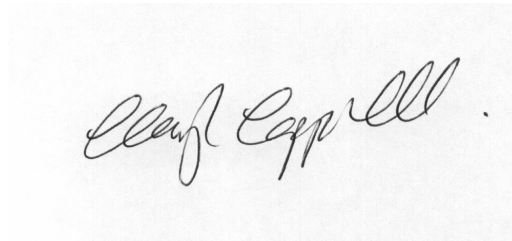


London Borough of Havering ***COUNCIL MEETING***

**7.30pm WEDNESDAY, 5 DECEMBER 2007
AT HAVERING TOWN HALL
MAIN ROAD, ROMFORD**

Members of the Council of the London Borough of Havering are hereby summoned to attend a meeting of the Council at the time and place indicated for the transaction of the following business

A handwritten signature in black ink, appearing to read 'Clive Coppell', is centered on a light gray rectangular background.

Chief Executive

**For information about the meeting please contact:
Ian Buckmaster (01708) 432431
*ian.buckmaster@havering.gov.uk***

NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

The Council is committed to protecting the health and safety of everyone who attends its meetings.

At the beginning of the meeting, there will be an announcement about what you should do if there is an emergency during its course. For your own safety and that of others at the meeting, please comply with any instructions given to you about evacuation of the building, or any other safety related matters.

2. MOBILE COMMUNICATIONS DEVICES

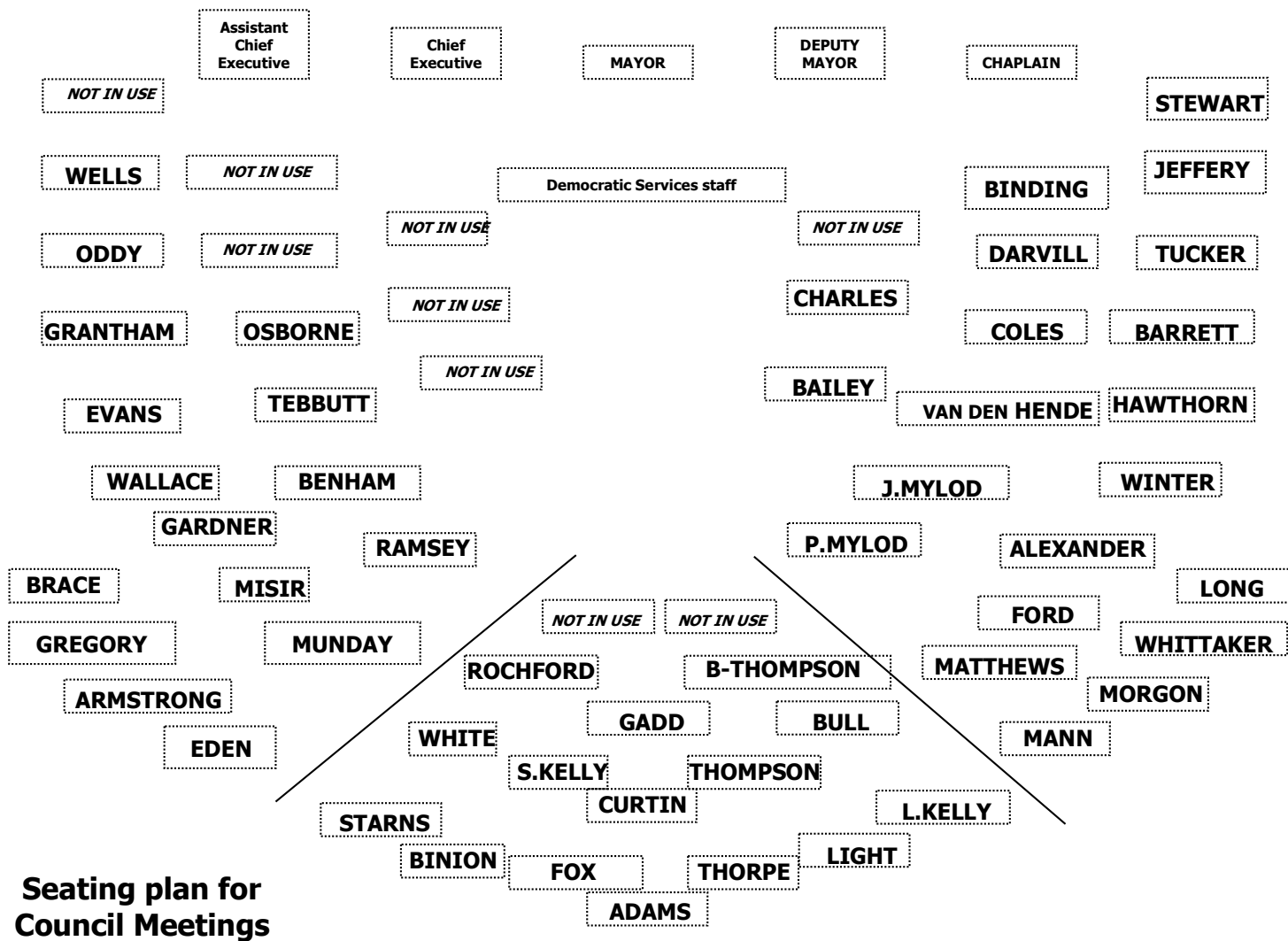
Although mobile phones, pagers and other such devices are an essential part of many people's lives, their use during a meeting of the Council can be disruptive and a nuisance. Everyone attending is asked therefore to ensure that any device is switched to silent operation or switched off completely.

3. CONDUCT AT THE MEETING

Although members of the public are welcome to attend meetings of the Council, they have no right to speak at them. Seating for the public is, however, limited and the Council cannot guarantee that everyone who wants to be present in the public areas of the Council Chamber can be accommodated. When it is known in advance that there is likely to be particular public interest in an item the Council will endeavour to provide an overspill room in which, by use of television links, members of the public will be able to see and hear most of the proceedings.

PLEASE REMEMBER THAT THE MAYOR MAY REQUIRE ANYONE WHO ACTS IN A DISRUPTIVE MANNER TO LEAVE THE MEETING AND THAT THE MEETING MAY BE ADJOURNED IF NECESSARY WHILE THAT IS ARRANGED.

If you need to leave the meeting before its end, please remember that others present have the right to listen to the proceedings without disruption. Please leave quietly and do not engage others in conversation until you have left the Council Chamber.



INFORMATION FOR MEMBERS

Commencement of Meeting

As an aid to Members, a single ring of the division bell will sound 5 minutes before the meeting is due to begin, followed by a double ring at 2 minutes before, at which time Members are asked please to take their seats for the commencement of the meeting.

Control of microphones

Members are reminded that, at Council meetings, the microphones are controlled centrally under the direction of the Mayor. Consequently, Members do not need to press the **MIC ON** button in order to speak, nor to turn off the microphone when they have finished.

The Mayor would find it helpful, however if Members would press the **MIC ON** button to indicate that they wish:

- to speak in the course of debate on any motion (including movers and seconders)
- to rise to a point of order, of information or in personal explanation

Voting

When the Mayor calls a division, the division bell will sound briefly. In order to ensure that votes are recorded correctly, Members are asked to wait until the division bell has finished ringing before pressing the appropriate voting button.

Members are, of course, free to change their vote as they choose at any time until the Mayor directs that the votes be counted. Once a count has been called, however, no further change is possible. In the event that a Member's vote appears not to have been recorded, the clerks should be informed immediately, before the result is declared, so that account can be taken of the vote.

Council, 5 December 2007

AGENDA

1 PRAYERS

Prayers will be said by Bishop Kim Theed of The Church of Jesus Christ of Latter-day Saints

2 To receive apologies for absence (if any)

3 MINUTES

To sign as a true record the minutes of the Meeting of the Council held on 17 October 2007

4 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting.

Members may still declare an interest in an item at any time prior to the consideration of the matter.

5 ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE

6 PETITIONS

Councillors Fred Osborne, Andrew Mann and Keith Darvill have each given notice of an intention to present a petition pursuant to Council Procedure Rule 24

7 APPROVAL OF HAVERING'S STATEMENT OF LICENSING POLICY FOR THE LICENSING ACT 2003

To consider the recommendations of the Licensing Committee (meeting on 12 November 2007)

Council, 5 December 2007

8 AMENDMENTS TO THE CONSTITUTION

To recommendations of the Governance Committee (meeting on 21 November 2007)

9 REPORT OF LOCAL OMBUDSMAN ON A COMPLAINT, FINDING MALADMINISTRATION BY THE COUNCIL

To consider the report of the Monitoring Officer on the findings of the Local Government Ombudsman following a complaint relating to an application for a transfer of accommodation

10 CONTRIBUTION TO THE LONDON BOROUGH GRANTS SCHEME – 2008/09 BUDGET

To consider the report of the Chief Executive

11 REPORT OF THE JOINT OVERVIEW AND SCRUTINY COMMITTEE TO EXAMINE THE MENTAL HEALTH SERVICES RE-CONFIGURATION PROPOSALS

To consider the report of the Health Overview & Scrutiny Committee (meeting on 8 November 2007)

12 POLLING DISTRICTS AND POLLING PLACES REVIEW

To consider the report of the Governance Committee (meeting on 21 November 2007)

13 MEMBERS' QUESTIONS

Attached

Council, 5 December 2007

MOTIONS FOR DEBATE

14 OPPOSITION BUDGET PROPOSALS

Motion on behalf of the Administration

This Council requests that any Opposition Group intending to make alternative budget proposals should submit them to appropriate Overview & Scrutiny Committees prior to the Budget Council meeting allowing a sufficient time for adequate scrutiny.

14A Amendment on behalf of the Rainham & Wennington Independent Residents' Group

Add at the end of the motion:

“and this Council will ensure that Group Leaders are given additional Council support and dedicated officers' time to help them prepare their budget proposals to meet the deadline.”

[Note: the motion would then read:

This Council requests that any Opposition Group intending to make alternative budget proposals should submit them to appropriate Overview & Scrutiny Committees prior to the Budget Council meeting allowing a sufficient time for adequate scrutiny and this Council will ensure that Group Leaders are given additional Council support and dedicated officers time to help them prepare their budget proposals to meet the deadline.]

15 ALCOHOL CONTROLLED ZONES

Motion on behalf of the Rainham & Wennington Independent Residents' Group

This Council instructs officers to initiate the action needed to declare all of its town centres and conservation areas Alcohol controlled zones.

15A Amendment on behalf of the Administration

Amend to read:

This Council congratulates the Administration upon its successful and innovative scheme for alcohol control in central Romford with its challenges and will refer to the relevant Overview and Scrutiny Committee any further extension in consultation with our partners.

Council, 5 December 2007**16 LAND AT ABBS CROSS LANE – PROPOSED DISPOSAL****Motion on behalf of the Labour Group**

This Council agrees the visual and environmental importance to the residents of Hornchurch and the Borough generally of the land at the corner of Hornchurch Road and Abbs Cross Lane and rejects any proposal to alter the characteristics of the site and considers that any development on the land known as Abbs Cross Gardens will have a negative impact on the Hornchurch Urban Strategy.

16A Amendment on behalf of the Conservative Group**Amend to read:**

This Council agrees that an exemplar environmentally sustainable development of housing on the land at the corner of Hornchurch Road and Abbs Cross Lane known as Abbs Cross Gardens would have a positive impact on the Hornchurch Urban Strategy.

16B Amendment on behalf of the Residents' Group

Insert after "of the land" in line 2 the words "adjoining Harrow Lodge Park";

Delete all after "Abbs Cross Lane and " in line 3 and **insert** "following strong objections from local residents will reconsider its proposal to dispose of this land and retain this valuable open space for the benefit of the community";

so that the motion will read:

This Council agrees the visual and environmental importance to the residents of Hornchurch and the Borough generally of the land adjoining Harrow Lodge Park at the corner of Hornchurch Road and Abbs Cross Lane and following strong objections from local residents will reconsider its proposal to dispose of this land and retain this valuable open space for the benefit of the community.



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
17 October 2007 (7.30 p.m. – 9.55 p.m.)**

Present: The Mayor (Councillor Georgina Galpin) in the Chair

Councillors Gary Adams, June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Tom Binding, Sandra Binion, Jeff Brace, Wendy Brice-Thompson, Dennis Bull, David Charles, John Clark, Jonathan Coles, Andrew Curtin, Keith Darvill, Ted Eden, Roger Evans, Gillian Ford, Chris Fox, Peter Gardner, David Grantham, Linda Hawthorn, Coral Jeffery, Lesley Kelly, Steven Kelly, Pam Light, Len Long, Andrew Mann, Barbara Matthews, Robby Misir, Ray Morgon, John Mylod, Barry Oddy, Fred Osborne, Roger Ramsey, Paul Rochford, Geoff Starns, Mark Stewart, Barry Tebbutt, Lynden Thorpe, Jeffrey Tucker, Linda Van den Hende, Melvyn Wallace, Keith Wells and Steve Whittaker

12 guests, members of public and press also attended.

Apologies for absence were received from Councillors Alan Bailey, Mark Gadd, Kevin Gregory, Eric Munday, Pat Mylod, Frederick Thompson, Michael White and Mike Winter

Doreen Golding, Pearly Queen of the Old Kent Road, and Rev Michael Vickers of St Luke's Church, Cranham together opened the meeting with prayers.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

The meeting closed with the singing of the National Anthem.

39 MINUTES (agenda item 3)

It was **RESOLVED** that minutes of the Meeting of the Council held on 18 July 2007 be signed as a true record.

40 DECLARATIONS OF INTEREST (Agenda Item 4) – Councillor Peter Gardner declared a personal interest in the matters referred to in minute 51 below.

41 **ANNOUNCEMENTS BY THE MAYOR (Agenda Item 5)**

The Mayor's Announcements are attached as **Appendix 1 to these minutes.**

42 **PETITIONS (agenda item 6)**

Under paragraph 24 of the Council Procedure Rules, two petitions were presented to the Mayor.

Councillor Gary Adams presented a petition of 149 signatures calling upon the Council to place a bottle bank and can bank at Betty Strathen Hall, Myrtle Road, and at the shops in Briar Road.

Councillor Tom Binding presented a petition of approximately 1,500 signatures on behalf of the Havering Federation, calling for the removal of payments to the Council by community associations for the use of the community centres in the borough.

It was noted that the petitions would be passed to the appropriate Heads of Service for attention or report to Members.

43 **IMPROVING THE QUALITY OF LIFE FOR HAVERING – DEVELOPING THE COUNCIL'S CORPORATE BUSINESS PLANNING PROCESS 2008-11 – SUPPORTING STRATEGIES (agenda item 7)**

Council had before them a report of the Cabinet concerning the strategies supporting the Council's Corporate Business Planning, which were aimed at ensuring that all of the its resources and assets were being used to support the priorities, had been reviewed and were available for perusal on the Internet. The Cabinet had agreed the strategies and now recommended that the Council adopt them.

The recommendation of the Cabinet was **AGREED** without going to the vote and it was -

RESOLVED

That the strategies supporting the Corporate Business Planning process be adopted.

44 **TENTH LONDON LOCAL AUTHORITIES BILL (agenda item 8)**

Council had before them a report of the Governance Committee. The Council had been invited by London Councils (formerly the Association of London Government) to support the promotion of a Tenth London Local Authorities Bill, seeking legislative provision for a range of new powers for local authorities in London.

Council noted that support for the inclusion of provisions in the Bill at this stage did not commit the Council to supporting or, if granted, implementing any particular provision at a later stage but that, if it did not participate in promoting the Bill then it would not be able to use the powers granted once the Bill became law.

The recommendation of the Committee was **AGREED** by 46 votes to 0 (see voting division 1) and it was -

RESOLVED

That the Council approves the inclusion in a bill or bills to be promoted by Westminster City Council or, as the case may be in a bill or bills to be promoted jointly by Westminster City Council and any other person as appropriate, of provisions effecting all or some of the following purposes -

- (a) to make provision about the decriminalisation of offences relating to public health, highways and road traffic and making contravention of the relevant legislation subject to a civil penalty charge regime; the introduction of a local levy, administered by London borough councils, on the provision of disposable shopping bags or to introduce a prohibition on the provision of disposable shopping bags; the introduction of a local levy administered by the London borough councils on the sale of chewing gum; an extension of the type of premises in respect of which a street litter control notice can be issued under the Environmental Protection Act 1990 to include a wider range of non-domestic premises; to enable councils to better control the feeding of wild birds; to enable borough councils to make charges for the use of urinals; to make further provision about the control of the placing of items on the highway; altering London borough councils' powers to fix signs and apparatus to buildings; amending London borough councils' powers to charge for the provision of amenities on highways under Part VIIA of the Highways Act 1980; controlling the placing of household waste in street litter bins; to enable London borough councils to recover costs incurred by them in rectifying damage caused by them when removing unlawful advertisements; to enable London borough councils, as local housing authorities, to take enforcement action and recover costs in cases where there has been a failure to

comply with a duty imposed in relation to the management of houses in multiple occupation under regulations made under Section 234 of the Housing Act 2004; imposing a requirement in respect of food premises which are subject to inspection by London borough councils under the Food Safety Act 1990 to display copies of inspection notices or summaries thereof on the premises; to impose a new licensing regime for social clubs; to alter the requirements relating to the service of documents under the City of Westminster Act 1996, which deals with sex establishments; to enable London borough councils to exert better control over the licensing of premises which, but for the Licensing Act 2003 would be required to be licensed as sex encounter establishments; to enable London borough councils to delegate their functions under existing street trading legislation and enable other bodies to manage street markets; to alter the street trading legislation in the City of Westminster so as to enable Westminster City Council, without a court order, to dispose of articles seized under the Act; to make further alterations to street trading legislation in London; to control the distribution of free refreshments on the highway and in other public open places; to enable the highway authority to recover traffic management and street cleansing costs incurred as a result of public events and to have the power to close or manage traffic for certain special events; to enable the highway authority to provide charging points for electric vehicles in the highway; to enable local planning authorities to require that a deposit is provided prior to commencement of development, to be offset against costs arising from making good damage to the highway caused by the construction of the development; to enable action to be taken against persons who interfere with gates placed in pursuance of powers under road traffic legislation; to enable councils to better control pedicabs; to enable councils to serve penalty charge notices by post where there has been a parking contravention, and where service was prevented by the vehicle driving away; to allow decriminalised enforcement in respect of advanced stopping areas for cyclists at traffic lights; to allow decriminalised enforcement in respect of the use of mobile phones whilst driving; to enable London borough councils to vary fixed penalty levels for cycling on the footway; to enable the better control of the depositing of builders' skips on the highway; and to provide for a decriminalised regime of enforcement in relation to the driving of abnormal vehicles on the highway;

- (b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

45 **OVERVIEW AND SCRUTINY RULES – EXCEPTIONS TO THE CALL-IN (REQUISITION) PROCEDURE – proposed acquisition of land at auction; and consideration of Representations to Stage One of the Formal Consultation on the Proposed Transfer of the Mardyke Estate (agenda item 9)**

Council had before them a report explaining that, under paragraph 17 of the Overview & Scrutiny Procedure Rules:

- (a) by way of an Executive Decision of a Cabinet Member (Form A), the relevant Cabinet Member had authorised the acquisition of land at auction not likely to exceed £500,000. The auction date for the land had been 9 July, and whatever decision route was taken to authorise acquisition, the potential for call-in meant that the decision would not be beyond challenge before the auction date. As there had not been an available Cabinet meeting before the auction date, the Form A had been endorsed by the Cabinet member and the Executive Director for Finance and Commercial under the urgency powers in Part 3.1 paragraph 8 (ii) of the Constitution; and
- (b) in relation to representations in respect of the proposed transfer of the Mardyke Estate, any delay arising from applying the call-in procedure would have had a strong likelihood of seriously prejudicing the interests of the Council by incurring a net impact on the Housing Revenue Account (HRA) in 2009/10 in excess of £1.6 million. The impact would have arisen from the working of the housing subsidy system. Analysis had shown that, if the transfer of the Mardyke estate were delayed after the start of 2008/09, there would have been a revenue loss to the HRA in 2009/10 of £965,000. Accordingly, the Chairman of the Housing Overview & Scrutiny Committee had agreed that the decision be excluded from the call-in process under.

Council was invited to note the circumstances now reported in accordance with the requirement that such decisions be reported to Council.

The recommendation in the report was **AGREED** without going to the vote and it was -

RESOLVED:

That the report be noted.

46 **HAVING LOCAL DEVELOPMENT FRAMEWORK: ROMFORD AREA ACTION PLAN: APPROVAL OF SUBMISSION DOCUMENT (agenda item 10)**

Excellent progress had been made in preparing the Local Development Framework (LDF). Following on from the Core Strategy, Development

Control Policies and Site Specific Allocations, Cabinet had agreed the Romford Area Action Plan for approval for formal submission to the Secretary of State. The Action Plan would guide change in Romford up to 2020 and promote and enhance its position as east London's premier town centre. It established a statutory basis upon which planning decisions could be made and built on the extensive work that the Council and its partners had undertaken in preparing the Romford Interim Planning Guidance and recently-launched Romford Urban Strategy.

Subject to Council approval, Cabinet had agreed that the submission version of the Action Plan should be submitted to the Secretary of State, with Independent Examination of the submission version of the Plan scheduled for August-September 2008 and adoption as formal Council policy expected in April 2009.

The recommendations in the report were **AGREED** without going to the vote and it was -

RESOLVED:

- 1 That the comprehensive assessment of responses received from the public and organisations on the preferred options be approved and included in the Statement of Compliance.**
- 2 That the Submission Romford Area Action Plan be approved.**
- 3 That the Proposals Map showing the designations and site allocations set out in the Submission Romford Area Action Plan, be approved.**
- 4 That the tests of 'soundness' and the commentary on how the Romford Area Action Plan complies with them, which the Inspector will use to test the Area Action Plan at the examination before issuing recommendations in a binding report, be noted.**
- 5 That the Romford Area Action Plan be considered in conjunction with, and where appropriate complementary to, Havering's existing UDP (adopted in March 1993) with the weight attached to each policy in the decision making process dependent on the nature and number of the representations received during the submission consultation period in accordance with the principles set out in the Government Guidance note 'The Planning System General Principles'.**

47 **MEMBERS' QUESTIONS – questions (and supplementary questions) answered (agenda item 11)**

Fourteen questions were listed to be asked under the Council Procedure Rules. With the agreement of the Council, the Mayor permitted questions to be continued beyond the allocated time in order that all would be dealt with at the meeting. The questions and answers are set out in **Appendix 2 to these minutes**.

48 **MOTION: RESPONDING TO PETITIONS (agenda items 12/12A/12B)**

Motion on behalf of the Residents' Group

This Council supports petition powers and will therefore respond positively to the section covering how Local Authorities should deal with petitions which will be covered in the Communities Secretary's recently announced forthcoming consultation paper.

Amendment on behalf of the Labour Group

Delete all words after "This Council" and insert the following:

“supports the decision of the Communities Secretary to publish a consultation paper on the proposal to extend petition powers and agrees to facilitate member involvement and debate on the effects of such an extension of powers before responding positively or otherwise to the consultation paper.”

Amendment on behalf of the Administration

Amend to read:

“This Council notes with interest the proposals concerning petitions and will respond positively to any legislation.”

After debate, the amendment proposed by the Labour Group was **LOST** by 40 votes to 3 (see voting division 2); the amendment proposed by Administration was then **AGREED** by 29 votes to 14 (see voting division 3) and **CARRIED** as the substantive motion, also by 29 votes to 14 (see voting division 4), and it was -

RESOLVED that:

This Council notes with interest the proposals concerning petitions and will respond positively to any legislation.

- 49 **MOTION: MONITORING AREA COMMITTEE EXPENDITURE (agenda item 13)**

Motion on behalf of the Residents' Group

This Council agrees to ensure accountability for the Area Committee funding and effective monitoring of subsequent works.

