

COUNCIL MEETING

**7.30pm WEDNESDAY, 8 DECEMBER 2010
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



Democratic Services Manager

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



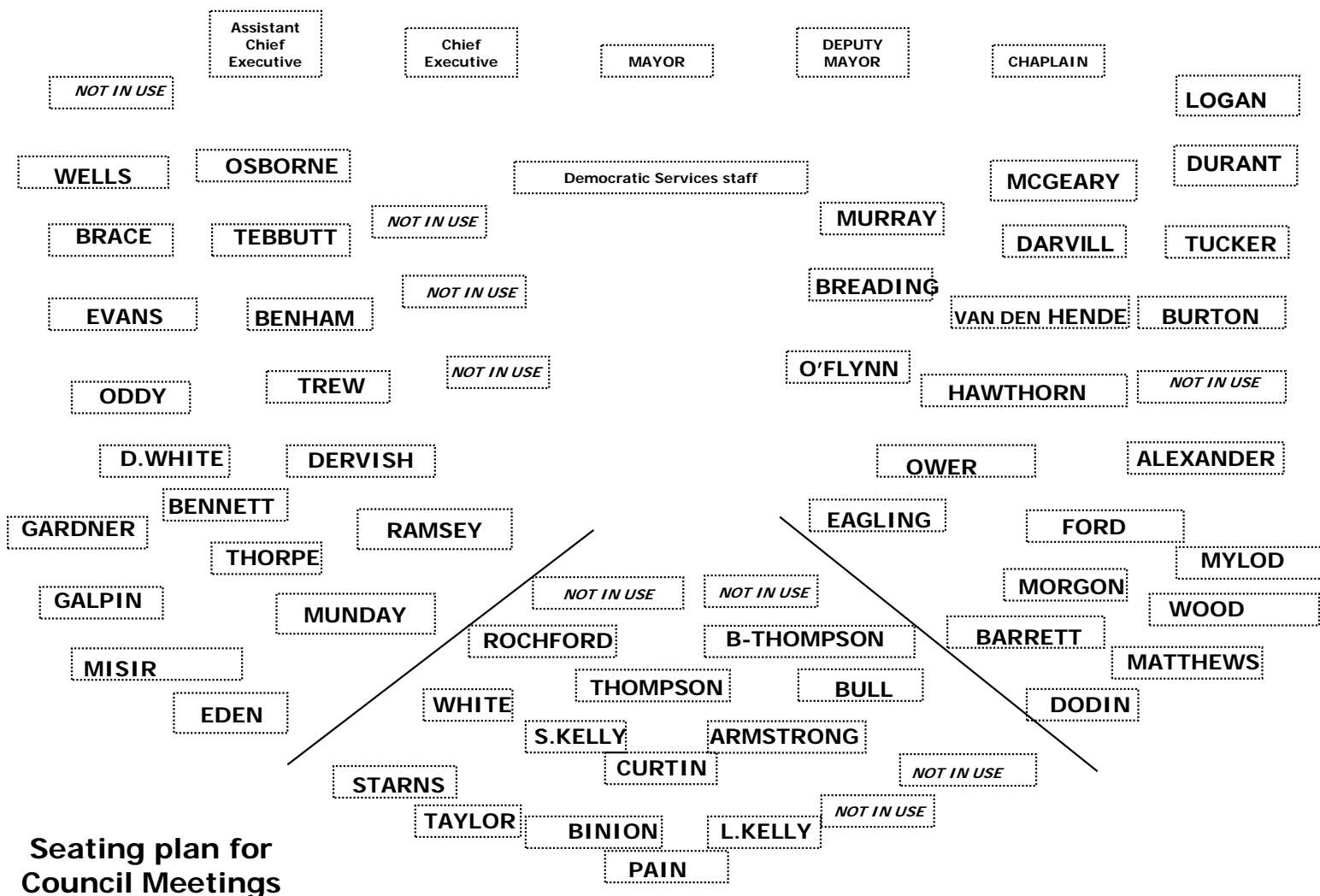
Webcast

Please note that this meeting will be webcast.

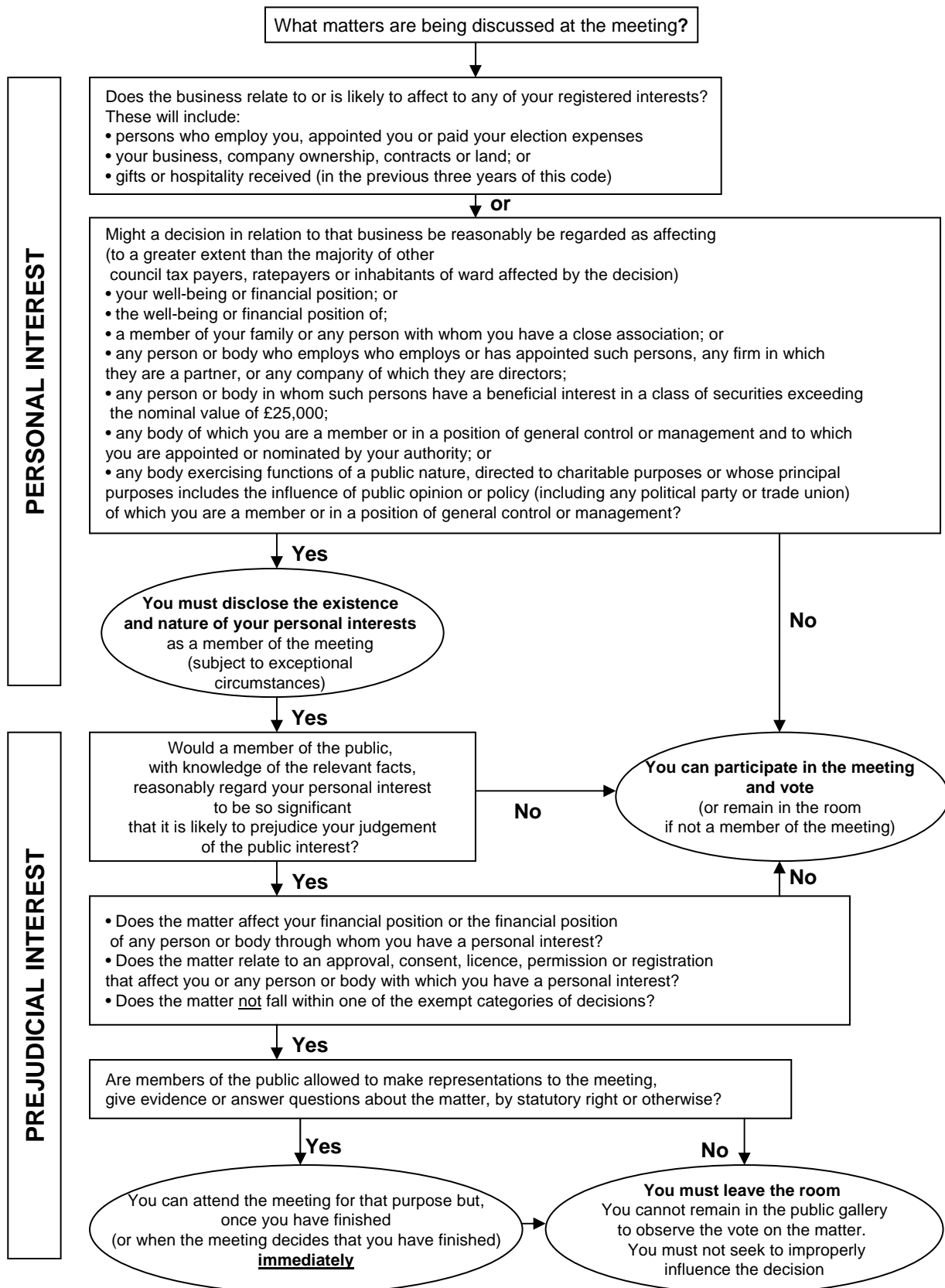
Members of the public who do not wish to appear on the webcast will be able to sit in the balcony, which is not in camera range.

Council, 8 December 2010 - agenda

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA

INITIAL BUSINESS

1 **PRAYERS**

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 20 October 2010

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.

ANNOUNCEMENTS

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

**PRESENTATION OF
PETITIONS**

6 PETITIONS

Councillors David Durant and Mark Logan have both given notice of an intention to present a petition.

**RECOMMENDATIONS,
REPORTS AND APPOINTMENTS**

NOTE: The deadline for amendments is midnight, Monday 6 December 2010

- 7 PETITIONS SCHEME – amendment to incorporate ePetitioning – to consider a report of the Governance Committee**
- 8 REVIEW OF HAVERING’S STATEMENT OF LICENSING POLICY FOR THE LICENSING ACT 2003 – to consider a report of the Licensing Committee**
- 9 ADOPTION OF SECTION 16 OF THE LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003 – to consider a report of the Chief Executive**
- 10 REPORT OF THE MEMBER CHAMPION FOR YOUNGER PERSONS – to receive an oral report from the Member Champion (Councillor Garry Pain)**

MEMBERS' QUESTIONS

- 11 **MEMBERS' QUESTIONS** – attached

MOTIONS FOR DEBATE

- 12 **HOUSING POLICIES**

Motion on behalf of the Labour Group

Council notes:

That everyone is entitled to a secure, affordable, decent home in a safe community;

That the capping of housing benefit payments and its linking to the Consumer Price Index rather than the Retail Price Index will lead to thousands of residents in Havering losing an average of £1000 a year;

That these cuts will hit vulnerable residents in private rented accommodation hardest and will cause a shortfall in the budgets of thousands of families, forcing many to become homeless and ultimately increasing the cost to local government;

That every social tenant has a reasonable expectation of a home with a working central heating system, fitted windows and doors and a safe kitchen;

That completing the Decent Homes Programme would create or support hundreds of jobs in Havering with 17 jobs being created for every £1million of refurbishment investment;

That the security and stability of a home, be it privately rented or socially rent, is one of the most important anchors in a family's life and that security of tenure is one of the principle protections provided by social housing; and

That the end of the promise of security of tenure for social tenants will see thousands of Londoners living on shorter, insecure tenancies, constantly in fear of being moved on at the whim of the council into private accommodation they cannot afford.

Council resolves:

To write directly to the Housing Minister urging him to cancel the steps the Government has taken to deny families the prospect of a secure, affordable decent home.

To call on the Members of Parliament representing Havering to condemn the stigmatisation of social and private sector rented tenants.

12A Amendment on behalf of the Independent Rainham Residents' Group

Add the following:

[Council resolves] To write to the Prime Minister David Cameron and ask him not to punish poorer members of society for the financial crisis and housing shortage by hiking rents and removing security of tenure from council and social housing tenants.

Note: the motion would then read -

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That the capping of housing benefit payments and its linking to the Consumer Price Index rather than the Retail Price Index will lead to thousands of residents in Havering losing an average of £1000 a year;

That these cuts will hit vulnerable residents in private rented accommodation hardest and will cause a shortfall in the budgets of thousands of families, forcing many to become homeless and ultimately increasing the cost to local government;

That every social tenant has a reasonable expectation of a home with a working central heating system, fitted windows and doors and a safe kitchen;

That completing the Decent Homes Programme would create or support hundreds of jobs in Havering with 17 jobs being created for every £1million of refurbishment investment;

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Council resolves:

To write directly to the Housing Minister urging him to cancel the steps the Government has taken to deny families the prospect of a secure, affordable decent home.

To call on the Members of Parliament representing Havering to condemn the stigmatisation of social and private sector rented tenants.

To write to the Prime Minister David Cameron and ask him not to punish poorer members of society for the financial crisis and housing shortage by hiking rents and removing security of tenure from council and social housing tenants.

12B Amendment on behalf of the Administration

Amend to read:

This Council notes and condemns the damage done to current housing finance through the spending decisions of the previous Labour Government and deplores the historic failure to provide adequate funding for Havering.

13 BUDGETARY MONITORING INFORMATION

Motion on behalf of the Residents' Group

In order to ensure a greater degree of transparency and accountability and in accordance with the Constitution (Part 4, Financial Procedure Rules, Section 5 – Budget Management) which states – Responsible Officers must monitor and control expenditure against budget allocations and report to Cabinet on the overall position on a regular basis:

- a) This Council agrees to present detailed Quarterly Budget Monitoring Reports to Cabinet for appropriate action and/or noting
- b) In addition, and in order to strengthen financial monitoring processes, this Council agrees that detailed Quarterly Budget Monitoring Reports are presented to each Overview and Scrutiny Committee, appertaining to the functions of that Committee, for appropriate action and/or noting

13A Amendment on behalf of the Administration

Amend to read:

This Council, noting that Officers are acting in accordance with the Constitution in budget management and that the Cabinet has currently under review the financial variance reporting to its meetings agrees:

- (a) To support the provision of more extensive information for members and the public on the Intranet and the Internet
- (b) To note that each Overview and Scrutiny Committee will select for examination the topics appertaining to the functions of that Committee.

14 **DARTFORD TOLL INCREASE**

Motion on behalf of the Residents' Group

This Council registers its opposition to proposals to increase the Dartford Crossing toll from £1.50 to £2.00 in 2011 and to £2.50 in 2012. As part of the forthcoming consultation process, this Council also agrees to reiterate the approved motion at Full Council on 22 October 2008 to oppose any charges for the use of the Dartford Crossing and that the government should recognise the construction costs have been met and that any future charging is unjust.



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
20 October 2010 (7.30pm – 11pm)**

Present: The Mayor (Councillor Pam Light) in the Chair

Councillors: Councillors June Alexander, Michael Armstrong, Clarence Barrett, Robert Benham, Becky Bennett, Sandra Binion, Jeff Brace, Denis Breading, Wendy Brice-Thompson, Dennis Bull, Michael Deon Burton, Andrew Curtin, Keith Darvill, Osman Dervish, Nic Dodin, David Durant, Brian Eagling, Ted Eden, Roger Evans, Gillian Ford, Georgina Galpin, Peter Gardner, Linda Hawthorn, Lesley Kelly, Steven Kelly, Mark Logan, Barbara Matthews, Paul McGeary, Robby Misir, Ray Morgon, Eric Munday, John Mylod, Pat Murray, Barry Oddy, Denis O'Flynn, Fred Osborne, Ron Ower, Gary Pain, Roger Ramsey, Paul Rochford, Geoffrey Starns, Billy Taylor, Barry Tebbutt, Frederick Thompson, Lynden Thorpe, Linda Trew, Jeffery Tucker, Keith Wells, Linda Van den Hende, Damian White, Michael White and John Wood

Lieutenant Phil Lenthall and three soldiers of the Royal Anglian Regiment, some 15 Members' Guests and members of the public, and a representative of the press also attended.

An apology was received for the absence of Councillor Melvin Wallace.

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 Reverend Nick Holt, the Methodist Minister for the Romford Circuit, opened the meeting with prayers.

The meeting closed with the singing of the National Anthem.

29 FORMER COUNCILLOR BOB KILBEY; AND RICHARD MAYBIN

The Mayor referred to the recent deaths of former Councillor Bob Kilbey, who had been a Member of the former Romford Council from 1961 and of the Council on several occasions between 1964 and 2002; and of Richard Maybin, former Chairman and Secretary of the Havering Branch of NALGO/Unison. Members stood in silence as a mark of respect.

Councillors Keith Darvill, Michael White, Clarence Barrett and Denis O'Flynn paid tributes to them both.

30 **MINUTES (agenda item 3)**

It was **RESOLVED**:

That the minutes of the Meeting of the Council held on 28 July 2010 be signed as a true record.

31 **DECLARATIONS OF INTEREST (agenda item 4)**

There were no declarations of interest.

32 **ANNOUNCEMENTS BY THE MAYOR (agenda item 5)**

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

33 **PETITIONS (agenda item 6)**

Pursuant to Council Procedure Rule 23, petitions were presented to the Mayor by:

Councillor Michael Deon Burton - from residents of South Hornchurch concerning noise nuisance from aircraft using London City Airport.

Councillor Pat Murray - from shopkeepers of Hilldene Shopping Centre and Harold Hill residents expressing concern about the proposals for a new Harold Hill Library and their effects on the Shopping Centre (a second petition).

It was noted that the petitions would be passed to Democratic Services for attention in accordance with the Petitions Scheme.

34 **REVISED PUBLIC ENGAGEMENT ACTIVITIES (agenda items 7/7A/7B)**

There was before Council a report of the Governance Committee concerning the future arrangements for public engagement activities following the abolition of the Area Committees. The Committee recommended:

- 1 That the Leader of the Council be recommended to delegate the power to agree the format and any other operational decisions in respect of public question and answer sessions before Cabinet meetings to the Cabinet Member for Community Empowerment;
- 2 That the power to agree that the Council should convene additional public meetings when requested by Ward Member(s) be delegated to the Leader of the Council, in consultation with Group Leaders.

Amendment on behalf of the Residents' Group

ADD after 2:

- 3 That, in addition:
 - a) a cross-party panel, including backbenchers, be convened to establish a draft set of proposals for community engagement that demonstrate clarity, purpose and are inclusive of all members.
 - b) the work of the panel be reported to a future meeting of the Governance Committee and subsequently to Council for agreement.
 - c) the appointment of Members to the Community & Police Consultative Group be based on localities (similar to the former Area Committees) and that Councillor Gillian Ford (Upminster/Cranham), Councillor Nic Dodin (Hacton/St Andrew's) and Councillor Brian Eagling (Harold Hill/Wood) be appointed to 3 of the 9 available positions accordingly.

Amendment on behalf of the Labour Group

This Council rejects the report and recommendations of the Governance Committee and calls for a Cross Party Panel of members to be set up to bring forward alternative public engagement measures for consideration by this Council at its next meeting.

Following the debate, the amendment by the Residents' Group was **LOST** by 31 votes to 21 (see voting division 1) and the amendment by the Labour Group was **LOST** by 31 votes to 21 (see voting division 2). The recommendations of the Governance Committee were then adopted without division and it was **RESOLVED**:

- 1 **That the Leader of the Council be RECOMMENDED to delegate the power to agree the format and any other operational decisions in respect of public question and**

answer sessions before Cabinet meetings to the Cabinet Member for Community Empowerment;

- 2 That the power to agree that the Council should convene additional public meetings when requested by Ward Member(s) be delegated to the Leader of the Council, in consultation with Group Leaders.

35 **AMENDMENTS TO THE CONSTITUTION (agenda item 8)**

The Governance Committee had considered two relatively minor amendments to the responsibilities of that Committee and of the Audit Committee and now invited the Council to approve them.

The Committee's report was considered and agreed without debate or voting division and it was **RESOLVED:**

That Section 1.2 of Part 3 of the Constitution be amended as follows:

Under Audit Committee

Amend: 'To receive and approve the Annual Statement of Accounts' to read –

'To approve the Annual Statement of Accounts, including the Annual Governance Statement, and to recommend as necessary to the Governance Committee regarding that committee's responsibilities to monitor corporate governance matters generally.'

Under Governance Committee

Delete:

- **To monitor and review all aspects of Corporate Governance**
- **To approve the Annual Governance Statement**

Add the following under "Miscellaneous"

"To review the Council's use of the Regulation of Investigatory Powers Act 2000 and the Council's policy at least once every year and to make recommendations for changes to the policy."

36 **MEMBERS' QUESTIONS (agenda item 9)**

14 questions were asked and replies given.

The texts of those questions and their answers, together with those not asked orally, are set to in **Appendix 2 to these minutes**.

