



COUNCIL MEETING

7.30 pm Wednesday, 28 January 2015
At Council Chamber - Town Hall

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

Graham White
Deputy Monitoring Officer

For information about the meeting please contact:
Anthony Clements
anthony.clements@oneSource.co.uk
Tel: 01708 433065



Please note that this meeting will be webcast.

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

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA

1 PRAYERS

2 APOLOGIES FOR ABSENCE

To receive apologies for absence (if any).

3 MINUTES (Pages 1 - 26)

To sign as a true record the minutes of the Meeting of the Council held on 26 November 2014 (attached).

4 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

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

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

The Leader of the Council and the Mayor will make some announcements.

To receive other announcements (if any).

6 COUNCIL TAX SUPPORT SCHEME (Pages 27 - 36)

NOTE: The deadline for amendments for all reports on the agenda is midnight, Monday 26 January 2015

To consider a report of Cabinet on the Council Tax Support Scheme (attached, subject to approval by Cabinet).

7 CHANGES TO DELEGATED POWERS - REGULATORY SERVICES (Pages 37 - 38)

To consider a report of the Governance Committee on Changes to Delegated Powers – Regulatory Services (attached).

8 POLLING DISTRICT REVIEW (Pages 39 - 40)

To consider a report of the Governance Committee on the Polling District Review (attached).

9 AMENDMENTS TO THE CONSTITUTION - FINANCIAL REGULATIONS, FINANCE POLICY AND BUDGET AND POLICY FRAMEWORK (Pages 41 - 60)

To consider a report of the Governance Committee on Amendments to the Constitution – Financial Regulations, Finance Policy and Budget and Policy Framework (attached).

10 SEX ESTABLISHMENT LICENSING POLICY (Pages 61 - 146)

To consider a report of the Chief Executive on the Sex Establishment Licensing Policy (attached).

11 APPOINTMENT OF A MONITORING OFFICER (Pages 147 - 148)

To consider a report of the Chief Executive on the Appointment of a Monitoring Officer (attached).

12 MEMBERS' QUESTIONS (Pages 149 - 154)

Attached.

13 MOTIONS FOR DEBATE (Pages 155 - 156)

Attached.



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
26 November 2014 (7.30pm – 10.30pm)**

Present: The Mayor (Councillor Linda Trew) in the Chair.

Councillors June Alexander, Clarence Barrett, Robert Benham, Ray Best, Wendy Brice-Thompson, Michael Deon Burton*, Joshua Chapman, John Crowder, Philippa Crowder, Keith Darvill, Meg Davis, Osman Dervish, Ian De Wulverton, Nic Dodin, Alex Donald, David Durant, Brian Eagling, Gillian Ford, Jason Frost, Jody Ganly, John Glanville, Linda Hawthorn, Philip Hyde, David Johnson, Steven Kelly, Phil Martin, Barbara Matthews, Robby Misir, Ray Morgon, Barry Mugglestone, Stephanie Nunn, Ron Ower, Garry Pain, Dilip Patel, Viddy Persaud, Roger Ramsey, Keith Roberts, Patricia Rumble, Carol Smith, Frederick Thompson, Jeffrey Tucker, Linda Van den Hende, Melvin Wallace, Lawrence Webb, Roger Westwood, Damian White, Reg Whitney, Graham Williamson, Darren Wise* and John Wood.

*- part of meeting

Approximately ten Members' guests and members of the public were present. One representative of the press was also present.

Apologies were received for the absence of Councillors John Mylod, Julie Wilkes and Michael White.

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 Mayor's Chaplain, Reverend David Hague, Area Dean of Havering and Vicar, The Church of the Good Shepherd, Collier Row opened the meeting with prayers.

The meeting closed with the singing of the national anthem.

52 **MINUTES (agenda item 3)**

The minutes of the meeting of the Council held on 17 September 2014 and of the extraordinary meeting held on 22 October 2014 were before the Council for approval.

It was **AGREED**, without division, that the minutes be signed as a correct record.

RESOLVED:

That the minutes of the meeting of the Council held on 17 September 2014 and of the extraordinary meeting held on 22 October 2014, be signed as a correct record.

53 **DISCLOSURE OF PECUNIARY INTERESTS (agenda item 4)**

There were no disclosures of interest.

54 **ANNOUNCEMENTS BY THE MAYOR, LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE (agenda item 5)**

The Mayor thanked Members, officers, the Royal British Legion and all participants in the recent Remembrance Day services held around the borough.

The recent switching on of the Romford Christmas lights had been a highly successful event with approximately 10,000 people attending. The Havering float for the New Year's Day parade was currently being constructed by Havering College and details of how Havering's entry could be supported on the day would be supplied to Members.

A summary of the announcements made by the Leader of the Council is shown as appendix 1 to these minutes.

55 **PETITIONS (agenda item 6)**

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

From Councillor Dilip Patel concerning road safety measures in Percy Road and the renewal of pavement slabs and road surfaces in Essex Road.

From Councillor Keith Darvill concerning the enforcement of the one-way system in Albert Road.

It was **NOTED** that the petitions would be passed to Committee Administration for attention in accordance with the Council's Petitions Scheme.

56 **ELECTION OF VICE-CHAIR OF AUDIT COMMITTEE (agenda item 7)**

Councillor Julie Wilkes had been nominated by the Residents' Group to the position of Vice-Chair of the Audit Committee.

The nomination of Councillor Wilkes was **APPROVED** without division and it was **RESOLVED** that:

Councillor Julie Wilkes be appointed as Vice-Chair of the Audit Committee.

57 **CONVERSION TO LED STREET LIGHTS (agenda item 8)**

A report of the Cabinet invited Council to agree to the addition of funding to the capital budget in order to fund the conversion of 10,600 street lights in roads across the borough to more energy efficient LED lights. This work would have a number of advantages including the reduction of annual energy costs to the Council, helping residents feel safe and secure and reducing levels of light pollution.

It was noted that, in the footnotes to the financial information, the unit cost of capital investment should have read £254 per unit rather than as stated. It was also noted that the reference in note 3 to 'planned finish' referred to the completion date of the work to convert the streetlights, with the first loan repayment due as stated in July 2016.

The recommendation of the Cabinet was **APPROVED** without division and it was **RESOLVED** that:

Funding of the scheme as set out in appendix 2 to these minutes be added to the Capital Budget for 2015/16.

58 POLLING DISTRICT REVIEW (agenda item 9)

A report of the Governance Committee asked Council to agree the findings of a recent review of polling stations in Havering. The Governance Committee had requested that a further review be undertaken as to the continued use of the polling station CM5 – Upminster Methodist Church Hall.

The recommendation of the Governance Committee was **APPROVED** without division and it was **RESOLVED** that:

The changes to the Polling Districts reviewed should be incorporated into the register published on 1 December 2014, and the alternative polling stations used at the Parliamentary elections in May 2015 in accordance with the Electoral Administration Act 2006 with the exception of CM5 Upminster Methodist Church Hall, Hall Lane for which a further review is to be undertaken and a recommendation brought back to a future meeting of the Council.

59 APPOINTMENTS SUB-COMMITTEE (agenda item 10)

A report of the monitoring officer asked Council to agree the allocation of seats on the Appointments Sub-Committee following the establishment of the East Havering Residents' Group and the associated changes in the political make-up of the Council.

The recommendations of the Monitoring Officer were **AGREED** without division and it was **RESOLVED**:

- (1) That, so far as necessary to enable any changes proposed and agreed during this meeting to be carried in to effect, Council Procedure Rule 20.2 (proposals to amend the Constitution to be referred to Governance Committee without discussion) be suspended.**
- (2) That the Council, having due regard to the political balance rules, agree the allocation of seats on the Appointments Sub-Committee as set out in Appendix 3 to these minutes.**

60 EXCEPTIONS TO THE CALL-IN (REQUISITION) PROCEDURE (agenda item 11)

In accordance with paragraph 18e of the Overview and Scrutiny Procedure Rules, a report of the Chief Executive summarised three recent Executive Decisions to which an exemption from call-in had been agreed. These

covered the following issues – arrangements for non-housing repairs, the approval of submission to NHS England for the Better Care Fund programme and the disposal of 16 new flats at Taplow House, Rainham to a registered provider for onward individual sales as shared ownership units.

It was noted that in paragraph 2.2.1 of the report, Councillor Clarence Barrett should have been referred to as the Chairman of the then Value Overview and Scrutiny Committee rather than as stated.

The recommendation of the Chief Executive was **AGREED** without division and it was **RESOLVED** that:

The report be noted.

61 **COUNCIL HOUSING NEW BUILD PROGRAMME (agenda item 12)**

A report of Cabinet requested Council to approve the allocation of a total of £19,069,000 of unallocated funding from the Housing Revenue Account. This would allow the use of £3,192,000 additional funding which had been successfully bid for from the Greater London Authority (GLA) for schemes comprising a total of 117 new homes and a shop unit integrated into one of the housing schemes.

The recommendation of Cabinet was **APPROVED** without division and it was **RESOLVED** that:

The requested increase to the Capital Budget to £22,756,000 (inclusive of the externally funded grant from the GLA of £3,192,000) be approved.

62 **MEMBERS' QUESTIONS (agenda item 13)**

Fifteen questions were asked and replies given.

The text of the questions, and their answers, are set out in **Appendix 4** to these minutes.

63 **CITY AIRPORT FLIGHTPATHS (agenda item 14A)****Motion on behalf of the East Havering Residents' Group**

Given the need to assess in detail any potential impact of the proposed changes to flight paths from City Airport as part of the London Airspace Management Programme, this Council calls upon:

- a) the Civil Aviation Authority (CAA) to extend the consultation period in respect of the proposed London Airspace Management Programme to 31st January 2015 in order to inform opinion and give Havering residents a greater opportunity to engage in the consultation process.
- b) City Airport operators to provide greater detail to local stakeholders in terms of flight numbers, noise levels and Co2 emissions as a result of the legal mandate which requires all aircraft to be equipped with Area Navigation technology and to operate in revised airspace by 2020.

Following debate, the East Havering Residents' Group motion was **CARRIED** by 50 votes to 0 (see division 1).

RESOLVED:

Given the need to assess in detail any potential impact of the proposed changes to flight paths from City Airport as part of the London Airspace Management Programme, this Council calls upon:

- a) the Civil Aviation Authority (CAA) to extend the consultation period in respect of the proposed London Airspace Management Programme to 31st January 2015 in order to inform opinion and give Havering residents a greater opportunity to engage in the consultation process.**
- b) City Airport operators to provide greater detail to local stakeholders in terms of flight numbers, noise levels and Co2 emissions as a result of the legal mandate which requires all aircraft to be equipped with Area Navigation technology and to operate in revised airspace by 2020.**

64 **CARE ACT (agenda item 14B)****Motion on behalf of the Conservative Group**

Under the Care Act's 'Ordinary Residence' rules, people who move into one of Havering's many residential homes as 'self-funders', and then require social care support, automatically become the financial responsibility of Havering Council. This Council calls upon the Government to review the rules associated with this system so that the costs don't overwhelm Havering Council or other local authorities that support a large care sector.

Following debate, the Conservative Group motion was **CARRIED** by 50 votes to 0 (see division 2).

RESOLVED:

Under the Care Act's 'Ordinary Residence' rules, people who move into one of Havering's many residential homes as 'self-funders', and then require social care support, automatically become the financial responsibility of Havering Council. This Council calls upon the Government to review the rules associated with this system so that the costs don't overwhelm Havering Council or other local authorities that support a large care sector.

65 **REFERENDUM ON COUNCIL TAX INCREASE (agenda item 14C)****Motion on behalf of the Independent Residents' Group**

Many groups in the borough are protesting against the cuts to protect local services. They rightly say that EU-austerity [to protect the Euro] has gone on for far too long and it's now time to promote rather than cut local services.

The Government claim they are cutting local government funding because 'the money has run out', but if so why are they imposing damaging sanctions on Russia and promoting war in the Middle-East?

For the last few years the Council has made efficiency savings and cuts and frozen council tax and this is why the merger with Newham happened because most councillors believed this was the way to make savings and avoid a council tax increase. But now we are faced with having to make a further forecast £45 million of cuts that will wreck local services and our lean but mostly well run council.

The only alternative is to hold a legally required referendum and LET THE PEOPLE DECIDE if they want to raise council tax to save local services and keep our borough green, pleasant and secure! A majority of councillors will need to agree before a referendum is held, but we need to consult residents about a possible council tax rise and not just about what services to cut.

Thus this Council agrees to hold a referendum on whether to increase council tax by 2% or more to ameliorate the need for cuts and to balance the books. The figure to be agreed by those voting for the motion in consultation with the Finance Officer and the referendum to be held prior to the budget meeting in February to ensure a robust budget is delivered on time.

Following debate, the Independent Residents' Group motion was **NOT CARRIED** by 38 votes to 4 (see division 3).

66 **VOTING RECORD**

The record of voting divisions is attached as **Appendix 5**.

Mayor
28 January 2015

Appendix 1**Announcements by the Leader of the Council at Council meeting,
26 November 2014**

- We have just over a month left of our budget consultation and I'm pleased with the level of interest in the proposals shown by local people
- Cabinet colleagues have attended three formal public meetings, as well as other less formal gatherings and specific meetings related to particular services, to discuss budget matters with residents.
- At the three formal meetings in Elm Park, Harold Hill and Romford, local people engaged in lively debate. A range of issues and comments were put to us – foremost amongst them were the proposed changes to youth services and libraries, though many other issues were also discussed.
- We have had over 2,500 responses so far to our budget consultations, including specific consultations on council tax support, libraries and parking.
- With a month to go, we will be encouraging those residents who have not yet had their say to do so, by visiting [haverling.gov.uk/your say](http://haverling.gov.uk/your-say), or by picking up questionnaires from their local library.
- We're writing to all council tax support claimants to encourage them to fill in the questionnaire.
- We're providing updated information on our website and in the December edition of Living to develop the dialogue with local people and encourage people to have their say before the close of consultation.
- A report on the budget consultation and the issues raised, will come to the January meeting of the Cabinet for consideration.

- As an aside, one of the areas that we are proposing to protect from significant savings is waste and recycling.
- You may have seen some media coverage of recycling rates overnight that painted Havering in a negative light.
- Sadly, despite our efforts to correct them ahead of publication, DEFRA published some inaccurate figures for Havering. Our actual performance on recycling is in line with the London average. I will be writing to the Minister to register my disappointment.
- Though we are all naturally pre-occupied by the budget consultation and the challenges that lie ahead, it's important not to lose sight of the ongoing good work of the Council – making a real difference in the community.
- One project which makes a huge difference at this time of the year is our Warm Homes Programme to tackle fuel poverty – with a particular focus on our large elderly population
- The programme is a partnership effort, across the public, private and voluntary sectors, which has secured over £1 million in grants over the last three years to help improve the energy efficiency of people's homes.
- I'm delighted to say that this work has just won a Green Apple Award for Environmental Best Practice – so very well done to those involved.
- I'd also like to congratulate everyone involved in the bid for London LEP funding to invest in retaining and encouraging business investment in the Borough.
- Havering has been awarded over £1.2 million of funding, which is a real vote of confidence in what we're trying to do here.

- The money will go towards projects to re-energise the high streets of Romford and Hornchurch, as well as specific work to attract, encourage and support new businesses across the Borough.
- Those new businesses will benefit from Crossrail, when it reaches Havering and we've been buoyed by the very welcome news that the Mayor has allocated around £4 million to fund improvements to the stations and their surroundings on the Crossrail line – namely Romford, Gidea Park and Harold Wood.
- And we've just heard that the Council's efforts, with partners, to make Romford safe and welcoming at night has been recognised with a Gold Safer Communities Award
- It's fitting that all of these announcements are related to projects or services that have been overseen by Cynthia Griffin.
- Cynthia is leaving the Council next month, after more than 13 years of service to the people of Havering.
- As the Group Director responsible for StreetCare, Economic Development, Culture & Leisure and a host of other services over the years, there's no doubt that Cynthia has left her mark on Havering.
- The list of her achievements as Group Director is very long and covers most of the areas that have the greatest impact on the community, but to name a few:
 - Nine Green flags for our parks
 - Ten refurbished or rebuilt libraries and new and improved leisure centres

- A hugely valued and successful waste and recycling service, working within the East London Waste Authority that Cynthia helped shape.
- Massive regeneration programmes in Harold Hill, Rainham, Hornchurch and Romford that have changed the face of the Borough and opened up new opportunities for our residents
- Through her work and the work of her teams, Cynthia has made a real difference to people's lives and has strived always to provide better and better services to the residents of this Borough.
- I'm sure you will all join me in wishing Cynthia the very best for the future and thanking her in the usual way.

LED Streetlighting - replacement of 10,600 units

Appendix 2

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	Totals
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	
Total Cost	2,700,000													2,700,000
Less TfL funding	(50,000)													(50,000)
Less loan (SEELS)	(1,400,000)													(1,400,000)
Initial Cost to Council	1,250,000													1,250,000
Loan repayment		350,000	350,000	350,000	350,000									1,400,000
Capital Cost to Council	1,250,000	350,000	350,000	350,000	350,000									2,650,000
Revenue Savings														
Energy	(139,000)	(300,685)	(312,712)	(325,221)	(325,221)	(325,221)	(325,221)	(325,221)	(325,221)	(325,221)	(325,221)	(325,221)	(325,221)	(4,004,604)
Component Replacement			(83,000)	(83,000)	(83,000)	(83,000)	(83,000)	(83,000)	(83,000)	(83,000)	(83,000)	(83,000)	(83,000)	(581,000)
Total revenue savings	(139,000)	(300,685)	(395,712)	(408,221)	(408,221)	(408,221)	(408,221)	(408,221)	(408,221)	(408,221)	(408,221)	(408,221)	(408,221)	(4,917,604)
Net flow in year	1,111,000	49,315	(45,712)	(58,221)	(58,221)	(408,221)	(408,221)	(408,221)	(408,221)	(408,221)	(408,221)	(408,221)	(408,221)	(2,267,604)
Net flow cumulative	1,111,000	1,160,315	1,114,603	1,056,382	998,162	589,941	181,720	(226,500)	(634,721)	(1,042,942)	(1,451,162)	(1,859,383)	(2,267,604)	
								Payback yr 8						
NPV at 4%	1	0.962	0.925	0.889	0.855	0.822	0.790	0.760	0.731	0.703	0.676	0.650	0.625	
NPV of net flow in year	1,111,000	47,441	(42,284)	(51,758)	(49,779)	(335,557)	(322,494)	(310,248)	(298,409)	(286,979)	(275,957)	(265,343)	(255,138)	
Net NPV flow cumulative	1,111,000	1,158,441	1,116,157	1,064,399	1,014,621	679,063	356,569	46,321	(252,088)	(539,067)	(815,025)	(1,080,368)	(1,335,506)	
								Payback Yr 9						

Notes

1. Assumed start 1 April 2015, finish December 2015
2. Unit cost of capital investment - £2.7m, by 10,600 units gives £254 per unit. Up by 17% from first roll out
3. SEELS loan repayable in 6 monthly tranches over 4 years; planned finish Dec 15, 1st repayment July 16
4. Energy - savings pa of £278k at current prices. Per Ofgem, assumed energy 4% rise year on year to 18/19 - thereafter assumed to stabilise.

Council, 26 November 2014
Appendix 3

		CONS		RES		EHRG		UKIP		IRG	
		22		11		8		7		5	
		41.51%		20.75%		15.09%		13.21%		9.43%	
	Membership										
Appointments Sub-Committee	7	2.91	3	1.45	1	1.06	1	0.92	1	0.66	1

COUNCIL 26 November 2014

Appendix 4

MEMBERS' QUESTIONS

Q1 Children & Families Act

To the Cabinet Member for Children & Learning – Councillor Meg Davis

By Councillor Ray Morgon

Question:

Would the Cabinet Member confirm what changes this council and local health authority have made under the Children & Families Act to ensure that they work more effectively to fulfil needs identified in the new Education, Health and Care Plans?

Answer:

This act aims to make a more family-friendly process for parents with children who have special educational needs and disabilities (SEND). It aims to draw together the support a child requires from education, health and social care services, replacing Statements of Special Educational Needs, which mainly focused on education, with an Education, Health and Care plan (EHC).

Colleagues in education, health and social care have been working closely together and have established a project team to ensure we are fully ready to meet all aspects of the act.

We have recently restructured to create a joint team across education and social care and are putting together a development plan to ensure staff across all services understand the implications of the act. Our new local offer for families is online it is still being developed but its purpose is to allow those with special educational needs and their families to see clearly what help and services are available in the borough. And we are working with schools to ensure the information they publish is in line with the regulations.

We have worked together to draw up a template for the new education, health and care (EHC) plans which has been approved by the DfE and we are currently trialling this, with the first plans to be in place by January 2015. We are also reviewing the commissioning of our services to ensure we are jointly commissioning with partners. We are currently re-commissioning our speech and language therapy services. I think everyone welcomes these changes which allow more joined up thinking how we can best serve our children and families with SEN needs. In the past families have had to repeat their stories numerous times and this act should deal with this.

Q2 Declaration of Interests

To the Cabinet Member for Housing Company Development and One Source Management - Councillor Ron Ower

By Councillor Ian De Wulverton

Question:

Is the council aware that the public availability of a Cllr's declaration of interests includes information which is privileged and protected under the data protection act?

Answer:

Under section 30 of the Localism Act 2011, members are required to inform the monitoring officer of the disclosable pecuniary interests that they may hold. There are seven categories set out by the act and this is covered in part A-H on the declaration of interest form. It is a criminal offence not to disclose them. The monitoring officer is required to publish this information on the council's website and to have hard copies available, as set out by section 29

Parts I-N of the form are requirements set out by Council. We do not consider any of these to be privileged or protected under the data protection act. It is in everyone's interest to keep a regular check on their interests and if they have any problems then please contact officers.

Q3 Arnolds Field – fly-tipping

To the Cabinet Member for Environment – Councillor Robert Benham

By Councillor Jeffrey Tucker

Question:

There have been further reports of fly-tipping at Arnold's Field by people who open and close the gates with a key and more recently that the gates have been left open for many days.

Please provide an update on the situation at Arnold's Field and give assurances that action is being taken to secure the site and deter further fly-tipping.

Answer:

I sympathise with Councillor Tucker's concern regarding fly tipping. This is private land, and it's a site that we have been concerned about for some time. The Environment Agency is leading on tackling the issues being seen at this site, including fly-tipping, and we are supporting the agency in every way we can.

Last month, we created barriers using 60 tonnes of soil outside both gateways to the field. They're fairly high and are aimed at preventing people from driving any vehicle over them to get into the site.

We are also planning some small-scale landscaping to soften the harshness of the barriers and hopefully act as a further deterrent. In addition, we will be reinstalling several concrete blocks in front of the barriers.

A CCTV system is being installed in the area to monitor truck movements, which will be managed by the Council and will help to catch further fly tippers.

In response to a supplementary question, the Cabinet Member confirmed that he would respond in writing as regards when the site would be offered back to the people of Rainham.

Q4 Proposed Council Homes developments

To the Deputy Leader of the Council & Cabinet Member for Housing, Councillor Damian White

By Councillor Keith Darvill

Question:

What alternative Council house developments have been considered by the Administration as additions to or as an alternative to the proposed development in the Briar Road Estate Heaton Ward?

Answer:

We are currently consulting on options for the redevelopment of the Briar Road estate. The redevelopment of the estate has had a long history. The first set of proposals, put forward by Notting Hill Housing Trust, is currently being implemented in part. Our aspirations initially were to provide the central part of the estate, known as the Village Square with shops, a doctor's surgery and a café. However, on closer examination, and subject to more detailed financial appraisal, these proposals proved to be unaffordable, and Notting Hill Housing Trust indicated that they were unable to proceed with this part of the proposal.

Since then, we have worked hard to develop alternative proposals. We have been successful in obtaining GLA funding to implement new proposals. We are currently consulting on these proposals.

We have reduced the number of shops in the proposal, because market research has proved that the location is not sustainable for a large number of shops. We have not finally settled on the right number and size of shops to be provided, but this is part of the consultation exercise. We are still in discussion with the CCG about whether they have funding to deliver the proposals in relation to the doctor's surgery. We have committed to finding an alternative location for the Briar Road Action Group, although it is not sensible to maintain two community Centres on the estate.

We are currently consulting the residents on a further proposal which includes a smaller proportion of shops, some green space, and around forty new homes. When we have the results of the consultation exercise, I will consider the findings and make final decisions about the best way to proceed. I am confident that we will provide a better and higher quality of housing on this

site, with better quality green space as well as rented and shared ownership housing for local people.

In response to a supplementary question, the Cabinet Member agreed that residents of the estate had endured a lot of disruption but added that he had met with residents who were in favour of the development.

Q5 Recycling of waste

To the Cabinet Member for Environment - Councillor Robert Benham

By Councillor Ray Morgon

Question:

Since the Green Points scheme was introduced in Havering, would the Cabinet Member confirm whether the recycling of waste has increased, and if so, by how much.

Answer:

Green Points has only been running since January this year and is a five-year programme, which is based on changing people's behaviour and attitudes to waste management over the longer term, so it is very early to begin to assess its impact.

The Havering scheme is focussed on reducing overall waste as this has the greatest impact to Havering in terms of collection, processing and treatment costs. Whilst it does promote increased recycling this is very much the secondary aim.

A comparison of the first quarters recycling and composting performance in 2014/15 with the same period in 2013/14 shows we were recycling and composting 37% of our household waste, an increase of 1% on the 2013/14 figure.

To date 25,000 residents have signed up to Green Points and 118 local business have signed up to the Havering Points Card – which provides residents with discounts and offers, and those businesses with free promotion.

On a more general note on recycling, it's important to clarify our position following the recent publication on the 2013/14 waste and recycling figures on 18 November 2014 and as reported on the BBC last night.

Havering had recycling rates of 33.15% for 2013/14, which is very close to the London average at 33.99%. This is contrary to the statistics released by DEFRA, which show our performance as 31.51%. The associated drop from 2012/13 when our recycling rates were 34.5% placed us among the worst performing in London.

In October, we noticed errors with the data we had entered for last year, which had the result of increasing our total household waste figure to the detriment of our performance.

We raised this with DEFRA and Waste Data Flow, which runs the system we enter our tonnage data into, on 16 October and again on 13 November, and we are still awaiting a response and as the Leader highlighted he will be writing to the minister as well.

I have a spreadsheet that shows how we compare to other London Boroughs using our actual performance, and we're placed around the middle, so around the London average and we are also the best performer in ELWA.

In response to a supplementary question, the Cabinet Member confirmed that the Green Points scheme was funded in full by the Department of Communities and Local Government. Maximum efforts would be made to reach the Council's 50% recycling target.

Q6 Pensions

To the Cabinet Member for Financial Management - Councillor Clarence Barrett

By Councillor David Johnson

Question:

Can you confirm what steps have been taken to reduce the fees of the pension fund manager that was selected at the last pensions committee meeting given that their fees were £200k more than the other quotes?

Answer:

The Pensions Committee recently appointed the successful tenderer to manage part of the Multi Asset Pooled Fund Portfolio in preference to two other managers who tendered for the contract. The fees of the successful tenderer were not negotiable and their charges were made very clear to the committee.

Whilst the management fees are higher than the other two bids, the Committee had greater confidence in their ability to deliver the level of investment performance required by the fund. Our external advisors Hymans Robertson also gave independent advice to the committee.

In terms of the fee structure, the assessed ability of the fund manager to achieve a higher rate of return on the portfolio will, in turn, represent greater proportionate value to the Pension Fund.

The specification of the contract means that the management fees incurred will be deducted from the total return on the fund before comparing it with our performance target.

In response to a supplementary question, the Cabinet Member confirmed that due diligence was not specifically carried out by the Committee but a rigorous selection process was undertaken with the help of the Committee's approved advisor.