Amendment on behalf of the Labour Group

Delete all words after "This Council agrees to" and insert the following:
"prepare a report within the next four weeks on the working of the Area Committee discretionary capital expenditure scheme introduced in 2006 to ensure accountability and to provide members with detailed information to assist them when they are reviewing the scheme and its future implementation."

After debate, the amendment proposed by the Labour Group was **LOST** by 5 votes to 37 (see voting division 5); the motion proposed by the Residents' Group was then **AGREED without division** and it was -

RESOLVED that:

This Council agrees to ensure accountability for the Area Committee funding and effective monitoring of subsequent works.

- 50 **MOTION: CULTURE & REGENERATION OVERVIEW & SCRUTINY COMMITTEE – APPOINTMENT OF VICE-CHAIRMAN (agenda item 14)**

Motion on behalf of the Administration

That the current vacancy for the Vice-Chairman of the Culture & Regeneration Overview & Scrutiny Committee be filled by a Member nominated by the Leader of the Residents' Group.

Amendment on behalf of the Residents' Group

Delete all words after "be filled by" and insert "Councillor Clarence Barrett."

The amendment proposed by the Residents' Group was accepted by the Administration and considered as the substantive motion without debate or division and it was –

RESOLVED:

That the current vacancy for the Vice-Chairman of the Culture & Regeneration Overview & Scrutiny Committee be filled by Councillor Clarence Barrett.

51 **MOTION: LICENSING COMMITTEE – APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN (agenda item 15)**

Motion on behalf of the Administration

That Councillor Peter Gardner be appointed Chairman of the Licensing Committee and that Councillor Lynden Thorpe be appointed as Vice-Chairman of the Licensing Committee.

The motion was considered without debate or division and it was –

RESOLVED:

That Councillor Peter Gardner be appointed Chairman of the Licensing Committee and that Councillor Lynden Thorpe be appointed as Vice-Chairman of the Licensing Committee

52 **MOTION WITHDRAWN**

With the consent of the Council, the motion on behalf of the Residents' Group on Flying the Union Flag (agenda item 16) was **WITHDRAWN**.

Note: the voting divisions are attached as Appendix 3 to these minutes.

MAYOR'S ANNOUNCEMENTS

You'll forgive me if my announcements begin this evening on a patriotic note, with a recognition of the achievements of the England rugby squad at the World Cup.

I am sure we will all watch the final against South Africa with bated breath and everything crossed.

I also welcome Lynden Thorpe to the Council, and congratulations on being elected.

This evening, I want to talk about the Council's achievements, of course, but I also want to highlight some of the fantastic efforts of the Havering community to make our borough a better place in which to live.

I'll start, if I may, with music.

During the past two weeks, I have been able to celebrate anniversaries with two of the best bands in the UK. On Saturday I joined the Romford Drum and Trumpet Corps to celebrate their 50 anniversary. This band was started by Dick Bouchard MBE, who first brought 12 young lads together to form a band that has gone from strength to strength over the last half-century.

The previous Saturday the Romford Royal British Legion held celebrations - it will be their 55th anniversary towards the end of this month. The comradeship of the members, their passion for music and the leadership of Ian Yeoman shows what a great asset such a team is to Havering.

And from music, to flowers!

London in Bloom, resulted in Havering receiving a Bronze award, which was a great achievement and I know that Streetcare are hoping to get the Silver award next year.

Havering in Bloom was also a great success. Many young people took part in the Sunflower competition, and several received awards for their hard work. Judging the entries was a very difficult task, as all the entries were of a very high standard, and the number taking part grows year by year.

The awards evening was held in the town hall and it was a most enjoyable time.

On a similar note – over recent weeks, bulb planting events have taken place in a couple of the local parks. The parks department have supplied the spring bulbs and local children did the planting.

This is a way of educating the younger children to have pride in what they do, and take ownership of the parks and, during their teen years, steer them away from vandalism.

Continuing the theme of young people, I was both delighted and privileged to take part in the Havering College Further Education Student Awards Presentation, which recognised the high standards of personal and educational achievements.

It's important that we encourage our young people to get involved in the running of the borough. This year's Local Democracy Week from 15– 21 October, is aimed at doing just that.

There are a number of events lined up, including a special competition where our under 21s can make the borough better for young people.

We all have a part to play in reaching our young citizens. Yesterday I paid a visit to James Oglethorpe Primary School as part of the initiative. My fellow members are also taking part in a special political speed dating event and The Cabinet will also be adding its support by taking 'the bus' to the Market Place on Saturday to meet the public.

However, the borough's older people are equally as important and I am pleased to say that the Havering 50+ Games are taking place once again at Hornchurch Sport Centre on Saturday 10 November.

Another important date is Monday 22 October when we celebrate Black History Month with a Community Culture Celebration event at the Queen's Theatre. There is a varied programme of events for everyone to enjoy, and I do suggest that everyone goes because it is great.

As we approach Remembrance Day, I'd like to mention a visit that I had from a small number of ex service men from the Korean Veterans Service who presented me with a book telling the history of the 3 year war, often known as the forgotten war.

This book is not on general sale. A copy has been presented to the Borough to put into the reference library for the use by the people of Havering. It will be placed first in Hornchurch Reference library and rotate around the libraries to ensure that all residents can read it.

On the subject of libraries, congratulations to the library service for the magnificent refurbishment of Hornchurch Library. This is a new chapter in the life of the library and one that I am sure residents and staff will relish.

There is so much to be proud of in Havering and I am delighted to have the opportunity to show our twin town counterparts from Hesdin, what a wonderful borough this is when they come for a visit later this week.

Finally, I'd like to single out a couple of member colleagues.

A couple of weeks back, one of our colleagues answered the front door to find herself face to face with the local vicar.

The vicar had called by to hand our colleague a certificate and to acknowledge the continued and passionate way that our friend was helping local people. The residents had wanted to say a big thank you and let the councillor know they really did appreciate what was being done for them.

Well done Cllr Pam Light, and Cllr Lesley Kelly, such a recognition and thanks should not be overlooked. Sorry if I have embarrassed you.

Over the past couple of months I have had some problem with the Mayoral badge which kept detaching itself from the chain, this resulted in the two crowns becoming slightly bent and an ongoing concern that the badge would be lost.

It was decided that some work needed to be done on the badge and a safety chain fitted.

I would like therefore to thank Cllr Jeffrey Tucker for his help in this area, I am sure that when he became a councillor he may have wondered what his experience in the jewellery retail trade might contribute to his councillor duties – the chain is now nice and clean, the crowns are standing up and I feel happy that the badge stays put. Thank you Jeff.

I would like to thank you those of you who have contributed to this Harvest Festival evening. The idea came from my visit to the costermongers harvest festival at the Guildhall a couple of weeks back.

Doreen, our guest here this evening is pearly queen of Old Kent Road, we have our own pearly king Arthur from Upminster.

I wanted Havering to remember traditional values, hence this evening, and I would like to thank everyone who has contributed.

Here's a prior warning ahead of Christmas.

My team and I have been collecting shoe boxes. It is my intention to ask all 54 members, executive staff and anyone else who would like to join in to fill one of the boxes with gifts for young people less well off than ourselves.

A list of items for the boxes will be distributed. It is important we have a variation of contents for the different age groups, babies, toddlers, young ones, older children and teenagers. You will remember that the Romford Recorder hold this event on an annual basis.

MEMBERS' QUESTIONS AND ANSWERS

1 Penalty notices for dropping litter

**To the Cabinet Member for StreetCare and Parking
(Councillor Barry Tebbutt)**

By Councillor John Mylod

It has been noted and residents are concerned about the amount of litter dropped by members of the public, despite the best efforts of our Town Centre Staff.

Can the Cabinet Member for StreetCare inform me how many members of the public have been issued with penalty notices in the past 6 months for dropping litter and will he be instigating an anti-litter campaign to educate the public (again)?

Answer

Between 1 April and 30 September 2007 one hundred and ninety four (194) fixed penalty notices were issued for waste related offences.

In the lead to Christmas 2006 and in the spring of 2007 the StreetCare Enforcement Team undertook anti litter patrols in Romford Town Centre with PCSO support. In December these encompassed early morning, midday & evening patrols for a three week period. The Spring Campaign was reduced to midday patrols for one week.

Whilst minor amounts of loose litter were seen no offenders were observed actually dropping litter and no fixed penalties issued. Resources were therefore concentrated on combating commercial/domestic waste offences which was seen as a more effective use of the officers time.

The Better Havering Campaign poster developed to highlight the possible consequences of littering and encouraging people to use litter bins are currently being re used in town centre areas across the Borough and new pre Christmas litter warden patrols are being planned with the assistance of JC Decaux, the advertisers.

If it is of any assistance to Cllr Mylod we have completed meetings with local police and JC Decaux and you will see the advertising around the town centre. The police have agreed that assistance will be offered to the Council for litter patrols which will be for one hour in the morning, one hour midday, and a third to be arranged. The dates intended for these patrols are Monday 22, Tuesday 23, Wednesday 24, Thursday 25, Tuesday 30, Wednesday 31 and Thursday 1. The areas intended to patrol are Romford Town Centre, Collier Row, Upminster, Hornchurch, and Rainham. The last point which may be of relevance to the question is that generally in

comparison to other boroughs the fixed penalty notices we've issued, the highest in London at present is Tower Hamlets at 1,343, you have a similar 91 for Redbridge, Newham 25, Enfield 40, Waltham Forest 49 for a period of six months, 194 for ours for a period of six months also so towards the end of the year it should be much greater than that.

2 School crossing patrol vacancies

To the Cabinet Member for Public Safety

(Councillor Peter Gardner)

By Councillor Clarence Barrett

What is being done to fill vacancies that currently exist in school crossing patrols?

Answer

As and when a post becomes vacant letters are sent to all parents of the school/schools affected (a) to inform them of the impending vacancy and (b) asking for parents or other suitable persons to come forward.

Other methods used are advertising inside of buses, J.C Decaux displays, Living in Havering, Local Newspapers, displays at Planet Havering and the Havering Show, leaflet drops and letters to Senior Citizens Clubs.

3 Council Tax write-offs

To the Cabinet Member for Resources

(Councillor Roger Ramsey)

By Councillor Clarence Barrett

What is the level of Council Tax collection write offs in each of last three years?

Answer

The figures are:

2006/07 £1,101,292.48

2005/06 £196,826.89

2004/05 £825,252.88

Before any write off is approved the following checks are carried out:

- The Councils own Council Tax and Benefits system is searched to check that the debtors are not living with the borough.
- A trace is carried out on other local authority council tax databases to locate the debtor.

- A further trace is then carried out using a tracing agency.
- If the debt is over £250 a third trace is carried out using a different tracing agency.
- If no positive trace is identified then the debt is put forward for write off and full details passed to the debt write off co-ordinator who will check the debt details for procedural and administrative correctness before putting the debt forward for write-off.
- In the case of bankruptcies or liquidations the Council is part of the *early bird* warning arrangements which advises if a company is going into liquidation.

4 **Anti-smoking legislation - Department of Health grant**

To the Cabinet Member for Resources
(Councillor Roger Ramsey)

By Councillor Clarence Barrett

In respect of the recent introduction of smoke-free legislation, what has the £123,250 grant awarded to this council from the Department of Health being spent on?

Answer

Our efforts to raise awareness of the smoke-free legislation before July 1st appears to have been effective. There has been huge public support and the level of compliance has been extremely encouraging. This is demonstrated by the fact that there has not yet been a need to issue any Fixed Penalty Notices. This response is typical throughout London.

At present there seems to be a high level of compliance throughout the borough. The smoke free team is currently taking steps to ensure as far as possible that all premises in the borough receive a visit from a member of the team.

The team is also due to begin some evening work to check compliance of both smoking in a smoke free place and checking correct signage is being displayed in places that have been closed during normal working hours.

Expenditure has been largely incurred on staffing with two compliance officers and a secondment from the PCT. The rest of the expenditure has been on information and advertising, provision of signage, education and on minimising the litter left outside premises.

5 **Rainham - Christmas trees and lights**

To the Cabinet Member for Housing and Regeneration
(Councillor Michael Armstrong)

By Councillor Jeffrey Tucker

Could the Council please arrange for the Christmas tree and lights to be up and running in time for this year's Rainham Village Christmas Fayre which is on 1 December.

Answer

Yes.

6 **Support for Leader of an Opposition Group**

To the Cabinet Member for Public Safety
(Councillor Peter Gardner)

By Councillor Jeffrey Tucker

Being the Leader of an Opposition Group brings extra responsibilities and pressures from the public. To enable me to represent those residents to a high standard, I need adequate Council support. Will the Council please give me the support I need?

Answer

The support available to Councillor Tucker as a group leader is the same as is available to the other opposition group leaders. The support available to him in respect of his case work is the same as available to other members of the Council. In the circumstances it is not intended to support the member in any different manner to anyone else.

7 **Major development proposals for the Rainham area**

To the Cabinet Member for Housing and Regeneration
(Councillor Michael Armstrong)

By Councillor Jeffrey Tucker

To name just a few, Rainham has had many high quality interested proposals such as the film studio development, Euro Disney, an international train station, the latest being the Sun International Casino. These proposals have always been the light at the end of the tunnel for the residents and local businesses. Is there any other major proposals that would benefit the residents and regenerate the area?

Answer

The Council has in recent years sought major proposals for Rainham to regenerate the area and support local jobs and businesses. We have a long term vision, which would transform large parts of the riverside, while

valuing the local community and the heritage of Rainham itself. This vision is built upon many years of regeneration activity and considerable investment in the wider area known as London Riverside.

This included £33m from the LDA as part of the London Riverside programme, which levered a further £64m in projects such as the Centre of Engineering and Manufacturing Excellence (CEME). This landmark facility is delivering high quality training and qualifications and changing perceptions of the area.

Since the beginning of the London Riverside Programme we estimate that over 1,000 new jobs have been created with a similar number have been safeguarded. Significant outputs have also been achieved in business support, skills and training and community initiatives.

Environmental improvements have been undertaken including improvements to Rainham Village and the highly successful shopfront improvement scheme.

Our vision for the Rainham area set out in a recent consultation and amended and confirmed through our Local Development Framework this includes creating a world class visitor experience on the Rainham Marshes Conservation Park with new visitor centre and visitor facilities, attracting 1 million visitors a year; new high quality employment opportunities based around CEME; and new homes for local families.

This will all be planned around a more vibrant Rainham Village, where the history is cared for and opened to visitors. It is also proposed to improve transport and local cultural, sports and social facilities as part of the regeneration of the area, working with the new London Thames Gateway Development Corporation.

We are currently working closely with the local councillors, inline with a recent Council resolution, to support the development of local facilities such as the Rainham Beach. We will also be involving the local community in developing detailed proposals for Rainham Village and will continue this approach across the wider area.

Rainham continues to be a high priority for the Administration and, working with the local community, we will continue to put considerable effort into taking forward proposals in the area, seeking to overcome the barriers often put in our way. In particular, we will work with the Development Corporation and other bodies to ensure we have the support and financial commitment needed to regenerate the Rainham area.

8 **The Council's Constitution: reference to Leaders of Opposition Groups**

To the Deputy Leader of the Council

(Councillor Steven Kelly)

By Councillor Jeffrey Tucker

It is printed in page 365 of the Constitution of the London Borough of Havering that there is only two opposition parties to the Leader of the Council and the administration. One being the Leader of the Principal Opposition, the other being the Leader of the Minority Opposition. Who is who and where is the third, Councillor Jeffrey Tucker, Leader of the Independent Residents' Group?

Answer

I have read with great bemusement this question from Cllr Tucker and I am going to answer what I think he asked.

There are for all practical purposes three opposition parties:-

Firstly, The Principal Opposition.

Secondly, The Principal Minority Opposition.

Thirdly, The Minority Opposition Party.

You, Councillor, are presently The Leader of the Principal Minority Opposition Party.

If you are referring specifically to the table on page 365 of the Constitution, this is the list of Special Responsibility Allowances which were voted on 21 March 2007.

At this meeting on 21 March you and one of your Party voted FOR but 20, mainly Residents, voted AGAINST the proposed allowance for the Principal Minority Opposition.

Your vote, in fact, contradicts your often declared opposition to any special responsibility allowances to any councillor, including at budget time an amendment to remove all allowances. This conveniently ignores the £4,260 you receive as Area Committee Chairman and also your Basic Allowance of £9,964.

I hope this answers your question.

9 **Remembrance Day Service, Rainham - publicity**

To the Deputy Leader of the Council

(Councillor Steven Kelly)

By Councillor Jeffrey Tucker

Following the reports in the press, will this Council please assist Councillor Len Long with all the printing he needs highlighting at the much attended

and respected Remembrance Day on 11 November starting at 11am, and all future events – Remembrance Services.

Answer

This Administration and Council takes Remembrance Day extremely seriously. This Borough has a fine tradition of helping this country in times of crisis – the part that our airfields played in the Battle of Britain were crucial to defeating Nazi-ism. Quite rightly we commemorate and remember that contribution. We also remember the many civilians that died during the last war and it is only two years since this Council invited former Prime Minister Margaret Thatcher to plant a tree in Coronation Gardens in remembrance of their contribution.

It is only right therefore that this Council fully supports the many commemorative activities that are held locally. We provide extensive publicity, wreaths and organisational support. We issue press releases, advertise in Living and provide full details on our excellent web site. We will continue to do this as long as this Administration is in power.

The recent coverage in the press is therefore just plain nonsense – I challenge anyone to find another council that is so committed to remembering the contribution that its residents have made in the cause of queen and country.

Of course we must have rules governing the use of public money and as councillors we have to abide by them. I am disappointed however that Councillor Long did not raise this issue with me or any senior officer at the Council but rather with the press. I can assure Councillor Long that that request would have been given full consideration. I can also assure Councillor Long and local residents that this Council will continue to publicise remembrance day fully this year and in the future years to come, and that sympathetic considerations will be taken in future years.

10 **Investment in Libraries**

To the Cabinet Member for Public Realm

(Councillor Andrew Curtin)

By Councillor Tom Binding

Will the Lead Member make a statement about the progress in implementing the programme of investment in the Borough's Libraries and in particular outline the timetable for implementation of the remaining part of the programme.

Answer

Good progress is being made with refurbishment of the Borough's libraries.

Following its successful refurbishment Hornchurch Library was officially reopened on Monday 15 October and following its actual reopening in the

summer, monthly book issues across the library service increased from 101,826 in June to 135,431 in August. A significant increase.

The feasibility study for the new Elm Park Library is now complete and a planning application will be considered in November 2007. This is an exciting project incorporating an energy efficient design and the use of photovoltaic cells to reduce the carbon footprint of the new building. It also incorporates the establishment of a small community garden and a meeting room facility. The new library should be complete by the end of 2008.

Detailed work is also taking place with regard the Central Library refurbishment. This is a very large and ambitious project and it is anticipated a detailed report about this will be presented to Cabinet in November.

The Council is working closely with the London Thames Gateway Development Corporation and Havering College to develop detailed plans for a new Rainham Library as part of the Rainham Village Interchange Scheme.

In South Hornchurch further redecoration work is planned in the next few months. Discussions are also taking place about locating a Children's Centre on the South Hornchurch site. At a very early stage this is another example of the library service working in partnership with other council services to push forward the council's priorities for children, young people and building cohesive communities. It is also anticipated that this initiative will attract new users to the library and enable opening hours to be increased.

11 **Outcome of the Council's Public Consultation on its Primary Schools Review**

To the Cabinet Member for Children's Services
(Councillor Geoff Starns)

By Councillor Keith Darvill

When will he publish the results of the Public Consultation and bring forward the Councils proposals for implementation?

Answer

Our proposals will be presented to Cabinet when it meets on 14th November. The report recommendations will of course take account of the consultation outcome and will be published a week before Cabinet in the usual way.

12 **Proposed new Romford Swimming Pool**

**To the Lead Member for Public Realm
(Councillor Andrew Curtin)**

By Councillor Keith Darvill

Will the Leader of the Council make a statement about progress towards identifying a Private Sector Partner for the proposed development of the new swimming pool in Romford and outline the timetable for planning, construction and opening of the facility.

Answer

I am pleased to announce that the Council has recently received two exciting bids from private sector partners. Both bids include the provision of a state of the art sports centre, including a swimming pool, health and fitness facilities and an ice rink.

Officers, in conjunction with external consultants, are currently in the process of evaluating the two bids with a view to making a recommendation to Cabinet in November.

Once a preferred partner is selected and initial negotiations are successfully concluded, a planning application would be submitted in Spring 2008. Assuming planning permission is obtained, final negotiations are successfully concluded and legal documents are signed, construction works would begin in late 2008. The current timetable envisages the new centre opening in early 2010.

Although the project is at an early stage, excellent progress is being made and assuming that continues the people of Romford can look forward to a magnificent swimming pool in 2010.

13 **Rise Park – fencing replacement**

**To the Cabinet Member for Environmental and Technical Services
(Councillor Paul Rochford)**

By Councillor Andrew Mann

Can the Cabinet member for Parks please tell me when he intends to replace the fencing in Rise park that was first raised in this chamber, some 9 months ago that he promised it would be fixed ?

Answer

If Councillor Mann is referring to the fence adjacent to the Garry Close entrance to Rise Park, I can confirm that repairs to this fence were recently completed.

The fences at Rise Park will be inspected and any necessary further works carried out as soon as possible.

14 **Penalty Charge Notices: use of CCTV cars**

To the Cabinet Member for StreetCare and Parking
(Councillor Barry Tebbutt)

By Councillor Andrew Mann

Can the Cabinet Member for Parking please tell me how many penalty charges the Boroughs CCTV cars have issued from the first day of operation up to and including 8th October 2007.

Answer

7887 PCN's have been issued by the CCTV vehicles since they became operational in June of this year .

We anticipate that the rate of PCN issues will reduce after their initial introduction as a result of increased public awareness leading to improved compliance with parking regulations.