37 **RESTORING LOCAL DEMOCRACY (agenda items 10/10A/10B)**

Motion on behalf of the Independent Residents' Group

This Council resolves to call upon the Government to restore local democracy by:

- introducing a proportional voting system for local elections
- ensuring fair funding for local government
- restoring the commercial rates to local councils
- giving councils the powers of general competence

Amendment on behalf of the Labour Group

After the words "This Council", **delete** to the end of the motion **and replace** with the following:

welcomes steps taken by the current Coalition Government and the previous Labour Government to restore Local Democracy and calls upon Parliament to advance the pace of change by legislating for the following:-

- 1 Introducing a revised system of Local Government Funding allocating central grant on a needs based formula, inter alia, recognising changes in population, age and social deprivation that occur after Census data collected every decade;
- 2 Restoring business rates to local councils;
- 3 Adopting the draft Bill extending the powers of general competence prepared by the Local Government Association.

Amendment on behalf of the Administration

Amend to read

This Council calls upon the government to continue its support for Localism in Havering.

The Independent Residents' Group motion was debated. At the conclusion of the debate, the amendment by the Labour Group was **LOST** by 5 votes to 32 (see voting division 3). The amendment by Administration was then

CARRIED by 31 votes to 6 (see voting division 4) and adopted as the substantive motion without division.

RESOLVED THAT:

This Council calls upon the government to continue its support for Localism in Havering.

38 **MOTIONS WITHDRAWN**

With the consent of the Council, the following motions on behalf of the Residents' Group and the Labour Group respectively were withdrawn:

REVISED CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY (agenda item 11)

HOUSING POLICIES (agenda item 12)

Mayor
8 December 2010

Note: the record of voting see voting divisions is attached as **Appendix 3 to these minutes.**

MAYOR'S ANNOUNCEMENTS

We've had a busy few months since our last meeting. In August, Playfest returned to some of the borough's park and proved a huge success once again. Hundreds of children enjoyed activities such as circus skills workshops, wall climbing and dance.

The Havering Show over the Bank Holiday weekend was one of the best yet, with 40,000 people enjoying the free entertainment on offer. I welcomed several local mayors and they were all impressed by the way we work together as a Council to host such great events. They especially liked the Council tent and our work towards a greener borough. The Victorian classroom impressed them and they all accepted an invitation to visit it, which I have since arranged.

I also attended two events to mark the 70th anniversary of the Battle of Britain. The first one was a presentation at Purfleet where I opened a display dedicated to a resident John Gill who was an active member of the over 50's forum and who has recently passed away. John spent most of the last war at North Weald Airfield servicing the planes. His particular favourite was the one now displayed at the airfield Spirit of the Weald.

The second was a service at St Andrew's Church which was attended by many veterans and a large contingent of local and East Ham air force cadets. There was not a dry eye in the house when a fly-past by a Spitfire swooped down and passed over us three times. The roundels were painted in the Hornchurch colours and were clearly seen in the bright morning sunshine. Many memories were stirred that day.

The Havering Music School continues to go from strength to strength. The Havering mini bassoonists were recently featured in the Music Teacher magazine, where head of Weekday Centre, Paul Harris spoke about teaching younger children to play a smaller version of the bassoon. Some of our young musicians performed during a Russian music evening at the Barbican. London in September. Fifteen string instrument students performed alongside the London Symphony Orchestra at St George's Chapel, Windsor. Havering was the only London Borough invited to play with the LSO.

Older Person's day was marked with a fantastic event at the Queen's Theatre which was very well attended. This event is now hosted jointly by Havering, NHS Havering and Age Concern.

This leads me onto sending my congratulations to two residents, Millie Jennings and Molly Watley, at the Lodge Care Home in Collier Row, following their recent 103rd birthdays.

I attended the St Francis Hospice Forget me not Ball on 18 September to raise funds for the charity's great work in the community.

Havering has also led the way by launching this year's Big Wow, a month-long event to encourage more children to walk to school. It was the idea of our own travel plan team to hold the usually week-long annual event across a month. We got all London borough involved by starting a relay with a 1948 Olympic torch. As we speak the torch is working its way across London, towards Greenwich, where it finishes its journey later this week.

Boris Johnson paid a visit to Havering-atte-Bower for the unveiling of the new village sign, something the conservation society had been working towards for some time. I was presented with a painting of the original palace which now hangs in the Mayor's Parlour.

I also got the chance to do something not many Mayors do by spending over five hours in a rowing boat on a journey from the Docklands to Richmond. Richmond Council throws down the gauntlet to other London boroughs to race to the finish. The boat must be rowed and have a passenger on board, there was an able crew of four cadets and a cox from TS Hurricane of Hornchurch. Well done to the cadets, I certainly wouldn't have liked to have rowed for as long as they did.

Once again adults and children alike have shown how talented we are in Havering after I attended presentations for the Adults and Junior Poet of the Year competitions, as well as the Junior Artist of the Year and Over 60s Musician of the Year. Well done to everyone who entered and especially to the winners.

Well done also goes to children's social services, and Harold Court Primary School, which have both received good Ofsted reports recently. In the report about Harold Court the inspectors said that, attainment, teaching, learning and progress had all improved since the last inspection.

The Romford Rifle and Pistol Club came third in a London Mayor's Association challenge cup competition, held at Richmond Rifle Club. The Romford club have not competed in this competition for many years and after such a good result will be practising throughout the year in time for next year's competition.

I also attended a London in Bloom event at the Guildhall and was proud to receive awards on behalf of the borough. Well done to all the winners, including those who triumphed in our own Havering in Bloom. I had the pleasure of visiting Parklands Junior School which was the overall school winner for London.

Congratulations to Luke Davis, our horticulture apprentice, who won the Apprentice of the Year award from the Department of Employment and Skills Training at Havering College. The awards ceremony was held at the Queen's Theatre last week.

I am also looking forward to attending an event to celebrate the official opening of Central Library later this month, which will include a reading by former poet laureate Andrew Motion.

Councillor Deon-Burton has asked me to draw attention to the Anti-Slavery Day Act which passed through Parliament earlier this year, and the potential this Day has to play an important role in raising awareness of human trafficking.

Finally, can I call Lieutenant Phil Lenthall and three soldiers from the Royal Anglian Regiment, Pte Missin, Pte Dear and Pte MCube to the front. I am delighted to be able to present them with a cheque for £2,000. Recently we held a fundraising dinner in honour of the regiment and the money raised will go towards a memorial for fallen comrades at the Imperial War Museum.

The dinner was a great success and a fantastic time was had by all, even more so as money was being raised for such a worthy cause.

MEMBERS' QUESTIONS AND ANSWERS

Note: Questions 1 and 3 to 14 were answered at the meeting. It was accepted at the meeting that Question 2 would be answered in writing and, in accordance with Council Procedure Rule 10.6(a), the remainder were treated as if put for written answer

1 PARKING PROVISION OVER CHRISTMAS/NEW YEAR

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Ron Ower

In order to stimulate local businesses over the Christmas/New Year period, would the Cabinet Member agree to reinstate free car parking in our out-of-town (Romford) sites on 24th December, 27th December and 1st January?

Answer:

No - the provision of free parking spaces in the outlying car parks would result in grid locking the car parks at an extremely busy time of the year. As such this may impact on local trade by reducing the amount of available parking spaces in the car parks.

In response to a supplementary question, the Cabinet Member reminded the Council that charges had been introduced in the outlying areas in order to prevent misuse of parking facilities.

3 INVESTIGATING A STANDARDS COMPLAINT

To the Cabinet Member for Community Safety (Councillor Geoffrey Starns)

By Councillor Jeffrey Tucker

As an estimate, how much did the unfounded complaint by Cllr Steven Kelly against Cllr Mark Logan cost the Council in Officers time and money?

Answer:

The cost of the investigation was £980. This is from internal time recording information.

As far as 'unfounded' is concerned the Initial Assessment Sub-Committee concluded that the complaint was sufficient to be investigated. The Consideration Sub-Committee accepted the Deputy Monitoring Officer's recommendations.

In response to a supplementary question, the Cabinet Member reminded the Council that the public expected Members to behave impeccably and that it was the role of the Standards Committee to investigate where necessary.

4 GREEN GARDEN WASTE SACKS

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Clarence Barrett

It is a concern that of the 100,000 (approx) green garden waste sacks sold each year (at £1.10 each in 2010/11) the vast majority of the contents end up in landfill. In order to improve recycling and composting rates and reduce landfill tax payments, would the Cabinet Member please set out what alternative methods of disposal are under consideration?

Answer:

Unfortunately, the question contains inaccuracies.

The green sacks are collected with the residual waste and go through the bio-mrf process. Green waste does not go directly to landfill.

During this process some of the contents of the sacks will degrade and will enter the compostable "fines" waste stream with elements of food waste etc. This contributes towards our recycling and composting performance and is diverted from landfill.

Officers have met with our contractors and are preparing a cost benefit analysis report for consideration based on the green sacks being collected separately in degradable sacks and delivered directly for composting.

There are many ways residents can compost their garden waste: it can be home composted, taken free of charge to the Gerpins Lane RRC, or residents can subscribe to the very popular green bin collection and composting service which is a cheaper alternative than green sack collections. This particular type of collection has increased by a round this year, adding another 15,000 collections per annum.

In response to a supplementary question, the Cabinet Member stated that there were two elements to the cost of the green sacks – their production/storage, and meeting the additional cost of collection.

5 CONNEXIONS SERVICE CUTS

To the Cabinet Member for Children & Learning (Councillor Paul Rochford)

By Councillor Pat Murray

Will the Cabinet Member make a statement about the effects of the cuts in the Connexions Service and how they will impact on the young people of the Borough?

Answer:

The Connexions Service is funded by a grant from Central Government and forms part of the Area Based Grant. This grant was reduced by 24% this year and is expected to be reduced by at least the same amount in the next financial year. The total grant is in excess of £2million and therefore the reduction is in excess of £0.5million.

To address this saving the contractor which provides the Connexions Service on behalf of the Borough, Prospects Services, was asked to reconfigure the service which it has done. In essence, the Connexions Service has moved to a more preventative Service. At present, there is no change to the level of Personal Adviser support in Havering Secondary schools, Sixth Form College, Special schools or FE College. The service will continue to provide discrete Intensive Personal Adviser support to care leavers and those young people known to the Youth Offending Service.

However, the Connexions Centre based in Western Road Romford, with a footfall of 6,000 visits a year will close from 31st March 2011 and will operate reduced opening hours from November 1st 2010. Therefore, 16-18 year olds who are not in education, employment or training will need to access Connexions Services from community locations which are still to be confirmed. In addition, the threshold for young people to access Intensive Personal Adviser support has changed with all future referrals targeting those who are not in education, employment or training.

In response to a supplementary question, the Cabinet Member indicated that Intensive support to young people needing it would still be provided, although the

6 WALKWAY BETWEEN UPMINSTER ROAD SOUTH AND TESCO'S

To the Cabinet Member for Community Engagement (Councillor Robert Benham)

By Councillor David Durant

The walkway between Upminster Road South and Tesco's is viewed as a economic lifeline by many shopkeepers and a welcome shortcut by many residents.

This walkway has now been closed for over a year! Why has it been closed for so long and when do you expect it to re-open?

Answer:

I agree entirely with Councillor Durant about the importance of the walkway. The aim of the current construction works is transform the previous dark and uninviting walkway into a safe, usable and attractive pedestrian link between Tescos, the car park and the shops in the Village.

I am pleased to say that I visited the walkway this morning and can confirm it is open and already being well used by pedestrians and shoppers. It is now a much more open and inviting entrance than it was before and opens up views of the Village from Tescos.

It has unfortunately taken much longer than was first envisaged to complete the project, since construction started in February this year. There have been numerous unforeseen problems such as;

- Exceptionally bad weather particularly earlier this year
- The discovery of unrecorded services beneath the walkway which required excavation by hand.
- The uncovering a very large mass of high density concrete within the original walkway base structure. This required the use of specialist hydraulic demolition contractors as conventional removal would have been too noisy and could have damaged old buildings in the Village.
- Complications over party wall agreements with adjoining owners, which resulted in the redesign of one of the retaining walls and its foundations.
- Further unexpected existing structural problems were discovered with the adjoining properties, which required urgent works to underpin both properties' shallow and weak foundations.
- The need for scaffolding and safety zones for constructing the retaining walls to both sides of the walkway meant that paving works could not begin until the walls were completed.
- Progress on the walls was halted by the delivery of a series of sub-standard batches of premixed mortar, beyond the control of the contractor, which required repeated demolition of the walls.
- Given the confined nature of the site the contractor, Ringway, has stated that it has been very difficult to increase the number of people on site who can work productively, and thus catch up on lost time

It is highly unusual for so many unanticipated problems to be encountered on a single scheme. I am nevertheless very concerned that more should have been done to finish this project more quickly, and I have written to the Managing Director of Ringways to express my great concern over the speed at which these works have been carried out. He has apologised for the delay and has put extra staff on site, which resulted in the walkway opening on Monday and has agreed to make every effort to finish off the remaining works as quickly as possible.

The Council is very sorry for the delays and has apologised to local businesses and the community. The Council has taken positive steps to promote local shopping during these works, such as providing branded Rainham Village shopping bags and a Rainham Village shopping Guide. In addition, I am pleased to announce that we will be taking further positive steps to promote the Village in the run up to Christmas. This will include;

- Publishing a Rainham Compass update, which will include articles and information about Rainham Village, including what's on offer in local shops as well as details on Christmas in Rainham and the Village Fayre
- We will also be organising a heritage walk around Rainham with refreshments to encourage people to discover the rich history of the Village and its many attractions
- More of the highly successful branded Rainham Village shopping bags will also be distributed to shopkeepers.

I am grateful for the patience that local shopkeepers and the public have shown and I hope that these measures along with the opening of the walkway will support local shopkeepers and promote businesses in Rainham Village.

7 WEBCASTING

To the Cabinet Member for Community Safety (Councillor Geoffrey Starns)

By Councillor Ray Morgon

Would the Cabinet Member set out how many visitors the webcasting service has received (per meeting) since its introduction?

Answer:

Since December 2009 there have been six Full Council webcasts and eight Cabinet webcasts. (these figures do not include last week's Cabinet)

Total viewings for Full Council meetings are 1,400, making an average of 233 viewings per meeting. The most viewed meeting was the Council Tax setting meeting with 407 viewings.

Total viewings for Cabinet meetings are 1,245, giving an average of 155 per meeting.

In response to a supplementary question, the Cabinet Member reminded Members that webcasting was an increasing part of modern life and that it enabled vulnerable and other people, especially younger people, to gain access to Council and Cabinet meetings that they would not otherwise have opportunity to observe. It was a vital way of communicating with the community, which would stay.

8 HOUSING BENEFIT CHANGES – IMPACT ON HAVERING

To the Leader of the Council (Councillor Michael White)

By Councillor Denis O'Flynn

Has the Administration carried out an impact assessment on the effects on Havering of the Coalition Governments proposals in respect of Housing Benefit due to be implemented in April 2011?

Answer:

Yes we have.

In response to a supplementary question, the Leader stated that the introduction of a "cap" would result in differing maximum payments depending on size of accommodation. It was not currently expected that the rents for privately-rented accommodation in Havering would be less than the cap: no housing benefit payments were being made above the cap level.

9 **USE OF SOLAR PANELS**

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Michael Deon Burton

I refer to the news item which appeared at the top of Page 5 of Living dated 26th July entitled 'Let the sun shine in!'

What was the gross cost of the photo-voltaic/solar panels?

Also, what was the gross cost of installation and commissioning?

Answer:

The total cost of the equipment and installation was £48,449. Implementation was based on a viability study and a cost analysis.

In response to a supplementary question, the Cabinet Member stated that it was not possible to breakdown the cost as requested by the questioner as it was single contract price.

10 **MOBILE LIBRARY**

To the Cabinet Member for Towns & Communities (Councillor Andrew Curtin)

By Linda Hawthorn

Following the Cabinet decision to discontinue the Mobile Library Service, would the Cabinet Member confirm what steps are being taken to ensure that eligible users will have the opportunity to use the house-bound service?

Answer:

The Housebound Service provides services for customers who cannot visit a local library. Any customers who feel they are unable to visit their local library but received a service from the Mobile Library will be able to apply to have a service from the Housebound team. There are clear criteria for this service and customers who feel they are eligible will receive a personal visit to discuss their requirements.

We are taking steps too to establish improved ways of letting those who might benefit from the service know about it. For example, arising from a suggestion that came up at the Culture and Disability Forum, the Library Services outreach team include information about the Housebound Services in all presentations made to forums and events in the borough. We have a leaflet on the services available in each branch library; we have details of the service available on our web site; and we run slide shows advertising the service on our plasma screen network in each library.

11 **THE COUNCIL'S HOSTELS FOR HOMELESS PEOPLE**

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Denis Breading

Will the Lead Member make a statement about the future of the Councils Hostels providing emergency accommodation for homeless persons in the Borough?

Answer: For a long time, the hostels have been the "Cinderella" of the Housing Service. We have 81 places in four hostels across the borough, which are used to provide temporary accommodation for single people and families in accordance with the Council's duty under homelessness legislation. The current average stay is twelve weeks.

We are looking at reprovisioning of the hostels because providing them over four sites is not good management or value for money.

A report coming to Cabinet in January will review the provision of hostels.

In response to a supplementary question, the Cabinet Member gave an assurance that there would not be fewer places as a result of the review but whether there would be more remained to be seen.

12 MEETING THE DECENT HOMES STANDARD

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Mark Logan

When the ALMO was created, how many and what percentage of council homes (excluding the Mardkye estate) were below the decent homes standard - and how many and what percentage have been brought up to decent homes standard, since the creation of the ALMO?

Answer:

At the time Homes in Havering was created in July 2006, excluding the Mardkye estate, 3,287 council properties fell below the Decent Homes Standard, representing 31.6% of the stock at the time (10,411 properties). On this date, the total number of properties that would become non-decent within five years was projected to be 9,266, representing 89.0% of the Council's stock.

Since its creation, Homes in Havering have carried out works to 6,652 properties. However, properties continue to fail the Decency Standard as a result of lapse of time and other disrepair issues. Unfortunately, 2,514 homes have fallen below the Standard since 2006 and have not received any works.

In addition, some properties which have had work done; have also fallen once again into the non-Decency threshold. The result is that 5,832 properties remain non-Decent as at June 2010 and the position is likely to get worse, unless the Council receives its anticipated allocation of Decent Homes funding in the forthcoming spending review. Whilst it is disappointing that more progress has not been made in making our homes Decent, this is entirely the result of a lack of funding, and not the result of any neglect on the part of Homes in Havering.

In response to a supplementary question, the Cabinet Member did not agree that expenditure on engaging with tenants would better have been put towards meeting the Decent Homes standard. The Council was dependent upon the government for funding of the Decent Homes standard and there was reason to be optimistic that it would be forthcoming.

13 STREET CLUTTER

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Barbara Matthews

Further to the government call for a 'reduction in street clutter' would the Cabinet Member please set out what arrangements have been made to reduce the borough of unnecessary street clutter (eg signs, etc)?

Answer:

Streetcare have been working to remove street clutter prior to the Government's latest statement within existing budgets. Where pre-arranged works are being carried out, for example resurfacing works to the footway, officers will arrange the removal of unnecessary street furniture.

In addition, both StreetCare and Regeneration are looking at options on town centre projects to minimise street clutter, such as improved lighting and resurfacing.

14 **CARAVAN SITES ACT LICENCES AND MODEL STANDARDS 2008**

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Paul McGeary

What steps are being taken by the Council to ensure that the Model Standards 2008 for Caravan Sites in England are being incorporated into the Caravan Sites Act Licences for the Boroughs Park Home Sites?

Answer:

The Council has a power, but not a duty to enforce licence conditions in caravan sites. The Council has not used this power in this Borough.

In response to a supplementary question, the Cabinet Member stated that the Council had written to site owners suggesting that they might wish to adopt the new model conditions voluntarily. A review would be undertaken towards the end of 2011.

It was agreed at the meeting that the following Question would be answered in writing.

