door Supervisor by that Authority.

- 7.5.5 The above expectations are in recognition of the nature of the door supervisors' work in terms of searching individuals, dealing with potentially aggressive persons, young and vulnerable persons etc.
- 7.5.6 A book shall be kept at the premises, which is maintained with the following records:
- the full name and address of the door supervisor deployed.
 - the time they commenced and finished duty; and
 - all incidents that the door supervisors dealt with.
- 7.5.7 If there are any future changes in the licensing or approval/registration regime administered by the Security Industry Authority that affect door supervisors these will be taken into account by the Licensing Authority.
- 7.5.8 The term 'door supervisor' means any person:
- guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage; or
 - guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.
- 7.5.9 For premises other than casinos and bingo premises, the Licensing Authority may decide that supervision of entrances/exits/machines is appropriate for particular cases.
- 8 Protection of children and vulnerable persons - premises other than betting premises**
- 8.1 Advertising of Gambling Products**
- 8.1.1 Brent Council notes that the Commission's Licence Conditions and Codes of Practice require all advertising of gambling products to be undertaken in a socially responsible manner. Licensees should follow any relevant industry code of practice on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.
- 8.1.2 The following general principles shall apply to advertising:
- Must be socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited.
 - Must not portray, condone, or encourage gambling behaviour that is socially irresponsible or could lead to financial, social, or emotional harm.
 - Must not condone or encourage criminal or anti-social behaviour.

8.2 Adult gaming centres

- 8.2.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a machine gaming machine general operating licence from the Commission and must seek a premises licence from the relevant licensing authority. The holder of an AGC premises licence that was issued prior to 13 July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. An AGC licence granted after 13 July 2011 may make available for use a number of category B machines not exceeding 20% of the total number of gaming machines that are available for use on the premises and any number of category C or D machines.
- 8.2.2 Gambling machines provide a form of gambling which is attractive to children and AGC's will contain machines of a similar format to the category D machines on which children are allowed to play.
- 8.2.3 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises. Appropriate measures/licence conditions may cover issues such as:
- proof of age schemes.
 - CCTV.
 - Entry control system
 - the numbers of staff on duty at any one time.
 - door supervisors.
 - supervision of entrances/machine areas.
 - physical separation of areas.
 - location of entry.
 - notices / signage.
 - specific opening hours.
 - self-barring schemes; or
 - provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

- 8.2.4 Gaming machines provide opportunities for solitary play and immediate pay-outs and as such are likely to encourage repetitive and excessive play. Therefore, when considering premises licence applications which include gaming machines particular regard will be given to the third licensing objective.

8.3 (Licensed) Family Entertainment Centres

- 8.3.1 The Act creates two classes of family entertainment centres (FEC). This part of the policy is regarding licensing FECs. Persons operating a licensed FEC must hold a 'gaming machine general operating licence from the Commission and a premises licence from the relevant licensing authority. The FECs make category C and D machines available.

- 8.3.2 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machine areas. Appropriate measures/ licence conditions may cover issues such as:

- proof of age schemes.
- CCTV.
- the numbers of staff on duty at any one time.
- door supervisors.
- supervision of entrances/machine areas.
- physical separation of areas.
- location of entry.
- notices / signage.
- specific opening hours.
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

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

- 8.3.3 This Licensing Authority will refer to any operating licence conditions, current Guidance or Codes of Practice by the Gambling Commission as to the way in the area's containing category C or higher machines should be delineated and/or separated.
- 8.3.4 In determining any application for a permit this Authority will have regard to the licensing objectives and will expect the applicant to show that there are policies and procedures in place to protect children from harm, relating not just from gambling but also wider child protection considerations, including the risk of child sexual exploitation. The effectiveness of such policies and procedures will be considered on their merits. The Authority expects measures to train staff on:
- Appropriate action regarding suspected truanting school children on the premises
 - Dealing with unsupervised young children being on the premises or children causing perceived problems on or around the premises.
 - Staff training on maximum stakes and prizes.
- 8.3.5 SR 3.2.5(2) requires operators to ensure that employees prevent access and challenge children or young persons who attempt use of category C machines. The licensing authority will ensure that staffing and supervision arrangements are in place to meet this requirement both at the application stage and at subsequent inspections.

8.4 Casinos

- 8.4.1 Section 166(1) of the Act states that a licensing authority may resolve not to issue casino premises licence. This Authority has not passed such a resolution, but it is aware of the power to do so.
- 8.4.2 The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises. Appropriate measures/licence conditions may cover issues such as:
- proof of age schemes.
 - CCTV.
 - the numbers of staff on duty at any one time.
 - door supervisors.
 - supervision of entrances/machine areas.
 - physical separation of areas.
 - location of entry.

- notices / signage.
- specific opening hours.
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

8.5 Bingo Premises

8.5.1 A holder of a bingo licence is able to offer bingo in all its forms. It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will require that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective.
- only adults are admitted to the area where the machines are located.
- access to the area where the machines are located is supervised.
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.5.2 Appropriate measures/licence conditions may cover issues such as:

- proof of age schemes.
- CCTV.
- the numbers of staff on duty at any one time.
- door supervisors.
- supervision of entrances/machine areas.
- physical separation of areas.
- location of entry.

- notices / signage.
- specific opening hours.
- self-barring schemes; or
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the types of issues that measures/conditions should cover.

8.5.3 This Licensing Authority will take account of any current guidance from the Commission as to the suitability and layout of bingo premises.

8.5.4 Bingo premises may only make gaming machines available for use where there are substantive facilities for non-remote bingo, as set out within Section 9.1.2 of the Licence Conditions and Codes of Practice.

8.5.5 Young persons aged 16 and under may be employed in bingo premises provided their duties are not concerned with the gaming or gaming machines. Licences will not be granted unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures that they will undertake to protect young employees.

8.6 Betting Premises

8.6.1 There are two different types of premises that require a betting licence. The licences for these premises are named “Betting Premises Licence (In Respect of Premises Other Than a Track)’ and ‘Betting Premises Licence (In Respect of a Track)’.

8.7 Betting Premises Licence (In Respect of Premises Other Than a Track)

- (a) This type of licence allows premises (i.e., betting offices) to provide ‘off course’ betting i.e., betting that takes place other than at a track. There are also betting offices at tracks that have a separate premises licence from the track licence. Tracks and betting offices at tracks are discussed in the following section.
- (b) This section of the policy concentrates on ‘off course’ betting that takes place other than at a track and includes an entitlement to provide up to four gaming machines of category B2, B3, B4, Cor D and any number of betting machines. This Licensing Authority may, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licence condition. When considering whether such a

condition should be imposed, the Licensing Authority will take into account:

- the size of the premises.
- the number and location of the machines.
- the number of counter positions available for person-to-person transactions, and
- the numbers of, and ability of staff to monitor the licensed premises and prevent persons under the age of 18 from entering the premises.

(c) The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises. However appropriate measures / licence conditions may cover issues such as:

- proof of age schemes.
- CCTV.
- the numbers of staff on duty at any one time.
- door supervisors.
- supervision of entrances/machine areas.
- physical separation of areas.
- location of entry.
- notices / signage.
- specific opening hours.
- self-barring schemes.
- provision of information leaflets/helpline numbers for organisations such as GamCare.

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

(d) There are particular concerns about the use of B2 Fixed Odds Betting Terminals (FOBTs). We recognise that it is permissible for a betting operator to provide solely FOBTs as their allocation of gaming machines, the high prize, high stake gaming provided enables considerable sums of money to be spent in a very short period of time,

which increases the risk of gambling-related harm. Nevertheless, the applicant in each case will be expected to demonstrate that they can offer sufficient facilities for betting alongside any gaming machine provision.

- (e) Where FOBTs are provided, these gaming machines shall be located within direct line sight of the supervised counter. Information leaflets and posters shall be provided in close proximity to the location of any FOBTs. These should be aimed at customers/families/friends to provide information on how to identify signs of problem gambling and available pathways to advice and assistance (e.g., helpline numbers and online counselling services).
- (f) Where the local area profile identifies any relevant local risk of gambling-related harm, operators may consider additional protections for the vulnerable. This might include:
 - Removing Automated Teller Machines (ATM's) from the betting office
 - Restricting FOBTs to account-based play
- (g) Licensed betting premises are only permitted to offer gambling facilities between 0700 and 2200 hours unless the local authority has agreed an extension of operating hours. We recognise that longer operating hours may attract more vulnerable people, such as those who may be intoxicated or have gambling addictions. Therefore, this Authority is unlikely to grant any extension of operating hours unless it is satisfied that robust measures will be undertaken to protect the vulnerable.
- (h) Children and young persons are not permitted to enter licenced betting premises. Social Responsibility (SR) Code 3.2.7(3) in the licence Conditions and Codes of Practice (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.
- (i) As per the Commission's Guidance we will consider restricting the number and location of betting machines in respect of applications for betting premises licences. When considering the number, nature, and circumstances of betting machines an operator wants to offer, the Commission's Guidance will be followed and take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of the staff to monitor the use of machines.
- (j) This Authority will have regard to the local area profile set out in Section 5 of this policy and to the risk assessment compiled in response to it.

8.8 Betting Premises Licence (In Respect of a Track)

8.8.1 General

- (i) Tracks are sites (including football stadium, horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed odds” betting.
- (ii) The holders of a track premises licence do not need to have an operating licence issued by the Gambling Commission unless they themselves wish to offer betting facilities at the track. Under the legislation the licence allows anyone with an operating licence to offer ‘On course’ betting facilities at a licensed track.
- (iii) Tracks are the only class of premises that may be subject to more than one premises licence, provided that each licence relates to a specified area of the track. There can be a ‘main’ premises licence and, in addition, ‘subsidiary’ premises licences for the parts of the track not covered by the main licence.

8.8.2 Children and Young Persons

- (a) Children and young persons are allowed to be present on a track licensed premises whilst betting is taking place, although they not allowed to enter areas of the track where gaming machines (other than category D machines) are provided. Therefore, the Licensing Authority will carefully consider the impact of the licensing objective of the protection of children and vulnerable persons in relation to each application for premises licences at a track.
- (b) We will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gambling/gaming facilities.
- (c) Appropriate measures/ licence conditions may cover issues such as:
 - proof of age schemes.
 - CCTV.
 - the numbers of staff on duty.
 - door supervisors.
 - supervision of entrances/machine areas.
 - the physical separation of, and clear distinction of areas.

- location of entry.
- notices/signage.

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

8.9 Betting machines (also known as Bet Receipt Terminals) at tracks.

(a) The potential space for betting machines at a track may be considerable, bringing with it significant problems in relation to:

- the proliferation of such machines.
- the ability of track staff to supervise the machines if they are scattered around the track; and
- preventing persons under the age of 18 from being able to use the machines.

8.9.1 This Licensing Authority will, when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at a betting premises by attaching a licence condition to a betting premises licence. When considering whether such a condition should be imposed, the Licensing Authority will take into account the:

- size of the premises;
- number and location of the machines.
- number of counter positions available for person-to-person transactions; and
- ability of staff to monitor the licensed premises and prevent persons under the age of 18 from using the machines.

8.9.2 Condition on rules being displayed at tracks.

(a) The Licensing Authority will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

8.9.3 Applications and plans for tracks.

- (a) Applicants must comply with any relevant regulations or guidance issued by the Gambling Commission in relation to applications for tracks. Applicants must ensure that the Licensing Authority is made completely aware of what it is being asked to licence.
- (b) The information submitted with the application must include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of:
 - dog tracks and horse racecourses
 - fixed and mobile pool betting facilities operated by the Tote or track operator; and
 - other proposed gambling facilities.
- (c) The plans should make clear what is being sought for authorisation under the track betting premises licence. It must also be made clear what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- (d) Unless there is a compelling reason to not do so, the Licensing Authority will require all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This will ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8.10 Travelling Fairs

- 8.10.1 Travelling fairs (as defined in the Act, and in respect of fairs which are ‘wholly or principally’ providing amusements) may provide an unlimited number of Category D gaming machines and equal chance prize gaming without the need for any authorisation from the Licensing Authority, provided that such facilities amount to no more than an ancillary amusement at the fair.
- 8.10.2 There is a 27-day per calendar year statutory limit for a piece of land being used as a fair, and this regardless of whether it is the same or different travelling fairs using the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries are monitored so that the statutory limits are not exceeded.

9. Other relevant processes

9.1 Provisional Statements

- 9.1.1 Application for a provisional statement can be made for premises that an applicant expects to be constructed or to be altered or expects to acquire

the right to occupy. Representations can be made against an application for a provisional statement in the same manner as for a premises licence. The process for considering an application for a provisional statement is the same as that for premises licences (with the exception that an applicant need not have the right to occupy the premises and need not have an operating licence).

9.1.2 Once the premises have been constructed, altered, or acquired by the holder of a provisional statement, they can put in an application for the necessary premises licence. If a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises licence is subsequently made in relation to the same premises.

9.1.3 No further representations from relevant authorities or interested parties can be taken into account in relation to the premises licence application unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by way of representations at the provisional licence stage, or
- which, in the authority's opinion, reflect a change in the operator's circumstances, or
- where the premises has not been constructed in accordance with the plan and
- information submitted with the provisional statement application.

This must be a substantial change to the plan and the Licensing Authority will discuss any concerns they have with the applicant before making a decision. Section 210 of the Act (which applies to premises licences and provisional statements) makes it clear that a Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

9.2 Reviews

9.2.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from interested party or responsible authority. A formal review of a premises licence may result in the Licensing Authority imposing additional conditions or revoking the licence.

