



COUNCIL MEETING

7.30 pm Wednesday, 25 November 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

Daniel Fenwick
Monitoring Officer

For information about the meeting please contact:
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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 - 22)

To sign as a true record the minutes of the Meeting of the Council held on 16 September 2015 (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

To receive announcements (if any).

6 PETITIONS

Councillor Stephanie Nunn has given notice of an intention to present a petition.

To receive any petition presented pursuant to Council Procedure Rule 23.

7 HOUSING DEVELOPMENT PLAN - STRATEGIC OVERVIEW (Pages 23 - 40)

To consider a report of the Cabinet on the Housing Development Plan – Strategic Overview (attached).

8 OUTLINE PROPOSALS TO ADDRESS EARLY YEARS, PRIMARY, SECONDARY AND SEN RISING ROLLS - PHASES 3 AND 4 EXPANSION PROGRAMME (Pages 41 - 92)

To consider a report of the Cabinet on Outline Proposals to address Early Years, Primary, Secondary and SEN Rising Rolls – Phases 3 and 4 Expansion Programme (subject to outcome of requisition of the Cabinet decision on this matter, due to be considered by the Overview and Scrutiny Board on 24 November 2015) (attached).

9 CHANGES TO DELEGATED POWERS - REGULATORY SERVICES (Pages 93 - 100)

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

10 CHANGES TO DELEGATED POWERS - CULTURE AND LEISURE SERVICES (Pages 101 - 106)

To consider a report of the Governance Committee on Changes to Regulatory Powers (Culture and Leisure Services) (attached).

11 HAVERING'S NEW STATEMENT OF LICENSING POLICY FOR THE LICENSING ACT 2003 (Pages 107 - 216)

To consider a report of the Licensing Committee on Havering's new Statement of Licensing Policy for the Licensing Act 2003 (attached).

12 HAVERING'S NEW STATEMENT OF GAMBLING POLICY FOR THE GAMBLING ACT 2005 (Pages 217 - 276)

To consider a report of the Licensing Committee on Havering's new Statement of Gambling Policy for the Gambling Act 2005 (attached).

13 MEMBERS' QUESTIONS (Pages 277 - 280)

Attached.

14 MOTIONS FOR DEBATE (Pages 281 - 284)

Motions paper attached.



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Havering Town Hall, Romford
16 September 2015 (7.30pm – 10.20pm)**

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, 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, Barbara Matthews, Robby Misir, Ray Morgon, Barry Mugglestone, John Mylod, Stephanie Nunn, 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, Julie Wilkes, Graham Williamson, Darren Wise and John Wood.

Approximately fifteen Members' guests and members of the public were present. Two members of the Press were also in attendance.

Apologies were received for the absence of Councillors Keith Darvill, Philip Martin, Ron Ower 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.

Reverend David Banting Vicar, St Peter's Harold Wood and Assistant Area Dean of Havering opened the meeting with prayers.

The meeting closed with the singing of the national anthem.

39 **MINUTES (agenda item 3)**

The minutes of the meeting of the Council held on 15 July 2015 were before the Council for approval.

It was **AGREED**, without division, that the minutes of the meeting of the Council held on 15 July be signed as a correct record.

RESOLVED:

That the minutes of the meeting of the Council held on 15 July, be signed as a correct record.

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

There were no disclosures of interest.

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

The Mayor congratulated officers on Havering winning 47 awards at the recent London in Bloom awards.

The text of the announcements given by the Leader of the Council is shown in appendix 1 to these minutes.

42 **PETITIONS (agenda item 6)**

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

From Councillor Philip Hyde concerning over-development in Harold Hill.

From Councillor Michael Deon Burton concerning dangerous parking at the junction of Frederick Road and Philip Road, South Hornchurch.

From Councillor Robert Benham concerning cycling provision and safety.

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

43 **APPOINTMENT OF A MONITORING OFFICER (agenda item 7)**

A report of the Chief Executive asked Council to agree the authorisation Daniel Fenwick, the new Director of Legal & Governance (oneSource) to exercise the powers and duties as the Council's Monitoring Officer. This was in succession to Graham White, the current Interim Director of Legal & Governance and Council Monitoring Officer.

The report was **AGREED** without division and it was **RESOLVED**:

That the following individual be authorised to exercise the responsibilities of the statutory officer indicated:

Monitoring Officer Daniel Fenwick, Director Legal & Governance (oneSource), with effect from 12 October 2015.

44 **OVERVIEW AND SCRUTINY RULES – EXCEPTIONS TO THE CALL-IN PROCEDURE (agenda item 8)**

A report of the Chief Executive detailed one recent incidence whereby an exemption to the call-in process had been sought under Rule 18 of the Overview and Scrutiny Procedure Rules. This had related to a Key Decision by the Leader of the Council concerning the finalising of outstanding pre-conditions on the property contract for the Romford Leisure Development. The Chairman of the Overview and Scrutiny Board had agreed to the exemption based on the need to complete the relevant enabling works and land contracts as quickly as possible in order to secure the earliest possible start on the development of the leisure centre.

The report was **AGREED** without division and it was **RESOLVED**:

That the report be noted.

45 **HAVERING AND REDBRIDGE JOINT AGREED SYLLABUS FOR RELIGIOUS AND MORAL EDUCATION (agenda item 9)**

A report of the Standing Advisory Council on Religious Education (SACRE) asked Council to endorse the new syllabus for religious and moral education that had been developed jointly by Havering and Redbridge. The

current syllabus was due for review and it was felt that this new version was 'state of the art' and reflected the demography of both boroughs.

The report was **AGREED** without division and it was **RESOLVED**:

That Council endorses the Joint Agreed RE Syllabus.

46 **MEMBERS' QUESTIONS (agenda item 10)**

Fourteen questions were asked and replies given.

The text of the questions, and their answers, are set out in **Appendix 2** to these minutes.

47 **NEW POLICING MODEL (agenda item 11A)**

A procedural motion on behalf of the Independent Residents' Group that this matter be dealt with under the intermediate debate procedure was **AGREED** without division.

Motion on behalf of the Independent Residents' Group

The new Police model provides for a smaller Safer Neighbourhood Team and a larger pooled resource to act throughout the borough.

This Council accordingly calls on the Metropolitan Police Commissioner and GLA Mayor to ensure the Havering Police's Borough Commander has all the resources necessary to properly implement the new Police model to provide an effective police presence throughout Havering, particularly in areas where the reported crime figures and burglaries are above average and will assist the Borough Commander to meet this objective!

Amendment on behalf of the Conservative Group

The new Police model provides for a smaller Safer Neighbourhood Team and a larger pooled resource to act throughout the borough. This Council calls on the Metropolitan Police Commissioner *and the London Mayor* to ensure that Havering Police's Borough Commander has all the resources necessary to properly implement the new Police model, particularly in areas where the

reported crime figures and burglaries are above average *and supports the Borough Commander in his seeking to meet this objective.*

Following debate, the amendment by the Conservative Group was **CARRIED** by 29 votes to 21 (see division 1) and **AGREED** as the substantive motion, without division.

RESOLVED:

The new Police model provides for a smaller Safer Neighbourhood Team and a larger pooled resource to act throughout the borough. This Council calls on the Metropolitan Police Commissioner *and the London Mayor* to ensure that Havering Police's Borough Commander has all the resources necessary to properly implement the new Police model, particularly in areas where the reported crime figures and burglaries are above average *and supports the Borough Commander in his seeking to meet this objective.*

48 DEVELOPMENTS IN HAROLD HILL

Motion on behalf of Councillor Hyde (seconded by Councillor Morgon)

This Council acknowledges the significant level of development in Harold Hill in recent years and the strain it has put on the local community. Council therefore agrees to a complete moratorium on the establishing of further multi-dwelling developments in the Harold Hill area for the next five years.

Amendment on behalf of the Conservative Group

This Council acknowledges the significant level of development in Harold Hill in recent years and agrees that the matter should be considered in the review of the Havering Local Development Framework and Plans currently in progress.

Following debate, the amendment by the Conservative Group was **CARRIED** by 44 votes to 4 (see division 2) and **AGREED** as the substantive motion without division.

RESOLVED:

This Council acknowledges the significant level of development in Harold Hill in recent years and agrees that the matter should be considered in the review of the Havering Local Development Framework and Plans currently in progress.

49 **VOTING RECORD**

The record of voting decisions is attached as **Appendix 3**.

Mayor
25 November 2015

Good Evening

Before we start with regular business, I'd like to give an update on the current position with regard to the Romford leisure development.

As members are aware, the Council entered into a legal contract with Morrisons involving the former ice rink site and a site in Western Road to enable the provision of a new ice rink and swimming pool. The contract provided for the demolition of part of an office block in the Western Road site to open the site for the leisure development.

Morrisons' lack of progress in implementing the steps to be taken and their resistance to start demolition on the Western Road site have been a subject of much frustration for all of us here today, and to our residents who have been waiting a long time for a pool and new ice rink in Romford.

We have been tackling the issue behind the scenes and have had prepared legal action against Morrisons for failure to fulfil contractual agreements. As a result, Morrisons have now entered into a supplementary contract with the Council that requires them unconditionally to have started demolition on site by 26 October and to have completed the work and handed the new site over to us within six months, by April 2016. This will allow us to start building the new leisure centre without further delay.

If for any reason Morrisons breach the terms of this contract, we will not hesitate in taking the company to court and will consider a compulsory purchase order of the site.

This has been a long time coming and it is positive news that takes us a step closer to securing state of the art sporting facilities for the borough.

I'd like to take this opportunity to thank officers who have worked hard, and in difficult circumstances, to get us in this more satisfactory position. I'd also like to thank ice skaters and hockey players for their patience and support. I hope this news will reassure residents that we are doing everything we can to get on site and deliver the leisure centre as early as possible.

Moving on, I also wanted to take this opportunity to remind councillors about the budget process.

Nationally, the country continues to face the measures which are needed to put the nation's finances on a sound footing and local government in particular has to meet the challenges involved in this. We in Havering continue to take a proactive and vigorous approach to these challenges and remain committed to seeking out and delivering efficiencies wherever possible.

Heads of services have delivered briefings to members of all the political groups, updating them on the current budget position and challenges each service area faces. Opposition groups are invited to submit any budget proposals for consideration by the end of September.

These proposals will then be considered, along with those from the administration, and those that can be taken forward will be subject to final pre-publication consultation with opposition groups between 13-27 October. Final proposals will be published for consideration at a special Cabinet meeting on 4 November.

The Council will then seek the views of our residents and public consultation will run until the end of December. The proposals will be reconsidered in light of the comments and suggestions made.

The budget proposals will then be progressed towards the final decision-making process, with a part of that process being the opportunity for full scrutiny by the Overview and Scrutiny Board.

I would like to say that, despite the British weather trying to dampen spirits, the Havering Show over the recent Bank Holiday was a resounding success.

The show offered something for everyone, rain or shine, and I am always impressed by the wealth of musical talent the borough has to offer. Despite the one day being very wet, over 30,000 local residents enjoyed all the great things at the Show.

Well done and thank you to all the Council staff who organised such a well-run event and all those who turned up over the two days to ensure it was delivered in such good humour.

Finally, I am pleased to report that Havering has today has won the award for Best Dementia Friendly Community Initiative, presented by the Alzheimer's Society.

FULL COUNCIL, Wednesday 16 September

MEMBERS' QUESTIONS

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

From Councillor Jody Ganly

Would the Cabinet Member confirm the full breakdown of costs in obtaining Green Flag status for our parks each year.

Response:

We don't carry out specific work to get Green Flag status, but the high standard of maintenance and improvement work in our parks has helped us to achieve these prestigious awards. We have a budget of £40k a year for maintenance which includes filling the pot holes in the paths, replacement planting, repairs to play equipment, new benches and bins. The breakdown of costs varies each year dependent on what works are required at each site.

Havering has also recently won a total of 47 awards at the London in Bloom Awards including Borough of the Year and an outstanding contribution award for the relevant officer – Mark Jones. Havering has also now been invited to represent London in the Britain in Bloom Awards.

In response to a supplementary question, the Cabinet Member confirmed that all Havering parks were entered for the Britain in Bloom Awards and were judged accordingly. A lot of good progress had been made with Havering's parks over the last five years.

2) To the Cabinet member for the Environment, Councillor Robert Benham

From Cllr Barry Mugglestone

Would the Cabinet Member confirm for each of the last five financial years, the number and financial cost of court cases (including successful claims against the council) the council has been involved with in relation to road and pavement defect claims.

Response:

The Council's claims handling system does not highlight cases that have been heard at court specifically, although cases have been noted in the last three years to record where solicitors have been instructed on the Council's behalf. They have not been noted by financial years.

In the last three years 21 highway related cases have been heard at court, 14 of these have been found in the Council's favour and the claims dismissed, while seven were found in the claimant's favour. The cost of these to the council has been £15580.70 for the 14 found in the Council's favour as costs can usually be recovered. For those found against the Council the cost is currently £182,497.27

In addition there have been 17 cases discontinued against the Council before trial, amounting to a cost of £28,451.12 to the council.

This record reflects the extremely efficient and robust highways inspection and maintenance system operated by the Council.

In response to a supplementary question, the Cabinet Member indicated he would check whether the figure for cost of cases found against the Council included the cost of officer time.

3) To the Cabinet Member for the Environment, Councillor Robert Benham

From Councillor Stephanie Nunn

Would the Cabinet Member confirm the current number of road and pavement reactive repair orders that have been outstanding for more than 28 days.

Response:

There have been 3950 requests for highway repairs this financial year, of which, 3582 have been completed within 28 days, which equates to 91 per cent. It should be noted that urgent requests that have serious safety implications are rightly prioritised and completed within 24 hours. This does affect the overall performance as resources have to be redeployed to address the most high risk road and pavement failures.

In response to supplementary question, the Cabinet Member agreed to confirm how many road and pavement reactive repair orders were currently outstanding for more than 28 days.

4) To the Cabinet Member for Regulatory Services, Councillor Osman Dervish,

From Cllr Reg Whitney

Would the Cabinet Member confirm for the last five financial years, the total surplus/deficit between income and expenditure for the Planning Department.

Response:

Over the last five financial years, total expenditure has dropped by approximately £486,000 and income has increased by £265,685.

The following figures show the difference between income and expenditure for the Planning Service.

2014-15 Deficit of £762,905

2013-14 Deficit of £650,065

2012-13 Deficit of £768,722

2011-12 Deficit of £1,309,148

2010-11 Deficit of £1,514,638

The Planning Service is partly funded by the income it receives, and the remainder is subsidised by the Council. Planning application fees are set nationally by the Department for Communities and Local Government. Fees for pre-application advice, copies of documents and planning history searches are set locally.

In response to a supplementary question, the Cabinet Member confirmed that Havering was a member of the Local Government Association which sought to lobby for an increase in planning fees in order to allow the service to break even. The service's own costs were also being addressed in order to try and achieve this.

5) To the Leader of the Council, Councillor Roger Ramsey

From Councillor Ray Morgon

Would the Cabinet Member confirm:

- a) How many awards the council has put itself forward for over the past two years,
- b) The cost in doing so,
- c) What direct benefit would residents see for applying for such awards.

Response:

In the last two years, the Council has submitted around 40 nominations for a host of awards in various different categories, and successfully won a number of these. Some have been very high profile, such as the Municipal Journal (MJ) awards, Metropolitan Police awards, Customer Service Excellence awards, UK housing awards, London in Bloom and Green Flag awards.

We're not able to put a price on submitting the entries as we cannot quantify the officer time that's gone into preparing them; however, we can certainly show how valuable they are.

Being recognised, often on a national level, raises the profile of the work that Havering Council does. It demonstrates that we're leading the way in a number of innovative

areas of work, such as in the Multi Agency Safeguarding Hub, and has helped with recruitment by attracting high calibre staff to the organisation. It also adds to the influence we have when lobbying on important matters at government level, such as the Care Act. In addition, awards such as London in Bloom and Green Flags attract people to the borough, which supports businesses and boosts the local economy. And I am very pleased to say that the hard work of our parks and streetcare officers was recognised yesterday at the London in Bloom awards with a haul of 47 awards, including 8 gold medals. More than any other London borough.