VOTING RECORD

<u>DIVISION NUMBER:</u>	1	2	3	4	5
The Mayor [Cllr. Georgina Galpin]	✓	X	✓	✓	X
The Deputy Mayor [Cllr. John Clark]	✓	X	✓	✓	X
<u>CONSERVATIVE GROUP</u>					
Cllr. Michael White	A	A	A	A	A
Cllr. Gary Adams	✓	X	✓	✓	X
Cllr. Mike Armstrong	✓	X	✓	✓	X
Cllr. Robert Benham	✓	X	✓	✓	X
Cllr. Sandra Binion	✓	X	✓	✓	X
Cllr. Jeff Brace	✓	X	✓	✓	X
Cllr. Wendy Brice-Thompson	✓	X	✓	✓	X
Cllr. Dennis Bull	✓	X	✓	✓	X
Cllr. Andrew Curtin	✓	X	✓	✓	X
Cllr. Ted Eden	✓	X	✓	✓	X
Cllr. Roger Evans	✓	X	✓	✓	X
Cllr. Christine Fox	✓	X	✓	✓	X
Cllr. Mark Gadd	A	A	A	A	A
Cllr. Peter Gardner	✓	X	✓	✓	X
Cllr. David Grantham	✓	X	✓	✓	X
Cllr. Kevin Gregory	A	A	A	A	A
Cllr. Lesley Kelly	✓	X	✓	✓	X
Cllr. Steven Kelly	✓	X	✓	✓	X
Cllr. Pam Light	✓	X	✓	✓	X
Cllr. Robby Misir	✓	X	✓	✓	X
Cllr. Eric Munday	A	A	A	A	A
Cllr. Barry Oddy	✓	X	✓	✓	X
Cllr. Frederick Osborne	✓	X	✓	✓	X
Cllr. Roger Ramsey	✓	X	✓	✓	X
Cllr. Paul Rochford	✓	X	✓	✓	X
Cllr. Geoffrey Starns	✓	X	✓	✓	X
Cllr. Barry Tebbutt	✓	X	✓	✓	X
Cllr. Frederick Thompson	A	A	A	A	A
Cllr. Lynden Thorpe	✓	X	✓	✓	X
Cllr. Melvin Wallace	✓	X	✓	✓	X
Cllr. Keith Wells	✓	X	✓	✓	X
<u>RESIDENTS' GROUP</u>					
Cllr. Barbara Matthews	✓	X	X	X	X
Cllr. June Alexander	✓	X	X	X	O
Cllr. Clarence Barrett	✓	X	X	X	O
Cllr. Gillian Ford	✓	X	X	X	O
Cllr. Linda Hawthorn	✓	X	X	X	X
Cllr. Len Long	✓	X	X	X	X
Cllr. Andrew Mann	✓	X	X	X	X
Cllr. Raymond Morgon	✓	X	X	X	X
Cllr. John Mylod	✓	X	X	X	X
Cllr. Patricia Mylod	A	A	A	A	A
Cllr. Steve Whittaker	✓	X	X	X	X
Cllr. Mike Winter	A	A	A	A	A
Cllr. Linda van den Hende	✓	X	X	X	X
<u>RAINHAM & WENNINGTON INDEPENDENT RESIDENTS' GROUP</u>					
Cllr. Jeffery Tucker	✓	O	X	X	O
Cllr. Coral Jeffrey	✓	O	X	X	✓
Cllr. Mark Stewart	✓	✓	X	X	✓
<u>LABOUR GROUP</u>					
Cllr. Keith Darvill	✓	✓	O	O	✓
Cllr. Tom Binding	✓	✓	O	O	✓
<u>British National Party Member</u>					
Cllr. Alan Bailey	A	A	A	A	A
<u>Liberal Democrat Member</u>					
Cllr. Jonathan Coles	✓	O	O	O	✓
<u>Independent Member</u>					
Cllr. David Charles	✓	X	✓	✓	X
TOTALS					
YES	46	3	29	29	5
NO	0	40	14	14	37
ABSTAIN/NO VOTE	0	3	3	3	4
DECLARATION OF INTEREST/NO VOTE	0	0	0	0	0
ABSENT FROM MEETING	8	8	8	8	8
	54	54	54	54	54

IN FAVOUR ✓ AGAINST X
NOT VOTING O ABSENT A
INTEREST DECLARED ID



LICENSING COMMITTEE

7

12 NOVEMBER 2007

REPORT TO COUNCIL

1 APPROVAL OF HAVERING'S STATEMENT OF LICENSING POLICY FOR THE LICENSING ACT 2003

The Licensing Act 2003 requires the Council to have a Statement of Licensing Policy, and to review that Statement at least every three years. The Council's current Statement, its first, was approved by the Council in December 2004 and will expire in January 2008: it is therefore now necessary to carry out the first triennial review.

At its meeting on 12 November, the Licensing Committee considered a draft new Statement, based on the current version but, after consultation, reviewed and rewritten to include good practice, current guidance and experience from implementing the Act.

In exercising their functions under the Licensing Act 2003, Licensing Authorities must have regard to the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Council is unable to enforce the Act until it has published its draft Statement of Licensing policy, carried out a consultation on the document and finally had the Statement of Licensing policy approved by full Council. Furthermore, it can only publish its Statement of Licensing Policy if it has paid due regard to guidance issued by the Government.

Havering's draft Statement was produced following the Department of Culture Media and Sport (DCMS) revised guidance to local authorities on the Licensing Act 2003.

The draft statement went for consultation to the following bodies as required by the Act

Council, 5 December 2007

- The Chief Police Officer for the Borough
- The London Fire and Emergency Planning Authority
- Bodies representing local holders of premises licenses
- Responsible authorities as defined in the Act
- Residents in the borough

The draft Statement of Licensing Policy was also published on the Havering website.

The consultation period lasted until 20 October 2007. Comments were received regarding CCTV, planning and the pool of conditions.

All of the comments have been considered in light of Government guidance and, where appropriate, incorporated into the final version of the Statement of Licensing Policy.

Members are asked to note that the Appendix reflects the text as it will be published but not the final layout of the document.

The Licensing Committee **RECOMMENDS** that the Council adopt the revised Statement of Licensing Policy, as set out in the appendix to this report.

2 NOTIFYING PEOPLE “IN THE VICINITY” OF APPLICATIONS

At its meeting in December 2005, Council resolved that:

In furtherance of our determination to keep the citizens of Havering informed of matters that directly impact upon them, the Council will in future give advance written notice to residents and occupiers of property in near proximity to a site which is the subject of a Licensing application. Such notice will be in addition to any other action already initiated in response to motion 11 at the 12 October 2005 Council meeting.

For practical purposes, the term “near proximity” was interpreted as meaning within 100 metres of the premises in question.

The giving of such notice is not a legal obligation but in pursuance of a declared Council policy. It does not form part of the Statement of Licensing Policy but is obviously an important matter – for example, having declared that such notice will be given, the Council would be at risk of a finding of maladministration by the Local Government Ombudsman should it fail to give notice in a particular case.

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Since the Council began issuing such notices, in April 2006, some 12,000 letters have been sent, incurring 206 hours of officer time in doing so. The cost of postage and paper (assuming 40p per letter) has been of the order of £1,780 and the cost of officer time, of the order of £9,270 including on costs.

In the light of experience, the Committee now **RECOMMENDS** to the Council that, with effect from 8 January 2008 (when the new Statement of Licensing Policy comes into effect), the practice authorised by the resolution of December 2005 be varied so that notices be issued to residents and occupiers of property **within 50 metres** of a site which is the subject of a Licensing application (but with officers having discretion to extend that distance where it is appropriate to do so).



Statement of Licensing Policy

The Statement of Licensing Policy of London Borough of Havering the Licensing Authority for the London Borough of Havering prepared under Section 5 of the Licensing Act 2003 with regard to Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003.

Determined for a three year period commencing 8 January 2008.

Introduction

- 1.1 The London Borough of Havering, as the Local Licensing Authority (LLA) will be seeking to ensure that licensed premises regenerate the borough, enhance the quality and sustainability of the local environment and are focussed on the needs of residents, businesses and visitors to the borough.
- 1.2 The LLA in carrying out its functions may grant personal licences, premises licences and club premises certificates. It may attach conditions to premises licences and club premises certificates. The LLA may take enforcement action to deal with unlicensed premises and licence or certificate holders who fail to comply with licence conditions. This statement of Licensing Policy sets out how the LLA will encourage licensees and applicants to adopt the highest standards of management in their licensed premises. It also addresses the requirements of the Licensing Act 2003 (The Act) and the associated Statutory Guidance issued under section 182 of the Act.
- 1.3 The purpose of this policy is:
 - To inform licence applicants of the way in which the LLA will make licensing decisions and how licensed premises are likely to be permitted to operate
 - To inform residents and businesses of the way in which the LLA will make licensing decisions and how their needs and concerns will be dealt with.

It is important for all parties to note that this licensing policy only becomes relevant to the consideration of an application if the LLA receives representation from the responsible authorities and/or interested parties. Where no representations are received, applications are only subject to the provisions of the Act and statutory guidance, and have to be granted in the terms sought by the applicant, with the imposition of only the relevant mandatory conditions. However the policy would appear to be relevant to all applications as it offers advice to applicants in order

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that they may comply in advance with what is expected of them.

1.4 The scope of this policy includes all licensable activities as defined in the Licensing Act 2003. These are:

- **The retail sale of alcohol** i.e. sales of alcohol from all premises, for the consumption on or off the premises, with the exception of wholesale trade to traders for their trade or to licence holders
- **The supply of alcohol by or on behalf of a club or to the order of a member of a club**
- **The provision of late night refreshment** i.e. the supply of hot food or drink from premises from 23.00 to 05.00 hours.
- **The provision of regulated entertainment**, which includes entertainment provided solely or partly for members of the public, or exclusively to club members and their guests, or for which a charge is made, which is provided for profit (including raising money for charity) such as;

The performance of a play

- The showing of a film
- An indoor sporting event
- A boxing or wrestling match
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

The definition also covers the provision of entertainment facilities for participating in entertainment such as:

- Provision of facilities for dancing.
- Provision of facilities for making music.
- Entertainment of a similar description to making music or for dancing.

There are exceptions to these general conditions such as where the playing of live and recorded music is only incidental to the other activities, which may or may not be licensable. As there is no definition in the Act of what is 'incidental' such situations will be considered on a case by case basis.

1.5 The policy document is arranged in four parts, and subdivided into headed sections

- Part 1 illustrates how licensing supports the broader role and objectives of the council.
- Part 2 sets out the specific policies related to the standards of management that the LLA will expect from prospective and current licensees.
- Part 3 covers some of the specific licensing matters highlighted in the Licensing Act and statutory guidance and sets out the policies that will let the LLA meet these requirements.

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- Part 4 deals with specific area issues. It sets out our policies for ensuring that licensing will help enhance the development and vibrancy of these areas.
- 1.6 The LLA's statement of licensing policy aims to promote the following four licensing objectives:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 1.7 Conditions where appropriate will be tailored to the individual style and characteristics of the premises or event. Standard conditions may be made from a pool of model conditions. See Appendix 1
- 1.8 Licensing is primarily concerned with regulating licensable activities and conditions will focus on matters within the direct control of the operators of licensed premises, occurring within the premises or in the vicinity of the premises. The term "in the vicinity of" is not defined in the Licensing Act or the Guidance. In practice, what constitutes "the vicinity of the premises" will be a matter of judgement for authorised officers and in disputed cases, the courts. As such, the council proposes to consider each application on its merits. The term will normally relate to the direct impact of the activities at the premises on members of the public living, working or engaged in other normal activities in the area concerned.
- 1.9 The Act recognises three key groups with specific roles and duties in the implementation of the Act. Authorised persons are empowered by the Act to carry out inspection and enforcement roles. The Act recognizes the following authorised persons:
- Police officers
 - Officers of the licensing authority
 - Environmental health officers and those authorised under the Health and Safety at Work etc Act 1974
 - Officers of the Health and Safety Executive (HSE)
 - Authorised fire safety officers
 - In relation to vessels, an inspector, or a surveyor of ships appointed under the Merchant Shipping Act 1995
- 1.10 Interested parties are entitled to make representations (i.e. state their views for or against) to the LLA on applications for the grant, variation or review of premises licences. They are also entitled to ask for reviews of premises licences. An interested party is:
- A person living in the vicinity of a premises
 - A body representing persons who live in that vicinity
 - A person involved in a business in that vicinity
 - A body representing persons involved in such businesses

Any of these individuals may make their representations directly or request a representative such as a friend, a legal representative, a local ward councillor or a member of parliament to make representations on their behalf.

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1.11 Responsible authorities are public bodies that will be fully notified of all applications. They will be entitled to make representations to the LLA on applications for the grant, variation or review of premises licences. They are also entitled to seek reviews of premises licences. The following are responsible authorities within the scope of this policy:

- The Borough Commander, Metropolitan Police Service, Havering
- the London Fire and Emergency Planning Authority
- The Local Enforcement Agency with responsibility for enforcing the Health and Safety at Work etc. Act 1974 (this will be either the Health and Safety Executive or the Health and Safety team, Environmental Health London Borough of Havering dependent upon the nature of the premises)
- London Borough of Havering Environmental Health Service
- London Borough of Havering Family and Children's Services of Social Services
- London Borough of Havering Planning Service
- London Borough of Havering Trading Standards Service
- A neighbouring licensing authority, where part of the premises is situated within the local authority's boundaries
- other bodies as may be prescribed.

In relation to vessels, the responsible authority will include:

- The Maritime and Coastguard Agency
- The Environment Agency
- The British Waterways Board
- Other persons specifically prescribed by the Secretary of State for Culture, Media and Sport by means of statutory instrument

Part 1 The wider picture.

2.1 Community safety strategy vision for Havering is to create a safe, welcoming, healthier and more prosperous place where people choose to live, work and visit.

2.2 The mission of the of the Havering community strategy is to:

- Create a thriving successful and healthy community for all
- Make Havering an inclusive place in which to live, work and visit
- Create a dynamic ,prosperous economy driven by a well educated and trained workforce
- Create a good quality of life in Havering for now and the future, through actions that contribute locally, nationally and internationally to sustainable development.

2.3 The Council's corporate priorities laid out in the Corporate plan 2006-2009 are:

- To promote financial efficiency and value for money
- To improve the quality of our service
- To make Havering a better place in which to live and work.

2.4 Licensing relates to a number of different aspects of the community strategy. Licensing in Havering will, as far as possible, embrace the vision and act to

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support its achievement.

The Borough

- 2.5 The London Borough of Havering is a borough with an ancient history and an exciting future. It is located on the periphery of North East London. The area has good road and rail links and boasts a 3 mile river frontage. It is currently a major centre for renewal and development.
- 2.6 Granted a royal liberty 540 years ago, the borough has held a regular street market since 1247. Today Havering is London's third largest borough, with a population of over 226,000 and an area of 11,227 hectares, of which over half is green belt.
- 2.7 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. Leisure facilities are second to none, with three recently renovated leisure centres with state-of-the-art equipment and facilities. The borough is also a great place to shop. There are 250,000 regular shoppers in Romford town centre alone. In addition to Romford there are small local shopping centres in Harold Hill, Collier Row, Hornchurch, Cranham, Upminster, Elm Park and Rainham. See map appendix 2
- 2.8 There are in the region of 460 licensed premises in the borough. Many premises open late at night and contribute to the thriving night time economy of the Borough. The main centres of night time economy are:
- Romford town centre which is a late night area, the premises being mainly pubs, restaurants, takeaways and clubs.
 - Hornchurch town centre which is an earlier evening area with the premises predominantly being restaurants and wine bars.

Licensing policy 001

The LLA will seek to promote the Community Strategy Vision through the Council's corporate plan and where appropriate, it will consider any local strategies or locally agreed plans when determining licensing applications

- 2.7 The role of effective enforcement of regulations in achieving some of these objectives is recognized and promoted. Effective licensing can influence the quality of the environment, reduce the incidence of crime and disorder, and promote public safety. However, it is also necessary to ensure that the licensing requirements do not discourage community events that will promote the cultural diversity or the borough and the viability of its business community.

Alcohol Harm Reduction Strategy

- 2.8 The Alcohol Harm Reduction Strategy has the overall aim of reducing the harm caused by alcohol misuse in England. It sets out four key measures that the Government can act upon to reduce alcohol related harms. These are:
- improved, and better targeted, education and communication

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- better identification and treatment of alcohol problems
- better co-ordination and enforcement of existing powers against crime and disorder
- encouraging the industry to continue promoting responsible drinking and to continue to take a role in reducing alcohol related crime

The Authority will take into account the relevant parts of the Strategy that align to the licensing objectives when making decisions on applications.

Other Regulatory Systems

2.9 Care will be taken to ensure that where there is an overlap between the licensing regime and other regulatory regimes that control is exercised through the most appropriate system and that duplication is avoided unless considered absolutely necessary. Other regimes which may impact on the operation of licensed premises and licensable activities include:

- Building Control
- Development Control –Planning conditions
- The operation of the Health and Safety at Work Etc Act 1974 and the various Regulations made under it
- The Environmental Protection Act 1990 and the Noise Act 1996 which deal in particular with statutory nuisance arising from noise
- The Anti Social Behaviour Act 2003 which includes a power to close noisy premises and deal with night time noise
- The Disability Discrimination Act 1995

Crime reduction and prevention.

Licensing policy 002

The LLA seeks to encourage the highest standards of management in licensed premises. Where representations have been received, the LLA will use appropriate licence conditions to support the prevention of crime and disorder in the borough and the work of the community safety partnership.

Licensing Policy 003

The LLA will encourage membership of, and full participation in local pubwatch, and Safe and Sound schemes.

2.10 Pubwatch and Safe and Sound schemes support the creation of safe and secure social drinking environments. They are similar to neighbourhood watch schemes but are tailored to meet the needs of owners and staff of licensed premises. The scheme encourages the link up of security and information between premises within each scheme. This allows them to pass information about crime between themselves and the police thereby increasing the likelihood of arrests being made. The LLA actively encourages these schemes and is currently supporting schemes in Romford, and Hornchurch with new schemes being developed in other areas of the borough.

Applicants are encouraged to manage their premises in ways that contribute to the promotion of our local crime prevention objectives. It is expected that applicants

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will show consideration of local crime and disorder concerns and best practice guidance about these issues within their operating schedules.

Licensing Policy 004

In all cases the LLA will endeavour to balance its support for community entertainment with the need to promote the licensing objectives.

2.11 The LLA is keen to promote live music, dancing and theatre for the wider cultural benefit of its communities. Well regulated venues and licensable activities enhance cultural diversity, encourage the development of lifetime skills, support a healthy and fulfilled lifestyle and provide a positive diversion for young people.

2.12 The LLA seeks to support community use of the Council's own venues, open spaces and parks.

Licensing Policy 005

The LLA will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of race, gender, disability or age or display discriminatory signs.

Licensing Policy 006

The LLA will consult on and assess the likely impacts of this policy on race equality, and monitor the policy for any adverse impacts on the promotion of race equality.

Development Planning

Licensing Policy 007

The council encourages applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence.

2.13 The council's planning policies are set out in its Local Development Framework which is a portfolio of policy documents consisting of Local Development Documents, Supplementary Planning Documents, Site specific Allocations and area Action Plans. Area Action Plans focus on development planning and are different from the CNRS action plans, which focus on neighbourhood renewal and regeneration.

2.14 The licensing process is not a re-run of the development control process. Where premises have obtained planning permission prior to the submission of a licence application, the determination of the licence will focus on controls necessary to achieve the licensing objectives. Objectors within the planning process who are dissatisfied with the planning outcome may still object through the licensing process but their objections will only be relevant where they relate to one or more of the four licensing objectives.

2.15 Where appropriate (e.g. as part of planning policy and area strategy reviews), the licensing committee will report to the relevant area committee on the situation regarding licensed premises in their area, including the general impact of alcohol related crime and disorder.

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Noise

Licensing Policy 008

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Where relevant representations are received, the LLA may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises.

2.16 Complaints about noise have risen substantially over the last ten years and the considerable expansion of the night-time economy has increased noise within urban settings above the national average. It is in the context of these trends that noise disturbance from licensed premises will be considered by the LLA. The LLA will seek to balance the protection of residents from undue disturbance against noise and the activity that is the natural by-product of people going about their business, entertainment or leisure.

2.17 The LLA expects that premises intended for the provision of noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The LLA recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises with amplified music adjoining residential properties may not be appropriate.

Part 2. Standards of Management

The Operating Schedule

Licensing Policy 009

The LLA seeks to encourage the highest standards of management in licensed premises and expects the operating schedule to describe how these standards will be achieved in relation to promoting the licensing objectives.

3.1 A document referred to as the 'operating schedule' will be required for all new applications and variation application. The operating schedule is given in a prescribed form, is part of the application, and should be fully completed for all new applications. Where the application is for a variation to an existing licence, the operating schedule should detail any additional steps required in relation to that variation. It should outline how the premises will be operated, and arrangements for promoting the four licensing objectives. The detail of the operating schedule will be considered by responsible authorities and interested parties when deciding if the measures proposed are sufficient. The proposals contained within it will form the main body of conditions to be applied to the licence. Other conditions may be drawn from a set of mandatory conditions that apply to premises depending on the licensable activity, a pool of licensing conditions being developed in consultation with the bodies designated as responsible authorities, or from the decisions of the licensing committee where an application is determined after a hearing.

3.2 The operating schedule must include all information necessary to enable the LLA,

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responsible authorities or interested parties to assess whether the steps outlined for the promotion of the licensing objectives are satisfactory. This will mean that applicants will need to complete their own detailed risk assessments on their businesses. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made. Where these representations are relevant to the promotion of the licensing objectives, a hearing will follow, unless all parties agree that this is unnecessary.

- 3.3 Applicants must have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the LLA and of the other responsible authorities. Specific requirements to be met are detailed in this policy document. Other specific requirements are detailed in relevant legislation and in guidance documents.
- 3.4 Any proposed changes to the operating schedule must be notified to the LLA and depending on the nature of the changes proposed, the LLA may require a new premises licence application or the submission of an application to vary the existing licence.

Safer clubbing and drugs

Licensing Policy 010

With regards to safer clubbing, the LLA is committed to ensuring that, where appropriate, the design and management of dance and other venues maximises the safety of customers, performers and staff. The LLA will normally expect the submission of a drug policy as part of the operating schedule for applications for new premises licences and for variations to existing licences for night clubs and similar premises. Where relevant representations are made with regards to public safety, the LLA may impose conditions to control environmental risk factors such as overcrowding, ambient temperatures, availability of drinking water, and any other factors known to increase the risks to the safety of those taking drugs.

- 3.5 The LLA has been working in partnership with the police, licensees and local communities to reduce the availability of controlled drugs in Havering for many years. It recognises that some licensed premises are often targets for the supply and use of controlled drugs, including "date rape" type drugs.

The LLA requires licensees of all venues to take all reasonable steps to:

- Prevent the entry of drugs into licensed premises
- Prevent drugs changing hands within the premises
- Understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur
- In determining whether the premises have adequate arrangements to prevent the supply and use of controlled drugs, the LLA will expect the licensees to have considered best practice guidance, especially those contained in publications such as:
 - ***Safer Clubbing Guide*** -The Home Office
 - ***Controlled Drugs and Weapons in Licensed Premises*** -Metropolitan Police Service (MPS)
 - ***Safe and Sound – Helping you to manage the threat posed by Drugs***

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***and Weapons* - MPS**

- ***Annexe J*** of the Secretary of State's *Guidance* under Section 182 of the Licensing Act 2003.

Tables, Chairs and Beer Gardens

Licensing Policy 011

The LLA recognises that where there are gardens or tables and chairs placed outside the premises, users of these can cause nuisance. Where relevant representations are received in relation to a new or varied licence or on a review of a licence, the LLA will consider prohibiting or restricting the use of these areas.

- 3.6 The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas. In some premises these facilities can encourage patrons and passers by to loiter rather than disperse and in many cases, noise control measures are not feasible.
- 3.7 Where the LLA receives relevant representations or where a responsible authority or an interested party properly seeks a review, the LLA will consider prohibiting or restricting the use of these areas in order to promote the public nuisance objective. Restrictions imposed will be specific to each case.
- 3.8 The use of such areas, especially pavements, should take account of potential access problems for disabled people and the safe use of wheelchairs and other access equipment.
- 3.9 The placing of items such as tables and chairs on or adjacent to the highway needs to be licensed by the Council and applicants will usually be expected to hold that licence when their application is made.

Part 3. Specific Licensing Policies

Licensing Policy 012

The LLA supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. Nothing in this policy will oblige the holder of a premises licence or club premises certificate to remain open for the entire period permitted by the licence or certificate. The LLA will normally require all licensed premises to be cleared of patrons within a reasonable period after the end of the time permitted for licensable activities. Proposals for clearing the premises or a dispersal policy should be included in the detail of the operating schedule.

- 4.1 The planning consent, where it includes conditions on operational hours, sets the timeframes for operating a business from premises. The premises licence or club premises certificate sets the timeframes for the carrying on of licensable activities at that premise. Although these are two separate regimes, the LLA intends to

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reflect a degree of consistency in the way it makes its decisions. The LLA will not normally grant licences, which have the effect of extending the hours contained in the planning consent, where relevant representations have been received from the Local Planning Authority.