9.2.2 Initiation of review by Licensing Authority

- The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by Licensing Committee or one of its Sub-Committees.
- In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence general reviews, the Licensing Authority will most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence.
- In relation to particular premises, the Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives them cause to believe that a review may be appropriate.

9.2.3 Application for review by responsible authorities and interested parties
Whilst, requests for a review of a premises licence can be made by interested parties or responsible authorities, it is for the Licensing Authority to decide whether the review is to be carried out. However, the Licensing Authority recognises that its decision to carry out a review must not amount to prejudging the outcome of the review.

9.2.4 An application for a review may be (but need not be) rejected if the Licensing Authority thinks that the grounds on which the review is sought:

- are not relevant to the principles that must be applied by the Licensing Authority in accordance with section 153 of the Act.

9.2.5 If the application raises issues that are not relevant to the current Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then the Licensing Authority may reject it. In addition, if the application raises general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that the Authority is required to permit the use of premises for gambling in so far as we think that permission is in accordance with the matters set out in that section.

9.2.6 Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion.

- that the grounds are frivolous.

- that the grounds are vexatious.
- that the grounds “will certainly not” cause the authority to revoke or suspend a licence or remove, amend, or attach conditions on the premises licence.
- are substantially the same as the grounds cited in a previous application for review relating to the same premises. In these circumstances we will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
- are substantially the same as representations made at the time the application for a premises licence was considered. In these circumstances the Licensing Authority will take into account the period of time that has passed since the representations were made, but the underlying requirement is that the Licensing Authority should not review the licence on the basis of the same arguments considered on the grant of the premises licence.

9.2.7 The matters which will generally be considered relevant for any review are:

- any relevant current code of practice issued by the Commission.
- any relevant current guidance issued by the Commission.
- the licensing objectives.
- the Council’s Statement of Gambling Principles, and
- The Gambling Act 2005 and the regulations made thereunder.

9.2.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder.
- the applicant for review (if any).
- the Commission.
- any person who made representations.
- the Chief Officer of Police or Chief Constable; and
- Her Majesty’s Commissioners for Revenue and Customs

9.2.9 There is a right of appeal against the Council’s decision.

9.3 Rights of appeal and judicial review

- 9.3.1 The Council is required by law to give reasons for a rejection of an application, but it is also good practice for it to give reasons for all decisions. Failure to give reasons may result in an appeal of the decision or the suggestion that the Council did not have regard to all the relevant information when making its decision, in line with its obligation under s.153 of the Act. It is particularly important that reasons should reflect the extent to which the decision has been made with regard to the licensing authority's policy statement and this Guidance. Reasons for decisions should be made available to all of the parties of any process. The Council's decision may be subject to judicial review. Details relating to appeals against decisions by a licensing authority are set out in s.206 - 209 of the Act.

9.4 Who can appeal?

- 9.4.1 The table below identifies who can appeal different types of premises licence decisions.

Type of decision	Section of Act	Who may appeal?	
Decision to reject an application for	s.165,	The applicant	
a premises licence or to vary a	s.187 and		
premises licence, or an application for a provisional statement	s.188		
Decision to grant an application for	s.164,	<input type="checkbox"/> The applicant*	
a premises licence or to vary a	s.187 and	<input type="checkbox"/> Any person	who
premises licence, or an application	s.188	made representations	
for a provisional statement		on the application	
Decision to take action or to take no	s.202	<input type="checkbox"/> The applicant	

action following a review		<ul style="list-style-type: none"> • Any person who made representations on the application • The person, if any, who applied for the review • The Commission
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Table 3: Appealing premises licence decisions

9.5 Who to appeal to

- 9.5.1 An appeal against a decision of a licensing authority is made to the Magistrates' Court, then to the High Court if necessary. As soon as the appeal decision has been notified to all parties, the Council will implement the Court's decision as soon as possible.

10. Other Consents

10.1 Temporary use notices (TUN)

- 10.1.1 A TUN allows the use of premises for gambling where there is no premises licence but where a licensed gambling operator wishes to use the premises temporarily for providing facilities for gambling. The type of premises that might be suitable for a Temporary Use Notice could include hotels, conference centres and sporting venues.
- 10.1.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e., a non-remote casino operating licence. The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments, dominoes, backgammon, mah-jong or bingo.
- 10.1.3 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Commission's guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place

falls within the definition of "a set of premises", the licensing authority will need to look at, amongst other things, the ownership/occupation and control of the premises.

10.1.4 The holder of an operating licence must give notice to the licensing authority in whose area the premises are situated. The Secretary of State has prescribed the form of the notice which must specify information including:

- the type of gaming to be carried on.
- the premises where it will take place.
- the dates and times the gaming will take place.
- any periods during the previous 12 months that a TUN has had effect for the same premises.
- the date on which the notice is given.
- the nature of the event itself.

10.1.5 This Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises as recommended in the Commission's Guidance to Licensing Authorities.

10.1.6 Appeals

An appeal against the Licensing Authority's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrates' court within 14 days of receiving notice of the authority's decision. There is a further right of appeal to the High Court or Court of Session on a point of law.

10.2 Occasional use notices

10.2.1 An occasional use notice permits licensed betting operators to use tracks for betting on eight days or fewer in a calendar year, where the event is of a temporary nature. Betting may therefore be permitted by an occasional use notice without the need for a full premises licence. The licensing authority has very little discretion regarding these notices besides ensuring that the statutory limit of eight days a year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

10.2.2 Tracks are usually regarded as permanent racecourses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place.

Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify.

10.3 Gaming machines

- 10.3.1 Gaming machines cover all types of machines on which people can gamble, subject to a few exemptions. The Act sets out the categories of gaming machine and the number of such machines that may be permitted in each type of gambling premises. There are four categories of gaming machine: categories A, B, C and D with category B divided into a further five subcategories.
- 10.3.2 There is a minimum age of 18 for all players for all category A, C and C machines. However, there is no minimum age for players of category D machines. The holder of any permit must comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.
- 10.3.3 The maximum number of machines permitted and in the case of casinos the ratios between tables and machines are set out in Appendix C.

10.4 Permits

- 10.4.1 Licensing Authorities may issue a range of permits for gambling which are designed as a light touch approach to low level ancillary gambling. They are used where stakes and prizes are subject to very low limits and/or gambling is not the main function of the premises. As a Licensing Authority, this Council may only grant or reject an application for a permit. It may not attach any conditions to the permit.
- 10.4.2 Holders of alcohol-licensed premises gaming machine permits, and club permits are required to comply with the Commission's codes of practice on the location and operation of machines.
- 10.4.3 Licensing Authorities may issue the following permits:
- Family entertainment centre gaming machine permits.
 - Club gaming permits and club machine permits.
 - Alcohol-licensed premises gaming machine permits.
 - Prize gaming permits.

10.5 Unlicensed Family Entertainment Centre

- 10.5.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The

applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (section 238 of the Act).

10.5.2 The Act enables a Licensing Authority to prepare a statement of principles which it proposes to consider when determining the suitability of an applicant for a permit. In preparing this statement and/or considering applications it may have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission. The Commission's guidance advises that given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to child protection issues.

10.5.3 The council may only grant a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. The Council cannot attach conditions to this type of permit but may ask applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).
- that staff are trained to have a full understanding of the maximum stakes and prizes (24.7).
- appropriate measures/training for staff regarding suspected truant school children on the premises; and
- measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

10.6 Club Gaming and Club Machines Permits

10.6.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.

10.6.2 Members Clubs, Miner's welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

10.6.3 The Commission's Guidance states: "Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes

other than gaming, unless the gaming is permitted by separate regulations". The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

10.6.4 There is a fast-track procedure which prevents objections to be made by the Commission or the police and reduces the grounds on which an authority can refuse a permit. The grounds for refusal are:

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

10.6.5 However, the Council may refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' club or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied.
- the applicant's premises are used wholly or mainly by children and/or young persons.
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.
- a permit held by the applicant has been cancelled in the previous 10 years.
- an objection has been lodged by the Commission or the Police.

10.6.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

10.7 Premises licensed to sell alcohol

10.7.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to have 2 gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority.

- 10.7.2 This local authority expects all licensees to adhere to the:
- Code of Practice for gaming machines in alcohol licenced premises
 - Code of Practice for equal chance gaming in alcohol licensed premises.
- 10.7.3 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
 - gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e., that written notice has been provided to the Licensing Authority that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 10.7.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives and any guidance issued by the Commission under S.25 of the Gambling Act 2005 and any other relevant matters.
- 10.7.5 This Licensing Authority considers that such matters will be decided on a case-by-case basis but will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18s do not have access to the adult-only gaming machines. Measures which will satisfy the authority will include that the adult machines be in direct sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage shall be used with regards to age restriction. Applicants shall provide information leaflets/helpline numbers for organisations such as GamCare.
- 10.7.7 The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 10.8 Prize gaming and prize gaming permits**
- 10.8.1 Prize gaming relates to gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised

by the gaming. Normally the prizes are determined by the operator before play commences. The Council can issue a prize gaming permit to authorise the licence holder to provide facilities for gaming with prizes on specified premises.

10.8.2 A casino operating licence permits the licence holder to provide all games of chance, except any form of bingo which, is excluded from the scope of the casino licence. If a casino wishes to provide bingo generally, it will need to obtain a bingo operating licence, with the proviso that only one premises licence may be issued for any particular premises at any time, so the premises would need to be distinct.

10.8.3 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any guidance from the Commission. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

10.8.4 The permit holder must comply with the relevant conditions in the Act, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with.
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day.
- the game must be played and completed on the day the chances are allocated; the result of the game must be made public in the premises on the day that it is played.
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if nonmonetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

10.8.5 The permit will have effect for ten years, unless it ceases to have effect, lapses, or is renewed. There is no annual fee for prize gaming permits.

10.8.6 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. A permit will be still valid pending renewal including an appeal against a decision not to renew. The permit must be kept on the premises, and it is an offence not to produce it when requested to do so by a constable, an enforcement officer, or an authorised local authority officer. There is a right of appeal against a decision not to grant or renew a permit.

11. Non-commercial and private gaming, betting, and lotteries

The Act allows gambling without any specific permissions under limited circumstances as follows:

- non-commercial gambling.
- incidental non-commercial lotteries.
- private gaming and betting.

11.1 Non-commercial gaming

This is allowed if it occurs at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if it is organised by or on behalf of a charity or for charitable purposes; or it enables participation in or support of athletic or cultural activities. It will therefore be possible to raise funds for a local hospital appeal or a charitable sporting endeavour. Events such as race nights or casino nights are also permitted if they comply with the regulations and profits go to a 'good cause'.

11.2 Incidental non-commercial lotteries

- Licensing Authorities are responsible for registering societies to run Small Society Lotteries.
- Incidental non-commercial lotteries, private lotteries and customer lotteries do not require to be registered.
- The definitions of the above types of lotteries are contained in Schedule 11 of the Act.
- Other lotteries require an operating licence from the Gambling Commission.

11.3 Private gaming

11.3.1 This can take place anywhere to which the public do not have access, for example, a workplace. Domestic and residential gaming may be permitted subject to the following conditions:

11.3.2 Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling; if it is on a domestic occasion; and if no charge or levy is made for playing.

11.3.3 Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and if more than 50% of the participants are residents.

- 11.3.4 Private gaming can potentially take place on commercial premises if a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel, or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are members of the club.

12. Poker

12.1 Poker can be played legally in the following circumstances:

- in casinos (including under temporary use notice)
- as exempt gaming in clubs and alcohol-related premises;
- under a club gaming permit
- as non-commercial gaming
- as private gaming

12.2 Poker in casinos

12.2.1 Poker can be played in casinos licensed by the Commission. Casinos can also run poker tournaments at temporary venues for a limited amount of time under temporary use notices (TUNs). Where a third-party organisation is involved in a poker competition held in a licensed casino, the casino operator must bear full responsibility for that competition. Similarly, where an online competition culminates in live competition in a casino, the online partner may provide systems and staff for the event, but responsibility lies with the operator whose premises are being used.

12.2.2 A casino may have a commercial relationship with an agent to promote poker in the casino, but the poker games that result are the responsibility of the casino and not of the agent.

12.3 Poker in alcohol-licensed premises

12.3.1 The Commission actively engages with the larger national and regional organisers of poker leagues to remind them of the limited exemptions that apply to poker being offered in pubs. This authority conducts appropriate enforcement to detect and prevent infringements of such localised requirements as stake and prize limits, because the Council issued the alcohol premises licence in the first place.

- 12.3.2 In some poker tournaments the organisers offer ‘prizes’ at the end of a series of weekly games for the players with the most points. It is likely that the association of a prize with a monetary value with a game or series of games constitutes gaming. Therefore, if the eventual prize is worth more than the maximum prize set out in regulations then it could be unlawful gaming. For example, if a tournament simply involves a series of straightforward ‘knockout’ qualifying rounds, culminating in a ‘final’ game, then the winner’s prize in the final – whether it comprises the stakes laid in that game, a separate prize provided by the organiser, or a combination of the two – must not exceed £100, which is the limit set by the regulations.