All the work we do is ultimately aimed at benefiting Havering residents, and as you can see, we enter awards for that very reason.

In response to a supplementary question, the Leader of the Council agreed that the costs and financial benefits of applying for awards needed to be considered but added that Havering currently had lower costs in nearly all areas than other boroughs. The Leader felt it would be a pity if standards dropped and pride in the borough and the quality of its environment was no longer considered.

6) To the Leader of the Council, Councillor Roger Ramsey

From Cllr John Wood

1. Would the Cabinet Member confirm:
 - a) What specific work has been carried out under the Community Payback Scheme during this current financial year,
 - b) What monies have been allocated by this council (if any) to this area of work,
 - c) How does the council monitor and evaluate the results of the completed work.

Response:

Community Payback is now managed by the Community Rehabilitation Company, MTC NOVO for London.

The Council receives quarterly reports on work delivered in the Borough.

In quarter 1 of 2015-16 (April –June) Community Payback delivered a total of 5,423 hours on Community group projects

In addition, a further 2,651 hours were delivered in agency placements, where people on payback are placed with local agencies such as charity shops. All are risk assessed by the Community Rehabilitation Company (CRC). Contracts are arranged between the CRC and the agency and the Council plays no part in this.

No funds have been allocated to Community Payback this financial year, although the Council does provide supplies such as paint and tools. The approximate cost of this was £3,000.

Community Payback provide before and after photographs of work completed in most cases. Council officers monitor and evaluate the results of the completed works for their respective areas. Quarterly monitoring meetings are held with key council officers from Streetcare and Housing. Schools and other external stakeholders oversee and supervise work in their respective areas.

A list of the projects is as follows:

1. The Following car parks are cut back and litter picked-up on a regular basis:
 - Keswick Car Park,
 - Hoppy Hall Car Park,
 - Appleton Way Car Park,
 - Dorrington Way Car Park,
 - Fairtykes Car Park,
 - Wingletye Lane Car Park,
 - Fentiman Way Car Park and
 - Como Street Car Park.

2. The following footpaths have been cleaned and had vegetation cut back, and graffiti has been removed:
 - Rom Valley Way to South Street
 - Meadow Road to Crow Lane
 - Mungo Park Road to Tuck Road
 - Florence Close to Mill Park Avenue
 - Heath Drive/A12
 - Brooklands Close
 - Rush Green Road to Gorse Way
 - Cotleigh Road to Nursery Walk
 - Parkside Avenue
 - Abbs Cross Lane/Ravens Bridge
 - Devonshire Road to Stanley Road
 - Station Lane
 - The Avenue
 - Suttons Avenue

3. In addition, the wooden fencing along Rom Valley Way starting at junction of Rush Green Road is in the process of being painted/treated.

4. Dycorts School. The team is assisting with outside grounds maintenance, and painting the exterior of the school. The kitchens and school hall have now been completed.

5. Marshalls Park School. The Team are assisting with grounds maintenance, painting of classrooms and corridors when required. They also assist the caretaker with school furniture, and the clearing and assembling of school furniture

6. Mead School. The team are assisting with grounds maintenance, creations of foot paths, painting of classrooms, corridors and toilets. Assembling for school furniture, setting up of classrooms with new furniture and removing old furniture. This may be disrupted due to on-going building work taking place at the school.
7. LBH Havering Homes. Work at Brunswick Court, refurbishing all garden furniture from various sheltered accommodation in the area has now been completed. The group have commenced the redecoration of guest rooms at various sheltered accommodation within the borough. Garrick has been completed, and the group are currently at Sunrise Lodge and Cottons.
8. Raphaels Park. Painting of the internal railings. Project currently suspended due to winter weather conditions. This will resume in the summer once a group becomes available.
9. Ardleigh Green School. The team undertook some decorating work in school, redecorated the school swimming pool changing rooms and painted some exterior walls around the school. They also undertook grounds maintenance, repairing and treating of playground furniture, and other ad-hoc work required within the school grounds where required.
10. April to May 2015 the Community Payback team refurbished garden furniture from all different parts of the borough working one day a week. The team were based in a workshop at one of our supported housing sites.

Since June they have been working at supported housing schemes redecorating guest rooms, hallways and bathrooms. These schemes include:

Garrick House
Sunrise Lodge
Cotton Court
Cole Court
Charlbury Court.

They are currently working at additional supported housing sites.

In conclusion, the Community Payback scheme is currently doing extensive work in the borough.

In response to a supplementary question, the Leader of the Council agreed to supply, if available, before and after photographs of the work undertaken in car parks etc.

7) To the Cabinet Member for Culture, Councillor Melvin Wallace

From Councillor Jeffrey Tucker

Chafford School, Rainham includes a swimming pool and after becoming an Academy and following a land tribunal this formerly council owned pool became a school owned pool. The Council contract to run the pool ends in 2016 and the school say they don't have the money to maintain the pool.

Following negotiations Chafford submitted plans to expand the school and close the pool but the approved plans include a site for a new pool when the funding becomes available.

As there are already swimming pools in Hornchurch and Romford (Central Park) and due to the lack of progress for an additional Romford pool (Romford Leisure Centre) will the Administration now take action to ensure there is a swimming pool at Chafford that serves Rainham and the growing population in the south of the borough?

Response:

The Council is aware of the need for a leisure centre, including a swimming pool, to be provided in the south of the borough. Council officers are in the middle of on-going discussions with the head teacher of The Chafford School about the future of the existing sports facilities once their ownership is formally transferred back to the school in October 2016 (following a Land Adjudication decision in the school's favour).

The Council is working with the school to see if investment can be secured to either improve the existing facilities, or provide new sports facilities on the site. However, the only realistic opportunity that is currently available is to try to secure investment from Tenderers who will be submitting bids to run the Council's leisure facilities from October 2016. The Council will receive first stage bids for the Sports and Leisure Management contract in late 2015 and will be in a position to know if viable proposals have been put forward in early 2016.

In response to a supplementary question, the Cabinet Member emphasised that he was unable to confirm anything as regards funding for a swimming pool at this stage.

8) To the Cabinet Member for Financial Management, Councillor Clarence Barrett

From Cllr Keith Roberts

During a period of austerity it's difficult but vital to maintain staff morale!

Following a review of parking policy all council employees now pay for parking at the Town Hall and this becomes a de facto pay cut that is proportionally higher for lower paid staff. Pay cuts are bad for morale and particularly so when the money raised is spent to install new, unnecessary and expensive barriers in the rear Town Hall car park, requiring the removal of many trees.

What was the cost of installing the barriers and associated changes and are there plans for further CCTV additions to the scheme?

Response:

Charges for staff and member parking were introduced in 2011 as part of the 'Havering 2014' savings measures, when the Council was able to make significant efficiency savings while minimising the impact on front-line services. The charges have remained the same since.

The car park barrier at the back of the Town Hall has been moved at a cost of £23k, to allow the entire parking area to be controlled via a single entry barrier. There were previously three barriers, two of which were out of action and needed replacing. So, moving one to the front meant that we didn't have to spend more on the others, which will save money in the long-run.

One of the out of action barriers allowed uncontrolled access to the gravel car park, which led to people abusing parking arrangements and, not surprisingly, frustrated those who pay for a permit.

The one-off capital outlay will be recovered by reduced maintenance costs, and access to all staff parking areas will be fair and secure.

As for introducing further CCTV, there are no plans to do this as part of the scheme at this time.

9) To the Cabinet Member for Housing, Councillor Damian White

From Councillor David Durant

In a Recorder article the Council Leader announced that the proposed Commonwealth name changes for the Hillrise Estate have been abandoned due to a lack of public support! It also reported that the Cabinet Member for Housing said the new community centre would be named after Her Majesty and he was sure residents would agree! Cllr Damian White, what progress has been made in securing residents, Council and Her Majesty's agreement for this new proposal?

Response:

At this stage we are developing plans, following our recent meeting with residents. We expect to be able to go back with a proposed name for the community facility in November, should funds be made available through a recent bid to the Veolia Trust.

In response to a supplementary question, the Cabinet Member emphasised that this would be a new Community Centre and confirmed that the permission of the Lord Chamberlain would be needed to name the new facility after the Queen. This suggestion had received overwhelming support from the Residents Steering Committee who had also come up with the original proposal.

10) To the Cabinet Member for Housing, Councillor Damian White

From Councillor Patricia Rumble

Before Liberty Housing enter into a leasing contract with a private landlord what checks are carried out to the properties, regarding condition, quality and safety?

Response:

Liberty Housing will carry out a thorough inspection of a new property, including gas and electricity checks, before accepting a contract with a private landlord. This is to ensure the property meets the minimum health and safety requirements and is in a suitable condition before it is made available for renting out to residents. If a further inspection is needed, then the required improvement work will need to be completed by the landlord before a contract can be signed.

In response to a supplementary question, the Cabinet Member agreed to supply a copy of the checklist used by Liberty Housing inspectors. The Cabinet Member also suggested it may be useful if he met with Councillor Rumble and the Interim Head of Housing to discuss concerns related to specific properties.

11) To the Cabinet Member for Financial Management, Councillor Clarence Barrett

From Councillor Philip Hyde

Given the recent significant decline in the Stock Market, our pension deficit will have grown from its already precarious position. If this situation does not improve by year end, will the council be required to make further additional contributions in this or the next fiscal year. If so, has a provision been made?

Response:

The value of the pension fund's investments has fallen in recent weeks in line with movement in worldwide markets. However, the fund invests for the longer term and is able to cope with short term market volatility.

Based on the impact of recent market movements, and taking into account the potential impact on the fund, we don't believe it's necessary to make additional contributions beyond those already included in the Council's financial strategy. We will of course keep this position under review and consider the implications for the next fund valuation very carefully.

In response to a supplementary question, the Cabinet Member explained that the pension fund had a diversified portfolio in order to spread risk and was not solely reliant on the level of the Stock Market. Decisions on the future level of contributions would be made in conjunction with the Council's Actuary in March 2016.

12)To the Cabinet Member for Financial Management, Councillor Clarence Barrett

From Councillor Julie Wilkes

Would the Cabinet Member confirm:

- a) What ICT strategy this council currently has in place,
- b) What monies has been allocated to IT improvements this financial year,
- c) What projects have been agreed,
- d) How were these priority projects selected.

Response

I have a copy of the ICT strategy, which I'm more than happy to share with you.

Over and above the annual ICT running costs and specific programme budgets, £0.5M of corporate capital funding has been allocated for ICT enabled efficiency improvements this year, and a further £0.5M for next year.

A number of projects have been agreed, subject to the provision of a demonstrable business case and return on investment. Projects that draw on capital funds are expected to start very soon and relate to digitising processes, online customer service improvements, mobile working and better use of data and business intelligence.

The priority projects are selected through the ICT steering group, which is chaired by the Director of ICT and attended by senior officer representatives from all service areas.

In response to a supplementary question, the Cabinet Member agreed that development of the portal should be on the list of IT projects.

13)To the Leader of the Council, Councillor Roger Ramsey

From Councillor Michael Deon Burton

Persimmon Homes gave a presentation at Rainham Library regarding their plans for Dovers Corner. There was a good attendance and some group discussion tables made suggestions of what was needed to make the development a success. The Council Leader attended the presentation and addressed the meeting saying this was a great opportunity to help shape the development of a Garden Suburb in the south of the borough.

Persimmons promised to hold a further feedback meeting before submitting any planning application, but have submitted an application without holding the promised meeting and prior to the completion of the Local Plan.

Cllr Ramsey, do you regret that Persimmons Homes have acted this way and agree a Local Plan is needed for the area rather than piecemeal development?

Response:

First of all, let me clarify, I attended a stakeholder workshop, organised by the Council on 18 March, to discuss ideas for the regeneration of the Rainham and Beam Park areas, and not the pre-application presentation from Persimmon on 4 February.

Of course, a local plan is needed for the area to prevent piecemeal development and ensure that developers understand our aspirations. However this isn't complete yet and in the meantime, we must still consider planning applications in the area.

Therefore, the application will be assessed in relation to current planning policies, but will also take into account the Housing Zone, Masterplan and Planning Framework aspirations for the area.

We expect the Masterplan and Planning Framework to be adopted by Cabinet in December, after a further round of public consultation. The local plan is not expected to be adopted until autumn 2016.

In response to a supplementary question, the Leader of the Council added that he did not know enough about the way Persimmon Homes had acted to be able to comment on this.

14) To the Cabinet Member for Environment, Councillor Robert Benham

From Councillor Glanville

Given the ever increasing tariffs imposed upon landfill by the European landfill directive how has the council decided upon the new figure of £150 as an on the spot fine for fly tipping?

Response:

The Department for Environment, Food & Rural Affairs (DEFRA) ran a consultation which ended in early May, on a range of new enforcement Powers for Local authorities. One of these was the possibility of offering a fixed penalty for fly tipping.

The outcome of the consultation is not known yet, but the level of fine will be determined by DEFRA as part of it. The £150 level has not yet been confirmed and the final figure might be different.

We did respond to the consultation, although not specifically on the fine. We always aim to prosecute fly tipping offences where we have sufficient evidence to put before a magistrate. A fixed penalty can only be offered as an alternative to a court appearance where there is sufficient evidence to prosecute. The Council isn't obliged to offer this as an alternative and each case is considered on its merits.

There have been a number of prosecutions of fly-tippers in recent months, which have achieved considerable coverage in the media. We've invested significant resources into catching fly-tippers, including the use of CCTV. Our enforcement teams will continue to take robust action against these criminals who pollute the environment and cost the hard-pressed council taxpayer hundreds of thousands of pounds every year.

I have been arguing and lobbying London Councils for heavier fines and tougher punishments for fly tippers. In addition Cllr Barrett submitted a Council motion several months ago to lobby London Councils for fines of up to £1,000, which was supported by the Council.

In response to a supplementary question, the Cabinet Member agreed that the current level of fines did not meet the cost of clearing away fly tipped refuse. For this reason, he wished for London Councils and the Local Government Association to introduce tougher penalties.

<i>DIVISION NUMBER:</i>	1	2
The Mayor [Cllr. Brian Eagling]	✓	✓
The Deputy Mayor [Cllr. Philippa Crowder]	✓	✓
<u>CONSERVATIVE GROUP</u>		
Cllr Roger Ramsey	✓	✓
Cllr Robert Benham	✓	✓
Cllr Ray Best	✓	✓
Cllr Wendy Brice-Thompson	✓	✓
Cllr Joshua Chapman	✓	✓
Cllr John Crowder	✓	✓
Cllr Meg Davis	✓	✓
Cllr Osman Dervish	✓	✓
Cllr Jason Frost	✓	✓
Cllr Steven Kelly	✓	✓
Cllr Robby Misir	✓	✓
Cllr Garry Pain	✓	✓
Cllr Dilip Patel	✓	✓
Cllr Viddy Persaud	✓	✓
Cllr Carol Smith	✓	✓
Cllr Frederick Thompson	✓	✓
Cllr Linda Trew	✓	✓
Cllr Melvin Wallace	✓	✓
Cllr Roger Westwood	✓	✓
Cllr Damian White	✓	✓
Cllr Michael White	A	A
<u>RESIDENTS' GROUP</u>		
Cllr Ray Morgon	X	✓
Cllr June Alexander	X	✓
Cllr Nic Dodin	X	✓
Cllr Jody Ganly	X	✓
Cllr Barbara Matthews	X	✓
Cllr Barry Mugglestone	X	✓
Cllr John Mylod	X	✓
Cllr Stephanie Nunn	X	✓
Cllr Reg Whitney	X	✓
Cllr Julie Wilkes	X	✓
Cllr John Wood	X	✓
<u>EAST HAVERING RESIDENTS' GROUP</u>		
Cllr Clarence Barrett	✓	✓
Cllr Alex Donald	✓	✓
Cllr Gillian Ford	✓	✓
Cllr Linda Hawthorn	✓	✓
Cllr Ron Ower	A	A
Cllr Linda Van den Hende	✓	✓
Cllr Darren Wise	✓	✓
<u>UK Independence Party</u>		
Cllr Lawrence Webb	X	✓
Cllr Ian De Wulverton	X	✓
Cllr John Glanville	X	✓
Cllr David Johnson	✓	✓
Cllr Phil Martin	A	A
Cllr Patricia Rumble	X	✓
<u>INDEPENDENT LOCAL RESIDENTS' GROUP</u>		
Cllr Jeffrey Tucker	X	X
Cllr Michael Deon Burton	X	O
Cllr David Durant	X	X
Cllr Keith Roberts	X	X
Cllr Graham Williamson	X	O
<u>LABOUR</u>		
Cllr Keith Darvill	A	A
<u>INDEPENDENT</u>		
Cllr Philip Hyde	X	X
<u>TOTALS</u>		
✓ = YES	29	44
X = NO	21	4
O = ABSTAIN/NO VOTE	0	2
ID = INTEREST DISCLOSED/NO VOTE	0	0
A = ABSENT FROM MEETING	4	4
	54	54



COUNCIL, 25 November 2015

REPORT OF CABINET

HOUSING DEVELOPMENT PLAN – STRATEGIC OVERVIEW

Cabinet, at its meeting on 23 September considered a proposal in respect of a request seeking Members' agreement to a direction of travel that would increase the number of units of council houses built within the London Borough Havering to around 526 over the next three years. The longer term plan was to deliver over 1,000 units over the next 10 years.