2 **SECURITY OF TENURE OF TENANTS IN SOCIAL HOUSING.**

To the Leader of the Council (Councillor Michael White)

By Councillor Keith Darvill

With which of the following statements do you agree?

- (1) “The Conservative Party has no policy to change the current or future security of tenure of tenants in social housing”
- (2) “There is a question mark over whether, in the future, should we be asking when you are given a council home, is it for a fixed period?”

Can you explain how that will affect the Administration's policies over the next four years?

Answer:

The Leader of the Labour Group is drawing attention to the interesting debate on security of tenure in social housing. The first statement was made by David Cameron in an interview with Inside Housing on 30th April 2010. The second statement was made by him more recently, on 3rd August in Birmingham and there has been more decent discussion about the issue only yesterday.

Security of tenure is the term used to describe the degree of protection a tenant has under the relevant agreement that person has with a landlord. A secure tenancy is a powerful thing, like a piece of property and limits the way in which the owner (in this case, Havering Council) can manage the property. For example, we cannot evict tenants without going to court, and then, only on limited grounds. Tenancies can be passed via succession on to partners or children or other close members of the family. It is often the case that we are asked why we don't move tenants who are under occupying their properties, when we have so many overcrowded people on the Housing Register. The answer is, “security of tenure”. Because if a tenant does not want to move, and pays their rent and abides by all their conditions of tenancy, then the Council has no power to move them.

One of the problems of Council housing is that it is an inflexible benefit. Council housing is one of the few benefits that are not reassessed when the need for it no longer exists. If someone receiving home care has an improvement in their health, or a carer moves in to help the recipient, the care package that they receive is re-assessed. How would we feel if we continued to pay expensive care packages for people who no longer needed them? We would think it a waste of money. So why do we continue to provide social housing, even if the resident's income rises to a

point where they could afford to buy housing, but choose not to do so? Why should they continue to receive a social benefit when there are so many more people in need, whom we cannot help?

In addition, there is well-documented evidence that present trends in social housing can play a part in stifling aspiration: As Professor Hills, in his comprehensive report on social housing effectively summarised, "the chance of someone in social housing having both of their nearest working age social tenant neighbours in full time work had fallen from just under half [in 1981] to one in nine [in 2006]". The slide towards increased deprivation in social housing areas is particularly marked as a result. Worryingly, studies comparing the birth cohorts of 1958 and 1970 have demonstrated that growing up in social housing contributed to adverse adult outcomes and, strikingly, that the magnitude of the disadvantage is increasing. Children growing up in social housing are, on average, twice as likely to end up with no qualifications by the age of 30 as those growing up in owned homes, 1.5-1.7 times more likely to be low earners, and over twice as likely to be unemployed. As an illustration of what this means in practice, there is only a 1 in 100 chance that a social housing tenant and their neighbours on either side are in full-time work.

However, there are also strong arguments in favour of keeping security of tenure for social housing tenants. Clearly, if people thought that they might lose security of tenure if they got a job and their income increased, this could be a powerful disincentive to work, especially in areas like London, where housing costs in the private sector are so high, compared to the public sector. If all the people who were better off moved out of social housing, this could increase the social stigma attached to social housing, and creates ghettos of poverty on Council estates.

I think that the issue raised by this Question is not straightforward, and feel that it deserves a serious debate.

The news yesterday suggests that the Coalition Government may be ready to introduce changes to security of tenure soon. Currently, there are no plans for the Administration to change its policies, as clearly this is a matter for Central Government and we will respond when we have concrete proposals for changes in legislation. We are currently consulting tenants and members (through the Towns and Communities Overview and Scrutiny Committee) on proposed changes to our own conditions of tenancy, and these will continue and are not likely to be affected by the proposed change in legislation.

15 HAZARDOUS WASTE AND THE IMPACT ON "RAINHAM COMPASS"

To the Cabinet Member for Community Empowerment (Councillor Robert Benham)

By Councillor Jeffrey Tucker

At the 9th September Regulatory Services Committee meeting, planning officers recommended giving a hazardous waste facility in Rainham permanent planning permission.

During debate, the planning officers said a renewal of their temporary permission would be acceptable. The Conservative and other members on the committee rejected this option.

Does the Administration agree that the decision to recommend to the Development Corporation that permanent planning permission be granted undermines the Council's own ambitious Rainham Compass regeneration plans?

Answer:

No. The premises have been operating without complaint since 2004. The granting of a permanent planning permission for the waste transfer station will enable investment to be made to improve the operation of the site and its environmental credentials. The retention of the waste transfer station would safeguard 12 full-time and 2 part-time jobs, contributing to the range of jobs available in the area. The proposal is not in conflict with any of the wider aims of Rainham Compass and is considered acceptable.

16 COUNCIL TAX ARREARS

To the Cabinet Member for Value (Councillor Roger Ramsey)

By Councillor Ron Ower

The 2009/10 Statement of Accounts show that residential council tax owed has increased by 15.8% (from £11.670m in 2008/09 to £13.285m in 2009/10). Would the Cabinet Member set out what measures are in place to deal with this substantial increase?

Answer:

The position of the Council tax arrears needs to be taken in context with the current year collection levels as they are intrinsically linked.

Whilst the arrears have increased as recorded, it is worth noting that the 2009/10 full year collection rate was maintained at 96.85% which means that the Council retained its position within London as an upper quartile authority being in 8th position from the 33 boroughs

This needs to be viewed against the backdrop of the financial plight faced by many residents as the borough has been recognised as being particularly affected with the highest increase in Benefit applications within London over the period.

With the deepening effects of the current recession, along with many authorities, the collection of Council Tax has proven to be increasingly difficult. This is coupled with the constraints placed upon the Council to the extent of the recovery action taken, as there is a growing call to avoid the use of Committal and bankruptcy as deterrents.

Additionally a number of initiatives were taken within 2009/10 to validate data within the Council tax records, primarily the removal of invalid single person discount, which added retrospective arrears to accounts.

As part of the continual review of Revenue performance, efforts have been concentrated on ensuring that, despite the effects of the recession, the in year collection rates are maintained.

Moving forward, a dedicated strategy is currently being considered by the Group Director of Finance and Commerce to actively target the long standing arrears cases and this, coupled with the efforts undertaken within the Revenue section to maintain current collection levels against the economic backdrop, is expected to make major inroads into reducing the debt.

17 ADDRESSING THE SHORTFALL IN PRIMARY SCHOOL PLACES

To the Cabinet Member for Children & Learning (Councillor Paul Rochford)

By Councillor Michael Deon-Burton

As reported, following the new analysis by London Councils, which reveals there will be a shortfall in permanent primary school places across London of more than 28,000 by 2014, whilst, at the same time, London Boroughs face an explosion in demand.

Minded specifically of the London Borough of Havering's education portfolio and, given the Administration's actions and decisions over the preceding 4 years, will they, or will they not, be asking parents of any of the children we are responsible for, to accept their children's tutelage in makeshift or temporary classrooms?

Answer:

The pressures on places in primary schools in London are well known and there is an impact on Havering which has emerged over the last year. Havering faces a far less severe problem than those reported in other parts of London. A report is in preparation regarding these pressures and the necessary actions to address them. This follows detailed analysis of demand for places and adjustment to trends.

18 **INCOME FROM ADVERTISING****To the Cabinet Member for Value (Councillor Roger Ramsey)**

By Councillor Clarence Barrett

Over the last two years, income from advertising on council owned assets has underachieved as follows:

	Budget	Actual	Shortfall
2008/09	£550,000	£200,000	£350,000
2009/10	£550,000	£50,000	£500,000

Would the Cabinet Member set out the projected year-end position for 2010/11?

Answer:

The current budget for advertising from council assets is £581k. Officers are currently assessing the likely level of income that will be generated this year, but with the prevailing financial climate showing no sign of changing, achievement of this figure remains very unlikely. At this point in time, a shortfall similar to last year's is the most likely outcome. The impact of this will need to be considered as part of the budget development process for next year.

19 **TRANSFER OF FUNDS FROM HOUSING REVENUE ACCOUNT****To the Cabinet Member for Housing (Councillor Lesley Kelly)**

By Councillor Mark Logan

How much money has been transferred from the Housing Revenue Account to the Council's own General Fund over the past 10 years - and how much has been transferred from the Housing Revenue Account to the Government over the past 10 years?

Answer:Transfer of Funds from the HRA to the General Fund

The HRA is a ring-fenced account, and funds cannot ordinarily be transferred between either account. It is possible to apply to the Government, in certain circumstances, to transfer balances from a Council's HRA to its General Fund; however, Havering have never used this option.

There is financial activity between the funds, in that the HRA does pay for services provided by the council. These services include IT, Grounds Maintenance and Transport, but these are payments for services received, rather than a transfer of funds.

Transfer of Funds from the HRA to the Government

The Council is liable to pay an assumed level of rent, net of running expenses, to the Government. However, it also receives a Major Repairs Allowance. The net amount, after deducting the HRA ranges from 6.8m to 14.7m. I will provide Cllr Logan with a note showing the position for each year.

This means that the Council is in a negative subsidy position, and pays into the national Housing Revenue Account system on an annual basis. The Minister for Housing recently announced at the Conservative Conference that he was committed to ending the current complex HRA system, but that he would be doing it by means of primary legislation in the Decentralisation and Localism Bill, which means that it is unlikely to take effect until at least March 2012.

20 **PERMANENT PLANTINGS**

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Linda Hawthorn

At present only seasonal plantings are watered weekly by the council, leaving permanent planting to dry out and die during the extremely dry weather in June and July. Would the Cabinet Member advise why the permanent plantings were not added to the watering schedule during this period and how much will it cost to replace the dead permanent plantings this autumn?

Answer:

It would not be cost effective to water all established plants and shrubs during the summer months, given that the vast majority of the plants and shrubs across the borough are likely to survive during periods of hot weather. Establishing a cost to provide additional watering to all established plants and shrubs would be a massive exercise and will almost certainly result in significant costs arising that could not be justified. It is therefore not clear whether undertaking this work would be a productive exercise. The Council is, however, very concerned to ensure that plants and shrubs do not die unnecessarily and will continue to provide additional watering when there is exceptionally hot weather and where the expenditure can be justified.

21 **ELECTED POLICE COMMISSIOERS**

To the Leader of the Council (Councillor Michael White)

By Councillor David Durant

Does this Administration agree with Government proposals for directly elected police chiefs?

Answer:

Yes

22 **HOUSING RENT ARREARS**

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Ron Ower

Would the Cabinet Member set out the level of Housing Rent arrears for 2008/09, 2009/10 and the latest position for 2010/11?

Answer:

Homes in Havering are responsible for the billing and collection of rent from tenants. At the end of the financial year 2008/9 the rent arrears totalled £854,964.36 and for 2009/10 they had increased slightly to £879,839.09.

The snap-shot position for the current year is that there are rent arrears totalling £736,164.07, but this is slightly misleading as it does not take into account a Direct Debit run due later in October, nor does it reflect the rent-free weeks due to fall before the end of the financial year. The Council has set HiH a target of collecting 98.3% of the rent due in the year, and expects that this will be met.

23 **COST OF ALMO**

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Jeffrey Tucker

What has been the estimated additional cost of setting up and running the ALMO and what did the forensic examination of their accounts discover?

Answer:

The estimated cost of setting up the ALMO was just over £500,000. This included costs for staff recruited to set up the ALMO, prior to it actually going live.

The forensic examination confirmed that the accounts in 2006/07, and 2007/08, under-stated the amount of net spend within the ALMO – by c£600k and £2m respectively. This occurred through the failure to properly accrue/reflect expenditure, and the accruing/taking into the accounts of income which was not likely to be received.

24 **HAVING CARD**

To the Leader of the Council (Councillor Michael White) [Redirected from Councillor Roger Ramsey]

By Councillor John Wood

In respect of the Having Card, would the Cabinet Member set out :

- a) How many have been issued to date?
- b) What is the actual usage to date?
- c) How much has the initiative cost to date?

Answer:

We launched the HavingCard in 2009 when the country was in recession, to help local businesses encourage local custom.

Within weeks, over 600 businesses had signed up to the scheme and we sent out over 100,000 cards with *Living*. We also made cards available in our libraries and we printed directories to help card holders find businesses that are part of the scheme. In 2008/9, we spent £18,947 and in 2009/10, we spent £21,973 on facilitating and promoting the scheme.

Because each business is responsible for setting its own discount or offer, we do not have formal records of usage, but we have had positive feedback from businesses. We recently called 100 businesses which accept the card, at random, and almost two-thirds said that the scheme should continue.

The HavingCard is also admired outside the borough. It has been featured on BBC news and Redbridge Council used the HavingCard as the model for their own residents' card. With the Government keen to ensure that small businesses should lead the country's economic recovery, we are planning to continue the scheme for at least a further year.

25 **ELECTION RESULTS, MAY 2010**

To the Leader of the Council (Councillor Michael White)

By Councillor David Durant

At the last Full Council meeting, Councillor Michael White said 130,843 residents voted Conservative in the May local elections. This figure is higher than the actual turnout. Can Councillor White explain this discrepancy?

Answer:

There is no discrepancy. The Conservative Party received 130,843 votes in Havering at the last election - this is the combined figure of all the votes received by Conservative candidates and equates to 40% of all votes cast. By way of comparison the Independent Local Residents Group received 6,892 votes, about 2% of all the votes cast. This refers to votes cast and not the number of electors who voted as we have multi-member wards and each elector has three votes in their local ward.

26 CHILD PROTECTION REGISTER

To the Cabinet Member for Children & Learning (Councillor Paul Rochford)

By Councillor Ray Morgon

Would the Cabinet member confirm how many children are currently on the child protection register in Havering?

Answer:

As at 12 October 2010, there were 136 Havering children subject to a child protection plan (formerly known as child protection register). In addition there are 11 children living in Havering from outside the Borough who are subject to child protection plans of other local authorities, making a final total of 147.

27 ELECTED MEMBERS: STATUS

To the Cabinet Member for Community Safety (Councillor Geoffrey Starns)

By Councillor Jeffrey Tucker

Are Councillors elected representatives of the people or employees of the Council?

Answer:

They are elected representatives of the people.

28 GRITTING OF ROADS

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Ron Ower

Would the Cabinet Member please confirm we have adequate stocks of material for salting/gritting our roads and pavements this winter?

Answer:

Officers have orders placed to re-stock the supplies of salt this month, with 250 tonnes to be delivered to Central Depot on 18th or 19th October. An additional order for 500 tonnes to be delivered to the Purfleet Depot as a reserve has also been placed. This is due for delivery in late December / early January.

Havering does have an automated system in place where the supplier will automatically replenish stocks which are used throughout the gritting season, if the demand does not exceed production as it did last winter.

In addition there is a strategic pan-London salt store of 25,000 tonnes stored in Dagenham should there be another severe winter and the possible difficulties with supplies.

29 **AGENCY STAFF: USE OF SOLACE**

To the Cabinet Member for Transformation (Councillor Michael Armstrong)

By Councillor Mark Logan

How much has been spent by using Solace Enterprise for supplying Havering with agency staff?

Answer:

Havering has spent £76,400 on agency employees from Solace Enterprise. This relates to the period June to September 2010. There is no record of any earlier Council spend with Solace Enterprises.

30 **SPEED CAMERAS**

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Ron Ower

Would the Cabinet Member please confirm if the speed camera located in Wingletye Lane (near Champion School) is operational?

Answer:

The London Borough of Havering does not maintain the speed cameras in the Borough. Instead, the London Safety Camera Partnership should be contacted.

31 **SALE OF COUNCIL-OWNED DWELLINGS IN NEED OF REPAIR**

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Mark Logan

Who was the Cabinet Member who decided that if a Council dwelling cost more than £25,000 to repair, it would need to be sold off?

Answer:

At its meeting of 11 December 2003, Cabinet made the decision that should a council property require more than £25,000 investment its disposal should be considered as an option. On 10 April 2008, a decision was made by the Head of Housing and Environmental Health, acting within his delegated authority under the Council's Constitution, to raise this threshold to £75,000.

For the sake of clarity, the previous £25,000 threshold, and now £75,000 threshold, is a trigger to *consider* disposal; it does not mean that a property with investment requirements above this threshold would have to be sold.

32 **COST OF REFURBISHMENT: HOUSE IN LEAMINGTON ROAD, HAROLD HILL**

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Mark Logan

How did Havering Council come up with the figure of £96,000 as the amount needed to refurbish a 3 bedroomed home in Leamington Road, Harold Hill?

Answer:

The £96,000 quoted in this question is in fact an average of a number of properties in Harold Hill identified in a report to Cabinet on 11 December 2003 covering council properties with significant investment requirements.

The list in the report included eight properties in Harold Hill with investment requirements ranging from £80,000 to £120,000, giving an average of £96,000. This list included two 3-bedroom semi-detached houses on Leamington Road, both of non-traditional construction. Each property was considered to require £80,000 of investment.

Unfortunately, detailed records relating to these properties are no longer available. It is clear, however, from the addresses of the properties, coupled with information in the Cabinet report that these eight properties were suffering from very serious structural problems and, notwithstanding this, needed to be brought up the Decent Homes Standard. The total remediation cost quoted in the Cabinet report for each property would have included most of the following components, given here at today's costs; £50,000 to £70,000 for underpinning, £25,000 for over-cladding to remedy the extremely poor insulation characteristics of non-traditionally built homes, around £15,000 for reconstruction of internal walls to afford greater structural integrity, up to £10,000 for associated remedial works to any attached properties, and up to £20,000 for Decent Homes works.

33 USE OF COUNCIL-OWNED HOMES FOR OFFICE PURPOSES

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Mark Logan

How many Council homes have been taken over by estate personnel and used as offices?

Answer:

Homes in Havering have converted two Council properties into office space for their mobile workers (Turpin Avenue and St. Helens Court). HiH are currently undergoing a review of their office accommodation and these two offices spaces will be included in that review.

34 HOUSING LIST WAITING TIME: BAND C APPLICATION

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Mark Logan

What is the expected waiting time for a person in Band C for Council housing?

Answer:

Over the eighteen months from April 2009 to September 2010, 614 properties were let to someone in Band C. The average time spent in Band C was 2 years and 10 months, with actual times ranging from 39 days to 8 years and 6 months. There were also two particularly short times – under one week, and one unusually long time – 13 years and 4 months.

35 HAVERING COLLEGE: FEES

To the Cabinet Member for Children & Learning (Councillor Paul Rochford)

By Councillor Mark Logan

Who sets the college fees at Ardleigh Green College?

Answer:

The college determine their overall fee policy taking into account guidance from the Young Peoples' Learning Agency and Skills Funding Agency and local/national market conditions, the college fee policy would also normally be ratified by the college governing body.

36 DISPOSAL OF WASTE COLLECTED BY COMMUNITY SERVICE

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Mark Logan

Do the community service persons that clear away any green material, pay a charge at Havering's rubbish tip in Gerpins Lane?

Answer:

A procedure is in place which allows the Probation Reparation Service to dispose of green waste free of charge at the Gerpins Lane Re-Use and Recycling Centre, providing that the waste being disposed of is collected from within Havering.

The Service needs to register the probation service vehicle they will be using to carry out the work with Streetcare and provide details for approval by completing a pro-forma. The vehicle can then be authorised to tip throughout the duration of the work.

37 BUILDING COUNCIL HOUSES

To the Leader of the Council (Councillor Michael White)

By Councillor Mark Logan

Councillor Steven Kelly was heard to say at an Area Committee meeting, that "whilst this council is run by a Conservative Administration, there will never be any more council homes built in Havering".

Does the Leader agree, and is that the Administration's position?

Answer:

Councillor Logan appears to have misheard a statement made at the Area Committee on the subject of whether the Conservative Administration believes in the importance of social housing.