Q7 Parsonage Farm Primary school

To the Cabinet Member for Children and Learning - Councillor Meg Davis

By Councillor David Durant

Question:

The Cabinet approved an expansion of Parsonage Farm Primary school to 4th form entry. But is it wise for the school to begin enrolling pupils for a 4th form entry before securing the planning permission needed to expand the school buildings and facilities to manage a 4FE, particularly as the planning committee may reject their expansion plans and when the Chafford Head teacher is willing to assist with a more practical expansion of Brady school?

Answer:

We are not enrolling pupils for the 4th form of entry at the school. Parents applying for a school place for their child for September 2015 are able to include Parsonage Farm on their application, but no places will be allocated before the national offer day for infant and primary children on April 16 next year.

The planning application has been submitted and a decision is due early in the New Year. There will be a full planning process, including public notices. If the planning application was unsuccessful, the school admissions team will have time to adjust the allocation systems so that they only have to offer up to 3FE. The school is a very good site with new classrooms and a play area. The plans for new facilities for 4FE entry had also been well thought through and will add to the value of education in the area. I would recommend that Cllr Durant visit the school and discuss the plans with the head teacher.

In response to a supplementary question, the Cabinet Member reiterated that fresh school places would be allocated if planning permission was not obtained. Further information on alternative provision could be supplied if required.

Q8 Area Liaison Officers

To the Cabinet Member for Environment - Councillor Robert Benham

By Councillor Barry Mugglestone

Question:

Would the cabinet member confirm how many hours of Area Liaison Officers time was lost in the last 12 months as a result of preparatory work and appearances in court to defend claims against the council.

Answer:

The role of an Area Liaison Officer (ALO) is to maintain the borough's highways, roads and footways, and therefore work towards preventing accidents. So a lot of what they do means they are protecting pedestrians, and also motorists from damaging their vehicles. As a result of this work, we are able to drive down any claims made against the council because we have this robust monitoring scheme in place. We do receive claims and preparing for these does take some time, though we estimate that it would be no more than 10 per cent of an ALOs time.

Q9 Pyrgo Park School – playing field in front of school

To the Cabinet Member for Regulatory Services & Community Safety - Councillor Osman Dervish

By Councillor Lawrence Webb

Question:

Given that the playing field in front of Pyrgo Park School was not passed on to the academy as part of the land transfer, what assurance can you give the local residents that this will not be used to build houses on?

Answer:

The Council plans to use the land at the front of Pyrgo School for Harold Hill Learning Village. Outline planning consent has been granted to use the land as part of the Learning Village and the Council re-affirmed its commitment to that use in the October Cabinet decision. (reported to Cabinet on 20 October 2014).

Q10 Essex Wildlife Trust

To the Cabinet Member for Regulatory Services & Community Safety - Councillor Osman Dervish

By Councillor Michael Deon Burton

Question:

The Essex Wildlife Trust in partnership with Havering Council and funding from various sources is building a visitor centre in Hornchurch Country Park overlooking the River Ingrebourne.

This is very welcome news, but it is important that all those organisations involved in building and funding this new wildlife and heritage project are informed about planning application P1066.14 to extend Ingrebourne Hill into the Hornchurch Country Park, because these landfill plans could adversely impact on local wildlife and restrict access to the visitor centre!

To ensure all interested parties are aware of these landfill plans will the Council insist the applicant holds stated public consultation meetings and provides information about the intended soils treatment and recovery facility contained within their proposals?

Answer:

The Essex Wildlife Trust has been notified of planning application P1066.14 and any response from them will be included in the report on the application to the Regulatory Services Committee. Natural England have also been notified and their response will similarly be included in any forthcoming committee report. The planning application does not propose blocking existing footpaths.

A public consultation, which included a public exhibition, was carried out by the applicant prior to the submission of the application. The applicant has informed the Council that they wish to reduce the size of the soil treatment and processing facility and will be revising the proposal to show this.

In response to a supplementary question, the Cabinet Member confirmed that the Essex Wildlife Trust had been notified that the planning application was due to go before the Regulatory Services Committee in the next week.

Q11 Health & Wellbeing Board – voluntary sector representation

To the Cabinet Member for Adult Social Services and Health - Councillor Wendy Brice-Thompson

By Councillor June Alexander

Question:

Would the Cabinet Member explain why the important Voluntary Sector do not have any representation on the Health and Well Being Board.

Answer:

The Health and Wellbeing board was established to be a small, strategic commissioning board. It was decided at the beginning that providers such as NELFT and representatives from the voluntary sector would not be members, which is in line with the model for the most effective boards of this kind. We have a range of other ways to engage with providers including the voluntary sector, allowing their views to be represented. However, the board meetings are public and therefore anyone representing the voluntary sector would be welcome to attend.

Q12 Attendance at meetings**To the Cabinet Member for Housing Company Development and One Source Management - Councillor Ron Ower**

By Councillor Ian De Wulverton

Question:

When a Cllr is unable to attend a meeting it is recorded in their attendance statistics, however due to the number of meetings that sometimes clash or are added to the calendar it is not possible to be in two places at once. Why therefore should Cllrs be unfairly penalised for non-attendance?

Answer:

The only penalty for non-attendance at meetings is if a member fails to attend a meeting for more than 6 months without special dispensation; this leads to automatic disqualification as a councillor. This is in accordance Section 85 of the Local Government Act 1972.

If a member is unable to attend a meeting due to a clash of meetings then it is for the member to decide which meeting he/she should attend and to send his/her apologies to the clerk or the chair of the meeting, and in most circumstances, arrange for another representative from their party to attend on their behalf as a substitute.

The council's constitution states that all committee meetings should be held on a Tuesday, Wednesday or Thursday so although every effort is made to try and avoid clashes sometimes it cannot be helped. When apologies are submitted or a representative attends on the absent member's behalf, it is recorded accordingly in the minutes. If the member wishes for it to be noted in the minutes that he/she is absent due to their attendance at another council meeting then this can be arranged.

In response to a supplementary question, the Cabinet Member agreed to pass on the suggestion that it should be recorded in the minutes when a Member is unable to attend due to another Council meeting.

Q13 Safety Zone initiative**To the Cabinet Member for Regulatory Services & Community Safety - Councillor Osman Dervish**

By Councillor John Wood

Question:

Would the Cabinet Member confirm why councillors were not informed about the new Safety Zone Initiative and how it was decided which wards will benefit from the initiative?

Answer:

Members were informed of the Partnership Protected Area or Safety Zones initiative in a report to the Crime and Disorder Committee on 21st November 2013. The results of the first two areas were reported in full. The safety zones are subject to a quarterly report to each Havering Community Safety Partnership and there is a 'one year on' update to the Crime and Disorder Committee on 20th November 2014.

As part of the strategic assessment each year, a burglary strategic problem profile is produced. This is a three year profile of burglary in Havering. This document identified areas of Havering which suffer higher rates of burglary dwelling than the local and regional average. The safety zone initiative concentrates on these areas.

Q14 Carepoint – Footfall figures

To the Cabinet Member for Adult Social Services and Health - Councillor Wendy Brice-Thompson

By Councillor Stephanie Nunn

Question:

Would the Cabinet Member confirm the footfall figures for the Carepoint facility for the years 2012-13 and 2013-14.

Answer:

The figures are as follows:

In 2012 460 people visited Carepoint in person

In 2013 that went up to 762 face-to-face visits

And so far this year, from January to September, there have been 828.

Q15 Planning – Designated green belt areas

To the Cabinet Member for Regulatory Services & Community Safety - Cllr Osman Dervish

By Councillor Reg Whitney

Question:

Given the rapid increase in London's population and the growing shortage of accommodation across London, does the Cabinet member think that the relaxation of planning rules by central government will force Havering Council to build on land currently designated green belt under its Local Development Framework.

Answer:

We are satisfied that the Mayor's proposed annual target of 1170 new homes per year can be achieved without needing to use land in the Green Belt.

Growing population and increased need for more homes do not in themselves provide a reason for development in the Green Belt. Taking land out of the

Green Belt or changing its boundary has to be justified and is subject to examination by a Planning Inspector.

Planning applications for development in the Green Belt are considered against national, regional and local planning policy which says that development on green belt land should not be approved except in very very special circumstances.

VOTING RECORD

<i>DIVISION NUMBER:</i>	1	2	3
The Mayor [Cllr. Linda Trew]	O	O	O
The Deputy Mayor [Cllr. Barbara Matthews]	✓	✓	X
CONSERVATIVE GROUP			
Cllr Roger Ramsey	✓	✓	X
Cllr Robert Benham	✓	✓	X
Cllr Ray Best	✓	✓	X
Cllr Wendy Brice-Thompson	✓	✓	X
Cllr Joshua Chapman	✓	✓	X
Cllr John Crowder	✓	✓	X
Cllr Phillipa Crowder	✓	✓	X
Cllr Meg Davis	✓	✓	X
Cllr Osman Dervish	✓	✓	X
Cllr Jason Frost	✓	✓	X
Cllr Steven Kelly	✓	✓	X
Cllr Robby Misir	✓	✓	X
Cllr Garry Pain	✓	✓	X
Cllr Dilip Patel	✓	✓	X
Cllr Viddy Persaud	✓	✓	X
Cllr Carol Smith	✓	✓	X
Cllr Frederick Thompson	✓	✓	X
Cllr Melvin Wallace	✓	✓	X
Cllr Roger Westwood	✓	✓	X
Cllr Damian White	✓	✓	X
Cllr Michael White	A	A	A
RESIDENTS' GROUP			
Cllr Ray Morgon	✓	✓	X
Cllr June Alexander	✓	✓	X
Cllr Nic Dodin	✓	✓	X
Cllr Jody Ganly	✓	✓	X
Cllr Barry Mugglestone	✓	✓	X
Cllr John Mylod	A	A	A
Cllr Stephanie Nunn	✓	✓	X
Cllr Reg Whitney	✓	✓	X
Cllr Julie Wilkes	A	A	A
Cllr John Wood	✓	✓	X
EAST HAVERING RESIDENTS' GROUP			
Cllr Clarence Barrett	✓	✓	X
Cllr Alex Donald	✓	✓	X
Cllr Brian Eagling	✓	✓	X
Cllr Gillian Ford	✓	✓	X
Cllr Linda Hawthorn	✓	✓	X
Cllr Ron Ower	✓	✓	X
Cllr Linda Van den Hende	✓	✓	X
Cllr Darren Wise	✓	✓	X
UK Independence Party			
Cllr Lawrence Webb	✓	✓	O
Cllr Ian De Wulverton	✓	✓	O
Cllr John Glanville	✓	✓	O
Cllr Phillip Hyde	✓	✓	O
Cllr David Johnson	✓	✓	O
Cllr Phil Martin	✓	✓	O
Cllr Patricia Rumble	✓	✓	O
INDEPENDENT LOCAL RESIDENTS' GROUP			
Cllr Jeffrey Tucker	✓	✓	✓
Cllr Michael Deon Burton	✓	✓	O
Cllr David Durant	✓	✓	✓
Cllr Keith Roberts	✓	✓	✓
Cllr Graham Williamson	✓	✓	✓
Labour			
Cllr Keith Darvill	✓	✓	X
TOTALS			
✓ = YES	50	50	4
X = NO	0	0	38
O = ABSTAIN/NO VOTE	1	1	9
ID = INTEREST DISCLOSED/NO VOTE	0	0	0
A = ABSENT FROM MEETING	3	3	3
	54	54	54



COUNCIL, 28 January 2015

REPORT OF CABINET

COUNCIL TAX SUPPORT SCHEME 2015

Cabinet, at its meeting on 21 January 2015 will consider a report concerning the outcome of a review of the arrangements for the Council Tax Support Scheme. This was first announced at Cabinet on 3 September 2014 when Members were made aware that a review of the Council Tax Support Scheme was being initiated due to anticipated reductions in settlement funding for 2015/16 which included the rolled-in CTS grant and the consequent need for the Council to consider a range of spending reductions or realignment of budgets.

The provisional settlement which was announced in December for the 2015/16 financial year has seen a 17% reduction to the upper and lower tier funding allocations. From 2013/14, Council Tax Support was rolled into the formula and is therefore no longer separately identifiable. If the upper and lower tier reduction was to be applied to the already reduced Council Tax Support allocation, the funding would reduce by a further £1.9m. Cabinet consequently initiated consultation on a series of proposals to reduce Council spending, considering Council Tax levels.

Consultation on proposed reductions to the Council Tax Support Scheme formed part of these proposals. The Council will also need to consider its use of reserves and balances in coming to a decision on the Council Tax Support Scheme.

Members at Full Council on 17 September 2014 also considered increasing the Council Tax level for properties which were empty for more than two years to 50% above the standard Council Tax rate.

The report to Cabinet considers responses to the consultation about the budget position overall and specifically with respect to Council Tax Support and makes proposals in relation to both the Council Tax Support Scheme and empty homes. The results of the formal consultation with residents, persons affected and the Greater London Authority (GLA) are also appended to the Cabinet Report.

Recommendation:

Subject to Cabinet's approval, Council is asked to adopt the proposed revised local council tax support scheme as summarised in the appendix to this report, with effect from April 2015.

London Borough of Havering Summary of the proposed Council Tax Support Scheme for CTS 2015

Introduction

Council Tax Benefit was abolished from 1 April 2013. In its place each local authority was required by Section 9 of the Local Government Finance Act 2012 to produce its own scheme to reduce the liability of working age applicants it considers to be in financial need.

This document summarises the proposed Council Tax Support Scheme from April 2015 which the Council has produced in accordance with of Schedule 4 of the Act.

The Council adopted its own local scheme from April 2013 which has due regard to the Department for Communities and Local Government's policy intentions and unequivocally protects pensioners.

Havering's Local Council Tax Support scheme has been interpreted and applied in accordance with the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 which set out what must be included in the scheme.

Summary of Council Tax Support Scheme changes from 2015

The 2015 scheme will adopt the existing scheme as summarised in this document and subject to the following amendments:

1. Reduce Council Tax Support for working age claimants by 15%. This means that every working age household would have to pay a minimum charge of 15% of their Council Tax Bill.
2. Reduce the amount of savings and investments people are allowed to have and still be entitled to claim from £16,000 to £6,000.
3. Abolish Second Adult Rebate. Second Adult Rebate supports working age tax payers whose income is too high in their own right for Council Tax Support but who have other adults living in the household whose income is low.

The above amendments will take effect from April 2015.

In this document 'the current scheme' means Havering's existing Local Council Tax Support scheme which was adopted in January 2013 and amended with effect from April 2014.

Unless expressly stated otherwise the provisions outlined below relate solely to working age applicants under the Council Tax Support scheme.

Havering's Local Council Tax Support Scheme

This document summarises the Council's proposed Scheme for eligible working age Council Tax payers to receive council tax support.

The scheme applicable to pensioners is defined in The Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012, Part 3, Schedules 1 to 6, which is adopted within this scheme.

The procedure for the operation of the Scheme summarised below is made in accordance with Schedules 7 and 8 of the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012.

The principles of the Local Council Tax Support Scheme are:

- Local authorities will be expected to manage significant reductions in subsidised expenditure.
- Regulations have been set to protect claimants of state pension credit age.
- Local authorities will consult on their schemes with precepting authorities and the public.
- The Council will adopt the final scheme before 31 January 2013 or the default scheme will apply.
- Local authorities should aim to protect vulnerable groups.
- In developing schemes, local authorities should consider incentivising claimants into work.

The Local Council Tax Support Scheme includes the following:

- Introduction and definitions
- Prescribed of persons
- Provisions relating to entitlement under the scheme
- Applicable amounts
- Maximum Council Tax Reduction
- Alternative Maximum Council Tax Reduction
- Amount of reduction under the scheme
- Assessment of Income and Capital under the scheme
- Students
- Applications
- Extended reductions
- Period of entitlement and changes of circumstances
- Schedules

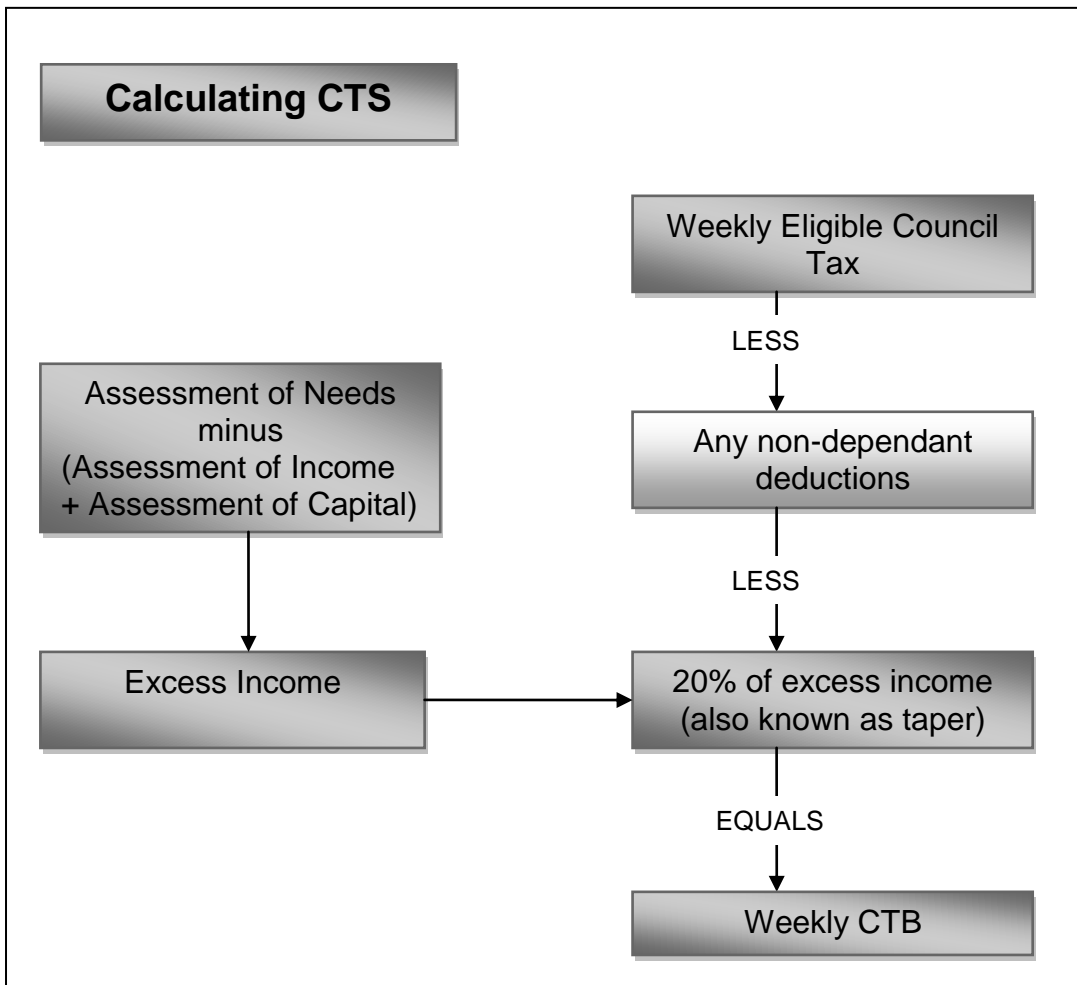
The Council Tax Support Calculation

The starting point for all calculations of Council Tax Support is the claimant's 'maximum benefit'. This is the claimant's weekly eligible Council Tax less any non-dependant deductions that apply.

Income and capital are compared to the claimant's applicable amount. Any income over the applicable amount is known as the Excess Income.

The claimant qualifies for maximum support less 20% of any excess income figure. The 20% reduction to the maximum benefit is known as a taper.

Claimants in receipt of Job Seeker's Allowance and Income Support have already been assessed by the Department for Work and Pensions (DWP) as having income lower than their applicable amount and so will receive maximum council tax support less any non-dependant deductions.



Non-dependant deductions from April 2013

Paragraph 58 in Part 6 of the Council Tax Benefit Regulations 2006 shall be taken to read as follows:

“58.

(1) Subject to the following provisions of this regulation, the non-dependant deductions in respect of a day referred to in regulation 57 (maximum council tax benefit) shall be—

(a) in respect of a non-dependant aged 18 or over in remunerative work, £20.00 x 1/7;

(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £6.00 × 1/7.

(2) In the case of a non-dependant aged 18 or over to whom paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

(a) less than £183.00, the deduction to be made under this regulation shall be that specified in paragraph (1)(b);

(b) not less than £183.00 but less than £316.00, the deduction to be made under this regulation shall be £9.00;

(c) not less than £316.00 but less than £394.00, the deduction to be made under this regulation shall be £15.00.

From April 2014 onwards, restrict the maximum council tax support award to the top of Council Tax band D

That Paragraph 57 in Part 6 of the Council Tax Benefit Regulations 2006 shall be taken to read as follows:

“57.

(1) Subject to paragraphs (2) to (5), the amount of a person’s maximum council tax benefit in respect of a day for which he is liable to pay council tax, shall be 100 per cent of the amount A/B where—

(a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and

(b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under regulation 58 (non-dependant deductions).

(2) In calculating a person’s maximum council tax benefit any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act, shall be taken into account.

(3) The level of any Council Tax Support awarded shall be restricted to the level of band D

(4) Subject to paragraph (5), where a claimant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the claimant who is a student to whom regulation 45(2) (students who are excluded from entitlement to council tax benefit) applies, in determining the maximum council tax benefit in his case in accordance with paragraph (1), the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

(5) Where a claimant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (4) shall not apply in his case.

Applications for Council Tax Support

This part applies to both pensioners and working-age applicants

The following procedure is in accordance with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012, referred to as 'the Regulations' below and shall be implemented in accordance with those Regulations.

Entitlement to CTS is dependent on an application being made in the following way:

An application may be made:

- (a) In writing
- (b) By means of an electronic communication or
- (c) By telephone following publication by the Council of a number for this purpose.

The form provided by the Council for this purpose must be properly completed, and the Council may require the applicant to complete the form in the proper manner, and may further require that further information and evidence is provided by the applicant.

An application will be defective if the applicant does not provide all of the information the Council requires.

Applications made by telephone will only be valid if the applicant provides a written statement of their circumstances in the format required by the Council.

The Council will provide applicants making their applications with an opportunity to correct any defects in their application.

Applications may be made by those persons set out in paragraph 6 of Schedule 8 of the Regulations.

The Government has indicated that they intend to introduce legislation to the effect that people entitled to Council Tax Benefit on 31 March 2013 will be deemed to have made an application under the new scheme.

Evidence and information

Any person who makes an application or any person to whom a reduction under the Council's scheme has been awarded shall furnish such certificates, documents, information and evidence in connection with the application or award, or question arising out of it as may reasonably be required by the Council in order to determine the person's entitlement. Where the Council requests information it shall inform the applicant or person of their duty to notify the Council of any change of circumstances and shall indicate the kind of changes of circumstances which are to be notified.

Matters related to the electronic communication of information, proof of delivery and content of information will be determined in accordance with Part 4 of Schedule 7 of the Regulations.

Where the person is a pensioner paragraph 7(4) (5) (6) and (7) of Schedule 8 of the Regulations apply which specify matters relevant to evidence and information related to pensioners.

Amendment and withdrawal of applications

Any person who has made an application may amend it at any time before a decision had been made by serving a notice in writing to the Council in accordance with paragraph 8 of Schedule 8 of the Regulations.

Decisions by the Council

The Council will make a decision in respect of any application for a reduction under this scheme in accordance with the criteria set out within the Council Tax Benefit Regulations 2006 (subject to the amendments made to paragraphs 57 and 58 and Schedule 2 referred to above), and in accordance with Schedules 7 and 8 of the Regulations.

The decision will be made within 14 days of the Council receiving at its designated office the properly completed application or the information requested to complete it or the evidence required. The date upon which the Council is deemed to have received the properly completed application shall be determined in accordance with paragraphs 6 of Schedule 1, paragraph 7 and Part 1 of Schedule 7 of the Regulations being satisfied, or as soon as reasonably practicable thereafter.

The Council will notify the applicant or any person affected by its decision under the scheme in writing forthwith, or as soon as reasonably practicable.

Any person affected to whom the Council sends or delivers a notification of a decision to may, within one month of the notification of the decision, request in writing from the Council a statement setting out the reasons for its decision on any matter set out in the notice.

Following receipt of a request for a written statement the Council will provide this within 14 days or as soon as reasonably practicable thereafter.

Where an award or payment of reduction is made the time and manner of granting the reduction under the scheme will be in accordance with Part 5 of Schedule 8 of the Regulations.

Change of circumstances

For persons who are not pensioners the date on which changes of circumstances are to take effect will be determined in accordance with paragraph 4 of Part 2 of Schedule 8 of the Regulations.

Procedure for making an appeal

Any applicant who is not in agreement with the decision of the Council taken under this scheme may service a notice in writing on the Council setting out their reasons and grounds upon which they believe the Council has made the wrong decision.

Following receipt of an appeal in writing the Council will:

- (1) Consider the appeal
- (2) Notify the applicant in writing of the following:
 - (i) Any decision not to uphold the appeal and the reasons for that; or
 - (ii) That steps are being taken to proceed with the appeal and set out what steps.

Where an applicant remains dissatisfied following receipt of any written notice sent by the Council in response to their appeal, they may within two months of the service of that notice, appeal to the valuation tribunal.

Applications for further discretionary reductions

Under Section 13A(1)(c) of the Local Government Finance Act 1992 and The Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012, the Authority will consider applications for a further reduction in Council Tax.

There will be financial implications in that the cost of any reduction will be a direct cost to the Council. The cost of any discretionary reduction will, therefore, have to be met by the rest of the council taxpayers.

Applications must be made in writing or by prescribed electronic communications.

The Council will, in making decisions for further discretionary reductions, have due regard to its duties under The Child Poverty Act 2010, The Housing Act 1996, and The Equality Act 2010.

The Council will review all relevant matters when deciding whether to award a reduction including, but not limited to:

- The circumstances of any other person with whom the applicant is jointly and severally liable for Council Tax.
- The overall financial situation of the applicant and the applicant's family.
- The effect the council believes making an award will have on the applicant and any members of the applicant's family.
- Protecting the public purse and maintaining financial budgets.

A person who applies for a discretionary reduction may request that the Council review its decision. Any such request must be made in writing and be received within one month of the date the notification of the decision.

If practicable, another more senior officer, will reconsider the decision in light of all available evidence and, if appropriate amend it. Any change may lead to either a reduction or an increase in any award.

A further right of review will be available against the decision as reviewed which will be considered by a manager but only against the legality of the decision and not the actual outcome.

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COUNCIL, 28 JANUARY 2015
REPORT OF THE GOVERNANCE COMMITTEE
CHANGES TO DELEGATED POWERS - REGULATORY SERVICES

Governance Committee at its meeting on 14 January considered amendments required to the Constitution to extend the delegated authority of the Head of Regulatory Services concerning changes to dispense with the creation of the 7 Day list and its weekly publication within Calendar Brief (whilst retaining the call-in process) and extending delegated powers to allow the Head of Regulatory Services to serve all forms of planning related Enforcement Notices including Stop Notices

The 7 Day List:

It has been found that despite refinements to the 7 Day List over time, this doesn't appear to have increased Members reliance on Calendar Brief as the main way of identifying applications which they wish to call-in.

A survey was undertaken and all Members were emailed on 31 October 2014 asking which of the following applied to them. Members were advised that all replies received within 14 days would be reflected in the content of any report to Governance Committee. Responses (received from 31 out of 54 members) are shown in italics alongside:

1. ***You rely significantly on the 7 Day List within Calendar Brief as the main way of identifying planning applications which you may wish to seek to call-in to Committee. 1 Member out of 31 total replies received (3%).***
2. ***You rely only very occasionally on the 7 Day List and usually instead rely on the main planning applications list and/or feedback from constituents when considering which applications you may wish to seek to call-in. 22 Members out of 31 total replies received (71%).***
3. ***You never rely on the 7 Day List when considering potential call-ins. 6 Members out of 31 total replies received (19%).***
4. ***You rarely call applications into Committee under any circumstances. 1 Member out of 31 total replies received (3%).***

Additionally, one Member reply didn't specify any particular category but welcomed the staff initiative.