The Council's Housing Needs and Demand Assessment had concluded that it would have to build 1,288 affordable homes each year over the next five years to meet the borough's total demand. Cabinet accepted that this was an unrealistic theoretical requirement but also recognised that, with increasing demand, the Council had to set itself an ambitious target for affordable housing development.

Accordingly, Havering's Affordable Housing Sub-Strategy of its Housing Strategy 2014-2017 programme outlined the Council's strategic aspirations for ensuring an ambitious increase in social housing delivery to meet housing pressures, expand its housing options and improve property standards. The Council aimed to meet its visionary statement: '*To build new, good quality homes in Havering that we know local people need and can afford*' through a fulfillment of its strategic objectives.

Cabinet accordingly refers to Council for its approval the requested increase in the Capital Budget set out in the appended report.

Recommendation: That Council approves the requested increase in the Capital Budget set out in the appended Cabinet report.

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CABINET

23 September 2015

Subject Heading:

Housing Development Plan – Strategic Overview

Cabinet Member:

Councillor Damian White

Councillor Roger Ramsey

CMT Lead:

Isobel Cattermole, Group Director,
Children's Adults and Housing

Andrew Blake-Herbert, Director of
Communities & Resources

Report Author and contact details:

Neil Stubbings,
neil.stubbings@havering.gov.uk

Conway Mulcahy

Conway.mulcahy@onesource.co.uk

Policy context:

Addressing the imbalance between
affordable housing supply and demand

Financial summary:

This report provides a costed and funded
plan to expand council housing provision
directly provided by LB Havering, within
the Housing Revenue Account.

Is this a Key Decision?

No

When should this matter be reviewed?

February 2016

Reviewing OSC:

Towns and Communities

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

Havering will be clean and its environment will be cared for

People will be safe, in their homes and in the community

Residents will be proud to live in Havering

SUMMARY

This report seeks members' agreement to a direction of travel that increases the number of units of council houses built within LB Havering to c526 over the next three years. The longer term plan is to deliver over 1,000 units over the next 10 years .

RECOMMENDATIONS

That Cabinet agrees:-

1. To the principle of a target of homes as outlined in Appendix 2, and to the expansion of the capital budget for the three years as follows:-
 - 15/16 Increase of £3.000m to £13.509m
 - 16/17 Increase of £26.675m to £39.999m
 - 17/18 increase of £20.797m to £29.744m
2. To **refer to Council** the increase in the Capital Budget for final ratification.

REPORT DETAIL

1 INTRODUCTION

- 1.1 The Council needs to continue to build new affordable homes for local people. The recent uncertain economy has had an impact on people's ability to buy and rent homes. The current Affordable Development Programme budget approved by Cabinet 11 February 2015 is set to deliver new homes through phase 1, phase 2 and Taplow House. This is projected to deliver a total of 213_units.
- 1.2 This report produces a strategy to increase the amount of units built over the next three years to c526. Within 10 years the plan is to deliver over 1,000 units. All units would be funded from the Housing Revenue Account and would benefit local residents.

2 VISION STATEMENT

2.1 A vision for the type of place the borough should be in ten years' time is essential to lead the implementation of the new build programme for affordable housing development. This vision is focused on and informed by the borough's characteristics and the key opportunities and constraints.

'To build new, good quality homes in Havering that we know local people need and can afford'

3 DRIVERS FOR CHANGE

3.1 Our plans have been developed to provide a range of affordable housing options to meet the growing and diversifying requirements of local people. Our approach to dealing with the supply and demand for new affordable homes was set out in The Housing Strategy 2014-2017. The plans are also driven by a range of factors including;

- Ability to use HRA funds to finance new-build development
- Projected future population growth in Havering
- Increasing expense of all tenures in London's Housing Market, the 'affordability crisis'
- Growing public demand for affordable housing in Havering, as identified by the Housing Needs Study
- Commitments to increasing numbers of social housing set by the GLA
- Current pressures from the Council's housing waiting list
- Underutilised development sites

4 REGIONAL CONTEXT

4.1 The introduction of this proposal that intends to increase funding for more affordable, new build programmes for affordable housing provision will be complimentary to ambitious objectives set by different London wide and local strategies including;

The London Plan 2011 & the London Housing Strategy 2012

4.2 The plan outlines a special development strategy for Greater London; and its revised early minor alterations (2013), sets ambitious housing targets for each borough region over a 10 year period with specific emphasis on using planning to deliver more affordable accommodation.

- 4.3 The Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Its overarching vision for London stipulates new build development must be sustainable, lead to regeneration, challenge the economic and population growth, ensure environmental improvement alongside the delivery of safe, diverse, strong and secure communities.
- 4.4 The Mayor's core vision as detailed in the London Housing Strategy published in 2012 is for the delivery of an increase in affordable homes and better quality housing with the aims to 'empower people' and 'transform places', supporting the detail within this proposal. It sets out for Havering that;
- The overall general supply of new build developments across all tenures should increase by 1170 units on an annual basis, every year for ten years
 - Across a ten year period a minimum of 11,701 new homes are required to be built over the period of 2015-2025
 - In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale

5 LOCAL CONTEXT

Housing Needs and Assessment Survey 2012

- 5.1 Our Housing Needs and Demand Assessment concluded that we would have to build 1288 affordable homes each year over the next five years to meet the borough's total demand. The Council accepts that this is an unrealistic theoretical requirement but also recognises that, with increasing demand, we have to set ourselves an ambitious target for affordable houses development.

The Housing Strategy 2014-2017

- 5.2 Havering's Affordable Housing Sub-Strategy of its Housing Strategy 2014-2017 outlines the Council's strategic aspirations for ensuring an ambitious increase in social housing delivery to meet housing pressures, expand its housing options and improve property standards. The Council aims to meet its visionary statement through a fulfilment of the following strategic objectives. The recommended proposal will enable these core strategic aims to be met.

Grow the supply of new build affordable housing for rent and low cost home ownership for Havering residents

- Working in partnership with the best Registered Providers to build new affordable housing in the borough
- Affordable housing to be built to standards set by the HCA and GLA, where possible exceeding these expectations
- Work with the planning team to adopt targets proposed by the Housing Needs Survey
- Build 125 units in year 3 of the Housing Strategy, 50% being affordable rented development, 50% being for intermediate housing primarily shared ownership, with a recommended split of 40:40:20 for one, two and three bedroom properties

Maximise inward investment in new affordable housing development, through grant and the use of commuted sums on S106 sites by:

- Continuing to act as a GLA investment partner to actively bid for funds to support Council led development
- Continuing to evaluate the potential of using resources within the HRA to fund new housing development without compromising investment requirements to improve existing council stock
- Encouraging housing associations to invest in the borough to support our affordable housing development priorities
- Looking at alternative funding models for affordable housing.

Provide the right size and type of new housing to tackle under-occupation across all tenures and meet the aspiration of tenants by:

- Ensuring affordable housing products available in Havering are affordable for local people and in line with income levels across the borough
- Using the Affordable Housing Development Programme to build smaller high quality affordable homes that meet the aspirations of people under occupying their rented accommodation

Enhance Havering residents' access to affordable home ownership within the borough through shared ownership accommodation targeted at eligible first time buyers in Havering and existing tenants by:

- Using the New Build Programme to develop housing for shared ownership and actively prioritise local first time buyers

Develop new supported housing to meet the needs of Havering residents by:

- Promoting partnership working with existing housing providers in the borough

- Working in collaboration across Council services to develop supported housing that increases independence for residents whilst contributing to meeting corporate expenditure reduction targets

Identify redundant HRA land and/or assets which can be better used to provide new homes and support estate regeneration

- Undertake a full review of HRA land and/or assets to identify opportunities to build new homes
 - Continue to find opportunities to regenerate our estates and housing stock through asset reviews and estate based renewal
 - Review our sheltered housing holdings to identify those schemes no longer in demand or fit for purpose and consider whether redevelopment would make best use of the asset.
- 5.3 Our Housing Strategy sets out target proportions of unit size and types which reflect housing need and priorities to achieve greater mobility with the sector to better match housing need to property size. It sets local targets that demonstrate the need to accelerate affordable housing supply that means that we must take advantage of opportunities to secure funding grants wherever possible. The development of a pipeline of new sites sourced through land or asset management reviews will see us well placed to make attractive, fundable, bids to the GLA and achieve set targets.
- The Council planned the build of 750 new affordable housing units (Council and RSL) over a three year period from 2013-2016, equating to an annual number of 250 housing units.
 - By tenure, we planned to have built 125 units for social or affordable rent and in 2015 – 2016 and a total of 450 out of the 750 development target to 2016. The balance of the units are to be low cost or shared ownership. This is shown in the table below.

	Rented products*	Shared ownership products	Total
2013/14 target	175	75	250
2014/15 target	150	100	250
2015/16 target	125	125	250

- These targets have been exceeded – 366 delivered in 2013/14, and 422 in 2014/15.

6 DEVELOPMENT PRINCIPLES

6.1 Alongside using all the opportunities available to us to build new homes we also want to ensure that we deliver high quality attractive homes that local people want and delivered in a cost effective fashion. Key principles in meeting these goals are to:

- Achieve good standards of design that have a positive impact on the locality and community.
- Deliver financial efficiency through careful use of the resources we bring to bear This includes use of the HRA, RTB, CIL commuted sums as well as land.
- Tender contracts in the most economically efficient way whilst still meeting corporate compliance – this should include batching sites together to achieve best value for money from house builders
- Pursue wherever practical modular build or other off site manufacturing methods of construction to increase construction speed and potentially reduce costs. This could include the use of standardised unit types.
- Continue to procure consultants competitively to ensure value for money and performance.
- Seek opportunities for our contracts to create opportunities for local job or creation or apprenticeships.
- Set rents at 80% of market rent acknowledging the need to stretch our resources as far as we can, whilst ensuring affordability.
- Monitor sales of the shared ownership we build to better understand the customers for our products, and modify our products as necessary to ensure local people who aspire to it can access shared ownership.
- Acknowledge the impact of development on existing communities by establishing a fund within the HRA capital programme for minor amenity improvements that mitigate the negative impacts of development activity for existing residents.

7 CURRENTLY PLANNED DELIVERY

7.1 Our plans for building more affordable homes for local people need to be set against future funding opportunities. Our Housing Strategy emphasises the need for the Council to use the resources of its Housing Revenue account to develop and finance its own Council housing under the New Build programme. Our current New Build programme will be achieving a number of planned successes over the next three years however an increase in funding is required to sustain future

development for affordable housing. Some of the progress to date and future requirements are set out below:

- We have two main development programmes that have enabled the Council to work as a GLA investment partner to attract grant support for Council funded schemes, use HRA resources and utilise Right to Buy receipts to fund new-build development
- Our Building the Pipeline programme including the Care and Support programme will deliver 69 units across a range of bed sizes, 1 bedroom bungalows to 3 bedroom house, to be completed by March 2016 that will enable strategic affordable housing needs to be met
- Our 15/18 New Build Development programme will lead to a delivery of new flats and houses , with 144 units due to completion by March 18
- In total, the Council has planned the delivery of 213 units of new build affordable development over a three year period
- The Council needs to build on this success by increasing its funding to support ambitious future targets which will enable housing needs for affordable housing development in the borough to be met.

8 OPTIONS FOR DELIVERY OF FURTHER NEW UNITS

8.1 Envisaged is a mixture of developments at a range of locations, including infill. A concentration in a specific area is not planned. Options for delivery include:-

- **Development of Council Sites** At this point a number of prospective sites have been identified for future new build development. Further work is required to identify new sites within the Council's ownership with the potential to develop or renew failing existing assets where identified. A report will be coming back to Cabinet with details of proposed sites. In addition, there is an on-going asset management review of HRA holdings, which will inform this process.
- **Regeneration of existing council stock** There may be benefits in regenerating existing holdings.
- **Buy Backs** This is buy back of ex LBH stock, There is a separate report on this, elsewhere on the agenda.
- **New Build on other land** (memo note – not explicit on in/out of borough)
- **Direct Purchases** (memo note – not explicit on in/out of borough)

8.2 As the programme develops and opportunities are generated, we would seek to allocate funds to these options. Additionally, investment in the

existing stock could be deferred, to increase the rate of new build, though the impact on current tenants would need to be minimised, as well as rental collection.

- 8.3 The current strategy is 50% of properties affordable rents, 50% Low Cost Home Ownership/shared equity. Shared equity may be offered to the Council's current tenants, as well as being offered for new allocations.

Reviews

- 8.4 There are several on-going reviews of provision which will inform strategy in regard to new build:-

- **Sheltered and other forms of supported housing** It is anticipated that a proportion of housing will be targeted at vulnerable residents, for example supported housing. An aim will be to support those who would otherwise incur residential or nursing costs, those with Learning Disability or Mental Health need, those who want to foster but need a bigger home, or are placed out of borough. Cabinet is scheduled to receive a further report on support for older people and other target groups.
- **Asset management review** A renewed Asset Management strategy will be presented to a later Cabinet.
- **Land Review**

9 WHAT IS UNIT COST OF INCREASED PROVISION?

9.1 Current costs are coming in at c£175k build, £220k with land. This paper uses the average cost of £175k; it assumes, for the moment, nil land cost, for which c26% would be added (45k). This £175k figure is an average, and there is expected to be a range of costs depending on solution and configuration; moreover, some sites are potentially difficult to develop. This unit cost will be reviewed on an on-going basis. The Council will also be looking at buy backs (a paper asking Cabinet to agree to this proposal is included elsewhere on this agenda), and procurement of units on the open market; the cost of these may be in excess of the currently assumed £175k average.

9.2 The £175k figure will need constant review. It is affected by build cost inflation (none currently assumed) and property type/size; 3 bed houses would certainly cost in excess of these estimates.

Appendix 2 gives a summary of the projected delivery of new units.

10 FINANCING STRAND 1 – WITHIN HRA – USE BORROWING HEADROOM

10.1 There is currently headroom of £34.3m and it is not possible to borrow beyond the cap due to the rules associated with HRA reform.

How many homes?

10.2 At £175k per unit, £34.3m would deliver 196 homes. An ambitious programme over 2 years could complete this programme by the end of 2017/18.

Revenue effect on the HRA?