- 4.2 The general principle will be that the carrying on of licensable activities at premises should cease some time before the end of the operational hours granted by planning consent to allow for the premises to be cleared of patrons in a gradual and orderly manner. The LLA recognises that the time required for clearing premises of patrons will differ from business to business depending on the type of licensable activities provided and the nature of the clientele. It is for applicants themselves to judge what time scale is reasonable. However, the LLA recommends that between 30 minutes and one hour would be sufficient for the majority of businesses. Operating schedules should detail the applicant's proposals for clearing the premises or their dispersal policy which could include arrangements such as:
- the provision of food
 - the management of the lighting as well as the nature and tone of the music
 - the balance between the continued sale of alcoholic drinks and the availability of non-alcoholic beverages
 - arrangements for accessing transport for customers

Licensing Policy 013

Where relevant representations are received from responsible authorities and/or interested parties, the LLA may seek to restrict the operational hours of premises where this is necessary to promote the licensing objectives. The LLA may impose further limitations in hours upon review of the licence, particularly where the premises is shown to be the focus or cause of nuisance or anti-social behaviour.

- 4.3 The LLA is mindful of the argument that in some situations, longer licensing hours for the sale of alcohol can help to minimise the impact of large concentrations of customers leaving premises simultaneously. Restricted licensing hours can encourage binge drinking, create noise and disturbance at fast food outlets, bus stops, train and underground stations, encourage the use of illegal taxi touts and generally produce peaks of disorder and disturbance.
- 4.4 In Havering many premises are already open for the sale of alcohol and late night refreshment and the provision of entertainment into the early hours of the morning. It is the intention of the LLA to permit licensing hours which enhance the development of a thriving and safe evening and night-time economy, as this is important for local investment and employment and for providing consumers with greater choice and flexibility.
- 4.5 The LLA recognises that in some areas longer opening hours can be adequately controlled through stricter conditions with regard to noise and disturbance but in other areas, further restrictions may be required. Where relevant representations are received, stricter controls with regard to noise will be applied in areas which have a denser residential use, compared with mixed use and commercial areas.
- 4.6 The LLA will normally allow shops, stores and supermarkets to sell alcohol for

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consumption off the premises during the hours that they are open for trading. The LLA will consider restricting the licensing hours where representations are received, and these controls would promote the licensing objectives.

- 4.7 Where relevant representations have been received, the LLA will, in making decisions about licensing hours, give special consideration to:
- the views of the responsible authorities
 - the views of people living in the vicinity of the premises
 - the views of other interested parties
 - any proposals for minimising crime and disorder, and public nuisance
 - the proposals for minimising noise and disturbance to people living in the vicinity of the premises.

Location, Cumulative Impact and Saturation

Licensing Policy 014

In considering applications for new licences or variations to existing licences and licence reviews following the receipt of relevant representations, the LLA will take the matters listed below into account. These criteria will apply in different ways to different types of premises and licensable activities in the following order:

- the location of the premises and character of the area
- the views of responsible authorities
- The views of interested parties
- past compliance history of current management
- the proposed hours of operation.

4.8 The LLA will also take into account the following considerations:

- the type of premises and mix of premises in the area
- the type of customers at the time of the application or type intended
- the numbers of customers likely to attend the premises
- whether the applicant is able to demonstrate commitment to a high standard of management, e.g. through active membership of a pub or club watch scheme or in the case of off-licences, a shop watch scheme
- the physical suitability of the building proposed for licensable activities, i.e. in terms of safety, access, noise control etc.

4.9 With regards to the location of proposed licensed premises and their impact on residents and businesses in the vicinity of these premises, each application will be dealt with on its merit.

4.10 Applications for late night premises in predominantly residential areas will be expected to reflect commitment to a very high standard of management.

Licensing Policy 015

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The LLA will keep potential areas of saturation (areas where we believe that no further licensed premises can be accommodated) under review. Where representations from responsible authorities or interested parties indicate that saturation is reached, it will consider introducing a special saturation policy for the area that will create a presumption for the refusal of all new applications.

4.11 The Licensing Act 2003 allows the LLA to consider the cumulative impact of licensed premises where the grant of a new licence would undermine one or more of the licensing objectives. Representations from a responsible authority or interested party that the cumulative impact of a new licence may result in the area becoming saturated, resulting in exceptional problems of nuisance and disorder which are beyond the control of individual licence holders will be considered. Such representations must be evidence-based and be related to the style and character of the proposed new premises. As with all applications the LLA will consider the application on its own merits.

4.12 At the present time there is one stress area in the Borough. South Street in Romford which has a high predominance of licensed premises in a small area. The licensed premises in the area are a variety of off licenses, night clubs, vertical drinking establishments, late night refreshment premises and restaurants. After consulting with the police, the LLA is not of the view that there are areas of the borough where we should seek not to grant any further licences. We will keep this under review, and will be expecting that in key areas of the borough where there is a particular concentration of premises, licence holders exercise high standards of management, and work in collaboration with other licence holders in the vicinity.

Adult Entertainment

Licensing Policy 016

The LLA expects all operators of premises intending to provide adult entertainment to include the relevant details in their operating schedule and include any controls they intend to put into place.

Licensing Policy 017

When considering applications for adult entertainment, and where relevant representations have been received, the LLA will take into account the nature of the area and the marketing, advertising arrangements and external views of the premises together with other factors proposed by the proprietor to mitigate concerns.

4.13 The LLA considers adult entertainment to include activities such as topless waitressing, striptease and table dancing or any activity performed partially clothed or naked.

4.14 There are no longer any specific provisions in legislation to control or prohibit adult entertainment with a sexual content in licensed premises. The activities may however be relevant when considering the promotion of the licensing objectives. Following the receipt of relevant representations, the LLA will not normally grant a licence unless:

- the premises operating schedule specifies adequate arrangements for

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- prohibiting children under the ages of 18 from entering the premises
- the premises operating schedule specifies adequate arrangements for preventing crime and disorder and preventing public nuisance
- the adult entertainment cannot be seen from the street
- the adult entertainment is in a designated area of the premises with segregation from the audience
- the adult entertainment is in a position where the performers will have direct access to a dressing room without passing through or coming into close proximity to the audience
- there is no external advertising of adult entertainment either at the premises or in its immediate vicinity.

Children and Licensed Premises

Licensing Policy 018

The LLA will require consideration of measures to protect children from harm to be reflected in the operating schedule where applicants identify the need, having regard to their type of premises or licensable activities. Applicants for premises licences and club premises certificates authorising the admission of children without accompanying responsible adults will be required to submit a child protection policy detailing the steps to be taken to ensure that children in their charge will be protected from harm when on licensed premises or engaged in activities relating to the licence.

4.15 The LLA is keen to promote family-friendly licensed premises and to encourage premises where families are welcomed and where suitable entertainment is provided. Although conditions requiring the admission of children cannot be imposed, the LLA supports the provision of entertainment specifically for children, and wishes to encourage both occasional events for children and licensees making their premises available for hire to organisations for this purpose.

4.16 The LLA also recognises that children are one of the most vulnerable groups in our society and that some activities associated with licensed premises are not appropriate for children. The LLA will be looking for management arrangements to be in place to address this. Following relevant representations, it will consider the imposition of additional controls by way of licence conditions where activities that take place on the premises may present a risk of physical, moral or psychological harm to children. It will also look for strict controls in place to prevent the sale of alcohol to under age children especially in relation to off-licence premises.

- The following circumstances are considered to present a risk to children, and therefore may be subject to additional controls following relevant representations:
- where the current management have been associated with convictions for serving alcohol to under age children or have a reputation for allowing under age drinking
 - where there are concerns about drug taking or drug dealing on the premises
 - where there is a strong element of gambling on the premises
 - premises where or events in which entertainment of an adult or sexual nature is provided
 - premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose.

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4.17 Requirements may include:

- limitations on the hours when children, or children under certain age limits, may be present
- limitations on the parts of premises that children will be allowed to access
- limitations or exclusions when certain activities are taking place
- full exclusion of people under 18 from the premises when any licensable activities (as defined in paragraph 4 of this policy) are taking place
- requirements for accompanying adults at all or various times
- the requirement for proof of age cards or other age identification to prevent the purchase of alcohol by minors.

4.18 Applicants' premises licences and club premises certificates authorising the exhibition of a film should highlight arrangements to ensure compliance with the age restrictions of the appropriate British Board of Film Classification (BBFC) in their operating schedules. In relation to specialist film festivals or other screenings where the intention is to show films not classified by the BBFC, the LLA will require the submission of the film intended to be shown at least 28 days before the proposed screening so that it can apply an appropriate classification. To achieve consistency and the protection of children, we will use the guidelines published by the BBFC.

4.19 When considering applications from premises intending to offer public entertainment, where it will be lawful and not contrary to this policy for children to be admitted without an accompanying responsible adult, the licensee will be required to provide adequate numbers of adult staff to ensure the safety and well-being of the admitted children during an emergency. Details of the licensee's arrangements must be included in the operating schedule.

4.20 The LLA has identified the Social Services Department as the responsible authority for assessing child protection issues arising from licensing matters.

4.21 Where appropriate, operating schedules must detail steps to be taken to limit unobserved contact between employees and children and to limit or prevent access to inappropriate websites where Internet access is offered.

Temporary Events

Licensing Policy 019

Where events qualify for a Temporary Events Notice (TEN), applicants are encouraged to submit notifications at least four weeks prior to, but not more than 12 weeks before the date of the proposed event.

4.22 The Licensing Act 2003 provides for certain occasions when events organised for less than 500 people at a time and each lasting for no more than 96 hours can take place following the notification of such events to the LLA and the police. It is only open to the police to object to the TEN if they are of the opinion that the event is likely to undermine the crime prevention objective.

4.23 Although the statutory legal minimum time required for notification of a temporary

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event to the LLA and the police is 10 working days, it is essential that adequate notice is given to allow for proper consideration of the proposed event in order to ensure that all the legal requirements for the authorisation have been met. Statutory guidance allows the LLA to publicise its preferred time-scale for notification and this is indicated in the policy statement above. The increased timescale will allow more time to resolve issues rather than see organisations faced with the cost of cancelling late because there is insufficient time to address representations.

Large events

Licensing policy 020

The Licensing Authority recommends that for significant events, a Comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events {as defined below} the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

4.24 The Licensing Authority further recommends the Metropolitan Police Promotion / Event Risk Assessment Form 696 and the After Promotion / Event Debrief Risk Assessment Form 696A as useful and effective tools in for this purpose. Where the Risk Assessment forms are used to assess the likely risks for any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.

4.25 Forms 696 and 696A are available on the Metropolitan Police web site. It is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are **ClubsFocusDesk-CO14@met.police.uk** and (insert local authority email and MPS borough licensing unit)

Enforcement

Licensing Policy 021

The LLA will use relevant legislation to ensure compliance with the Licensing Objectives. Compliance with enforcement action may be material to determining applications and reviews.

4.26 The LLA expects licensed premises to operate in ways consistent with community interests as expressed earlier in this statement of licensing policy and not to undermine the licensing objectives. In exchange for allowing greater freedom for businesses to sell and supply alcohol, provide entertainment or supply hot food and drink after 11pm, the LLA expects businesses to comply with legal requirements, licence conditions and the premises operating schedule.

4.27 Enforcement action will be taken in accordance with the principles of the *Cabinet Office's Enforcement Concordat* and the Havering's Environmental Health enforcement policy. The LLA will work closely with the Police and fire authority and

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other agencies to ensure that these powers are effectively used where necessary for the promotion of the licensing objectives.

Provisional Statements

Licensing Policy 022

In considering an application for a provisional statement the LLA will, as far as is reasonably practicable, apply the same standards as required for the grant of a premises licence.

- 4.28 Provisional statements provide limited assurance to prospective proprietors of licensed premises that an application for a premises licence in respect of specific premises or licensed activities will be likely to succeed, The LLA recognises that these may be necessary for the promotion of investment and employment opportunities in the borough. Applications for provisional statements must include the particulars of the premises (including plans), describe the works to be done and the licensable activities planned.
- 4.29 The granting of a provisional statement has the effect of precluding representations from being made to the subsequent premises licence application save in very exceptional circumstances. Although a provisional statement does not have limited duration, an indefinite provisional statement may come into effect as a premises licence several years after the provisional statement was granted, when material changes may have occurred, with the effect that the type of premises or licensable activity proposed is no longer appropriate to the location. Applicants are encouraged to seek to convert their provisional statements to premises licences at the earliest opportunity. The longer the delay before a premises licence is applied for the greater the potential for representations made in respect of an application for a premises licence not to be excluded.
- 4.30 Where premises are being constructed, extended or substantially altered to be used for licensable activities, the granting of a premises licence will be considered where detailed plans of the proposed structure exists and a detailed operating schedule covering the proposed activities can be completed. Such premises licences will have effect from a date to be specified on the licence.

Review of Licences

Licensing Policy 023

The LLA will reserve the right to apply the full range of powers available to it when a review of a premise licence becomes necessary. It will however be mindful of the need to prevent the review process being used as an opportunity by responsible authorities and interested parties to re-run earlier representations without due cause.

- 4.31 The power to review premises licences represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives.
- 4.32 Reviews of licences may be triggered at any stage by responsible authorities or interested parties because of a matter arising at the licensed premises and relating

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to one or more of the four licensing objectives. Reviews may also become necessary following the service of a closure order by the police or any formal enforcement action by officers of the local authority. It is the LLA's belief that the promotion of the licensing objectives is best achieved in an atmosphere of mutual co-operation between all stakeholders. Reviews will therefore be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

4.33 Representations must be made in writing and must be relevant, and not vexatious, repetitious or frivolous. The LLA must arrange a hearing, which will be held in accordance with provisions set out by the Secretary of State in regulations.

Glossary of Terms

These definitions are provided to aid understanding of the draft policy. They do not replace the meaning given to the terms in the Act or the statutory guidance. Reference should therefore be made to these publications to clarify any of these terms for legal purposes.

- **Alcohol** includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale
- **Club Premises or Qualifying Clubs** can supply alcohol to members or guests and can provide regulated entertainment. These clubs must comply with general and specific conditions in relation to size, membership and the nature of their operations.
- **Designated Premises Supervisor** is a personal licence holder who is for the time being specified in the premises licence as the Premises Supervisor. This may be the premises licence holder or another person.
- **Grandfather Rights** is a system of rights for the transfer of existing licences to premises licences and personal licences by the licence holders under the terms of their existing licence. The police can object to this transfer in certain circumstances.
- **Licensing Committee** is a committee of 10 to 15 councillors, appointed by the council.
- **Licensing Sub-Committee** is a committee of three councillors appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act.
- **Personal Licence** – permits individuals to supply, or to authorise the supply of alcohol. The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premise to another, allowing greater flexibility. It ends the outdated regime where publicans are tied by licence to the premises they manage.
- **Regulated Entertainment** is entertainment that is provided to the public, or exclusively to members of a qualifying club and their guests, or entertainment provided for profit/personal gain. See list in paragraph 4 of this policy.
- **Representations** are complaints or comments on applications by responsible authorities (e.g. police) or interested parties (e.g. residents). They must be made in writing and will only be relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

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Representations by interested parties will not be relevant if they are considered by the licensing authority to be frivolous (i.e. not serious) or vexatious (i.e. arising out of unrelated disputes).

- **Temporary Events** – relatively small-scale events held in or on any premises involving no more than 499 people at any one time. Each event, which must be covered by a Temporary Event Notice, can last up to 96 hours, and no more than twelve events can be held at any particular premises in a year.
- **Vicinity** – usually taken to mean the area immediately around the licensed premises but where there is reasonable evidence to suggest that problems are directly linked to licensed activity or customers of a particular premises, can be extended. Although the licensing authority will have to consider whether a resident or business would be directly affected by the carrying on of licensable activities on licensed premises the issue of whether premises are in the vicinity of licensed premises will ultimately be decided in the courts.
- **Variation** – changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises or the specification of another person as the Designated Premises Supervisor.

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Appendix 1

LICENSING ACT 2003

LONDON BOROUGH OF HAVERING

POOL OF CONDITIONS

FOR USE WITH

PREMISES LICENCES

AND

CLUB PREMISES CERTIFICATES

LICENSING ACT 2003

LONDON BOROUGH OF HAVERING

**POOL OF CONDITIONS FOR USE WITH PREMISES LICENCES AND CLUB
PREMISES CERTIFICATES**

GENERAL

This Pool of Conditions has been produced in conjunction with the other Licensing Authorities and Responsible Authorities in London to ensure, as far as possible, that a consistent approach is taken. The document should be used alongside London Borough of Havering's Licensing Policy Statement and with reference to Guidance issued under section 182 of the Licensing Act 2003 by the Department of Culture, Media and Sport. The published Pool of Conditions will be updated from time to time.

Licensing Objectives

- The prevention of crime and disorder

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- Public safety
- The prevention of public nuisance
- The protection of children from harm

Licence Conditions

Each application will be determined on its own merits and conditions from the Pool of Conditions shall not be regarded as standard conditions to be automatically imposed in all cases. The Pool of Conditions is designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance. The pool of Conditions is not a finite list of potential conditions and other conditions may be created to address individual and specific circumstances.

Conditions will only be imposed if necessary to promote the licensing objectives and may be adapted to suit the particular case under consideration. Additional conditions will not be imposed where existing legislation and regulation already effectively promote these objectives.

Conditions will normally be applied to address those matters identified as a result of a risk assessment carried out by the applicant and the submission of an Operating Schedule. In addition, conditions may also be applied following the consideration of Relevant Representations from Responsible Authorities, and / or Interested Parties.

Any decision to add a condition to a licence or certificate will depend upon a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises, the anticipated clientele of the business involved and the local knowledge of the premises.

Following the pool of conditions is good practice guidance which could be used by applicants to include in operating schedules.

Operating Schedules

Any applicant, in preparing the required Operating Schedule, is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives.

When incorporated into the licence or certificate as a condition, those measures become enforceable under the law and a breach of such a condition could give rise to prosecution. In order to minimise problems and the necessity for hearings, it would be sensible for applicants to consult with the Responsible Authorities when Operating Schedules are being prepared. This would allow for proper liaison before representations prove necessary.

Legal Requirements

It is unnecessary to impose conditions that mirror legal requirements under other legislation. However, it may be appropriate in particular circumstances to impose conditions that supplement or complement legal requirements, for example by imposing a requirement that facilitates legal compliance.

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Consequently, compliance with licensing conditions does not of itself signify compliance with other legal requirements and vice versa.

It should be noted in particular that it is unlawful under the 2003 Act:

- **knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk**
- **knowingly to allow disorderly conduct on licensed premises**
- **for the holder of a Premises Licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported**
- **to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises that are licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol**

Conditions enforcing these arrangements are therefore unnecessary.

MANDATORY CONDITIONS

It is a requirement of the 2003 Act that certain mandatory conditions must be included on Premises Licences where the licence authorises the sale of alcohol, authorises the exhibition of films or where there is a condition requiring the use of security staff.

Section 19 Licensing Act 2003, Mandatory conditions: where the licence authorises the sale of alcohol

- M1 No supply of alcohol may be made under the Premises Licence;
- (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or
 - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- M2 Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

Section 20 Licensing Act 2003, Mandatory condition: exhibition of films

- M3 Where a programme includes a film in the 12A, 15 or 18 category no person appearing to be under the age of 12 (and unaccompanied in that case), 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Where films of different categories form part of the same programme, the notice

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shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on duty provided that the prior written consent of the person's parents or legal guardian has first been obtained.

Section 21 Licensing Act 2003, Mandatory condition: door supervision

M4 A minimum of [number] Door Supervisors, all individually registered with the Security Industry Authority, shall be on the premises [*at all times*] [between [hh:mm] and [hh:mm] on [days] when] the premises are open for any licensable activity.

CONDITIONS RELATING TO CRIME AND DISORDER

General

Advice should be sought from the police prior to application. The police may wish conditions from the pool of conditions to be applied to a licence issued to a premise or that the wording be varied from that published in the general pool of conditions to fit the individual requirements of that premise.

Applicants may wish to include conditions in their Operating Schedule to satisfy each of the four licensing objectives. Applicants should include conditions, which are appropriate to the size of the premises and relevant to the location of the premises and type of licensable activity carried out. Applicants should expand on how they will implement each of the conditions. Where conditions require the written approval of Havering Police, unless otherwise stated, this should be sought from Havering Police, The Licensing Office, Romford Police Station, 19 Main Road, Romford, Essex RM1 3BJ.

Some measures may also be relevant to promote the other licensing objectives.

- CD1 All staff shall be suitably trained for their job function for the premise. The training shall be written into a programme, ongoing and under constant review, and must be available to a relevant Responsible Authority when called upon.
- CD2 All Personal Licence Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification.
- CD3 The Licence Holder shall implement a written Children's Policy which must be approved in writing with the Police or Havering's Children and family services. It should include. 'Where the sale of alcohol is a licensed activity no persons under 18 shall be admitted to, or allowed to remain on the premises between 21:00hrs and 06:00hrs', unless specifically covered in the Children's Policy.
- CD4 No person shall be admitted to the premises less than one hour before cessation of the last licensable activity.

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- CD5 Persons shall be prevented from leaving the premises with alcohol supplied in open containers.
- CD6 A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premise. The Premises Daily Register will also record all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.
- CD7 All Door Supervisors shall enter their full details in the Premises Daily Register at the commencement of work. This shall record their full name, home address and contact telephone number, the Door Supervisor's SIA registration number and the time they commenced and concluded working. If the Door Supervisor was supplied by an agency, details of that agency will also be recorded including the name of the agency, the registered business address and a contact telephone number.
- CD8 On the (x) number of occasions that you make use of additional hours on your licence to cover special occasions, Havering Police shall be given no less than ten working days written notification of the special occasion or event. This shall give details of;
- The name of the premises and the name of the Designated Premises Supervisor for the duration of the event.
 - The nature of the event and brief details of how the event will be run.
 - The date, the commencement and conclusion time of the event.
 - Expected numbers attending.

Bottle and glasses

Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. Subject to a risk assessment a condition may be imposed to prevent sales of drinks in glass bottles for consumption on the premises.

Glasses containing drinks may be used as weapons during incidents of disorder and in un-toughened form, can cause very serious injuries. Therefore, in appropriate cases consideration will be given to conditions requiring either the use of plastic containers or toughened glass, which inflict less severe injuries. Location and style of the venue and the activities carried on there will be particularly important in assessing whether the imposition of such a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar

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concerns may apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition

CD9 Drinks shall be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper)

Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.

CD10 Drinks shall be served in containers made from toughened glass (tempered glassware).

Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs could be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration will be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles) to prevent these containers being used as offensive weapons after individuals have left the premises. Such a measure may also be relevant to promote public safety.

CD11 No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

Capacity limits

Although most commonly made a condition of a licence on public safety grounds, consideration will also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration will also be given as to whether Door Supervisors will be needed to ensure that numbers are appropriately controlled and monitored.

Such considerations will be particularly relevant at High Volume Vertical Drinking establishments (HVVDs) which are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. At such premises it may also be appropriate to consider the ratio of chairs and tables to customers.

Where there is an agreed maximum capacity, this figure shall include all staff and entertainers. The capacity may be set for each part of the premises where appropriate. The figure may detail seating capacity and vertical capacity. Where there is a change of

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use of the premises throughout the trading day the figure should show the change of capacity and the times where relevant.

CD12 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [*number*].

CD13 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [*number*], subject to the following maximum occupancies:

For example.

[*Ground Floor*] [*number*] persons

[*Basement*] [*number*] persons

CD14 Seating for no less than [*number*] persons shall be provided in the premises at all times the premises are in operation.

Note: *This is not a standalone condition.*

CCTV

The presence of a properly specified and fully operational CCTV system can make an important contribution towards public safety and the prevention of crime. It will also assist in the investigation and identification of those involved should an incident occur immediately outside or inside licensed premises. Conditions may not just require CCTV on the premises, but also specify the precise location of each camera, the requirement to maintain all equipment in working order, retain a System File and to secure recordings for an appropriate period of time.