12.4 Poker under a club gaming permit

- 12.4.1 A club gaming permit can only be granted to a members’ club (including a miners’ welfare institute) but cannot be granted to a commercial club or other alcohol-licensed premises. Other than in the case of clubs established to provide facilities for gaming of a prescribed kind (currently bridge and whist), clubs seeking club gaming permits must be established ‘wholly or mainly’ for purposes other than gaming. When a club gaming permit is granted, there are no limits on the stakes and prizes associated with poker.
- 12.4.2 If a club established to provide facilities for gaming of a prescribed kind (currently bridge and whist) has a club gaming permit, it may not offer any other gaming besides bridge and whist. If such a club does not have a permit, it may provide exempt gaming provided it is not established to function for a limited period of time and it has at least 25 members. If it wishes to offer other non-exempt gaming, it will require a Commission casino operating licence and any relevant personal licences.
- 12.4.3 The poker which a club gaming permit allows is subject to the following conditions:
- (a) In respect of equal chance gaming:
 - (i) the club must not deduct money from sums staked or won the participation fee must not exceed the amount prescribed in regulations; and
 - (ii) the game takes place on the premises and must not be linked with a game on another set of premises.
 - (b) Two games are linked if:
 - the result of one game is, or may be, wholly or partly determined by reference to the result of the other game.
 - the amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game.

- a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games.
- only club members and their genuine guests participate.

(c) In respect of other games of chance:

- the games must be pontoon and chemin de fer only.
- no participation fee may be charged otherwise than in accordance with the regulations.
- no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

12.4.4 All three types of gaming are subject to the 48-hour rule, meaning that the games may only be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

12.5 Poker as non-commercial gaming

12.5.1 This is allowed if it takes place at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. One or more persons may benefit from the proceeds of such events if the activity is organised by or on behalf of a charity or for charitable purposes; or to enable participation in or support of athletic or cultural activities.

12.5.2 It would be possible to raise funds for an individual providing the proceeds were for example a wheelchair or to support a sporting endeavour. Events such as poker nights or casino nights are also permitted if they comply with the regulations and are run on a non-commercial basis.

12.6 Poker as private gaming

12.6.1 Poker offered as private gaming can take place anywhere to which the public do not have access, including a workplace. Domestic and residential gaming are two subsets where non-equal chance gaming is allowed.

- Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling or it is on a domestic occasion and no charge or levy is made for playing.
- Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and more than 50% of the participants are residents.

- 12.6.2 Private gaming can potentially take place on commercial premises in circumstances where a members' club hires a room in, for example, a pub or hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are not selected by a process which means that, in fact, they are members of the public rather than members of the club.
- 12.6.3 The law in this area is complex. It is contained in SI No 3157/2007: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007. Organisers should be advised to seek their own legal advice before proceeding with the event. 29.48 It is a condition of private gaming that no charge (by whatever name called) is made for participation and Schedule 15 to the Act makes it clear that a deduction from or levy on sums staked or won by participants in gaming is a charge for participation in the gaming. It is irrelevant whether the charge is expressed to be voluntary or compulsory, particularly if customers are prevented from playing if they do not make the 'voluntary' donation, or there is strong peer pressure to make the donation.
- 12.6.4 A relevant decided case in another licensing field is that of *Cocks v Mayner* (1893) 58 JP 104, in which it was found that an omnibus said to be available free of charge but whose passengers who were invited to (and in some cases did) make a voluntary contribution was 'plying for hire' without the appropriate licence.

12.7 Advertising

- 12.7.1 The Gambling (Licensing and Advertising) Act 2014 amended the Act so that from 1 November 2014, gambling operators that provide facilities for remote gambling or advertise to consumers in Great Britain will require a licence issued by the Commission. As an example, many poker websites promote other online gambling websites, usually by the provision of a hyperlink to that website. A hyperlink has been deemed to constitute advertising as it brings facilities for advertising to the attention of the person who clicks on the link.
- 12.7.2 It is not an offence to advertise non-remote gambling that is offered by operators not licensed by the Commission. For example, a prize could now include entry into a poker tournament, subject to meeting the appropriate prize limits.

13. Small society lotteries

13.1 Introduction

Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small

society lotteries (as defined). Promoting or facilitating a lottery will fall within two categories:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences.
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.
- The Council will need to know the purposes for which a society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, has been established so as to ensure that it is a non-commercial organisation. S.19 of the Act defines a society as such if it is established and conducted:
 - for charitable purposes, as defined in s.2 of the Charities Act 2006.
 - for the purpose of enabling participation in, or of supporting, sport, athletics, or a cultural activity.
 - for any other non-commercial purpose other than that of private gain.

13.1.1 Participation in a lottery is a form of gambling, and as such licensing authorities must be aware that the societies they register are required to conduct their lotteries in a socially responsible manner and in accordance with the Act. The minimum age for participation in a lottery is 16 and Social Responsibility (SR) code 3.2.9 requires lottery licences to have effective procedures to minimise the risk of lottery tickets being sold to children, including:

- procedures for: checking the age of apparently underage purchasers of lottery tickets.
- taking action where there are unlawful attempts to purchase tickets.

13.1.2 The licensee must take reasonable steps to ensure that all those engaged in the promotion of lotteries understand their responsibilities for preventing underage gambling, returning stakes, and not paying prizes to underage customers.

13.1.3 Licensing Authorities may propose to refuse an application for any of the following reasons:

- an operating licence held by the applicant for registration has been revoked; or

- an application for an operating licence made by the applicant for registration has been refused within the past five years.
- the society in question cannot be deemed non-commercial.
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in schedule 7 of the Act.
- information provided in or with the application for registration is found to be false or misleading.

13.2 External lottery managers' licence status

13.2.1 External lottery managers (ELMs) are required to hold a lottery operator's licence issued by the Commission to promote a lottery on behalf of a licensed society. However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors.

13.2.2 Key indicators will include:

- who decides how the lottery scheme will operate.
- who appoints and manages any sub-contractors.
- the banking arrangements for handling the proceeds of the lottery.
- who sells the tickets and pays the prizes.
- who controls promotional aspects of the lottery.

13.2.3 Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences held on its website.

13.3 Lottery tickets

13.3.1 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society.
- the price of the ticket, which must be the same for all tickets.

- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM.
- the date of the draw, or information which enables the date to be determined.

13.3.2 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it. The Commission recommends that licensing authorities require all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority has powers to inspect the records of the lottery for any purpose related to the lottery.

13.3.3 The Act stipulates that lottery tickets may only be sold by persons who are aged 16 or over to persons who are aged 16 or over. With regards to where small society lottery tickets may be sold, this Council will adhere to the Commission's recommendations and apply the following criteria to all small society lottery operators:

- lottery tickets must not be sold to a person in any street, bridge, road, lane, footway, subway, square, court, alley, or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not.
- tickets may, however, be sold in a street from a static structure such as a kiosk or display stand.
- tickets may also be sold door to door.
- licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

13.3.4 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

13.4 Application and registration process for small society lotteries

13.4.1 On receipt of an application for a small society lottery this Authority will check the:

- society status – the society in question must be 'non-commercial'.
- lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values, then they may

need to be licensed with the Commission to operate large lotteries instead.

- 13.4.2 The promoting society of a small society lottery must be registered with the Licensing Authority where their principal office is located throughout the period during which the lottery is promoted. If this Licensing Authority believes that a society's principal office is situated in another area, it would inform the society and the other Licensing Authority as soon as possible.
- 13.4.3 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application. Applicants will be asked to provide a copy of their terms and conditions and a declaration, stating that they represent a bona fide non-commercial society.
- 13.4.4 In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.
- 13.4.5 Because of this possibility, this Licensing Authority will carefully consider any application by a society for more than one registration. If the aims and objectives are the same and therefore the threshold limits for small society lotteries are likely to be exceeded, the applicant will be advised to apply to the Commission for a society lottery operating licence.
- 13.4.6 By virtue of Schedule 11 paragraph 31(5), societies may not hold an operating licence and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of 3 years during which a large society cannot convert to small society status. Licensing Authorities should check that applicants for registration do not hold (and have not held in the preceding 3 years) a society lottery operating licence granted by the Commission.
- 13.4.7 This authority will also wish to check with the society at the time the annual fee is paid to renew the registration, to ensure that a society does not hold a duplicate registration with this council or another local authority where the aims and objectives of the societies are the same. If that is the case and the combined proceeds exceed or are likely to exceed the threshold limits for small society lotteries, the society will be advised to apply to the Commission for a society lottery operating licence. This Licensing Authority will also notify the Commission.
- 13.4.8 Once the application for registration has been accepted and entered on the local register, the Licensing Authority must then notify both the applicant and the Commission of this registration as soon as practicable. The

Commission would prefer to receive this information electronically via email to info@gamblingcommission.gov.uk.

- 13.4.9 Registrations run for an unlimited period unless the registration is cancelled. If a Licensing Authority cancels the registration of a society, they are required by paragraph 53 of Schedule 11 of the Act to notify the Commission.

13.5 Refusal of an application

- 13.5.1 Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for licensing authorities to refuse a small society lottery registration application. A Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. Licensing Authorities should inform the society of the reasons why it is minded refusing registration and provide it with at least an outline of the evidence.

- 13.5.2 In summary, Licensing Authorities may propose to refuse an application for any of the following reasons:

- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years.
- the society in question cannot be deemed non-commercial.
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act.
- information provided in or with the application for registration is found to be false or misleading.

13.6 Revocation of a small society's registered status

- 13.6.1 A Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. A revocation cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, licensing authorities should inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion. Representations that may result after such a decision will be handled in accordance with local procedures.

13.7 Appeals

- 13.7.1 Following the conclusion of any hearings and receipt of representations, paragraph 51 of Schedule 11 to the Act then requires the authority to notify

the applicant or the society as soon as possible if their registration is still to be revoked, or if their application for registration has still been rejected.

13.7.2 The applicant or society may appeal to the Magistrates' Court against the decision within 21 days following receipt of the notice of the decision to lodge an appeal. On appeal they may choose to affirm the decision of the Licensing Authority, reverse the decision, or make any other order.

13.7.3 The Society or its external lottery managers must submit returns containing certain information to the Licensing Authority. This information allows licensing authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

13.7.4 The following information must be submitted:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover.
- the total proceeds of the lottery; the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers.
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery.
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds).
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

13.7.5 This Council requires returns to be submitted electronically at business.licence@brent.gov.uk.

14. Chain gift schemes

14.1 It is an offence to invite others to join a chain gift scheme or to participate knowingly in the promotion or administration of such a scheme. These schemes are similar to pyramid selling schemes but escape the ban on them because they do not involve the sale of any product. If this Council becomes aware of such a scheme operating in the Borough, the Trading Standards team will investigate to ascertain if an offence under the Consumer Protection from Unfair Trading Regulations 2008 has been committed. A person found guilty of the offence could be liable to a fine or imprisonment.

14.2 Street collectors selling game cards

- 14.2.1 If this Council becomes aware of street sellers in the borough approaching the public to sell them game cards 'to raise money for good causes', it will ask the Trading Standards to investigate. It will be unlikely that the product being sold is a legal lottery. This is because societies selling larger lotteries are not permitted to sell lottery tickets in the street.

15. Compliance and Enforcement Matters

15.1 Good practice in regulation

- 15.1.1 The Council has a duty to have regard to the statutory principles of good regulation as set out in the Regulators' Code¹. Regulators whose functions are specified by order under section 24(2) of the Legislative and Regulatory Reform Act 2006 must have regard to the Code when developing policies and operational procedures that guide their regulatory activities.

Regulators have a responsibility to support those they regulate in complying with regulations while also allowing them to grow. To achieve this, regulators must provide straightforward and simple ways for those they regulate to communicate and share their opinions. To ensure that regulatory activities are based on risk, regulators must share information on compliance and risk. Additionally, regulators must provide clear guidance, advice, and information to aid those they regulate in meeting their responsibilities. Finally, regulators must ensure transparency in their approach to regulatory activities.

- 15.1.2 The Regulator's Code is enshrined in the Council's own Enforcement Policy with which every enforcement officer is required to adhere. As per the Commission's Guidance for licensing authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 15.1.3 This licensing authority has adopted and implemented a risk-based inspection programme based on:

- the licensing objectives.
- relevant codes of practice.
- guidance issued by the gambling commission, in particular at part 36; and
- the principles set out in this statement of licensing policy.

- 15.1.4 As well as ensuring that all enforcement activity is proportionate, consistent, transparent, and accountable, the policy also requires that activity is targeted

¹ <https://assets.publishing.service.gov.uk/media/5f4e14e2e90e071c745ff2df/14-705-regulators-code.pdf>

primarily on those activities and premises which give rise to the most serious risks or where risks are least well controlled. This will be intelligence led approach. Regard will also be had to the local area profile set out in this policy.

15.1.5 This risk based approach will also be applied to inspections of premises to ensure that high risk premises requiring greater level of attention will be targeted whilst low risk premises will receive a lighter touch. Premises will be assessed on the basis of

- The type and location of the premises
- The past operating history of the premises
- The confidence in management
- The arrangements in place to promote the licensing objectives.

15.1.6 Where appropriate to do so, this Authority will work with other responsible authorities to promote the licensing objectives through enforcement. Compliance will normally be sought through early engagement, mediation, education, and advice. In cases where this is not possible officers will seek to achieve compliance through the most appropriate route having regards to all the relevant matters. Where appropriate, regard will be given to primary authority directions.

15.1.7 When a decision of whether or not to prosecute is required then this Authority will follow the principal criteria from the Guidance in the Code for Crown Prosecutors which requires the two main tests to be considered:

- Whether the standard of evidence is sufficient for a realistic prospect of conviction
- Whether a prosecution is in the public interest.

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

15.1.9 This Licensing Authority recognises that certain bookmakers and other licensed premises operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual within the organisation/company, and whom the authority may contact first should any compliance queries or issues arise.