10.3 The annual revenue interest cost of this debt would be c£1.210m, at 20 year borrowing of 3.53%. (This excludes principal, which can be funded from future surpluses). Rents at affordable levels are estimated at £155pw, less 2%, gives £152pw; Repairs and management are assumed at £1k per unit. This gives a unit net income of £6,900 pa, and for 196 units a total of £1,352,400. At 50 % of units affordable, 50% shared ownership, this would give net income of c£1.014m, with an annual cost to the HRA of £196k.

11 FINANCING STRAND 2 – WITHIN HRA – MAXIMISE USE OF CURRENT RESOURCES

a. Current capital budget

There are currently funds earmarked within the current 3 year programme for further phases of new build - £5.3m (£7.6m with RTB receipts) in 2016/17, and £5.7m (£8.2m) in 2017/18. £3m is proposed to be allocated to Phases 1 and 2; the remaining resources would deliver an estimated 26 and 47 units.

b. Use surpluses as they are generated

Appendix 1 provides the estimated financial position of the HRA over the next 3v years. It takes the currently approved Business Plan (February 2015), and then makes certain adjustments for known and planned changes. The most significant of these are the effects of the announced 1% reduction in rents over the next 4 years, and a planned savings programme.

Over the 3 year period, surpluses of £9.741m are estimated to be generated, sufficient for 56 units at £175k per unit.

c. Use new units rental

Affordable units give an estimated surplus of £5,900 pa. Thus the programme would start to increase balances/spending power in later years. In the initial period, 3 further units could be delivered.

d. For information, the sheltered review may deliver opportunities, eg conversions.

General Comment on Strand 1 and 2

11.1 For prudence, no GLA grant is currently assumed. However, Havering will take every opportunity to bid for funding, where land is identified; the only downside to GLA funding is that projects need to be delivered to a strict timescale, though this aspect can be managed. No CIL is assumed, though it is expected that receipts will be generated. Therefore, it is anticipated that the programme can be expanded, and authority will be sought to add new schemes to the programme at the relevant time.

11.2 Staffing levels in the Development Team would need review; this has provisionally been estimated at £32k pa.

12 General Fund Special Purpose Vehicle

12.1 For information, members will be aware of a proposal that was agreed by the May Cabinet to develop homes for private/market rent.

13 Next Steps

13.1 The programme will continue to be developed in phases, with each phase of specific developments coming to Cabinet for approval.

14 Conclusions

14.1 A summary of the amount of units that could be provided is on the attached appendix 2. The proposals, with caveats (eg build cost, land), produce an estimated 526 units over a 3 year period. They involve ploughing back all HRA surpluses, as they become due, into new build. The medium term plan is to deliver over 1,000 units in the next 10 years.

REASONS AND OPTIONS

Reasons for the decision:

The increased provision of housing, especially social and affordable, is required to meet well documented need/shortfall in supply.

Other options considered:

The option of not increasing provision was considered, but rejected, as it would not begin to deal with lack of housing supply.

IMPLICATIONS AND RISKS

Financial implications and risks:

The report seeks to maximise the additional units that can be provided through resources within the Housing Revenue Account (HRA). Funding has been identified to support the proposals. Appendix 1 provides an up-dated estimated financial position for the HRA over the next 3 years. Appendix 2 provides a summary of additional resources that is estimated to be generated, and an indication of when those sums and units could be provided. Sites will be reviewed within the borough to deliver the programme, as resources become available; other delivery options are being considered, including Regeneration, direct purchases and buy back.

The proposals will increase the size of the HRA Capital Budget, and therefore require the approval, in addition to Cabinet, of full Council. The report does not seek individual scheme approvals and estimates; this will be the subject of later reports.

Build cost is a specific risk, and will need to be monitored; any excess over CPI will affect the number of units to be delivered. Additionally, a level of savings is assumed that will require full evaluation and monitoring; these proposals are at an early stage – further work is required to develop these, and to ensure that critical areas such as income collection are not compromised, and to ensure they are real savings to the HRA.

No GLA grant is assumed as it is not certain, but in reality a level of grant is expected, and thus will provide a contingency to the programme. The programme will be monitored on an on-going basis.

There will be a need to increase the Development team; the cost of this can be absorbed into current budget levels.

It is anticipated that a proportion of housing will be targeted at vulnerable residents, for example supported housing. This may mean cost savings to the Council's General Fund.

As regards HRA revenue impact:-

- Strand 1, use of borrowing headroom, will mean a small cost (£196k pa)
- Strand 2, use of capital resources, will produce a net rental return to the HRA.

Legal implications and risks:

There are no specific legal issues raised.

Human Resources implications and risks:

There will be a need to increase the Development team; it is proposed to deal with this by use of fixed term/permanent contracts, managed in accordance with Havering HR policies.

Equalities implications and risks:

In terms of equalities and social implications, the proposals will increase the supply of social and affordable units, which will be of benefit to disadvantaged groups. The Equality Assessment is listed as a background paper.

BACKGROUND PAPERS

None

HRA Balances projection

APPENDIX 1

	2015/16	2016/17	2017/18
	1	2	3
Opening Bal Per Cabinet 11 February 2015	(6,430)	(2,162)	(2,000)
Increase balances from 14/15	(2,240)		
Revised opening balance (1)	(8,670)	(8,534)	(10,643)
Annual cash flow per Cabinet (2)	4,268	162	(1)
<i>Effect of Rental Deduction Pressures</i>		1,966	3,932
<i>Net cost of borrowing to cap</i>	418	758	868
<i>Declared savings P3</i>		605	1,815
<i>Void reduction</i>	(500)	(500)	(500)
<i>Release spare contingency</i>	(500)	(500)	(500)
<i>Planned savings</i>	(1,300)	(1,300)	(1,300)
<i>Restructure</i>		(500)	(500)
<i>Transformation cost</i>		1,000	
<i>Income/Voids Performance</i>	(500)	(500)	(500)
<i>Rephasing investment</i>	(1,250)	(2,500)	(2,500)
<i>Contracted Services Saving</i>	(500)	(800)	(800)
Annual Revenue change (3)	(4,132)	(2,271)	15
Revised closing balance (1) + (2) + (3)	(8,534)	(10,643)	(10,629)
Total resources for New Build:-			
Use of balances above £2m as they come due:-	(6,534)		
Add annual surplus (2) + (3)		(2,109)	14 (8,629)

APPENDIX 2**Additional Housing Units****Proposed Programme**

	1	2	3	Total
	2015/16	2016/17	2017/18	
	£000	£000	£000	
Existing programme - phases 1 and 2	£10,509	£8,000	£2,916	£21,425
Add supplementary resources		£3,000		£3,000
Revised cost existing programme (a)	£10,509	£11,000	£2,916	£24,425
Units	69	100	44	213

ADDITIONAL UNITS

Use current budget £		£7,606	£8,234	£15,840
less supplementary resources phase 1/2		(3,000)		
Current budget unallocated		£4,606	£8,234	£15,840
Units		26	47	73
Borrow to cap £		£17,150	£17,150	£34,300
Units		98	98	196
Maximise current resource				
- Use of Surpluses as come £	£3,000	£5,643	£14	£8,657
Units		32	0	32
- Use new units rental £			£399	£399
Units			3	3
- use £1.6m capital				
contingency 15/16 budget £		£1,600		£1,600
Units		9		9
Total cost in year £ (b)	£3,000	£28,999	£25,798	£57,796
Total Units in year	0	166	148	313
TOTAL UNITS:-				
In year	69	266	192	
Cumulative	69	335	526	

Budget approvals	£000	£000	£000	£000
Total now proposed (a) + (b)	£13,509	£39,999	£28,714	£82,221
Current approval Feb 2015	£10,509	£13,324	£8,947	£32,780
Increase requested	£3,000	£26,675	£19,767	£49,441

Assumed unit cost £175 k

Caveats/notes

- 1 Build cost inflation not currently factored in; currently running at c8% pa, per some measures
- 2 No GLA grant currently factored in
- 3 No CIL factored in; none in bank, though some expected over period

COUNCIL, 25 November 2015

REPORT OF CABINET

OUTLINE PROPOSALS TO ADDRESS EARLY YEARS, PRIMARY, SECONDARY AND SEN RISING ROLLS – PHASES 3 AND 4 EXPANSION PROGRAMME

Cabinet, at its meeting on 4 November considered a proposal (report attached) in respect of a request seeking Members' agreement to commit the Council to providing funding support to continue the school expansion programme through the next two phases and to expand the Authority's SEN provision.

This need has arisen because of the recent and current rising birth rate and the statutory duty to provide every school-aged child in the borough with an education.

Cabinet accordingly refers to Council for its approval that the following items:

- 1. Be added to the 2015/16 capital programme for phase 3 expansion:**
 - **£16,756,152 16/17 Basic Need Grant and;**
 - **£282,078 interest on existing S106 education contributions**
- 2. Be added to the 2015/16 capital programme in respect of post 16 SEN:**
 - **£927,000 S106 education contributions**
- 3. Be added to the 2015/16 current Early Years capital programme:**
 - **£1,900,000 DSG top sliced from Early Years Capital.**

In order to underpin the programme as set out in the appended report.

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Cabinet

4 NOVEMBER 2015

Subject Heading:

Outline Proposals to address Early Years, Primary, Secondary and SEN rising rolls – Phases 3 and 4 expansion Programme

Cabinet Member:

Councillor Meg Davis, Lead member for Children & Learning

CMT Lead:

Isobel Cattermole, Deputy Chief Executive, Children, Adult & Housing

Report Author and contact details:

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Tel. 01708 433808

Policy context:

The recommendations have implications throughout the Borough

Financial summary:

Phase 3 (2015/16 to 2017/18 need) is expect to cost in the region of £40m with approx. £45m of funding confirmed leaving a balance towards Phase 4 of £5m.

Phase 4 estimated costs of £67m with no confirmed funding other than £5m referred to above. Various potential sources of funding exist. In order to deliver expansions for 18/19 academic year authority to progress to design stage requested at estimated cost of £1m. This can be contained within £5m balance from phase 3 but if schemes do not progress will be abortive costs and revenue funding will need to be identified. Phase 4 to be the subject of further reports.

Revenue implications for schools has to date been funded from the DSG. Pressures on DSG mean that there may be a need to review funding sources in the future if DSG is unable to fully fund these expansions. This will be the subject of further reports. Revenue implications for the local authority are still being assessed and will be raised through the appropriate channels as necessary.

Is this a Key Decision?

Yes as expenditure arising from implementation of the recommendations is likely to exceed £500,000

When should this matter be reviewed?

November 2016

Reviewing OSC:

Children and Learning

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

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

SUMMARY

Havering has seen an increase of over 33% in the number of births in families resident in the Borough between calendar years 2002 and 2013. Havering residents are choosing to start or/and increase their family more than other London borough, in fact the ONS live birth data for 2013 shows that all other London boroughs experienced a drop in their birth rate from 2012 to 2013 apart from Havering which saw a 4% increase. Many London boroughs, having already experienced the increase in birth rate, are now seeing it plateau, but for Havering we are still at the early stages of our increase in the birth rate and therefore implementing these proposals so that local residents who are choosing to start or/and expand their family have a local primary and then secondary school place to send their children is timely and imperative. An expansion programme has already begun and in 2013/14 we created 10 FE permanent forms of entry (FE) in Primary schools together with 525 temporary places to cover short-term pressures for primary age pupils. In total 21 primary schools have expanded.

The number of Primary age pupils is expected to continue rising significantly from 20,374 in 2014/15, to 24,278 in 2019/20, which is more than 3,000 extra pupils over the next five years. There will therefore be a need to continue to make new provision for these local children available in most planning areas on both a permanent and temporary basis. The authority has a statutory duty to provide school places for all children who reside in Havering.

As these pupils advance toward needing secondary education our current surplus of places in the secondary sector will be eroded and surpassed. Havering will exceed its overall Secondary places (in all year groups) around 2018/19, but is projected to exceed its Year 7 capacity sooner; in 2016/17.

There are currently 3,248 places available in Havering for Year 7 pupils. The Local Authority will begin the process of planning additional capacity across the borough

for the projected increase in secondary pupil numbers through Phase Three of expansion.

This rise in demand means that the Council needs to do two things:

1. Find ways to absorb the immediate extra demand for places, while protecting the Borough's excellent reputation for good schools – which is already well underway.
2. Plan for a longer term growth in pupil numbers, which means creating more capacity in the Havering school system.

This report seeks Cabinet's approval to an approach to managing the forecast increase in early years, primary, secondary and SEN pupil numbers beyond the current Phase 2 of the Council's Programme of Primary School Expansions.

The recommendations take account of the very wide resident, parent and stakeholder consultation outcomes, the Council's agreed Commissioning Plan for Education Provision 2015/16 - 2019/20, updated pupil forecasts and other related developments.

Approval of the recommendations will enable officers to undertake consultation with stakeholders including the encouragement of new Free Schools where appropriate, and ensuring value for money, as part of the Council's strategy of ensuring that there are sufficient school places to meet the assessment of likely future demands.

Officers will also be authorised to commission detailed feasibility work to assess, appraise and prioritise the capital implications and to firm up specific proposals for final decision by March 2016.

RECOMMENDATIONS

That Cabinet:

1. **Agree** that Phases 3 and 4 school expansion programme should be developed based on the following approach in line with consultation responses:
 - a. To have a preference for expanding existing popular and high-performing schools and inclusion of nursery provision and Additional Resource Provisions (ARPs) where appropriate and practicable.
 - b. To consider the expansion of existing schools, but only to a maximum size of 4FE in the primary phase, ensuring at all times that agreed standards of education is paramount; to consider the possible establishment of primary phase provision on secondary school sites as all through provision and the encouragement of Free Schools where needed and they provide best value.
 - c. To begin to rationalise Published Admission Numbers (PANs) for secondary schools so that they are in multiples of 30.

2. **Agree** the **PERMANENT** expansion, subject to consultation and statutory processes, including planning processes and consultation of the following schools:
 - a. Parsonage Farm
 - b. Crownfield Infants & Junior Schools
 - c. St Peter's Catholic School
 - d. Broadford Primary
 - e. James Oglethorpe PrimaryTo note that a further 1FE expansion is required in each of the Romford and Upminster & Cranham planning areas but that work is still on-going to select these schools.
3. **Delegate** the power to take further decisions regarding the approval of which settings/schools should be expanded (subject to the appropriate statutory processes) for the remainder of the Phase 3 of the Expansion Programme be delegated to the Cabinet Member for Children & Learning and Cabinet Member for Value, following consideration of the above, subject to budgetary provision being confirmed.
4. **Delegate** to the Director of Asset Management authority to submit planning applications, commission all associated surveys/investigations (including transport assessment, soils survey, environmental check etc.) and commence tender processes as required to support the development of options appraisals to deliver the phase 3 expansions required – noting that tender awards will remain the subject of separate Executive Decision(s).
5. **Recommend to Council** that the following items be added to the 15/16 capital programme for phase 3 expansion:

£16,756,152 16/17 Basic Need Grant and;
£282,078 interest on existing S106 education contributions
6. **Authorise** feasibility studies to be carried out to facilitate the development of a secondary high quality and value for money expansion programme to take place in Phase 4 (18/19) at a number of secondary schools.
7. **Authorise** £1m funding be transferred from the phase 3 expansion programme to phase 4 expansion programme to allow the most appropriate schemes to be developed to design & planning stage, noting that there is a risk any schemes not progressing will not be eligible for capital funding, requiring alternative revenue funding to be identified.
8. **Note** that plans to address Phase 4 of the Council's Expansion Programme will be the subject of future reports and that where possible the financial implications will be addressed as part of the 2016/17 and future years budget setting processes.

9. **Note** that transport, parking and traffic is a key issue of concern for local residents when schools are built or expanded and that future expansion plans will incorporate an action plan to address these issues.