Members' responses appear to bear out staff conclusions that there is no material benefit in retaining the 7 day list within the Call-in procedure.

Planning Enforcement Notices:

This matter concerns the service of notices against breaches of planning control.

A review of enforcement authority reports presented to Regulatory Services over the period January 2013 to date showed that in no instances did the Committee decline to authorise staff to initiate enforcement action.

Decisions to seek enforcement authority are made having regard to the Council's Planning Enforcement Policy and material considerations, notably the development plan framework. Any decisions to enforce under delegated powers employ the same approach.

Extending delegated powers to cover all types of enforcement case including Enforcement Notices and Listed Building Notices would speed up the timeframe within which notices may be created and served and the associated reduction in reports to Committee would create process efficiencies.

The Governance Committee accordingly recommends to the Council that the following changes be incorporated into Section 3.6.6 of the Constitution relating to the Head of Regulatory Services.

- 1) Section 3.6.6(e) be deleted and Section 3.6.6 (d) be altered to:

"Members may request that an application be referred to the Regulatory Services Committee for determination. Such request must be made in writing (including e-mail) to either the Head of Regulatory Services or the Planning Manager personally. If no such request is received by the deadline of that period the Head of Regulatory Services may approve the application.

- 2) Section 3.6.6(p) be altered to:

"To issue Enforcement Notices, Stop Notices and Listed Building Enforcement Notices".

COUNCIL, 28 JANUARY 2015

REPORT OF THE GOVERNANCE COMMITTEE

POLLING DISTRICT REVIEW

Governance Committee at its meeting on 14 January considered a report concerning Cranham Ward (Hornchurch & Upminster constituency). This had been requested by the Governance Committee at its meeting on 19 November 2014 when a Member had raised a concern about the polling arrangements for that Ward (Upminster Methodist Church Hall, Hall Lane) as he considered that its positioning was not conducive to residents' use.

In response to this objection, a further evaluation was undertaken to determine whether there were any viable alternative premises. Two options had been suggested:

1. Havering Sixth Form Centre, Wingletye Lane and
2. The Europa Music Centre, The Walk and Havering Music School, The Walk.

Both of these buildings are located within the St Andrews ward and are therefore outside of the ward and polling district. The review concluded that:

- With regards to the location of a polling station, Section 18(3) of the Electoral Administration Act states:

the polling place for a polling district must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district;

- Moving to any of the proposed stations would result in approximately 55% of the electorate being required to travel further to vote in their polling station. Those in the north of the polling district would have a significant increase in how far they had to travel.
- The low turnout in this polling station was listed as a factor for changing the location. Almost 20% of voters in this polling district have, however, opted for a postal vote. 75% of these electors voted by post in 2014, bringing the overall turnout in polling district CM5 to 44%, higher than the overall average turnout across the borough.
- Upminster Church Hall is fully accessible to voters with disabilities. It is also of a suitable size to house a double polling station which is necessary as CM5 has the highest number of electors in the ward (2814).

- The Retuning Officer has to date not received any complaints directly from voters with regards to this polling station.

The Governance Committee accordingly recommends to the Council that the polling station identified in the original report (Upminster Methodist Church Hall, Hall Lane), be retained.



COUNCIL, 28 JANUARY 2015

REPORT OF THE GOVERNANCE COMMITTEE

AMENDMENTS TO THE CONSTITUTION

Governance Committee at its meeting on 14 January considered amendments required to the Constitution, predominately to the financial regulations, finance policy and budget and policy framework.

1. While the Monitoring Officer has the power to make amendments to the Constitution in certain limited circumstances, other amendments are dealt with under Part 1 Article 4.02 paragraph (a) of the Constitution, which provides that only the Council will exercise the function of adopting and changing the Constitution.
2. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
 - a. Monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect.
 - b. Make recommendations to the Council about amending the Constitution
3. Following the establishment of the shared service between Havering and Newham Councils, officers have been reviewing the formal governance arrangements and associated policies and procedures. The aim being to both rationalise and standardise these to make them, as far as possible, consistent. This brings a number of benefits including ease of maintenance, consistency, simplification and portability between the two councils, and should ensure that all detailed procedures, including the operation of the Oracle suite of systems, takes place in a consistent manner.
4. It is recognised that the overarching governance arrangements between the two councils do differ, and this has been reflected in carrying out this review. The basic principles to be applied however, do not currently differ in any substantive way, and this has therefore facilitated bringing two sets of rules together into a single set.
5. The areas dealt with in this report are the Financial Regulations, a new Finance Policy to provide the platform on which the Regulations will operate, and the Budget and Policy Framework. The Council is asked to note that further work is underway on the delegations to the Joint Committee created to oversee the operations of the shared service, and a further report on this will be brought forward in due course.

The Governance Committee accordingly recommends to Council that:

The revised Financial Regulations, Finance Policy and Budget and Policy Framework as attached, be adopted.

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Financial Regulations

April 2015



Who is governed by these regulations?

The regulations apply to all staff including and not limited to temporary staff, those with temporary contracts, sessional staff and contractors, however it is the responsibility of Senior Managers to make sure the regulations are implemented in their service area as appropriate. A failure to comply with the regulations could result in the Council incurring a financial loss and could impact upon the financial standing of the Council. This could be damaging to the reputation of the Council and the individual. It could also result in disciplinary action under the officers Code of Conduct.

Executive Summary

The financial regulations are for managing the Council's financial affairs and to safeguard its financial position. They are designed to protect the Council's assets.

The regulations are part of the Council's Constitution and are approved by Full Council. The regulations provide clarity for every Member and officer of the Authority. Senior Managers and Budget Managers are responsible for ensuring the regulations operate in their service area and that all staff in their area are aware of their own responsibility to implement the regulations.

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Introduction: Reasons for Financial Regulations

- 1.1 To conduct its business efficiently, a local authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the Authority.
- 1.2 The financial regulations provide clarity about the financial accountabilities of individuals – cabinet members, the Chief Executive, the Monitoring Officer, the Chief Finance Officer, and Senior Managers. Each of the financial regulations sets out the overarching financial responsibilities. Senior Managers refer to Level 1 and 2 officers (Directors and heads of service) in London Borough of Newham (LBN) and Corporate Management Team (CMT) members (Group Directors) and heads of service in London Borough of Havering (LBH). A ‘Senior Manager’ for the purposes of these Regulations means the Head of Paid Service, Corporate Directors, Service Heads and Budget Managers unless otherwise specified in these regulations.
- 1.3 The Financial Regulations also link to other internal regulatory documents forming part of the Council’s Constitution. For example, Contract Standing Orders, Schemes of Delegation, the role of Overview and Scrutiny Committees and codes of conduct. There are also links to more detailed financial procedures, guidance and instructions.

Status of Financial Regulations

- 2.1. The Financial Regulations provide the framework for managing the Authority’s financial affairs and are part of the Council’s Constitution. They apply to every member and officer of the Authority and anyone acting on its behalf.
- 2.2. The Regulations identify the financial responsibilities of the Full Council, Executive and the Overview and Scrutiny Committee, the Chief Executive, the Monitoring Officer, the Chief Finance Officer and Senior Managers. Executive members and Senior Managers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, such as school governors, references to Senior Managers in the regulations should be read as referring to them.
- 2.3. All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and achieves value for money.
- 2.4. The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Full Council for approval. The Chief Finance Officer is also responsible for reporting breaches of the Financial Regulations to the Council and/or to the Executive.
- 2.5. The Council’s **Financial Procedures**, (how the regulations will be implemented) are contained on the Council’s intranet pages and appended to these Financial Regulations.
- 2.6. Senior Managers are responsible for ensuring that all staff in their service area are aware of the existence and content of the Council’s Financial Regulations and other internal regulatory documents and that they comply with them.
- 2.7. The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Regulations that members, officers and others acting on behalf of the Council are required to follow.

Introduction

- A.1. Financial management covers all financial accountabilities in relation to the running of the Authority, including the policy and budget framework.

The Full Council

- A.2. The Full Council is responsible for adopting the Authority's Constitution and Members' Code of Conduct and for approving the budget and the policy framework within which the Executive operates. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The Full Council is also responsible for monitoring compliance with the agreed policy and related executive decisions.
- A.3. The Full Council is responsible for approving procedures for recording and reporting decisions taken by the Council and its committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

The Executive

- A.4. Details of the roles and responsibilities of the executive are located within the constitution

Overview and Scrutiny Committee

- A.5. The Overview and Scrutiny Committee is responsible for scrutinising executive decisions before or after they have been taken and for holding the Executive to account. Overview and Scrutiny Committee is also able to analyse and comment on future policy options, general policy and the discharge of executive and non-executive functions of the Council.

Audit Board / Committee

- A.6. The Audit Board/Committee is the body charged with scrutinising the financial governance and system of internal controls of the authority. It has right of access to all the information it considers necessary and can consult directly with internal and external Auditors. The Audit Board/Committee is responsible for reviewing the external auditor's reports and the annual audit letter and internal audit's annual report. In LBH, it is responsible for approving the final Statement of Accounts of the authority for submission to the external auditor and scrutinising the treasury management report ; in LBN, approval to the accounts rests with the Investment and Accounts Committee.

The Statutory Officers

Chief Executive

- A.7. The Chief Executive is responsible for the corporate and overall strategic management of the Authority as a whole. He/she must report to and provide information for the Executive, the Full Council, the Overview and Scrutiny Committee and other committees. He/she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Chief Executive is also responsible for the system of record keeping in relation to all of the Full Council's decisions and is the Head of Paid Service with overall responsibility for ensuring the necessary staffing resources, to carry out the Council's functions, are kept under review.

Monitoring Officer

- A.8 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Full Council and for ensuring that the Constitution is kept up to date and adhered to.
- A.9. The Monitoring Officer must ensure that executive decisions and the reasons for them are made public. He/she must also ensure that Council members are aware of decisions made by the Executive and of those made by officers who have delegated executive responsibility.
- A.10. The Monitoring Officer is responsible for advising all councillors about the legal implications of any decision and who has authority to take a particular decision.
- A.11. The Monitoring Officer (together with the Chief Finance Officer) is responsible for advising the Executive or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the Budget and Policy Framework. Actions that may be 'contrary to the Budget' include:
- Initiating a new policy
 - Committing expenditure in future years above the approved budget
 - Incurring inter-service virements above authorised limits as per the scheme of virement
 - Causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

Chief Finance Officer

- A.12. The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:
- Section 151 of the Local Government Act 1972
 - The Local Government Finance Act 1988
 - The Local Government and Housing Act 1989
 - The Accounts and Audit Regulations 1996
 - The Accounts and Audit Regulations 2003
 - The Local Government Act 2003
 - The Accounts and Audit Regulations 2011
- A.13. The Chief Finance Officer is responsible for:
- The proper administration of the Council's financial affairs, including keeping proper accounting records.
 - Setting and monitoring compliance with financial management standards.
 - Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
 - Providing financial information in conjunction with Senior Managers.
 - Ensuring that the annual statement of accounts is prepared in accordance with International Financial Reporting Standards, the Code of Practice on Local Authority Accounting and the Service Reporting Code of Practice within the statutory deadlines.
 - Preparing the revenue budget and capital programme relating to the General Fund and the Housing Revenue Account.
 - Ensuring that reports requesting decisions of Members include appropriate statements as to the financial and use of resources and risks implications of the matter under consideration.
 - Treasury Management.

- Reporting to full Council. Executive and external auditor (under S114 of the Local Government Finance Act 1988) if the authority or one of its officers has made/about to make a decision which involves incurring unlawful expenditure, has taken or about to take an unlawful action which has resulted or would result in a loss or deficiency to the Council or about to make an unlawful entry in the authority's accounts.
- S114 of the 1988 Act requires the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he/she be unable to perform the duties under S114 personally.
- Selecting accounting policies and ensuring that they are applied consistently.
- Determining the accounting procedures and records for the authority.
- Issuing advice and guidance to underpin the Financial Regulations.
- Maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the full Council for approval.
- In conjunction with Senior Managers, reporting breaches of the Financial Regulations to the Audit Committee.
- Preparing reports to Corporate Management Team/Corporate Leadership Team and the Executive to set the Cabinet Thresholds for reporting specific financial issues to the Executive.

A.14. Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Full Council, the Executive and the External Auditor if the Authority or one of its officers:

- Has made, or is about to make, a decision which involves incurring unlawful expenditure.
- Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority.
- Is about to make an unlawful entry in the Authority's accounts.

A.15. The Chief Finance Officer will nominate properly qualified members of staff to deputise for him/her in their absence on all other issues.

Senior Managers

A.16. The financial responsibilities of Senior Managers are:

- Ensuring that the Executive are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer.
- Exercise of budgetary control.
- Consulting with the Chief Finance Officer and seeking approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.
- Ensuring that matters requiring a decision by Members are drawn to the attention of the Chief Finance Officer before any such decision is taken.

Other financial accountabilities

Virements

A.17. Budget virement is a process of transferring a revenue/capital budget from one budget heading to another. The authorisation limits of budget virements (provided within the budget framework) for both Councils vary and are specified in the financial procedures. If outside the budget framework, approval would be sought from Full Council for both councils.

A.18. Senior Managers are responsible for agreeing in-year virements within delegated limits, in accordance with the Budget and Policy Framework and any guidance issued by the Chief Finance Officer.

Treatment of Year-end Balances

A.19. The Chief Finance Officer is responsible for agreeing procedures for carrying forward under and overspendings on budget headings.

Accounting Policies

A.20. The Chief Finance Officer is responsible for selecting accounting policies and ensuring that it is applied consistently.

Accounting Records and Returns

A.21. The Chief Finance Officer is responsible for determining the accounting procedures and records for the Authority.

The Annual Statement of Accounts

A.22. The Chief Finance Officer is responsible for ensuring that the Annual Statement of Accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: a Statement of Recommended Practice* (CIPFA/LASAAC) and International Financial Reporting Standards (IFRS) where relevant. .

B: Financial Planning

Introduction

B.1. The Full Council is responsible for agreeing the Council's budget and policy framework, which will be proposed by the Executive. In terms of financial planning, the key elements are:

- The Corporate Plan or its equivalent.
- The Medium Term Budget Strategy.
- The Treasury Management Strategy.
- The Investment Strategy.

Policy Framework

B.2. The Full Council is responsible for approving the Budget and Policy Framework. The Policy Framework is made up of specific plans and strategies, these along with the rules governing the Budget and Policy Framework are set out in the constitution

B.3. The Full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the Policy Framework and for determining the circumstances in which a decision will be deemed to be contrary to the Budget or Policy Framework. Decisions should be referred to the Full Council by the Monitoring Officer and the Chief Finance Officer.

B.4. The Full Council is responsible for setting the level at which the Executive may reallocate budget funds from one service to another in the Virement Scheme. The Executive is responsible for taking key in-year decisions on resources and priorities in order to deliver the Budget and Policy Framework within the financial limits set by the Council.

Budgets

B.5. The process for compilation of the budget will be approved by the Executive on the advice of the Chief Finance Officer.

- B.6. The draft revenue and capital budget should include projected net expenditure on services and projects, proposed taxation and rent levels as well as any contingency funds.
- B.7. The Chief Finance Officer is responsible for ensuring that a annual revenue budget, an annual capital programme, and a Medium Term Budget Strategy are prepared on a robust basis for consideration by the Executive, before submission to the full Council. The Full Council may amend the Budget or ask the Executive to reconsider it before approving it.
- B.8. Senior Managers will ensure the proper administration of the Revenue Budgets and the Capital Programme allocated to them. They will also ensure compliance with guidance and instructions issued by the Chief Finance Officer.

Budget Monitoring and Control

- B.9. The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He/she must monitor and control expenditure against budget allocations and report to the Executive on the overall position on a regular basis.
- B.10. It is the responsibility of Senior Managers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Finance Officer; spending must be contained within approved budgets; He/she should report on variances within their own areas. He/she should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

Guidelines

- B.11 Guidelines on budget preparation are issued to Senior Managers by the Chief Finance Officer.
- B.12. It is the responsibility of the Chief Finance Officer to advise the Executive and/or the Full Council on prudent levels of reserves for the Authority.

C: Risk Management and Control of Resources

Introduction

- C.1. It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

- C.2. The Chief Finance Officer is responsible for the Risk Management Strategy and responsible for ensuring the effectiveness of risk management. The Strategy is reviewed and updated annually by the Audit Board/Committee. The Audit Board/Committee receives regular reports on current and planned risk management activity to enable it to execute its assurance role.
- C.3. The Chief Finance Officer is responsible for preparing the Council's Risk Management Strategy and in conjunction with the Member Risk Management Champion/Lead Member is responsible for promoting it throughout the Authority.

Internal Control

- C.4. Internal control refers to the systems of control devised by management to help ensure that the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- C.5. The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. He/she should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.6. It is the responsibility of Senior Managers to establish sound arrangements for internal control.

Audit Requirements

- C.7. The Accounts and Audit Regulations 2011 require every local authority to maintain an adequate and effective internal audit function.
- C.8. The basic duties of the external auditor are to ensure:
- the accounts comply with the requirements of the enactments that apply to them
 - that proper practices have been observed in the preparation of the Statement of Accounts, and that the statement presents a true and fair view and
 - that the authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.
- C.8. The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue & Customs who have statutory rights of access.

Preventing Fraud and Corruption

- C.9. The Chief Finance Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy. Senior Managers are responsible for reporting all cases of fraud or suspicions (including money laundering) of fraud, to the Chief Finance Officer or the representative appointed by the Chief Finance Officer. Money laundering is reported directly to the Chief Finance Officer and suspicions of fraud are reported to the Head of Internal Audit.

Assets

- C.10. Senior Managers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management

- C.11. The Council has adopted CIPFA's *Treasury Management in the Public Services – Code of Practice for Chief Financial Officers*.
- C.12. The Full Council is responsible for approving the Treasury Management Policy Statement setting out the matters detailed in section 6 para 15 of the *Code of Practice*. The Policy Statement is proposed to the Full Council by the Executive. The Chief Finance Officer is responsible for implementing and monitoring the statement.
- C.13. All money in the hands of the Authority is controlled by the Officer designated for the purposes of section 151 of the Local Government Act 1972, i.e. the Chief Finance Officer.
- C.14. The Chief Finance Officer is responsible for reporting to the Executive a proposed Treasury Management Strategy in advance of the year a mid-year review and annual report by 30th September after its close. The Executive will then propose these to the full Council.

- C.15. All Executive decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer, who is required to act in accordance with CIPFA's *Code of Practice for Treasury Management in Local Authorities*.

D: Systems and Procedures

Introduction

- D.1. Sound systems and procedures are essential to an effective framework of accountability and control.

General

- D.2. The Chief Finance Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by Senior Managers to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer to ensure that any data that impacts upon accounting systems is accurate. Senior Managers are responsible for the proper operation of financial processes in their own services including reconciliation to the council's general ledger.
- D.3. Any changes to agreed procedures by Senior Managers to meet their own specific service needs should be agreed with the Chief Finance Officer.
- D.4. Senior Managers should ensure that their staff are suitably competent to undertake their roles within the context of any guidance issued by the Chief Finance Officer on finance competencies. They should ensure that staff undergo relevant financial training that has been approved by the Chief Finance Officer.
- D.5. Senior Managers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Senior Managers must ensure that staff are aware of their responsibilities under freedom of information legislation.

Income and Expenditure

- D.6. It is the responsibility of Senior Managers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. This scheme should identify staff authorised to act on the Senior Managers' behalf, or on behalf of the Executive, in respect of payments, income collection and placing orders, together with the limits of their authority. The Executive is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to Employees and Members

- D.7. The Chief Finance Officer is responsible for all payments to staff and for payment of allowances to members.

Taxation (Including Value Added Tax)

- D.8. The Chief Finance Officer is responsible for advising Senior Managers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.
- D.9. The Chief Finance Officer is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate to HM Revenue and Customs.

Alternative Ways of Service Provision

- D.10. It is the responsibility of the Chief Finance Officer to advise on the financial issues in respect of the establishment and operation of alternative ways of service provision, such as trusts, mutuals and joint ventures.

Loans to External Organisations

- D.11. While the Council does have powers to give loans to external third parties under the general power of competence pursuant to Section 1 of the Localism Act 2011, before considering loans to such bodies the statutory powers intended to be used to make such loans should be established to the satisfaction of the Director of Finance and Director of Legal and Governance.

E: Joint Arrangements

Introduction

- E.1. The Council provides a distinctive leadership role for the Community and brings together the contributions of its various stakeholders. It also seeks to achieve its Vision, via the promotion or improvement of the economic, social and environmental well-being of its area.

Partnerships

- E.2. The Executive is responsible for approving delegations, including frameworks for partnerships. The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3. The Executive can delegate functions, including those relating to partnerships, to officers.
- E.4. The Chief Executive represents the Authority on partnership and external bodies, in accordance with the Scheme of Delegation.
- E.5. The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct and governance arrangements with regard to financial administration in partnerships that apply throughout the Authority.
- E.6. The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He/she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He/she must ensure that the risks have been fully appraised before agreements are entered into with external bodies. He/she must also consider how these arrangements can demonstrate Value for Money and continuous improvement.
- E.7. Senior Managers are responsible for monitoring the partnership arrangements on an on-going basis. Senior Managers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External Funding

- E.8. The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

Work for Third Parties

- E.9. The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.

oneSource

Statement of Finance Policy Principles

Purpose

1.1 This policy (*the Finance Policy*) builds on the requirements of the Financial Regulations of the London Boroughs of Havering and Newham to ensure sound financial management practices are followed.

Objectives

1.2 The objectives of this policy are to:

- (a) ensure that the Councils' financial management is adequate and effective and that there is a sound system of internal control which facilitates the effective exercise of its functions; and
- (b) ensure that public money is safeguarded, properly accounted for, and used effectively.

Key principles

1.3 oneSource will:

- (a) ensure sound financial practices are in place which follow the fundamental principles of probity, accountability and value for money and ensure investment plans are affordable, prudent and sustainable;
- (b) ensure financial information is accurate, up-to-date and auditable; and
- (c) monitor and regularly review its financial practices, to ensure they are up-to-date and reflect current legislation, guidance and best practice.

Duties

1.4 Responsibilities for the Finance Policy are as follows:

- (a) Board/Cabinet, Chief Executive and Corporate Management Team: endorsing this policy;
- (b) S151 Officer and Director of Finance oneSource: ensuring the finance policy is fit for purpose and complies with relevant statutory obligations and other responsibilities for the proper administration of the Agency's financial affairs;
- (c) Director of Finance oneSource: ensuring this policy is regularly reviewed and updated, and advising staff where necessary, monitoring non-compliance with this policy, ensuring appropriate action is taken on any non-compliance, and reporting this internally and to the S151 officers as appropriate;
- (d) Executive/Group Directors and other Budget Holders: accountability for all financial matters in their business area including ensuring operational compliance with this policy, the Constitutions (including the Financial Regulations and Procurement Code/Procedure Rules), relevant legislation, guidance, best practice, and other standards, reporting any non-compliance to the Director of Finance oneSource and providing advice and guidance to their teams.
- (e) All staff: understanding and complying with the requirements of this policy, the Constitution (including the Financial Regulations and Procurement Code/Procedure Rules), relevant legislation, guidance and best practice.

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Budget and Policy Framework Procedure Rules

Contents

Rule	Subject
1	The Framework for Executive Decisions
2	Process for Developing the Framework
3	Decisions Outside the Budget or Policy Framework
4	Urgent Decisions Outside the Budget or Policy Framework
5	Virement
6	In-Year Changes to Policy Framework
7	Call-In of Decisions Outside the Budget or Policy Framework

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

- 1.1 The Council will be responsible for the adoption of its budget and policy framework. Once a budget or a policy framework is in place, it will be the responsibility of the Executive and officers to implement it.
- 1.2 The Budget and Policy Framework provides the financial basis for the implementation of the Council's policy framework and for the development of the Council's budget.
- 1.3 The Budget and Policy Framework covers:
- (a) Medium Term Financial Strategy
 - (b) Capital Strategy
 - (c) Treasury Management Strategy
- 1.4 The Chief Finance Officer will be primarily responsible for providing advice and guidance on the Budget and Policy Framework and its application, but will consult with the Monitoring Officer where appropriate.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

- 2.1 The Executive will provide an initial report on its Medium Term Financial Strategy and Capital Strategy along with initial proposals for the budget and policy framework for consideration by Council. This report will be published by October.
- 2.2 The report will be available to the Overview and Scrutiny Committees and other local stakeholders who wish to express a view.
- 2.3 The Executive in conjunction with the Chief Finance Officer will decided the detailed local processes, procedures and timescales to consult on the budget proposals.
- 2.4 The Executive in conjunction with the Chief finance officer will decided the

detailed local processes, procedures and timescales to consult on the budget proposals. The Executive will issue detailed proposals for consultation having given due consideration to:

- (i) comments from Overview and Scrutiny Committees and other local stakeholders
- (ii) feedback from the consultation process
- (iii) the Government's financial announcements
- (iv) information from precepting and levying bodies
- (v) the advice of senior officers.

- 2.5 Having considered responses to the consultation on its initial detailed budget proposals, and any further information on Government funding and precepts/levies, the Executive may amend its proposals before submitting them to Council.
- 2.6 The Executive will also publish a Treasury Management Strategy which will be submitted to Council alongside its final budget proposals.
- 2.7 At any time when a report is submitted to Council on the budget the Council will consider the proposals of the Executive and may adopt them, refer them back to the Executive or substitute its own proposals in their place.
- 2.8 All Councillors and parties are actively encouraged to contribute issues and ideas into the budget process via the Overview and Scrutiny Committees.
- 2.9 Where an Executive Mayor is in place he can object to any Council decision to amend the budget. To do this he must inform the Proper Officer in writing within 5 days of the decision stating his objection and giving reasons why. In that case the Proper Officer will call a Council meeting within a further 10 days to consider the Mayor's objection and to re-consider its decision. The Council may approve the Mayor's recommendation on a simple majority or approve a different decision by a two thirds majority. The Council decision will then be made public and will take effect immediately. The timescales may be varied if this is necessary to meet statutory deadlines.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 3.1 The Executive, individual members of the Executive, committees of the Executive, and any officers or joint arrangements may only make decisions which are in line with the approved Budget and Policy Framework. A decision that is not relevant to or covered by the budget framework but which is in line with a plan or strategy approved by the Executive is not contrary to the Budget and Policy Framework.
- 3.2 Subject to section 4 below, if the Executive wish to make a decision which is contrary to the Budget or Policy Framework, then that decision can only be made by the council.
- 3.3 If the Executive, individual members of the Executive, committees of the Executive, and any officers or joint arrangements want to make a decision which potentially is contrary to or not wholly in accordance with the Budget and Policy Framework, they must take advice from the Chief Finance Officer or Monitoring Officer, as appropriate. If the advice is that the decision is

contrary to or not wholly in accordance with the Budget and Policy Framework then the decision must be referred to Council for decision, unless the decision is a matter of urgency, in which case paragraph 4 shall apply (urgent decisions outside the Budget and Policy Framework).

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

4.1 Having consulted with the Chief Finance Officer or Monitoring Officer, as appropriate, the Executive, individual members of the Executive, committees of the Executive, and any officers or joint arrangements may take a decision which is contrary to or not wholly in accordance with the Budget and Policy Framework, or where the expenditure falls outside the approved budget, if the decision is a matter of urgency.

4.2 However, the decision may only be taken if:

- (a) it is not practical to convene a quorate meeting of the Council, and
- (b) the Chair (in the absence of the Chair, the Deputy Chair) of a relevant Overview and Scrutiny Committee accepts that the decision is a matter of urgency.