Whilst it is true to say that no new Council homes have been built since 2004, this is as a result of the financial rules which remove all the financial benefit of new Council homes from the local authority. This means that it has been financially more prudent to provide new social rented housing units through partnership with Housing Associations, rather than by a local authority itself building new homes.

Under the National Housing Revenue Account subsidy system, if a local authority built a new home itself, it lost the benefit of any rental surplus directly into the national subsidy pot. It is also true that if the property was sold under the Right to Buy, the local authority had to pay 75% of the capital receipt into the national pot.

The Conservative Administration has demonstrated its commitment to social housing, by facilitating a strong programme of social housing in partnership with Housing Associations. The number of new homes built in partnership with Housing Associations since 2004/5 is given in the following table:

YEAR	NUMBER OF NEW HOMES
2004/5	113
2005/6	76
2006/7	180
2007/8	360
2008/9	610
2009/10	143
March – August 2010	34
Total	1,516

VOTING RECORD

<i>DIVISION NUMBER:</i>	1	2	3	4
The Mayor [Cllr. Pam Light]	O	O	O	O
The Deputy Mayor [Cllr. Melvin Wallace]	A	A	A	A
<u>CONSERVATIVE GROUP</u>				
Cllr. Michael White	X	X	X	✓
Cllr. Michael Armstrong	X	X	X	✓
Cllr. Robert Benham	X	X	X	✓
Cllr. Becky Bennett	X	X	X	✓
Cllr. Sandra Binion	X	X	X	✓
Cllr. Jeff Brace	X	X	X	✓
Cllr. Wendy Brice-Thompson	X	X	X	✓
Cllr. Dennis Bull	X	X	X	✓
Cllr. Andrew Curtin	X	X	X	✓
Cllr. Osman Dervish	X	X	X	✓
Cllr. Ted Eden	X	X	X	✓
Cllr. Roger Evans	X	X	X	✓
Cllr. Georgina Galpin	X	X	X	✓
Cllr. Peter Gardner	X	X	X	✓
Cllr. Lesley Kelly	X	X	X	✓
Cllr. Steven Kelly	X	X	X	✓
Cllr. Robby Misir	X	X	X	✓
Cllr. Eric Munday	X	X	X	✓
Cllr. Barry Oddy	X	X	X	✓
Cllr. Frederick Osborne	X	X	X	✓
Cllr. Gary Pain	X	X	X	✓
Cllr. Roger Ramsey	X	X	X	✓
Cllr. Paul Rochford	X	X	X	✓
Cllr. Geoffrey Starns	X	X	X	✓
Cllr. Billy Taylor	X	X	X	✓
Cllr. Barry Tebbutt	X	X	X	✓
Cllr. Frederick Thompson	X	X	X	✓
Cllr. Lynden Thorpe	X	X	X	✓
Cllr. Linda Trew	X	X	X	✓
Cllr. Keith Wells	X	X	X	✓
Cllr. Damian White	X	X	X	✓
<u>RESIDENTS' GROUP</u>				
Cllr. Clarence Barrett	✓	✓	O	O
Cllr. June Alexander	✓	✓	O	O
Cllr. Nic Dodin	✓	✓	O	O
Cllr. Brian Eagling	✓	✓	O	O
Cllr. Gillian Ford	✓	✓	O	O
Cllr. Linda Hawthorn	✓	✓	O	O
Cllr. Barbara Matthews	✓	✓	O	O
Cllr. Ray Morgon	✓	✓	O	O
Cllr. John Mylod	✓	✓	O	O
Cllr. Ron Ower	✓	✓	X	O
Cllr. Linda Van den Hende	✓	✓	O	O
Cllr. John Wood	✓	✓	O	O
<u>LABOUR GROUP</u>				
Cllr. Keith Darvill	✓	✓	✓	X
Cllr. Denis Breading	✓	✓	✓	X
Cllr. Paul McGeary	✓	✓	✓	X
Cllr. Pat Murray	✓	✓	✓	X
Cllr. Denis O'Flynn	✓	✓	✓	X
<u>INDEPENDENT LOCAL RESIDENTS' GROUP</u>				
Cllr. Jeffery Tucker	✓	✓	O	O
Cllr. Michael Deon Burton	✓	✓	O	X
Cllr. David Durant	✓	✓	O	O
Cllr. Mark Logan	✓	✓	O	O
TOTALS				
YES	21	21	5	31
NO	31	31	32	6
ABSTAIN/NO VOTE	1	1	16	16
DECLARATION OF INTEREST/NO VOTE	0	0	0	0
ABSENT FROM MEETING	1	1	1	1
	54	54	54	54

IN FAVOUR ✓

AGAINST X

NOT VOTING O

ABSENT A

INTEREST DECLARED ID

GOVERNANCE COMMITTEE

7

SUBJECT: PETITIONS SCHEME – amendment to incorporate ePetitioning

- 1 Provisions of the Local Democracy, Economic Development and Construction Act 2009 require the Council to adopt a Petitions Scheme and to provide facilities to enable the public to create, and subscribe to, a petition by electronic means (known as “ePetitioning”). There is a statutory obligation on all local authorities to have an ePetitioning facility in place no later than 15 December 2010.
- 2 The ePetitioning system will allow the following:
 - (a) A member of the public to set up an ePetition
 - (b) Moderation of the ePetition – to ensure that:
 - it relates to a matter relevant to the Council;
 - it is not defamatory, vexatious or otherwise improper;
 - it is time limited, so as to ensure that a point will come where it can be dealt with; and
 - those “signing” it are entitled to do so (so far as that is possible to ascertain)
 - (c) Members of the public who wish to “sign” the petition electronically do so using a valid email address and stating their name, the address in Havering that qualifies them to be able to sign and whether they are a resident, local worker or student
 - (d) Once the time limit has passed and the ePetition has closed, officers to deal with it in accordance with the Petitions Scheme.
- 3 Once an ePetition has been finalised, it will be processed in the same way as a “paper petition”, including – provided the appropriate thresholds are met – debate at the relevant Overview & Scrutiny Committee or full Council. It is anticipated that, eventually, the majority of petitions will be ePetitions rather than the more traditional type, simply because it will be much easier for the public to set up and sign an ePetition.
- 4 A number of providers of computer software have been developing programs for creating and managing ePetitions, both as stand-alone products and as additional facilities within existing software packages covering much larger areas of activity. At this stage, the combination of the newness of ePetitioning and the need to upgrade existing software facilities makes it hard to assess which, if any, of the products on offer is best able to meet the Council’s needs.

- 5 Given the need for something to be in place for 15 December, therefore, as an interim solution, the facilities offered by the company with which the Council currently has a contract for webcasting has been entered into. The Government has recently made available, under the new burdens principles, a grant to meet the costs of the new burdens associated with the petitions duty. That sum, £15,695, is more than sufficient to meet the cost of the interim arrangement.
- 6 Subject to agreement at this meeting, it is intended to launch the ePetition facility on 9 December. Introducing the facility requires a minor addition to the Petitions Scheme agreed by Council at the July meeting: an additional section at the end of the Scheme will achieve the necessary change. The Council is invited to approve the following text, to go at the end of the approved Scheme:

Petitions raised and submitted electronically (“ePetitions”)

The Council's website contains a dedicated area that enables petitions to be raised and submitted electronically. Such petitions are referred to as ePetitions.

An ePetition may be raised by going to the Council's website at www.havering.gov.uk/petitions and following the guidance given there.

Any ePetition raised on the website will be assigned a closing date. Once the closing date is reached, no further signatures may be added to it and its processing in accordance with this Petition Scheme will begin.

ePetitions will be treated in exactly the same manner as petitions submitted using more traditional methods. An ePetition may be submitted in place of, or in addition to, a petition on paper (but any individual may sign only an ePetition or a paper petition, not both).

It will be necessary for those signing a petition electronically to confirm that they are qualified to do so, by providing a postal address in Havering where they live, work or study.

All ePetitions raised on the Council's website will be moderated to ensure that they comply with the requirements of this Petition Scheme. The Council reserves the right to refuse to place on the website any ePetition that does not comply with the Scheme.

The Committee **RECOMMENDS to the Council** that the statutory Petitions Scheme be amended, with effect from the launch of the Council's ePetition facility, by adding at the end of the Scheme the additional section relating to ePetitions set out in this report.

REPORT TO COUNCIL

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, was approved by the Council in December 2007 and will expire in January 2011: it is therefore now necessary to carry out the second triennial review.

At its meeting on 17 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 following bodies were consulted on the draft statement went for consultation to the following bodies as required by the Act:

- 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

Council, 8 December 2010

- Residents in the borough

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

The consultation period lasted until 30 October 2010. Comments were received regarding the Cumulative Impact policy, CCTV, First Aid 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.

Note: In view of the size of the Statement of Licensing Policy, it has not been reproduced in the printed version of this report. Hard copies have been supplied to each Group Leader and are available in the Members' Resources Room. Further copies can be supplied on request.

The statement is also available electronically on the Council's website and from Committee Administration by email.



Haverling
L O N D O N B O R O U G H

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 due 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 7th January 2011.

Contents

The Licensing Policy Vision Statement	4
Introduction	5
Part 1 The wider picture	10
The Councils Vision	10
The Borough	11
Alcohol Harm Reduction Strategy	12
Other Regulatory Systems	12
Crime reduction and prevention.	13
Development Planning	14
Noise	16
Part 2. Standards of Management	20
The Operating Schedule	20
Safer Clubbing and Drugs	21
Tables, Chairs and Beer Gardens.....	21
Part 3. Specific Licensing Policies	23
Hours	23
Location, Cumulative Impact and Saturation.....	25
Saturation Policy for St Andrews Ward Hornchurch.....	27
Saturation Policy for Romford within the ring road	27
Reviews in Stress areas.....	29
Adult Entertainment.....	30
Children and Licensed Premises.....	31
Temporary Events	33
Large events	33
Enforcement.....	34
Provisional Statements	35
Review of Licences	35
Glossary of Terms	37
Appendix 1	43
Appendix 2.....	7
Appendix 3.....	8
Appendix 4.....	9
Appendix 5.....	10
Appendix 6.....	16
Appendix 7.....	23
Appendix 8.....	30
Appendix 9.....	34

The Licensing Policy Vision Statement

'We want to make sure that Havering offers a wide choice of quality and well managed entertainment and cultural venues within a safe and attractive environment valued by those who live, work and visit here.'

Introduction

- 1.1 The London Borough of Havering, as the Local Licensing Authority (LLA) will be seeking to ensure that licensed premises 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 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.
 - 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. Conditions may be made from a pool of model conditions which applicants and others may draw on as appropriate. 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. Also Members of the Council can make representations and request reviews.

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 Children and Young Person's 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

1.12 The scheme of delegation for licensing decisions is attached as appendix 2

Part 1 The wider picture.

The Councils Vision

2.1 The Corporate Havering Sustainable Community Strategy 2008 provides information on the Council's aims and performance, effectively providing a means for the public to ascertain how the Council is performing. The Council's ambition for Havering is simply to provide our residents with the highest quality of life in London.

This "Living Ambition" is underpinned by five goals:

- Goal for environment: Ensuring a clean, safe and green borough.
- Goal for learning: Achieving excellence in education and learning.
- Goal for towns and communities: To provide opportunities for all from economic, social and cultural activity.
- Goal for value: To deliver high customer satisfaction and a stable council tax and value for money from all sector service providers.
- Goal for individuals: To value and enhance the lives of every individual.

2.2 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 support its achievement.

2.3 The 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.

2.4 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.

The Borough

- 2.5 The London Borough of Havering is a borough with an ancient history and an exciting future. Havering is one of the largest boroughs in Greater London, with a population of around 225,000 (from the last census) and an area approaching 40 square miles, half of which is in the Green Belt. It is located on the periphery of North East London. The area has good road and rail links. To the north and east the borough is bordered by the Essex countryside, to the south by a three mile River Thames frontage, and to the west by the neighbouring boroughs of Redbridge and Barking & Dagenham.
- 2.6 The name 'Havering' devolves from the Royal Liberty of Havering, to which Edward IV granted a charter in 1465. Edward the Confessor was the first notable person to have a connection with the area. He occupied the royal house in the village of Havering atte Bower.
- 2.7 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. There is a Museum in Romford town centre. Leisure facilities are second to none, with three 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 3
- 2.8 As of 31st March 2010 there were 495 premises licences and 50 club premises certificates in the borough. 71 premises licences do not allow sales of alcohol. Many premises are open late at night and contribute to the thriving night time economy of the Borough. The Council was awarded beacon status in 2009 for managing the night time economy. At the time of writing the initial licensing policy the main area of night time economy was Romford town centre but there has been an increase in the number of licensed premises since the Licensing Act 2003 came into force. See appendix 4

The main centres of night time economy are:

- Romford town centre
- Hornchurch town centre
- Upminster town centre

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

- 2.9 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

- 2.10 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
- 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

- 2.11 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.

2.12 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, Hornchurch, Upminster, Harold Hill, Collier Row and Rainham. The safe and sound schemes support the day time economy as well as the night time economy.

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 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.

- 2.13 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.
- 2.14 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 equality, and monitor the policy for any adverse impacts on the promotion of 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.

- 2.15 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.
- 2.16 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.
- 2.17 The local planning authority is a responsible authority and can make representations on applications. However it can only make representations related to the licensing objectives. Nuisance and crime and disorder are shared concerns of planning and licensing.

Planning concerns relating to the character and function of an area and aspects of amenity that fall short of being a public nuisance are outside the scope of the licensing regime.

- 2.18 The operation of a restaurant or café only becomes licensable if it includes the sale of alcohol, or the provision of regulated entertainment, or if it sells hot food or hot drink after 23:00. However, the setting up of premises as a café or restaurant requires planning permission unless it is already in bar or take-away use. The introduction of alcohol sales into a café or of sales of alcohol into a food shop will not require planning permission. If any premises trades later into the night it will not be subject to the need for planning permission unless it has previously been subject to specific conditions limiting its hours.
- 2.19 The introduction of regulated entertainment such as music and dancing will not require planning permission unless they are carried on to the extent that they constitute a change of use. Thus, music and dancing ancillary to its operation as a restaurant will not need planning permission. However, it would need to include regulated entertainment on its premises licence.
- 2.20 The absence of lawful planning use for an activity is not of itself a matter for licensing. The Licensing Sub Committee and the applicants may be informed of the planning status of premises where licences are sought by providing this information in reports. Only in exceptional cases would the Council as the planning authority make representations as a responsible authority. Whether the premises have planning permission or whether a lawful use exists are matters that are taken up separately by the planning authority.
- 2.21 Planning remains the regime that is directed at the development of premises and their overall use. Licensing is the regime that is directed at individual licensable activities and their management. The granting of a planning permission for premises, or finding that a premises enjoy a lawful use, does not constrain the Council as Licensing Authority from considering in detail the licensable activities, their management and conditions appropriate to them.
- 2.22 The Council regards licensing as the most appropriate tool to ensure that the licensing objectives are promoted through premises being properly managed and operated and, where necessary, the number, location and hours of premises being controlled when this cannot be done adequately or appropriately through other legislation. The Council regards licensing as a key means of controlling nuisance and anti-social behaviour, and part of the holistic approach to the management of the evening and night-time economy (revised Guidance, paragraph 1.26, 13.18).

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.

- 2.23 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. The smoking ban has increased the number of complaints about noise from licensed premises. 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.
- 2.24 Havering has a substantial residential population and the Council as the Licensing Authority has a duty to promote the licensing objective of the prevention of nuisance. The Environmental Health Service also has a separate statutory duty to address any statutory nuisance by way of enforcement. In certain areas, the increased concentration of entertainment uses and the longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their businesses. The role of the council as Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the borough including, businesses, workers, shoppers and visitors. It will need to satisfy itself that adequate measures to prevent public nuisance are in place and will be maintained. These principles apply also to events in open air sites.
- 2.25 Playing of music can cause noise disturbance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. The later that music is played, the greater the potential for nuisance. Other major sources of noise disturbance are vehicles collecting customers; the slamming of car doors and the sounding of horns resulting from congestion and pressure for on-street parking space and the servicing of premises. These noises can be particularly intrusive at night when ambient noise levels are lower. Other impacts include:

noise from customers smoking, drinking, and eating in the open-air, the servicing of premises and noise and smells from ducts and ventilation equipment. There are similar issues that apply to the operation of events at open air sites.

- 2.26 Residents are often subjected to noise disturbance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is “high spirits”. It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of disturbance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.
- 2.27 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.
- 2.28 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to
- a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
 - b) limit the escape of noise from the premises or open air site
 - c) restrict noise emissions to levels below that which could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
 - d) minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it
 - e) minimise and control noise from staff, contractors and suppliers and their activities
 - f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers

- g) contain adequate measures to prevent litter, smells, fumes, dust, tobacco or other smoke, or other emissions and street fouling
- h) minimise light pollution arising from the proposed licensable activity that may cause disturbance to people in the vicinity.

Where eating, drinking and smoking outside premises is applied for, Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to

- (a) Whether people standing or sitting outside premises are likely to cause obstruction or other nuisance.
- (b) Whether the premises are under or near to residential accommodation.
- (c) The hours of the sale of alcohol in open containers or food for consumption outside the premises.
- (d) Measures to make sure that customers move away from outside premises when such sales cease.
- (e) Measures to collect drinking vessels and crockery, cutlery and litter.
- (f) The areas proposed for the consumption of food and alcoholic drink.
- (g) Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not), between certain hours or at all times. There may in addition be particular issues of crime and disorder with regard to outside activities.
- (h) Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials.
- (viii) Whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs.
- (i) Whether late night premises are likely to generate litter. Premises may need to make provision for patrols to clear up litter, taking into consideration the hours of street sweeping.
- (j) Whether queuing is likely and the steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances of neighbouring premises, and to manage the queue to prevent disturbance or obstruction.
- (k) The measures proposed for the management of people leaving premises to smoke and for their readmission; including managing readmissions in relation to any queuing for admission and to measures to ensure that security procedures apply equally to admissions and readmissions.

- (l) Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are necessary.

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 applications. 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, 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.

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 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

Hours

Licensing Policy 012

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated Activities will normally be permitted:

- until 11.30 pm in residential areas
- until 00.30 am in mixed use areas
- No limits in leisure areas.

4.1 This policy applies to all types of premises licences and club premises certificates. It should be noted that the operating schedules must specify both the hours in which premises are open to the customers and the hours when licensable activities are taking place. The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives of preventing crime and disorder and public nuisance. The hours at which noise may occur and the disturbance of resident's rest, relaxation and sleep will be of particular concern. In general, the conditions will be framed to ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.

Licensing Policy 013

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.

4.2 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 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.

4.3 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 014

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.

4.4 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.

4.5 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.

- 4.6 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.
- 4.7 The LLA will normally allow shops, stores and supermarkets to sell alcohol for 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.
- 4.8 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 015

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.

- 4.9 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.
- 4.10 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.
- 4.11 Applications for late night premises in predominantly residential areas will be expected to reflect commitment to a very high standard of management.

Licensing Policy 016

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.

- 4.12 The Guidance to 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 or that it is located in an area which is already 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 each application on its own merits.
- 4.13 Upminster ward which covers Upminster town centre is a stress area. There has been an increase in the numbers of licensed premises in Upminster and over the 5 years since the Licensing Act was implemented there has been a trend for later opening which has been matched by a temporal shift in crime correlating to the later

opening hours. See appendix 5.

- 4.14 After consulting with the police, the LLA is not of the view that this area of the borough requires a special policy where the LLA should have a presumption against the grant of any further licences. The LLA 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.