Increasing SEN places

10. **Approve** the SEN Strategy – Appendix 1 and the proposals outlined in the Strategy.
11. **Agree** to open a new 16-25 SEN provision based at Avelon Road by September 2016.
12. **Recommend to Council** that the following items be added to the 15/16 capital programme re; post 16 SEN: £927,000 interest on existing S106 education contributions
13. **Agree** to increasing the number of Early Education and Childcare Places based on the following approach:
- a) Support the set-up of new businesses, particularly in areas of place pressure.
 - b) Engaging with maintained schools, academies and free schools to support the establishment of nursery provision to deliver the Early Education Entitlement as part of the whole school rather than engaging with a Private, Voluntary and Independent (PVI) provider especially where these are in areas of place pressure.
 - c) Encouraging and supporting schools to offer full time education and childcare (this may include Breakfast and After School Clubs) from 8am to 6pm, enabling school nurseries to deliver a more flexible offer including blocks of hours, rather than just morning or afternoon.
 - d) Engagement with both school and PVI settings to develop or expand more of these, to deliver the increased 2 year old entitlement.
 - e) Building capacity to support the delivery of the new 30 hours funded entitlement due to come into force in September 2017.
14. **Recommend to Council** that the following items be added to the 15/16 current Early Years capital programme: £1,900,000 DSG Top sliced from Early Years Capital.

REPORT DETAIL

Introduction

1. In 1991, Havering's annual birth rate started declining steadily from 2,822, until 2001 when it reached the lowest point of 2,226. This long term falling roll led to a decrease in pupil population and hence significant surplus places in some of the borough schools thereby making them uneconomical and financially unviable to sustain. The need to plan for a reduction in the level of school capacity was agreed by Havering's Cabinet and a major review of primary places throughout the Borough was then undertaken in 2004 starting with a reduction and readjustment in the pupil admission number (PAN) in 9 schools. A further review also undertaken in 2006, leading to a further reduction and readjustment in the PAN of 4 more schools and in addition, the closure of 3 primary schools.
2. Havering in common with the many other London Boroughs and urban areas has been for the last three years experiencing an increase in demand for primary school places and we are forecasting continuing significant growth in the coming years. This is because we have seen an increase of over 33% in the number of births between calendar years 2002 and 2013. The Office for National Statistics (ONS) live birth data for 2013 shows that all London boroughs experienced a drop in their birth rate from 2012 to 2013 apart from Havering which saw a 4% increase. This increase in demand is mainly due to families already resident in Havering choosing to start or expand their families here.
3. The demand pressures are mainly arising from local birth rate rises, rather than migration. However there has also been a number of families moving into the borough from other parts of London, the UK and abroad. Recent data released by the Greater London Authority (GLA) shows that Havering has experienced the largest net inflow of children across all London boroughs. The biggest inflows of children into Havering for 2014 came from neighbouring Outer London Boroughs, Barking & Dagenham and Redbridge.
4. The changes now seen in Havering's population, influenced by significant increased births, in migration from nearby boroughs, new housing developments and some economic migration, mean that the Council's provision of school places must also respond to meet increasing demand for school places for families resident in Havering. As the authority has a statutory duty to provide school places for all children who reside in Havering, urgent work needs to take place to meet these needs.
5. In September 2012, Cabinet approved a school expansion programme as part of the Commissioning School Places Strategy 2012/13 - 2016/17.
6. Following Cabinet's agreement, Phase 1 of the Programme was approved to deliver 12FE permanent expansion schemes across 15 schools.
7. Phase 1 resulted in the creation of 1,530 additional permanent primary places and a total of 525 temporary ('bulge') places in 2013.

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8. Phase 2 of Havering's programme of school expansions from 2014 delivered a total of 975 permanent and 292 temporary primary school places across all year group in 6 schools.
9. In total, 21 schools have been expanded under Phase 1 and 2 of the school expansion programme which has created an additional 2,505 permanent Primary school places in the borough.

Commissioning Plan for Education Provision

10. Havering's Cabinet approved the draft Commissioning Plan for Education Provision at its meeting on 18 March 2015 and requested that it should be circulated for wider consultation.
11. A wide consultation survey on this Plan was undertaken by the School Organisation Team from 20 April to 22 June 2015 to gather the views from education providers, residents, parents and other stakeholders on proposals that will help address the needs identified.
12. There were a total of 824 completed questionnaires, of which over 700 were completed online. This is a very high level of response, in fact the highest response recorded by any London borough.
13. Key findings from the survey found that 62% of residents supported expanding an existing primary/secondary school in the area, compared to 31% who supported the establishment of a new primary school via a free school or sponsored academy and 38% who supported the establishment of a new secondary school via a free school or sponsored academy.
14. Survey responses from parents was more mixed, with 39% of parents wanting to expand an existing school, rising to 42% who wanted to expand a school but on two sites. 58% of parents indicated they wanted the establishment of a new school via a free school/academy, however the many comments from parents about this option suggests that there is confusion in the parents' comments about the powers the authority has to open new schools as a significant number of parents asked for a new local authority school.
15. Under current legislation the council cannot open a new school, but can go out to competition to invite a free school or academy to open a new school. In this instance the council is required to lease the land to the sponsor on a 125 year lease and is also required to pay for the building cost. At the present time, therefore, expanding existing schools is likely to provide greater value for money. However, at all times to ensure all options can be considered, officers from Asset Management, Property Services and Learning and Achievement meet to assess the viability of any current or future spaces that may be suitable for a school site.
16. The consultation survey responses have helped to inform the approach set out in this report which is to expand existing schools where possible but continue to explore free school options – ensuring at all times best value for the council.

17. Overall 80% of all respondents agreed with the principles which guided the commissioning proposals, and based on this consultation, the final Commissioning Plan for Education Provision was approved in August 2015 and forms the basis of the recommendations in this Cabinet Report.

Traffic and Transport

18. When considering expansion of existing schools, a key issue identified in the survey by parents/carers was traffic and transport. Parking and associated driving behaviours causes many complaints. This very controversial topic generates numerous complaints and enquiries. As part of the Corporate Transformation Programme a review of borough wide parking is soon to commence which will improve our knowledge and intelligence of the current situation, ascertain the challenges of tomorrow and through the production of new revised policies, mitigate some of the pressures associated with this highly emotive topic.
19. The most passionate complaints and enquiries are associated with parking near schools. This is not just a Havering problem but one that is causing concern and frustration nationally. Increased car ownership and the changes from life's demands have resulted in a chaotic, dangerous environment in and around the schools with many parents choosing to use their cars as the primary mode of transport. This culture is a significant issue for Havering as an outer London borough as it has the 2nd highest car ownership in London and is continuing to grow.
20. It's common for the council to receive daily complaints regarding parking on zigzag lines, double parking, blocking driveways and even on occasion parking on local resident's drives, resulting in confrontation. There are also reports of drivers mounting pavements and many near misses that could have resulted in tragic outcomes.
21. From an enforcement perspective there has been a concerted effort to address the problem. Over the past year over 1200 Penalty Charge Notices (PCN) have been issued outside schools and nearly 500 vehicles 'moved on'. Sadly this level of enforcement has not deterred those parents who are willing to accept that the risk of receiving a PCN is worth taking even if it results in a fine as long as it doesn't disrupt their daily routine.
22. With the pending schools expansion programme to accommodate the predicted increase in demand it is logical to conclude that unless the steps are taken to address the current situation, the problem will become worse.
23. An Officer/ Member group has been established to produce a plan of action to address the challenge. It is clear that a number of interventions will be required to achieve the desired outcomes and that each school will require a bespoke plan as the challenges and potential solutions vary from site to site. Some of the interventions include:
 - Hard Hitting Campaign highlighting statistics of accidents and near misses to appeal from a 'hearts and minds' perspective.

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- Introducing a volunteer scheme, empowering local residents and school staff to issue PCN's.
- Wherever possible to create a drop off point within the school boundary
- Introduce alternative drop off points and promote 'walking buses'
- Open the schools earlier and encourage breakfast clubs to address the issue of parents having to wait for the gates to open before going straight on to work.
- Restrict access to roads during school opening and closing times
- Empower schools to take a harder line with parents who continually park irresponsibly.

24. In conclusion it should be remembered that although such poor behaviour causes local community frustration, the primary reason to act is child safety. Using some or all of the interventions above may not be popular but should be balanced against the need to improve and create a safe environment for the children and by supporting the majority of parents who are responsible and reducing the likelihood of a serious accident.

Demand for Places

25. Havering continues to be a place that families wish to move to and bring up their children and, as has been previously noted, the birth rate of Havering residents continues to rise steeply. The deficit of primary places for Havering residents is projected to continue to rise steeply year on year into the future.
26. This increase in demand is further fuelled by the significant level of housing development in the borough, which is projected to continue up until 2024/25, in line with the London Plan.
27. There has already been a significant expansion of schools in each planning area during Phase One and Two. Those schools that were selected were those who met the criteria for expansion but also provided best value. Although it is likely that over time a larger number of schools in Havering will need to be expanded, ensuring a cost effective use of funding, has therefore been essential.
28. Schools that have already been expanded and/or have a temporary expansion (bulge) during Phase One/Two are set out below (in bold). As well as those to be expanded as part of the government funded PSPB Programme. Academies, free schools and voluntary aided schools have significantly different governance arrangements impacting on expansion decisions, so they have also been detailed.

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29. The table below indicates those schools which have been expanded or have had a bulge classes in the last 5 years, the table also shows the Governance status of each school.

Collier Row		Hornchurch	
School	Governance	School	Governance
Clockhouse Primary	C	Ardleigh Green Infant	C
Crownfield Infant	C	Ardleigh Green Junior	C
Crownfield Junior	C	Benhurst Primary	C
Dame Tipping Primary	VC	Harold Wood Primary	C
Parklands Infant	C	Langtons Infant	C
Parklands Junior	C	Langtons Junior Academy	A
Oasis Academy Pinewood	A	Nelmes Primary	C
Rise Park Infant	A	Squirrels Heath Infants	C
Rise Park Junior	A	Squirrels Heath Junior	C
St. Patrick's Catholic Primary	VA	St. Mary's Catholic Primary	VA
		Towers Infant	C
		Towers Junior	C
		Wykeham Primary	C
Elm Park		Rainham & South Hornchurch	
School	Governance	School	Governance
Elm Park Primary	C	Brady Primary	C
Hacton Primary *	C	La Salette Catholic Primary	VA
R J Mitchell Primary	C	Newtons Primary	C
Scargill Infant	C	Parsonage Farm Primary	C
Scargill Junior	C	Rainham Village Primary	C
Scotts Primary	C	Whybridge Infant	C
St. Alban's Catholic Primary	VA	Whybridge Junior	C
Suttons Primary*	C		
Harold Hill		Romford	
School	Governance	School	Governance
Broadford Primary	C	Crowlands Primary	C
Brookside Infant	C	Gidea Park Primary	C
Brookside Junior	A	Hylands Primary	C
Drapers' Maylands Academy	A	Mawney Primary *	F
Harold Court Primary	C	St. Edward's CE Primary	VA
Hilldene Primary	C	St. Peter's Catholic Primary	VA
Mead Primary	C		
Pyrgo Priory Primary	A		
St. Ursula's Catholic Infant	VA		
St. Ursula's Catholic Junior	VA		
Upminster			
School	Governance		
Branfil Primary	C		
Engayne Primary	C		
James Oglethorpe Primary	C		
St. Joseph's Catholic Primary	VA		
Upminster Infant	A		
Upminster Junior	A		

Key:
 C = LA Maintained
 VA = Voluntary Aided
 VC = Voluntary Controlled
 A = Academy
 F = Foundation
 * = PSPB Schools

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30. The table below indicates the minimum additional permanent primary Reception year phase capacity, expressed as forms of entry (FE) that officers forecast will be needed for each School Planning Area over the next four years. (The period that this Report covers.)

School Planning Area	Primary Phase Schools with size as at 1 September 2015 expressed as Forms of Entry (FE)	Additional need for 2016/17	Cumulative additional need 2017/18	Cumulative additional need 2018/19	Cumulative additional need 2019/20
Collier Row	Clockhouse Primary (3 FE) Crownfield Infant & Junior (3 FE) Dame Tipping CE VC Primary (0.5 FE) Parklands Infant & Junior (4 FE) Pinewood Primary (2 FE) Rise Park Infant & Junior (3 FE) St. Patrick's Catholic Primary (2 FE)	1 FE	2 FE	2 FE	2 FE
Elm Park	Elm Park Primary (2 FE) Hacton Primary (2 FE) Scargill Infant & Junior (3 FE) Scotts Primary (2 FE) St. Alban's Catholic Primary (1 FE) Suttons Primary (1 FE) The R J Mitchell Primary (2FE)	0	0	0	0
Harold Hill	Broadford Primary (2 FE) Brookside Infant & Junior (2 FE) Harold Court Primary (2 FE) Hilldene Primary (3 FE) Mead Primary (3 FE) Pyrgo Priory Primary (2 FE) St Ursula's Catholic Infant (2 FE) Drapers' Maylands Primary (2 FE)	1FE	1 FE	2 FE	2FE
Hornchurch	Ardleigh Green Infant & Junior (3 FE) Benhurst Primary (2 FE) Harold Wood Primary (3 FE) Langtons Infant & Junior (3 FE) Nelmes Primary (2 FE) Squirrels Heath Infant & Junior (3 FE) St Mary's Catholic Primary (2 FE) Towers Infant & Junior (3 FE) Wykeham Primary (3 FE)	1 FE	2 FE	2 FE	2 FE
Rainham & South Hornchurch	Brady Primary (1 FE) La Salette Catholic Primary (1 FE) Newtons Primary School (2 FE) Parsonage Farm Primary (3 FE) Rainham Village Primary (2 FE) Whybridge Infant & Junior (2 FE)	1 FE	2 FE	2 FE	3 FE
Romford	Crowlands Primary (3 FE) Gidea Park Primary (2 FE) Hylands Primary (2 FE) St Edward's CE VA Primary (3 FE) St Peter's Catholic Primary (1 FE) The Mawney (2 FE)	3 FE	3 FE	3 FE	3 FE
Upminster & Cranham	Branfil Primary (3 FE) Engayne Primary (3 FE) James Oglethorpe Primary (1.5 FE) St. Joseph's Catholic Primary (2 FE) Upminster Infant and Junior (3 FE)	1 FE	1 FE	2 FE	2 FE
Total		8 FE	11 FE	13 FE	14 FE

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31. The 8 FE additional permanent provision needed for 2016/17 is planned to be delivered subject to consultation and statutory processes as follows:
- Seeking planning permission for expansion of Parsonage Farm from 3 FE to 4FE (1 FE). To note that Cabinet previously approved the expansion of this school, subject to statutory consultation process. Following a rejection of the initial request for planning permission for this school, a new planning proposal has been developed for future submission.
 - Pre-consultation and statutory consultation processes including planning. Following these processes and outcomes the proposal is to then expand:
 - St Peter's Catholic Primary from 1 FE to 2 FE
 - Crownfield Infant and Junior Schools from 3 FE to 4FE
 - James Oglethorpe Primary from 1.5 FE to 2 FE (James Oglethorpe is already operating to 2FE throughout Key Stage 2 (years 3, 4, 5 and 6) and in Reception as the school has already taken bulge classes in those year groups).
 - Broadford Primary from 2 FE to 3FE
 - To note that Suttons and Hacton Primary schools, subject of previous reports, are being expanded through PSBP 1 and therefore an additional 56 Reception places will be available for 2016/17 in those planning areas. Expanded schools that are in the PSPB Programme provide best value for money as PSPB building works are government funded.
32. Although there is a need for 1FE in Hornchurch, the council is not proposing any expansion in that planning area for that year because there is some surplus capacity in Elm Park planning area at present. Officers have been working closely with headteachers and governing bodies to ensure that they are fully on board with the expansion proposals linked to their schools and confident that the expansion will lead to improved opportunities for children and hence outcomes.
33. Officers predict a maximum overall need for additional classes over and above those needed in Reception, ie, across all year groups from 2015/16 as set out in the tables below. It is possible that some of this can be delivered by utilising existing space within schools and/or re-phasing expansions that have already been approved and funded. However in Romford and Harold Hill there will be significant capacity issues until the two free schools Romford Academy and Drapers Maylands are up and running to full capacity. The delay of the planned implementation of other permanent expansions for September 2015 has also resulted in a shortage of places not only in Reception but in Year 1 as well for 2016/17.