An 'Operational Requirement' (OR) should be drawn up for each CCTV system to ensure that it is fit for purpose. Advice on how to complete an 'OR' can be found in the Home office Scientific Development Branch (HOSDB) publication 55/06 'CCTV Operational Requirements Manual'. The Havering Police Crime Prevention Office will provide individuals conducting risk assessments when preparing operating schedules with advice relevant to current standards. At the time of publication these are provided for in the HOSDB publication 09/05 'UK Police Requirements for Digital CCTV Systems.

CD15 - A properly specified and fully operational CCTV system shall be installed or the existing system maintained to a satisfactory standard. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. All other areas of risk identified in the Operational Requirement shall have coverage appropriate to the risk.

CD16 The installation or upgrading of any CCTV system shall comply with current best practice. In addition the documentation listed below shall be included in a 'System File' which should be readily available for inspection by the relevant authority;

Site plan showing position of cameras and their field of view.

Code of Practice.

Performance specification e.g. storage capacity, image file size, IPS for each camera and purpose of each camera position

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Operational requirement.

Incident log.

Maintenance records including weekly visual checks.

CD17 To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

CD18 The CCTV system shall incorporate a recording facility and all recordings shall be securely stored for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. For premises using a video recording system, the cassette tapes shall be used on no more than 12 occasions to maintain the quality of the recorded image.

CD19 The positions of all CCTV cameras shall be clearly shown on a set of plans which should form part of the 'System File'. Any alteration to the system should only be carried out after consultation with and written approval of Havering Police and the Licensing Authority.

Misuse of drugs

London Borough of Havering is committed to addressing the problem of the misuse of drugs at all licensed premises but in particular at music and dance venues and supports the "Safer Clubbing" strategy which can be viewed at <http://www.drugs.gov.uk>.

The role of club owners, managers and event promoters is to ensure that all aspects of their venue are designed and run in ways which maximise the safety of customers, performers and staff.

CD20 The Licence Holder shall implement a written Drugs Policy. This shall detail the strategies to minimise the use and supply of illegal drugs within the premises. The Drugs Policy shall include a structured training programme covering the issues relevant to the misuse of drugs in relation to licensed premises, which will be delivered to all staff. This Policy shall be approved in writing by Havering Police.

CD21 The Designated Premises Supervisor shall hold a National Certificate of Drugs Awareness qualification, run by the BII or similar accredited body.

CD22 All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.

Erotic Dancing etc

Erotic Dancing is defined as any type of dancing that arouses or intends to arouse sexual desire or sexual pleasure and specifically includes "striptease, lap dancing, table-

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side dancing, pole dancing" and similar entertainment. The nature of this type of activity is such that the following considerations may have a particular significance. All references to striptease shall be deemed to include all forms of striptease or nudity, including the wearing of 'see through' clothing and sexual stimulation.

CD23 The premises shall not be used for striptease or entertainment of a like kind, which involves nudity, or the sexual stimulation of patrons.

This Condition does not apply to any entertainment that is an integral part of a licensed performance of a play.

CD24 The approved activities shall take place only in the areas designated by the Licensing Authority and the approved access to the dressing room(s) shall be maintained whilst striptease or entertainment of a like kind is taking place and immediately thereafter.

CD25 [*Striptease, lap dancing pole-dancing or table-side dancing*] shall be permitted at the premises between the hours of [hh.mm] and [hh.mm] on [day(s)].

CD26 No displays shall be permitted, outside or in the vicinity of the premises, of any descriptions, photographs or other images that indicates that [*striptease, lap dancing, pole-dancing or table-side dancing*] takes place on the premises.

CD27 No audience participation shall be permitted

CD28 Whilst [*striptease, lap dancing, pole-dancing or table-side dancing*] takes place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so it can be easily read by persons entering the premises in the following terms:

“NO PERSON UNDER 18 WILL BE ADMITTED”

CD29 Performers shall be aged not less than 18.

CD30 Arrangements shall be put in place to restrict access to the dressing room at all times when the [*striptease, lap dancing, pole-dancing and/or table-side dancing*] is taking place, and until such time as all performers have vacated it.

CD31 There shall be no physical contact between customers and the dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.

CD32 There shall be no physical contact between dancers whilst performing.

CD33 A CCTV system shall be installed to cover all areas where [*striptease, lap dancing, pole-dancing and/or table-side dancing*] will take place in addition to the front entrance and [location]. All cameras shall continually record whilst the premises are open to the public and video recordings shall be kept available for a minimum of one calendar month with date and time stamping.

CD34 Recordings shall be made available to an Authorised Person of the Licensing

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Authority or Havering Police together with facilities for viewing.

- CD35 The recordings for the proceeding two events shall be made available immediately on request, and recordings outside this period shall be made available within 24 hours.
- CD36 Whilst [*striptease, lap dancing, pole-dancing and/or table-side dancing*] takes place not less than [*number*] registered Door Supervisors shall be on duty on the premises.
- CD37 The performance of [*striptease, lap dancing, pole-dancing and/or table-side dancing*] within the premises shall not be visible from the street outside at any time.
- CD39 Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement.
- CD40 At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.

Promotions or Major events

The majority of venues have regular repeat artistes and DJs. Only one risk assessment and subsequent debrief is required for an artiste at the venue concerned. Where venues have promotions with different artistes or DJs on each occasion, it is anticipated that the risk assessment forms will be completed for each of these occasions

This definition relates to 'events' that require a Promotion / Event Risk Assessment Form 696.

An event will be deemed to be: any occasion in a licensed premises, or other venue under a Temporary Event Notice, where there will be a live performer/s – meaning musicians, DJs, MCs or other artiste; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

CD 41 The licensee shall undertake a risk assessment of any promotion or event (as defined below) using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy* to the Metropolitan Police Service and the licensing authority not less than 14 days before the event is due to take place.

CD42 Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this* to the Metropolitan Police and the Licensing Authority, within 3 days of the conclusion of the event.

*submission of electronic documents by e-mail is preferred.

CONDITIONS RELATING TO PUBLIC SAFETY (Including Fire Safety)

General

Advice should be sought from the relevant Responsible Authorities prior to application. The Responsible Authority may wish conditions from the pool of conditions to be applied to a licence issued to a premise or that the wording may be varied from that published in the general pool of conditions to fit the individual requirements of that premise.

Applicants may wish to include conditions in their Operating Schedule to satisfy each of the four licensing objectives. Applicants should include conditions, which are appropriate to the size of the premises and relevant to the location of the premises and type of licensable activity carried out. Applicants should expand on how they will implement each of the conditions. Special issues may arise in connection with outdoor and large-scale events.

Those who prepare Operating Schedules are advised that account will be taken of published standards and guidance relating to safety at public events and venues.

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests and where relevant matters have been identified in Operating Schedules, or as a result of representations being made, consideration will also be given to applying conditions.

Disabled people

PS1 The Designated Premises Supervisor/Duty Manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that the disabled persons are made aware of these arrangements.

Note: Licensees are advised to obtain details of and seek to address any special needs when approached by organisers of parties of disabled people.

Escape routes

PS2 All exit doors shall be available and easily openable without the use of a key, card, code or similar means.

Note: Doors that are not in regular use should be opened in order to ensure they function satisfactorily before the admission of the public on every occasion.

PS3 Any removable security fastenings shall be removed from the doors prior to opening the premises to the public.

PS4 Exit doors shall be secured in the fully open position when the public are present.

PS5 All fire doors shall be self-closing and shall not be held open other than by devices approved by the Fire Officer.

PS6 Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.

PS7 The edges of the treads of steps and stairways shall be conspicuously displayed.

Fire Log-book

PS8 A Fire Log-book shall be kept at the premise. This Fire Log-book will be maintained and kept for a minimum of 12 months. Full details of the following shall be recorded in the Fire Log-book where appropriate:

- a) staff training and refresher training in respect of fire precautions and fire evacuation training
- b) details of safety checks
- c) details of fire alarm test
- d) details of fire drills
- e) details of testing of smoke ventilators
- f) details of the maintenance and inspection of all fire-fighting equipment and the fire alarm warning system
- g) the name and position of the person making the entry

Safety checks

PS9 All necessary safety checks have been carried out before the admission of the public. Details of the checks shall be entered in the Fire log-book; this may be by use of a separate check list.

Curtains, hangings, decorations and upholstery

PS10 Hangings, curtains, and temporary decorations shall be maintained flame-retarded.

PS11 Any scenery shall be maintained flame-retarded.

PS12 Temporary decorations shall not be provided except with consent from the Licensing Authority. When seeking consent for temporary decorations the Licensing Authority shall be advised of the period for which it is desired to retain them.

PS13 Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

Accommodation limits

PS14 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [number], subject to the following maximum occupancies:
[Ground Floor] [number] persons

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[Basement] [number] persons

PS15 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [number] ([number] low density use).

PS16 The premises shall be provided with adequate facilities to monitor and control the number of persons present at the premises. The number of persons (including staff and performers) on the premises during any licensable activity shall be provided to any Authorised Person immediately on request.

Fire action notices

PS17 Notices detailing the actions to be taken by staff in the event of fire or other emergencies, including how the fire service can be summoned, shall be prominently displayed and shall be protected from damage or deterioration.

Outbreaks of fire

PS18 The fire service shall be called at once to any outbreak or suspected outbreak of fire, however slight, and the details recorded in the Fire Log-book.

Loss of water

PS19 The telephone number of the local Fire Control Centre shall be readily available at the premises.

PS20 The Designated Premises Supervisor/Duty Manager shall notify the local Fire Control Centre as soon as possible if he/she is aware that the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

PS21 Access for emergency vehicles shall be kept clear and free from obstruction at all times.

First aid

PS22 An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

PS23 At least one trained first-aider shall be on duty when the public are present.

PS24 Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration.

Lighting

PS25 Management lighting

- (a) In the absence of adequate daylight the management of lighting in any area accessible to the public shall be fully in operation whilst the public are present.
- (b) Except as permitted under (d) below there shall be adequate illumination to enable people to see their way in and out of the premises.
- (c) Fire safety signs shall be adequately illuminated except as permitted under (d) below.
- (d) If essential to the entertainment and subject to the written consent of the Licensing Authority, the management lighting in the entertainment area may be reduced or extinguished provided:
 - (i) the lighting be controlled from a position with a clear view of the entertainment area; and
 - (ii) an operator remains by the controls whilst the lighting is reduced or extinguished; and
 - (iii) the operator restores the management lighting at once in the event of any emergency; and
 - (iv) the escape route signs remain adequately illuminated.

PS26 Emergency lighting

- (a) The emergency lighting installation shall not be altered in any way except with the written consent of the Licensing Authority.
- (b) The emergency lighting battery shall be fully charged before the admission of the public.
- (c) In the event of failure of the normal lighting the public shall be evacuated from the premises:
 - (i) if the emergency lighting battery has a one hour capacity the public shall leave the premises within 20 minutes unless within that time the normal lighting has been restored and the battery is being re-charged; or

- (ii) if the emergency lighting battery has a 3 hour capacity the public shall leave the premises within one hour unless within that time the normal lighting has been restored and the battery is being re-charged.
- (d) The public shall not be re-admitted to the premises until the normal lighting has been fully restored and the battery fully recharged except
 - (i) where the emergency lighting battery has a one hour capacity and if the failure of the normal lighting was fully rectified within 20 minutes of failure and the battery is being re-charged; or
 - (ii) where the emergency lighting battery has a 3 hour capacity and if the failure of the normal lighting was fully rectified within one hour of failure and the battery is being re-charged.

Temporary electrical installations

- PS27 (a) Temporary electrical wiring and distribution systems shall not be provided without notification being given to the Licensing Authority at least 10 days before the commencement of the work.

Note: This Condition does not normally apply to electrical equipment on a stage provided with permanently installed distribution facilities.

- (b) Temporary electrical wiring and distribution systems shall comply with recommendations of BS 7671 or where applicable BS 7909.

(c) Temporary electrical wiring and distribution systems shall be inspected and certified by a competent person before they are put into use. A copy of the certificate shall be sent to the Council as soon as possible.

(d) Temporary electrical wiring and distribution systems shall be provided only for a period of up to 3 months. This period may be extended subject to a satisfactory electrical test and inspection report being submitted to the Licensing Authority at the end of each 3 month period.

Indoor Sports Entertainments

- PS28 At least 10 days' notice in writing shall be given to the Licensing Authority of any proposal to use the premises for any sports entertainment.

PS29 Reasonable and practicable steps shall be taken to minimise any risk to spectators, participants or staff from any equipment used in the entertainment.

PS30 An appropriately qualified medical practitioner(s) shall be present throughout the sports entertainment.

PS31 A registered medical practitioner or a registered paramedic shall be present at any sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.

PS32 Dressing room accommodation and washing facilities for participants shall be

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provided to the satisfaction of the Licensing Authority.

- PS33 The ring shall be sited, constructed and supported to the satisfaction of the Licensing Authority. Any material used to form a skirt around the ring shall be flame-retarded to the satisfaction of the Licensing Authority.
- PS34 At wrestling or other entertainments of a similar nature members of the public shall not occupy any seat within 2.5m of the ring.
- PS35 Staff adequately trained in rescue and life safety procedures shall be stationed and remain within the vicinity of the water at all material times. The Licensing Authority shall approve the number of such staff.

Note: The Licensing Authority will normally accept the number of such staff as recommended in Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England.

Special Effects

Special effects include dry ice machines and cryogenic fog, smoke machines and fog generators, pyrotechnics, including fireworks, real flame, firearms, motor vehicles, strobe lighting, lasers, explosives and highly flammable substances.

- PS36 The use of special effects is not permitted without the written consent of the Licensing Authority.
- PS37 The Licensing Authority shall be given at least 10 working days' notice in writing of any proposal to use special effects. The notice shall include, save in exceptional circumstances, exact details of the proposal including the date and time when the special effects can be demonstrated.
- PS38 No explosives or highly flammable substances shall be brought onto the premises except with the written consent of the Licensing Authority.

ADDITIONAL CONDITIONS RELATING TO PUBLIC SAFETY FOR THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES

Premises used for Closely Seated Audiences

- PS39 The premises shall not be used for a closely-seated audience, except in accordance with the approved seating plan(s), a copy of which shall be kept available at the premises and shall be shown to any Authorised Person on request.
- PS40 All seats shall be fixed and installed.
- PS41 A copy of any certificate relating to the design, construction and loading of any

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temporary seating shall be kept available at the premises and shall be shown to any Authorised Person on request.

PS42 Unless the Licensing Authority requires or approves otherwise the number of attendants on each floor or tier in a closely-seated auditorium shall be as set out on the table below.

Number of members of public present on a floor or tier	Minimum number of attendants required to be present on that floor or tier
1-100	One
101-250	Two
251-500	Three
501-750	Four
751-1000	Five
And one additional attendant for each additional 250 persons (or part thereof).	

PS43 Any attendant shall be readily identifiable to members of the public

PS44 Attendants must be available at all times to ensure the prompt discharge of their duties in the event of any emergency.

PS45 No article shall be attached to the back of any seat which would reduce the clear width between seats or cause a tripping hazard or obstruction.

PS46 Sitting on floors shall not be permitted.

PS47 Waiting and standing shall not be permitted in [*parts of the premises*].

PS48 In no circumstances shall anyone be permitted to –

- (i) sit in any gangway; or
- (ii) stand or sit in front of any exit; or
- (iii) stand or sit on any staircase including any landings.

PS49 Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

PS50 No drinks shall be sold to or be consumed by persons in a closely-seated audience except in non-glassware containers (e.g. plastic, polystyrene or waxed-paper).

PS51 All scenery shall be maintained flame-retarded to the LFEPA's satisfaction.

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Note: Where non-durably flame-retarded fabrics have been approved, these shall be tested for flame-retardancy at intervals as required and be re-treated as necessary.

PS52 Where a safety curtain is provided, it shall be arranged so as protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium

Premises used for Film Exhibitions

PS53 Where the premises are not equipped with a staff alerting system the number of attendants present shall be as set out in the table below.

Number of members of the public present on the premises	Minimum number of attendants required to be on duty
1 to 250	Two
and one additional attendant for each additional 250 members of the public present (or part thereof)	
Where there are more than 150 members of the public present in any auditorium or on any floor or tier	At least one attendant shall be present in any auditorium or on any floor or tier

PS54 Where the premises are equipped with a staff alerting system the number of attendants present shall be as set out in the table below.

Number of members of the public present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 to 500	Two	One
501 to 1000	Three	Two
1001 to 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

PS55 Attendants shall as far as is reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the public have access.

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PS56 Staff shall not be considered as being available to assist in the event of an emergency if they are:

(i) the Licence Holder or Duty Manager; or

(ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or

(iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to if alerted to an emergency situation.

PS57 The staff alerting system shall be maintained in working order.

PS58 The level of management lighting in the auditorium shall be to the standards specified in BS CP 1007: Maintained Lighting for Cinemas.

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

General

Advice should be sought from the relevant Responsible Authorities prior to application. The Responsible Authority may wish conditions from the pool of conditions to be applied to a licence issued to a premise or that the wording be varied from that published in the general pool of conditions to fit the individual requirements of that premise.

Applicants may wish to include conditions in their Operating Schedule to satisfy each of the four licensing objectives. Applicants should include conditions, which are appropriate to the size of the premises and relevant to the location of the premises and type of licensable activity carried out. Applicants should expand on how they will implement each of the conditions.

Noise and Vibration

In certain premises a noise impact assessment of the licensable activities at the premises should be carried out to the satisfaction of the licensing authority. Proposed steps to prevent noise must, if necessary, also be submitted for inclusion within the operating schedule.

PN1 No nuisance shall be caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.

PN2 The premises shall be arranged to minimise the risk of noise nuisance to nearby properties.

PN3 Noise emanating from the premises as a result of regulated entertainment shall not exceed the following noise levels expressed as [*x minute Leq*] at [*stated location*];

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Frequency Range	From a hours to b hours	From y hours to z hours
<i>[Whole range]</i>	<i>x dBA</i>	<i>y dBA</i>
<i>[63Hz octave band]</i>	<i>x dB</i>	<i>y dB</i>
<i>[125 Hz octave band]</i>	<i>x dB</i>	<i>y dB</i>

- PN4 Noise emanating from the premises as a result of regulated entertainment shall not exceed [*x dBA*] as measured 1 metre from any residential dwelling.
- PN5 Noise emanating from the premises as a result of regulated entertainment shall be inaudible when monitored at the position delineated in red on the plan annexed to the licence.
- PN6 A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music or speech at the premises.
- PN7 The noise limiter(s) shall be set so as to maintain the maximum level as follows at all times when regulated entertainment takes place:
[Location] x dB(A)
[Location] y dB(A)
- PN8 No [Regulated Entertainment] shall take place until a scheme of soundproofing the [relevant parts] of the premises has been submitted to and approved by the Licensing Authority. The work must be completed to the Licensing Authority's satisfaction prior to any [Regulated Entertainment] taking place.
- PN9 A [*sound trap lobby / acoustic door / automatic door closer*] shall be installed to [*describe the location*].
- PN10 [*Openings / specify*] in the external fabric of the premises must be acoustically sealed to the satisfaction of the Licensing Authority.
- PN11 All [*external doors / windows*] must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
- PN12 An alarm shall be fitted to [*all external windows / fire doors*] which alerts staff when [*they / it*] are opened without authorisation.
- PN13 A circuit cut off device shall be fitted to the [*door*] which automatically switches off the sound system when the door is opened. This device shall be tested each day prior to entertainment commencing.

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- PN14 No music or speech shall be relayed via external speakers other than for events with the prior approval of the Licensing Authority.
- PN15 Prominent, clear notices shall be displayed at *[all exits / in the beer garden]* requesting that customers respect the needs of local residents and leave the premises and the area quietly.
- PN16 The *[garden / patio]* must not be used by customers after the hours of *[hh:mm]* and *[hh:mm]*.
- PN17 Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.
- PN18 No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
- PN19 The *[car park/ garden]* shall be managed to ensure that it is not used for *[ball games /skateboarding/ other noisy recreational activities]*
- PN20 Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between *[hh:mm]* and *[hh:mm]*.
- PN21 Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between *[hh:mm]* and *[hh:mm]*.
- PN22 Staff shall be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
- PN23 The Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all Regulated Entertainment.
- PN24 No fireworks or other pyrotechnics shall be used other than with the prior written consent of the Licensing Authority.
- PN25 The Licence Holder shall have full control over the sound amplification equipment to the main stage. The volume shall be adjusted according to the requirements of the Licensing Authority / Responsible Authority.
- PN26 The specification and orientation of all speakers shall be agreed with the Licensing Authority / Responsible Authority.

Light Pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration will be given to conditions that ensure that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. The imposition of such conditions will be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

PN36 Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by Havering Police to prevent crime and disorder.

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

General

Advice should be sought from the relevant Responsible Authority for Child Protection prior to application. The Responsible Authority may wish conditions from the pool of conditions to be applied to a licence issued to a premise or that the wording be varied from that published in the general pool of conditions to fit the individual requirements of that premise.

Applicants may wish to include conditions in their Operating Schedule to satisfy each of the four licensing objectives. Applicants should include conditions, which are appropriate to the size of the premises and relevant to the location of the premises and type of licensable activity carried out. Applicants should expand on how they will implement each of the conditions.

The imposition of conditions to protect children from harm will depend on a number of factors including the history of the premises, the nature of the activity and the time of the activity.

There is a presumption against permitting any access at all to children under 18 years for any activity or entertainment of a clearly adult or sexual nature, or involving significant gambling.

There is presumption against the presence of unaccompanied children under the age of 12 after 11.00 p.m.

In any other case, subject to the Premises Licence holder's or club's discretion, the expectation will be for unrestricted access for children subject to the terms of the 2003 Act.

Where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm whilst on the premises.

In certain premises where existing legislation does not provide adequately for the

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protection of children and where relevant matters have been identified in Operating Schedules, or as a result of representations being made, consideration will be given to applying conditions.

Age Restrictions - Cinemas

The Licensing Authority recognises the following film classifications:

- U Universal - suitable for audiences aged four years and over
- PG - Parental Guidance. Some scenes may be unsuitable for young children.
- 12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 - Passed only for viewing by persons aged 15 years and over.
- 18 - Passed only for viewing by persons aged 18 years and over.

CP1 If the Licence Holder is notified by the Licensing Authority in writing that it objects to the exhibition of a film and specifying the grounds of objection, such film shall not be exhibited.

CP2 Not less than 28 days' notice in writing shall be given to the Licensing Authority of any proposal to exhibit any film which has not been classified by the British Board of Film Classification. Such a film may only be exhibited if written consent has been obtained from the Licensing Authority and in accordance with the terms of any such consent.

CP3 No film shall be exhibited unless:

(i) it is a current news-reel; or

(ii) it has been passed by the British Board of Film Classification as a U, PG, 12A, 15, or 18 film and no notice of objection to its exhibition has been given by the Licensing Authority, or

(iii) the film has been passed by the Licensing Authority as U*, PG*, 12A*, 15*, or 18* with * being the name of the Council.

CP4 Immediately before each exhibition at the premises of a film (other than a current news-reel) passed by the British Board of Film Classification there shall be exhibited on the screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer, of the statement approved by the Board indicating the category of the film.

CP5 Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film (other than a current news-reel) exhibited, or to be exhibited at the premises, shall indicate clearly the category of the film.

Theatres

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The admission of children to the performance of a play will normally be left to the discretion of the licence holder and no condition restricting the access of children to plays will normally be attached except where the entertainment incorporates that of an adult nature.

CP6 Whilst entertainment of an adult nature is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so it can be easily read by persons entering the premises in the following terms:

“NO PERSON UNDER 18 WILL BE ADMITTED”

Performances Especially for Children

Where performances are presented especially for unaccompanied children in theatres and cinemas consideration will be given to additional conditions that ensure adequate supervision and the well-being of children.

CP7 When performances are specially presented for children an attendant shall be stationed in the area(s) occupied by the children and in the vicinity of each exit provided that, on each level occupied by children, the minimum number of attendants on duty shall be one attendant per 50 children or part thereof.