4.3 The reasons why it is not practical to convene a quorate meeting of the Council and the consent of the relevant Chair of Overview and Scrutiny Committee must be noted on the record of the decision and reported to the next available Council meeting along with a full report explaining:

- (a) the decision
- (b) the reasons for the decision
- (c) why the decision was treated as a matter of urgency.

5. VIREMENT

5.1 Steps taken by the Executive, individual members of the Executive, a committee of the Executive, or officers, or joint arrangements to implement Council policy shall not exceed those budgets allocated to each relevant budget head. However, such bodies or individuals shall be entitled to vire across budget heads within such limits as shall be laid down in the Financial Procedure Rules. Beyond those limits, approval to any virement across budget heads shall require the approval of the Full Council.

6. IN-YEAR CHANGES TO BUDGET AND POLICY FRAMEWORK.

6.1 Decisions by the Executive, individual members of the Executive, **committees of the Executive, and any officers or joint arrangements** can discharge only those Executive functions that are within the approved budget. No changes to the approved budget, except within the budget or virements rules set out in the Financial Procedures, can be made unless agreed by the Chief Finance Officer.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET AND POLICY FRAMEWORK

7.1 Where an Overview and Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to or not wholly in

accordance with the Council's Budget and Policy Framework, then it shall seek advice from the Chief Finance Officer or the Monitoring Officer, as appropriate and the Head of Paid Service.

7.2 Where that opinion relates to a decision that has already been taken and implemented, and the Chief Finance Officer considers that the decision is contrary to or not wholly in accordance with the Budget and Policy Framework, the Chief Finance Officer, or the Monitoring Officer as appropriate shall report on the matter to the Cabinet, sending a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the report and report on the matter to the Council.

7.3 Where that opinion relates to a decision yet to be made, or that has been made but not yet implemented, and the advice from the Chief Finance Officer or Monitoring Officer, as appropriate, is that the decision is contrary to or not wholly in accordance with the Budget and Policy Framework, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.

7.4 At the meeting, the Council will receive a report about the decision or proposals and the advice of the Chief Finance Officer. The Council may:

- (a) endorse a decision or proposal of the Executive as falling within the existing Budget and Policy Framework; or
- (b) amend the Budget and Policy Framework to encompass the decision or proposal and agree to the decision or proposal with immediate effect; or
- (c) if it accepts that the decision or proposal is contrary to or not wholly in accordance with the Budget and Policy Framework and does not amend the existing Budget and Policy Framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of the Chief Finance Officer or Monitoring Officer, as appropriate.

7.5 The decision of Council shall be recorded in its minutes.

8. FEES AND CHARGES

All fees & charges must be set in accordance with the corporate charging policy.

COUNCIL, 28th JANUARY 2015

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: Adoption of the Sex Establishment Licensing Policy and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009 to commence on the 1st March 2015.

SUMMARY

Cabinet approved the adoption of the Sex Establishment Policy and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A82) at the meeting on the 12th Feb 2014 however due to a technical issue and following further legal advice the decision is being referred to Council for confirmation of approval.

RECOMMENDATIONS

That Council confirm approval of :

- 1) the adoption of the Sex Establishment Licensing Policy attached, and
- 2) the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009 to commence on the 1st March 2015.

REPORT DETAIL

1. Cabinet approved the adoption of the Sex Establishment Policy and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A82) at the meeting on the 12th Feb 2014 However, the report and thereby the Cabinet resolution did not make reference to a specific commencement date. This report addresses that and on further legal consideration it is judged more appropriate that Full

Council make the decision to adopt the legislation thereby better safeguarding the Council's position.

2. The London Borough of Havering needs to pass a fresh resolution to adopt the amended LG(MP)A82 and specify the day on which the provisions are to come into force (this day can be no earlier than one month after the date of resolution). The Local Authority must then publish a notice in a local newspaper in two consecutive weeks stating that they have passed such a resolution and its general effect. The first notice must appear no later than 28 days before the date the provisions are to come into effect.
3. The full reasons for adoption of the legislation and policy are set out in the Cabinet Report of 12 February 2014 and the minutes which are attached.

Financial Implications and Risks:

While there were financial implications around the decisions described in this report, there are none directly associated with this report.

Legal Implications and Risks:

The legal implications of a decision to impose a nil sex establishment policy were set out in the Cabinet Report along with implications of the consultation exercise. As discussed there was considered to be a low risk of any successful challenge.

This Report to Council has been necessitated to minimise the risk of a challenge to the omission of the date for implementation in the original Cabinet decision. On reflection it was also considered more appropriate and would minimise any potential challenge for the final confirmatory decision to be taken by full Council as individual decisions in respect of licensing under the LG (MP)A 82 are non-executive functions.

Human Resource Implications and Risks:

There are none directly associated with this report.

Equalities and Social Inclusion Implications and Risks:

There are none directly associated with this report.

Council, 28 January 2015

Staff Contact:	Trudi Penman
Designation	Licensing and Health & Safety Divisional Manager
Telephone No:	01708 432718
Email:	Trudi.penman@havering.gov.uk

Background paper List

None.

Attachments

1. Report to Cabinet, 12 February 2014
2. Sex establishment licensing policy
3. Summary of consultation
4. Equality analysis
5. Extract from minutes of Cabinet, 12 February 2014

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CABINET

12 February 2014

Subject Heading:

Recommendation to adopt the Sex Establishment Licensing Policy and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009 for approval by Cabinet.

Cabinet Member:

Councillor Starns

CMT Lead:

Cynthia Griffin

Report Author and contact details:

Trudi Penman

Divisional Manager, Licensing and Health and Safety,

Policy context:

Financial summary:

The proposed fees are based on cost recovery.

Is this a Key Decision?

No

When should this matter be reviewed?

March 2019

Reviewing OSC:

Towns and Communities

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	X
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	X
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report seeks the approval of the Cabinet following the recommendation of the Licensing Committee on the 18th December to (1) approve the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) and (2) the Council's Sex Establishment Licensing Policy.

RECOMMENDATIONS

The Cabinet notes the details of this report and approve:

1. The adoption of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 and
2. The Sex Establishment Licensing Policy.

REPORT DETAIL

- 1.0 The Policing and Crime Act 2009 (PCA09) created a new category of sex establishment, i.e. the "sexual entertainment venue". Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 [LG(MPA)82] is amended by the PCA09 and provides for the adoption of the new provisions contained in schedule 3 of this Act. This allows the 'appropriate authorities' to control, by way of a licensing regime, sex establishments. PCA09 came into effect on 6th April 2010.
- 2.0 A 'Sex establishment' is:
 - a sex cinema
 - a sex shop
 - a sex encounter establishment (but only where the London Borough has so resolved)
 - a hostess bar (but only where the London Borough has so resolved)
 - a sexual entertainment venue.

3.0 A sexual entertainment venue is defined as follows:

LG(MPA) 82 Schedule 3

“2A “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “relevant entertainment” means—

- (a) any live performance; or
- (b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).”

LB Havering had resolved on 13th October 1982 to adopt the previous provisions of Schedule 3 which included regulation of sex encounter establishments and hostess bars. These will continue to apply.

A sex encounter establishment is a premise which provides performances wholly or mainly for the sexual stimulation of customers, services or entertainment involving the exposure of private parts and premises displaying images stimulating sexual activity, e.g. lap dancing club.

4.0 There is no requirement on a Local Authority to adopt the amendments to Schedule 3, but if Havering decides not to do so then the existing policy under the un-amended Schedule 3 will continue to apply. This means that adult entertainment including lap dancing may be licensed under the Licensing Act 2003 as a category of “music and dancing”. A premises licence under the Licensing Act 2003 has no expiry date compared to a licence under the LG(MP)A82 which is valid for one year. If a Local Authority considers that the legislation should be adopted then it should construct a policy to address such issues. Such a policy should:

- include the Local Authority’s approach to such matters
- guide and reassure the public and other public authorities
- ensure transparency
- ensure consistency
- guide and focus its committees
- relate grounds for a refusal of a licence
- define conditions
- define procedures

Sex Establishment Licensing Policy, Appendix 1 refers.

5.0 Once the new version of schedule 3 has been adopted the LG(MP)A82 will prohibit anyone from using any premises as a sex establishment unless they

have been granted a licence under that Act. It will no longer be possible to use a premises license under the Licensing Act 2003 for that purpose.

- 6.0 Schedule 3 LG(MP)A 82 provides an exclusion to the operation of this Act for premises licensed under the Licensing Act 2003 [LA03] for regulated entertainment or late night refreshment; however, in London, this exemption is removed and replaced by an amendment to the LA03 to the effect that relevant entertainment for the purposes of schedule 3 of LG(MP)A82 is not regulated entertainment for the purposes of LA03 Premises
- 7.0 The London Borough of Havering needs to pass a fresh resolution to adopt the amended LG(MP)A82 and specify the day on which the provisions are to come into force (this day can be no earlier than one month after the date of resolution). The Local Authority must then publish a notice in a local newspaper in two consecutive weeks stating that they have passed such a resolution and its general effect. The first notice must appear no later than 28 days before the date the provisions are to come into force.
- 8.0 The Local Authority has a duty to consult 'local people' in relation to whether the Local Authority should make such a resolution under Para 4 Schedule 3 Policing and Crime Act 2009 'Local people' has a wide geographical meaning in this instance and relates to persons who live or work in the area of the Local Authority. This consultation took place in 2011 where the consultation and proposals were published on the website as well as sending letters to the responsible authorities and other interested parties. Only 2 responses were received. One was a query and one was in favour of the adoption of schedule 3 but not the nil policy for each ward. See Appendix 2 for the consultation responses. Because of the lack of responses it is assumed that the proposal was non contentious so people did not feel moved to respond. There was a single response against the policy so it is not proposed to make any changes to the draft document. It is considered that, despite the fact that consultation took place in 2011, there have been no significant changes in the community of Havering that would lead to any changes in responses.

It is therefore proposed that the Council proceeds to adopt the amendments to schedule 3 of the Local Government and agree the Sex Establishment Licensing Policy.

REASONS AND OPTIONS

Reasons for the decision:

The LG(MP)A 82 is the most appropriate legislation to use to control sexual entertainment venues. It allows the Local Authority to make its own Policy and

regulations. The policy has a rebuttal presumption for applications based on ward profiles. The regulations control the application process conditions of premises. The licence is valid for one year and the applicant can apply to renew the licence. By re adopting Schedule 3 to include lap dancing premises it brings all sexual entertainment under the same legislation and procedures.

Other options considered:

Leave lap dancing under the Licensing Act 2003 as existing.. This option was not considered appropriate as the onus of the Licensing Act 2003 is to grant applications and the licence has no renewal date.

IMPLICATIONS AND RISKS

Financial implications and risks:

Currently, and without the adoption of schedule 3, should such an establishment be licensed, that license would be covered by the Licensing Act 2003, fees for which are set by government. At the moment, an average Licensing Act fee is c£250 application fee, plus an annual fee of c£180.

If Schedule 3 is adopted, then the Council can set sex establishment fees on a cost recovery basis. The licence would be valid for one year and the fee, which has been based on estimated costs, would be £2000 from April 2013 for a new licence.
Conway Mulcahy

Legal implications and risks:

The new version of Schedule 3 may be adopted by the Council following consultation. The guidance recommends that consultation should be undertaken with local people i.e. those who live and work in the area. Such consultation should be fair and meaningful. This means that it must be undertaken at a time before final decisions have been taken and any comments should be conscientiously taken into account before a final decision is made. Whilst the consultation took place some time ago it does appear to have been undertaken with local people as ward councillors were informed and are representative of those living locally and could have communicated specific details of the consultation to their constituents. The passage of time may introduce an element of vulnerability however, the risk is considered to be small. The decision maker must be satisfied that there has been sufficient information provided to ensure that all relevant people have been given an opportunity to make any representations they think are appropriate.

The other element of vulnerability is the adoption of a nil establishment policy. The impact of this is that if an application is made it will almost inevitably be rejected even though each case will need to be considered on its own facts. There will be no right of appeal against a decision to reject an application on the basis of the nil

policy. The only potential challenge to a specific decision on an application rejected because of the nil policy will be by way of judicial review. Therefore the decision maker must be satisfied that the nil policy has objective justification and is not based on moral objections. However the legislation specifically provides for a nil policy and therefore such a decision, if based on rational objective grounds, gives rise to a low risk. (Paragraph 12(4) LGMPA 1982)”

Stephen Doye Legal Manager

Human Resources implications and risks:

There are no direct human resources implications to this report. The Licensing regime will be implemented from existing resources.

Geraldine Minchin Strategic HR Business Partner

Equalities implications and risks:

While it is recognised that the policy may deter a small number of businesses opening up, the benefits of having it in place far outweighs the potential loss of such new businesses. It is envisaged that the policy will protect vulnerable adults and children, young people, women and girls, and will significantly minimise the risk of exploitation of those groups.

For further information, please refer to the Equality Analysis (Appendix 3).

Andreyana Ivanova Diversity Advisor

BACKGROUND PAPERS

None



Haverling

LONDON BOROUGH

Sex Establishment Licensing Policy

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1. Introduction

1.1 This document sets out the London Borough of Havering's Policy (the 'Policy') regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences.

1.2 This document relates to applications for sex establishment licences covering:

- Sex entertainment venues
- Sex cinemas
- Sex shops
- Hostess bars
- Sex encounter establishment

1.3 In determining this policy, the Council has been mindful of possible concerns of the local community and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities. Please refer to Section 5 for more details.

1.4 The procedure sets out:

- The process for making an application, and
- The process the Council will follow in considering and determining an application for a sex establishment.

2. Consultation

- 2.1 In developing the policy for the three kinds of sex establishment (sex shop, sex cinema, and sex entertainment venue); the Council has had regard to Schedule 3 of the local Government (Miscellaneous Provision) Act 1982, as provided under the Policing and Crime Act 2009. This Sex Establishments Licensing Policy was subject to widespread consultation.

3. Definitions

The Act

This refers to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended by the Policing and Crime Act 2009).

The Policy

This refers to the Sex Establishment Licensing Policy.

Relevant locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide. This Council has determined that each ward within the borough represents a relevant locality for the purposes of decision making. The Council may have regard to the area of more than one locality/ward.

Character of the relevant locality

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances.

The Council

This means the London Borough of Havering

Display of nudity

This means:

- In the case of a woman: exposure of her nipples, pubic area, genitals or anus; and
- In the case of a man: exposure of his pubic area, genitals or anus.

Hostess Bar

This means

- (a) any premises used for a business which consists, whether in whole or in part, of the offering, expressly or by implication, whether on payment of a fee or not, of the provision of companions for customers on the premises; or
- (b) any premises in respect of which any impression, by whatever means, is given to customers, or potential customers, that a performance, entertainment, service, exhibition or other experience of a sexual nature is available on the said premises; or
- (c) any premises in respect of which any impression, by whatever means, is given to customers, or potential customers, that alcoholic refreshments are available on the said premises despite the premises not being the subject of a premises licence or a club certificate under the 2003 Act.

The Licensed Premises

This is a premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions required for operating.

Note that licences are not required for the sale, supply or demonstration of birth control items.

The Organiser

This is any person who is responsible for the organisation or management of the relevant entertainment or the premises.

Permitted hours

These are the hours of activity and operation that have been authorised under a sex establishment licence.

Sex articles

A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

Sex Cinema

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity or genital organs or urinary excretory function.

Sex Encounter Establishment

- (a) premises at which performances which are not unlawful are given by one or more persons present and performing, which wholly or mainly comprise the sexual stimulation of persons admitted to the premises (whether by verbal or any other means); or
- (b) premises at which any services which are not unlawful and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or
- (c) premises at which entertainments which are not unlawful are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or
- (d) premises (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principal purpose of the exhibition, other than the purpose of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity

Sexual Entertainment Venue

A sexual entertainment venue is any premises where any live performance or any live display of nudity is of such a nature that, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience.

Sex Shop

A sex shop is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

4. Policy Consideration

- 1 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 237900 (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 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.
- 3 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 2

The Councils Vision

The Corporate Plan 2011-14 sets out the Council's Agenda. 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.

- 4.5 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.

4.6 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.

4.7 The mission 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.

4.8 The Council aims to integrate this policy with the objectives of the Havering community strategy so that it contributes to achieving the vision of the borough. As such and with reference to appendix 1 , the provision of sex establishments is considered by this Council to contradict and undermine its stated aims. The Council's 'nil per ward policy' responds to this concern and in addition to the above is based on the following borough factors which justify this safeguarding regulatory step:

Ward profiles
Borough profile

Locations of:

Premises attracting vulnerable people such as GP surgeries and addiction centres

Areas and premises attracting families such as leisure and sport facilities and play spaces, parks and open spaces

Premises attracting young people such as schools, nurseries and other education establishments

Places of worship

4.9 It is the Council's view that having regard to each ward and recognising that because of the mix of uses, the character, the strategic vision and the existing locations of particular types of premises in those wards, it would be inappropriate for sex establishments to be located in its wards. The association that sex establishments have with the part of the 'sex industry' and adult entertainment means that they are not suitable for location in those parts of the borough associated with commerce, family retail and entrepreneurship, nor are they appropriate for location in residential areas or areas frequented by families and children.

- 4.10 Working with our partners in Health, Education, the Police and the business and voluntary sectors, the Council will continue to ensure that it reasonably and proportionately reflects the needs of its local communities through:

Continued consultation will take place by responding to complaints and by reviewing the policy in 5 years.

The promotion of a consistent and fair approach to regulation

Consultation with the police and other agencies as appropriate, to establish protocols for effective enforcement.

- 4.11 The Council understands that the co-ordination and integration of policies, strategies and initiatives is important. This policy takes account of, and is supported by, other Council policies and relevant legislation mentioned below. Through partnership working, the Council will seek to secure the proper integration of its policy with other licensing policies, local crime prevention, planning, tourism, cultural strategies and any other plans introduced for the management of town centres and the night time economy.

- 4.12 This policy has therefore had regard to:

Havering Community Strategy

Havering's Enforcement Policy

Section 17 of the Crime and Disorder Act 1998

The Human Rights Act 1998

The Disability Discrimination Act 1995

Havering's Statement of Licensing Policy (Licensing Act 2003)

Havering's Statement of Principles (Gambling Act 2005)

5. General Policy

Principles to be applied

5.1 Specific mandatory grounds for refusal of all licence are set out in the Act.

A licence cannot be granted:

- i. to anyone under 18 years of age
- ii. to someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- iii. to someone who has been refused a new or renewal of a licence within the last 12months (from the date of making the application)
- iv. to an individual who is not resident in an EEA (European Economic Area) state or has not been resident for 6 months prior to the making of an application
- v. to a company not incorporated in an EEA state.

5.2 The Council has determined that the following principles will apply

5.2.1 The Council has set a limit on the number of sex establishments that it thinks is appropriate for its relevant localities. The Council treats each ward in the borough as a relevant locality. Having regard to its analysis, the Council has determined that the appropriate numbers of sex establishments for each ward is as follows:

Wards	Appropriate number
Brooklands	0
Cranham	0
Elm Park	0
Emerson park	0
Gooshays	0
Hacton	0
Harold Wood	0
Havering Park	0
Heaton	0
Hylands	0
Mawneys	0
Petitts	0
Rainham and Wennington	0
Romford Town	0
St Andrews	0
South Hornchurch	0
Squirrels Heath	0
Upminster	0

- 5.3 There is no right of appeal against a decision based on this element of the Policy

Other Considerations

General

- 5.54 Every application will be considered on its merits on a case by case basis in determining applications to grant, refuse, renew, transfer or vary a licence.
- 5.5 The applicant must effectively address the policies on the appropriate number and the character of the relevant locality/ward in order for any grant of an application to be considered.
- 5.6 Sex establishments are not to be functionally visible to passers by on retail thoroughfares or pedestrian routes.
- 5.7 The Council shall have regard to all relevant considerations, including any representations received and comments made by:

Ward Councillors
Members of Parliament
Police
Fire Brigade
Planning
Environmental Health
Community Safety
Licensing Authority
Children Services
Interested parties (local residents/businesses)
Any representations made by the applicant.

New Applications

5.8 The Council may also refuse a licence if:

- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would have been refused a licence if they had applied themselves
- c) the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality (please refer to paragraph 5.2)
- d) (i) the grant or renewal of a licence would be inappropriate having regard to: the character or the relevant locality
(ii) The use to which any premises in the vicinity are put or
(iii) The layout, character or condition of the premises, vehicle, vessel - all in respect of which the application is made.

5.9 The Council shall not normally grant a licence to operate as a sex establishment if the character of the surrounding area to the proposed licenced premises is such that granting a licence is considered inappropriate.

5.10 The Council shall not normally grant a licence to operate as a sex establishment where there are residentially occupied premises, schools (including nursery groups) and other places/access routes used to a significant degree by children or young persons, or places of worship within 100 metres of the premises seeking a licence.

5.11 The Council may also have regard to the following factors:

- The proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons.
- The proximity of educational establishments to the premises
- The proximity of places of worship to the premises
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises
- The proximity to shopping centres
- The proximity to community facilities/ halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive)
- The potential impact of the licensed activity on crime and disorder and public nuisance

- The potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated
- The nature and concerns of any objections received from residents/establishments objecting to the licence application
- Any evidence of complaints about noise and/or disturbance caused by the premises
- Current planning permission/planning requirements on the premises
- Any current planning policy considerations
- Proximity of other sex establishments
- Whether there is planned regeneration of the area
- Any current licensing permissions related to the premises in relation to activities, uses and hours
- Comments /observations of the Police and Council personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/prosecutions pending.
- The suitability and fitness of an applicant to hold a licence. In determining suitability for a licence, the Council shall normally take into account:
 - a) Previous knowledge and experience of the applicant
 - b) Any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other borough
 - c) Any report about the applicant and management of the premises received from objectors or the police and any criminal convictions or cautions of the applicant
 - d) Any other relevant reason.

5.12 The above factors are not an exhaustive list of considerations but are merely indicative of the types of factors which may be considered in dealing with an application.

5.13 All applications for new licences for sex establishments, as described in the Act shall be referred to the Licensing Sub-committee for decision.

Renewal Applications

5.14 Where a licence was in existence before the introduction of this Policy, this Policy will become a consideration when the licence is due for renewal.

- 5.15 When considering a renewal application the Council may take into account the criteria set out at paragraph 5.10, and:
- The type of activity to which the application relates
 - The duration of the proposed licence
 - The days and hours of the operation of the activity
 - The layout and condition of the premises
 - The use to which other premises in the vicinity are put
 - The character of the locality in which the proposed premises are situated
 - The levels of crime and disorder in the area
 - Past demonstrable adverse impact from the activity
 - Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts
- 5.16 It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.
- 5.17 If a renewal application is not opposed, it shall be approved under authority delegated to relevant officer(s). All contested applications for renewal, as described in the Act shall be referred to the Licensing Sub-committee for decision.

Variation Applications

- 5.18 Where an application is made to vary any of the terms and conditions on an existing licence, whether on renewal or not, the Council will take into account the criteria as set out in paragraphs 5.10 and 5.14.

Licensing Act 2003

5.19 Sex establishment premises will need a separate licence to sell alcohol but may not need a licence for any other form of regulated entertainment dependant on the operation of the premises. Contact the licensing team for more information Licensing@haverling.gov.uk.

6. The Application Process

Making an Application

- 6.1 Any application must be made in writing to the Licensing team using the prescribed application forms which can be downloaded from the Havering Council website. Both forms need to be completed. Please note that applications may take 8-12 weeks to determine.

6.2 Applicants for a licence must complete and return the application form together with:

- Five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
- Five sets of plans showing the existing and front elevation of the premises depicting all signage;
- Five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
- Five sets of plans (scale 1:50) showing the layout of the sex establishment;
- The correct fee as set by the Council

6.3 As part of the application process, applicants are required to post an A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details. Notices are available on the website. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by. The notice should contain as a minimum the following information:

- The applicants name and address
- The date of application
- The category of licence being applied for, e.g. sex shop, sexual entertainment venue
- The proposed hours during which the premises will be used as a sex establishment
- The application type ,e.g. grant, renewal, transfer, variation
- The date of the application
- The last date for receipt of objections and the address to send objections to.

6.4 Applicants are also required to place a public notice in a local paper with a wide distribution in Havering at their expense. Suggested papers are the Romford Recorder and the Yellow Advertiser. The notice must as a minimum include:

- The applicants name and address
- The date of application
- The category of licence being applied for, e.g. sex shop, sexual entertainment venue
- The proposed hours during which the premises will be used as a sex establishment
- The application type ,e.g. grant, renewal, transfer, variation
- The date of the application

The last date for receipt of objections and the address to send objections to
A specimen advertisement is available on the Havering Council website. The newspaper notice should appear in the publication within 7 days of the application being lodged and should inform people that they have up to 28 days from the date of the application in which to object to the application..

- 6.5 Officers from Building Control and the Fire Authority will inspect the premises to ensure that the required technical standards are met. If works are required to bring the building up to standard, the applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.
- 6.6 As part of the established procedure for dealing with applications, noise officers are consulted, for example if there is the possibility of noise nuisance from amplified music. These officers may also carry out an inspection and recommend noise insulation work. Any conditions imposed by the Licensing Authority must be complied with at all times while the licence is in force.
- 6.7 Comments on applications are also sought from Councillors, the Police, the Head of Regulatory Services and any other relevant person as deemed appropriate by the Council.
- 6.8 Applicants are warned that any person who, in connection with an application for the grant renewal or transfer of a licence, makes a statement which s/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 6.9 Any licence approved does not constitute any approval under any other Acts (e.g. Town and country Planning Act 1990) or byelaws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.
- 6.10 The Council will not determine an application for grant of a licence unless the applicant allows an authorised officer of the Council a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.
- 6.11 On the grant of a licence, the licence document will have the agreed days and hours of operation set out, together with any other specific and/or standard conditions applied. Licence holders must comply with these.

Renewal of Licences

- 6.11 To continue operating as a sex establishment, licence holders must submit a renewal application in writing to the Licensing team on the prescribed form prior to the expiry date so that the licence can run consecutively. The lodging of an application automatically extends the duration of the licence until the application is dealt with.
- 6.12 The Council will not determine an application for renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the sex establishment to make such examination

and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Variation of Licence

6.13 The application form, with relevant plans and fee must be submitted to the Licensing team. Please note that applications for variation of the licence are also subject to the site and newspaper notice requirements set out in the above paragraphs 6.3 and 6.4.

6.14 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in Licensee must be the subject of a transfer application.

6.15 All opposed Variation applications for sex establishment licences must be referred to the Council's Licensing Sub-committee for decision. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

Transfer of licence

6.16 A transfer application must be submitted in writing . The Council will not determine an application for transfer of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Representations on any Application

6.17 Any person wishing to object to an application must submit a written representation within the 28 day consultation period specified to the licensing team setting out the ground of objection.

6.18 The Council will consider the interests of the applicant and those of the local community in reaching a decision on a licence application. Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account

6.19 The legislation dictates that, unless a person making representations consents, their name and address shall not be revealed to the applicant. They may also be reluctant to appear before a hearing of the Licensing Sub Committee. There is no obligation for an objector to attend the hearing, written representations will be considered although the committee will give each appropriate weight.

6.20 However, the ground of any objection made on the application must be provided to the applicant prior to the determination of the application. The

report to the Licensing Sub-committee may have the full details of the objections, including any actions/undertakings proposed by the applicant to address matters raised.

6.21 Additionally, the applicant and any persons who have made representations and who wish to attend the hearing will have the opportunity to address the Licensing Sub-committee before the application is determined.

7. Duration of Licence

- 7.1 Sex establishment licences may be granted for any period up to one year.

8. Appeals

8.1 There are no rights of appeal for persons who have objected to the grant of a sex establishment licence nor for other statutory authorities.