15.2 Enforcement Related Fees

- 15.2.1 Licensing Authorities compliance and enforcement work and the costs of dealing with illegal gambling is covered by fees from premises licences and permits. The Act requires licensing authorities to “aim to ensure that the income from fees ... As nearly as possible equates to the costs of providing the service to which the fee relates and work, including the cost of dealing with illegal gambling in a Licensing Authority’s area”. This Council will closely track its costs to demonstrate how it arrived at the fee and will review such fees annually.

15.3 Application Forms

- 15.3.1 This Council has provided information on how to make applications for licences and other permissions under the Act. Linked to this information is an online application form as well as a list of ‘responsible authorities’ and their appropriate contact details. As there are no prescribed application forms for family entertainment centres, prize gaming, or licensed premises gaming machine permits, this Council will accept applications for these licences in the hard copy which can be downloaded from www.brent.gov.uk/business .

15.4 Enforcement officers and authorised persons

- 15.4.1 S.303 of the Act enables the Commission to designate employees of the Commission and to appoint persons other than employees as enforcement officers for the purpose of the Act. Such persons are deemed to be authorised if:
- the premises are wholly or partly situated in the authority's area; and
 - the officer is designated by the authority as an authorised person for the purposes of s.304.
- 15.4.2 These authorised persons will exercise their inspection powers in accordance with the principles set out in the Licensing Authority’s policy statement.

15.5 Powers of entry

- 15.5.1 The Act states that authorised persons, constables, and enforcement officers may: undertake activities for the purpose of assessing compliance with provisions made under the Act or to assess whether an offence is being committed under the Act; enter premises if they reasonably suspect that facilities for gambling are being, are about to be, or have been provided on the premises. This would include a private club but does not apply if the suspected gambling is private or non-commercial gaming or betting. (s.307).
- 15.5.2 If in doubt, this Licensing Authority will:
- (a) seek legal advice about also securing a warrant issued by a justice of the peace to enter a premises in respect of which an application has

been made for a family entertainment centre (FEC) gaming permit to consider the application, or to enter a premises in respect of which a FEC gaming machine permit has effect, in order to determine compliance with gaming machine permit requirements (s.309).

(b) enter premises with 'on-premises' alcohol licence to determine if any gaming that is taking place satisfies the conditions for exempt gaming in s.279 of the Act, to ascertain that any bingo taking place meets the requirements of the Act, or to ascertain the number and category of gaming machines being made available for use on the premises. (s.310).

(c) enter premises in respect of which an application has been made for a prize gaming permit, to consider the application, or to enter a premises in respect of which a prize gaming permit has effect in order to determine whether prize gaming on the premises complies with the requirements of the Act and regulations under it (s.311).

15.5.3 Where an application for a club gaming permit or club machine permit has been made, enforcement officers or the police may also enter a members' club, a commercial club or miners' welfare institute under for matters connected with consideration of the application, to determine whether gaming is taking place or is about to take place on the premises; and such gaming meets the requirements for exempt gaming in section 269 of the Act, a club gaming permit or a club machine permit.

15.5.4 Only police officers and enforcement officers can enter the premises that have been granted a permit to determine if the things being done are in accordance with that permit (and not primarily because they suspect a crime is taking place/has taken place). Under s.318 of the Act a constable, enforcement officer or authorised person can only enter a dwelling under a warrant issued by a justice of the peace. In all circumstances, only a police officer or enforcement officer can seize evidence.

15.6 Illegal gambling

15.6.1 The prevention of illegal gambling is an enforcement priority for the Council. Combating illegal gambling is of significant benefit to the licensed community as the provision of illegal unregulated gambling impacts upon the reputation of the industry as a whole. The persistent and widespread existence of illegal gambling also reduces the incentive on operators to be correctly licensed. The Council will take formal enforcement action against those providing or facilitating illegal gambling in one premises. But the Commission will generally take the lead in prosecuting the offence of providing facilities for widespread and organised gambling.

15.7 Test purchasing and age verification

- 15.7.1 The Council will carry out test purchasing to detect whether children and your persons are accessing adult only gambling premises or are engaged in gambling intended for adults. Appropriate enforcement action will be taken against offenders.

15.8 Primary Authority

- 15.8.1 The PA scheme, administered by the Better Regulation Delivery Office (BRDO) provides for a statutory partnership to be formed between a business and a single authority, e.g., a local authority. That single authority, the PA, can provide a national inspection strategy within which other local regulators can operate, to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The PA scheme therefore aims to ensure that local regulation is consistent at the national level.
- 15.8.2 Since October 2013, the PA has been extended to include age-restricted sales of gambling in England and Wales. This means local authorities in England and Wales must follow any age restricted sales of gambling national inspection plans and strategies that are published on the PA register when considering proactive age restricted sales (gambling) activity including testing. The inspection plans are designed to be largely uniform and to bring consistency to proactive test purchasing in those betting shops. These arrangements underpin the primary objectives of the Act in relation to protecting children from gambling-related harm and preventing them from accessing gambling facilities. PA plans do not prohibit licensing authorities undertaking reactive test purchasing. PA does not apply to the police or the Commission.

15.9 Prosecutions

- 15.9.1 The Act gives licensing authorities in England and Wales, the police, and the Commission the power to prosecute the offence of using premises for gambling without the requisite permissions. In exceptional circumstances, such as repeated deliberate breaches of premises licence conditions, licensed operators or permit holders may be prosecuted without any prior regulatory action, such as warnings, suspension or revocation of licence or removal of permit. Most prosecutions will be against those illegally providing gambling without a licence or permit.
- 15.9.2 There is a distinction between those who conduct gambling operations under a licence or permit but breach the conditions of that, and those who seek to profit from providing facilities for gambling without a licence or permit. While both situations result in unlawful gambling, the latter situation is generally considered by the Council and the Commission to be more serious.

CONTACT

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Schedule 1: Summary of machine provisions by premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino(machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act casino(no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo premises ¹	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4						No limit on category C or D machines
Adult gaming centre ²	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4						No limit on category C or D machines
Licensed family entertainment centre ³							No limit on category C or D machines
Family entertainment centre (with permit) ³							No limit on category D machines
Clubs or miners' welfare institute (with permits) ⁴	Maximum of 3 machines in categories B3A or B4 to D						
Qualifying alcohol-licensed premises							1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)							Number of category C-D machines as specified on permit
Travelling fair							No limit on category D machines

Table 4: Summary of machine provisions by premises

Additional Guidance

Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight (The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which

are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.¹

Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

¹With reference to the proposed changes introduced by the government's 'White Paper', this additional guidance is subject to change within the policy period.

Schedule 2: Summary of gaming machine categories and entitlements

Link to summary of gaming machine categories and entitlements.¹

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

¹ With reference to the proposed changes introduced by the government's 'White Paper', this additional guidance is subject to change within the policy period

Schedule 3: Summary of gaming entitlements for clubs and alcohol-licensed premises

Link to summary of gaming machine categories and entitlements:

<https://www.gamblingcommission.gov.uk/authorities/guide/codes-of-practice>

Schedule 4: Summary of offences under the Gambling Act 2005 General offences regarding the provision of gambling facilities

Providing gambling facilities in Great Britain without a relevant licence, permit, notice, or exemption included under the Act.	S.33
Using premises to provide gambling facilities from, or causing them to be provided, without a relevant licence, permit, notice or exemption under the Act.	S.37

Offence Regarding cheating at gambling

Cheating, attempting to cheat, or assisting another person to cheat at gambling.	S.42
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Offence committed towards or by under 18s.

Inviting, causing or permitting a child (under 16) or young person (16 – 17) to gamble, with the exception of:	
private / non-commercial gaming and betting	
participating in lotteries	
participating in football pools	
using a category D gaming machine	S.46
participating in equal chance gaming at premises subject of a prize gaming permit or an FEC	S.48
premises licence	
participating in prize gaming at a fair or an unlicensed FEC	
This offence includes intentional distribution of advertising to under-18s where the intent is to encourage gambling.	
It is also an offence on the part of a young person to gamble with the exception of situations listed above.	
Inviting or permitting a child or young person to enter:	
a casino	
a betting premises (except for betting areas of horse and greyhound tracks on race days)	S.47
an adult gaming centre	
areas of a family entertainment centre where category C gaming machines are situated.	S.49
This offence is committed at all times when the premises listed above are being used in reliance on the premises licence.	
It is also an offence on the part of a young person to enter the premises listed above.	

For a summary list of all offences under the Gambling Act 2005 please use the following link:
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-D-Summary-ofhttp://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-D-Summary-of-offences-under-the-Gambling-Act-2005.aspxoffences-under-the-Gambling-Act-2005.aspx>

Schedule 5: Delegations of functions under the Gambling Act 2005

The Council's Licensing Committee is responsible for discharging the majority of the Council's licensing functions under the Gambling Act 2005. The notable exceptions are the final approval of the Council's Statement of Gambling Principles (also known as Statement of Licensing Policy) and policy not to permit casinos. Both of these functions are reserved to full Council.

In practice, and in accordance with relevant statutory provisions, all those decisions which can be, have been delegated to officers. Further, the Alcohol and Entertainment Licensing Sub-Committee is responsible for considering and determining applications and other matters which cannot be determined by officers. That Sub-Committee can also consider and determine any other matters referred to it for determination by officers (e.g., matters which can be considered by officers but which is considered more appropriate for the Sub-Committee to do so).

Schedule 6: Responsible Authorities

- Metropolitan Police
- London Fire and Emergency Planning Authority
- Planning Authority, Brent Council
- Environmental Health, Brent Council
- Safeguarding Children's Board, Brent Council
- HM Customs and Excise

Schedule 7: Persons or Bodies representing the interests of those who are likely to be affected by the exercise of the authority's functions

- London Borough of Brent Councillors
- Brent MPs and Member of the Greater London Authority
- All Brent Council Directorates
- The Safer Brent Partnership
- Gamblers Anonymous
- Alcoholics Anonymous
- New Beginnings
- Youth Offending Service (YOS)
- National Probation Service
- Citizens Advice
- Brent Samaritans
- Salvation Army
- Brent Magistrates' Court
- Brent Mind
- Brent Council's Residents' Association
- Age UK

Schedule 8: Persons or bodies representing the interests of those carrying on gambling businesses in the borough:

- Current holders of licences, permits, registrations etc. in the borough.
- Gaming Machine Suppliers
- Association of British Bookmakers
- British Amusement Catering Trade Association
- British Casino Association
- Casino Operators Association
- The Association of Licensed Multiple Retailers
- British Beer and Pub Association
- British Institute of Innkeeping
- GamCare
- Brent Chamber of Commerce
- The Football Association
- Federation of Licensed Victuallers
- The Bingo Association
- The Working Men's Club & Institute Union
- Responsibility in Gambling Trust
- Remote Gambling Association

- The Lotteries Council
- Betting and Gaming Council
- Gambling Business Group

Schedule 9: Any other individuals or organisations¹

- General Public - via Council Website and Press Release

Schedule 10: Relevant Strategies and Assessments in Place within Brent Council

Borough Plan 2023 – 2027

<https://www.brent.gov.uk/the-council-and-democracy/strategies-priorities-and-policies/brent-borough-plan-2023-2027#boroughplan>

Brent Black Community Action Plan

<https://www.brent.gov.uk/neighbourhoods-and-communities/community-priorities/brent-black-community-action-plan#bbcap>

Brent Health and Wellbeing Strategy

https://legacy.brent.gov.uk/media/16420668/brent_health_and_wellbeing_strategy.pdf?_ga=2.107383937.2044133350.1692864662-782607314.1683191094

Homelessness and Rough Sleeping Strategy

<https://www.brent.gov.uk/housing/housing-assistance/homelessness-and-rough-sleeping-strategy>

Brent SEND Strategy 2021 – 2025

https://legacy.brent.gov.uk/media/16420000/send-strategy-2021-25.pdf?_ga=2.215917844.2044133350.1692864662-782607314.1683191094

Brent Stronger Communities Strategy

<https://legacy.brent.gov.uk/media/16412463/stronger-communities-strategy-2019.pdf>

Brent Youth Strategy

https://legacy.brent.gov.uk/media/16420126/brent-youth-strategy.pdf?_ga=2.174490785.2044133350.1692864662-782607314.1683191094

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¹ This is not an exhaustive list and may change during the consultation process.