CP8 When running licensable activities aimed primarily at children or persons under the age of 18, there shall be a person designated as being responsible for the safety of those under 18. This person(s) shall be clearly identifiable and shall have provided the Designated Premises Supervisor/ Duty manager with a Criminal Records Bureau check as being a suitable person to supervise children.

Teenage Discos or Similar Events

Where teenage discos or similar events are organised consideration will be given to an additional condition that ensures they are ticket only events.

CP9 Discos or similar events specially organised for children shall be managed as ticket-only events with no tickets available on the door.

Good practice Guidance

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from a bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions may not only specify these areas, but also indicate the circumstances and times of such a restriction. Such a measure may also be relevant to promote public safety.

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CDGPG 1 No outside area shall be used for consumption of alcohol or provision of Regulated Entertainment unless the area is clearly marked or defined

Proof of age

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This will not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports. The Licensing Authority supports the PASS accreditation system and where necessary conditions may refer directly to PASS accreditation. Such a measure may also be relevant to promote protection of children from harm. All operators and staff have both a duty and responsibility to ensure that only those who are of age are provided with intoxicants.

CDGPG2 All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

CDGPG3 Prominent clear notices shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

Crime prevention notices

Notwithstanding reluctance from the trade it may be necessary at some premises to support local crime prevention initiatives by displaying notices that warn customers of the prevalence of crime which may target them. For example, warning about pickpockets or bag snatchers or warnings about leaving bags unattended because of concerns about terrorism.

CDGPG4 Crime prevention notices and advice shall be displayed (if advised by Havering Police) in order to support local crime prevention initiatives.

Other signage

To deter those who might seek admission in breach of conditions subject to which a licence or certificate is granted, it may be considered appropriate to require signage to be displayed setting out such conditions.

CDGPG5 Prominent, clear notices shall be displayed at every public entrance

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stating the actual operating hours of the premises.

CDGPG6 Prominent, clear notices shall be displayed at every public entrance stating any restrictions relating to the admission of children to the premises or other admission restrictions.

Drinks promotions

Conditions to control the price of alcoholic drinks will not be imposed except in exceptional circumstances to address irresponsible drinks promotions at particular premises where it can be shown that there is causal link between such promotions and crime and disorder in the vicinity of the premises. Premises when operating drinks promotions on particular days of the week or at particular times of the trading day shall include in the Operating Schedule written details of the extra measures in place to comply with each of the four licensing objectives whilst running the drinks promotion.

CDGPG7 When operating drinks promotions on any day of the week a written policy shall be produced. The policy shall detail the extra measures in place to deal with departing patrons both throughout and at the end of the promotion. It shall include the policy for refusing to serve persons who are drunk. The policy shall be agreed in writing by Havering Police.

CDGPG8 Alcoholic drinks shall not be supplied in such a way which will enable persons to consume unlimited quantities of alcoholic drinks on payment of a single payment.

Door supervisors

Conditions relating to the provision of Door Supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues prone to such queuing.

Where the presence of Door Supervisors conducting security activities is to be a condition of a licence, the mandatory condition M4 (that they have to be registered with the Security Industry Authority), will be included as a condition of the licence. Conditions may also be needed to deal with the number of such Door Supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female Door Supervisor should be available (for example, if female customers are to be the subject of body searches). Door Supervisors also have a role to play in ensuring public safety.

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Unless the Operating Schedule comprehensively provides a valid reason why door supervision would not be required, Door Supervisors shall be expected at premises where:

- the licensed activities includes the sale of alcohol by retail, and
- the premises trade after midnight on any day of the week or has an approved capacity of over 200 persons.

Premises should detail the times and days of the week when Door Supervisors shall be employed.

CDGPG9 Premises which have a policy that includes the searching of persons shall have Door Supervisors of both sexes on duty at all times.

CDGPG10 All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing'.

Off sales

CDGPG11 All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking to purchase alcohol. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

CDGPG12 All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

CDGPG13 Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved

Safe and Sound Partnership

The Safe and Sound Partnership, which exists between the London Borough of Havering, Havering Police, Havering Fire and Rescue Service, and licensed premise operators is already a significant factor in reducing crime and disorder in the Borough It is recommended that in those areas of the Borough covered by the Partnership, existing and proposed licensed operators should participate in this scheme.

CDGPG14 The Licence Holder shall sign up to the Safe and Sound approved charter.

Designated Sporting Grounds

Premises, which are designated sporting grounds, are covered by other legislation and the issue of a Ground Safety Certificate. Designated Sporting Grounds which are covered by other legislation and have any restrictions or conditions attached should summarise all relevant restrictions in the Operating Schedule.

CDGPG15 In all public concourse bars that also provide food, prominent, clear notices shall be displayed that when the bars are closed no alcohol is for sale at the food outlets.

CDGPG16 All bars in public concourse areas shall have suitable shutters which can be closed and when closed no alcohol shall be on view from the public area.

CDGPG17 All alcohol served in the public concourse bars shall be supplied in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

CDGPG18 There shall be [*number*] trained stewards positioned in each of the concourse areas while the bar is open for the sale of alcohol.

CDGPG19 A Personal Licence Holder shall be present at the Designated Sporting Ground throughout the hours that any of the public concourse bars are open and selling alcohol.

Queue Management and Dispersal Procedures

Queue management and dispersal procedures are designed to assist licensed premises in being good neighbours to residents and businesses in the vicinity so as to maintain the legitimate right of neighbours to enjoy their homes and businesses without disturbance.

PNGPG1 The Licence Holder shall implement a written queue management policy. All queuing outside the premises shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours. The policy shall be approved in writing by the Licensing Authority.

PNGPG2 The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority.

Litter and Refuse

In certain premises where existing legislation does not provide adequately for the prevention and control of litter, consideration will be given to conditions that ensure effective prevention, collection and removal of litter in the vicinity of the premises.

PNGPG3 The licence holder shall comply with the Voluntary Code of Practice For The Fast Food Industry (DEFRA 2003) or any document which supersedes this.

PNGPG4 After close of business a rubbish patrol should pick up any flyers or

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rubbish which has been left in the close vicinity of the premises by customers including any bottles, which may have been taken off the premises.

Children in Performances

Where existing legislation does not provide adequately for the protection of children and where relevant matters have been identified in Operating Schedules, or as a result of representations being made, consideration will be given to the following conditions.

CPGPG1 Dressing rooms and other backstage facilities shall be large enough to safely accommodate the number of children taking part in any performance. Every child shall have a seat and not be expected to sit on tables or to stand.

CPGPG2 All chaperones, supervisors and production crew shall receive instruction on the fire procedures applicable to the venue.

CPGPG3 Any person who is engaged in supervising children shall have been subject to a check through the Enhanced Disclosure of the Criminal Records Bureau.

CPGPG4 Child performers shall be supervised at all times including transfer from stage to dressing rooms and anywhere else in the premises.

CPGPG5 Child performers shall be accounted for at all times in case of an evacuation or emergency. To achieve this the following actions shall be taken prior to the arrival of the children at the venue:

(i) allocation of dressing rooms/changing areas with a list of the names of the children using each dressing room plus the names of the chaperones responsible for each dressing room/changing area

(ii) each chaperone to have a list of the children for whom they are responsible

(iii) the venue manager and management team to have copies of all the lists including any last minute alterations

CPGPG6 If special effects are proposed full details should be submitted to the Licensing Authority for separate approval.

Note: It is recommended that special effects are not used in children's productions. The use of special effects, including smoke, dry ice, rapid pulsating or flashing lights, may trigger allergies or an adverse reaction in some cases.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's web site, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Where appropriate and necessary, consideration can be given to attaching conditions to Premises Licences and Club Premises Certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

CPGPG7 The premises shall comply with the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards can be used in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any Premises Licence or Club Premises Certificate for the protection of children from harm. Any such requirement should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences and passports. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo driving licences, student cards and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors - even those looking older - would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

CPGPG8 All members of staff at the premises shall seek "credible photographic

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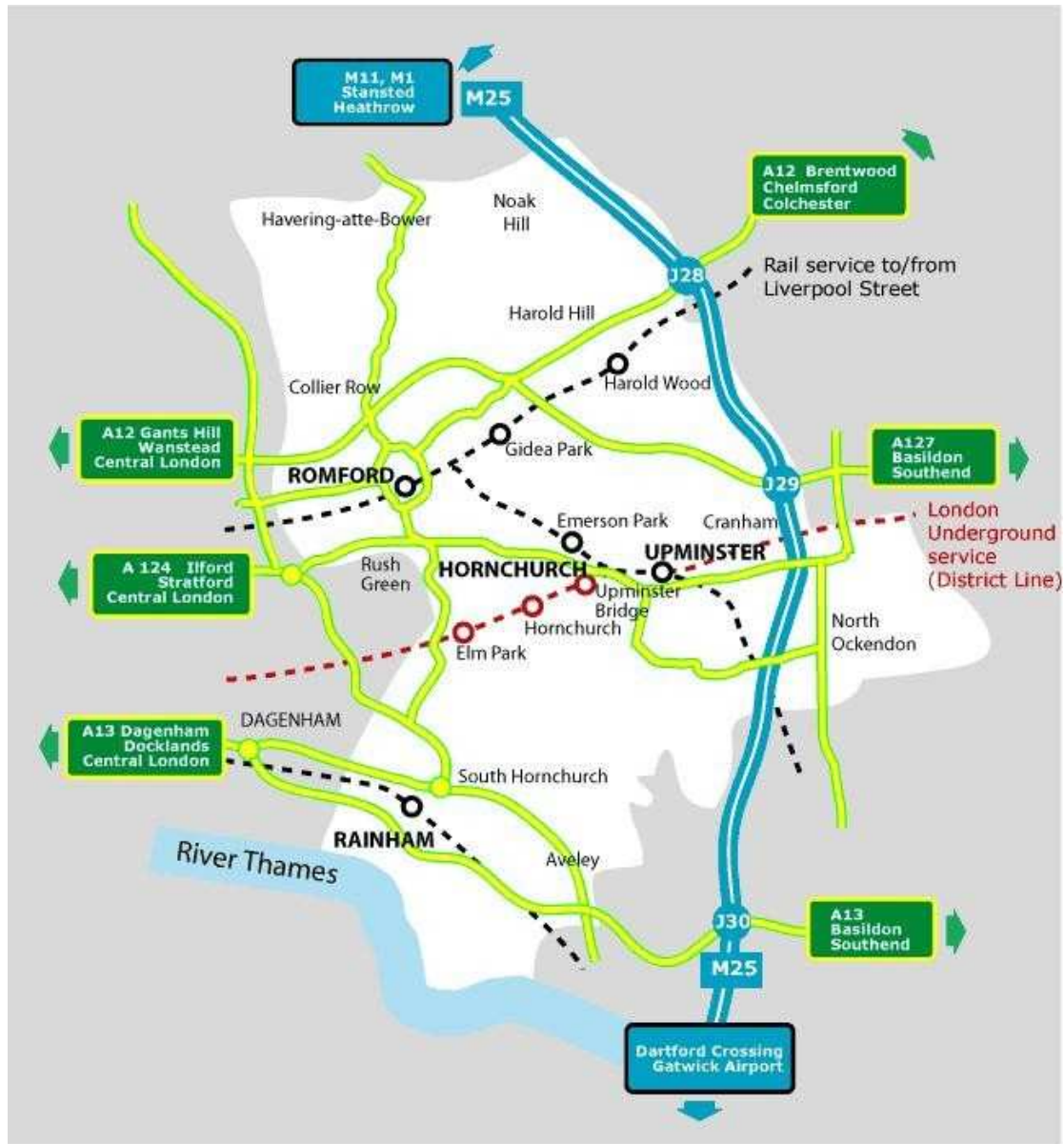
proof of age evidence” from any person who appears to be under the age of 18 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.

Appendix 2

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	<i>SUB-COMMITTEE</i>	<i>OFFICERS</i>
Application for personal licence		If a representation Made	If no representation made
Application for personal licence, with unspecified convictions		All cases	
Application for premises licence/club premises certificate		If a representation Made	If no representation made
Application for provisional statement		If a representation Made	If no representation made
Application to vary premises licence/club registration certificate		If a representation Made	If no representation made
Application to vary designated premises supervisor		If a police Representation	All other cases
Determination of request to be removed designated premises supervisor		If a police Representation	All cases
Application for transfer of premises licence		If a police Representation	All other cases
Application for Interim Authorities		If a police Representation	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Determination of a police representation to temporary event notices		All cases	
Revocation of Personal Licence		All cases	
Revocation of Premises Licence		All cases	

Appendix 3



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Appendix 4
Useful contact Names and Addresses

- The Licensing Team
Environmental Health
London Borough of Havering
Mercury House
Mercury Gardens
Romford
Essex
RM1 3SL

Telephone: 01708 432777
Fax: 01708 432554
E-mail: licensing@havering.gov.uk
Website: www.havering.gov.uk

Planning Development & Control
Mercury House
Mercury Gardens
Romford
RM1 3SL

Telephone: 01708 432848
E-mail: planning@havering.gov.uk

- Trading Standards
Langtons Cottage
Billet Lane
Hornchurch

Telephone: 0845 0505 205
E-mail: trading.standards@havering.gov.uk

- Childrens and Family Services
London Borough of Havering
Scimitar House
23
Romford
Essex
RM1 3NH

Eastern

Road

Telephone: Main Town Hall Switchboard 01708 434343

- Building Control
Mercury House
Mercury Gardens
Romford
RM1 3SL

Telephone: 01708 432700
Fax: 01708 432690

Town Centre Manager

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London Borough of Havering
Mercury House, Mercury Gardens
Romford
Essex
RM1 3SL

Telephone: 01708 432570

- Streetcare
Mercury House
Mercury Gardens
Romford
RM1 3SL

Telephone: 01708 432563
Fax: 01708 432881

- Community Safety
Room 515, 5th Floor
Mercury House
Mercury Gardens
Romford
RM1 3SL

Telephone: 01708 432246

- The Licensing Section
Metropolitan Police
Romford Police Station
19 Main Road
Romford
Essex
RM1 1BH

Telephone: 01708 779158

- London Fire and Emergency Planning Authority
210 High Street South
East Ham
London
E6 3RS

Telephone: 020 7587 2132
Fax: 020 7587 2133
E-mail: haveringgroup@london-fire.gov.uk

- Havering Magistrates' Court
The Court House
Main Road
Romford
RM1 3BH

Telephone: 01708 771771

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- Health and Safety Executive
FOD London Division
Rose Court
2 Southwark Bridge
London
SE1 9HS

Telephone: 020 7556 2100

Fax: 020 7556 2200

Website: www.hse.gov.uk

- Security Industries Authority
PO Box 9
Newcastle upon Tyne
NE82 6YX

Help Line: 08702 430 100

Fax: 08702 430 125

E-mail: info@the-sia.org.uk

Website: www.the-sia.org.uk

Appendix 5 Summary of licensing policy

Licensing policy 001

The LLA will seek to promote the Community strategy vision through the councils corporate plan and where appropriate, it will consider any local strategies or locally agreed plans when determining licensing applications

Licensing policy 002

The LLA seeks to encourage the highest standards of management in licensed premises. Where representations have been received, the LLA will use appropriate licence conditions to support the prevention of crime and disorder in the borough and the work of the community safety partnership.

Licensing Policy 003

The LLA will encourage membership of, and full participation in local pubwatch and safe and sound schemes.

Licensing Policy 004

In all cases the LLA will endeavour to balance its support for community entertainment with the need to promote the licensing objectives.

Licensing Policy 005

The LLA will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of race, gender, disability or age or display discriminatory signs.

Licensing Policy 006

The LLA will consult on and assess the likely impacts of this policy on race equality, and monitor the policy for any adverse impacts on the promotion of race equality.

Licensing Policy 007

The council encourages applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence.

Licensing Policy 008

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Where relevant representations are received, the LLA may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises.

Licensing Policy 009

The LLA seeks to encourage the highest standards of management in licensed premises and expects the operating schedule to describe how these standards will be achieved in relation to promoting the licensing objectives.

Licensing Policy 010

With regards to safer clubbing, the LLA is committed to ensuring that, where appropriate, the design and management of dance and other venues maximises the safety of customers, performers and staff. The LLA will normally expect the submission of a drug policy as part of the operating schedule for applications for new premises licences and for variations to existing licences for night clubs and similar

premises. Where relevant representations are made with regards to public safety, the LLA may impose conditions to control environmental risk factors such as overcrowding, ambient temperatures, availability of drinking water, and any other factors known to increase the risks to the safety of those taking drugs.

Licensing Policy 011

The LLA recognises that where there are gardens or tables and chairs placed outside the premises, users of these can cause nuisance. Where relevant representations are received in relation to a new or varied licence or on a review of a licence, the LLA will consider prohibiting or restricting the use of these areas.

Licensing Policy 012

The LLA supports the principle of flexibility in its approach to licensing hours and will consider the merits of each individual application. Nothing in this policy will oblige the holder of a premises licence or club premises certificate to remain open for the entire period permitted by the licence or certificate. The LLA will normally require all licensed premises to be cleared of patrons within a reasonable period after the end of the time permitted for licensable activities. Proposals for clearing the premises or a dispersal policy should be included in the detail of the operating schedule

Licensing Policy 013

Where relevant representations are received from responsible authorities and/or interested parties, the LLA may seek to restrict the operational hours of premises where this is necessary to promote the licensing objectives. The LLA may impose further limitations in hours upon review of the licence, particularly where the premises is shown to be the focus or cause of nuisance or anti-social behaviour.

Licensing Policy 014

In considering applications for new licences or variations to existing licences and licence reviews following the receipt of relevant representations, the LLA will take the matters listed below into account. These criteria will apply in different ways to different types of premises and licensable activities in the following order: the location of the premises and character of the area:

- the views of responsible authorities
- the views of interested parties
- past compliance history of current management
- the proposed hours of operation.

Licensing Policy 015

The LLA will keep potential areas of saturation (areas where we believe that no further licensed premises can be accommodated) under review. Where representations from responsible authorities or interested parties indicate that saturation is reached, it will consider introducing a special saturation policy for the area that will create a presumption for the refusal of all new applications.

Licensing Policy 016

The LLA expects all operators of premises intending to provide adult entertainment to include the relevant details in their operating schedule and include any controls they intend to put into place.

Licensing Policy 017

When considering applications for adult entertainment, and where relevant representations have been received, the LLA will take into account the nature of the area and the marketing, advertising arrangements and external views of the premises together with other factors proposed by the proprietor to mitigate concerns.

Licensing Policy 018

The LLA will require consideration of measures to protect children from harm to be reflected in the operating schedule where applicants identify the need, having regard to their type of premises or licensable activities. Applicants for premises licences and club premises certificates authorising the admission of children without accompanying responsible adults will be required to submit a child protection policy detailing the steps to be taken to ensure that children in their charge will be protected from harm when on licensed premises or engaged in activities relating to the licence.

Licensing Policy 019

Where events qualify for a Temporary Events Notice (TEN), applicants are encouraged to submit notifications at least four weeks prior to, but not more than 12 weeks before the date of the proposed event.

Licensing policy 020

The Licensing Authority recommends that for significant events, a Comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events {as defined below} the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

Licensing Policy 021

The LLA will use relevant legislation to ensure compliance with the Licensing Objectives. Compliance with enforcement action may be material to determining applications and reviews.

Licensing Policy 022

In considering an application for a provisional statement the LLA will, as far as is reasonably practicable, apply the same standards as required for the grant of a premises licence.

Licensing Policy 023

The LLA will apply the full range of powers available to it when a review of a premise licence becomes necessary. It will however be mindful of the need to prevent the review process being used as an opportunity by responsible authorities and interested parties to re-run earlier representations without due cause.



GOVERNANCE COMMITTEE

8

21 NOVEMBER 2007

REPORT TO COUNCIL

AMENDMENTS TO THE CONSTITUTION

The Council's Constitution is subject to continuous review to ensure that it remains "fit for purpose" and that there is a smooth flow of business through the Council's decision-making processes.

At its meeting on 21 November, the Governance Committee considered a number of reports proposing various amendments to the Constitution. For ease of reference and economy, the Committee's recommendations in consequence of those reports are dealt with in this single report.

ALTERNATIVE BUDGETS

Alternative budgets (that is, budget proposals proposed by the Opposition Groups) are considered by Council as part of the budget approval and Council Tax setting process at the Council Tax Setting Meeting held in late February or early March each year.

The Constitution currently requires budget amendments to be submitted by the midnight of the Monday proceeding that Council Meeting. Advice and comments are then issued to all Members of the Council by the Corporate Management Team. The Chief Finance Officer, in her capacity as S151 Officer, is required to comment on budget robustness and has a statutory duty to satisfy herself that the estimates used to formulate the alternative opposition budget are robust.

Following expressions of concern that there is insufficient time between the current deadline for the submission of alternative budgets and the consideration of them by Council, the Committee reviewed the provisions of the Constitution.

In order for a budget to be set, which provides the best possible result for the community, an amendment to Rule 13.9(ii) of the Council Procedure is proposed, requiring an amendment to a motion/report on the annual Council tax setting to be submitted to the Chief Executive no later than midnight on

the Thursday before the Council Tax setting meeting. This would provide more time for review by the Administration.

Accordingly, the Committee recommends that the Council Procedure Rules in Section 5 of Part 4 of the Constitution, paragraph 13.9(ii) be amended by the substitution in line 8 of "Thursday" for "Monday".

The Committee also recommends that an additional provision is included in the Budget & Policy Framework in Section 2 of Part 4, paragraph 3 as follows:

"(d) All Councillors and parties are actively encouraged to contribute issues and ideas into the budget process via the Overview and Scrutiny Committees."

CODE OF CONDUCT AND RELATED MATTERS

Following the adoption by the Council of the new Members' Code of Conduct on 18 July 2007, effective from that date, the Committee agreed that it was prudent now to consider updating ancillary matters and other Codes and Protocols.

Accordingly, the Committee recommends that Council incorporate the "General Principles of Public Life" and the Local Government Code of Publicity in the Constitution immediately after the Members' Code of Conduct and adopt new or revised versions of the following documents:

1. The Protocol on Gifts and Hospitality (a new document).
2. The Protocol on Probity in planning matters (revised).
3. The Protocol on Member/Officer relations (revised).

For economy, these documents have not been reproduced with this report but were included in the report considered by the Governance Committee and copies are available on request.

The Committee also considered whether to confer speaking rights on Members of the public attending meetings where such rights do not currently exist but decided not to pursue that possibility. In relation to speaking rights at the Regulatory Services Committee, the Committee recommends that Council amend the existing constitutional provision so that the maximum permitted time allocation per speaker can be amended by resolution of that Committee, either generally or for a specific application.

LOCAL IMPROVEMENT NETWORK FOR HEALTH AND SOCIAL CARE (LINK)

The new Local Government & Public Involvement in Health Act requires the

Council, as an authority having social services responsibilities, to procure a "host organisation" to set up and run a Local Involvement Network. Current indications are that such arrangements will need to be in place for 1 April or as soon as practicable after then.

In order to enable the Council to make progress with implementing its new responsibilities, including the procurement and placing of the relevant contract, delegation of authority to the appropriate officer is now necessary.

In view of potential conflicts of interest that could arise were directly-affected Services to be involved in these matters, it had been agreed that the lead would be taken by Legal & Democratic Services. The Committee therefore recommends that the Democratic Services Manager be authorised to manage the contract with the Host organisation for the Local Involvement Network for Health and Social Care (LINK).

RECOMMENDATIONS

1 (a) That the Council Procedure Rules in Section 5 of Part 4 of the Constitution, paragraph 13.9(ii) be amended by the substitution in line 8 of "Thursday" for "Monday".