8.2. There is a right of appeal for applicants/licence holders in the following circumstances:

- refusal to grant a new sex establishment licence
- refusal to renew an existing sex establishment licence
- refusal to transfer an existing sex establishment licence
- refusal to vary an existing sex establishment licence
- imposition of conditions on a sex establishment licence
- revocation of a sex establishment licence

8.3. However, an appeal may not be lodged where the Council's decision has been made on the basis that:

I. the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality

II. the grant is inappropriate, having regard:

- i. to the character of the relevant locality
- ii. to the use to which any premises in the vicinity are put
- iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

8.4. Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition. Where the Licensing Panel have given an oral decision with reasons at the end of a hearing, the time limit for lodging an appeal will start on that date.

8.5. Where an appeal is lodged, the sex establishment licence remains in force until such time that the appeal is determined or abandoned. Where an appeal is lodged against conditions applied to a sex establishment licence, the conditions are deemed not to come into force until the determination or abandonment of the appeal.

8.6. There is a further and final right of appeal from the Magistrates Court to the Crown Court. This may be brought by the applicant/licence holder or the Council. The Council are not obliged to give effect to any order of the Magistrates Court until the time limit for the bringing of an appeal to the Crown Court has expired and, if such an appeal is brought, until the abandonment or determination of the appeal.

Regulations prescribing Standard conditions for Sex Establishment Licences.

In these regulations, the expressions "sex cinema", "sex shop", "sex article", "sex encounter establishment", "hostess bar" and "sexual entertainment venue" have the meaning ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009. "The Council" means the Council of the London Borough of Havering. "Licence holder" means the person or organisation named as the holder of the sex establishment licence for the premises granted by the London Borough of Havering for the time being in force. "Licensed premises" means the premises licensed by the London Borough of Havering to be used as a sex establishment. In the event of any conflict between these regulations and any special conditions contained in a licence relating to a sex establishment, the special conditions shall prevail.

General Conditions

1. The licence holder shall retain control over all portions of the premises as defined on the approved premises plan, and shall not let, license or part with possession of any part of the licensed premises.
2. The public shall not be permitted to have access to any part or parts of the licensed premises other than those which have been approved by the London Borough of Havering as per the plan submitted to the Council at the time the licence was granted.
3. No person under the age of eighteen shall be admitted to the licensed premises whilst the sex establishment licence is being used and prominent notices shall be displayed at each entrance to the premises to that effect.
4. No person aged under eighteen shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
5. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their trade.
6. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of any written request by the Council.
7. The premises layout shall allow all public parts of the premises to be easily supervised by premises management, staff and door supervisors at all times, save for public toilet areas which shall be checked at least at hourly intervals to ensure such areas are not being used for any improper purposes and are in a clean and useable condition.

8. No change of use of any portion of the licensed premises from that approved by the Council shall be made until the Council's consent in writing has been obtained.
9. No access shall be permitted through the licensed premises to any other premises adjoining or adjacent except in the case of emergency.
10. No alterations or additions, either internal or external, and whether permanent or temporary, shall be made to the structure, lighting or layout of the licensed premises except with the prior written approval of the Council.
11. The windows and openings of the licensed premises shall be of material or covered with material which will render the interior of the premises invisible to passers by.
12. The external doors to the licensed premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
13. The licence holder shall ensure that the sex establishment licence or a certified copy shall be prominently exhibited at the premises in a position where it can be clearly seen by patrons of the premises. For the purposes of this section, a certified copy of the licence shall be a copy certified as a true copy by the holder of the licence or his solicitor and appropriately signed and dated with the date the copy was certified.

Touting for Business

14. There shall be no touting for business for the premises by way of flyer, persons holding advertising boards, branded vehicles or personal solicitation.

Premises Appearance

15. There shall be no display of any form of imagery or photographs that are offensive to public decency. The Council's opinion shall be final.

16. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:-

- any notice required to be displayed by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
- the name of the premises as specified in the sex establishment licence
- the hours of opening of the premises
- notice of any admission charge to the premises

unless the Council has given its prior consent in writing that such display or advertisement may be used.

CCTV Conditions

17. A CCTV system shall be installed and working to the satisfaction of the Police and the Council. The system shall cover the whole of the parts of the premises to which the public have access, with the exception of individual toilet cubicles. This shall include external areas of the premises including the area immediately outside any entrance to, or exit from, the premises.

18. CCTV monitors covering the premises shall be available in the foyer or reception area of the premises where they can immediately be viewed by Police and Council officers during an inspection of the premises. This condition does not preclude further monitors being located in other parts of the premises.

19. Notices shall be displayed at the entrance to the premises, and in prominent positions throughout the licensed premises, advising that CCTV is in operation.

20. The CCTV shall record continuously the entire time that any member of the public is present on the licensed sex establishment.

21. Recordings shall be of a sufficient quality to clearly identify persons on the Recordings

22. Recordings shall be retained for a minimum period of 31 days.

23. Copies of the recordings shall be made available to the Police and the Council on request.

24. Any defect in the operation of the CCTV system shall be notified immediately to the Police Licensing Team and the Council in writing and by telephone, and the licence holder shall ensure that repairs to the CCTV system are effected as soon as reasonably practicable.

25. Where any part of the CCTV system is non operational, the licence holder shall comply with any direction from the Metropolitan Police or the Council not to use certain parts of the licensed premises for the purposes of the sex establishment licence

Additional Conditions for Sex Shops

26. No sex articles shall be displayed in such a manner that they can be seen by persons outside the sex establishment.

27. The licensee shall ensure that no employee or any other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.

28. Any change of staff employed at the licensed premises shall be notified in writing to the Council within 14 days of the change.

29. All sex articles and other things displayed within the licensed premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged (inclusive of VAT).

30. All goods offered for sale, hire, exchange or loan shall be available for inspection prior to supply and a notice to this effect is to be prominently displayed within the premises.

Additional Conditions for Sexual Entertainment Venues

31. The layout of the premises shall be such that performers cannot be seen from outside the premises.

32. Performers/dancers may not stand in lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.

33. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public and being used for the purposes of providing relevant entertainment.

34. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises, or otherwise by persons using the venue.

35. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.

36. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.

37. Door supervisors registered with the Security Industry Authority shall be provided at the premises in sufficient numbers to ensure that:

- each entrance and exit at the premises used by the public are manned by at least two door supervisors
- all public areas of the premises are continually monitored to ensure the Dancers and Customers Codes of Conduct and any licence conditions are being complied with
- persons breaching the Customers Code of Conduct or otherwise behaving in a disorderly manner can be safely ejected from the premises.

Requirements for a Code of Conduct for Dancers

38. There shall be a Code of Conduct for Dancers in place at the venue that has been agreed in writing by the licence holder, the Council and the Metropolitan Police.

39. The Code of Conduct shall, as a minimum, contain the conditions set out

in the section below entitled “Sexual Entertainment Venues - Code of Conduct for Dancers”.

40. No change shall be made to the Dancer’s Code of Conduct without the prior written consent of the Council and the Metropolitan Police.

41. The Dancers Code of Conduct must state that dancers who do not comply with the Code of Conduct will face disciplinary contractual sanctions proceedings.

42. The licence holder shall require all dancers to sign an acknowledgement that they have received a copy of the Dancer’s Code of Conduct and have read and understood its contents and shall comply with such Code of Conduct at all times they are working at the premises as dancers.

43. The licence holder shall retain original records showing that each dancer has signed to acknowledge receipt of the Dancer’s Code of Conduct and Disciplinary Procedure as described above.

44. A copy of the sections of the Dancer’s Code of Conduct relevant to customers shall be prominently displayed in each area of the premises to which the public have access, including toilet areas, and in any area used as a changing/dressing room for dancers.

45. The premises management and staff (including security staff) shall be aware of the content of the Dancer’s Code of Conduct and shall ensure it is complied with.

Requirements for a Code of Conduct for Customers

46. There shall be a Code of Conduct for Customers in place at the venue that has been agreed in writing by the licence holder, the Council and the Metropolitan Police.

47. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled “Sexual Entertainment Venues - Code of Conduct for Customers”.

48. The Code of Conduct for Customers shall be displayed in prominent positions throughout the premises where it is visible to all customers.

49. No change shall be made to the Customers Code of Conduct without the prior written consent of the Council and the Metropolitan Police.

50. The Customer’s Code of Conduct must state that customers who do not comply with the Code of Conduct will be ejected from the premises.

51. The premises management and staff (including security staff) shall be aware of the content of the Customer’s Code of Conduct and shall ensure it is complied with.

52. Where a customer breaches the Customers Code of Conduct, this shall be recorded in the incident log.

53. If management are made aware of a customer repeatedly breaching the rules of the Customers Code of Conduct, they shall eject that customer from the premises.

Disciplinary Procedure

54. A disciplinary procedure shall be in place to deal with dancers who breach the Dancer's Code of Conduct. The disciplinary procedure shall be detailed in writing and a copy of it provided to each dancer who works at the premises.

55. The licence holder shall require all dancers to sign an acknowledgement that they have been provided with a copy of the house Disciplinary Procedure and have read and understood its contents.

56. The Disciplinary Procedure shall not include provision to "fine" dancers or otherwise impose pecuniary penalties. Action taken may include verbal or written warnings, suspension of the dancer's right to perform at the premises, or revocation of the dancer's right to perform at the premises.

Sexual Entertainment Venues - Code of Conduct for Dancers

57. The Dancer's Code of Conduct shall include the following conditions as a minimum:

- a. Dancers may not intentionally touch a customer during a performance.
- b. Dancers may not permit a customer to touch them during a performance.
- c. Dancers may not straddle the customer.
- d. If a customer attempts to touch or speak to a dancer inappropriately, the dancer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer persists in inappropriate behaviour, the dancer shall stop the performance and inform premises management immediately.
- e. Dancers may not intentionally touch the genitals, anus or breasts of another dancer, nor knowingly permit another dancer to touch their genitals, anus or breasts.
- f. Dancers shall not solicit for gratuities or payment for sexual favours.
- g. Dancers shall not engage in any act of prostitution, i.e. the receiving of gratuities or payment for sexual favours.
- h. Dancers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina.
- i. Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue.
- j. Dancers may not be in the company of a customer unless it is in an area of the premises that is open to the public.
- k. Dancers shall not perform if under the influence of alcohol or drugs.
- l. If a customer engages in acts of masturbation or other sexual

behaviour, the dancer shall cease the performance immediately and inform the premises management.

m. Dancers shall use the dressing room facilities provided for their exclusive use to change for their performance.

n. Dancers shall only use the smoking area provided specifically for their use.

o. Dancers shall only use the sanitary facilities specifically provided for their use.

p. Dancers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire, e.g. outerwear consisting of coat or top and skirt or trousers so lingerie or other performance costume is not visible.

q. All dancers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the dancer subject to the house Disciplinary Rules, a copy of which has been provided to each dancer.

Sexual Entertainment Venues - Code of Conduct for Customers

58. The Customers Code of Conduct shall include the following conditions as a minimum:

a. Customers may not touch dancers during a performance.

b. Customers may not make lewd or offensive remarks to dancers.

c. Customers may not harass or intimidate dancers.

d. Customers may not ask dancers to perform any sexual favour.

e. Customers may not perform acts of masturbation or indulge in other sexual behaviour.

f. Any customer failing to adhere to the Customers Code of Conduct will be ejected from the premises.

Private Booths

59. Private booths shall not be provided at the licensed premises.

Dancers Private Work Areas

60. A designated dressing room area shall be provided for dancer's exclusive use. Such dressing room shall be secured so as not to be accessible to members of the public and shall be sufficient to enable dancers to change privately.

61. Dancers shall be provided with their own sanitary facilities separate from those used by customers.

62. A secure external area shall be provided for dancers to smoke without coming into contact with customers.

Dancers Welfare Policy

63. The licence holder shall have a Dancers Welfare Policy in place at the premises.

64. The Policy shall, as a minimum, state that

- any dancer concerned about the behaviour of a customer shall report the incident immediately to the Duty Manager who shall take immediate action to resolve the matter
- staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the Code of Conduct for Customers or is otherwise causing alarm or distress to a dancer
- any customer behaving inappropriately will be ejected from the venue
- dancers shall be provided with free drinking water on request

General Provisions

65. The licence holder shall obtain a photocopy of the passport of each dancer that works at the premises and shall certify the copy as being a true copy by signing and dating the photocopy together with their name and job title.

66. The licence holder shall undertake reasonable checks to ensure each dancer is eligible to work in the United Kingdom and shall not allow dancers ineligible to work in the UK to work at the premises.

67. The licence holder shall maintain written records of all dancers working at the premises. The records shall show the dancer's full name, home address, date of birth and a certified photocopy of their passport and the date the dancer was provided with the Dancers Code of Conduct and Disciplinary Procedure. Such records shall be kept on the licensed premises and produced for inspection by Police and authorised Council officers on request. Any instances of the dancer breaching the Dancers Code of Conduct shall be recorded on the dancer's record showing the date and time of the incident and details of the breach that occurred.

68. Dancers under the age of eighteen shall not be permitted to work at the premises.

69. Dancers shall not be permitted to perform if they are clearly under the influence of alcohol or drugs.

70. The licence holder shall ensure that an incident log is maintained at the premises. The incident log shall, as a minimum, give details of:

- any ejections from the premises
- any refused admissions
- any refused sales
- any inappropriate behaviour by guests
- any failure in the CCTV system
- any incidents of crime or disorder
- any complaints made by the public, guests or dancers

71. The record shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved/name of dancer where appropriate and brief details of the incident and any action taken by the staff.

72. The incident log shall be completed as soon as reasonably practicable after any incident has occurred.

73. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in the case of any of the circumstances described above.

74. The licence holder shall ensure the incident log is checked periodically and at least at monthly intervals to ensure that staff are completing the incident log.

75. The incident log shall be made available for inspection to Police or authorised Council officers on request.

Additional Rules for Premises Used as Sex Cinemas

76. No film shall be exhibited unless:

- (i) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council, or
- (ii) the film has been passed by the Council as U, PG, 12, 15, 18 or RESTRICTED (18) with the London Borough of Havering being the name of the Council.

77. If the licence holder is notified by the Council in writing that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.

78. Not less than 28 days notice in writing shall be given to the Council of any proposal to exhibit any film which has not been classified as specified above. Such a film may only be exhibited if consent has been obtained from the Council in writing and in accordance with the terms of any such written consent.

79. When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme.

80. If the Council does not agree with the category of any film as passed by the British Board of Film Classification, it may alter the category or prohibit the showing of the film.

81. On notice of alteration of category being given by the Council to the licence holder, the film shall thereafter be treated as being in the altered category and the conditions applicable to the exhibition of films in the altered category shall be observed.

82. Immediately before each exhibition at the premises of a film (other than a

current newsreel) passed by the British Board of Film Classification there shall be exhibited on the screen for at least 10 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.

83. For a film passed by the Council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them. The notices shall state without the addition of any other words:

LONDON BOROUGH OF HAVERING

(Here insert title of film)

has been passed by the London Borough of Havering as

(here insert the definition of the category and the category assigned)

84. Where a trailer is to be exhibited advertising a film passed by the Council, the notice shall state:

LONDON BOROUGH OF HAVERING

*.....trailer advertising +.....film

(*Here insert the category of the trailer)

(+Here insert the category of the film)

85. 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.

86. The licence holder shall ensure that an incident log is maintained at the premises. The log shall, as a minimum, give details of:

- a. any ejections from the premises
- b. any refused admissions
- c. any refused sales
- d. any inappropriate behaviour by guests
- f. any failure in the CCTV system
- g. any incidents of crime or disorder
- h. any complaints made by the public or guests

87. The record shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved where appropriate and brief details of the incident and any action taken by the staff.

88. The incident log shall be completed as soon as reasonably practicable after any incident has occurred.

89. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in the case of any of the circumstances described above.

90. The licence holder shall ensure the incident log is checked periodically and at least on intervals of one month apart to ensure that staff are completing

the incident log.

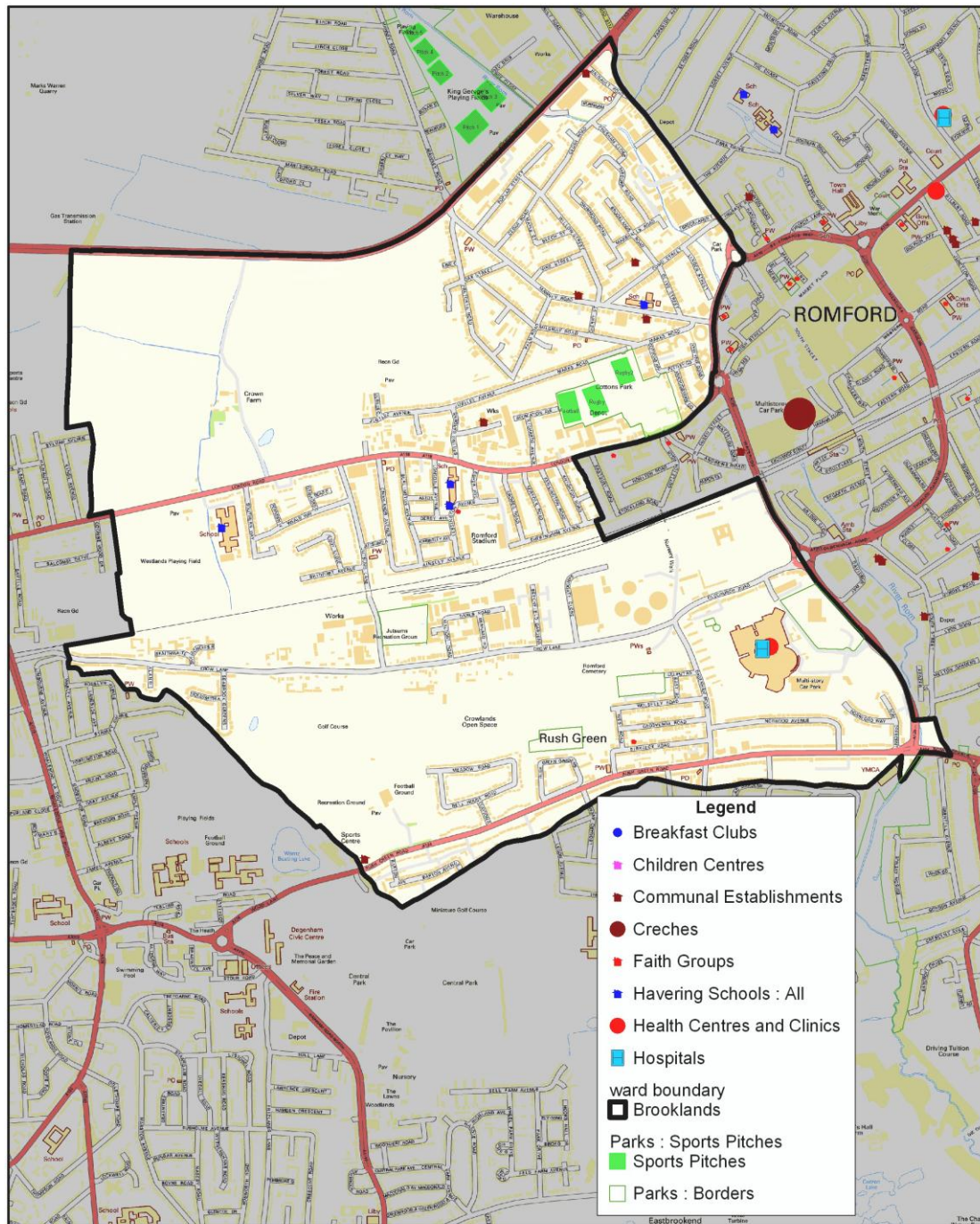
91. The incident log shall be made available for inspection to Police or authorised Council officers on request.

Appendix 1

Character and Locality Maps by Ward

Sex Establishment Licensing Policy Ward Report

Brooklands



Brooklands Map Reference: TQ5087

Scale @ A4 1:16000
Date: 12/11/2010
Scale
0 150 300 450 600 750 m

London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343

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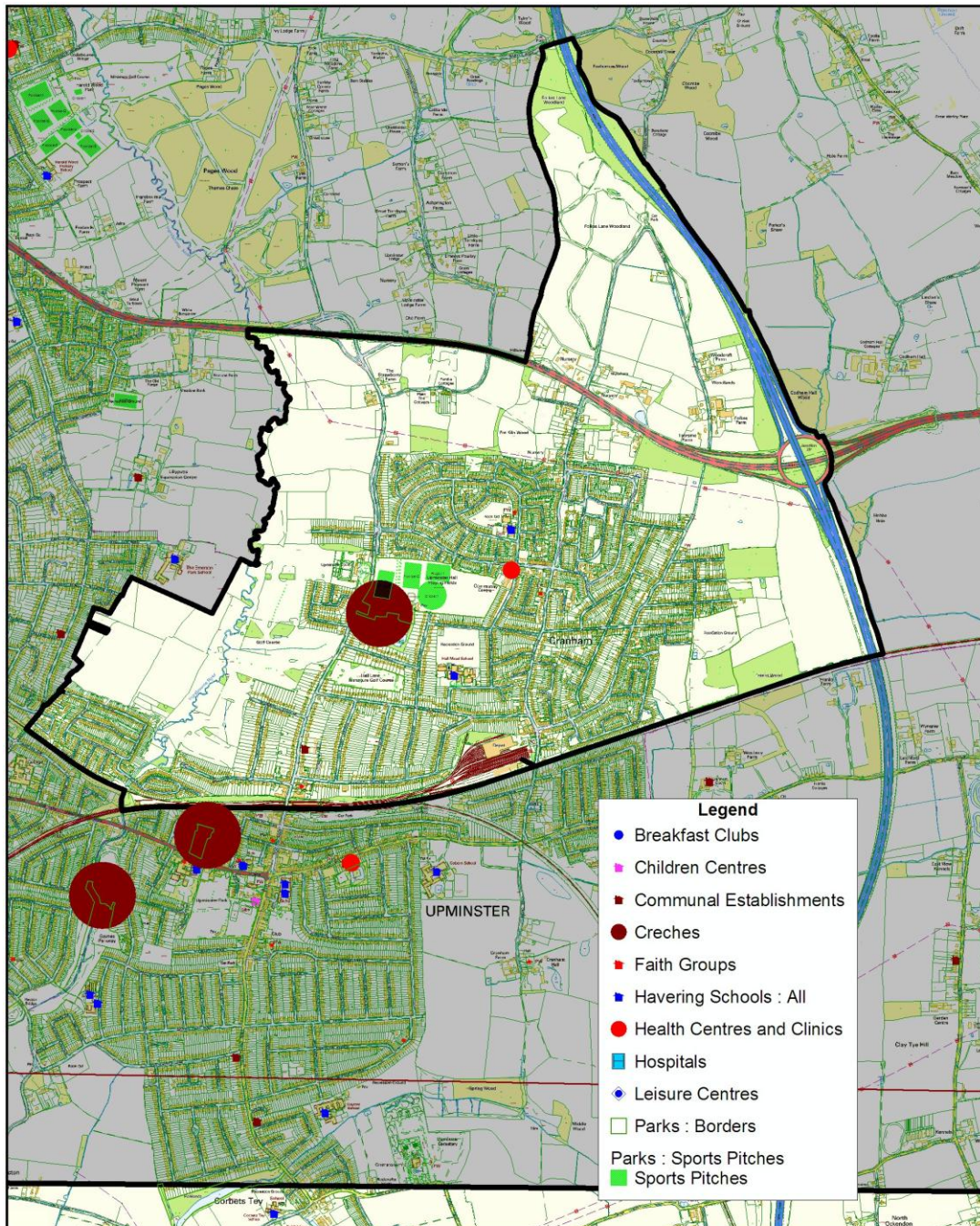
Brooklands ward contains a population of 14,626 which equates to approximately 6% of Havering's residents. 21% of Brooklands' population is young people while 13% is older people. 30% of the ward's residents are married, of which 16% have dependent children. The population of the ward occupy **6,234** households.

The ward contains:

- two primary schools and one secondary school
- twenty-two communal establishments
- two faith group premises
- one health centre/clinic
- one hospital
- one leisure centre
- three parks with sports pitches

Sex Establishment Licensing Policy Ward Report

Cranham



Cranham

Map Reference: TQ5787

	Scale @ A4 1:23000 Date: 16/11/2010	Scale 0 200 400 600 800 1000 m
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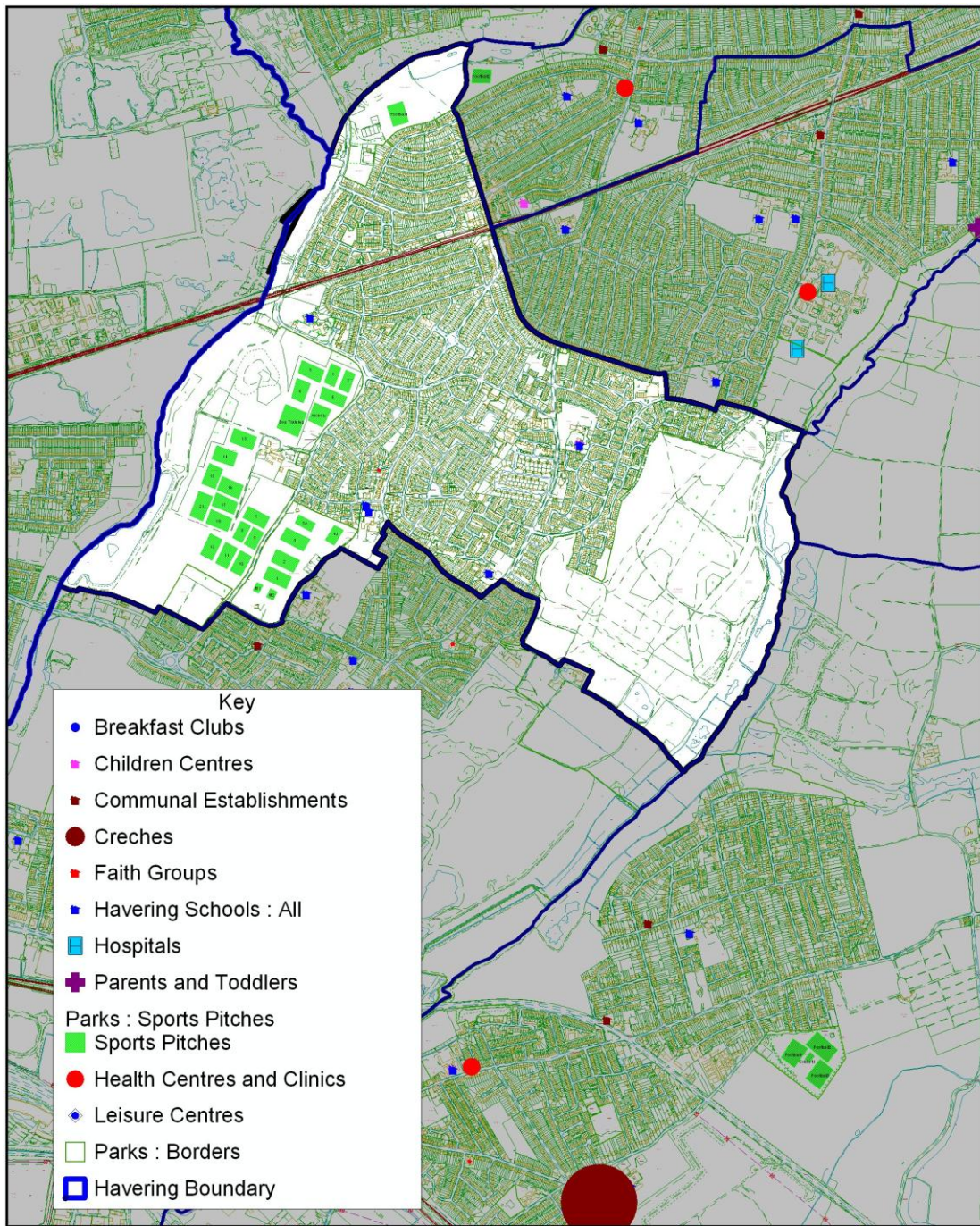
Cranham ward contains a population of 12,732 which equates to approximately 5% of Havering's residents. 17% of Cranham's population is young people while 23% is older people. 39% of the ward's residents are married, of which 19% have dependent children. The population of the ward occupy **5,275** households.