Need for Primary places Reception to Year 6 for 2015/16

Primary Planning Area	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total Yr Rec-6
Collier Row	0	0	0	0	0	0	0	0
Elm Park	0	0	0	0	0	0	0	0
Harold Hill	0	1	0	0	0	0	1	2
Hornchurch	0	0	0	0	0	0	0	0
Rainham & South Hornchurch	0	0	0	0	0	0	0	0
Romford	1	1	1	0	1	0	1	5
Upminster & Cranham	0	0	0	0	0	0	0	0
Total Classrooms	1	2	1	0	1	0	2	7

34. As there is no surplus capacity at all in some planning areas, 7 bulge classes will be needed for 2015/16 to meet the additional demand for primary places resulting from in year applications. It is not feasible to open a bulge class in Year 6, so families requesting a place in this year group in those areas where there's no capacity will be offered school places through the fair access process.

35. It is important to acknowledge that the creation of a temporary expansion (bulge) class, whilst in many cases necessary, is not always straight forward. Build costs are often high compared to a permanent expansion and schools have to make significant adaptations to arrangement and staffing within the school without additional resources. The approach taken in Havering has been, wherever possible, to minimise the number of "bulge" classes that have been established.

Need for Primary places Reception to Year 6 for 2016/17

Primary Planning Area	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total Yr Rec-6
Collier Row	1	0	0	0	0	0	0	1
Elm Park	0	0	0	0	0	0	0	0
Harold Hill	1	0	1	1	1	1	0	5
Hornchurch	1	0	0	0	0	0	0	1
Rainham & South HX	1	0	0	0	1	0	0	2
Romford	3	1	2	2	0	2	0	10
Upminster & Cranham	1	0	0	0	0	0	0	1
Total classrooms	8	1	3	3	2	3	0	20

36. Projections show a greater number of bulge classes than before that are needed for 2016/17. This is in addition to a need to deliver the 8 FE expansion needed for 2016/17. The expectation is that the year R requirement above will be delivered through permanent expansions leaving 12 bulge classes required for other year groups. If the 8FE expansion is not delivered fully by 2016/17 further bulge classes will be needed in future years.

Secondary

37. Up to 2001/02, Havering experienced a decline in the birth rate that also had an impact on the secondary pupil roll. This has resulted in a slight drop in secondary numbers which has continued until 2014.
38. As primary children move into the secondary sector, the number of Secondary age pupils (Years 7-11) in Havering schools is expected to rise significantly from 14,720 in 2014/15 to 18,665 in 2022/23. This will cause therefore our current surplus of places in the secondary sector to be eroded and surpassed. Havering will therefore exceed its Year 7 capacity from 2016/17 onwards and overall Secondary places (in all other year groups) from 2018/19 onwards. As, over the next six years, we are projecting an increase of 15% in our Year 6 cohort, the table below shows the Year 6 numbers and the projected Year 7 numbers.

Year	Year 6	Projected Year 7
2013/14	2498	2829
2014/15	2681	2963
2015/16	2727	3127
2016/17	2937	3320
2017/18	2878	3252
2018/19	3118	3514
2019/20	3290	3699
2020/21	3360	3760
2021/22	3370	3755

39. There are currently 3,248 places available in Havering for Year 7 pupils. The Local Authority therefore plans to begin the process of providing additional capacity within the borough for the projected increase in pupil numbers. Please note that plans to add additional capacity in Year 7 will take place when all the secondary schools in Havering are full up to PAN unless the pressure of place prevents this approach.
40. The tables below show the deficit of Year 7 places across the whole borough and also by planning area.

Year	Projected Year 7	Year 7 places	Deficit of Year 7 places	Deficit as forms of Entry (Cumulative)	Deficit as forms of Entry (Incremental)
2016/17	3,320	3,248	-72	2 FE	2 FE
2017/18	3,252	3,248	-4	0 FE	0 FE
2018/19	3,514	3,248	-266	9 FE	7 FE
2019/20	3,699	3,248	-451	15 FE	6 FE
2020/21	3,760	3,248	-512	17 FE	2 FE
2021/22	3,755	3,248	-507	17 FE	0 FE

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Projected surplus/deficit of year 7 places by secondary planning area							
School Planning Area	Secondary Schools with size as at 1 September 2015 expressed as Forms of Entry (FE)	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
North East	Drapers Academy (6 FE)	-46	-49	-68	-81	-78	-72
North West	Bower Park (6 FE)	8	13	1	-7	-9	-9
Central	Marshalls Park School (5.5 FE) Abbs Cross Academy (5.5 FE) The Albany School (6.5 FE) The Champion School (5 FE) The Frances Bardsley Academy (7 FE) Emerson Park School (6.5 FE) Redden Court School (5 FE) The Royal Liberty School (4 FE) St Edward's C of E School (7FE)	-143	-100	-229	-320	-345	-350
East	The Coopers & Coburn School(6FE) Gaynes School (6.5 FE) Hall Mead (6.5 FE) Sacred Heart of Mary Girls' School (4FE)	44	63	16	-17	-28	-28
South	The Brittons School (7.5 FE) The Chafford School (6.5 FE) Sanders School (6.5 FE)	65	67	14	-27	-50	-48
Total Surplus/ Deficit of places		-72	-4	-266	-451	-512	-507
Total Surplus/ Deficit of places in FE		2FE	0FE	9FE	15FE	17FE	17FE

41. For secondary expansion planning purposes additional places have been looked at a borough-wide level rather than on a planning area level.
42. In 2016/17 the additional need is proposed to be delivered by rationalising the Published Admission Number (PAN) of the oversubscribed secondary schools in areas of need so they are multiples of 30, rather than below that number. Feasibilities on the rationalisation of PANs for the following first tranche of schools will be carried out. Further feasibilities on PAN rationale will also be needed in other schools in the future.

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	Current PAN	Revised PAN	Increased Year 7 places
Marshalls Park School	172	180	8
The Frances Bardsley Academy	220	240	20
Emerson Park School	192	210	18
Abbs Cross Academy	168	180	12
The Albany School	196	210	14

43. It is envisaged that the costs associated with rationalising PANs will be considerably less than delivering a form of entry for 2018/19 and beyond and therefore offer best value.
44. Statutory proposals will not be required for the rationalisation of schools' PANs as these will not increase the capacity of the school by 25%.
45. Feasibilities and design work is planned to be carried out to explore how the secondary 7 FE expansion needed for September 2018 can be delivered. To note that a number of schools and Academies have been successful for PSBP 2 and are likely to have major building works, funded by the government, over the next five years. It will be important to explore as to whether linking any expansion plans to these government funded projects will provide a best value option.

Strategy for meeting the rising demand in the secondary sector

46. With any potential shortfall in funding needing to be met by the council, it has been important to ensure at all times that the most efficient and cost effective approaches are adapted to meet the rising demand for places, ie creating additional capacity in schools. As set out in paragraph 13, this is also the preferred options of parents. Therefore it is planned to select schools:
 - where there is increased pressure of places
 - which are oversubscribed
 - which can be expanded
 - which are good or outstanding
 - which are sufficiently educationally secure and resilient to have the capacity to manage a significant increase in size
 - where the expansion will provide value for money
47. Most Havering secondary schools take the majority of their pupils from their local feeder primary schools. There is a strong tradition in Havering of close working between secondary schools and their feeder primaries too. It is therefore sensible to consider expanding secondary schools where there has already been expansions in the linked feeder primary schools so they can take the increased demand for places in primary. This will keep the strong "family of schools approach" positively supported by parents in their survey responses, in Havering, an approach that research shows also ensures better outcomes.
48. As allocations for year 7 are completed a year in advance, solutions for 2018/19 will need to be determined by Sept 2017 when parents make their applications for secondary places. Consultation on proposals need to be

concluded by June 2017 hence feasibilities and design needs to be carried out soon to enable work to start on developing proposals to meet the 7 FE expansion needed for 2018/19.

Impact of Early Education Entitlement for 2, 3 and 4 Year Olds

49. The Local Authority has a statutory duty to ensure, so far as is reasonably practical, that there is sufficient childcare in the area to meet the requirements of parents enabling them to work or undertake training leading to work. From September 2013 this has been extended from entitlement to all 3 and 4 year olds to more disadvantaged 2 year olds that meet criteria. The Early Education Entitlement (EEE) is currently delivered by 15 Nursery Classes in Maintained Schools and by approximately 130 PVI Full Day Care Nurseries, Pre-Schools and Child-minders.
50. The projected increase in the population of under 5s in Havering by 14.4% between 2012 and 2019, with significantly higher increases in certain planning areas, together with the extension of the 2 year old offer, will put pressure on place availability. As primary and secondary schools are considered for Phase 3 of the Expansion Programme for additional school places it is proposed that consideration also be given to nursery provision particularly in areas where there is potential EEE place pressures. Detailed schemes have not yet been finalised but it is envisaged that schemes will be developed to best utilise the £1.9 Early Year Capital Funding available.
51. The government's new Childcare Bill is expected to double the amount of free childcare available for working parents of three and four-year-olds to 30 hours a week during term-time. While the free childcare expansion will be rolled out nationally in 2017, trials in some areas will begin in September 2016. Havering is starting to plan for the delivery of the new entitlement offer.

SEN Provision

52. As the general population of school aged children increases, the numbers of children who have special educational needs will increase too. There are approximately 20 children with an additional or special need for every 100 children, with 2/3% of those needing significant support. There is also an increase in the complexity of needs of some of the children requiring a school place. The numbers of places for children who have some primary needs such as Moderate or Specific Learning Disabilities may decrease as support is offered in mainstream schools but we are predicting sharp rises in the numbers of children needing places with other special needs, for example Autistic Spectrum Disorder.
53. The SEND Strategy (see Appendix 1) outlines a set of proposals which is intended to implement over the next five years to meet the increased demand for SEN places in Havering. These are as follows:

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54. For 2015/16 (Phase 3)

- To create an additional 20 places for pupils with ASD through the establishment of 2 or more new ARPs, 1 primary and 1 secondary, with a range of 6-10 places in each, to cover for the age range of 3 to 19.
- An additional 20 places for Children and Young People with Social, Emotional and Behavioural difficulties through the creation of 1 or more ARP (Primary), with 6-10 places in the South East/East, and 1 or more ARP (Secondary), possibly in the South East/East to link in with its primary equivalent or alternatively in the North West to link in with Hilldene.

55. For 2016-17 (Phase 4)

- 2 or more off-site Satellite Units with 6-10 places in each to create capacity in special schools through the planned transfers of pupils whose needs can be better served through this type of provision. This will follow consultation with special schools who have expressed an interest in operating this kind of resource; preference will be given to those who have identified a potential off-site facility, either in a mainstream school or elsewhere.
- A further 20 places delivered via ARPs, 6-10 places for primary and 6-10 places for secondary aged pupils with behavioural, emotional and social difficulties.

56. For 2017-20 (Phase 4)

- An additional 2 or more ARPs for ASD, one or more primary and one or more secondary, with 6-10 places in each to serve mainly mainstream ASD pupils.
- An additional 2 or more satellite units specifically to be used to create capacity in special schools enabling them to transfer pupils whose needs could be met in this way, thereby releasing places for a return of a similar number of pupils from out borough schools which may include the retention of some pupils who would otherwise be placed out of the borough.
- A further 20 places delivered via ARPs, 6-10 for primary and 6-10 for secondary aged pupils with behavioural, emotional and social difficulties.

Post 16 SEN Provision

57. Cabinet approved the Post-16 Strategy on the 20 November 2013 and gave approval, in principle, as part of that strategy to develop a new post-16 provision for young people with SEND. £1m of section 106 receipts were provisionally earmarked for this project. The Council's statutory requirement, introduced by the Children and Families Act 2014, is to make provision for young people with SEND up to the age of 25, i.e. for an additional 6 years, for those who require it.

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58. It has been agreed that the new provision will be co-located, with adult's day centre services, at Avelon Road Day Centre. The provision will start, in September 2016, with around 10-15 students and will provide a varied curriculum which supports young people to move into adulthood.
59. The vision is to provide high quality education and training opportunities for young people aged 16-25 years. The provision will be aspirational in supporting young people and adults to move onto pre-entry or Entry Level 1 qualifications, alongside building their social and employability skills, and into becoming active and contributing members of their community. The provision will support young people and their parents to aspire to a life which is as independent as possible and which includes some form of work, whatever this might look like for each young adult, depending on their need. The curriculum will cover:
- Independence skills, such as:
 - Home living and living with others
 - Personal care and safety
 - Money
 - Travel and leisure
 - Interpersonal relationships
 - ICT (computer skills) and e-communication (e.g. emails)
 - Food hygiene and food preparation
 - Work experience and supported employment opportunities
60. Work on the new provision is progressing. Two parent events have been held, hosted by Councillors Davis and Brice-Thompson. Other consultations have taken place with parents and young people to ensure the provision will meet need and reflects demand. The Head-teachers of Havering's special schools have also been involved in development, with meetings to identify potential cohorts and to start looking at options for the curriculum.

Future Housing and Regeneration Opportunities

61. The school roll projections include the child yield expected from known housing developments in the Borough. The scale of housing in Havering incorporated in the school roll projections, are shown in the tables below for housing developments with a net gain of 10+ units either completed, under construction, including those with planning but not yet started and those on the Havering Housing Authority Monitoring Report 2013/14 and by planning area.
62. Recently the Rainham and Beam Park Housing Bid has also been approved. A total of 1800 units are expected to be delivered over the period 2015/16 to 2021/22. However, it is important to note that although the projected child yield over this period has now been factored in the school roll projections. Beyond this period further development is expected and in the long term, this is likely to result in a continuation and probable escalation of the projected increase in pupil numbers.

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63. Havering will be undergoing future regeneration programmes particularly in the Romford area. Cabinet has approved the Romford Development framework where over 2,000 new housing units are proposed. Any proposed new residential developments will add to the demand for school places in all areas of Havering, as pupil numbers are projected to continue to increase.

64. Housing developments with a net gain of 10+ units by planning area:

Primary Planning Area	Completed	Under construction	Not Yet Started	Total
Collier Row	72	0	0	72
Elm Park	0	113	0	113
Harold Hill	90	742	725	1,557
Hornchurch	136	111	0	247
Rainham & South Hornchurch	22	227	4,450*	4,699
Romford	1,198	1,256	481	2,935
Upminster & Cranham	18	0	0	18
Total	1,536	2,449	5,656	9,641

Secondary Planning Area	Completed	Under construction	Not Yet Started	Total
North East	90	742	725	1,557
North West	30	0	0	30
Central	1,376	1,367	481	3,224
East	18	0	0	18
South	22	340	4,450*	4,812
Total	1,536	2,449	5,656	9,641

*Includes Rainham Housing Zone

Summary of proposed approach to ensuring sufficiency of school places

65. In the light of the changing schools landscape the permanent increase in early years, primary, secondary and SEN phase school capacity could be met in a number of ways and involve a number of providers of new places. Therefore the following “two stranded” approach is therefore proposed to ensure a robust strategy is developed with minimal risks:

- Expand existing schools on their existing sites or onto an additional site (i.e. satellite schools/split sites schools), including consideration of expanding, subject to assessment of the impact of such an expansion on standards, effectiveness and performance.
- To seek proposals to establish an academy (free school) when and where there is a need for a new school in an area and it is cost effective to do so. The development of new free schools is not within the full control of the Council and this work would need to be undertaken with the Department for Education to find a free school sponsor who is interested in setting up in Havering. There has been some particular

challenges in Havering in the opening of one of the proposed new free schools with significant delays to its opening due to the low number of parents selecting this school. Officers in Education and Strategic Property Services are looking at alternative sites in planning areas of high demand to put forward proposals for new schools as an option. As well as funding the buildings, any land needed for a free school would need to be given to the sponsor at no cost.