Saturation Policy for St Andrews Ward Hornchurch

- 4.15 The Council acting as Licensing Authority is applying the special policy relating to cumulative impact as outlined in revised DCMS guidance (paragraphs 13.2-13.39). This area has been identified as under stress because of the cumulative effect of the concentration of licensed premises which has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence for this is set out in Appendix 6

Licensing Policy 017

It is the LLA's policy to refuse applications in the St Andrews ward area for pubs and bars; late night refreshment premises offering hot food and drink to take away; off licences; and premises offering facilities for music and dancing other than applications to vary hours with regard to Licensing policy 012.

Saturation Policy for Romford within the ring road

Licensing Policy 018

It is the LLA's policy to refuse applications in Romford within the ring road for pubs and bars, late night refreshment premises offering hot food and drink to take away, off licences and premises offering facilities for music and dancing other than applications to vary hours with the regard to licensing policy 012

- 4.16 The Council acting as Licensing Authority is applying special policies relating to cumulative impact as outlined in revised DCMS guidance (paragraphs 13.2-13.39). These areas have been identified as under stress because of the cumulative effect of the concentration of licensed premises which has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence for this is set out in Appendix 7 and 8

- 4.17 The LLA will apply these policies flexibly. It will always consider individual circumstances of each application, even where an application is made for a proposal that is contrary these policies.
- 4.18 It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the LA will consider the reasons underlying the Stress area special policies on cumulative impact.
- 4.19 The LLA will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed. This is expected in the conduct of all licensed premises.
- 4.20 The Licensing Authority's policies, in relation to the Stress Areas, are directed at the global and cumulative effects of licences on the area as a whole. Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Exceptions to the Stress Area policies to refuse certain types of applications must be for genuinely exceptional reasons. Thus any list of circumstances where exceptions may be granted is not definitive. One example might be a proposal to transfer an operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives. In order for this to be treated as a consideration justifying an exception to policy, the Council will need to be satisfied that the necessary legal mechanisms are in place to ensure that the original premises licence will cease to be operable and cannot be transferred once surrendered. In considering whether there is likely to be less detrimental impact, the Licensing Authority will consider the actual operation of the premises which it is proposed should close, and it will take into account any future proposals which would affect the continued operation of those premises. Another example would be the substitution of existing licensable activity at the premises with licensable activities which would have less impact on the area and would be more likely to further the licensing objectives. Similarly, the reduction in the capacity of a premises or a reduction in hours of operation might be a reason for an exception to policy. The police have found the reduction in capacity to be a proven method of promoting the licensing objectives in relation to the prevention of crime and disorder.

Reviews in Stress areas.

- 4.21 Existing premises licences that have a negative impact on the licensing objectives contribute to cumulative impact, and this may be reduced if appropriate steps are taken on reviews of individual licences that are creating particular problems.
- 4.22 The Government's revised Guidance on reviews (Paragraph 11.6) states that "After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should *generally* not be regarded as a relevant representation *unless* it can be positively tied or linked by a causal connection to a particular premises which would allow for a proper *review* of its licence or certificate". (Italics added by the Council.) The Government's revised Guidance 13.35 states "Special policies should never be used as *a ground for revoking* an existing licence or certificate when representations are received about problems with those premises. The "cumulative impact" on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, "cumulative impact" relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary." (Italics added by the council.)
- 4.23 Taking revised Guidance into account, and also the continued existence of some serious problems of nuisance in the Stress Area, the Licensing Authority may, in determining reviews of individual premises licences in a Stress Area, take into account the fact that the premises are in an area of special policies on cumulative impact, when considering what steps are appropriate to take to promote the licensing objectives. The fact that premises are in an area where special policies on cumulative impact apply cannot of itself be the grounds for revoking a licence on review. However, in deciding what steps it should take to promote the licensing objectives, the Licensing Authority will take into account the effect the premises licence and its operation have on the licensing objectives, within the context of the underlying reasons for the designation of the area as one where for special policies on cumulative impact will apply.

Adult Entertainment

Licensing Policy 019

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 020

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.

- 4.24 The LLA considers adult entertainment to include activities such as topless waitressing, striptease and table dancing or any activity performed partially clothed or naked.
- 4.25 The Policing and Crime Act 2009 applies to adult entertainment and the London Borough of Havering will be adopting a policy in relation to adult entertainment. However where there are exemptions under the Police and Crime Act the Licensing policy will apply. The activities may 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 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 021

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.

4.26 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.

4.27 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.

4.28 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.

4.29 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.

4.30 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.

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

4.32 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 022

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.

- 4.33 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.
- 4.34 Although the statutory legal minimum time required for notification of a temporary 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 023

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.

- 4.35 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.

- 4.36 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 Licensing@havering.gov.uk

- 4.37 The Council is fully committed to a safe and successful Olympic and Paralympic games in London 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 2010 until October 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is the London Borough of Havering's policy that such applications will not be granted.

Enforcement

Licensing Policy 024

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.

- 4.38 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.
- 4.39 Enforcement action will be taken in accordance with the principles of the *Cabinet Office's Enforcement Concordat* and the Council's Enforcement Policy. The LLA will work closely with the Police and fire authority and other agencies to ensure that these powers are

effectively used where necessary for the promotion of the licensing objectives.

Provisional Statements

Licensing Policy 025

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.

- 4.40 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.
- 4.41 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.
- 4.42 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 026

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.

- 4.43 The power to review premises licences represents a crucial protection for the community, especially with regards to the promotion of the four licensing objectives.
- 4.44 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 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. Action plans will be used to try to resolve problems at an early stage. 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.
- 4.45 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.

- **Adult entertainment.** It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- **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
- **Children.** There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over. The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00. Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence. In Section 20, for the purposes of the exhibition of film, children means persons under 18.
- **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.
- **Combined use premises** Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e. ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public

house/restaurant; bar/performance venue, etc. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

- **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.
- **Interested party** Residents and businesses in the vicinity of premises where an application for a premises licence or a qualifying club certificate has been made or an application for a variation to an existing premises with a premises licence or a qualifying club certificate. (See Section 13, Licensing Act 2003). Following The Police and Crime Act Councillors can be interested parties in their own right.
- **Karaoke** Singing by members of the public to musical backing or accompaniment. Usually involving pre-recorded music and numbers of members of the public singing in series.
- **Late night refreshment premises** A person providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises. (Schedule 2, Licensing Act 2003).
- **Leisure area** An area which is dedicated for leisure activities and does not contain any residential premises.
- **Licensable activities** Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (Council) include the following:
 - (a) the sale by retail of alcohol
 - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
 - (c) the provision of regulated entertainment
 - (d) the provision of late night refreshment.
- **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 premises to another, allowing greater flexibility. It ends the outdated regime where publicans are tied by licence to the premises they manage.

- **Qualifying club** These clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been “licensed”; they have registered with the magistrates’ courts having established that they qualify to be treated exceptionally. The 2003 Act preserves this special treatment and requires the club to “qualify” to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority. A qualifying club will normally be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them. Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

- **Regulated entertainment** Includes both entertainment and the provision of entertainment facilities. Subject to qualifying conditions, definitions and exemptions as set out in Schedule 1 of the Licensing Act 2003, where the following regulated entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience. This includes:
 - a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - a boxing or wrestling entertainment (indoors and outdoors)
 - 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.

There are important exemptions in Section 177 of the Licensing Act 2003 for small premises with a capacity certificated or recommended by the fire authority of not more than 200. If a premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provision of “music entertainment” (live music or dancing). If the premises are used primarily for the consumption of alcohol on the premises, and if the premises have a capacity limit of up to 200, any conditions relating to the provision of the music entertainment imposed on the licence by the Licensing Authority, will be suspended, except where they were imposed as being necessary for public safety or the prevention of crime and disorder. In addition, if a premises licence or club premises certificate authorises the provision of music entertainment (live music and dancing), and the premises have a capacity limit of up to 200, during the hours of 08.00 and midnight, if the premises are being used for the provision of unamplified live music but no other regulated entertainment, then any conditions imposed on the licence by the licence authority, which relate to the provision of that music entertainment will be suspended. These exemptions can be dis-applied in relation to any condition of a premises licence or club premises certificate following a review of the licence or certificate.

- **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. 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).
- **Security Industry Authority (SIA)** The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at www.the-sia.org.uk
- **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.

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
- 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.

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 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.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

- M5. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following: activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

M6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

M7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

M8. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply

in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

M9. (1)The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2)The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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 Young Persons 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.
- 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 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.

CD11 All drinks in glass bottles are decanted into polycarbonate vessels at the bar servery area prior to supplying it to the customer.

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.

CD12 No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage. Drinks for consumption outside of the premises 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.

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

CD13 The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed [number].

CD14 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

CD15 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.

CD16 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.

- CD17 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
 - Operational requirement.
 - Incident log.
 - Maintenance records including weekly visual checks.
- CD18 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.
- CD19 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.
- CD20 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.
- CD21 A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

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.

- CD22 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.
- CD23 The Designated Premises Supervisor shall hold a National Certificate of Drugs Awareness qualification, run by the BII or similar accredited body.
- CD24 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-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.

- CD25 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.
- CD26 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.
- CD27 [*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)].
- CD28 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.

- CD29 No audience participation shall be permitted
- CD30 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”**
- CD31 Performers shall be aged not less than 18.
- CD32 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.
- CD33 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.
- CD34 There shall be no physical contact between dancers whilst performing.
- CD35 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 recordings shall be kept available for a minimum of one calendar month with date and time stamping.
- CD36 Recordings shall be made available to an Authorised Person of the Licensing Authority or Havering Police together with facilities for viewing.
- CD37 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.
- CD38 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.
- CD39 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.
- CD40 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.

- CD41 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.

- CD42 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.

- CD43 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
[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. (A trained first aider is someone who holds a current first aid at work certificate. The training to have been approved by the HSE.)
- 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 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 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.

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.

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 noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- PN2 The premises shall be arranged to minimise the risk of noise nuisance to nearby properties.
- PN3 A Sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of the authorised officer of the Public Protection service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of the authorised officer. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement of the Public Protection service.
- PN4 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. No regulated entertainment may take place until the LLA provide written confirmation that the work has been completed to the LLA's satisfaction.
- PN5 A [*sound trap lobby / acoustic door / automatic door closer*] shall be installed to [*describe the location*].
- PN6 [*Openings / specify*] in the external fabric of the premises must be

- acoustically sealed to the satisfaction of the Licensing Authority.
- PN7 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.
- PN8 An alarm shall be fitted to [all external windows / fire doors] which alerts staff when [they / it] are opened without authorisation.
- PN9 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 and a written record of such testing shall be maintained on the premises.
- PN10 No music or speech shall be relayed via external speakers other than for events with the prior written approval of the Licensing Authority.
- PN11 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.
- PN12 The [*garden / patio*] must not be used by customers after the hours of [*hh:mm*] and [*hh:mm*].
- PN13 Entertainment is to be held internally only and no music or speakers shall be provided to external areas of the premises.
- PN14 No inflatable play equipment shall be used without the prior written agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
- PN15 The [*car park/ garden*] shall be managed to ensure that it is not used for [*ball games /skateboarding/ other noisy recreational activities*]
- PN16 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*].
- PN17 Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between [*hh:mm*] and [*hh:mm*].
- PN18 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.

PN19 The Designated Premises Supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all Regulated Entertainment.

PN20 No fireworks or other pyrotechnics shall be used other than with the prior written consent of the Licensing Authority.

PN21 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.

PN22 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.

PN23 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 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

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.

CDGPG1 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 A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card, such as a driving licence or passport.

CDGPG3 A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card, such as a driving licence or passport.

CDGPG4 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.

CDGPG5 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.

CDGPG6 Prominent, clear notices shall be displayed at every public entrance stating the actual operating hours of the premises.

CDGPG7 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.

CDGPG8 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.

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.

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 A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification card, such as a driving licence or passport.

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

CDGPG14 No single cans or bottles of beer or cider shall be sold at the premises.

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.

CDGPG15 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.

CDGPG16 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.

CDGPG17 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.

CDGPG18 All alcohol served in the public concourse bars shall be supplied in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

CDGPG19 There shall be [*number*] trained stewards positioned in each of the concourse areas while the bar is open for the sale of alcohol.

CDGPG20 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 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.

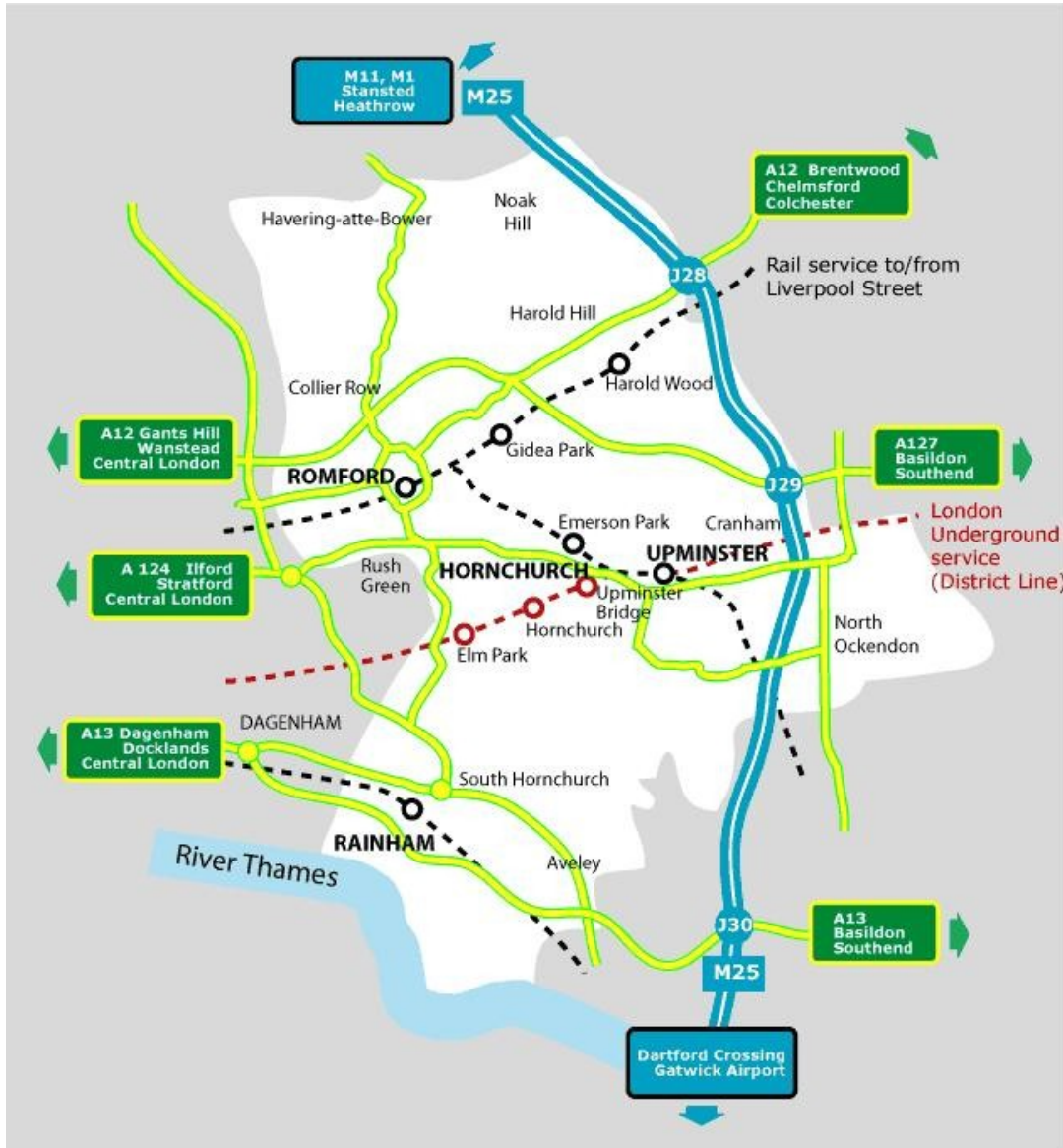
Note: It is recommended that special effects are not used in children's productions. The use of special effects, including smoke, dry ice, rapid pulsating or flashing lights, may trigger allergies or an adverse reaction in some cases.

Appendix 2

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL-COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a representation Made	If no representation made
Application for personal licence, with unspent convictions		If police objection made	All other 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 as designated premises supervisor		If a police Representation	All other 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 representation is irrelevant, frivolous, vexatious, etc			All cases
Determination of a police representation to a temporary event notices		All cases	
Determination as to what constitutes an application for a Minor variation to vary premises license/club premises certificates and determination of such applications			All cases

Appendix 3



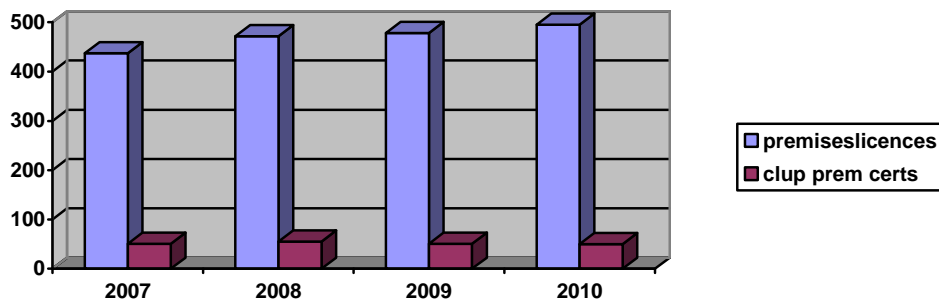
Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office (c) Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Havering 100024327

Appendix 4

Premises licenses and Club premises certificates in London Borough of Havering.

Information from Department of Culture, Media and Sport statistics

	31.3.2007	31.3.2008	31.3.2009	31.3.2010
Total number of premises licences	437	472	478	495
Total number of club premises certificates.	51	55	51	50



Appendix 5

Table showing the changes in number of premises licences and opening hours in Upminster Ward

	2005	2006	2007	2008	2009
On sales					
15.00	1				
20.00		1	1	1	1
22.30		1	1	1	1
23.00	5	5	6	6	6
23.30	1	1	1	1	1
00.00 weekend	3	4	4	5	5
00.00	16	15	13	14	13
00.30 weekend				1	1
01.00 weekend	1	3	5	5	6
01.00		1	1	1	1
Off sales					
20.00			1	1	1
22.00				1	1
23.00	7	8	8	9	11
Total no premises licenced for alcohol sales	34	39	41	46	48

Metropolitan Police Analysis for Upminster ward

This analysis will include temporal analysis on the locations across the 3 financial periods with the aim of showing the affected times at each of the locations during the period. This will help with examining if alcohol has played a factor in violent crime, with violent crime involving alcohol on Borough predominantly seen between the hours of 2000-0200 on Friday and Saturday evenings.