(b) That the following be added to the Budget & Policy Framework in Section 2 of Part 4, paragraph 3:

"(d) All Councillors and parties are actively encouraged to contribute issues and ideas into the budget process via the Overview and Scrutiny Committees."

2 That the "General Principles of Public Life" and the Local Government Code of Publicity be incorporated in the Constitution immediately after the Members' Code of Conduct, and that revised versions of the following documents be adopted:

1. The Protocol on Gifts and Hospitality.
2. The Protocol on Probity in planning matters.
3. The Protocol on Member/Officer relations.

3 That the Constitution be amended as follows:

In Part 4, section 3 of the Constitution (Committee Procedure Rules)

In the section "Rules for specific meetings", **add** to paragraph 4(d) (Regulatory Services Committee: speaking):

"... or such lesser time as the Committee by resolution, either

generally or in relation to a specific application, may agree”

[The rule will then read:

“Addresses by both objector and applicant shall not exceed four minutes or such lesser time as the Committee by resolution, either generally or in relation to a specific application, may agree.”]

- 4 That the following addition to the scheme of delegation in the Council’s Constitution:

In Part 3, section 3.9.2 (ACE Legal & Democratic Services)

Add new para. 32:

Democratic Services Manager

To manage day to day the contract between the Council and the Host organisation for the Local Involvement Network for Health and Social Care (LINK), including (but not limited to) references between the LINK and the relevant Overview & Scrutiny Committee.



COUNCIL
5 December 2007

9

REPORT OF THE MONITORING OFFICER

**SUBJECT: REPORT OF LOCAL OMBUDSMAN ON A COMPLAINT,
FINDING MALADMINISTRATION BY THE COUNCIL**

- 1.1 The Ombudsman has investigated a complaint by a tenant (referred to as “Ms Ash”) about the way in which the Council dealt with her application for a transfer to accommodation better suited to the housing needs of herself and her family, particularly her elderly and infirm mother (now deceased), “Mrs Oak”. Following a lengthy investigation, the Ombudsman found that the Council had delayed in dealing properly with the transfer application and that, in consequence, Mrs Oak had had to live in unsuitable accommodation for at least five years longer than she should have. The Council’s failure to deal with the application amounted to **maladministration causing injustice**.

The Ombudsman’s report and findings

- 2.1 The full details of the complaint, of the issues dealt with in the Ombudsman’s investigation and of his findings are set out in the investigation report attached to this report as Appendix 1.
- 2.2 In the report is reference to the fact that, in the course of carrying out the investigation, the Ombudsman was given misleading information. It also emerged towards the end of the investigation that papers on the file had been altered, contrary both to law and to the Council’s own procedures and requirements.
- 2.3 Enquiry has revealed that both the misleading and the alteration of the file were inadvertences rather than deliberate attempts to obstruct the Ombudsman. An unreserved apology has already been given to the Ombudsman for that but the Council may wish to reinforce that apology by re-affirming that it expects all staff involved in an Ombudsman inquiry to co-operate fully and to be mindful of their statutory obligations to ensure that the Ombudsman has full access to all files that he requires to see.

Remedy

- 3.1 In order to remedy the maladministration and injustice, the Ombudsman recommends that the Council:

- a) pay £10,000 to “Ms Ash” to compensate her for the distress she has suffered, and the time and trouble she has been put to
 - b) reviews all rehousing applications over the last five years to see whether others have been affected in a similar way, and apply appropriate compensation to anyone so affected.
- 3.2 The Council is obliged to report back to the Ombudsman its intentions in the light of his findings and recommendations. It is suggested that the Ombudsman be advised:
- 1 That the Council accepts the report and the criticism implicit in it;
 - 2 Agrees to pay to “Ms Ash” the recommended compensation of £10,000;
 - 3 Has arranged for all applications to be reviewed. In view of the number of applications and the depth of review necessary, that exercise will take a little time before it is completed. Evidence so far suggests that there is no other case where the circumstances approach those of “Mrs Oak’s” case.

Should any such case emerge, urgent consideration will be given as to both the action needed to address the issues and the amount of compensation that ought to be paid; and
 - 4 Endorses the unreserved apology already given and confirms that all staff who become involved in dealings with an Ombudsman’s inquiry are expected to co-operate fully with the investigator and to ensure that the investigator has full access to all files that he requires to see.
- 3.3 The case-by-case review is already in hand, but the large number of cases in question and the painstaking nature of the review means that it will take some time to complete. In the meantime, a review of the broad issues has made the findings set out in Appendix 2.
- 3.4 The Council may also wish to consider whether there are any issues emerging from this case that require consideration by the Housing Overview & Scrutiny Committee (as regards housing policy issues) and/or the Adjudication & Review Committee (as regards complaints handling).

Financial implications and risks

- 4.1 The cost of the compensation recommended by the Ombudsman will be met from within existing budget provision.
- 4.2 There is a financial risk to the extent that it is not yet known whether any other case having similar circumstances is likely to emerge from the review of applications now being undertaken and thus it cannot at this stage be asserted with confidence that no further payment will be required. If any further payment is required, the cost will be met from within existing budget provision.

Legal implications and risks

- 5.1 There are no identified legal implications or risks, unless the Council decides (contrary to accepted policy and practice) not to accept the Ombudsman's findings or recommendations. In the event that the Council fails to do that, the Ombudsman may decide to issue a second report, further criticising the Council.

Environmental implications and risks

- 6.1 There are no identified implications or risks for the environment.

Equalities implications and risks

- 7.1 The Council's current housing allocations policy complies with Government expectations and takes equalities issues fully into account. Previous policies were drafted similarly although in hindsight it is clear that their application to a case such as this could have resulted (and in this case, did result) in inadvertent inequality.
- 7.2 The modernised policy should prevent recurrence of such a case in future.

RECOMMENDATIONS

A That the Council informs the Local Government Ombudsman that it:

- 1 Accepts the report and the criticism implicit in it;
- 2 Agrees to pay to "Ms Ash" the recommended compensation of £10,000; and
- 3 Has arranged for all applications to be reviewed. In view of the number of applications and the depth of review necessary, that exercise will take a little time before it is completed. Evidence so far suggests that there is no other case where the circumstances approach those of "Mrs Oak's" case.

Should any such case emerge, urgent consideration will be given as to both the action needed to address the issues and the amount of compensation that ought to be paid.
- 4 Endorses the unreserved apology already given and confirms unreservedly that all staff who become involved in dealings with an Ombudsman's inquiry are expected to co-operate fully with the investigator and to ensure that the investigator has full access to all files that he requires to see.

B That the Council invites the Housing Overview & Scrutiny Committee to consider whether there are any further housing policy issues that arise from this case where review is needed; and invites the Adjudication & Review

Committee to consider whether there are any issues arising out of the way the complaint was dealt with that require review.

Staff Contact: Ian Buckmaster, Manager of Committee and Overview & Scrutiny Support
01708 432431

CHRISTINE DOOLEY
Monitoring Officer

Background Papers

Report of the Local Government Ombudsman

Correspondence about the complaint is confidential and not available to press or public

Report

on an investigation into
complaint no 06/A/10428 against
The London Borough of Havering

31 October 2007

Investigation into complaint no 06/A/10428 against London Borough of Havering

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Key to names used

- Mrs Oak - the complainant
- Ms Ash - the complainant's daughter and tenant of the property

Report summary

Housing Transfers

Mrs Oak lived with her daughter and grand-daughter in a second floor three bedroom maisonette which was reached from street level by three sets of 14 steps. There was no lift. She was 86 years old, partially sighted and deaf and suffered from arthritis in all major joints and bronchial asthma. She could not manage the stairs to reach the property or those within the maisonette to her bedroom and the only bathroom without assistance.

Her daughter, the tenant, applied for a transfer for the family to a property with level access in 2000 and asked the Council to award her additional priority due to Mrs Oak's medical problems.

Mrs Oak complained that the Council took too long to deal properly with the housing transfer application and as a result she had to live in completely unsuitable accommodation.

The Ombudsman found that the Council had delayed in dealing properly with the transfer application and that Mrs Oak had had to live in unsuitable accommodation for at least five years longer than she should have. Sadly between the issuing of the draft and this report Mrs Oak died.

Finding

Maladministration causing injustice.

Recommended remedy

The Ombudsman recommends that the Council:

- a) pays compensation of £10,000 to Mrs Oak's daughter: and
- b) reviews all rehousing applications over the last five years to see whether others have been affected in a similar way, and apply appropriate compensation to anyone so affected.

Introduction

1. Mrs Oak lived with her daughter, Ms Ash, and granddaughter, and complained about the Council's delay in dealing properly with their housing transfer application, as a result of which she had to live in unsuitable accommodation. Sadly between the issuing of the draft and this report Mrs Oak died.
2. The law generally requires me to report without naming or identifying the complainants or other individuals. The names used in this report are not the real names. The law also requires that, generally, I shall not pursue a complaint unless it is made within 12 months of the complainant being aware of the problem. But I have discretion to accept later complaints if I consider it reasonable to do so. Here, exceptionally, I have exercised my discretion to consider matters since 2002. I refer to earlier matters as background.
3. One of the Commission's officers has met the complainants and interviewed officers of the Council. She has also examined the relevant files. Both the complainants and the Council were sent a copy of the factual part of this report in draft, prior to the addition of the conclusions. Where appropriate their comments are reflected in the text.

Legal and Administrative Background

Council's Lettings Policies

4. The Council's Lettings Policy must meet the requirements of the Housing Act 1996 and the Homelessness Act 2002 by identifying groups who must receive priority for available housing.
5. Prior to April 2005 the Council operated a "points based" system whereby applications for housing were allocated points under various criteria and placed on the waiting list in points order. If the applicant had a medical condition which was aggravated by his/her current accommodation, up to 10 additional points were awarded.
6. In April 2005 the Council introduced a new lettings policy based on five "bands": Band A represents an urgent housing need and Band E represents a very low housing need. In May 2006 a "choice based" lettings scheme was introduced whereby applicants, still in their appropriate band, are able to bid for the properties which become available.
7. Band A includes applications where a serious medical or welfare need is being made worse by their housing situation. From August 2006, an applicant in Band A has had 26 weeks to bid for properties. If all their bids are unsuccessful, they are rebanded, but they are offered the next available suitable property directly by the Council.

8. The Council's lettings policy gives priority for properties with a garden to households with a dependent child and to those where a medical recommendation has been made for a garden.

The Exercise of Discretion

9. Case law has established that councils "must at all times in every particular case, consider how to exercise their discretion and how to perform their duties"¹
10. Axiom 8 of the guidance on good administrative practice issued by the Commission for Local Administration in England states that councils should consider any special circumstances as well as its own policy, to determine whether there are exceptional reasons to justify a decision more favourable to the individual than their policy would normally provide. Where a council fails to consider the possibility of making an exception to its policy it has fettered its discretion.

The Human Rights Act 1998

11. Article 8 of the Human Rights Act says that everyone has the right to respect for his/her private and family life.

Investigation

12. Mrs Oak was an 86 year old widow who had lived with her daughter, Ms Ash, and Ms Ash's daughter, for the last 9 years. Ms Ash was the tenant of a second floor three bedroom maisonette which was reached from street level by three sets of 14 steps. There was no lift. The property had 13 stairs leading to three bedrooms and the only bathroom on its first floor. Mrs Oak was partially sighted and deaf and had arthritis in all major joints. She was extremely frail and suffered from bronchial asthma and had other problems for which she used an oxygen concentrator and portable oxygen. She had to be assisted up the stairs.
13. In September 2000 Ms Ash submitted a transfer application form to the Council for the family. She provided a letter which explained that Mrs Oak needed to move for medical reasons, and completed a medical questionnaire. This said that Mrs Oak had problems with mobility and could not manage the three flights of steps, or the stairs within the maisonette, because of the difficulties she had with breathing due to pleurisy, bronchitis and asthma. The application form was assessed by the Council and 22 points were awarded, including five medical points because of Mrs Oak's poor health.

¹ Stringer v Minister of Housing and Local Government (1971) 1 AER 65

14. On 25 July 2002 a further transfer application form was submitted by Ms Ash. Mrs Oak's health problems were detailed again in the accompanying medical assessment form. They were awarded 29 points (including 8 medical points), which placed the family near the top of the list to be moved.
15. Shortly after this assessment the Council's Social Services Department contacted the Housing Department about Mrs Oak's case. Social Services explained that Mrs Oak was partially sighted and having difficulties with the stairs both in the property and the communal stairs. They said that Ms Ash had claimed Mrs Oak was now practically house bound.
16. The Housing Department acknowledged Mrs Oak's problems, but noted that three bedroom maisonettes were very rare. They suggested that Mrs Oak should consider making an application herself for warden controlled accommodation, leaving Ms Ash and her daughter to apply for a two bedroom property nearby. This was put to the family, but Ms Ash was clear that this was not an option for them because Mrs Oak needed someone with her all the time.
17. In an email sent in September 2002, the housing officer dealing with the case advised a colleague that the family would not get a three bedroom property because the Council did not have many and it had a very long waiting list for them already. Warden controlled accommodation was suggested again, but no other options were considered. The email said the housing officer would write to Ms Ash about her application. Someone at the Council blanked out part of the copy of the email during the course of our investigation, and noted this was because it was irrelevant. The deletion appears to describe Ms Ash as 'awkward'. There was no evidence on file that a letter was sent.
18. The housing officer replying to the email pointed out that Mrs Oak was (at the time) 82 years old and Ms Ash did not want to put her in what would seem to be a home at that stage in her life. A few days later, a further email from the housing officer, dealing with the case, notes that Ms Ash refused to consider warden controlled accommodation and, that if this was her position, 'there is not a lot else we can do'.
19. At the end of 2002 Ms Ash contacted her MP for assistance as the family was no nearer to moving and Mrs Oak's condition continued to deteriorate. The MP made enquiries of the Council, which said that Mrs Oak had been referred to them by an eye hospital which had treated her and that, while she had refused a Social Services assessment, she did tell them that she wanted to be rehoused. He was told that Housing would arrange a home visit and take the appropriate action "to move this situation on". The MP sent Ms Ash a copy of the Council's letter and commented that he hoped that the reference to "moving the situation on means just that and is not a mere platitude".

20. The home visit took place in January 2003. The officer's report commented on the number of stairs to, and inside, the property, as well as on Mrs Oak's very frail state of health. She was described as a "very poorly lady" who was "practically a prisoner in the home". The officer noted "The family have a wheelchair which they take downstairs having first helped [Mrs Oak] downstairs. They put the wheelchair downstairs first but in the time it took to go upstairs again and get [Mrs Oak], someone had stolen the wheelchair. Because of [Mrs Oak's] extreme asthma, she rarely goes out because she cannot manage the stairs". Given Mrs Oak's poor state of health the officer concluded that the family should be moved to ground floor accommodation.
21. In February 2003 the MP was told that an officer had recently visited Mrs Oak and carried out a full assessment. The letter confirmed that the family wanted to stay together and said that Ms Ash should widen her areas of choice as vacancies of the type of property they needed were very limited. The MP was told that "every effort will be made to secure a ground floor property for them to move into". There are, however, no records of further correspondence or actions in relation to Mrs Oak's case.
22. The Council says that all housing transfer applicants were contacted in March/April 2005, with an application form, when it changed to its band based lettings scheme (see paragraph 6). It says that it did not receive a form back from Ms Ash. Ms Ash is adamant that, if she had received one, she would have completed it and returned the form. At the time, her MP said he was pursuing matters on her behalf and was waiting for a response from the Council. Nothing on the Council's files indicated that the awaited response was ever sent.
23. In September 2005, and with Mrs Oak's health continuing to decline, Ms Ash contacted the Council's Occupational Therapy Department to request an assessment: she was finding it difficult to provide the help her mother needed with bathing and the stairs to the bedroom and bathroom.
24. The occupational therapist visited in November 2005 and as a result stair and toilet rails were installed. His report made no mention of the three flights of stairs to the property. Ms Ash told him that they wanted to be rehoused in ground floor accommodation and was told to contact the Housing Department. Details were provided and she was advised to submit an application form. Ms Ash says she did this, but no such form was found on the Council's files.
25. In March 2006 the Council received an application form from Ms Ash, which was placed in Band C. Shortly after, Ms Ash's daughter submitted her own application and the Council suspended Ms Ash's application while it waited for her daughter to provide further documentation.

26. It is not clear when Ms Ash's application was reactivated, but the family continued to chase a move. Mrs Oak's GP wrote a letter recommending that Mrs Oak be moved to ground floor accommodation and Ms Ash wrote to her Councillor about her family's situation. She explained that her ex-MP had told her in May 2005 that he was waiting for a response from the Council but nothing had been received. The Councillor emailed his query on 30 August 2006. He received no response and chased matters on 14 November. Meantime, Ms Ash had contacted Social Services about the family's need to be rehoused. She received a letter in September, saying that this was a housing issue and she should contact the Housing Department. The housing officer responsible was named and contact details were provided. Ms Ash says she made numerous telephone calls, but without success. She says that the majority of her calls were not returned.
27. In October 2006 Ms Ash submitted a housing transfer form and medical questionnaire. This detailed Mrs Ash's ongoing medical problems. In November Mrs Ash's medical condition was assessed and, from 20 November 2006, Band A medical priority, the highest priority, was awarded.
28. Following the Council's response to Mrs Oak's complaint to me, in which it recognised it had failed to respond to phone calls and offered £50 compensation for the inconvenience caused, it became clear that there was little or no chance of the family moving to a suitable property with level access. The Council explained that there were, in reality, no three bedroom properties without gardens and Council policy dictated that all garden properties should be allocated to families with young children, or those with a specific medical need for a garden. The Council told Ms Ash she could continue bidding for the type of property Mrs Oak needed but, as it could not deviate from its policy, her bids would never be successful even though she had the highest transfer banding. My investigator suggested to the Council that it was fettering its discretion, and possibly acting contrary to Article 8 of the Human Rights Act, which protects the right to private and family life, by failing to consider the family's individual circumstances.
29. The Council then corrected its position and said that it could and did exercise discretion, and that it had been at fault in failing to consider other options. The family had only been considered for ground floor three bedroom properties with level access, and this type of property never became available. Mrs Ash's application had been recorded as falling within Band A in November 2006, so it said its policy of making a direct offer of the next suitable property had come into force and she would be made an offer. The Council's Housing Needs and Strategy Manager has explained that this policy had been introduced to prevent problems of the type suffered by Mrs Oak. He also said that Mrs Oak should have been transferred to suitable accommodation as long ago as July 2002, when her medical condition was recognised as giving her the highest priority to move.

30. The Council accepts the findings of this report. In its comments to me the Council has apologised for the alteration of records which it finds unacceptable. During the preparation of the report a suitable three bedroom property with a garden was identified and allocated to the family.

Conclusion

31. The Council has a limited housing stock and faces many competing demands for housing which far outstrip supply. I do not underestimate the difficulties it faces. But, because of this, it is particularly important that it ensures its policies properly address housing need, and that there is sufficient flexibility to take account of the special circumstances of housing applicants.
32. Ms Ash applied to be rehoused in 2000 because her elderly mother could not cope with the three flights of stairs to get to her front door. Nor could she cope, without help, with the stairs within the property. Like the Council's Housing Needs and Strategy Manager, I consider it is clear that by 2002 Mrs Oak needed to move as a priority. Instead she was left to become frailer, with deteriorating health, in completely unsuitable accommodation. She was already "practically a prisoner in her own home" by January 2003. That tragic, deplorable and wholly preventable circumstance did not improved in the intervening years.
33. The Council failed to consider properly and resolve Mrs Oak's housing situation. It fettered its discretion by sticking rigidly to its policy about priority for homes with gardens and it made no allowance for, and gave no proper consideration to, her special circumstances. I am concerned that housing officers were aware of these issues, yet appear to have done little to address matters. There is no evidence that Mrs Oak or her family were told that they would, effectively, never be rehoused. Instead, their MP was reassured matters would be moved on. He was right to be concerned that the Council's assurance might be a mere platitude.
34. It is for the courts to consider whether there has been a breach of the Human Rights Act and if so to make binding declarations and decisions. I have considered whether Human Rights Act issues were engaged in this case and whether they were properly taken into account. I have concluded that Article 8 was engaged and that the Council neglected to give this issue proper and timely consideration. This failure was so significant as to amount to maladministration and contributed to the injustice suffered.
35. If properly applied, the Council's current policy should address the problems identified here. The Council has said that it is reviewing all cases, with priority being given to those with known medical issues. I consider the Council should apply appropriate compensation to anyone so affected. Other changes are being made to ensure assessments and discretion are applied properly.

36. I am concerned that the Council appears to have failed to take action as promised and that its records are so thin. I am also concerned that, in its response to my enquiries, the Council provided me with inaccurate information. No doubt this was a misunderstanding by the officer involved. But I cannot accept the doctoring of records. It is for me to decide what is or is not relevant to my investigations. I wish to remind the Council and its staff that obstructing me in my work may be an offence which I can certify to the High Court.² The Council should ensure its staff are aware of my views and that such incidents do not recur.
37. The Council's recent offer of suitable accommodation addressed the family's housing need. But it did not compensate them for the injustice they had suffered over the last five years. The impact on Mrs Oak and the family must have been terrible. Mrs Oak's quality of life had been severely affected, and the family had been subjected to a great deal of distress and outrage at the lack of service provided to them. My original recommendation to remedy that injustice, and the family's time and trouble in pursuing the complaint, was for the Council to pay Mrs Oak £10,000. Following her sad death I have now asked the Council to make this payment to her daughter, Ms Ash.

**Tony Redmond
Local Government Ombudsman
Millbank Tower
Millbank
London SW1P 4QP**

31 October 2007

² Local Government Act 1974, S29(8)

Issues raised by the Mrs [Oak] case

1. Overview

The dreadful problems encountered by Mrs [Oak] in trying to alleviate her housing need would not be experienced by a family in a similar situation under the Council's current Lettings Policy.

The Council introduced a new Lettings Policy in April 2005 and then moved to a fully choice-based lettings system in May 2006.

The approach to letting properties now in place has been specifically designed to avoid the kind of problems encountered by Mrs [Oak]. Indeed, Mrs [Oak] was eventually benefiting from the revised policy although, unfortunately, she died before moving to her new home.

The Lettings Policy now in force means the problems encountered by Mrs [Oak] and her family would not reoccur for the following reasons.

a. **Severe medical hardship now merits the highest priority on the Housing Register.**

Under the old 'points based' letting policy, which was in force until April 2005, medical need resulted in between five and eight points being given. As these were summated with points for other housing need factors, however, this could on occasion mask the pressing needs of those with medical problems.

Under the new policy, four factors give the highest priority for re-housing – serious medical or welfare needs, homelessness under certain circumstances, statutory overcrowding and emergency moves. In addition, on occasion someone being decanted from a property that is being demolished will be placed in Band A.

In practice, given the profile of housing need in Havering, serious medical and welfare needs accounts for the vast majority of Band A applicants. On 30 October 2007, 82% of the 91 applicants in Band A had been placed there because of serious medical and welfare needs.

Therefore, unlike under the old policy, it is certain that the highest medical needs will result in the highest priority on the Housing Register.

b. **Advertising vacancies now gives the applicant the maximum choice over where to bid for re-housing.**

Because all vacant properties are now advertised, applicants have choice over which properties to express an interest in, referred to as 'bidding'. Previously, when Mrs [Oak] first applied for housing, there was no bidding system and the applicant would have to wait for a direct offer

from the Council. This would only be made in the area(s) named by the applicant on the application form.

While, under the old policy, the Council was genuinely attempting to match vacancies to applicants' preferences, the very real danger was that applicants would unwittingly disadvantage themselves by constraining their areas of choice, added to which the Council would not normally offer a property in another area as the offer was thought likely to be turned down. The old system thus obviated applicants' ability to make informed decisions about the, typically limited, range of options available.