Schedule 11: Glossary of terms

Applications	Applications for licences and permits
Authorised local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A Licensing Officer, an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority area. The following are considered authorised persons:</p> <p>Inspectors are appointed under the Fire Precautions Act 1971 Inspector appointed under the Health and Safety at Work, etc. Act 1974.</p> <p>Inspectors of Surveyors of ships appointed under the Merchant Shipping Act 1995.</p> <p>A person in a class prescribed in regulations by the Secretary of State.</p>
Automated Roulette	<p>2 types:</p> <p>(a) Linked to live game of chance, e.g., Roulette (b) Plays live automated game, i.e., operates without human intervention</p>
Automatic condition	Condition attached automatically to premises licences or authorisations. The Licensing Authority has no discretion 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	(a) Regional Casino Premises Licence
Licence Categories	(b) Large Casino Premises Licence (c) Small Casino Premises Licence

	(d) Casino permitted under transitional arrangements.
Club Gaming	Permit to enable the premises to provide gaming machines
Machine Permit	(3 machines of Categories B C or D).
Code of Practice	Means any relevant code of practice under section 34 of the Gambling Act 2005.
Complex Lottery	An arrangement where: (a) Persons are required to pay to participate in the arrangement; In the course of the arrangement, one or more prizes are allocated to one or more members of a class. (b) The prizes are allocated by a series of processes; and (c) The first of those processes relies wholly on chance.
Council	Brent Council
Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub Committee or Licensing Officers.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious

	and disruptive than mere nuisance.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Dual Use Computer	Definition in forthcoming Regulations. Exempt from a Gaming machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to be run

	<p>without a licence from the Gambling Commission. There are 4 types:</p> <p>(a) Small Society Lottery (required to register with Licensing Authorities)</p> <p>(b) Incidental Non-Commercial Lotteries e.g., Raffle at a dance/church fair</p> <p>(c) Private Lotteries e.g., Raffle at a student hall of residence</p> <p>(d) Customer Lotteries e.g., Supermarket holding a hamper raffle</p>
External Lottery	An individual, firm or company appointed by the small Lottery Society
Manager	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	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions.
1998 Articles: 1, 6,	Article 6: - the right to a fair hearing
8 and 10	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:

	(a) Lives sufficiently close to the premises to be likely affected by the authorised activities.
	(b) Has business interests that might be affected by the authorised activities.
	(c) Represents persons in either of the above groups.
Irrelevant	Where other legislation can cover the representation.
Representations	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 subcommittee 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 Lottery	Gambling on a live game as it happens (e.g., In-Play Betting). 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: (a) Identify the promoting society. (b) State the name and address of the member of Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and (c) 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	<p>A club that must:</p> <p>(a) have a least 24 members.</p> <p>(b) be established and conducted „wholly or mainly“ for purposes other than gaming</p> <p>(c) be permanent in nature.</p> <p>(d) Not established to make commercial profit controlled by its members equally</p>
Notifications	Notification of temporary and occasional use notices
Non-commercial event	<p>An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not private gain.</p>
Non-Commercial Society/small society	<p>A society established and conducted:</p> <p>(a) for charitable purposes.</p> <p>(b) for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or</p> <p>(c) for any other non-commercial purpose other than that of private gain</p>
Occasional Use Notice	<p>Betting may be permitted on a „track“ without the need for a full Premises Licence.</p>
Off Course Betting	Betting that takes place other than at a track, i.e., at a licensed betting shop.
Off Course Betting – Tracks	<p>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.</p>
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.
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Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
Premises	Defined as „any place“. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks adult gaming centres and family entertainment centres.
Private Lotteries	<p>3 Types of private Lotteries:</p> <p>(a) Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society.</p> <p>(b) Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises.</p> <p>(c) Residents" Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.</p>
Prize Gaming	<p>□ Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.</p> <p>□ The prizes will be determined by the operator before play commences.</p>
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.

Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he: Expects to be constructed. 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	Responsible authorises can make representations about licence applications or apply for review of an existing licence. For the purposes of this Act, the following are responsible authorises in relation to premises: (a) The Council Licensing Authority whose area the premises must wholly or mainly be situated. (b) The Gambling Commission. (c) Metropolitan Police (d) London Fire and Emergency Planning Authority, (e) Planning Authority, Brent Council. (f) Environmental Health, Brent Council (g) Brent's Safeguarding Children's Board (h) HM Customs and Excise. N.B. In accordance with the Gambling Commission's guidance for local authorities designates the Brent Safeguarding Children's Board for this purpose.
SIA	Security Industry Authority

Simple Lottery	An arrangement where: (a) Persons are required to pay to participate in the arrangement In (b) the course of the arrangement, one or more prize is allocated to one or more members of a class; and (c) 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 bookmaker running just one shop.
Society	The society or any separate branch of such a society, on whose
Statement of Principles	Matters taken into account when considering an applicant's suitability for an application for FEC Permits etc.
Temporary Use Notice	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Small Operations	Independent on course betting operators with only one or two employees or a bookmaker running just one shop.
Totalisator or Tote	Pool betting on tracks.

Touch Bet Roulette	Where a player gambles on a live game of chance without actually being seated.
Track	Sites where races or other sporting events take place e.g., horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that „wholly or principally“ provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.
Vessel; and Relevant Licensing Authority	The Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races i.e., images generated by computer to resemble races or other events.
Vulnerable	Include people who gamble more than they want to; people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol, or drugs. For example, this may include those persons who are under the influence of alcohol and/or are drunk. persons who are under the influence of alcohol and/or are drunk.
Young Person	An individual who is not a child but who is less than 18 years old.

	Football temporary use notice
	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

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GAMBLING CONSULTATION RESPONSES

Date Received	Agency/ Respondent	Method of response	Summary of Response to Consultation	Action Taken
4 September 2023	Hough and Bollard	Written	<p>Section 4.2.3 refers to a study linking anti-social behaviour and problem gambling.</p> <p>However, recent research found no significant relationship between problem gambling and crime, after accounting for low self-control, past substance use, and juvenile delinquency. More information can be found in https://pubmed.ncbi.nlm.nih.gov/32185650/</p>	<p>Some recent research studies do raise doubts on the link between problem gambling and crime. More data is need on the subject, as outlined by the Gambling Commission, who have asserted that further research is required to understand the association between gambling and criminal activities, the impact of unregulated markets, and crime as a form of gambling-related harm.</p> <p>As a result of this response, the relevant paragraph in the report, and the original cited research, have been removed to ensure that the emphasis remains on the expectations outlined in section 4.2.4, pertaining to the first objective. This will help avoid confusion for the users of the policy.</p>
15 October 2023	Cllr 1 – Point 1	Written	<p>Clear sight lines into AGCs and betting shops improve safety by allowing monitoring of those inside and outside.</p> <p>The balance between obscuring views and providing visibility is crucial. While concerns of attracting children are raised, seeing inside can also make them more visible.</p>	<p>If a betting premises has a clear link to crime and disorder, removal of items that obscure the view into the premises can be implemented. This is usually done as a result of a premises licence review or voluntary measures taken after concerns raised by a multi-agency team. The Gambling Commission's premises assessment toolkit provides some examples of this: https://www.gamblingcommission.gov.uk/authorities/guide/premises-assessments-toolkit#premises-assessments-case-studies.</p> <p>It is important to maintain a balanced view in such situations and to have regard for the potential commercial impact of any decisions made, alongside the need to promote the Licensing Objectives.</p>

				Therefore, we have amended the policy by adding an item for consideration at Section 4.2.4. The item is as follows: "Consider the appropriate placement of externally visible signage if better lines of sight into the premises would assist in reducing crime and anti-social behaviour related to the premises."
	Cllr 1 – Point 2	Written	Online gambling is often overlooked but can be more harmful than physical betting. Lockdowns have caused many to turn to online gambling, leading some into debt.	The regulation of online gambling falls outside the scope of Local Authorities and the Statement of Principles.
	Cllr 1 – Point 3	Written	Public Health and the NHS should monitor depression and other illnesses to assess any correlation with debt and gambling.	The point is accepted, but it is beyond the scope of the Statement of Principles.
	Cllr 1 – Point 4	Written	Drug and alcohol addiction can lead to gambling addiction. Promoting gambling awareness with public health and treatment services is crucial.	The point is accepted, but it is beyond the scope of the Statement of Principles.
	Cllr 1 – Point 5	Written	Betting shops and AGCs have been affected by FOBTs limits. This led to closures of betting shops and rise in AGCs. Identifying the client base for each establishment is important.	The point is accepted, but it is beyond the scope of the Statement of Principles.
	Cllr 1 – Point 6	Written	Betting shops and bingo halls can be important social spaces for some people. Is this also the case for AGCs?	Research may be needed to explore the social benefits of attendance at venues which provide bingo, betting and gaming machine low-stakes gaming. This is not information that is available at the time of redrafting the Statement of Principles.

	Cllr 1 – Point 7	Written	The maps provided showed ASB and crime data. Has there been a breakdown to show the involvement of alcohol? And what is the breakdown of ASB/ crime between Betting shops and AGCs. Are losses on machines the issue?	There is no local data to answer these questions around the involvement of alcohol in crime related incidents, comparisons between betting shops and AGCs or machine losses by premises type. However, the Brent Local Area Plan does show the location of alcohol licensed premises and operators must use this information to inform their Local Area Risk Assessments.
	Cllr 1 – Point 8	Written	Should the National Probation Service be shown separately from Brent Youth Offending Service in Schedule 6, P89?	Schedule 7 (page 93) shows the National Probation Service as separate to Youth Offending Service.
	Cllr 1 – Point 9	Written	Have Age UK and Brent Mind been consulted?	Schedule 7 (page 93) shows that Age UK and Brent Mind have been consulted.
13 October 2023	Luxury Leisure – Point 1	Written	The Authority is subject to the Regulators' Code under the Gambling Act 2005. It must support those it regulates, minimise negative economic impact, regulate compliance costs, and consider compliance records. A reference to the Code would be helpful.	Section 15 of the document discusses 'Good Practice in Regulation'. However, we noticed that the section doesn't mention the importance of minimising economic impact and reducing compliance costs. As regulators, we are committed to following the statutory principles of good regulation as outlined in the Regulators' Code. We also strive to assist those whom we regulate in complying with regulations and ensure that our actions are transparent, as it outlined within the opening paragraph of the policy. To clarify this further, we have revised the wording of Section 15.
	Luxury Leisure – Point 2	Written	Para 4.2.3 deals with the first Licensing Objective. However, it suggests that antisocial behaviour should be taken into account under this Objective. This is misplaced and recommend moving it to the third Licensing Objective due to its alleged correlation with "problematic gambling".	The point is accepted and understood. As anti-social behaviour is specifically covered within 4.2.8 (now renumbered to 4.2.7), is dealt with throughout the policy, and as concerns with the clarity of this paragraph have been raised within other responses, this paragraph has now been removed.

			We question how the provision of adequate sanitation relates to the first objective.	The point is accepted and understood. This was present within the policy before redrafting and its' purpose here is not clear. This has been removed from the relevant list.
	Luxury Leisure – Point 3	Written	There is question over the relevance of Para 5.9.3, and how it would be enforced. The Statement of Principles that applies to the application is determined by the respective authority.	<p>The paragraph that is being referred to currently reads as follows:</p> <p>'Lastly, all operators will need to take into consideration neighbouring wards and Boroughs when making a decision to apply for a new licence and/or writing/modifying risk assessments. As discussed, the provided list is not exhaustive. If other factors are identified, these should also be reflected upon in risk assessments.'</p> <p>The intention of this paragraph is to highlight that gambling premises are often situated on the border of Local Authority areas, particularly within London Boroughs. To comply with the LCCP (Licence Conditions and Codes of Practice), operators are required to assess the local risks to the licensing objectives and, as part of this, must take into account relevant matters identified in the licensing authority's Statement of Licensing Policy. It is not exclusively limited to the factors identified as part of Brent's Local Area profile and Statement of Policy.</p> <p>As the response received directly below makes clear the importance of partnerships with other Local Authorities, the paragraph has been revised to read:</p> <p>'Lastly, all operators must consider the risks to the licensing objectives that may arise from offering gambling services within their premises. This includes identifying all potential risks associated with factors present in neighbouring wards and Boroughs. Applicants are expected to consider these risks before applying for a new licence and/or modifying their existing risk assessments.'</p>

15 September 2023	Communities and Regeneration Team, Brent Council – Point 1	Written	Operators should consider neighbouring wards and boroughs while applying for a new licence or modifying risk assessments. This means that when awarding a Brent licence, we will take into account the proximity of licensed premises from neighbouring authorities. It's important to capture and safeguard against this for all neighbouring boroughs in our policy.	Please see amendment detailed directly above which makes the requirement to consider local risk arising from neighbouring boroughs clearer within Section 5.9.3.
	Communities and Regeneration Team, Brent Council – Point 2	Written	It was noticed that the interactive map is missing several Brent businesses in Kilburn.	<p>The interactive map referred to within the response has now been updated with the missing data from Kilburn.</p> <p>The amended map can be viewed here:</p> <p>https://maps.brent.gov.uk/map/Aurora.svc/run?script=%5Caurora%5Caurora+-+Gambling.AuroraScript%24&nocache=2097243282&resize=always</p>
11 October 2023	Merkur Group	Written	The Authority should not decide on a licensee's business model or limit their activities, except in cases where operator control measures fail. All licensees must comply with governing legislation and ensure that permitted gambling activities are socially responsible. Refusal assumptions contradict permissive licensing.	<p>This section was not amended in the most recent policy draft from the previous Statement of Principles and, therefore, has been unchallenged so far. However, it has been recognised that the original paragraph needs modification and has been amended as follows:</p> <p>“Bingo premises may only provide gaming machines for use if there are substantial facilities available for non-remote bingo, as outlined in Section 9.1.2 of the Licence Conditions and Codes of Practice.”</p> <p>To avoid any potential miscommunication, the paragraph above has been written to reflect the current relevant section of the LCCP without any additional commentary.</p>