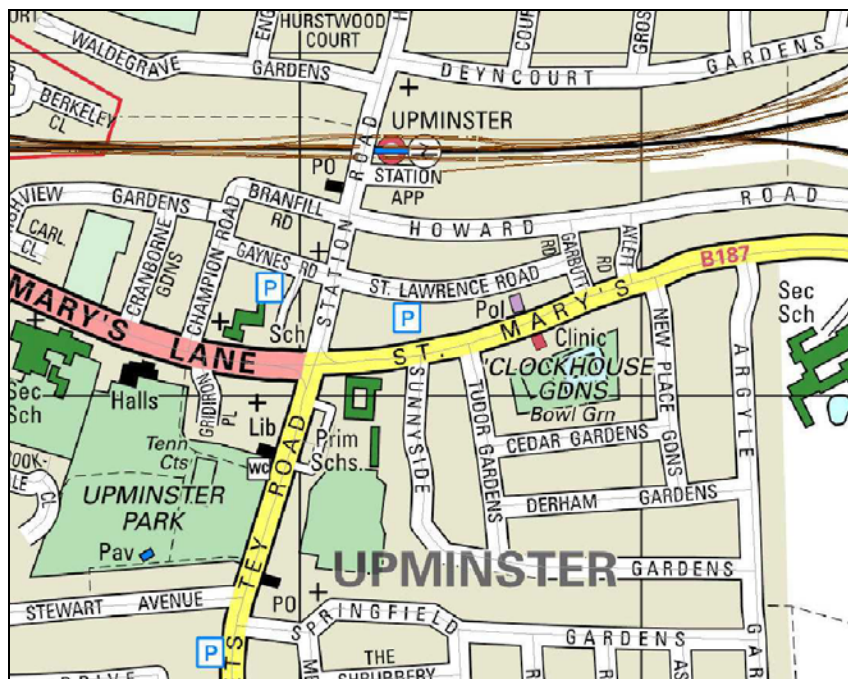
The offence types that will be focused on in the mapping and temporal analysis are as follows:

- Common Assault
- Actual Bodily Harm
- Grievous Bodily Harm and Wounding

- Public order offences (threatening/insulting words/causing alarm and distress) s4 and s5 Public Order Act (POA)
- Affray – s3 POA
- Assault on police
- Violent disorder – s2 POA

This profile will also include offences of domestic violence as a predominant amount of alcohol related offences are domestic violence related offences.

Map of location:



Upminster as a location has a number of alcohol serving venues in close proximity to each other along with fast food restaurants, restaurants and off licenses. All of these are also within walking distance to the park attracting youths to the area, and encouraging drinking within the park.

Upminster as a location has the potential to follow in the footsteps of Hornchurch with the number of licensed premises continuing to rise year on year at the location.

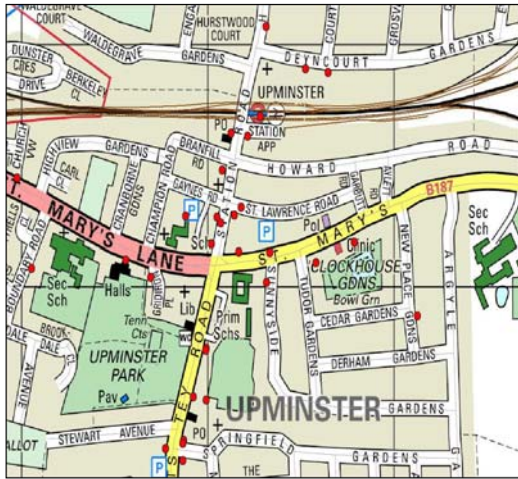
Licensed premises at the location have continued to develop in a similar way to Hornchurch in that there has been an increase of licensed premises year on year. The number of licensed premises at the location has now reached 48 premises, this is around the same number (2 more) than Hornchurch had in 2005. If this trend continues then in a few years Upminster will be at the same

level of premises as Hornchurch and will probably have the same violent crime problem as being seen currently in Hornchurch.

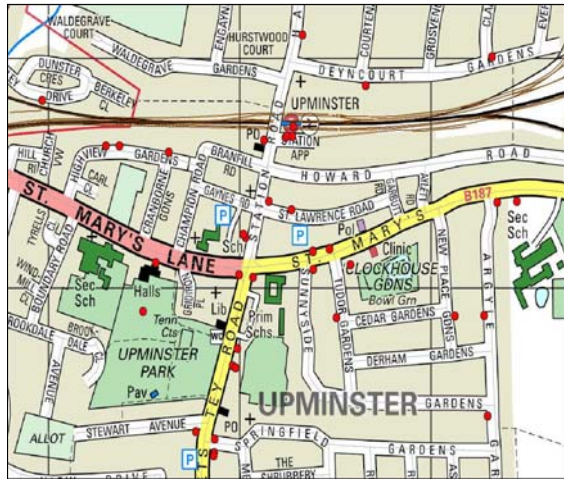
Summary of Upminster:

	Offences
01/04/2007-31/03/2008	36
01/04/2008-31/03/2009	42
01/04/2009-31/03/2010	38
01/04/2010-31/05/2010	4

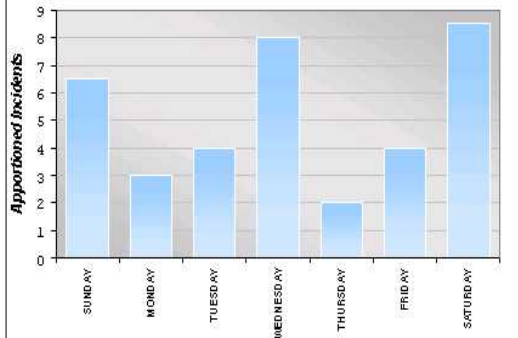
2007/8



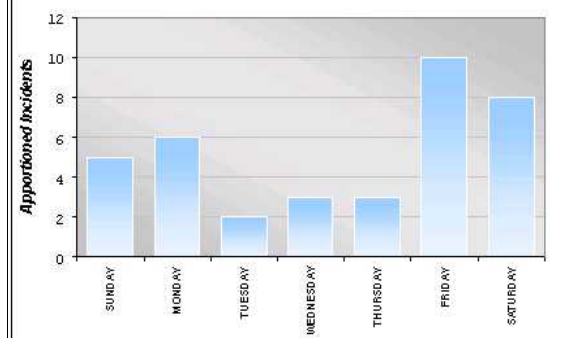
2008/9



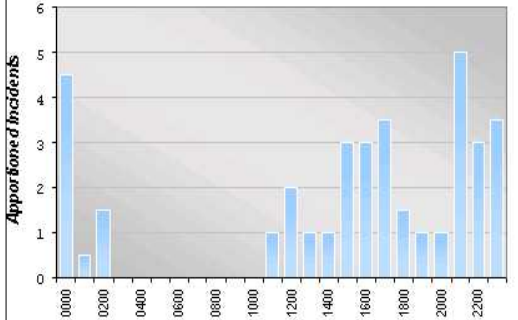
Temporal Distribution of Crime (by Day)



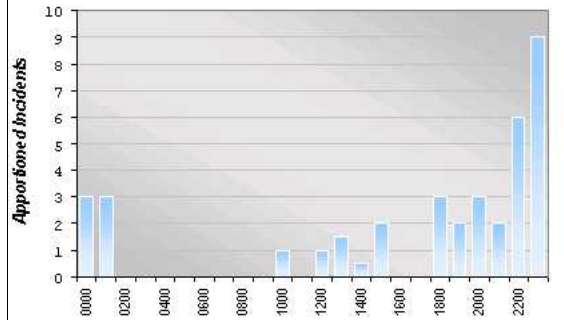
Temporal Distribution of Crime (by Day)



Temporal Distribution of Crime (by Hour)

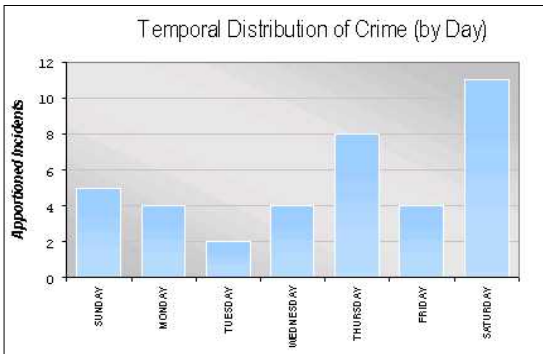
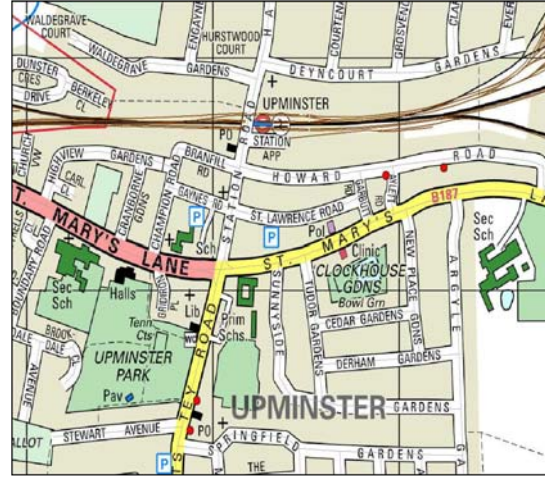
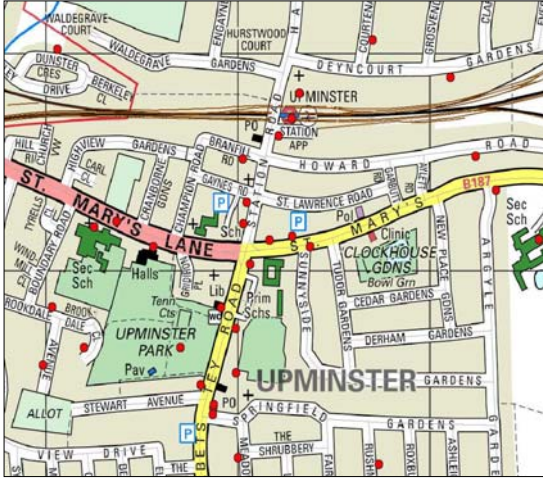


Temporal Distribution of Crime (by Hour)

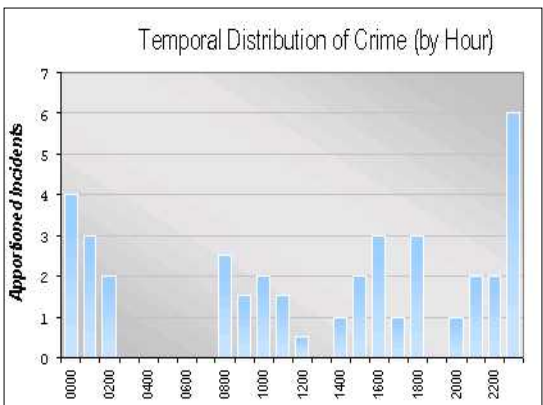


2009/10

2010 April/ May



Not Enough Data For temporal analysis



From the map above it can be seen that the crime in Upminster is centralised around the junction of St Mary's Lane / Corbets Tey Road and Station Road with

the number of offences varying year on year (although remaining at similar levels).

Although the number of offences has remained relatively consistent the number of licensed premises has continued to rise with the popularity of the area continuing to increase due to the large numbers of restaurants and bars at the location. If this continues to increase the number of people attending venues at the location will undoubtedly increase and may well enhance the potential for violent crime at the location.

The temporal analysis of the offences at the location year on year shows that Saturday has been the most affected by violent crime across the three financial years, analysis of the times of offences shows a similar pattern to that experienced in Romford town centre (the main hotspot for alcohol fuelled violent offences) between the hours of 2000-0200 hours with this peak most evident in the financial year 01/04/2008 – 31/03/2009 when 83% of offences took place between the hours of 1730-0130 with over 40% of offences between the hour of 2200-2300.

Upminster currently has 8 premises with license to serve alcohol past midnight and 13 premises with license conditions to serve alcohol up until midnight, this can partially help to explain the temporal analysis of offences 83% of offences taking place close to the closing times of the licensed premises at this location.

Appendix 6

Table showing the changes in number of premises licences and opening hours in St Andrews Ward Hornchurch

	2005	2006	2007	2008	2009
On sales					
23.00	9	6	8	8	8
23.30			2	2	2
23.30 weekend	1	1	1	1	1
00.00	9	9	9	8	9
00.00 weekend	7	7	7	8	10
00.30	1	1	1	1	1
00.30 weekend	3	5	5	4	5
01.00					1
01.00 weekend	6	8	9	10	9
02.30 weekend				1	1
Total on sales	36	38	42	43	47
Off sales					
20.00		1	1	1	1
21.00		1	1	2	2
22.00		2	2	2	2
23.00	6	7	7	9	11
23.30	1	1	1	1	1
00.00		3	3	3	3
Total off licences	7	15	15	18	20
Late night refreshment					
23.30					
00.00	3	3	3	3	3
01.00			1	1	1
Total late night refreshment	3	3	4	4	4
Total	46	56	61	65	71

St Andrews Ward



Metropolitan Police Analysis for St Andrews Ward Hornchurch

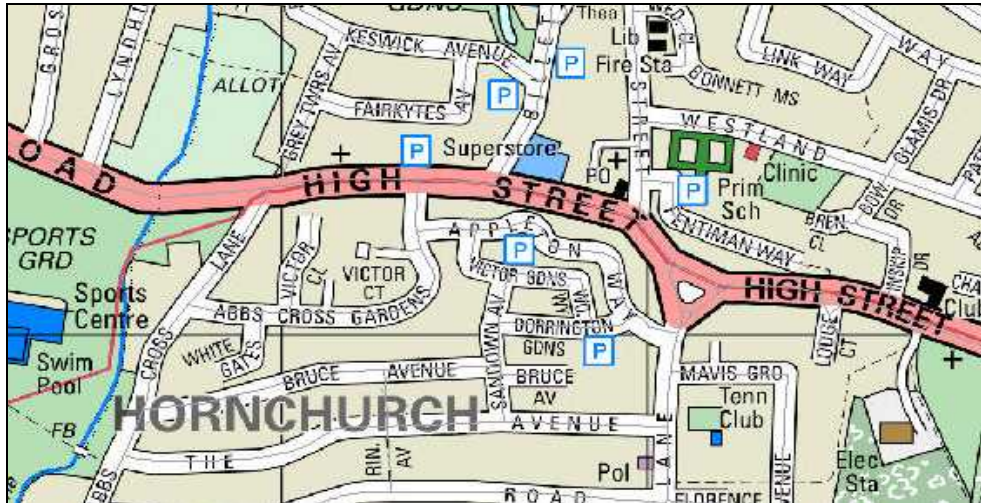
This analysis will include temporal analysis on the locations across the 3 financial periods with the aim of showing the affected times at each of the locations during the period. This will help with examining if alcohol has played a factor in violent crime, with violent crime involving alcohol on Borough predominantly seen between the hours of 2000-0200 on Friday and Saturday evenings.

The offence types that will be focused on in the mapping and temporal analysis are as follows:

- Common Assault
- Actual Bodily Harm
- Grievous Bodily Harm and Wounding
- Public order offences (threatening/insulting words/causing alarm and distress) s4 and s5 Public Order Act (POA)
- Affray – s3 POA
- Assault on police
- Violent disorder – s2 POA

This profile will also include offences of domestic violence as a predominant amount of alcohol related offences are domestic violence related offences.

Map of Location:



Hornchurch has a number of violent crimes in and around Hornchurch High Street. This location is fast becoming a mini-Romford Town Centre with bars, pubs and restaurants at the location. It is also a hotspot for violent crime which may be attributable to a number of premises having late night licenses allowing for more drinking time at the location.

There has been a gradual increase in the number of licensed premises over the past few years with a total now of 71 licensed premises at the location with 47

premises having an on sales license with 17 of those having a license to serve alcohol past midnight.

The problem at the location has now got to the point that additional resources have been deployed into the area on a Friday and Saturday evening using valuable police resources to try and prevent violent crime from occurring. -There are also a number of licensed premises at the location, which have had a negative impact on violent crime.

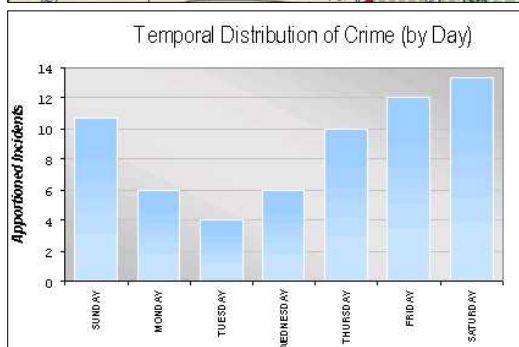
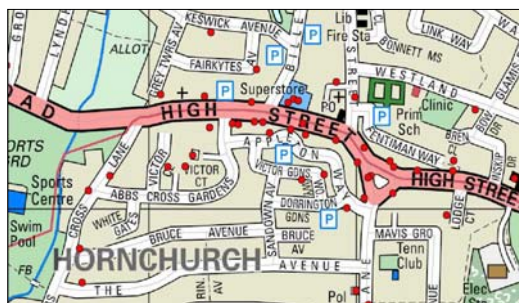
Two premises have together acted as catalysts for violent crime already accounting for a total of 22 violent crimes on the premises since the 01/01/2010.

There are also a number of other premises at this location that have experienced violent offences in the past on a regular occasion, all of which have previously had a negative impact on violent crime at this location.

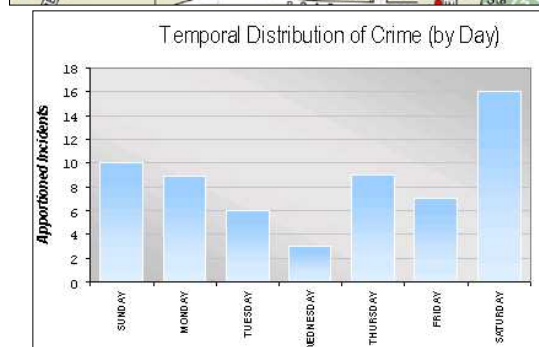
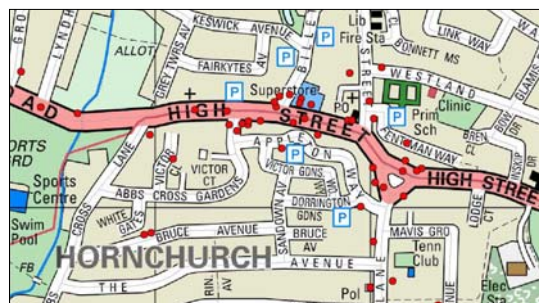
Summary of Hornchurch:

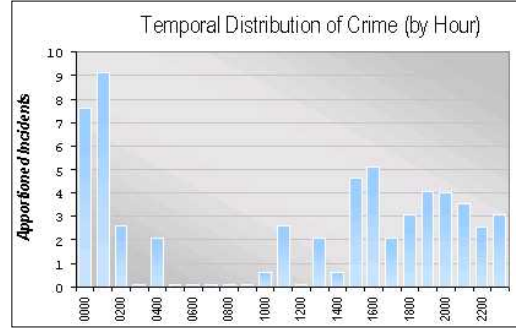
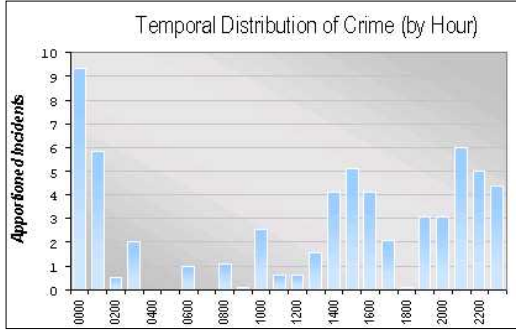
	violent offences
01/04/2007-31/03/2008	62
01/04/2008-31/03/2009	63
01/04/2009-31/03/2010	83
01/04/2010-31/05/2010	24