Unfortunately, this is what happened in Mrs [Oak]'s case: properties of the type she required are in very short supply in her preferred area and so, under the old policy, she and her family waited and waited for a very rare type of property, a ground floor, three bedroom flat in Rainham.

Offers are no longer dependent on which area the applicant has selected on their application form when they applied for housing.

- c. There is now a guarantee of a direct offer should the applicant be unsuccessful through choice-based lettings after at most six months.**

The Lettings Policy now in force guarantees that, should an applicant in Band A because of serious medical or welfare needs be unsuccessful in accessing a property of their choice through choice-based lettings, the Council will make a direct offer of the next suitable property to be become available. Under the old policy there was no such guarantee or time limit.

- d. The policy does not unduly fetter the Council's ability to offer applicants in urgent housing need any type of property that would meet that need.**

The Lettings Policy now in force gives the Council flexibility to offer any type of property that will alleviate the housing needs of an applicant with serious medical or welfare circumstances. Notably, while households with children and/or the medical need for a garden are prioritised for houses, as opposed to flats, this does not fetter the Council's ability to offer a house to someone desperately needing, say, three bedroom accommodation but without a priority for a garden, if no suitable three bedroom flats are available.

This is a far more flexible approach than was previously the case and that affected the Mrs [Oak] case so seriously.

- e. Pro-active support with finding a property is now offered to older and vulnerable people.**

Following the review of choice-based lettings conducted earlier this year, from July 2007 all older and vulnerable people applying to join the Housing Register are telephoned and offered personalised help on using

the choice-based lettings system. This means that people are not disadvantaged in being re-housed simply because of difficulties understanding how the Council operates.

2. Safeguards put in place following the Ombudsman's report

The Council wants to be certain that no family has to go through the terrible problems experienced by Mrs [Oak] and her family when they applied for re-housing. While the new Lettings Policy would not leave someone waiting for the length of time experienced by Mrs [Oak]'s family, following the Ombudsman's report the records of everyone in re-housing Bands A, B and C are being checked to ensure:

- the most up-to-date medical information has been taken into account
- the Council's medical advisor has not recommended a non-existent/rarely available type of property, for example, a ground floor four bedroom flat. If this is the case, discussions will take place with the medical advisor and applicant about alternatives
- direct offers are being made to those with serious medical or welfare needs who have not been successful during their six months in Band A
- that those with less serious medical and welfare needs in Bands B and C fully understand the bidding system and are actively placing bids.



**COUNCIL
5 DECEMBER 2007**

10

REPORT OF THE CHIEF EXECUTIVE

**SUBJECT: CONTRIBUTION TO THE LONDON BOROUGH GRANTS SCHEME –
2008/09 BUDGET**

SUMMARY

1. The Council is required to make a contribution to the London Boroughs Grants Scheme.
2. The London Boroughs Leaders' Committee approved a Grants budget requiring a reduction of 0.8% in the overall level of the boroughs contributions.
3. The proposed contribution from Havering has decreased by £2,033 compared with 2007/08, after taking into account population changes affecting the allocation basis.
4. This report seeks approval of the budget.

RECOMMENDATION

It is recommended: -

1. That the total budget of £28,120,394 for the London Boroughs Grants Committee for 2008/09 be agreed.
2. That the Council's contribution of £797,253 to the London Boroughs Grants Committee for 2008/09 be agreed.

REPORT DETAIL

1 BACKGROUND

- 1.1 The Council is required to make a contribution to the London Boroughs Grants Committee. The budget must be agreed by two thirds of constituent councils before 1st February 2008. Under an order made by the Secretary of State for the Environment, if the required number of authorities do not agree the budget, they shall be deemed to have approved the 2008/09 budget at the same level as the 2007/08 budget.

The planned budget for the Grants Committee for 2008/09 is £28,120,394.

- 1.2 Further information is being sought from the London Boroughs Association on the proposed distribution of grant funding in 2008/09 and will be made available shortly.

Financial Implications and risks

The Council's contributions to the London Boroughs Grants Committee are as follows:

2007/08	Budget	£799,286
2008/09	Proposed Budget	£797,253

It is proposed that the overall level of the boroughs contributions will remain unaltered. The Havering contribution has fallen due to changes in population relative to other London boroughs.

The overall budget for 2008/09 is £28,120,394. Overall borough contributions total £26,350,394. The shortfall of £1,770,000 is being met from reserves and additional interest earnings. As a consequence there is a risk that future contribution rates will increase by more than inflation in 2009/10 and future years if spending is maintained at current levels.

Legal Implications and risks

Under an order made by the Secretary of State for the Environment, if the required number of authorities do not agree the budget, they shall be deemed to have approved the 2008/09 budget at the same level as the 2007/08 budget. If two-thirds of the boroughs do agree the new budget it is then compulsory on the other one-third.

Human Resource Implications and risks

None arising directly

Equalities Implications

The London Borough's Grants committee supports a range of charitable and voluntary groups.

Staff Contact: Mike Board

Title: Corporate Finance Manager

Telephone: (01708) 432217

CHERYL COPPELL
Chief Executive

Background Papers

London Borough's Grants Committee Reports

London Borough's Committee Reports and Minutes



HEALTH OVERVIEW & SCRUTINY COMMITTEE

11

8 NOVEMBER 2007

REPORT TO COUNCIL

REPORT OF JOINT OVERVIEW AND SCRUTINY COMMITTEE TO EXAMINE THE MENTAL HEALTH SERVICES RE-CONFIGURATION PROPOSALS

In June, the Committee agreed that a Joint Overview and Scrutiny Committee (OSC) be established with Health OSCs of Barking & Dagenham, Redbridge and Waltham Forest to examine the proposals of the North East London Mental Health Trust (NELMHT) for (a) re-provisioning mental health support services in North East London and (b) for the seeking by NELMHT of Foundation Trust status.

The Joint OSC duly scrutinised both proposals and has now reported formally to NELMHT with a series of findings and recommendations.

The Havering Health OSC has formally endorsed the report of the Joint OSC and now invites the Council to note its findings and recommendations.

RECOMMENDATION

That the Council note the report of the Joint Overview & Scrutiny Committee established by Barking & Dagenham, Havering, Redbridge and Waltham Forest on the proposals of the North East London Mental Health Trust to re-provision mental health support services in North East London, and to seek Foundation Trust status.

Note: a copy of the Report accompanies this agenda.



GOVERNANCE COMMITTEE

12

21 NOVEMBER 2007

REPORT TO COUNCIL

POLLING DISTRICTS AND POLLING PLACES REVIEW

The Electoral Administration Act 2006 required, among other things, that each local authority review its polling districts and polling places by the end of 2007. Although the Council had undertaken a review in 2006, the effect of the new Act was to require the exercise to be undertaken again.

The Governance Committee noted that consultation had been undertaken with Councillors, Members of Parliament and the public including groups representing the disabled to see if they had any proposals for change in addition to the changes put in place following the 2006 review, but no further changes were proposed as a result of this particular review.

The consultation had resulted in some comments from individual Members and others about aspects of the arrangements but those comments could be addressed without the need for formal alteration.

The Committee noted that some polling districts would change automatically as a result of the implementation at the next general election of the new constituency boundaries: the details of all current polling districts and polling places are set out in the appendix, together with notes of the changes that are due when the next general election takes place.

RECOMMENDATION

That Council note the outcome of the polling district and polling places review and agree that no amendments are required to the present arrangements.

BROOKLANDS WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

BL1 - St Johns Hall, Pretoria Road

BL2 – Mawney School, Mawney Road

BL3 – Crowlands School, London Road

BL4 – Rush Green Gospel Hall, Birkbeck Road

BL5 – Romford /Gidea Park Rugby Club, Crow Lane

Parliamentary Constituency

Brooklands Ward is currently in the Romford Parliamentary Constituency and will be in the new Romford Parliamentary Constituency which will be formed at the next Parliamentary General Election.

CRANHAM WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

CM1 - St Lukes Church Hall, Front Lane

CM2 - Front Lane Community Hall, Front Lane

CM3 – Cranham Church, Severn Drive

CM4 – Cranham Community Centre, Marlborough Gardens

CM5 – Methodist Church Hall, Hall Lane

Parliamentary Constituency

Cranham Ward is currently in the Upminster Parliamentary Constituency and will be in the new Hornchurch and Upminster Parliamentary Constituency which will be formed at the next Parliamentary General Election.

ELM PARK WARD

This ward is divided into four polling districts and the polling places allocated to each polling district are as follows:-

EL1 - Scargill Junior School, Mungo Park Road

EL2 – R.J. Mitchell School, Tangmere Crescent

EL3 – Baptist Church Hall, Rosewood Avenue

EL4 – Elm Park Hall, Eyhurst Avenue

Parliamentary Constituency

Elm Park Ward is currently in the Hornchurch Parliamentary Constituency and will be in the new Dagenham and Rainham Parliamentary Constituency which will be formed at the next Parliamentary General Election.

EMERSON PARK WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

EM1 - Harold Wood Primary School, Recreation Avenue

EM2 – Gidea Park Church, Manor Avenue

EM3 – Nelmes School, Wingletye Lane

EM4 – Nelmes Hall, Burntwood Avenue

EM5 – Whittaker Hall, Woodhall Crescent

Parliamentary Constituency

EM1; EM2; EM4 and EM5 are currently in the Upminster Parliamentary Constituency and EM3 is currently in the Romford Parliamentary Constituency. All Emerson Park Ward will be in the new Hornchurch & Upminster Parliamentary Constituency which will be formed at the next Parliamentary General Election.

GOOSHAYS WARD

This ward is divided into six polling districts and the polling places allocated to each polling district are as follows:-

GS1 - Harold Hill Library, Hilldene Avenue

GS2 - Old People's Home, Chippenham Gardens

GS3 - Broadford School, Faringdon Avenue

GS4 - Brookside School, Dagnam Park Road

GS5 - Holy Redeemer Church, Petersfield Avenue

GS6 – Pyrgo Priory School, Settle Road

Parliamentary Constituency

Gooshays Ward is currently in the Upminster Parliamentary Constituency and will be in the new Hornchurch and Upminster Parliamentary Constituency which will be formed at the next Parliamentary General Election.

HACTON WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

HN1 - St Georges Hall, Kenilworth Gardens

HN2 – St Matthews Hall, Chelmsford Drive

HN3 – Hacton School, Chepstow Avenue

HN4 – Suttons School, Suttons Lane

HN5 – Ayloff School, South End Road

Parliamentary Constituency

Hacton Ward is currently in the Hornchurch Parliamentary Constituency and will be in the new Hornchurch and Upminster Parliamentary Constituency which will be formed at the next Parliamentary General Election.

HAROLD WOOD WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

HW1 - Mead Infants School, Amersham Road

HW2 - Baptist Church Hall, Ingreway

HW3 - Ingrebourne Centre, Gubbins Lane

HW4 – Methodist Church Hall, The Drive

HW5 – Harold Court School, Church Road

Parliamentary Constituency

Harold Wood Ward is currently in the Upminster Parliamentary Constituency and will be in the new Hornchurch and Upminster Parliamentary Constituency which will be formed at the next Parliamentary General Election.

HAVING PARK WARD

This ward is divided into seven polling districts and the polling places allocated to each polling district are as follows:-

HP1 - Forest Lodge Activity Centre, Lodge Lane

HP2 - Clockhouse School, Clockhouse Lane

HP3 - Chase Cross Neighbourhood Centre, Hillrise Road

HP4 - St James Church Hall, Chase Cross Road

HP5 - North Romford Community Centre, Clockhouse Lane

HP6 - Dame Tipping School, North Road

HP7 - Dame Tipping School, North Road

Parliamentary Constituency

HP1 – HP6 are currently in the Romford Parliamentary Constituency.
HP7 – is currently in the Upminster Parliamentary Constituency but will automatically be incorporated into polling district HP6 and all of Havering Park Ward will be included in the new Romford Parliamentary Constituency at the next Parliamentary General Election.

HEATON WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

HT1 - Ingrebourne School, Ashbourne Road

HT2 - St Ursulas School, Straight Road

HT3 - United Reformed Church, Chaucer Road

HT4 - Betty Strathern Centre, Myrtle Road

HT5 – Betty Whiting Centre, Briar Road

Parliamentary Constituency

Heaton Ward is currently in the Upminster Parliamentary Constituency and will be in the new Hornchurch and Upminster Parliamentary Constituency which will be formed at the next Parliamentary General Election.

HYLANDS WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

HY1 - Dukes Hall, Maygreen Crescent

HY2 - Towers School, Windsor Road

HY3 - St Marys School, Hornchurch Road

HY4 - Albany School, Broadstone Road

HY5 – Wykeham School, Rainsford Way

Parliamentary Constituency

Hylands Ward is currently in the Hornchurch Parliamentary Constituency and will be in the new Romford Parliamentary Constituency which will be formed at the next Parliamentary General Election.

MAWNEYS WARD

This ward is divided into six polling districts and the polling places allocated to each polling district are as follows:-

MN1 - Ascension Church Hall, Collier Row Road

MN2 - St Patricks School, Lowshoe Lane

MN3 - Havering Road Church, Moray Way

MN4 - Good Shepherd Church Hall, Redriff Road

MN5 - Scout Hall, Abbotts Close

MN6 – Crownfield School, White Hart Lane

Parliamentary Constituency

Mawneys Ward is currently in the Romford Parliamentary Constituency and will be in the new Romford Parliamentary Constituency which will be formed at the next Parliamentary General Election.

PETTITS WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

PT1 - Tweed Way Social Hall, Tweed Way

PT2 - Rise Park School, Annan Way

PT3 - Parklands School, Havering Road

PT4 - Marshalls Park School, Pettits Lane

PT5 - St Michaels Church Hall, Main Road

Parliamentary Constituency

Pettits Ward is currently in the Romford Parliamentary Constituency and will be in the new Romford Parliamentary Constituency which will be formed at the next Parliamentary General Election.

RAINHAM & WENNINGTON WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

RW1 - Parsonage School, Farm Road

RW2 - Wennington Village Hall, Wennington Road

RW3 - Brady School, Wennington Road

RW4 - Rainham Village School, Upminster Road South

RW5 - Parsonage School, Farm Road

Parliamentary Constituency

Rainham & Wennington Ward is currently in the Hornchurch Parliamentary Constituency but will be in the new Dagenham and Rainham Parliamentary Constituency which will be formed at the next Parliamentary General Election.

ROMFORD TOWN WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

RT1 - Central Library, Main Road

RT2 - Manor School, Shaftesbury Road

RT3 - Andrews Church Hall, St Andrews Road

RT4 - Gidea Park School, Lodge Avenue

RT5 - Edwin Lambert School, Malvern Road

Parliamentary Constituency

RT1 to RT4 are currently in the Romford Parliamentary Constituency. RT5 is currently in the Hornchurch Parliamentary Constituency. But the whole of Romford Town Ward will be in the new Romford Parliamentary Constituency which will be formed at the next Parliamentary General election.

ST ANDREWS WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

- ST1 - Fairkytes Arts Centre, Billet Lane
- ST2 Langtons School, Westland Avenue
- ST3 Robert Beard Youth Centre, Inskip Drive
- ST4 The Herons, Abbs Cross Gardens
- ST5 Benhurst School, Benhurst Avenue

Parliamentary Constituency

St Andrews Ward is currently in the Hornchurch Parliamentary Constituency and will be in the new Hornchurch and Upminster Parliamentary Constituency which will be formed at the next Parliamentary General Election.

SOUTH HORNCHURCH WARD

This ward is divided into five polling districts and the polling places allocated to each polling district are as follows:-

- SX1 - St Johns Church Hall, South End Road
- SX2 La Salette School, Rainham Road
- SX3 Whybridge School, Blacksmiths Lane
- SX4 Newtons School, Lowen Road
- SX5 South Hornchurch Airfield Community Association, Nelson Road

Parliamentary Constituency

South Hornchurch Ward is currently in the Hornchurch Parliamentary Constituency but will be in the new Dagenham and Rainham Parliamentary Constituency following the next Parliamentary General Election.

SQUIRRELS HEATH WARD

This ward is divided into six polling districts and the polling places allocated to each polling district are as follows:-

SQ1 - Royal Liberty School, Upper Brentwood Road

SQ2 - Catholic Church Hall, Brentwood Road

SQ3 - Squirrels Heath School, Salisbury Road

SQ4 - Baptist Church, Ardleigh Green Road

SQ5 - Emerson Park Community Hall, Slewins Lane

SQ6 - Ardleigh Green School, Ardleigh Road

Parliamentary Constituency

Squirrels Heath Ward is currently in the Romford Parliamentary Constituency and will be in the new Romford Parliamentary Constituency which will be formed at the next Parliamentary General Election.

UPMINSTER WARD

This ward is divided into seven polling districts and the polling places allocated to each polling district are as follows:-

UP1 James Oglethorpe School, Ashvale Gardens

UP2 Corbets Tey School, Harwood Hall Lane

UP3 Upminster School, St Marys Lane

UP4 Gaynes School, Brackendale Gardens

UP5 Baptist Church Hall, Springfield Gardens

UP6 Branfil School, Cedar Avenue

UP7 Corbets Tey School, Harwood Hall Lane

Parliamentary Constituency

UP1 to UP6 are currently in the Upminster Constituency and UP7 is currently in the Hornchurch Parliamentary Constituency. However at the next Parliamentary General election UP7 will be amalgamated with UP2 and all of Upminster Ward will be in the new Hornchurch and Upminster Constituency.



COUNCIL
5 DECEMBER 2007

13

QUESTIONS

- 1 **Parklands Bridge – outstanding work**
To the Champion for the Historic Environment
(Councillor Andrew Curtin)
By Councillor Linda Hawthorn

Can I please have an up-date on the work planned for Parklands Bridge and the schedule of dates that this work is hoped to be achieved by?

- 2 **CCTV enforcement cars**
To the Cabinet Member for StreetCare
(Councillor Barry Tebbutt)
By Councillor Andrew Mann

Could you tell me the exact start date the CCTV enforcement cars commenced work and could you also confirm the amount of tickets they have issued to date ? (Or up to the Friday before Council)

- 3 **DAMAGE TO COUNCIL-OWNED VEHICLES - COST**
To the Cabinet Member for Sustainable Communities & Health
(Councillor Steve Kelly)
By Councillor Ray Morgon

Could you tell me the approximate cost of damage to all Council vehicles in the 2006/07 financial year, and the 2007/08 year to date (broken down into departments please).

Council Meeting, 5 December 2007 – Questions

4 **APPLICATIONS UNDER FREEDOM OF INFORMATION ACT**
To the Cabinet Member for Resources

(Councillor Roger Ramsey)

By Councillor Clarence Barrett

In respect of the Freedom of Information (FOI) Act and over the years 2005/06 and 2006/07 respectively:

- a) How many requests have been made?
- b) How many requests have been declined?
- c) Of the agreed requests, what percentage was responded to within 20 working days?
- d) How much has been charged by way of fees?

5 **ENCOURAGING RETAILERS TO RECYCLE**

To the Cabinet Member for StreetCare

(Councillor Barry Tebbutt)

By Councillor Gillian Ford

What proactive approach is being used to encourage retailers to recycle and reduce packaging ?

6 **COUNTRY PARKS – MAINTENANCE AND UPKEEP**

To the Cabinet Member for Environmental & Technical Services

(Councillor Paul Rochford)

By Councillor Ray Morgon

How much money is allocated to the revenue budget for the maintenance and upkeep of Havering Country Park, (excluding the salary of the one Ranger) ? How much money is allocated to the revenue budget for the maintenance and upkeep of Hornchurch Country Park, (excluding the salary of the two Rangers)?

7 **USE OF STREETCARE “SCRUBBER”**

To the Cabinet Member for StreetCare

(Councillor Barry Tebbutt)

By Councillor Andrew Mann

Using the vehicle tracking information, can you tell me how many times the StreetCare “Scrubber” has been used in cleaning pavements in Collier Row ?

Council Meeting, 5 December 2007 – Questions

- 8 **SICKNESS ABSENCE**
To the Cabinet Member for Performance & Corporate
(Councillor Eric Munday)
By Councillor Clarence Barrett

What actions are being taken to reduce sickness absence levels, which have increased from 9.5 days per full time employee (Oct 2005 to Sept 2006) to 11.3 days per full time employee (Oct 2006 to Sept 2007)?

- 9 **PAVEMENT REPLACEMENT: MAWNEYS AND HAVERING PARK WARDS – budget allocation**
To the Cabinet Member for StreetCare
(Councillor Barry Tebbutt)
By Councillor Andrew Mann

How much Capital money was allocated to the Mawneys and Havering Park Wards respectively in 2006 / 2007 for replacement pavements ?

- 10 **RENT ARREARS**
To the Cabinet Member for Housing & Regeneration
(Councillor Michael Armstrong)
By Councillor Clarence Barrett

What are the contributing factors which have led to a 15.4% increase (from £755,647 in Sept. 2006 to £871,893 in Sept.2007) in council rent arrears?

- 11 **TREE PLANTING PROGRAMME**
To the Cabinet Member for StreetCare
(Councillor Barry Tebbutt)
By Councillor Gillian Ford

We are experiencing tree removals around the borough due to various causes including their size and disease. Can the Cabinet Member confirm Havering's Tree Planting programme and how he intends to improve the Borough's carbon footprint.

- 12 **PARKING PROBLEMS, LESSINGTON AVENUE, ROMFORD**
To the Cabinet Member for StreetCare
(Councillor Barry Tebbutt)
By Councillor Jeffery Tucker

Council Meeting, 5 December 2007 – Questions

As community leaders, we have a duty to represent public opinion and to act responsibly when problems arise, not to make matters worse by inflaming anti-Muslim feelings.

Which is why I am deeply offended by turning a parking dispute into a heavy-handed attempt to close a prayer house attended by at the most 30 people during Ramadan.

Why not just send in the Smart car and use Council resources to deal with the really serious anti-social problems that affect our borough?

13 **“COCKNEY” PRAYERS**
To the Leader of the Council
(Councillor Michael White)
By Councillor Jeffery Tucker

I am offended when fellow councillors claim to be “extremely offended” by things which are inoffensive – and make bogus official complaints. These bogus complaints are themselves insulting and can cause a great deal of unnecessary distress.

For example, it is difficult to see how any normal “non-religious” person could be “extremely offended” by the Cockney Prayer, particularly as the Archdeacon of West Ham was “not offended”.

Does the Council Leader agree that Councillor Barbara Matthews should withdraw her complaint about the Mayor’s decision to invite Doreen Golding to recite the Lord’s Prayer at the last Full Council meeting?

14 **CLIMATE CHANGE ISSUES**
To the Cabinet Member for Children’s Services
(Councillor Geoff Starns)
By Councillor Jeffery Tucker

The Government Department of Education has sent all secondary schools a ‘Climate Change Resource Pack’. This pack includes the fictional film ‘An Inconvenient Truth’ which a High Court Judge, Mr Justice Burton, has instructed should be “bought with a health warning” because it promotes partisan political views about man-made global warming.

Will the Council strengthen this warning by supplying and/or instructing Headteachers to also show the film ‘The Great Global Warming Swindle’ to ensure pupils have a rational balanced education and views?

Council Meeting, 5 December 2007 – Questions

- 15 **PAYMENTS OUTSTANDING**
To the Cabinet Member for Sustainable Communities & Health
(Councillor Steven Kelly)
By Councillor Pat Mylod

With regard to recent report that included a delay in invoicing clients, could you please state what the actual total outstanding amount is?

- 16 **ROYAL ANGLIAN REGIMENT: CEREMONIAL**
To the Leader of the Council
(Council Michael White)
By Councillor John Mylod

Would you agree to the Council inviting the Royal Anglian Regiment to a ceremony, for instance a parade or march through Romford, to allow citizens of Havering to show their appreciation for the Regiment's recent tour of duty in Iraq?

Council Meeting, 5 December 2007 – Questions