Next steps

66. Following the agreement to the recommendations set out in this report, it is proposed to progress Phase 3 proposals identified here and begin to develop further proposals for Phase 4.

REASONS AND OPTIONS

Reasons for the decision:

This decision is necessary to ensure the provision of sufficient school places to meet the forecast rise in early years, primary, secondary and SEN pupil numbers projected beyond Phase 2 of the Council's Programme of Primary Phase School Expansions.

Other options considered:

A number of options have been identified in this paper each requiring further consideration. So far no option has been rejected.

Not providing any additional places is not an option as we would be failing to meet our statutory duties.

IMPLICATIONS AND RISKS

Financial implications and risks

Phase 3 – Expansion Programme

Capital

It is difficult to estimate the costs of expansions without knowledge of schemes and details of site specific issues. For those elements of the expansion where sites have been identified cost are estimated based on feasibility studies. For sites not yet identified, such as some primary schools and ARPs/Satellite Provision the cost

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below are a very broad estimates based on previous expansions provided and may vary considerably as plans for delivery of are finalised.

Estimated costs and funding details are summarised below:

Detail	Total Estimated Cost	£ 15/16	£ 16/17	£ 17/18	£ 18/19	£ 19/20 onwards
Primary Expansions for 16/17 Academic Year & remodelling of Oglethorpe	15,150,000	3,412,500	8,872,500	1,740,000	975,000	150,000
Primary Expansions for 17/18 Academic Year	6,000,000	-	1,500,000	3,900,000	600,000	-
Primary Bulge Classrooms for Sept 15	750,000	675,000	75,000	-	-	-
Primary Bulge Classrooms for Sept 16	1,500,000	-	375,000	975,000	150,000	-
Secondary – Rationalising PAN for Sept 16	1,875,000	750,000	937,500	187,500	-	-
Early Education Entitlement for 2, 3 and 4 Year Olds	1,872,000	468,000	1,404,000	-	-	-
SEN ARPs – Sept 15	3,000,000	750,000	1,950,000	300,000	-	-
SEN ARPs – Sept 16	1,500,000	375,000	975,000	150,000	-	-
SEN Satellite Unit – Sept 16	2,000,000	500,000	1,300,000	200,000	-	-
SEN ARPs – Sept 17	3,000,000	-	750,000	950,000	1,000,000	300,000
SEN Satellite Unit – Sept 17	2,000,000	-	500,000	1,300,000	200,000	-
Post 16 SEN	1,000,000	250,000	650,000	100,000	-	-
Total Estimated Costs	39,647,000	7,180,500	19,289,000	9,802,500	2,925,000	450,000
FUNDING AVAILABLE						
<i>Schemes within Phase 2 Programme</i>						
A1828 Broadford Primary Permanent Expansion	(700,000)	(700,000)	-	-	-	-
A1843 Parsonage Farm Permanent Expansion	(2,000,000)	(2,000,000)	-	-	-	-
A1844 Romford Planning Area Permanent Expansion	(2,500,000)	(2,500,000)	-	-	-	-
A1873 Upminster Permanent Expansion	(2,200,000)	(2,200,000)	-	-	-	-
<i>Other funding</i>						
Unallocated phase 1 funding – estimate	(750,000)	(750,000)	-	-	-	-
Unallocated phase 2 funding – estimate	(1,750,000)	(1,750,000)	-	-	-	-
2016-17 Basic Need Grant	(15,355,280)	-	(15,355,280)	-	-	-
2017-18 Basic Need Grant*	(16,756,152)	-	-	(16,756,152)	-	-
Secondary s106 funds Received and earmarked for post 16 SEN*	(927,000)	(927,000)	-	-	-	-
Interest on s106 funds received and not yet earmarked*	(282,078)	(282,078)	-	-	-	-
Early Years Funding – Capital Grant	(422,000)	(422,000)	-	-	-	-
Early Years Funding – Top-slice of DSG*	(1,900,000)	(1,900,000)	-	-	-	-
TOTAL CONFIRMED FUNDING	(45,542,510)	(13,431,078)	(15,535,280)	(16,756,152)	0	0
In year (Excess)/Shortfall in Funding		(6,250,578)	3,933,720	(6,953,652)	2,925,000	450,000
Cumulative (Excess) Funding	(5,895,510)	(6,250,578)	((2,316,858)	(9,270,510)	(6,345,510)	(5,895,510)

There is sufficient funding available to deliver the phase 3 expansion requirements if the Capital Programme is increased in line with the recommendations within this report, to include the additional (*) items above. The anticipated timing of spend and funding available also means that there are no longer term cash flow implications anticipated from this programme. Any in year issues will be covered as part of normal treasury management activities of the Council.

It should be noted that Basic Need Grant Allocations do not include any additional funding for pupils with SEN, as such; provision of the more expensive SEN provision put a strain on the funds remaining to fund mainstream primary and secondary places.

Future capital repairs costs of any new places delivered will either be the responsibility of the local authority in respect of mainstream schools, or the school themselves in respect of Academies, as is the case for the existing school estate. The responsible party will need to prioritise schemes and manage costs within the funding available to them, as they do currently.

Revenue Implications for the Local Authority

A revenue budget of £135k exists for feasibility studies and 15/16 costs are expected to be contained within this budget.

It should be noted that an increase in school admissions across the Borough are having a 'knock-on effect' on other LA budgets such as Special Educational Needs, home to school transport, etc. The details of this are currently being quantified and any pressures arising will be addressed through the appropriate channels. The DSG allocation to the LA is based on pupil numbers and will therefore increase each year as pupil numbers rise. The majority of this increase will be allocated to the schools with the additional pupils through the Schools Funding Formula although there may be some available to meet other school-related pressures.

Revenue

Revenue Implications for schools

The revenue implications for schools are that in creating additional classes, additional resources will be incurred particularly for teaching and support staff. The funding received by the LA for allocation to schools through a mainly pupil-led formula is based on the numbers on roll at Havering schools as at an October census point. Schools therefore receive funding for a financial year based on the preceding October pupil numbers (other data is also used to recognise deprivation and special educational needs). Any additional pupils who are placed in schools after the October census are not funded by the DfE even though schools will need to appoint additional staff. In consultation with the Schools Funding Forum, the LA has top-sliced a budget of £2.7m from the DSG (Dedicated Schools Grant) from which to fund schools for mid-year increases in pupil numbers where a new class is required.

In 2015/16 financial year this budget has been largely committed to fund the growth already in the school system from previous years as the larger cohorts

move through the school but there is sufficient to fund the seven bulge classes required in the current financial year mentioned in this report.

In 2016/17 the seven bulge classes from 2015/16 will need to be funded in full from the DSG Pupil Growth Fund as it will only be when the pupils are on roll in October 2016 that the LA will receive funding to allocate to the school through the pupil-led formula. The Pupil Growth Fund will also need to fund the eight additional bulge classes that may be required from September 2016 as well as the continuing commitment for previous year growth as the cohorts move through the schools. Should there be significant growth in any secondary school this will also need to be funded from the Pupil Growth Fund.

The demand for increased funding to be held as a pupil growth contingency from a ring-fenced DSG is likely to result in less funding being available for distribution to schools putting at risk the ability of schools to maintain current levels of expenditure. Schools are, however, guaranteed through DFE financial regulations to not have their funding reduced by greater than 1.5% per pupil.

Funding to LAs for pupils with behavioural or special educational needs is to LAs through a High Needs Block. Each Additional Resource Provision whether ASD or SEBD (as set out in the report) will require funding at £10,000 per place plus a needs led top up. The Additional Resourced Provisions will help increase capacity and ultimately reduce the costs of expensive out of borough provision.

LAs receive funding for Early Years places on the basis of participation measured against numbers on roll at a January census point at early years settings. The LA funds provision on the basis of a Single Funding Formula consisting of an hourly rate and supplements for deprivation and quality. Further guidance is awaited from the DfE on how the increase to 30 hours per week is to be funded.

The need to set a pupil growth fund of £2.7m funded from the DSG has meant that the funding delegated to schools through the schools funding formula has reduced. Any further increase in the pupil growth fund above this level would require a further reduction in school funding and put a risk the ability of schools to set balanced budgets and maintain high standards of educational provision. The current £2.7m growth fund is unlikely to be sufficient to fund continuing growth in the primary sector, the forecast growth in the secondary sector and additional provision for pupils with special educational needs outlined in this report.

Risk

There is a risk that pupil numbers continue to grow and that the places delivered as a result of phase 3 and 4 are insufficient, leading to the need for additional places and funding. It is also possible that if plans are not delivered in time short term arrangements will need to be introduced to ensure that places are available. Delivery of places at short notice may require temporary accommodation to be hired. Any such costs are classified as revenue expenditure for which no funding has been identified. There is also possibility that suppliers becoming aware of urgent demands increase their prices accordingly thus putting further financial pressure on the Council. As such every effort should be made to avoid these situations

A further risk is that places will be delivered and then not be taken up leading to unnecessary levels of spend. However, the pupil forecasting methodology used is robust and take up levels are regularly monitored in order to minimise this risk. To date the vast majority of places predicted have been filled.

Further risks are that, as capital projects develop, costs increase over and above the funding available and/or that additional costs are incurred as a result of the short timescales available for the delivery of additional classrooms. In addition to the financial risks the timescale also puts the delivery of the programme at risk. Wherever possible, measures are being taken to minimise these risks.

As a significant level of the predicted need is based on an expected demand arising from the Rainham Housing Zone and Romford Development Framework any significant slip, either forward or backward, in the delivery of these developments could mean that places are needed sooner/later than forecast.

Phase 4 – Expansion Programme

The financial implications of such a large scale increase in service delivery are significant. Details will become clearer as the plans for meeting need are finalised but this section aims to give an overview of the scale of costs, funding available and any other associated financial implications. As approval is sought for delivery of the relevant plans details financial implications will be set out and approved through the relevant channels

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Detail	Total Estimated Cost	£ 15/16	£ 16/17	£ 17/18	£ 18/19	£ 19/20	£ 20/21 onwards
Primary Expansions for 18/19 Academic Year	4,000,000	0	0	1,000,000	2,600,000	400,000	0
Primary Expansions for 19/20 Academic Year	2,000,000	0	0	0	500,000	1,300,000	200,000
Secondary Expansions for 18/19 Academic Year~	24,500,000	1,000,000	3,165,000	12,495,000	5,635,000	2,205,000	0
Secondary Expansions for 19/20 Academic Year~	27,000,000	0	1,620,000	2,970,000	13,770,000	6,210,000	2,430,000
Secondary Expansions for 20/21 Academic Year~	9,000,000	0	0	540,000	990,000	4,590,000	2,880,000
Total Estimated Costs	66,500,000	1,000,000	4,785,000	17,005,000	23,495,000	14,705,000	5,510,000
Estimated Balance from Phase 3 programme	(5,362,354)						
Funding Gap	61,137,646						

It should be noted that 14 out of 18 secondary schools within Havering are Academies who may wish to deliver the building works themselves, albeit funded by the Council. Negotiations need to take place with the relevant Academies and wherever possible payments to academies should be phased to both minimise cash flow implications and also ensure that key delivery milestones are monitored

At this stage, other than the £5.8m balance expected to remain from Phase 3, no funding has been identified for delivering phase 4 of the expansion programme, leaving a funding gap of £61 million. However there are various potential sources of funding as detailed below:

- Future years basic need grant allocations – if the 2018/19 to 2020/21 grant allocations are at a similar level to 2014/15 - 2017/18 then this could address approximately £45m of the gap. It is also possible that as latest SCAP return highlighting the shortfall in secondary places is reviewed our grant allocation will increase significantly. Alternatively, government may reduce grant allocations and look to local authorities to fund the shortfall.
- Additional Section 106/CIL receipts, both in relation to current and new planning agreements – when the Rainham Housing Zone and Romford Developments are built significant developer contributions are expected, although the exact amount timing of receipts is unclear at this stage it could be millions;
- Capital Receipts; this could be receipts already realised or sale of sites already identified for disposal. However, it may be necessary to identify further sites for disposal in order to fund the next round of expansion Programme.
- Borrowing; the Council's financial strategy does not currently allow for borrowing – consideration may need to be given to changing this in order to fund the expansion programme. However, any borrowing would incur additional revenue costs for which there is currently no funding.

Feasibility Studies and Design Fees

Although a significant funding gap has been identified for phase 4, a lead time of approximately 2.5 years is required to deliver a secondary expansion. This means that in order to deliver 7 FE expansions for September 18 it is necessary to start developing these schemes now.

Initially feasibility studies need to be undertaken. A revenue budget of £135k exists for feasibility studies and 15/16 costs are expected to be contained within this budget.

However, following completion of feasibility studies, it will also be necessary to develop designs during the remainder of 15/16 for those schemes to be delivered. Design fees for 15/16 are estimated at £1m. The balance remaining from phase 3 of the expansion programme would be sufficient to cover these costs. However, should the phase 4 programme not be approved at a later stage and these design costs become abortive, capital funding would no longer be appropriate and it would be necessary to identify alternative revenue funding.

Revenue Implications & Risks

These are the same as highlighted for Phase 3.

However, the most significant additional risk for Phase 4 is that due to the long lead in times to deliver secondary expansions it may be necessary to approve delivery of schemes before future years grant allocations are confirmed. This would require alternative sources of funding to be identified and may also create cash flow issues.

Although the Council aims to manage any cash flow implications are part of its overall treasury management processes, with the scale of costs involved this may not be possible. Consideration may need to be given to short term borrowing which will have a revenue cost and should be avoided if possible. Also, the Council's financial strategy does not currently allow for borrowing and consideration may need to be given to changing this in order to fund the expansion programme.

These issues will be the subject of further reports and/or addressed as part of future years budget setting processes.

Legal implications and risks

The Council has a statutory duty to ensure sufficient primary and secondary education is available to meet the needs of the population of their area (Section 13 Education Act 1996).

The new guidance on School Organisation came into force on 28 January 2014. As a consequence of the changes, governing bodies of all categories of mainstream school can now make the following changes to their schools without following a formal statutory process:

- Expansion (enlargement of premises);
- Alteration of upper or lower age limit by up to two years (except for adding or removing a sixth form); and
- Adding boarding provision

At present certain types of school organisational change (including change of age range, change of character and expansion through enlargement of premises) are subject to statutory processes of consultation and decision-making.

Academies wishing to expand, make age range changes (by up to two years), add boarding provision or amend admissions need to seek approval from the Secretary of State, through the EFA, to make such changes.

The recommendations set out guiding principles for the Council to address the rising school roll issues and there is no apparent risk in adopting them. As and when individual decisions come to be made legal advice is likely to be necessary

Human Resources implications and risks

The human resources implications for the schools to be proposed for expansion will be managed by the schools themselves. There is likely to be a need to recruit additional teaching and support staff and the relevant schools will undertake the recruitment and selection process in accordance with the appropriate policies and procedures. There are growing difficulties in recruiting to teaching posts and therefore schools will need to consider that additional resources and a longer recruitment timescale may be required to fill vacancies. The Havering Education HR service will provide support as appropriate and required to all schools, academies or free schools that purchase relevant services.

Equalities implications and risks:

An Equality Analysis was conducted for Phase 2 of the Primary Expansion Programme and a similar analysis will be undertaken for Phase 3 of the Expansion programme as firm proposals emerge to fully assess their impact on children with protected characteristics and their families.

Appendices

Appendix 1: SEND Strategy

BACKGROUND PAPERS

There are none

London Borough of Havering

A Strategy for Children and Young People with Special Educational Needs and Disabilities

2015-20

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EXECUTIVE SUMMARY

The London Borough of Havering is committed to ensuring that it can make suitable and effective provision for all its children and young people. Its Special Educational Needs and Disability (SEND) Strategy has as its focus, the primary requirement to meet the needs of its children and young people with SEND, as far as possible, within the borough. This is to enable children and young people to remain within their local community whilst also enabling the Local Authority to make the most effective use of its resources. Currently, the main issues it faces relate to the need to provide for significant increases in certain types of Special Educational Need (SEN) in addition to its new duties to provide for an extended pupil/student population from 19 to 25.