2007/8



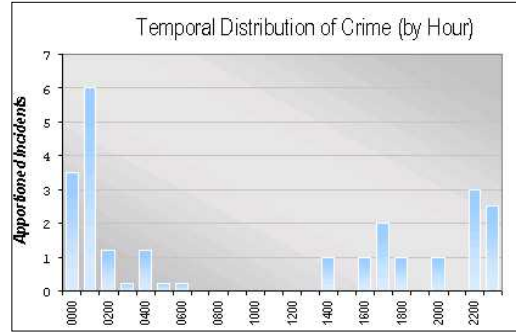
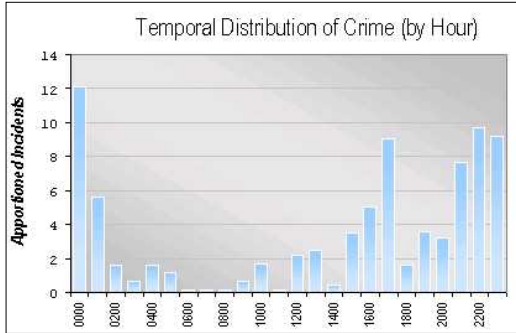
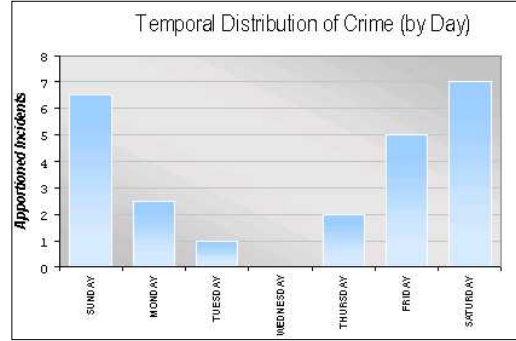
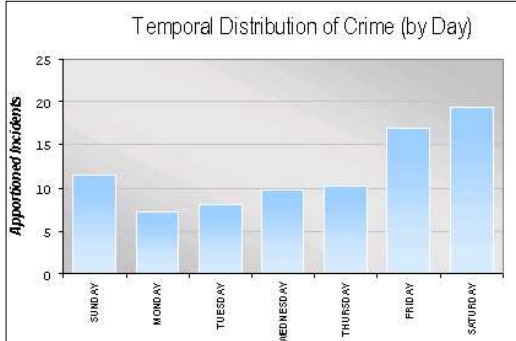
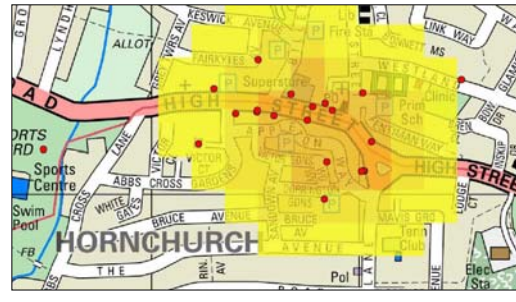
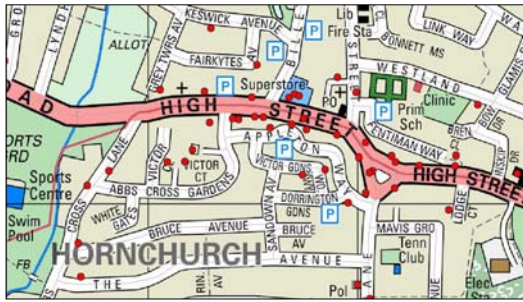
2008/9





2009/10

2010 April /May



The violent crime problem in Hornchurch is fast becoming a major concern, the number of offences at the location increased significantly in the financial year 01/04/2009-31/03/2010 with an increase of over 20 offences when compared to the previous financial year. What is concerning is the period of the 01/04/2010-31/05/2010 when there have been a total of 24 offences in a 2 month period, if the levels continue at this rate straight projections show that offences will total 144 offences, an increase of 61 offences or a percentage increase of 71%.

Temporal analysis for Hornchurch shows that over the three-year period the peaks have remained consistent with peaks seen between the hours of 2000-0300 with the most recent chart being the most concerning with 83% of offences between the hours of 1730-0130.

When examining the most recent offences more closely those suspects offending in Hornchurch have been drinking at various venues at the location and are offending due to intoxication. Currently on Borough in an attempt to combat this, duty officers are required to conduct license premises visits to ensure that license conditions are being complied with. It is hoped will also reduce the likelihood of those visiting the venues being disorderly or going on to commit violent crime. This is however, a police intensive solution taking up valuable police resources in an attempt to tackle violent crime.

If the number of licensed premises at the location continues to increase the amount of resources that this location will take up will also continue to increase with valuable resources being diverted from other parts of the borough.

On closer examination to prevent skewed data, an examination of the data was made for the periods of 01/04/2007 – 31/05/2007, 01/04/2008 – 31/05/2008, 01/04/2009 – 31/05/2009 to be compared to the data of the 01/04/2010 - 31/05/2010 to ascertain if this large number of offences is a regular occurrence for this time of year or if it was in fact a large increase.

The data breaks down to the following:

01/04/2007 – 31/05/2007 – 9 offences

01/04/2008 – 31/05/2008 – 14 offences

01/04/2009 – 31/05/2009 – 12 offences

And more recently – 01/04/2010 – 31/05/2010 - 24 offences

This is worrying because it appears that there is an increase in offences when compared to the previous year is a 100% increase for this period.

Other factors that have a negative impact on the location are a fast food take away, Harrow Lodge Park and the off licences at the location. The off licences are of concern as a number of Computer Aided Dispatch (CAD) calls have been received by members of the public complaining in regards to drinking in the park by youths. If this is a regular occurrence then violent crime will also increase at the location involving younger people as well as those frequenting the alcohol serving venues.

The number of licensed premises at the location has also continued to increase, in 2007 there were 61 licensed premises at the location. In 2009 there were 71 giving an increase of 10 licensed premises. As the number of licensed premises at the location has increased the number of violent crimes at the location has also appeared to increase with a jump of 20 offences in the financial year 2008 – 2009. when an additional 6-licensed premises appeared at the location.

Conclusions:

This profile has clearly identified Hornchurch as an upcoming problem for violent crime. It appears that licensed premises are having a negative effect. At this location as licensed premises have increased so too have violent offences. We are therefore concerned that if licensed premises continue to increase at this location so too will violent crime.

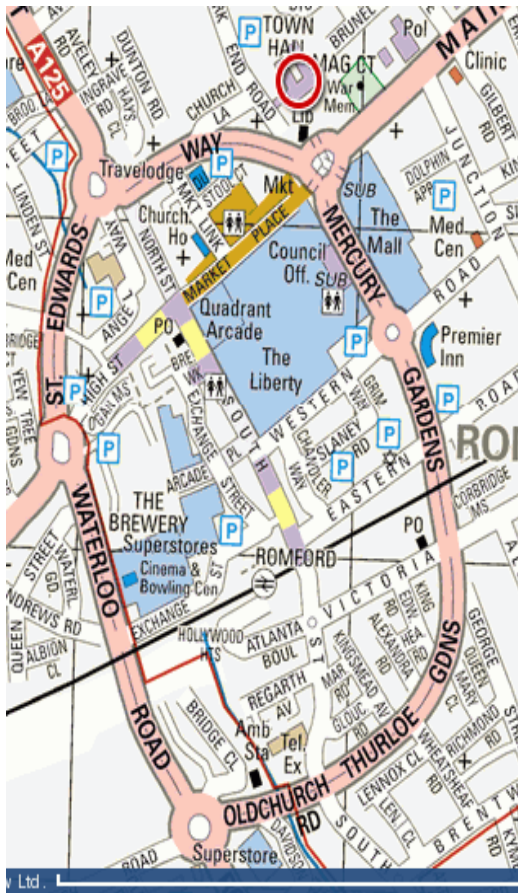
In order to prevent an increase in violent crime it is recommended that the number of licensed premises at this location should not be allowed to increase. This location is already having a negative affect on Borough using valuable police resources in an effort to try and prevent violent crime at this location. If violent crime continues at the rate experienced so far this year at this location an increase of over 70% year on year will be seen. This particularly large increase cannot be seen in any other part of the Borough.

Appendix 7

Number of licenced premises in Romford within the ring road showing the latest opening time.

	2005	2006	2007	2008	2009
On sales					
20.00	1	1	1	1	1
22.30			1	1	2
23.00	6	6	5	3	4
00.00	17	17	16	16	15
00.30	1	1	1	1	1
00.30 weekend	3	3	2	2	1
01.00	2	2	2	2	2
01.00 weekend	2	2	3	3	3
02.00	2	2	3	3	3
02.00 weekend	3	3	4	4	5
03.00	2	2	2	2	5
04.00	1	1	1	1	1
04.15	1	1	1	1	0
05.00	1	1	1	1	0
Total on sales	42	42	43	42	43
Off sales					
17.00				1	1
18.00				2	2
22.00			1	1	1
22.30	1	1	1	1	1
23.00	13	12	12	11	12
00.00	1	2	2	2	2
Total off sales	15	15	16	18	18
Total	57	57	59	60	61

Map of area



The LLA has relied heavily on the Metropolitan Police data set out below.

Romford town centre as a location has historically been the hotspot for violent crime within Havering with offences traditionally taking place predominantly along South Street where a large proportion of the bars/pubs and clubs have late night licenses.

Romford town centre has become a location with a thriving night time's economy, a location where in addition to locals a large number of people visit on a Friday and Saturday evening from surrounding areas.

There are a number of maps and charts set out below analysing the incidence of violent crime on a geographical and temporal basis. The offences being analysed are the same as set out in Appendix 6 in relation to Hornchurch

These show that Romford town centre is a hotspot for violent crime which is attributable to a combination of factors including:

- the large number of licensed premises
- the large capacity
- the large number of customers
- the late hours
- the potential for customers to become more intoxicated because of longer drinking hours
- the direct link between greater intoxication and violent offences

number of premises having late night licenses allowing for more drinking time at the location.

The problem at the location has been evident for many years. For at least the last six months additional valuable police resources have been deployed into the area on a Friday and Saturday evening to try and prevent violent crime from occurring.

In regards to the number of licensed premises at this location they have remained fairly consistent. What has changed however is the licensing times with 5 of the premises now having a closing time of 3am compared to 2 in 2007.

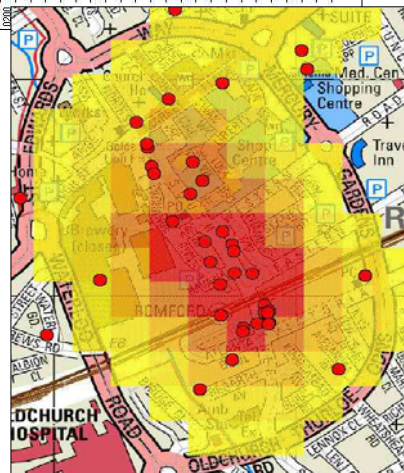
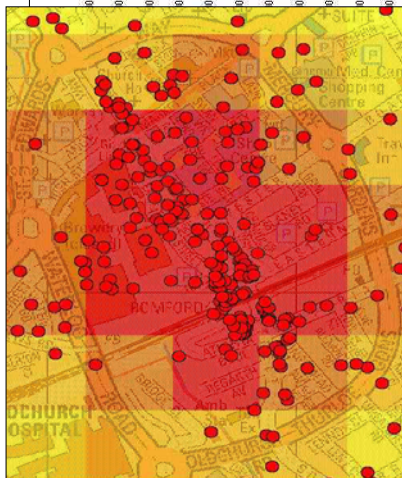
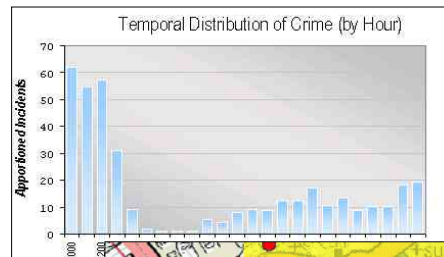
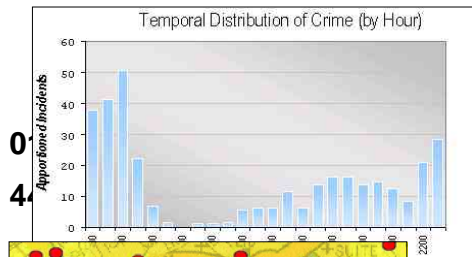
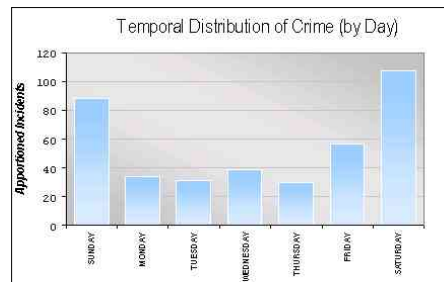
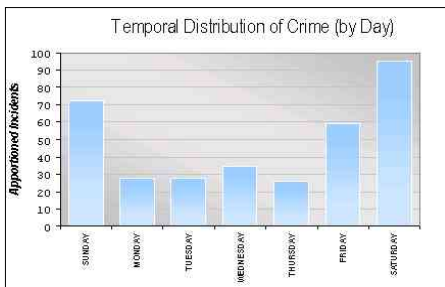
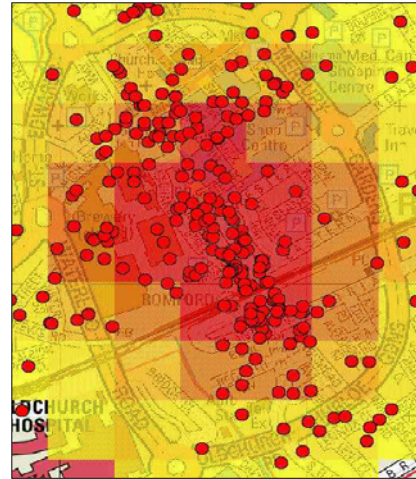
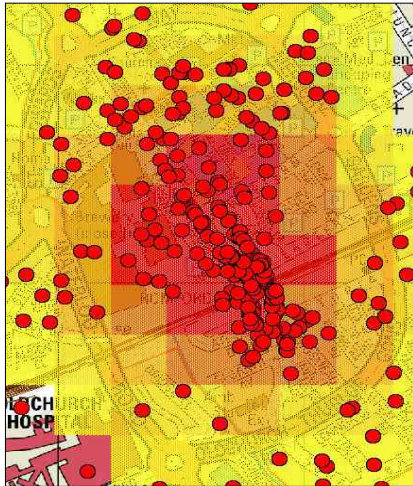
Romford Town Centre:

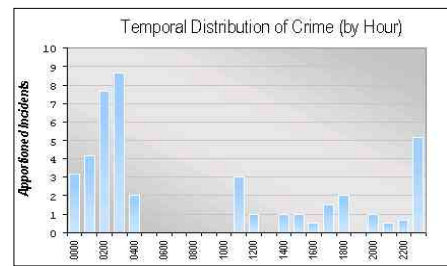
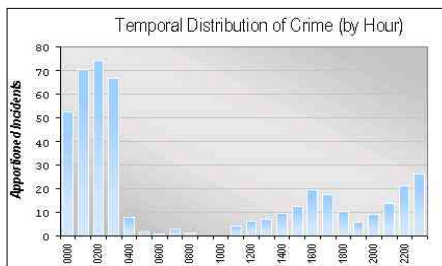
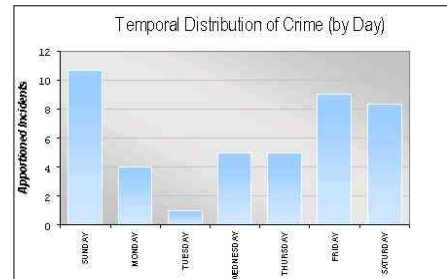
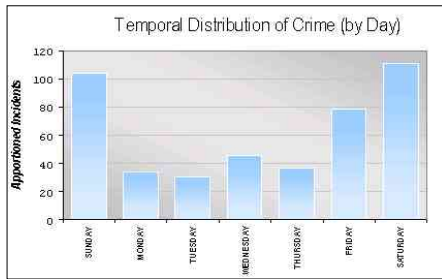
01/04/2007- 31/03/2008

01/04/2008 - 31/03/2009

332 offences

390 offences





Please note: The maps are glowing yellow/orange due to this location showing as a hotspot in Havering for offences during this period. This means that for that period examined, this location had a significantly high number of violent crimes when compared to other surrounding locations on the Borough

Summary of Romford:

Romford Town centre is still being affected by a vast number of violent offences.

In the past 3 financial years the number of violent crimes have gradually increased with the financial year of 2008-2009 showing the largest increase in the number of offences with a jump of 58 offences. The following financial year also sees a large increase in offences with an additional 51 offences creating an increase of over 100 offences within the town centre in 2 financial years. This is a very worrying statistic.

The hotspot maps also show a change in the intensity across the financial years, the intensity of the hotspot is more developed, with more high intensity squares in 2009 than in 2007. This also supports the argument that violent crime in the town centre is increasing.

The start of this financial year (2010) has however shown a slight improvement in overall levels although the peak seems to have shifted to 3am from 2am the previous year and 1am the year before that. If levels continue at the current rate then a significant reduction will be evident at the end of the financial year. This reduction can be partly attributed to the intense police resources placed at the location during the peak days (Friday and Saturday) and at peak times (2200-0300). If this reduction is to be continued a vast amount of police resources will have to be deployed to this location in order to prevent violent crime which has the consequence of restricting the policing capability in the rest of the Borough on these evenings.

In order to assess if this low is usual across the financial years a comparison will be made to the other financial years to ensure that this low is not uniform across the periods.

01/04/2007-31/05/2007 – 74 offences

01/04/2008-31/05/2008 - 70 offences

01/04/2009-31/05/2009 – 79 offences

01/04/2010-31/05/2010 – 43 offences

It can be seen from the figures above that the period of 01/04-31/05 across the financial years was not a low period for the other financial years (pre 2010) with all of the other years experiencing 70 offences per 2-month period.

Temporal analysis across the periods shows a similar picture across the years with a clear peak being seen on Friday, Saturday and Sunday, with Sunday's offences predominantly being spill over from Saturday evening. The temporal analysis also shows that a vast proportion of offences are taking place between the hours of 2300-0400 with over 71% of offences within this time period in this

financial year already. From the charts it can be clearly seen that Romford town centre suffers from a night time problem with very few offences occurring during daylight hours.

There is strong evidence that extended licenses for venues within the town centre have had a negative impact with the temporal analysis charts showing the increasing number of offences occurring at 0300. In 2007 there were approximately 20 incidents at this time. In 2008 there were approximately 30 incidents at this time and in 2009 there were approximately 68 incidents. This clearly shows a substantial increase in offences at this time period.

Conclusions

This profile has clearly identified Romford town centre as a hotspot location in Havering.

Temporal analysis of the offences within Romford town centre clearly shows an upward trend in the number of offences later into the evening and into the early hours of the morning with the number of incidents doubling at this time from 2008-2009.

It is considered that the Romford Town Centre is already suffering because of the significant numbers of licensed premises and the late hours which they enjoy. In order to prevent any further increase in violent crime the number of licensed premises at this location and the hours at which they operate should not increase.

Appendix 8

Useful contact Names and Addresses

• **The Licensing Team**

Public Protection
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**

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

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

• **Childrens and Young People's Services**

London Borough of Havering
Scimitar House
23 Eastern Road
Romford
Essex
RM1 3NH

Telephone: 01708 434343
Main Town Hall Switchboard

- **Building Control**
Mercury House
Mercury Gardens
Romford
RM1 3SL

Telephone: 01708 432700
Fax: 01708 432690

- **The Health and Safety Team**
Public Protection
London Borough of Havering
Mercury House
Mercury Gardens
Romford
Essex
RM1 3SL

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

- **The Noise Team**
Public Protection
London Borough of Havering
Mercury House
Mercury Gardens
Romford
Essex
RM1 3SL

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

- **Town Centre Manager**
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 Section**
1st Floor
Tollgate House
96 Market Place
Romford
Essex
RM1 3EL

Telephone Number: 01708 432028
Fax Number: 01708 432448

- **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

- **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 9

Summary of licensing policy

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

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 equality, and monitor the policy for any adverse impacts on the promotion of 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 12

The LLA is committed to protecting the amenity of residents and businesses in the vicinity of licensed premises. Applications for hours set out below in this policy will generally be granted subject to not being contrary to other policies in the statement of licensing policy. Applications for hours outside the hours listed will be considered on their merits.

Regulated activities will normally be permitted:

- until 11.30 pm in residential areas
- until 00.30 am in mixed use areas
- No limits in leisure areas.