18 October 2023	Cllr 2 – Point 1	Written	4.2.4 mentions training but not for vulnerable adults at gambling premises.	Concerns raised here will be addressed in a more appropriate section of the policy, as 4.2.4 primarily focuses on crime prevention.
	Cllr 2 – Point 2	Written	How should gambling businesses act on their commitment to protect vulnerable people? Should they provide training on vulnerability awareness?	Additional bullet point added to 4.5.3: Staff training for recognising vulnerability and risk of gambling harms.
	Cllr 2 – Point 3	Written	4.6.2 "Are these categories assessed on a list or case-by-case basis? For example, where do refugee hostels fall? Migrants are a high-risk group for gambling due to deprivation (as per Government communications)."	Emergency and supported accommodation are already included in the category of 'Hostels or other accommodation for vulnerable individuals'. This category has been updated to specifically cover emergency and supported accommodation within the Local Area Profile, hence the new phrase: 'Hostels, emergency accommodation, supported accommodation, or other accommodations for vulnerable individuals'.
	Cllr 2 – Point 4	Written	Para 5.2.2 - Can we have data that is specific to Brent? For example, the Manchester dataset that can be found at https://democracy.manchester.gov.uk/documents/s36131/Appendix%201%20Gambling%20Related%20Harms.pdf	The work mentioned was supported by the key findings of the PHE Gambling-related Harms Evidence Review and the Greater Manchester Strategic Needs Assessment on Gambling Harms. Though it would have been beneficial for Brent to conduct such an assessment, it was not available during the policy review. The PHE report has contributed to the government's current White Paper proposals, which are currently under consultation and will not be finalised until after policy implementation.
	Cllr 2 – Point 5	Written	Para 5.3.3. specifically mentions neurodiversity and low IQ – so these appear to be areas for training on awareness to avoid staff making assumptions/ stereotyping,	The latest update to section 4.5.3 provides additional guidance for vulnerability training. The definition was kept broad to cover all possible scenarios, as vulnerability is a complex and multi-faceted issue.

			understanding how to communicate with those who have a learning disability (and also respect their independence).	
	Cllr 2 – Point 6	Written	Para 7.2.3 - It is important to provide staff with training on how to work with adults with learning disabilities.	<p>This section pertains to the conditions that operators may offer during the application process. A new section, 7.2.3, has been added, which suggests a model condition for training staff to identify vulnerable individuals who may be susceptible to the harmful effects of gambling. The suggested condition is as follows:</p> <p>"All staff members must receive training on identifying those who may be vulnerable to gambling harm. Records of the training given must be retained on the premises and made available for inspection by authorised officials."</p>
	Cllr 2 – Point 7	Written	Para 8.10.2 - Can you add a definition of what a fair is, so that it doesn't limit what other cultural events can be held in parks?	Section 8.10.1 now includes the legal definition of travelling fairs. These fairs are defined as those that are wholly or primarily dedicated to providing amusements, and they are permitted to offer an unlimited number of Category D gaming machines and equal chance prize gaming without the need for authorisation from the Licensing Authority. However, such gaming facilities must be ancillary to the amusement provided by the fair.
24 October 2023	Health and Wellbeing Brent Council	Written	<p>Issues found:</p> <ul style="list-style-type: none"> - 1.1.4: Need more recent income data. - 1.3.2: Remove repeated sentence. - 5.3.4: Insert cost of harms data reference on page 28. 	<p>The income data has been updated using ONS data available here: https://www.ons.gov.uk/help/localstatistics</p> <p>The repeated sentence has been removed.</p> <p>The reference for this data has now been inserted on page 28: https://www.gov.uk/government/publications/gambling-related-harms-evidence-review/gambling-related-harms-evidence-review-summary--</p>

			- 5.5.3: Need more detailed deprivation breakdown.	2#:~:text=Our%202023%20economic%20analysis%20estimated,in%202021%20to%202022%20prices). Section 5.5.3 relates to the Local Area Profile, and reviewing the data used has not been part of the Statement of Policy review.
13 October 2023	Cllr 3	Online	One of the major issues is the differentiation in planning categories between traditional bookmakers and adult gaming centres, also known as "High Street Casinos." As a result, the policy of restricting the high street to only 3% of AGCs is easily bypassed by opening more bookmakers next to each other, which contain highly addictive gaming machines.	Noted but no policy revision required.
	Cllr 3	Online	The public has limited awareness of council policies and authority.	Noted but no policy revision required. The policy aims to establish the powers of the Local Authority in a clear and concise manner. The general lack of understanding regarding the council's responsibility in regulating gambling is noted, and this feedback will be included as part of the evaluation procedure.
	Cllr 3	Online	Limit new AGC licenses in high-crime areas and reduce operating hours of existing ones. Police concerns are ignored; they can only submit written statements. The 3% target for AGC density is too high and results in excessive establishments in a small area.	Noted but no policy revision required. The police have been consulted as a Responsible Authority on the draft policy. The White Paper amendments to the Gambling Act 2005 may introduce the ability for Local Authorities to introduce 'Cumulative Impact Zones' and this will be an opportunity to explore whether there is a need to put local restrictions

				in place where there are specific issues relating to the licensing objectives.
	Cllr 3	Online	The issue of gambling needs to be addressed as a public health concern, and its regulation should be transferred to the public health department. We should make a greater effort to utilise the insights gained from the Brent Poverty Commission to restrict the presence of gambling establishments in areas with a high level of deprivation.	<p>Noted but no policy revision required.</p> <p>The Local Area Profile takes deprivation into consideration and considers it within the policy. If an area is already facing high deprivation, any application would be evaluated based on its own merit and any risks posed to the Licensing Objectives.</p> <p>Several consultation responses have emphasised the need for a local strategy to tackle gambling-related harms. This has emerged as a theme in the consultation process.</p> <p>Unfortunately, there are limited opportunities to make amendments to the policy, based on this aspect, currently.</p>
	Cllr 3		We prevent fast food establishments near schools, why not do the same for gambling establishments?	<p>Noted but no policy revision required.</p> <p>The Local Area Plan identifies the placement of schools, which gambling operators should consider when conducting their Local Area Risk Assessment. In areas where children are particularly vulnerable, the impact on the licensing objective of protecting children from harm would determine whether a new application is granted and if it aligns with the licensing objectives.</p>
	Cllr 3		It is suggested to grant the police a more prominent role in the planning and licensing process.	<p>Noted but no policy revision required.</p> <p>As responsible authorities under gambling legislation, the police were consulted in the creation of this revised policy.</p>
	Cllr 3		Are we using the Index of Multiple Deprivation to prevent gambling establishments from operating in	Noted but no policy revision required.

			areas where the most vulnerable populations reside?	The Local Area Profile references the index of deprivation as a key companion document within the Statement of Policy.
	Cllr 3		Have the adjacent shops been surveyed to determine whether the gambling establishments are causing any related problems?	Noted but no policy revision required. As part of the broader consultation process, local businesses were consulted.
10 October 2023	Resident 1 - Alperton	Online	The council should consider stopping the issuance of gambling licenses due to the social problems associated with it.	Noted but no policy revision required. The response is noted but lacks a clear definition of the related social problems referenced.
19 September 2023	Resident 2 – Queens Park	Online	The measures taken are inadequate in ensuring the safety of people who are vulnerable.	Noted but no policy revision required. A number of revisions have been made to the policy regarding the protection of vulnerable people. To make further changes, it would be useful to have specific details/ examples of what could be implemented to better protect vulnerable people.
	Resident 2 – Queens Park	Online	Not easy to navigate.	Noted but no policy revision required. This is unfortunate, but further detail would be required to support policy revisions. A table of contents has been added into the policy during this revision to aide navigation.
	Resident 2 – Queens Park	Online	It is necessary to take further action to address the issue of antisocial behaviour occurring outside betting shops.	Noted but no policy revision required. This issue has been raised throughout the consultation process and engagement exercises. Further clarification has been added regarding operator responsibilities in recognising and mitigating the risks of crime associated with gambling premises.

	Resident 2 – Queens Park	Online	There is still much that needs to be done. It is unsettling to walk past these premises.	<p>Noted but no policy revision required.</p> <p>There has been an increased emphasis on ensuring that operators are responsive to crime and disorder issues related to their premises within the policy revision.</p>
	Resident 2 – Queens Park	Online	Betting shops use mosquito devices that emit high-frequency sounds to disperse younger people. A shop in Kensal Rise has this on the high street. Should it be illegal?	<p>Noted but no policy revision required.</p> <p>The policy does not require the installation of such devices, and it does not suggest that such devices would be effective in mitigating risk. Any devices that are installed must comply with relevant laws.</p>
11 September 2023	Resident 3 - Cricklewood and Mapesbury	Online	I don't feel safe walking with my baby due to the high number of gambling shops on Shoot Up Hill and the dodgy people in surrounding areas. The policy doesn't seem to prioritise protecting the vulnerable.	<p>Noted but no policy revision required.</p> <p>Greater focus has been placed on ensuring that operators are responsive to issues of crime and disorder related to their premises.</p>
	Resident 3 - Cricklewood and Mapesbury	Online	I don't understand how having so many gambling spots in Kilburn/Cricklewood contributes to the community's culture and wellness.	<p>Noted but no policy revision required.</p> <p>The policy refers to the Borough Plan's objectives but culture and wellness are not specifically part of the policy aims.</p>
	Resident 3 - Cricklewood and Mapesbury	Online	I don't believe that the current number of gambling businesses in Brent is sufficient to prevent harm to children.	<p>Noted but no policy revision required.</p> <p>The White Paper proposes introducing Cumulative Impact Zones, which could provide an opportunity to investigate whether there is evidence to support limitations on the issuance of new gambling premises licenses.</p>
	Resident 3 - Cricklewood	Online	The number of shops should be strongly reduced.	Noted but no policy revision required.

	and Mapesbury			
	Resident 3 - Cricklewood and Mapesbury	Online	Fast food chains near gambling spots should be reconsidered.	<p>Noted but no policy revision required.</p> <p>Another response has raised concerns regarding the proximity of gambling premises to fast food outlets where children tend to gather. To address this issue, it is recommended that gambling operators include the location of establishments that attract children and young people as a risk factor in their Local Area Risk Assessments, as outlined in Section 4.6.2.</p>
11 September 2023	Resident 4 - Sudbury	Online	The policy fails to balance protection for vulnerable residents and community support. Wembley Central has ten gambling shops on the High Road, 5 meters apart. This is unhealthy and unacceptable.	Noted but no policy revision required.
	Resident 4 - Sudbury	Online	The policy is easy to navigate.	Noted but no policy revision required.
	Resident 4 - Sudbury	Online	The policy is ineffective in preventing gambling, as money seems to be the top priority.	<p>Noted but no policy revision required.</p> <p>The Statement of Principles aims to permit gambling consistent with licensing objectives, not prevent it.</p>
	Resident 4 - Sudbury	Online	Gambling is unfair for vulnerable individuals. Limiting the number of shops on main roads could help address this issue.	<p>Noted but no policy revision required.</p> <p>As mentioned in other parts of this report, the policy cannot decrease the number of gambling establishments.</p>
	Resident 4 - Sudbury	Online	If you open a gambling premises near a fast-food restaurant, you are not protecting children.	Noted but no policy revision required.
	Resident 4 - Sudbury	Online	In Brent there's also a problem with spitting on the floor.	Noted but no policy revision required.

				The policy would not be able to address these specific concerns.
	Resident 4 - Sudbury	Online	Additional rules and on-the-ground police officers are needed to address the issue of fly tipping, which is a big problem in Brent. CCTV cameras have also been installed to help combat this issue.	<p>Noted but no policy revision required.</p> <p>The policy would not be able to address these specific concerns.</p>
	Resident 4 - Sudbury	Online	There is not enough data and the policy does not reach the right amount of people.	<p>Noted but no policy revision required.</p> <p>There have been other responses which suggest that there is a lack of locally available data and so this feedback will be used when evaluating the responses.</p>
	Resident 4 - Sudbury	Online	There is a definition of vulnerability but no action taken to actually protect the vulnerable.	<p>Noted but no policy revision required.</p> <p>The policy has been amended to explicitly state that Brent Council expects operators to train their staff on protecting vulnerable individuals and to implement policies that facilitate the identification of those who may be experiencing gambling-related harm.</p>
	Resident 4 - Sudbury	Online	Stop opening shops in Brent.	<p>Noted but no policy revision required.</p> <p>As referenced elsewhere within this report, the policy would not be able to issue restrictions on issuing new gambling premises, but sets out that we will consider the impact of each application on a case by case basis.</p>
	Resident 4 - Sudbury	Online	The Local Area Plan is hard to read for most people.	<p>Noted but no policy revision required.</p> <p>This comment will be used to explore improvements to the presentation of data.</p>

	Resident 4 - Sudbury	Online	There should be no gambling premises near shops, nurseries, restaurants or places where teenagers congregate.	<p>Noted but no policy revision required.</p> <p>The Local Area Plan identifies areas which are considered of higher vulnerability in terms of the proximity to locations where children and young people would be expected to congregate. Where the risk of harm is very high, operators would have to demonstrate that they have put policies into place to address these risks.</p>
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APPENDIX 3

EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	Statement of Gambling Principles
DEPARTMENT:	Resident Services
TEAM:	Licensing Team/ Regulatory Services
LEAD OFFICER:	Anu Prashar
DATE:	1 November 2023

NB: Please ensure you have read the accompanying EA guidance and instructions in full.

SECTION A – INITIAL SCREENING

1. Please provide a description of the policy, proposal, change or initiative, and a summary its objectives and the intended results.

Brent Council is the licensing authority under the Gambling Act 2005 (the Act) and is responsible for granting premises licences for gambling in the Borough. The Act created the Gambling Commission as a national regulatory body to enforce stronger gambling regulations. S.349 of the Act requires the council to publish a statement of the principles that it proposes to apply when exercising its functions under the Act. This statement must be published every three years. The statement must be reviewed from time to time and if the council thinks it necessary in the light of a review, revise the statement and publish any revision of it before it comes into effect. The council is required to consult widely on the statement and any revision of it. The Statement was last revised in 2020. The policy was extended by Full Council in Nov 2022 for two more years. Brent Council has reviewed its Statement of Principles and undertaken a public consultation exercise in order that the latest version can be agreed by the Full Council in November 2023 and published in January 2024.