The ward contains:

- one communal establishment
- three faith group premises
- one primary school and one secondary school
- one health centre/clinic
- one parent/toddler group
- two leisure centres
- four parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Elm Park



Elm Park

Map Reference: TQ5284

	Scale @ A4 1:20000 Date: 06/01/2011	Scale 0 200 400 600 800 1000 m
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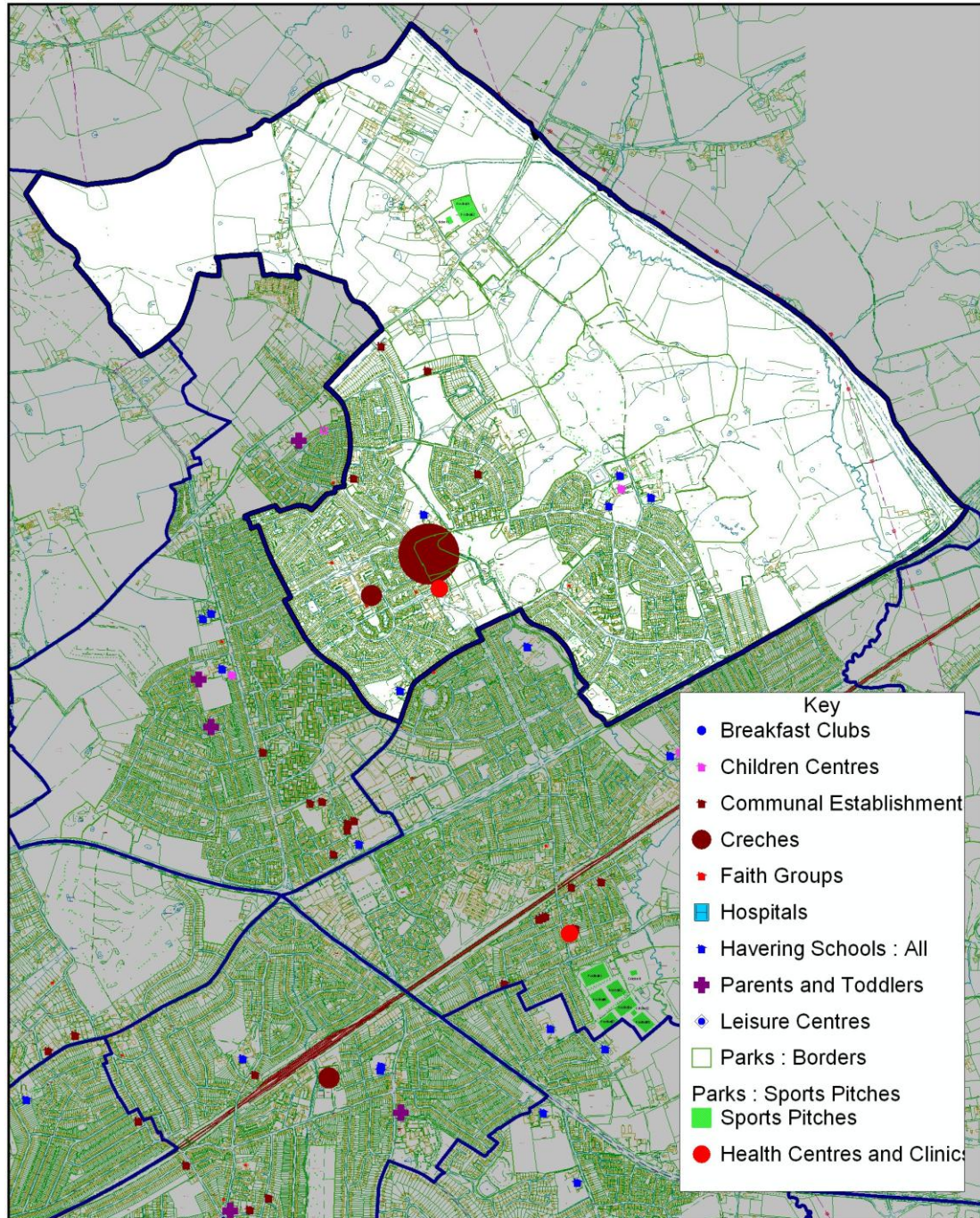
Elm Park ward contains a population of 12,567 which equates to approximately 5% of Havering's residents. 18% of Elm Park's population is young people while 20% is older people. 35% of the ward's residents are married, of which 14% have dependent children. The population of the ward occupy 5,205 households.

The ward contains:

- one children's centre
- one faith group premises
- seven parks containing sports pitches
- three primary schools, one junior school and one infant school.

Sex Establishment Licensing Policy Ward Report

Gooshays



Gooshays

Map Reference: TQ5491

	Scale @ A4 1:25000 Date: 06/01/2011	Scale 0 250 500 750 1000 1250 m
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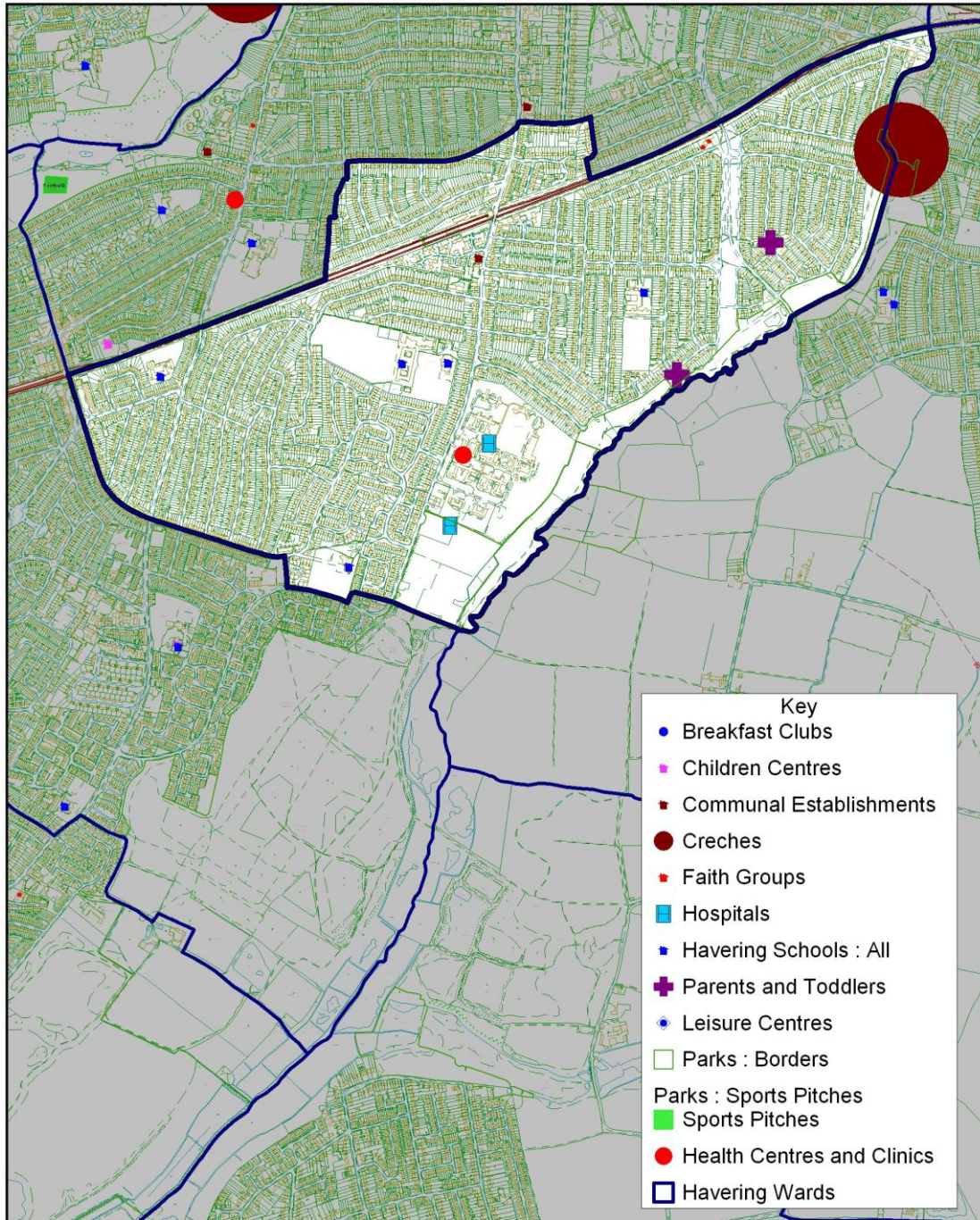
Gooshays ward contains a population of 14,843 which equates to approximately 6% of Havering's residents. 19% of Gooshays' population is young people while 18% is older people. 27% of the ward's residents are married, of which 14% have dependent children. The population of the ward occupy 6,100 households.

The ward contains:

- two children's centres
- seven communal establishments
- one crèche
- one infant school, one junior school, two primary schools, one secondary school, one special school and one independent school
- One college campus
- nine faith group premises
- one health centre/clinic
- one leisure centre
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Hacton



Hacton Map Reference: TQ5384

Scale @ A4 1:16000
Scale

Date: 06/01/2011
0 150 300 450 600 750 m

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Tel: 01708 434343

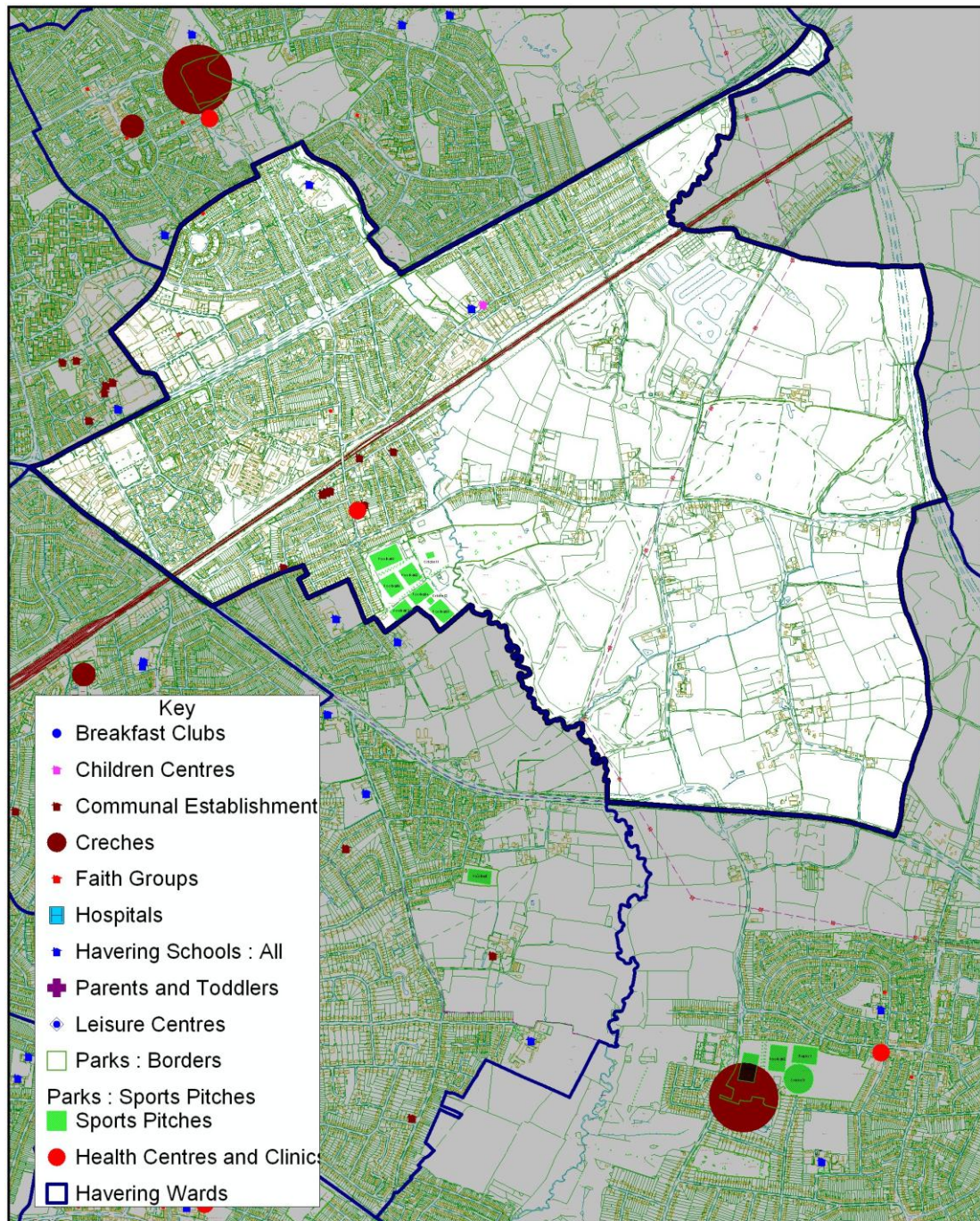
Hacton ward contains a population of 12,501 which equates to approximately 5% of Havering's residents. 17% of Hacton's population is young people while 20% is older people. 41% of the ward's residents are married, of which 18% have dependent children. The population of the ward occupy 5,052 households.

The ward contains:

- two children's centres
- eight communal establishments
- one crèche
- two primary schools and one secondary school
- thirteen faith group premises
- two health centres/clinics
- two hospitals
- two parent/toddler groups
- two leisure centres
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Harold Wood



Harold Wood

Map Reference: TQ5589

	Scale @ A4 1:22000 Date: 06/01/2011	Scale 0 200 400 600 800 1000 m
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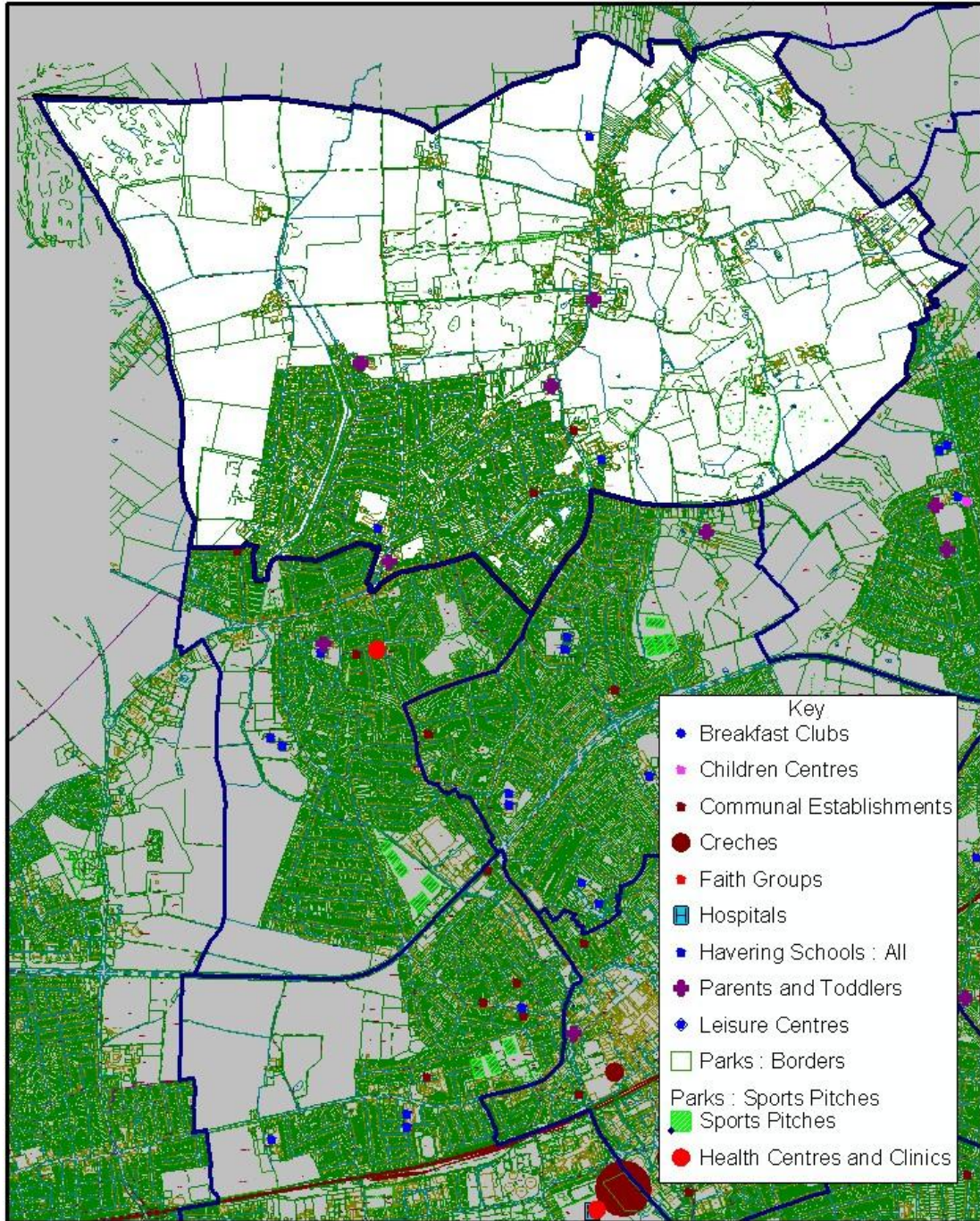
Harold Wood ward contains a population of 12,749 which equates to approximately 5% of Havering's residents. 18% of Harold Wood's population is young people while 17% is older people. 33% of the ward's residents are married, of which 14% have dependent children. The population of the ward occupy 5,628 households.

The ward contains:

- one children's centre
- three primary schools and one secondary school
- seven communal establishments
- two faith group premises
- one health centre/clinic
- eight parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Havering Park



Havering Park		Map Reference: TQ5091	↑ N
		Scale @ A4 1:27000 Date: 06/01/2011	Scale 0 250 500 750 1000 1250 m
		London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343	<small>Based upon the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction prohibited. Crown copyright and map lead to prosecution or civil proceedings. London Borough of Havering, 10002437 2011</small>

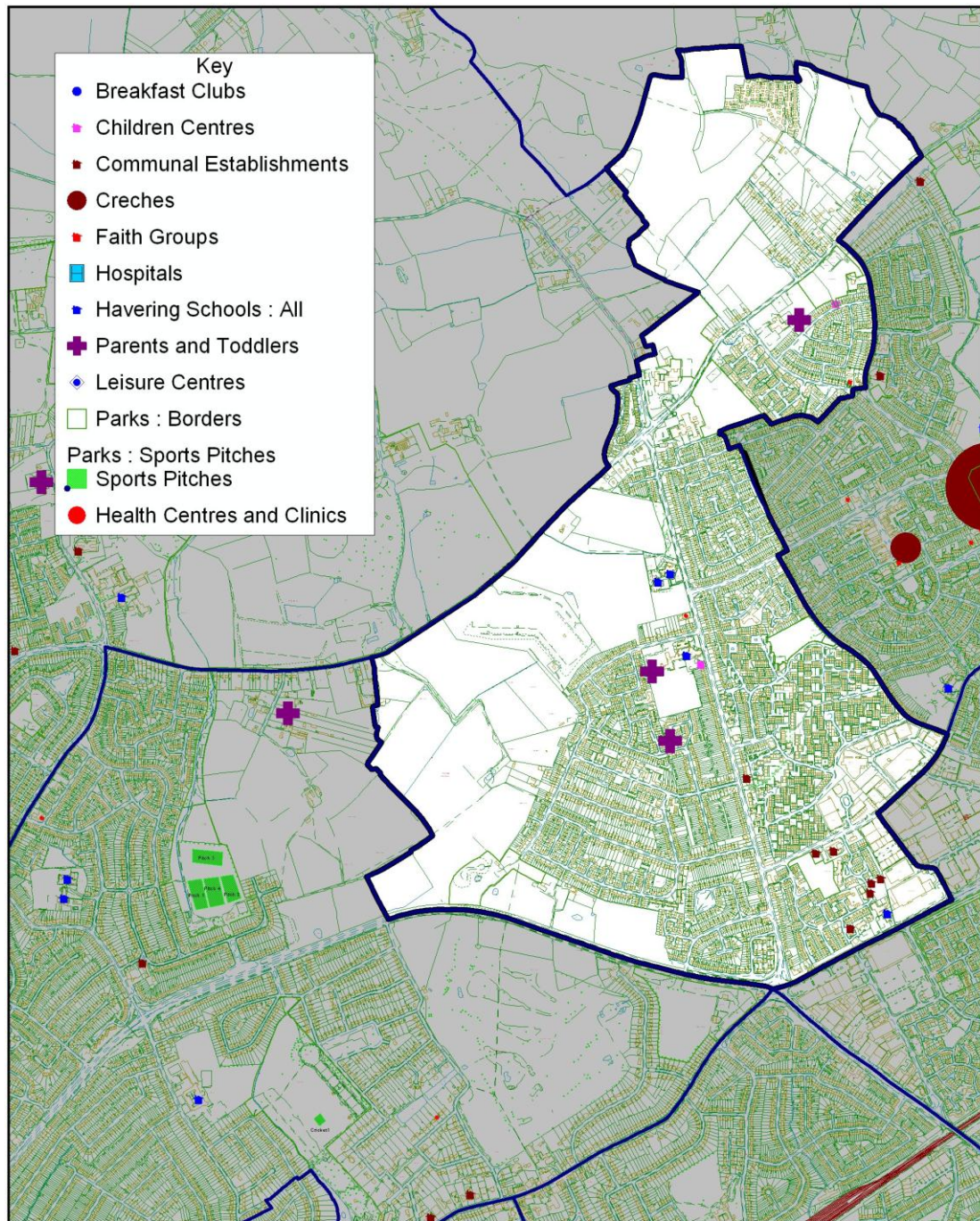
Havering Park ward contains a population of 12,719 which equates to approximately 5% of Havering's residents. 21% of Havering Park's population is young people while 16% is older people. 34% of the ward's residents are married, of which 15% have dependent children. The population of the ward occupy 5,181 households.

The ward contains:

- two children's centres
- three primary schools, one secondary school and one independent school
- two communal establishments
- three faith group premises
- five parent/toddler groups

Sex Establishment Licensing Policy Ward Report

Heaton



Heaton

Map Reference: TQ5291

	Scale @ A4 1:17000 Date: 06/01/2011	Scale 0 150 300 450 600 750 m
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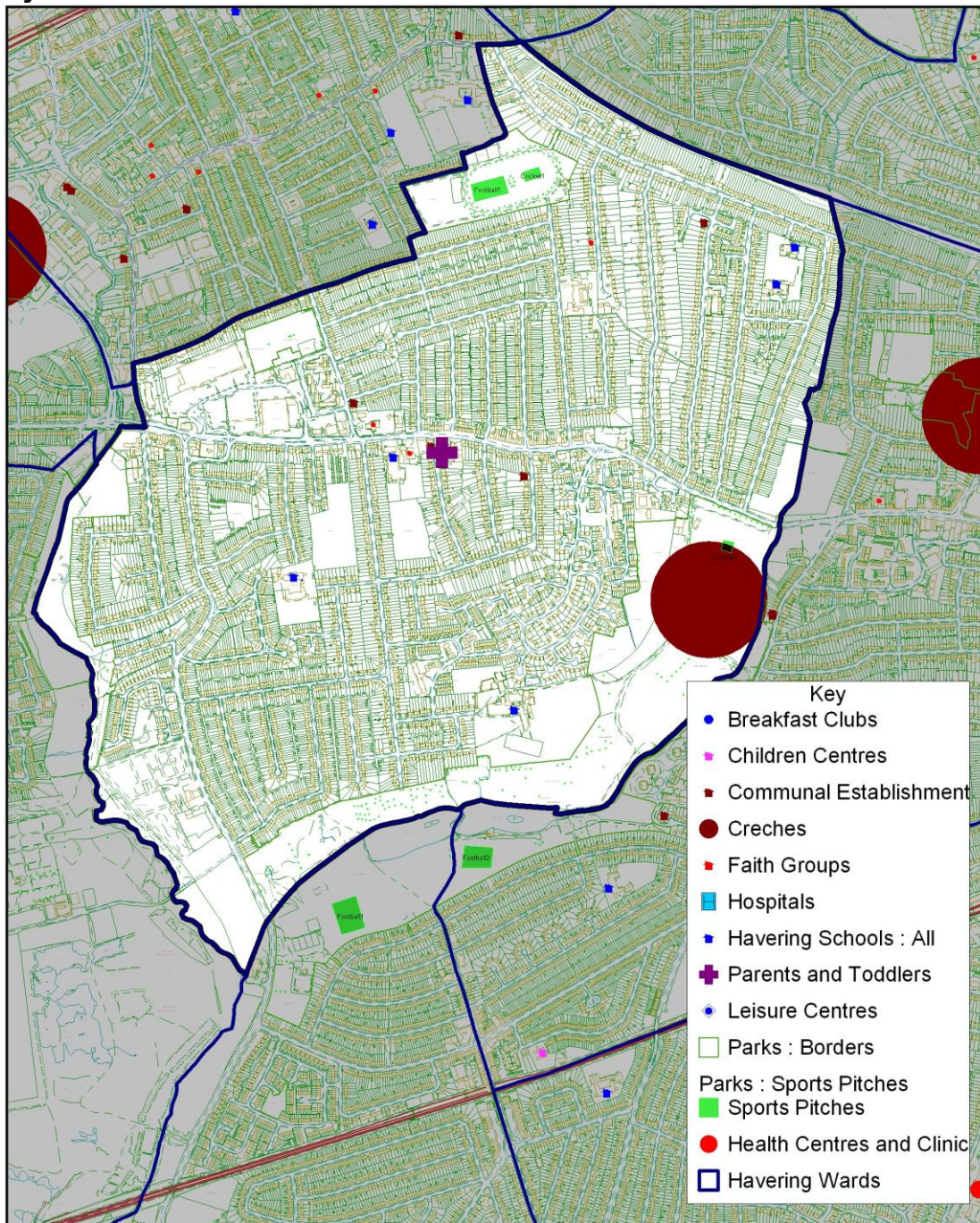
Heaton ward contains a population of 12,464 which equates to approximately 5% of Havering's residents. 22% of Heaton's population is young people while 17% is older people. 40% of the ward's residents are married, of which 13% have dependent children. The population of the ward occupy 5,395 households.