Licensing Policy 013

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 014

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 015

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 016

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 017

It is the LLA's policy to refuse applications in the St Andrews ward area for pubs and bars; late night refreshment premises offering hot food and drink to take away; off licences; and premises offering facilities for music and dancing other than applications to vary hours with regard to Licensing policy 012.

Licensing Policy 018

It is the LLA's policy to refuse applications in Romford within the ring road for pubs and bars, late night refreshment premises offering hot food and drink to take away, off licences and premises offering facilities for music and dancing other than applications to vary hours with the regard to licensing policy 012

Licensing Policy 019

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 020

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 021

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 022

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 023

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 024

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 025

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 026

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.



COUNCIL, 8 DECEMBER 2010

9

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: ADOPTION OF SECTION 16 OF THE LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003

SUMMARY

This report concerns the implementation in the borough of powers conferred by the London Local Authorities and Transport for London Act 2003 to control the crossing of the footway by owners of vehicles wishing to park off street in front gardens etc.

RECOMMENDATION

That the **COUNCIL RESOLVE TO BRING INTO FORCE IN THE BOROUGH** the powers conferred by Section 16 of the London Local Authorities and Transport for London Act 2003 with effect from 1st April 2011.

REPORT DETAIL

Vehicles crossing the footway without the benefit of a duly constructed vehicle crossover can cause damage to the public highway in two distinct ways. In the short term vehicles can cause immediate structural failure to the footway due to overloading. In the long term footways not designed to take the regular passage of motor vehicles will wear quicker if vehicles pass over them, thus significantly shortening their lifespan. Guidance from the Traffic Roads Laboratory used to show that if a pedestrian produced a wear rate of 1, then the average car would produce a wear rate of approximately 1600, i.e. every time a vehicle crosses over the footway this would be the equivalent of 1600 people walking over the same area. Where there are areas of grass verge that are being traversed this can cause mud etc to be deposited over the footway, causing a slipping hazard and increasing the burden on the street cleansing section to keep the streets clean.

Damage to the highway can lead to accidents occurring, not only causing injury to residents but causing liability issues for the Council. Under Section 41 of the Highways Act 1980 the Highway Authority has a duty to maintain the highway. If the Council is aware of vehicles crossing the footway without a duly constructed vehicle crossover and an accident occurs to someone due to damage caused by such action, then the Council could be deemed at least partially liable if it had not acted. There are currently three possible courses of action open to the Council.

- (1) Do nothing – this action does nothing to protect the Highway or negate the Councils liability if an accident were to occur due to damage caused by vehicles crossing over the footway. A “do nothing” option can discourage some residents from applying for a vehicle crossover.
- (2) Write to the resident requesting that they stop driving over the footway, also giving them the opportunity to apply for a vehicle crossover to be constructed. This goes some way to off set the Councils liability, but only in a small way, but does nothing to protect the fabric of the highway if vehicles continue to cross the footway. In the majority of cases this course of action either leads to an application being received, or vehicles stop crossing the footway.
- (3) Issue a Notice under Section 184 Highways Act 1980 requesting that vehicles are no longer taken over the footway. If this Notice is ignored, this gives the Council powers to install a vehicle crossover and recover its costs, either by taking the resident to Court or putting a land charge against the property. The downside to this course of action is that it can tie up a significant amount of Council resources, either in terms of money or Officers time. A typical cost for a vehicle crossover is in the region of £900 to £1200, although in some instances this can be significantly higher. Once the crossover has been installed (on the back of a Section 184 Notice) the Council then has two options, to either take the resident to Court or put a land charge against the property. Taking the resident to Court would not guarantee the Council recovering all its costs. If, for instance, the value of the vehicle being driven over the footway was only £500, then the Courts may not agree that a cost of £1200 is reasonable, not forgetting the associated on costs for taking Court action. Also, rented accommodation would prove even more difficult to recover costs from as the offender may just move on. Putting a land charge against the property is not ideal either, as this then ties up the Councils money until the property is sold, which could be years later.

The proposal is to adopt Section 16 of the London Local Authorities and Transport for London Act 2003, as this would then give the Council a fourth option. Under this Act (see appendix 1) the Council can serve a Notice on the resident requiring them to stop driving over the footway. If the resident ignores this Notice, it then gives the Council the power to carry out works to prevent

mechanically propelled vehicles from being taken across the footway or verge, which would allow the installation of bollards, something that section 184 of the Highways Act does not envisage. The average cost to install a concrete bollard is currently £110, and normally two or three bollards would be all that is required to prevent a vehicle crossing over the footway. Under the 2003 Act the Council can recover its reasonable costs, and as these would be significantly lower than those incurred utilizing Section 184 of the Highways Act 1980, the Council would have more chance of recovering 100% of these. While it is not ideal to clutter the Highway with more street furniture, it would be envisaged that the installation of bollards at a small number of premises and the associated publicity would then encourage residents to either stop crossing the footway without a vehicle crossover or submit an application to have one constructed in the proper form.

Although the Council's Constitution shows that StreetCare already have the delegated powers with regards to of the London Local Authorities and Transport for London Act 2003 (see appendix 2), the powers have yet formally to be brought into force and the Council is request to resolve to do so.

Financial Implications and Risks:

The adoption of this power may result in enforcement monitoring and actions which will be met from existing budgets. The costs of any works under this section would be recovered from the owner or occupier of the premises.

Human Resource Implications and Risks:

There are no direct HR implications arising from this report.

Legal Implications and Risks:

The adoption of this power will usefully increase the powers available to the Council to protect the condition of footways in the borough. While it is possible that affected residents might seek to challenge the issuing of a notice, the likelihood of this occurring is low.

Staff Contact: Austen Gunn Title: Principal Area Liaison Officer

Telephone: 01708 432982

**CHERYL COPPELL
Chief Executive**

Background Papers

None

Appendix 1

Section 16 of the London Local Authorities and Transport for London Act 2003.

16 Vehicle crossings over footways and verges

(1)Where—

(a)the occupier of any premises adjoining or having access to a highway habitually takes or permits to be taken a mechanically propelled vehicle (other than an invalid carriage) across a kerbed footway or a verge in the highway to or from those premises; and

(b)the highway authority—

(i)have not constructed a vehicle crossing for the premises (whether under section 184 of the Act of 1980 or any corresponding earlier enactment or otherwise); and

(ii)have not served a notice under subsection (1) or (3) of that section on the owner and the occupier of the premises,

the relevant authority may serve a notice within the period specified in the notice, being no sooner than 28 days from the date on which the notice is served, requiring the occupier to cease taking or permitting to be taken mechanically propelled vehicles across the kerbed footway or verge.

(2)Nothing in a notice under subsection (1) above shall have the effect of prohibiting the occupier from enjoying the benefit of—

(a)any relevant development of the premises which is authorised by a planning permission granted on an application made at least 8 weeks before the date on which this section comes into force; or

(b)any established or proposed relevant use of the premises, or any relevant operations carried out or proposed to be carried out in, over or under the premises, the lawfulness of which is conclusively presumed under section 191 or 192 of the Town and Country Planning Act 1990 (c. 8) by virtue of a certificate issued on an application made not less than 8 weeks before that date (whether under that section or any corresponding earlier enactment); or

(c)any relevant development of the premises which is permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995 No. 418) (or any corresponding earlier order) and which is carried out before that date.

(3)In determining whether to exercise their powers under subsection (1) above, the relevant authority shall have regard to—

(a)the need to prevent damage to a footway or verge;

(b)the need to ensure so far as practicable, safe access to and egress from premises;

(c)the need to facilitate, so far as practicable, the passage of vehicular traffic in and parking of vehicles on highways; and

(d)the need to prevent obstruction of the footway or verge.

(4)A notice under subsection (1) above shall—

(a)inform the person on whom it is served of his right to object to the notice;

(b)state the effect of subsection (10) below; and

(c)inform that person—

(i)of the relevant authority's powers under section 184(1) or 184(3) of the Act of 1980, as the case may be, to execute works for the construction of a vehicle crossing over the footway; and

(ii)of any reasons why the council would be unlikely to execute such works if requested so to do.

(5)A person on whom a notice is served under subsection (1) above may within 21 days from the date of his being served therewith serve an objection in writing on the highway authority.

Council, 8 December 2010

(6)The highway authority shall consider any objection served under subsection (5) above and, within 21 days from the date of their being served therewith—

(a)serve a notice in writing on the person who served the objection stating that the notice under subsection (1) above shall not be withdrawn; or

(b)withdraw the notice.

(7)A person on whom a notice under subsection (6) above is served may within 28 days from the date of his being served therewith appeal to the county court on any of the following grounds—

(a)that the notice is not justified by the terms of subsection (1) above;

(b)that there has been some defect or error in, or in connection with, the notice;

(c)that the requirement in the notice is unreasonable.

(8)On an appeal to the county court under this section, the court shall make such order as it thinks fit.

(9)A notice under subsection (1) above becomes effective—

(a)in the case where no objection is served under subsection (5) above, at the expiration of the period during which the person served with the notice may serve an objection;

(b)in the case where a notice is served by the council under subsection (6) above, and no appeal is made under subsection (7) above at the expiration of the period during which the person served with the notice may appeal; or

(c)where such an appeal is made and is unsuccessful on the date on which the order of the court is made.

(10)Where a notice under subsection (1) above has become effective, the authority by whom the notice was served may execute such works as may be necessary to prevent mechanically propelled vehicles from being taken across the footway or verge, and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the premises in question.

(11)Where at the time when any works are proposed under subsection (10) above any occupier of the premises in question habitually takes an invalid carriage across the footway or verge at the place where the works are proposed, no works may be executed under that subsection so as to prevent invalid carriages of the same type being taken across the footway or verge at that place.

(12)If a person—

(a)knowingly uses a footway or verge as a crossing in contravention of a notice given under subsection (1) above; or

(b)knowingly permits it to be so used; or

(c)without reasonable excuse removes, damages, alters or defaces any works executed under subsection (10) above,

he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(13)In this section—

- “the Act of 1980” means the Highways Act 1980 (c. 66);
- “highway” means a highway maintainable at the public expense by a borough council or by Transport for London;
- “invalid carriage” means a vehicle constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability;
- “relevant authority” means—
 - (a)

Council, 8 December 2010

a borough council, in respect of any kerbed footway or verge in any highway maintained by them; and

(b)

Transport for London in respect of a kerbed footway or verge in a highway maintained by them;

- “relevant development” and “relevant operations” mean development or operations carried out for the purpose of parking a mechanically propelled vehicle on the premises;
- “relevant use” means use of the premises for the purpose of parking such a vehicle.

Appendix 2

Extract from the Councils Constitution

3.6.3 Head of Streetcare,

- (O) To exercise the Council’s powers and duties relating to abandoned vehicles, parking, vehicle crossings removal of deposits on the highway, cleansing, refuse and litter in the various London Local Authorities Acts and the London Local Authorities and Transport for London Act 2003.



COUNCIL, 8 DECEMBER 2010

11

QUESTIONS

1 FAIRER CHARGING POLICY: CONSULTATION

To the Cabinet Member for Individuals (Councillor Steven Kelly)

By Councillor Linda Van den Hende

Given that consultation on the Fairer Charging Policy appears to have been delayed, can the Cabinet Member confirm that the proposed charges will not be implemented on 1 January 2011 as originally proposed in the Cabinet report of 14 July 2010?

2 STANDARDS COMPLAINT: COUNCILLOR LOGAN

To the Cabinet Member for Community Safety (Councillor Geoff Starns)

By Councillor Jeffrey Tucker

The Government has announced plans to abolish the Standards Board of England by 2012. This is because the Members Code of Conduct has been abused by councillors to wage political vendettas against political opponents, at taxpayers expense, which brings local government into disrepute.

How much, as an estimate, did the complaint by former Councillor Mark Gadd, against Cllr Mark Logan cost in Council time and money?

3 SCHOOL SPORTS PARTNERSHIPS: WITHDRAWAL OF SUPPORT

To the Cabinet Member for Children & Learning (Councillor Paul Rochford)

By Councillor Keith Darvill

What will be the impact on Havering Schools And Colleges of the Coalition Government's decision to withdraw support from the hugely successful School Sports Partnerships?

4 HOUSING BENEFIT CHANGES: MOVEMENT OUT OF CENTRAL LONDON

To the Cabinet Member for Value (Councillor Roger Ramsey)

By Councillor Ray Morgon

As a result of the overhaul of housing benefit payments, would the Cabinet Member confirm what, if any, arrangements the Council has put in place to deal with the anticipated influx of residents moving out of Central London into Havering?

5 ELECTED POLICE COMMISSIONER FOR LONDON

To the Leader of the Council (Councillor Michael White)

By Councillor David Durant

The Administration has said they are in favour of directly elected Police Commissioners. In London the GLA Mayor would fulfil this role.

GLA Mayor Boris Johnson has unfavourably compared the Government's housing benefit changes to the conflict in Kosovo!

Does the Administration believe Boris Johnson would make a good Police Commissioner?

6 CARAVAN SITES ACT LICENCE AND MODEL STANDARDS 2008

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Paul McGeary

In view of the deteriorating condition of the communal facilities at Sunset Drive Park Home Site at Broxhill Road since its sale by the Council will the administration as a matter of priority exercise its powers to enforce Licence Conditions to ensure such communal facilities are maintained and improved for the benefit of residents?

7 NOTIFYING RESIDENTS OF PLANNING APPLICATIONS

To the Cabinet Member for Community Engagement (Councillor Robert Benham)

By Councillor Brian Eagling

The Planning Department recently sent out a letter to the residents of Harold Wood on a 2nd class stamp with incorrect information. They then had to send another letter with the correct information on it - this cost the residents of Havering £683. Would the Cabinet Member confirm how thoroughly correspondence is checked/proof read before being sent out?

8 TENANTS TRANSFERRED TO REGISTERED SOCIAL LANDLORDS – USE OF UTILITIES

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Mark Logan

Are all Council tenants who have had their council dwellings transferred to Registered Social Landlords, the beneficiary of full utilities - the same as what they had prior to transfer?

9 COMPACT PARTNERSHIPS

To the Cabinet Member for Community Empowerment (Councillor Robert Benham)

By Councillor Denis Breading

What proposals have the Administration to form 'Compact Partnerships' consistent with Coalition Government policies?

10 USE OF CONSULTANTS AND EXTERNAL ADVISERS

To the Leader of the Council (Councillor Michael White)

By Councillor Clarence Barrett

Would the Leader set out how much has been spent on consultants/external advisers and in which departments for 2009/10, 2010/11 to date and the projected figure for 2010/11?

11 **LONDON THAMES GATEWAY DEVELOPMENT CORPORATION:
ABOLITION**

To the Cabinet Member for Community Engagement (Councillor Robert Benham)

By Councillor Jeffrey Tucker

When the London Thames Gateway Development Corporation is abolished, how will that impact on the planning process in Havering and Rainham?

12 **DECENT HOME STANDARD FUNDING**

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Denis O'Flynn

Will she make a statement about the prospects for a continuation of Decent Homes Standard Funding for the next 4 financial years and the number of properties in the Borough due to be improved as a result thereof?

13 **TREES OVERHANGING PRIVATE PROPERTIES**

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Ray Morgon

Would the Cabinet Member explain why he allows residents properties to sustain damage as a result of trees overhanging their properties?

14 **VILLAGE GREEN APPLICATIONS: HOLDING OF PUBLIC INQUIRIES**

To the Cabinet Member for Community Engagement (Councillor Robert Benham)

By Councillor David Durant

When will the Public Inquiries into the Abbs Cross, Ongar Way and Gooshays Village Green applications be held? And can you explain how the rules regarding the 'appropriation of land' could impact on these applications.

15 **HOUSING WAITING LISTS – OVERCROWDING**

To the Cabinet Member for Housing (Councillor Lesley Kelly)

By Councillor Pat Murray

How many Havering families on the Council's Housing waiting list are currently living in overcrowded homes?

16 **PUBLICATION OF ITEMS OF EXPENDITURE**

To the Leader of the Council (Councillor Michael White)

By Councillor Ray Morgon

Would the Leader confirm that all items of expenditure over £500 will be made public from 1st January 2011?

17 **WALKWAY BETWEEN VIKING WAY AND UPMINSTER ROAD SOUTH, RAINHAM**

To the Cabinet Member for Community Engagement (Councillor Robert Benham)

By Councillor Mark Logan

I welcome investment in the Rainham, but what was the total cost of, and who funded, the Walkway and folly between Viking Way and Upminster Road South.

18 **HOUSING BENEFIT PROPOSED CHANGES: IMPACT ON HAVERING**

To the Leader of the Council (Councillor Michael White)

By Councillor Keith Darvill

What is the predicted impact on the Borough of Havering of the Coalition Government's proposals in respect of Housing Benefit?

Council, 8 December 2010

- 19 **UNAUTHORISED ABSENCE FROM SCHOOL: FINING PARENTS**
To the Cabinet Member for Children & Learning (Councillor Paul Rochford)
By Councillor John Wood

Over each of the last three years, would the Cabinet Member set out the number and value of fines imposed on parents as a result of children being taken out of school during term time?

- 20 **BUS LANE ENFORCEMENT**

To the Cabinet Member for Community Empowerment (Councillor Robert Benham)
By Councillor David Durant

Are bus lanes in Havering enforced by the Council or by anyone else?

- 21 **FLY TIPPING: FIXED PENALTIES**

To the Cabinet Member for Environment (Councillor Barry Tebbutt)
By Councillor Nic Dodin

Would the Cabinet Member confirm how many fixed penalty notices have been issued this year for fly-tipping?

- 22 **OUTLYING CAR PARKS: INCOME**

To the Cabinet Member for Environment (Councillor Barry Tebbutt)
By Councillor John Mylod

In respect of outlying car parks, would the Cabinet Member set out for each of the last two years and projected for 2010/11:

- a) Budgeted Income levels
- b) Actual Income received

23 **PRIMARY CARE TRUST: DEBT**

To the Cabinet Member for Value (Councillor Roger Ramsey)

By Councillor Ron Ower

Would the Cabinet Member advise the current level of debt owed to the council by the PCT?

24 **BED BLOCKING: FINES PAYABLE TO NHS BODIES**

To the Cabinet Member for Individuals (Councillor Steven Kelly)

By Councillor Ray Morgon

Would the Cabinet member confirm that Havering Council has not been fined by the NHS for bed blocking over the past 4 years; and if there has been, the amount in each of the relevant years?

25 **CAR ALLOWANCES**

To the Leader of the Council (Councillor Michael White)

By Councillor Ray Morgon

Would the Leader please set out how many staff members receive a car allowance and what is the total that has been paid in the each of the last three years and the current year up to 31st October 2010?

26 **STREET LIGHTING: USE OF SOLAR PANELS**

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Linda Hawthorn

Would the Cabinet Member advise if any consideration has been given to powering illuminated street signs by solar panels (similar to the vehicle activated 30 mph warning signs) as this may generate savings in energy costs and be more environmentally friendly?

27 QUEEN'S THEATRE: TICKET SALES

To the Cabinet Member for Towns & Communities (Councillor Andrew Curtin)

By Councillor Ray Morgon

During the last 12 months to the end of October 2010, would the Cabinet Member advise how many tickets were sold for all events and performances at the Queens Theatre?

28 STREET LIGHTING: HOURS OF OPERATION

To the Cabinet Member for Environment (Councillor Barry Tebbutt)

By Councillor Ray Morgon

Would the Cabinet Member confirm that the Council will not reduce the hours of operations of Streetlights from current levels?

29 MANDATORY COUNCIL SERVICES

To the Leader of the Council (Councillor Michael White)

By Councillor Ray Morgon

Would the Leader of the Council provide a list of all services that have to be provided by law?