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

Activities covered by legislation and this policy include:

- (a) The licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- (b) Issue *Provisional Statements*
- (c) Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake

certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits

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

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

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

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

This draft Statement of Gambling Principles has been updated using the Gambling Act 2005 which remains unchanged together with the latest guidance issued by the Gambling Commission to local authorities.

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

Where areas are identified as posing a significant risk of gambling related harm to individuals but especially to children and vulnerable adults, any new operator will be asked to consider relocating their premises to a more suitable location. Examples of such areas include Wembley High Road, Harlesden High Street, Kilburn high Road etc., which have high footfall

as well as those near supported accommodation, addiction treatment centres. This is not an exhaustive list as other factors also affect gambling related harm.

2. Who may be affected by this policy or proposal?

The Statement will affect all residents, businesses and visitors to the Borough who may be affected by premises- based gambling activity.

The Statement will be used by Council to regulate gambling activity within its responsibility, and it aims to balance the needs of all stakeholders to ensure gambling is lawful and the activity is safe.

3. Is there relevance to equality and the council's public sector equality duty? Please explain why. If your answer is no, you must still provide an explanation.

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

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

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

4. Please indicate with an "X" the potential impact of the policy or proposal on groups with each protected characteristic. Carefully consider if the proposal will impact on people in different ways as a result of their characteristics.

Characteristic	Impact Positive	Impact Neutral/None	Impact Negative
Age		X	
Sex		X	

Race		X	
Disability *		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage		X	

5. Please complete **each row** of the checklist with an “X”.

Screening Checklist

	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	X	
Does the policy or proposal relate to an area with known inequalities?		X
Would the policy or proposal change or remove services used by vulnerable groups of people?		X
Has the potential for negative or positive equality impacts been identified with this policy or proposal?		X

If you have answered YES to ANY of the above, then proceed to section B.

If you have answered NO to ALL of the above, then proceed straight to section D.

SECTION B – IMPACTS ANALYSIS

1. Outline what information and evidence have you gathered and considered for this analysis. If there is little, then explain your judgements in detail and your plans to validate them with evidence. If you have monitoring information available, include it here.

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

2. For each “protected characteristic” provide details of all the potential or known impacts identified, both positive and negative, and explain how you have reached these conclusions based on the information and evidence listed above. Where appropriate state “not applicable”.

AGE

Details of impacts identified	<p>Applications for licences and permits under the Gambling Act 2005 may not be made by a child (under 18 years old). Applicants are required to declare that they are over the relevant age at the time of making an application, and may be required to provide their date of birth for specific applications.</p> <p>Any application made by a child, where the legislation prohibits this, will be rejected.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's age, will be disregarded as irrelevant.</p> <p>Gambling activities permitted under licences/permits issued under the Gambling Act 2005 are largely restricted to those ages 18 years old and over. The policy details the legal requirements and expectations of licensees and permit holders to uphold the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling.' These requirements and expectations are not beyond what would be considered reasonable by the Gambling Commission.</p> <p>Access by customers to gambling premises / activities may be limited or determined by a customer's age, in circumstances where they are below the legal age to participate in the gambling activities available at that premises. There is no upper age limit on gambling activities, and therefore a refusing a person access to gambling premises / activities on the grounds that they were 'too old' would not be sufficient grounds for refusal.</p>
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DISABILITY

Details of impacts identified	<p>The Statement of Principles has no adverse impact on disability. Data regarding applicants' disabilities is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's disability, will be disregarded as irrelevant.</p> <p>Suitability of gambling premises for access/use by disabled persons is dealt with under the Equality Act 2010 and not a relevant consideration in determining gambling applications.</p> <p>An individual may refer to their own disability in a representation with respect to an application, either in passing or as a reason for the proposals adversely affecting them. In determining applications, the Council shall have regard to the Public Sector Equality Duty and ensure consideration is given to relevance of the disability to one or more of the three licensing objectives.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's disability. As a protected characteristic, disability is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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RACE

Details of impacts identified	<p>The Statement of Principles has no adverse impact on racial groups. Data regarding applicants' or individuals' race/ethnicity is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's race/ethnicity, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by which racial group the customer belongs to. As a protected characteristic, racial group is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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SEX

Details of impacts identified	<p>The Statement of Principles has no adverse impact on gender. Data regarding applicants' or individuals' gender is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's gender, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's gender. As a protected characteristic, gender is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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SEXUAL ORIENTATION

Details of impacts identified	<p>The Statement of Principles has no adverse impact on sexual orientation. Data regarding applicants' or individuals' sexual orientation is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's sexual orientation, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's sexual orientation. As a protected characteristic, sexual orientation is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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PREGANCY AND MATERNITY

Details of impacts identified	<p>The Statement of Principles has no adverse impact on pregnancy and maternity. Data regarding applicants' or individuals' pregnancy and maternity is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p>
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	<p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's pregnancy and maternity, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's pregnancy and maternity. As a protected characteristic, pregnancy and maternity is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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RELIGION OR BELIEF

Details of impacts identified	<p>Data regarding applicants' or individuals' religion is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's religion, will be disregarded as irrelevant.</p> <p>Representations received by or on behalf of religious persons or groups, where the representation cites religion as a reason for the representation, may be considered in the determination of a gambling application provided that it relates to one or more of the three licensing objectives.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's religion. As a protected characteristic, religion is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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GENDER REASSIGNMENT

Details of impacts identified	<p>The Statement of Principles has no adverse impact on gender reassignment. Data regarding applicants' or individuals' on gender reassignment is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p> <p>Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's on gender reassignment, will be disregarded as irrelevant.</p> <p>Access by customers to gambling premises / activities should not be limited or determined by a customer's on gender reassignment. As a protected characteristic, on gender reassignment is not sufficient grounds for somebody to be refused access to gambling premises / activities.</p>
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MARRIAGE & CIVIL PARTNERSHIP

Details of impacts identified	<p>The Statement of Principles has no adverse impact on marriage and civil partnership. Data regarding applicants' or individuals' on marriage and civil partnership is not collected as part of any application process under the Gambling Act 2005, and is not a consideration in the consultation or determination of any application.</p>
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Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's on marriage and civil partnership, will be disregarded as irrelevant. Access by customers to gambling premises / activities should not be limited or determined by a customer's on marriage and civil partnership. As a protected characteristic, on marriage and civil partnership is not sufficient grounds for somebody to be refused access to gambling premises / activities.

3. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

No

4. Were the participants in any engagement initiatives representative of the people who will be affected by your proposal and is further engagement required?

There has been consultation with key stakeholders, and a public consultation undertaken as part of the policy review).
Public consultation was conducted via the online consultation portal on the LB Brent website.
The results of this consultation informed the final draft of the Statement of Gambling Principles.

5. Please detail any areas identified as requiring further data or detailed analysis.

None identified.

6. If, following your action plan, negative impacts will or may remain, please explain how these can be justified?

N/A

7. Outline how you will monitor the actual, ongoing impact of the policy or proposal?

The Council will continue to monitor any changes to the policy. Any further changes or action to be determined by the Service Manager, Anu Prashar.

SECTION C - CONCLUSIONS

Based on the analysis above, please detail your overall conclusions. State if any mitigating actions are required to alleviate negative impacts, what these are and what the desired outcomes will be. If positive equality impacts have been identified, consider what actions you can take to enhance them. If you have decided to justify and continue with the policy despite negative equality impacts, provide your justification. If you are to stop the policy, explain why.

There is no adverse impact of this policy on any of the protected characteristics.

SECTION D – RESULT

Please select one of the following options. Mark with an "X".

A	CONTINUE WITH THE POLICY/PROPOSAL UNCHANGED	X
B	JUSTIFY AND CONTINUE THE POLICY/PROPOSAL	
C	CHANGE / ADJUST THE POLICY/PROPOSAL	
D	STOP OR ABANDON THE POLICY/PROPOSAL	

SECTION E - ACTION PLAN


This will help you monitor the steps you have identified to reduce the negative impacts (or increase the positive); monitor actual or ongoing impacts; plan reviews and any further engagement or analysis required.

Action	Expected outcome	Officer	Completion Date

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	Anu Prashar
REVIEWING OFFICER:	Simon Legg
HEAD OF SERVICE / Operational Director:	Peter Gadsdon

	Full council 20 November 2023
	Report from the Corporate Director, Governance
Changes to the Constitution	

Wards Affected:	All
Key or Non-Key Decision:	Council
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	One Appendix A: Proposed amendments to the Constitution
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman Corporate Director, Governance Tel: 020 8937 1578 Email: Debra.norman@brent.gov.uk

1.0 Executive Summary

- 1.1. This report proposes changes to speaking rights at Planning Committee and to the Procurement Rules.

2.0 Recommendation(s)

- 2.1 To agree the changes to the Constitution set out in Appendix 1.
- 2.2 To authorise the Corporate Director of Governance to amend the Constitution accordingly, including making any necessary incidental or consequential changes.
- 2.3 To note that, to the extent that the changes relate to executive functions of the Council, they have been approved by the Leader.

3.0 Detail

3.1 Contribution to the Borough Plan and Strategic Priorities

- 3.1.1 Ensuring the Constitution is kept up to date and supportive of good governance contributes to the delivery of all of the strategic priorities within the Borough Plan by supporting and enhancing the Council's activity.

3.2 Background

3.2.1 Speaking rights at Planning Committee

It is proposed that a change be made to the provisions in the Constitution concerning speaking rights at Planning Committee to enable representatives of public organisations (such as the Police) to speak if this is agreed by the chair. At the moment, there is no provision for this.

3.2.2 Procurement Rules

A number of changes to the procurement rules are due to be implemented on the 1 January 2024. The first relates to the implementation of The Department of Health and Social Care's Provider Selection Regime, which makes changes to the procurement of health care services. The second relates to an increase in the procurement thresholds for 2024 which have been released via the Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2023. The proposed changes set out in Appendix 1 reflect the various changes in legislation.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 None for the purposes of this report

5.0 Financial Considerations

- 5.1 None

6.0 Legal Considerations

- 6.1 These are contained in the body of the report.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

- 7.1. Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have "due regard" to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2 “Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to the effect is a matter for the council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged. Depending on the circumstances, regard should be had to the following:

- the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision;
- the need to remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;
- the need to take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes taking account of disabled persons’ disabilities. There can be a positive duty to take action to help a disabled person. What matters is how they are affected, whatever proportion of the relevant group of people they might be;
- the need to encourage persons who share a protected characteristic to participate in public life (or in any other activity in which participation by such persons is disproportionately low); and
- the need to tackle prejudice and promote understanding.

7.3 No equalities implications arise directly from this report.

8.0 Climate Change and Environmental Considerations

8.1 None

9.0 Human Resources/Property Considerations (if appropriate)

9.1 None

10.0 Communication Considerations

10.1 None

Report sign off:

Debra Norman

Corporate Director, Governance

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Appendix 1 – Amendments to Constitution

PART 2 - Procedural Rules

BRENT COUNCIL STANDING ORDERS

57. Speaking rights at Planning Committee

- 57(a) At meetings of the Planning Committee when reports are being considered on applications for planning permission, any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do so for a maximum of 3 minutes. Where more than one person wishes to speak on the same application, the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. The Chair may also invite two or more objectors or two or more supporters to share the allotted time of 3 minutes. . The chair shall also have discretion to allow a representative of a public organisation (such as the police) to speak for up to 3 minutes. In addition (and after hearing any members of the public and/or representatives of public organisations who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants, the Chair and members of the Committee may ask them questions after they have spoken if this is practical.

Contract Standing Orders

In the definitions at Contract Standing Order 82 - add:

“Defined Term: Provider Selection Regime” – “Definition: The regime for the procurement of health care services in accordance with the Health & Care Act 2022 and associated regulations

In the definitions at Contract Standing Order 82 - Amend

“low value contract: In the case of contracts for services (including Schedule 3 Services) or supplies: a contract with a Contract Value of between £25,000 and the Threshold for services and supplies contracts (which is currently £214,904 £213,477 (inclusive of VAT).

“medium value contract: In the case of contracts for services (including Schedule 3 Services) or supplies: a contract with a Contract Value of between the amount which is the relevant Threshold for services or supplies contracts (which is currently £214,904 £213,477 (inclusive of VAT)) and £2.m.

Thresholds: The current thresholds (inclusive of VAT) under Procurement Legislation for the following types of contracts are:

- in the case of contracts for Works, £5,372,609 £5,336,937 (inclusive of VAT);
- in the case of contracts for services or supplies, £214,904 £213,477 (inclusive of VAT);
- in the case of contracts for Schedule 3 Services, £663,540 (inclusive of VAT); and
- in the case of contracts for public works or services concession contracts, £5,372,609 £5,336,937 (inclusive of VAT); .

Contract Standing Order 86(f) – Subject to complying with any relevant parts of Procurement Legislation, Tenders need not be invited nor quotations sought: - add

(iv) for contracts for health care services procured in compliance with the Provider Selection Regime PROVIDED that advice is sought from the Corporate Director of Governance and Head of Procurement.