The ward contains:

- one breakfast club
- one primary school, one junior school, one infant school and one special school
- eight communal establishments
- three faith group premises
- three parent/toddler groups

Sex Establishment Licensing Policy Ward Report

Hylands



Hylands

Map Reference: TQ5286

Scale @ A4 1:13000
Date: 06/01/2011

Scale
0 125 250 375 500 625 m

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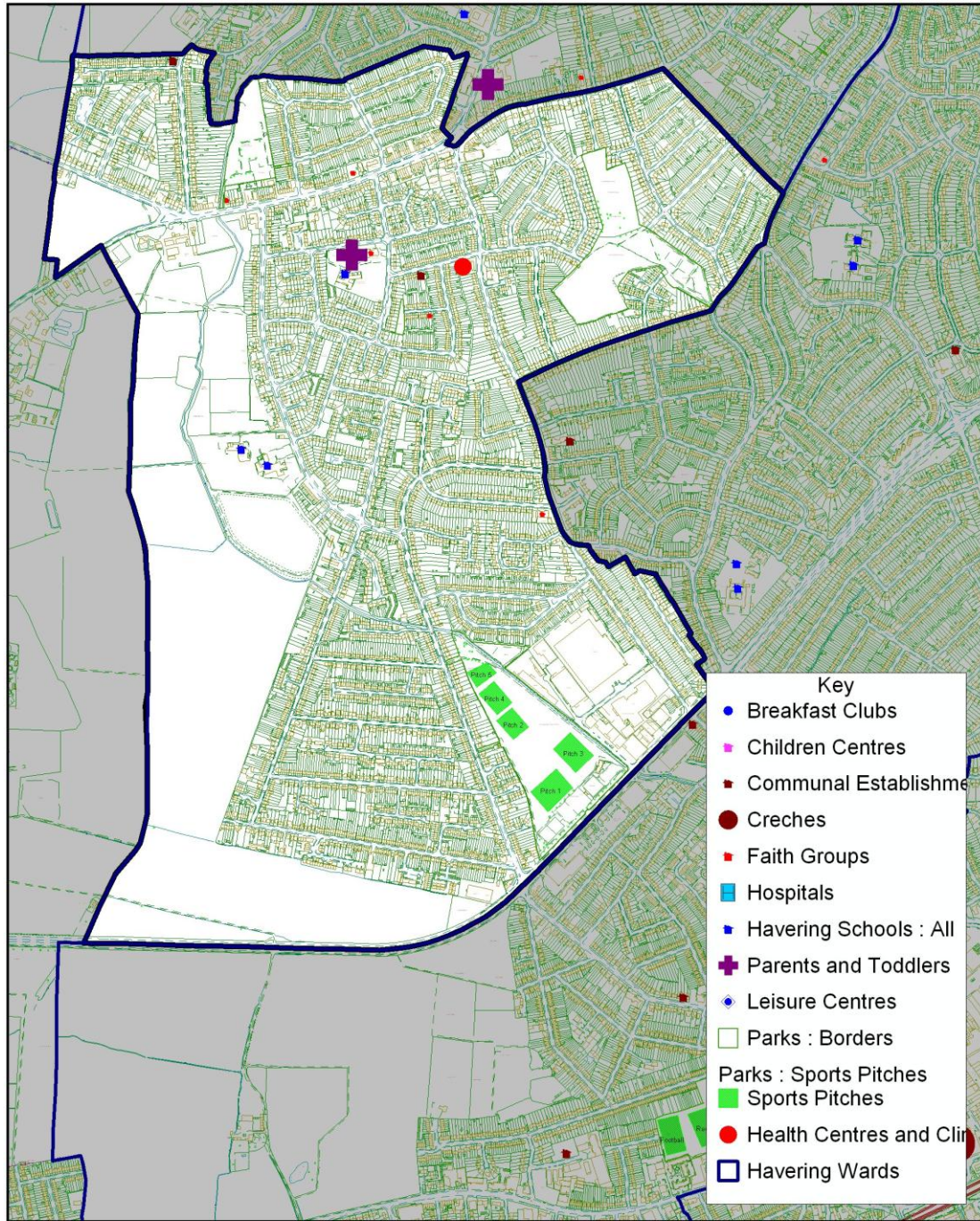
Hylands ward contains a population of 12,981 which equates to approximately 5% of Havering's residents. 18% of Hylands' population is young people while 16% is older people. 42% of the ward's residents are married, of which 10% have dependent children. The population of the ward occupy 5,075 households.

The ward contains:

- two breakfast clubs
- two primary schools, one junior school, one infant school and one secondary school
- twelve communal establishments
- three faith group premises
- one parent/toddler group
- one leisure centre
- two parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Mawneys



Mawneys		Map Reference: TQ5089	↑ N
	Scale @ A4 1:13000 Date: 06/01/2011	Scale 0 125 250 375 500 625 m	
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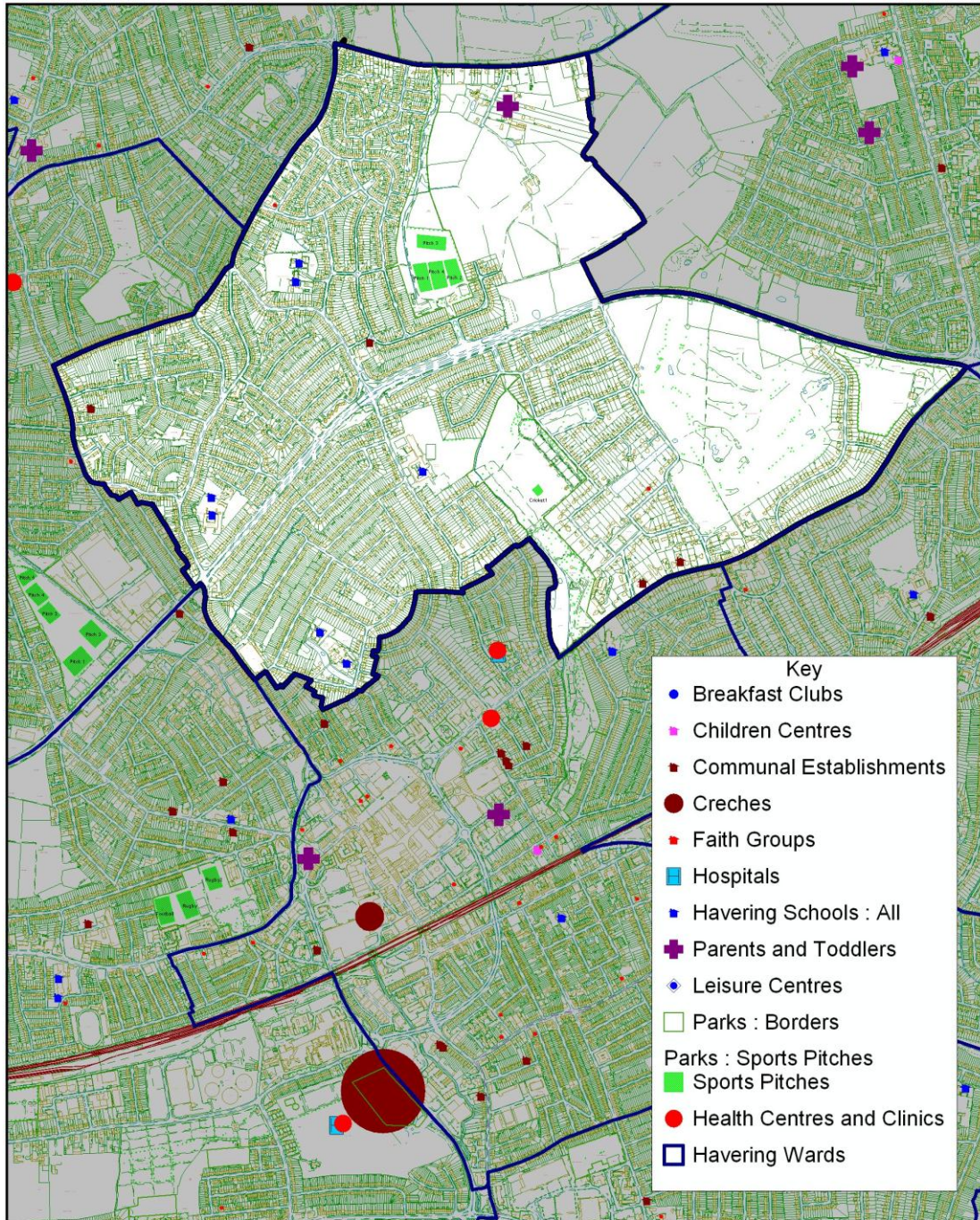
Mawneys ward contains a population of 12,718 which equates to approximately 5% of Havering's residents. 20% of Mawneys' population is young people while 18% is older people. 36% of the ward's residents are married, of which 17% have dependent children. The population of the ward occupy 5,381 households.

The ward contains:

- two primary schools, one infant school and one junior school
- two communal establishments
- five faith group premises
- one health centre/clinic
- one parent/toddler group
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Pettits



Pettits Map Reference: TQ5189

Scale @ A4 1:18000
Scale

Date: 06/01/2011
0 150 300 450 600 750 m

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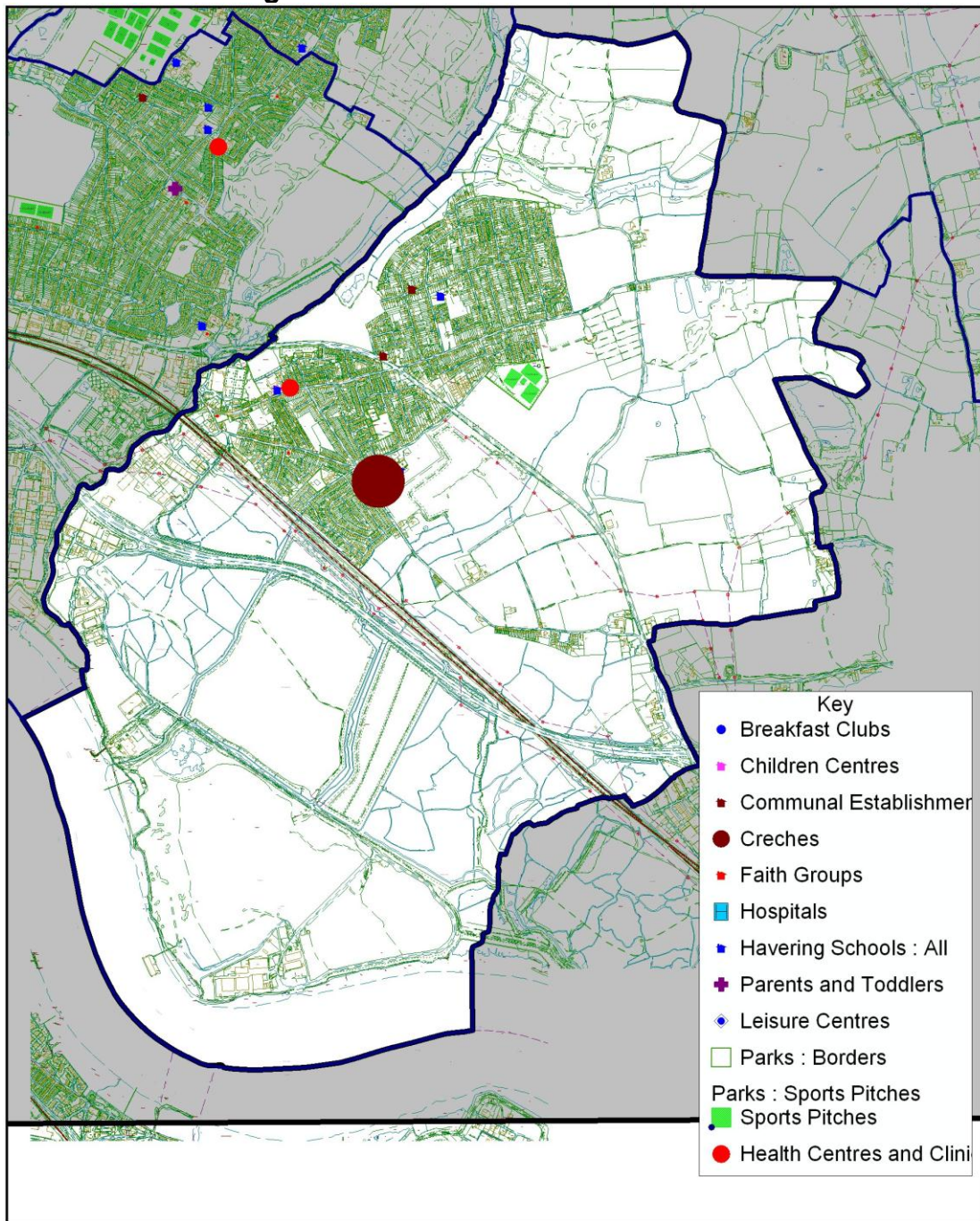
Pettits ward contains a population of 12,907 which equates to approximately 5% of Havering's residents. 18% of Pettits' population is young people while 20% is older people. 44% of the ward's residents are married, of which 19% have dependent children. The population of the ward occupy 5,239 households.

The ward contains:

- two primary schools, two junior schools, two infant schools and one secondary school
- four communal establishments
- two faith group premises
- one parent/toddler group
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Rainham & Wennington



Rainham & Wennington		Map Reference: TQ5381	↑ N
	Scale @ A4 1:29000 Date: 06/01/2011	Scale 0 250 500 750 1000 1250 m	
LONDON BOROUGH	London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343	Based upon the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. London Borough of Havering.100024327 2011	

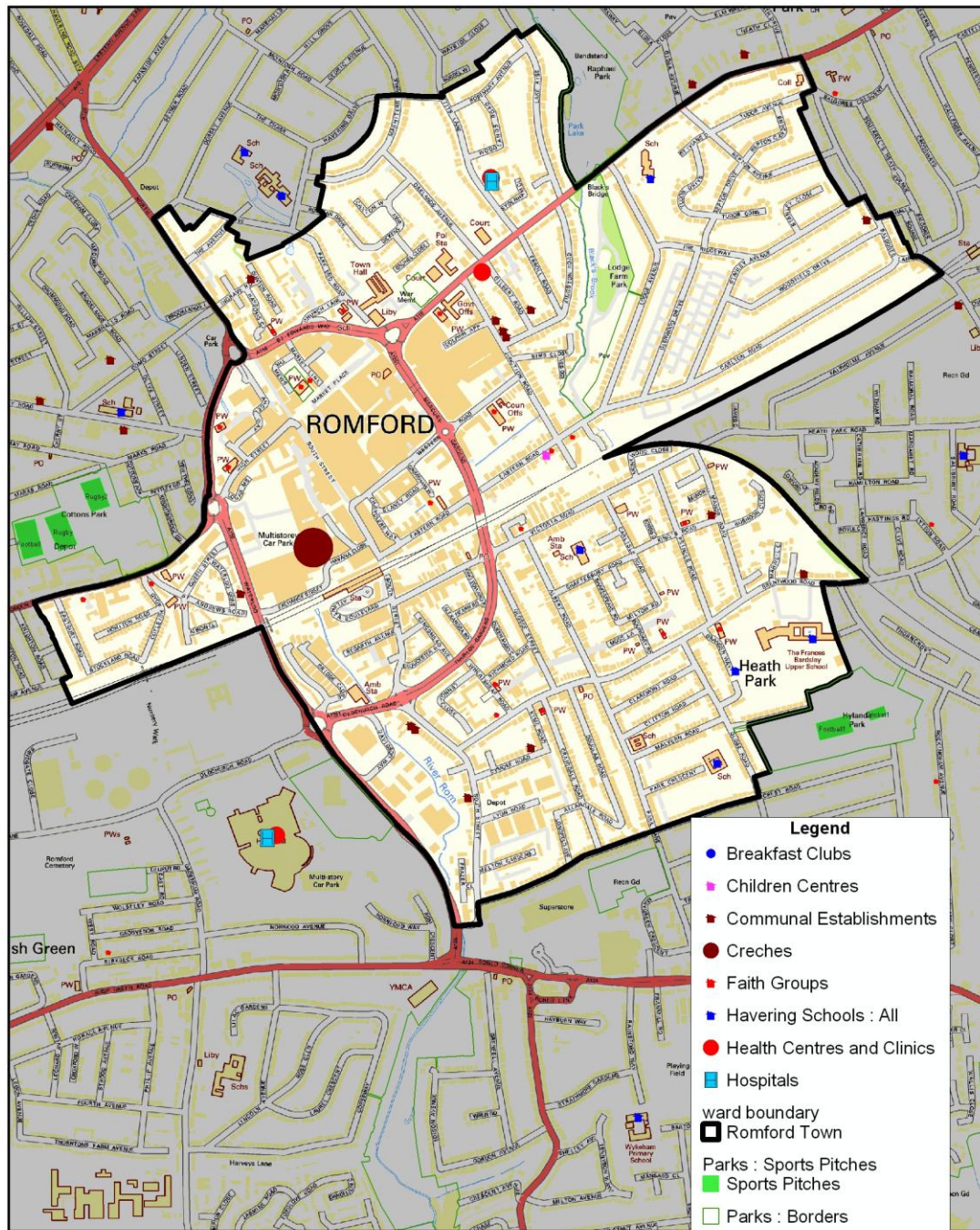
Rainham & Wennington ward contains a population of 12,659 which equates to approximately 5% of Havering's residents. 19% of Rainham & Wennington's population is young people while 17% is older people. 35% of the ward's residents are married, of which 15% have dependent children. The population of the ward occupy 5,092 households.

The ward contains:

- three primary schools and one secondary school
- one children's centre
- two communal establishments
- two faith group premises
- one health centre/clinic
- one leisure centre
- four parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Romford Town



Legend

- Breakfast Clubs
- Children Centres
- Communal Establishments
- Creches
- Faith Groups
- Having Schools : All
- Health Centres and Clinics
- Hospitals
- ward boundary
- ▭ Romford Town
- Parks : Sports Pitches
- Sports Pitches
- ▭ Parks : Borders

Romford Town Map Reference: TQ5188

	<p>Scale @ A4 1:13000 Date: 12/11/2010</p>	<p>Scale 0 125 250 375 500 625 m</p>
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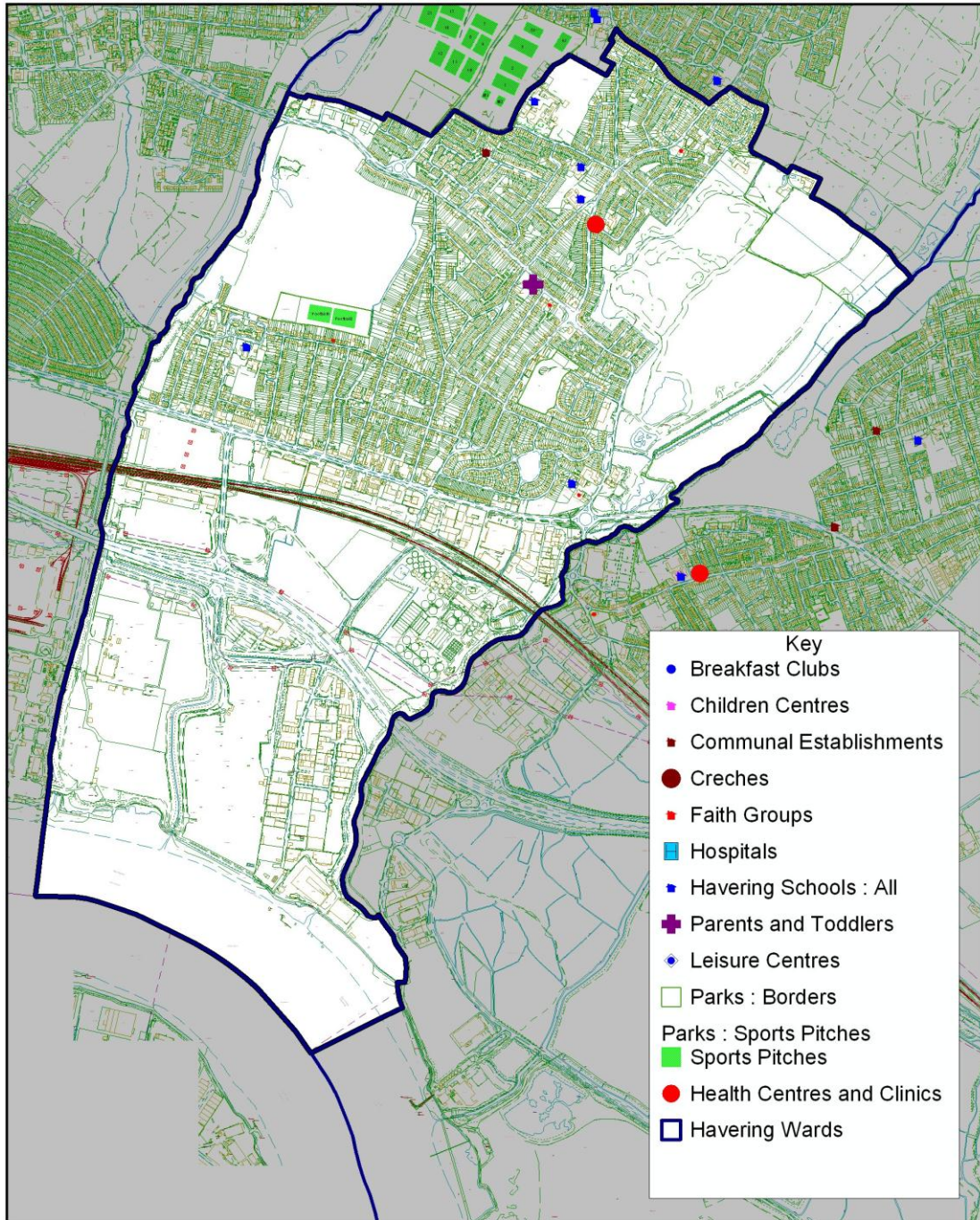
Romford Town ward contains a population of 15,528 which equates to just 7% of Havering's residents. 19% of Romford Towns' population is young people while 13% is older people. 28% of the ward's residents are married, of which 13% have dependent children. The population of the ward occupy 7,398 households.

The ward contains:

- two primary schools, one secondary school and two independent schools
- two breakfast clubs
- one children's centre
- thirteen communal establishments
- two crèches
- twenty faith group premises
- two health centres/clinics
- one hospital
- two parent/toddler groups
- one leisure centre

Sex Establishment Licensing Policy Ward Report

South Hornchurch



South Hornchurch

Map Reference: TQ5182

Scale @ A4 1:20000
Date: 06/01/2011

Scale
0 200 400 600 800 1000 m

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 Town Hall, Main Road
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 Tel: 01708 434343

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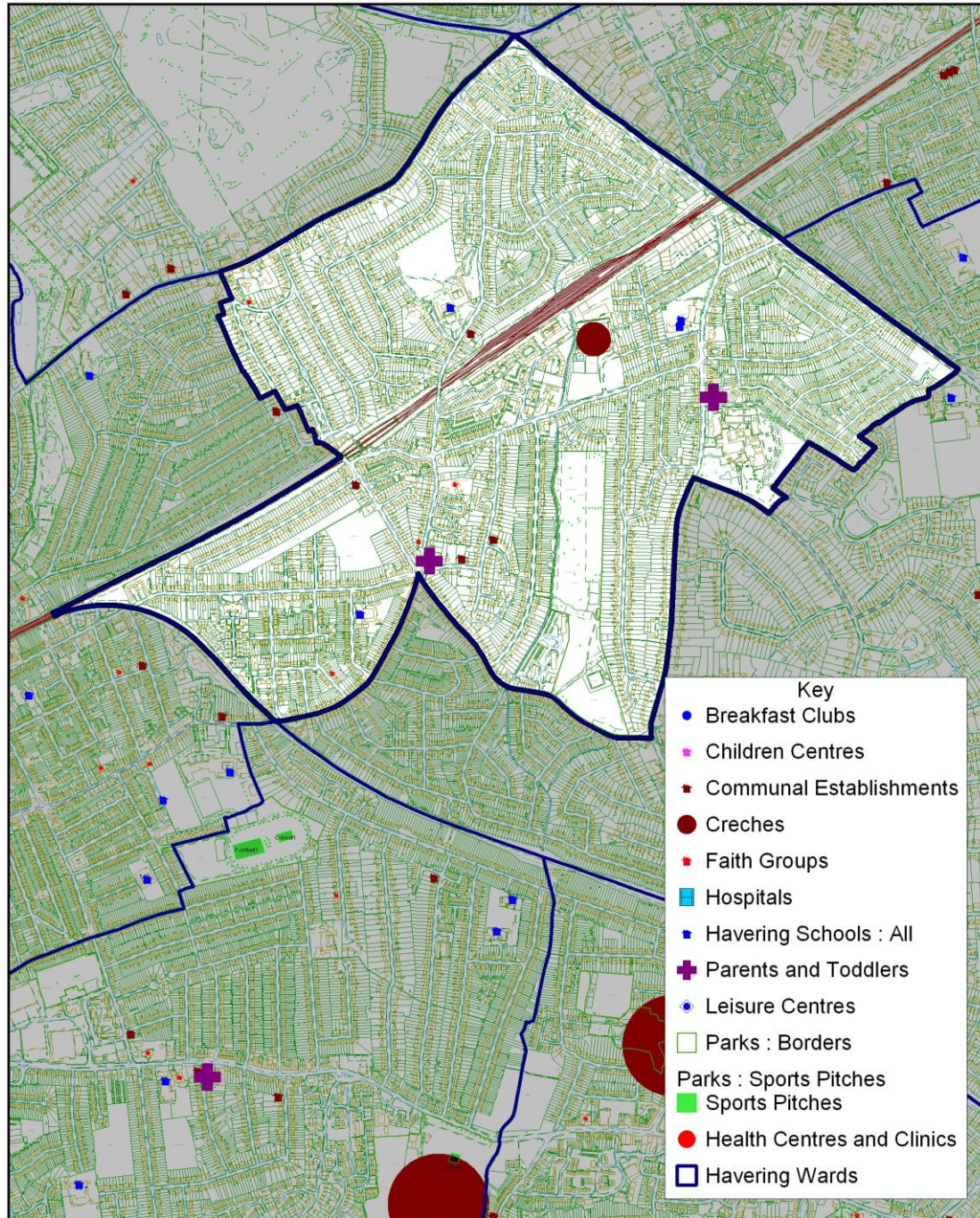
South Hornchurch ward contains a population of 13,139 which equates to just over 5% of Havering's residents. 20% of South Hornchurch's population is young people while 17% is older people. 32% of the ward's residents are married, of which 14% have dependent children. The population of the ward occupy 5,594 households.

The ward contains:

- one infant school, one junior school, two primary schools and one secondary school
- one children's centre
- one communal establishment
- four faith group premises
- one health centre/clinic
- one parent/toddler group
- two parks with sports pitches

Sex Establishment Licensing Policy Ward Report

Squirrels Heath



Squirrels Heath Map Reference: TQ5388

Scale @ A4 1:15000
Scale

Date: 06/01/2011
0 150 300 450 600 750 m

<p>Havering LONDON BOROUGH</p>	<p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>Based upon the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. London Borough of Havering.100024327 2011</p>
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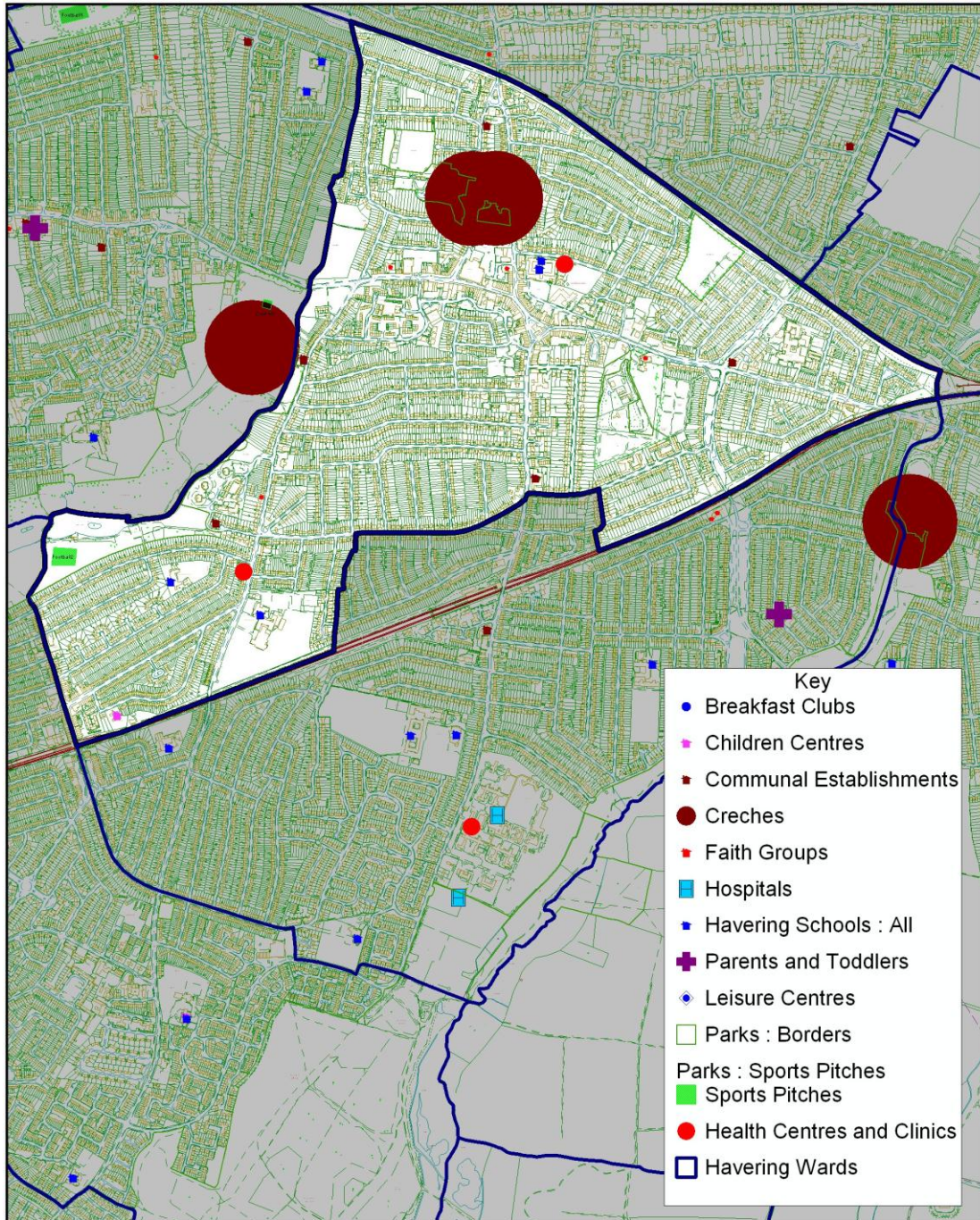
Squirrels Heath ward contains a population of 12,770 which equates to just over 5% of Havering's residents. 18% of Squirrels Heath's population is young people while 17% is older people. 34% of the ward's residents are married, of which 16% have dependent children. The population of the ward occupy 5,601 households.