Item 16.1

Full Council – 20 November 2023

Conservative Group Motion

Expansion of the Ultra Low Emission Zone (ULEZ) – Don't Punish Brent Drivers

This Council notes that:

1. On 4th March 2022 the Mayor of London announced his plan to expand the Ultra-Low Emission Zone (ULEZ) from its current boundary of the North and South Circular Roads to cover almost all of Greater London. Despite the best efforts of Londoners, the Mayor of London (Sadiq Khan) pushed through and expanded the Ultra Low Emission Zone (ULEZ) on 29th August 2023 to all cover the whole of London.
2. Whilst the ULEZ was originally introduced covering the same area and with the same boundaries as the Congestion Charge Zone it was expanded on 25th October 2021 by 18 times its original size to its previous boundaries before the further expansion on 29th August 2023. The ramifications of this significant change are being felt in outer London Boroughs with the full extent still to be assessed. It goes without saying that the Mayor of London is on an anti-car rampage and won't be satisfied until we are "all out of cars"!
3. The expansion of ULEZ means that those with non-compliant vehicles are paying £12.50 per day to drive within the ULEZ. Residents are being forced to pay more to get to work, attend hospital appointments, visit friends and family and are not being able to take advantage of local businesses and high streets. This is costing jobs with essential workers such as doctors, nurses, care workers, teachers who rely on their vehicles also affected, especially those working nights who rely on use of their cars. ULEZ is damaging the social fabric of our local area, and many businesses have been forced to locate elsewhere or plan to close.
4. The ULEZ is a regressive tax, as the less well-off are disproportionately penalised. The expansion has also meant many more areas with poor public transport have been included within the zone which is fundamentally unfair as those residents unable to afford to keep or replace their car are being forced to rely on inadequate levels of public transport.
5. It is disappointing, but not at all surprising, that the Mayor of London has left a black hole in TfL's finances and the Labour Mayor now expects millions of families to foot the bill with an exorbitant £12.50 daily charge.

6. Drivers have paid an estimated £52 million in levies and fines in the first month of the ULEZ expansion. £52 million paid out of the pockets of the poorest Londoners is a disgrace with the scheme nothing more than a tax and money making scheme and nothing to do with protecting environment.
7. During his time in office as Mayor of London Sadiq Khan has accumulated enough air miles to fly around the world fourteen times. He even chose to fly to Argentina for a hybrid meeting. All this whilst charging Londoners more and more to use their cars! That can't be right.
8. The science behind the expansion and other anti-pollution measures more generally is a case of pay your money, pick your scientist. Sadiq Khan has pointed towards figures suggesting ULEZ reduced Nitrous Oxide levels by more than a quarter in its first six months but a team at Imperial College London looked at the data and suggested they fell by just 3%. Lies, damn lies, and emissions statistics.

The Mayor of London, Sadiq Khan's suggestion that a majority of voters back his crusade to tackle air pollution and that backing ULEZ places him on "the right side of history" and might work as a long-term strategy, is a fantasy.

As a result of the concerns highlighted this Council believes that:

1. Measures such as ULEZ which have been backed by the Labour leadership nationally, push up the cost of living in Brent by imposing taxes and charges on residents who rely on motor vehicles without providing them with realistic alternatives should continue to be opposed.
2. The £400 million set aside by the Mayor of London for the expansion of ULEZ and related projects would have been better spent on measures that would have a more positive impact on residents in Brent and across London such as
 - a faster upgrade to a zero-emission bus fleet.
 - increasing the roll out of rapid electric vehicle charging points.
 - encouraging more freight consolidation schemes.
 - bringing back the previous Boiler Cashback Scheme to encourage Londoners to upgrade their boilers to reduce household emissions.
 - financing a generous scrappage scheme to support Londoners in replacing their non-compliant vehicles.

Therefore, this Council resolves to call on the Leader of the Council to write to the Mayor of London Sadiq Khan outlining the concerns set out within the motion and crippling impact of the ULEZ tax on residents in Brent.

Councillor Jayanti Patel
Queensbury Ward

Full Council – 20 November 2023

Liberal Democrats Group Motion

Making our Voting System Fairer and More Representative

This Council believes:

The next General Election is an opportunity to take our country on a different course after years of chaotic Tory rule. This is especially true in the aftermath of the Brexit referendum, which saw the UK crash out of the European Union, with a bad deal, that has left us diminished, poorer and less important on the world stage. The next General Election will be fought under the antiquated First Past the Post voting system.

First Past the Post (FPTP) originated when land-owning aristocrats dominated parliament and voting was restricted to property-owning men. It is not fit for a 'modern democracy'.

In Europe, only the UK and authoritarian Belarus still use archaic single-round FPTP for general elections. This produces governments that have typically not had strong support across the country.

Internationally, Proportional Representation (PR) is used to elect the Parliaments of more than 80 countries. It is a system that works and has fostered a more consensual, pragmatic way of conducting politics and policy making.

PR ensures that all votes count, have equal value, and that seats won match votes cast. Under PR, MPs and Parliaments better reflect the age, gender and protected characteristics of both local communities and of the nation. Whilst the UK has taken leaps forwards in terms of electing a more diverse Parliament, we are still behind many other countries.

MPs better reflecting the communities they represent in turn leads to improved decision making, wider participation and increased levels of ownership of decisions taken. PR would also end minority rule. In 2019, 43.6% of the vote produced a government with 56.2% of the seats and 100% of the power. Fair, proportional votes also prevent 'wrong winner' elections such as occurred in 1951 and February 1974.

PR is now the national policy of the Labour Party, Liberal Democrats, Green Party, SNP, Plaid Cymru and Women's Equality Party along with a host of Trade Unions and pro-democracy organisations.

There is a growing consensus that the UK's voting system must change.

PR is already used to elect the parliaments and assemblies of Scotland, Wales and Northern Ireland. Its use should now be extended to include Westminster and considered at a local level too.

Our democracy is in a fragile state, with confidence in politics at a record low. Changing the voting system to guarantee that every vote counts equally can help to inspire renewed confidence in our political system, increase participation and ensure that the electorate are able to elect the type of government that the majority of the British people want to see.

This Council therefore resolves to:

- 1) Join 29 other local authorities across the country, of different political persuasions, in supporting calls for a change to the UK's voting system to Proportional Representation.
- 2) Request that the Leader of the Council write to H.M. Government calling for a change in our outdated electoral laws and to enable Proportional Representation to be used for UK general elections and local Council elections.
- 3) Request that the Leader of the Council write to H.M. Leader of the Opposition to encourage that the Labour Party include changing the electoral system in their next election manifesto.

Cllr Anton Georgiou
Alperton Ward

Full Council – 20 November 2023

Labour Group Motion

Save our Services

This Council notes:

- The ongoing campaign by both Unison and the Local Government Association highlighting the devastating impact of cuts and the £3.5bn shortfall in funding for the local services we all rely on every day.
- During the pandemic, councils spent billions of publicly accountable funds, to protect the most vulnerable residents – and now after 13 years of cuts, local services that were already stretched are at breaking point.
- Over the last thirteen years core funding from government has decreased by 78%. On top of the £210m of cuts made since 2010 we now must find a further £8m in cuts between 2024/25 and 2025/26.
- While funding has decreased, demand for our services has exponentially increased. There are now 800,000 more Londoner's and overall funding across the capital remains a fifth lower than 13 years ago.
- Rather than fully fund local government from the centre, successive Conservative Chancellors have moved the responsibility onto residents – using Council Tax, a tax aimed not at the wealth of the occupants but based on your property value as rated in 1991. The Government has consistently declined other equitable alternatives to raise funding.
- Successive Conservative Chancellors have insisted that Core Spending Power has increased in local government – but this metric is a smokescreen and reliant on all local authorities increasing Council Tax by the maximum amount.
- In a recently published study, London Councils, a cross-party organisation representing all 32 boroughs, has found that councils across the capital face a £400m shortfall in 2023. Of this figure, nearly £90m is due to unprecedented pressures on Temporary Accommodation. They also found that 9 in 10 boroughs were expected to overspend on their budgets this year.

- The cross-party Local Government Association has published analysis ahead of the Chancellors Autumn Statement, showing that inflation has added £15 billion nationally to the cost of delivering council services in just 2 years.
- A survey of 47 local authorities in the SIGOMA group revealed that five are in the process of deciding whether to issue a Section 114 notice and a further nine councils may have to declare bankruptcy next year, with at least 12 other councils across the country also considering issuing a section 114 notice in 23/24.

This Council also notes:

- Over the last 13 years of austerity, difficult decisions have been taken to allow this council to pass a legally balanced budget each year. In doing so, funding has been directed to protect frontline statutory services and ensure no resident is left behind – with to date, £14.5m invested in the Residents Support Fund and £32m dedicated to our Council Tax Support Scheme each year.
- Sadly, Brent like authorities up and down the UK, is experiencing an unprecedented demand for housing, driven by spiralling rents, catalysed by high interest rates.
- If demand continues at the same rate, the housing needs service will receive a total of 7,700 applications this financial year, an average of 148 applications every week, the highest it has ever been.
- In the last year, we saw more new homes built in Brent than anywhere else in the country. In contrast Liberal Democrat controlled Richmond, Kingston and Sutton built less than 200 between them.
- Yet our increased supply cannot keep pace with unparalleled demand, with a 22% increase in the number of residents presenting as homelessness, when compared to last year.
- The Chair of the G15 group of major housing associations has said that the capital is now facing the “worst situation” in regards to housing, ever seen. With inflation in the construction sector running at between 25% and 43% many major projects will need to be paused to await more favourable economic conditions.
- The seriousness of the Council's financial position cannot be understated. Fulfilling our statutory duty to support those at risk of homelessness has driven a potential overspend estimated by officers at £13m.
- As a result, we are bringing in additional spending controls across the council to help balance our budget this year. These sensible, proactive and prudent measures will ensure vital services are safeguarded at the same time as protecting our financial position.

This Council believes:

- Austerity was always a political choice not an economic necessity.
- The government should be held accountable for its role in every Section 114 notice issued by councils of all political colours across the country.
- It is the essential role of all Councillors to set a balanced budget, which ensures the long-term sustainability of this council.

This Council welcomes:

- The recommendations of Labour's Commission on the UK's future, chaired by Gordon Brown, setting out a plan for what Labour would do for local government – bringing decisions closer to the people affected by them; and with longer-term financial settlements, moving away from a model of ad-hoc bidding for funding pots.
- The Leader of the Labour Party's recent comments outlining how a Labour government would fix how councils are funded and move away from short-term funding settlements. In contrast, Prime Minister Rishi Sunak said "it was up to councils to manage their own finances".

This Council resolves:

- 1) To request that the Leaders of all Group's should write to the Chancellor of the Exchequer and call on the government to take responsibility for providing the long-term sustainable funding that councils so desperately need.
- 2) To ensure that budget proposals taken by Brent Council prioritise the protection of frontline services and the support available to residents most in need.
- 3) To support London Councils five-point plan to address the housing crisis in the capital:
 - Raising Local Housing Allowance (LHA)
 - Supporting councils to buy accommodation sold by private landlords
 - Boost Homelessness Prevention Grant funding
 - Increase Discretionary Housing Payments
 - Bring forward a cross-departmental strategy to reduce homelessness

Councillor Teo Benea
Sudbury Ward

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Full Council – 20 November 2023

2nd Labour Group Motion

Lift the Ban

This Council notes that:

- Brent has a proud history of embracing individuals seeking safety within our borough. Our diverse community of communities has contributed to the values which make Brent the open and welcoming borough it is today.
- The Conservative Government's attitude towards asylum seekers is unacceptable. It seeks to demonise families who have come to the UK for safety and a better life. This is reflected in both the UK-Rwanda partnership, which will criminalise refugees and threaten them with removal to Rwanda. It is also seen in the recent rhetoric of the Home Secretary who has said that multiculturalism has "failed".
- The government's approach can be seen in the significant problems with the UK asylum system, with over 700 individuals residing indefinitely in hotels in Brent while awaiting the outcome of their application to remain. There is a record backlog of cases awaiting a decision alongside a de facto ban on working, all of which leads to a circle of impoverishment.
- Since 2002, people seeking asylum have only been able to apply for the right to work after they have been waiting for a decision on their asylum claim for over a year, and only if they can be employed into one of the narrow, highly-skilled professions included on the government's Shortage Occupation List.
- That people seeking asylum are left to live on £5.39 per day, struggling to support themselves and their families, and left vulnerable to destitution, isolation, and exploitation.
- The potential for economic gain of millions of pounds to the UK via increased taxable income and reduced payments of accommodation and subsistence support is foregone.

This Council believes that:

- The Home Secretary's view that multiculturalism has failed is an insult to the residents that have built their lives in Brent and contributed to this borough.
- People seeking asylum want to be able to work so that they can use their skills and make the most of their potential, integrate into their communities, and provide for themselves and their families.
- Restrictions on the right to work can lead to extremely poor mental health outcomes, a waste of potentially invaluable talents and skills for the economy, and greater poverty and homelessness in Brent.
- Allowing people seeking asylum the right to work would therefore lead to positive outcomes for the local and national economy.
- The UK needs an asylum system that empowers people seeking safety to rebuild their lives and enables communities to welcome them, not to isolate them.

This Council therefore resolves to:

- 1) Join the Lift the Ban Coalition (led by refugee action), which is campaigning to restore the right to work for everyone waiting for more than 6 months for a decision on their asylum claim.
- 2) Request that the Leader of the Council writes to the Home Secretary to request that:
 - People seeking asylum and the right to work should be unconstrained by the shortage occupation list, after they have waited six months for a decision on their initial asylum claim or further submission.
 - The Home Office work with local authorities and communities to build a refugee protection system that treats all people with dignity and compassion.
 - Financial support be made available for councils like Brent, that will have more refugees that require wraparound support with housing, upon being awarded the right to remain.
 - The Home Secretary apologise for describing rough sleeping as a "lifestyle choice." There are at least 1.5 million people residing in the UK that have no recourse to public funds, many facing homelessness and many whose visa status has not been determined.

Councillor Ishma Moeen
Wembley Hill Ward