The ward contains:

- two junior schools, two infant schools, one secondary school and one independent school
- four communal establishments
- one crèche
- five faith group premises
- two parent/toddler groups
- one park with a sports pitch

Sex Establishment Licensing Policy Ward Report

St Andrew's



St Andrews Map Reference: TQ5386

Scale @ A4 1:16000
Scale

Date: 06/01/2011
0 150 300 450 600 750 m

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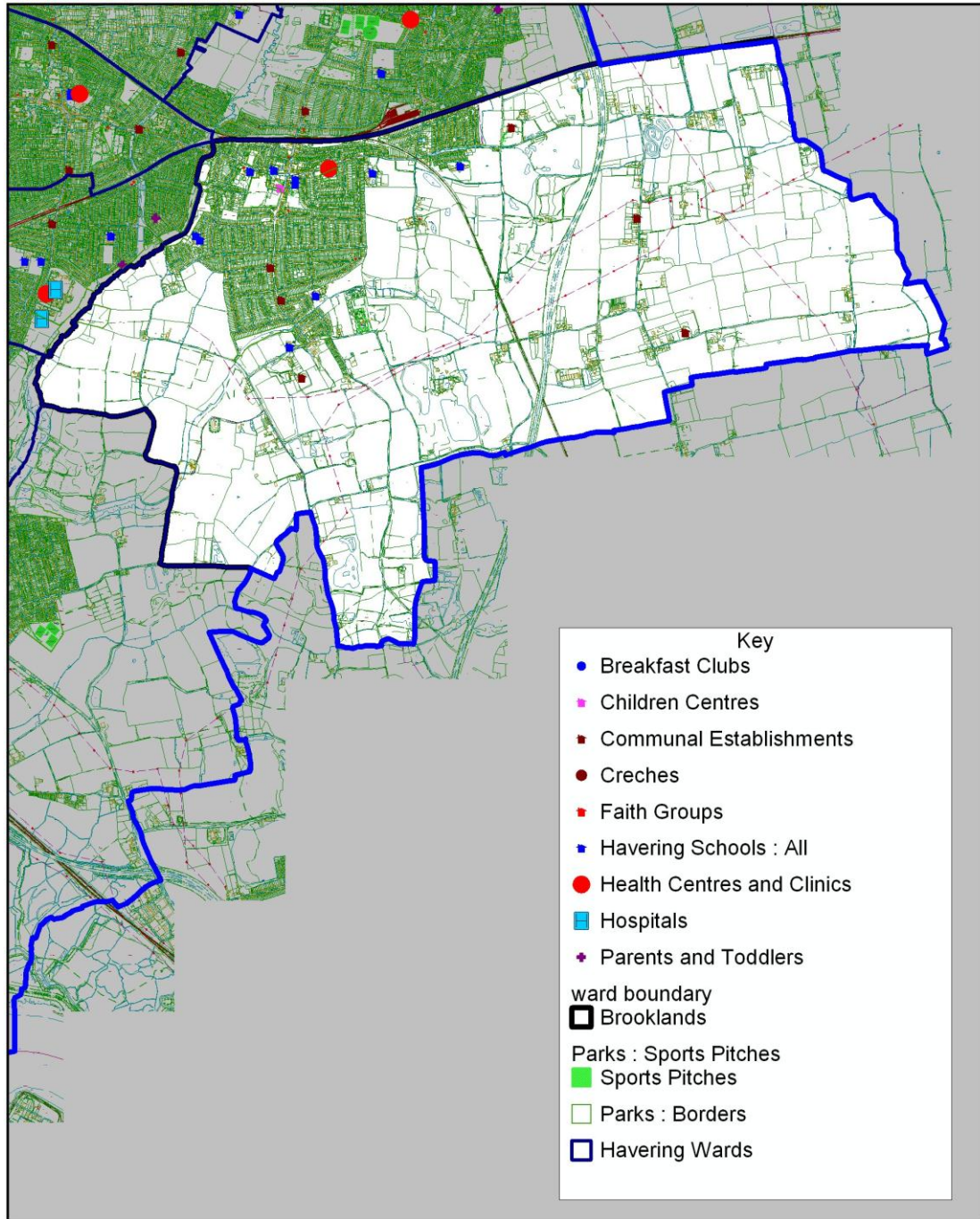
St Andrews ward contains a population of 13,287 which equates to approximately 6% of Havering's residents. 17% of St Andrews' population is young people while 20% is older people. 36% of the ward's residents are married, of which 16% have dependent children. The population of the ward occupy 5,833 households.

The ward contains:

- one primary school, one infant school, one junior school and one secondary school
- one children's centre
- six communal establishments
- four faith group premises
- two health centres/clinics
- three leisure centres
- one park with sports pitches

Sex Establishment Licensing Policy Ward Report

Upminster



Upminster		Map Reference: TQ5782	↑ N
		Scale @ A4 1:45000 Date: 06/01/2011	Scale 0 400 800 1200 1600 2000 m
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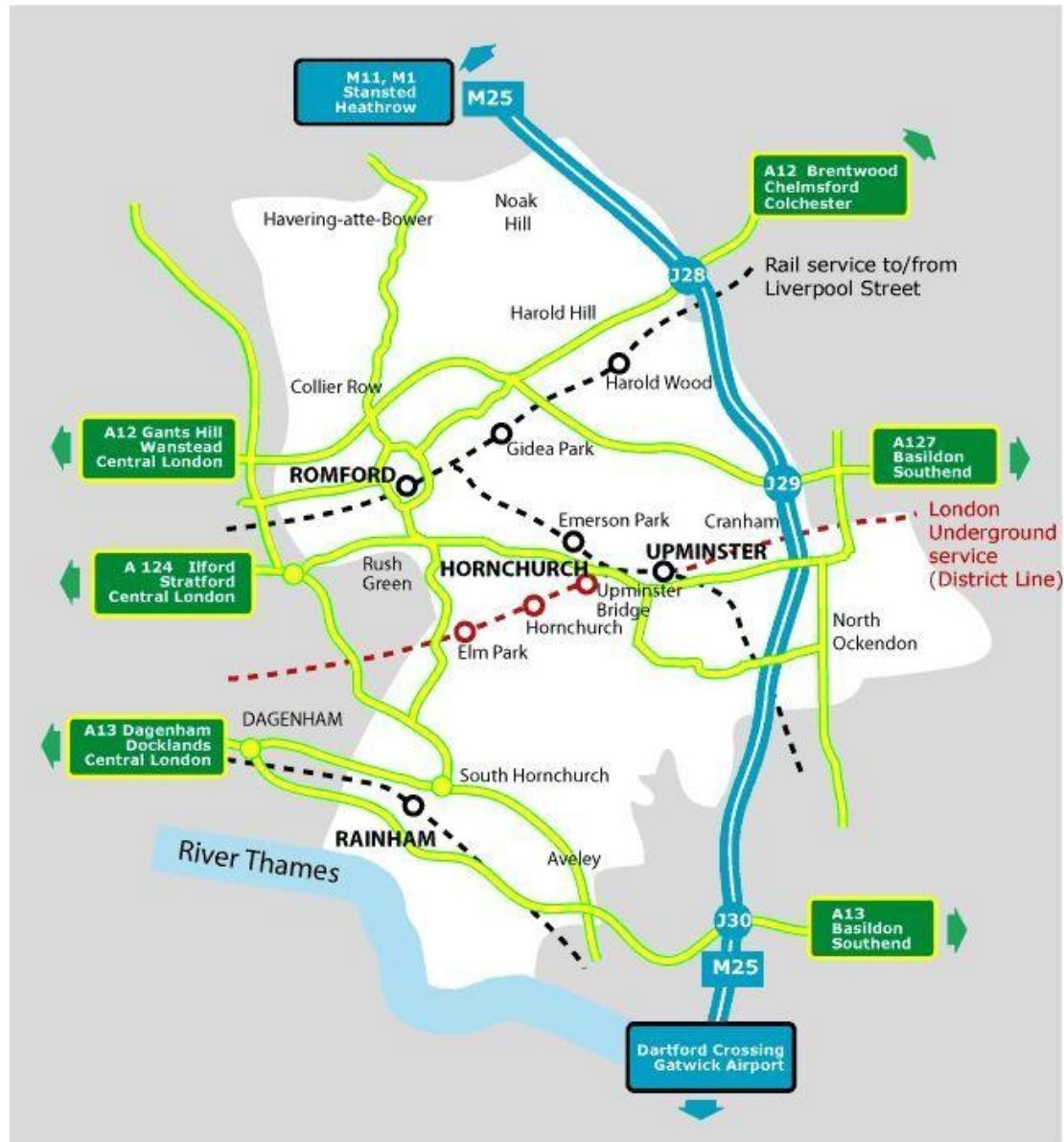
Upminster ward contains a population of 13,304 which equates to approximately 6% of Havering's residents. 17% of Upminster's population is young people while 21% is older people. 44% of the ward's residents are married, of which 21% have dependent children. The population of the ward occupy 5,217 households.

The ward contains:

- three primary schools, one junior school, one infant school, three secondary schools, one special school and one independent school
- one children's centre
- seven communal establishments
- six faith group premises
- one health centre/clinic
- one parent/toddler group
- two leisure centres

Appendix 2

London Borough of Havering



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Consultation

'Who we wrote to'

Representatives of the Safeguarding Children Board

All Ward Councillors

All Responsible Authorities under the Licensing Act which include: planning, health and safety, police, fire brigade, environmental health, childrens services, trading standards.

Town Centre Manager

Representatives from Regeneration

Representatives from Community Safety

Representatives from Public Health

The consultation was brought to the licensing trade's attention via the safe and sound network at meetings and via the chairs of the local groups.

'What we put on the website'

The draft sex establishment policy and the proposal to adopt schedule 3 to include lap dancing premises into the sex establishment licensing regime is being consulted on. Please see the downloads for further information. The Consultation will run from the 28th April 2011 until the 10th June 2011. Response can be sent to licensing@havering.gov.uk or by mail to Licensing Team, Public Protection, London Borough of Havering, Mercury House, Mercury Gardens, Romford, Essex, RM1 3SL

Questions for Sex Establishment Policy consultation.

1. Should the London Borough of Havering (LBH) adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 to control sex establishments?
2. Should Havering allow any sex establishments in the borough? If so what type of sex establishments and whereabouts should they be located in the borough.
3. If LBH adopt schedule 3 do you approve of the draft policy? If not please provide details of any comments.
4. Do you agree with a nil policy for each ward in the borough? If not, are there any wards where a nil policy is appropriate and if so which ones?

Responses received

Hi Trudi

My only comment is really a question. Could we be open for challenge as we are saying no premises anywhere in Borough?

Suzanne Cawthorne | Acting Romford Programme Manager
London Borough of Havering | Regeneration, Policy and Planning
Mercury House, Mercury Gardens, Romford, RM1 3SL
t: 01708 432931 f: 01708 432931

28th June 2011 For Councillor Burton

Re Proposed adoption of Schedule 3 and the draft sex establishment policy.

I support the adoption of Schedule 3 to allow lap dancing venues to be included in the sex establishment legislation. I do have concerns regarding the draft policy and the nil sex establishments in each ward as any proposed venue would be subject to the sex establishment legislation . This would allow each application to be advertised and if there were any objections then licensing committee would hear from the applicant and objectors and make a decision at the hearing having heard from both sides. If the premises were granted a licence they would be controlled by the rest of the policy and would have to renew their licence after one year.

A nil policy per say continues and promotes the perception that certain business models are inherently undesirable. If the activities of any business are lawful then both public and proprietors should have benefit of all rights, privileges and judgements availability to the rest of society.

Response to the responses received.

Each application will be viewed on it's merit and a licence could be granted if it is exceptional even if there is nil policy.

LONDON BOROUGH OF HAVERING EQUALITY ANALYSIS

Sex Establishment licensing policy and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009)

SCOPE OF PROPOSAL

1. What is the scope and intended outcomes of the activity being assessed; in terms of both the Council's organisation and staffing, and services to the community?

1 (a) Organisation and Staffing

The aim of the Policy is to control the number of sex establishments in the Borough. The policy will be implemented by using existing officers within the service.

1 (b) Services to the Community

The Policing and Crime Act 2009 (PCA09) created a new category of sex establishment, i.e. the "sexual entertainment venue". Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 [LG(MPA)82] is amended by the PCA09 and provides for the adoption of the new provisions contained in schedule 3 of this Act. This allows the 'appropriate authorities' to control, by way of a licensing regime, sex establishments. PCA09 came into effect on 6th April 2010. Once schedule 3 has been adopted the LG(MP)A82 will prohibit anyone from using any premises as a sex establishment unless they have been granted a licence under that Act. It will no longer be possible to use a premises license under the Licensing Act 2003 for that purpose. The policy proposes to adopt Part 3. The community will know the Policy and understand what the Council can do. There will be clarity for business

PEOPLE AFFECTED

2. Which individuals and groups are likely to be affected by the activity?

2 (a) Staff Individuals and Groups

Over 70% of Council employees are local residents and could therefore be affected by the proposals as part of the community. Please refer to section 4 (b) for further information.

2 (b) Community

The whole community, including local businesses, could be affected. It is envisaged that the policy will protect vulnerable adults and children, young people, women and girls, and will significantly minimise the risk of exploitation of those groups. It may deter a small number of businesses but may enhance attractiveness of the Borough.

3. What data/information do you have about the people with 'protected characteristics' (age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation) or other socio-economic disadvantage (e.g. disabled and part-time workers, low income and/or lone parents (mothers and fathers), looked-after children, other vulnerable children, families and adults) among these individuals and groups? What information do you have about how they will be affected by the activity? Will you be seeking further information in order to assess the equalities impact of the activity? How is this information being used to influence decisions on the activity?

Information has been obtained using that held on the Havering Data intelligence hub. There is no information about the effect of sex establishments in Havering as we do not currently have any.

4. If no data and information is available about the groups likely to be affected by the activity, how would you inform your EA? Will you be considering carrying out some consultation to inform your EA?

Havering residents don't like sex establishment premises and complain vociferously if there are any indications that one may open in the borough. The policy has been consulted on but there was little response however when there was a proposal to locate a sex type shop in the town centre there was petitions and concerted local action against the plans as reported in the Romford Recorder.

LIKELY IMPACT

5. Based on the collected data and information, what will be the likely impact of the activity on individuals and groups with protected characteristics or other socio-economic disadvantage?

5 (a) Staff

None – Please refer to section 5 (b) for the impact on staff members who are local residents

5 (b) Community

The policy has a recommendation that there are no sex establishment premises in Havering. It is envisaged that his policy will protect vulnerable children and adults and other protected groups such as women and girls, young people and residents with specific types of disabilities and will control any advertising for the premises.

6. What is the likely impact on arrangements for safeguarding children and/or safeguarding vulnerable adults?

6 (a) Vulnerable children

The policy has a recommendation that there are no sex establishment premises in Havering. This will protect vulnerable children from access to this type of premises and will control any advertising for the premises.

6 (b) Vulnerable adults

The policy has a recommendation that there are no sex establishment premises in Havering. This will protect vulnerable adults from access to this type of premises and will control any advertising for the premises.

PREVENTING DISCRIMINATION

7. If any negative impact is identified, is there a way of eliminating or minimising it to reasonable level? If not, how can the negative impact be justified?

7 (a) Staff

None

7 (b) Community

While we recognise that the policy may deter a small number of businesses opening up, we believe that the benefits of having it in place far outweighs the potential loss of such new businesses. It is envisaged that the policy will protect vulnerable adults and children, young people, women and girls and will significantly minimise the risk of exploitation of those groups.

PROMOTING EQUALITY

8. How will the activity help the Council fulfil its legal duty to advance equality of opportunity in the way services are provided?

8 (a) Staff

Not applicable

8 (b) Community

Please refer to sections 5 (b) and 7 (b).

SPECIFIC NEEDS

9. What actions will you be taking in order to maximise positive impact and minimise negative impact from the activity?

9 (a) Staff

If the policy is implemented, staff will be required to familiarise themselves with its content and comply with the policy. Relevant training will be provided, where required.

9 (b) Community

Please refer to section 5 (b) and 7 (b). The policy will be available to view on the Council website information will be provided on the licensing webpages. If there were any applicable businesses they would be written to, to explain the new policy.

MONITORING AND REVIEW

10. Once implemented, how often do you intend to monitor the actual impact of the activity?

10 (a) Staff

The policy will be reviewed every 3 years. Complaints will be monitored on a regular basis.

10 (b) Community

The policy will be reviewed every 3 years. Complaints will be monitored on a regular basis.

SIGN OFF AND PUBLICATION

11. When completed, the Equality Analysis needs to be signed off by the Head of Service. Once signed off, it should be forwarded to the Directorate Equality Analysis Web administrator to publish it on the council's website.

HEAD OF SERVICE

Name:

Date:

Signature:

Council, 28 January 2015

Extract of minutes of Cabinet meeting, 12 February 2014

115 RECOMMENDATION TO ADOPT THE SEX ESTABLISHMENT LICENSING POLICY AND THE ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009

Councillor Geoffrey Starns, Cabinet Member for Community Safety, introduced the report

The report sought the approval of Cabinet following the recommendation of the Licensing Committee on the 18th December to approve the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) and the Council's Sex Establishment Licensing Policy.

The Cabinet Member explained that a profile of each of the borough's wards had returned a clear message that sex establishments were not wanted in any of them and, this being the case, it would be prudent for the Council to have a clear zero requirement policy. This would mean that although there were no impediment to anybody applying to open and licence such an establishment, they would have to show that there were exceptional reasons for approval.

Reasons for the decision:

The LG(MP)A 82 was the most appropriate legislation to use to control sexual entertainment venues. It allowed the Local Authority to make its own Policy and regulations. The policy had a rebuttal presumption for applications based on ward profiles. The regulations controlled the application process conditions of premises. The licence would be valid for one year and the applicant could apply to renew the licence. By re-adopting Schedule 3 to include lap dancing premises it brought all sexual entertainment under the same legislation and procedure.

Other options considered:

To leave lap dancing under the Licensing Act 2003 as it was at present. This option was not considered appropriate as the presumption of the Licensing Act 2003 was to grant applications and once granted licences had no renewal date.

Cabinet noted the details of the report and approved:

1. The adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and
2. The Sex Establishment Licensing Policy.



FULL COUNCIL, 28 JANUARY 2015

REPORT OF THE CHIEF EXECUTIVE

Appointment of a Monitoring Officer

Following the departure of Helen Edwards, Director of Legal & Governance, arrangements are needed to secure the continued exercise of the powers and duties as the Council's Monitoring Officer pending appointment of a new Director.

Arrangements are being made to ensure continuity of responsibility for the various powers and duties on an interim basis pending a permanent arrangement being made.

It is intended that the office be allocated to Graham White, Interim Director of Legal & Governance (oneSource), who has agreed to accept the role until a permanent appointment is made.

RECOMMENDATIONS

- 1 That the following individual be authorised to exercise the responsibilities of the statutory officer indicated:
Monitoring Officer Graham White, Interim Director Legal & Governance (oneSource), with immediate effect.

Staff Contact: Andy Beesley, Committee Administration & (Interim)
Member Services Manager
01708 432437
Andrew.beesley@onesource.co.uk

Cheryl Coppel
Chief Executive

Background Papers

None.

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FULL COUNCIL, 28 JANUARY 2015

MEMBERS' QUESTIONS

1 Decent Homes Monies

To the Cabinet Member for Housing, Councillor Damian White

By Councillor June Alexander

Would the Cabinet member provide a comprehensive breakdown of what Decent Homes monies have been provided to this council, how this money has been spent and what monies are still available to be spent by the end of this current financial year?

2 Consultation

To the Cabinet Member for Financial Management, Councillor Clarence Barrett

By Councillor Philip Hyde

When there are government consultations on particular issues would the council agree that it is good practise to make all members aware of them?

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3 Chafford Swimming Pool

To the Cabinet Member for Culture and Community Engagement, Councillor Melvin Wallace

By Councillor Jeffrey Tucker

Following discussions between the Chafford School Headteacher and Council Officers, Chafford have submitted a planning application to expand their educational facilities and provide a new swimming pool.

What strategy has been agreed between School and Council to ensure the new pool will be built?

4 **Performance Packs**

To the Cabinet Member for Financial Management, Councillor Clarence Barrett

By Councillor Ray Morgon

Would the Cabinet Member confirm his plans to ensure that Members Performance Packs have comprehensive information on each service, including appropriate data, targets, financial performance, and where appropriate, on an annual basis benchmarking against other London Boroughs?

5 **Briar Road Housing**

To the Cabinet Member for Housing, Councillor Damian White
By Councillor Philip Hyde

How many of the new homes in the Briar Road development have so far been let to local (Briar Road) residents?

6 **St George's Day Events**

To the Leader of the Council, Councillor Roger Ramsey

By Councillor Graham Williamson

Havering Council's annual promotion of St. George Day in Romford is to be applauded, but can the promotion be extended to Hornchurch with themed events being held and bunting displayed in the Queens Theatre, Fairkytes, Library and High Street?

7 **Quality of Housing Stock**

To the Cabinet Member for Housing, Councillor Damian White

By Councillor June Alexander

Would the Cabinet Member confirm what steps are in place to monitor the quality and effectiveness of reactive repairs and capital projects to the council's housing stock?

8 **Breach of Planning Regulations**

To the Cabinet Member for Regulatory Services, Councillor Osman Dervish

By Councillor Lawrence Webb

When the council is notified by a resident of a breach of planning regulations what is the time scale for instigating enforcement action?

9 **Council Tax**

To the Cabinet Member for Financial Management, Councillor Clarence Barrett

By Councillor David Durant

The Local Government Minister has announced that a local council tax referendum must be held if councils propose to increase council tax by 2% or more! This will require some soul searching from the Conservative/EHRG Coalition Administration [and from all councillors] because the public budget consultation proposes extensive cuts and a 2% increase in council tax.

This means the Administration will need to hold a legally required referendum costing about £250,000 or reduce the increase to below 2%! But this would mean more cuts because the Council Leader Cllr Ramsey has said the reserves can be used to pay for a referendum [a one off item] but not to off-set the [ongoing] cuts.

In view of this will the Administration 'bite the bullet' and seek cross-party support to hold a council tax referendum for a figure of 2% or more to ameliorate the cuts and help keep our borough green, pleasant and secure?

10 **Section 16 Local London Authorities Act**

To the Cabinet Member for Environment, Councillor Robert Benham

By Councillor John Wood

Would the Cabinet Member confirm why this council is reluctant to use powers under Section 16 of the London Local Authorities and Transport For London Act 2003 to ensure that drivers do not cross the footway without a properly constructed crossover?

11 **Legal Status**

To the Leader of the Council, Councillor Roger Ramsey

By Councillor Lawrence Webb

Does this council agree that we are all equal under the law?

12 **Road Accidents**

To the Cabinet Member for Environment, Councillor Robert Benham

By Councillor Jody Ganly

Given the increasing number of incidents where children have been injured, some seriously, near to schools and colleges, would the Cabinet Member confirm what action the council intends to take to improve safety around schools?

13 **Money owed to the Council**

To the Cabinet Member for Financial Management, Councillor Clarence Barrett

By Councillor Julie Wilkes

Would the Cabinet member explain why at a time when members are being asked to agree considerable budget cuts has this council millions of pounds owing to it in many cases going forward?

14 **Albyans Court, Hornchurch**

To the Cabinet Member for Housing, Councillor Damian White

By Councillor Stephanie Nunn

Would the Cabinet Member explain why the former sheltered accommodation site in Albyans Court, South Hornchurch has been left boarded up for a number of years with the loss of rent estimated to run into hundreds of thousands of pounds, together with additional costs to maintain and secure the site?

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COUNCIL, 28 JANUARY 2015**MOTIONS FOR DEBATE****A SPITTING IN PUBLIC****Motion on behalf of the Conservative Group**

In light of the recent decision by London Councils' Transport and Environment Committee (TEC) to set the fixed penalty levels for anti-social spitting in public and the recent media coverage on the subject, this Council asks Cabinet to consider a report as to the implementation of enforcement measures in Havering.

(No amendments received).

B COMBINED AUTHORITY**Motion on behalf of the Independent Residents' Group**

Just before the May elections the Council [with a few exceptions] voted to merge all Havering's back office administrative services with Newham, but with a promise not to merge frontline services!

On 31st January, **Havering**, Newham, Tower Hamlets, Hackney, Barking and Dagenham, Waltham Forest, Redbridge, Enfield and Greenwich councils have been invited to attend a conference to discuss the devolution of powers to the combined area following the recent deal for a Greater Manchester Combined Authority.

This sounds suspiciously like a rehash of New Labour/Ken Livingstone plans to create 5 (EU) European Union size super-boroughs within the (GLA) Greater London Authority [and EU Region] area!

Indeed if the idea is premised on the recent deal for a Greater Manchester Combined Authority then it would involve creating a super-borough with an Elected Mayor that

Council, 28 January 2015

would further undermine rather than enhance local control!

A more natural reorganisation of the GLA would be to re-create a smaller inner-London County Council and allow outer-boroughs to make other arrangements, including with Essex councils, if they so wish.

But a democratic reform of the GLA [that avoids super-boroughs or boundary changes] would be to retain separate London Councils [or smaller groupings], but abolish the post of GLA Elected Mayor and restore power to the Elected Assembly on the back of voting reform to ensure effective representation for outer-London boroughs!

Thus this Council rejects any proposals for an East/North East London Combined Authority if it involves the creation of a super-borough [with or without an Elected Mayor] in favour of fair funding and devolved powers to local councils and a democratic reform of the GLA.

Amendment by the Conservative Group

Amend motion to read:

This Council rejects any proposals for an East/North East London Combined Authority