The Council faces a number of complex challenges to ensure that it continues to operate effectively, being confronted with rises in the general school population, compounded by the fact that these are inconsistent across and between different school phases.

The Council's SEND Strategy is therefore being driven in a way that takes account of current demographic changes and how these will develop within the medium to longer term. It is also being driven by the need to make even more effective use of its limited resources. Its priority is to increase capacity in its own schools for its children and young people with special educational needs and disabilities whilst also building parental confidence in the system. It also has to address the need to reduce out-borough expenditure, particularly on Independent and Non Maintained Schools (INMS) schools, as current levels are unlikely to be sustainable in the very near future.

The Council's immediate priorities and strategy are as follows.

- The need to increase capacity in order to deal with the increasing number of its children and young people with SEN and Complex Needs (CN), particularly the disproportionate growth in the number of pupils identified with Autism Spectrum Disorder (ASD) and Challenging Behaviours.
- The need to deal with the absence of any specialist provision for its children and young people with behavioural, emotional and social difficulties (BESD). Whilst this has been dealt with by using out-borough placements in the past, the current and predicted rates of permanent exclusions from schools suggest that additional places for this group of its children and young in both the primary and secondary sector, is a matter of priority, requiring urgent action.
- The Council's statutory requirement, introduced by the Children and Families Act, 2014, to make provision for young people with SEND up to the age of 25, i.e. for an additional 6 years.
- The Council's requirement to reduce out-borough expenditure as failure to do this, will result in year on year overspends from the SEN Budget. Based on current figures of children and young people in out-borough independent and non-maintained special school placements, this level of spending will be unsustainable and will have an adverse effect on what is already an uncertain, over-pressured and volatile SEN budget.

The Council has few options in terms of the strategies it can use. Like other LAs, it has little or no capital budget for developing new SEN provision although it has a much larger population to deal with. Most of its SEN resources are also committed and at risk of being over-spent.

The Council is therefore looking to increasing capacity within its existing resources and is focusing on developing new provision within its own schools. To this end, it is committed to reviewing all its SEN resources, with a view to securing best value. It is also proposing to create a number of Additionally Resourced Provision in the mainstream (ARPs), particularly in the areas listed above where there are shortages of provision.

INTRODUCTION

In Havering we are committed to developing the most inclusive communities which are welcoming and supportive of all. Our aspiration for all our children and young people are the same and this is that they should all have the best opportunities to achieve and fulfil their potential. Our aim for children and young people with special educational needs (SEN) is even more ambitious in that we want them to enjoy their education in the most inclusive environment possible and be supported in participating as fully as they can in the lives of their schools and local community.

Our Vision

For every parent, a child is special. For some, their needs require exceptional provision if they are to learn as all children learn. To be at home, with their family and get the best out of their school means extra effort from many of us. Here in Havering we are committed to supporting our parents and families to enable every child with special educational needs to achieve their potential and have fulfilling lives in their community. We will ensure that all children can have their needs met in a school as close to home possible. This is to ensure that they are in the right school at the right time so that they may participate fully in the lives of their schools and make the most of their learning opportunities. That is what we mean by 'inclusion', supporting schools and families to help children and young people remain and develop into participative members of their local schools and community.

To every child we make a promise: we will make sure you are in the right school at the right time to get the best from your opportunities.

To every family we make another promise: we will provide a place for your child that is as close to your home as we can so that you can be active supporters of your child and their school. The only exception to these promises is where a child needs a learning environment so special that no one local authority can expect to make it on their own. But that is a rare exception and we will do everything to make sure that we avoid having to make that choice simply because it can involve a child not living at home with their own family.

This Strategy for Children and Young People with Special Educational Needs is ambitious and is designed to achieving the best we can for all, irrespective of their levels of needs or disabilities, and with a focus on recognising the talents, views, aspirations and contributions that they bring to their schools and local communities. We will work relentlessly to achieve the best possible outcomes for children and young people with Special Educational Needs and will do so, in partnership with their parents, schools and anyone else involved in promoting their best interests. We want them all to feel valued and to have a greater control and choice over the options available to them whilst also promoting a greater sense of belonging and ownership within the lives of their families and local communities. We will respect and safeguard their values and their rights, ensuring that they are helped to be healthy and safe and that they enjoy and succeed in what they do.

PRINCIPLES

Our key values are to be positive about each other, to respect others and to work together. Our principles are embedded within these overriding aspirations and are to:

- Work in partnership with children, young people and their parents and carers, involving them in decision making and supporting them in developing their independence and autonomy through to adulthood.
- Ensure that they are able to participate in all aspects of family, school and community life in a local and inclusive setting, making the most effective use of available resources.

- Secure any support they or their families need in a consultative, effective and timely manner through working in partnership with schools, health, social care and other agencies.

SCOPE

This strategy covers the options available to young people with an Education, Health and Care Plan and/or Statement of special educational needs up to age 16 (Year 11). It takes account of Havering's Commissioning Plan for Children and Young People which includes fuller details of the Local Authority context and our rationale to ensure the availability of appropriate educational provision for all young people within the borough, including those with Special Educational Needs. This Strategy is specifically for the latter group and should be read in conjunction with the 'Post-16 Strategy for young people with special educational needs and /or disabilities.'

The Strategy has been developed, following consultation with schools and key partners, and is aimed at increasing capacity in schools within the Local Authority whilst also enhancing parental confidence in the options available. It is based on a full analysis of the current provision available and is aimed at addressing the key shortfalls that have been identified.

The Strategy is intended to be a "live" document to be continually reviewed and updated in order to take account of feedback from families and other key partners in addition to the changes likely to take place in the borough over the next 5 to 10 years. It represents a few of the many steps that will be needed to achieve the best possible outcomes for children and young people with special needs.

AIMS

The aims of this Strategy are to:

- set out the current provision available and how this needs to change in order to meet the continuing growth in the school population and demand for places for pupils with Special Educational Needs.
- identify the areas in which there are shortfalls, both current and predicted, and plan in a way that enables the LA to meet its statutory responsibilities in the medium to longer term.
- determine and deal with the key priorities whilst making use of effective use of the LA resources.
- work with schools and other partners within a partnership approach to both review and where appropriate make new or alternative provision, particularly in areas where there are either shortfalls in provision, growth in population or both, redirecting resources where necessary.
- empower and support innovative approaches to enable special and mainstream schools to work even better together so that pupils can have their needs met even more flexibly.
- work in partnership with parents and families of children and young people with Special Educational Needs in order to promote their best interests.

CONSULTATION

Our Strategy takes account of a great deal of work that has been undertaken previously by Local Authority officers with parents, schools and other stakeholders. It builds on this work, including wide ranging consultation. Given the urgency to create additional provision in the borough, we decided not to repeat this but to consult with key stakeholders, particularly schools, in the first instance, whilst still intending to involve children, young people and their families as the Strategy develops. This is because we wish our Strategy to be a live document to

provide us with the framework we can work with on a daily basis, in consultation with all stakeholders, to ensure that our children and young people always come first.

TIMESCALE

The plan is for the Strategy to be agreed by December 2015 so that it may be implemented by September 2016.

CONSTRAINTS

The main constraints that apply to this Strategy are financial, relating to both its capital and revenue elements. Whilst most of the improvements sought are capable of being met from DSG, some provision will require an injection of capital, especially where the need for accommodation is a prime requirement.

We will also need to invest in further developing the skills base of staff. Whilst we have many teachers and other staff across the partnership who are excellent in what they do, we must be clear if there enough of them and that their training is up to date to meet the increasing complexity of the needs of our children & young people

CONTEXT

The development of the strategy is designed to enable the LA to fulfil our legal duties and responsibilities, in compliance with the relevant legislation. It also takes account of the statutory changes brought about since the Children and Families Act 2014 came into force in September 2015, particularly the requirement for Local Authorities to assume responsibilities for all children and young people with Special Educational Needs, from 0-25, i.e. with new responsibilities for those from 19 to 25.

LEGAL BACKGROUND

The local authority has a legal duty to meet the special educational needs of those children for whom it is responsible. The needs of pupils who require *provision additional to or different from that generally available* is determined by a formal assessment process initially set down in the Education Act, 1981, now incorporated in the Children and Families Act 2014.

The assessment leads to the production of an Education, Health and Care Plan, previously a Statement of Special Educational Needs. If dissatisfied with the assessment and consequent Education, Health and Care Plan parents have a right of appeal to the Special Educational Needs Tribunal. The Tribunal can amend the plan and its orders on the educational sections of the plan are binding on the local authority. If the local authority does not deliver what is specified in an EHC Plan parents can bring a case of maladministration against the local authority through the Local Government Ombudsman who can order the local authority to comply and fine them for their previous failure to comply.

CHILDREN AND FAMILIES ACT 2014– KEY CHANGES

The Children and Families Act 2014 became law from September 2014. It sets out the statutory special educational needs and disability (SEND) system for children and young people aged 0 to 25 in England. The 'Code' is statutory guidance in that local authorities must have regard to it. It details the special educational needs and disability provision which schools and local authorities are legally expected to follow. The Children and Families Act 2014, the Equality Act 2010 and the Special Educational Needs Disability Regulations 2014 provide further guidance on these duties. Section 35 of the Children's and Families Act 2014 places duties on Local Authorities to ensure that:

- reasonable adjustments are made for disabled children and young people; and
- auxiliary aids and services to disabled children and young people are provided.

The system under the new Act for those under 16 is similar to that currently in place; namely the process of and reasons for assessments are very similar and families have the same rights of appeal.

The main changes from the Special Educational Needs Code of Practice 2001 are that the new SEN Code of Practice (2014) covers the 0-25 age range, extending this from 19-25; i.e. adding another population of 19-25 for whom Local Authorities have responsibilities. The new SEN Code of Practice also places a clearer focus on the views of parents, children and young people and their role in decision-making. Guidance is also provided on the joint planning and commissioning of services to ensure close co-operation between education, health services and social care.

For children and young people with more complex needs; a coordinated assessment process and the new 0-25 Education, Health and Care Plan(EHC) replaces statements and Learning Difficulty Assessments (LDAs);

Education, Health and Care Plan 0-25

Education, Health & Care Plans (“EHC”) are now prepared at any time from birth to 25; they replace Statements and Learning Difficulty Assessments for post-16 students. These Education, Health and Care Plans provide statutory protections comparable with those currently associated with a Statement of Special Educational Needs for students up to 25 years old who choose to remain in further education. They will focus on outcomes for the children and young people and are to be reviewed regularly in response to changing needs.

Local Offer

A ‘Local offer’ is to be published by the Local Authority setting out the support that can be reasonably expected to be provided by its services. This will detail the help and support available from a range of services and the way this can be accessed. This information will include schools and colleges, other educational or training provision, local health and social care services and travel arrangements.

Personal Budgets

The right to a personal budget (including a budget for educational support) is being introduced for all families with an Education, Health and Care Plan. This gives families the option of a personal budget for all or part of the proposed Education, Health and Care Plan’s support package to enable them to have more control over the services they need for their child and how those services are provided. Personal budgets draw funding streams together in order to ensure a multi-agency package of support.

Short-Breaks

As part of their Education, Health and Care Plan consideration is given to the fact that all children and young people are unique and may require different levels of support and different types of short breaks depending on their needs and circumstances and those of the family.

School Choice

The Children and Families Act 2014 gives parents a new right to seek a place at state Academies and Free Schools, removing the previous restriction to mainstream and special state-funded schools but still excluding independent schools. The preference expressed must meet the needs of the children and young people, be an efficient use of resources and be compatible with the education of other children attending the school.

Joint Commissioning

Local authorities and health care services are required to commission services jointly. This should result in more cost-effective SEN provision.

Multi-agency professionals, together with colleagues in the voluntary and community sector will be able to work together more, giving parents and communities increased influence over local services.

Making the assessment process more independent

The SEN Code of Practice 2014 introduces independent mediation as a means to resolve disputes before cases can be taken to the SEN and Disability tribunal. It can also deal with any issues that parents and young people may complain about in respect of the health and social care elements of the Education, Health and Care Plan.

Giving Young People the right to appeal.

Young people who are over the compulsory school age and under 25 can now appeal against the needs assessments in their Education, Health and Care Plan and against the Plan itself.

DEMOGRAPHY AND GEOGRAPHY

London Borough of Havering

Havering's principal town is Romford but other major communities also exist in Hornchurch, Upminster, Rainham and Harold Hill. The borough is primarily characterised by suburban development with large areas of protected Metropolitan Green Belt land.

Geographically, Havering is significantly larger than its neighbouring London boroughs (43.35 square miles, compared with Barking & Dagenham being 13.93 square mile, Redbridge 21.78 square mile and Bexley 23.38 square mile). Due to the large areas of parkland and protected areas, Havering is much less densely populated than its London neighbours (approximately 5,500 people per square mile, compared with Barking & Dagenham and Redbridge – each with 13,000 people per square mile and Bexley with 10,000 people per square mile). Whilst Havering's population is slightly smaller than Redbridge's (237,500 compared with 281,400), it is spread over an area twice as large.

These differences have an impact on the way in which education and other services can be provided, with children and young people potentially having to travel further than their peers elsewhere in London to access suitable schooling within the borough.

The population of Havering grew by 6% from 224,248 in 2001 to 237,232 in 2011. The total Havering population is forecast to rise to around 250,500 by 2016 and 263,900 by 2021 (representing 5.6% and 11.2% increases on the 2011 Census population respectively). Growth in the older population seen from the 2011 census was higher than in London or England and has shown the largest percentage increase of 43% from 2001 to 2011. The 2011 census showed an increase in the child bearing and working age groups (18-24 and 25-64) population. Growth in the 18-24 years group was higher in Havering than London or England, showing a 23% rise from 2001 to 2011.

The impact of the welfare reforms in 2013 coined the 'doughnut effect,' whereby residents relocate further outside of London to find more affordable accommodation has also added to the net inflow of people into the borough.

Special Educational Needs Issues in Havering

Mainstream Issues

There are approximately 1000 children who have a Statement of Special Educational Need, representing around 2% of the 0-16 school population. This is at around the national average, with a majority placed in mainstream schools. However, the distribution of pupils by type of need across schools and between the mainstream and special school sectors is revealing. The projections shown are those taken from Havering's Commissioning Plan for Education Provision (2015-16- 2019-20), published in July 2015.

Table 1 shows the distribution of CYP with Statements of SEN in mainstream primary schools, broken down according to the types of needs they are experiencing. This also shows the predicted numbers in each group over the next 10 years, taking account of population growth and current trends.

Tables 2 and 3 show these distributions in mainstream secondary and in special schools.

Table 1: Havering Primary SEN Projections

Year	Total primary NOR	Primary- number of statemented pupils in Havering primary schools by type of need												Total
		ASD	BESD	HI	MLD	MSI	OTH	PD	PMLD	SLCN	SLD	SPLD	VI	
2012/13	19072	44	14	8	21	0	1	7	0	34	1	5	2	137
2013/14	19834	75	33	19	49	0	3	13	0	74	3	8	3	280
2014/15	20721	82	38	19	52	0	3	13	0	87	3	10	3	310
2015/16	21381	85	39	20	54	0	3	13	0	90	3	10	3	320
2016/17	22028	87	40	20	55	0	3	14	0	92	3	11	3	330
2017/18	22708	90	42	21	57	0	3	14	0	95	3	11	3	340
2018/19	23333	92	43	21	59	0	3	15	0	98	3	11	3	349
2019/20	23670	94	43	22	59	0	3	15	0	99	3	11	3	354
2020/21	24037	95	44	22	60	0	3	15	0	101	3	12	3	360
2021/22	24440	97	45	22	61	0	4	15	0	103	4	12	4	366
2022/23	24842	98	46	23	62	0	4	16	0	104	4	12	4	372
2023/24	25008	99	46	23	63	0	4	16	0	105	4	12	4	374
		ASD	BESD	HI	MLD	MSI	OTH	PD	PMLD	SLCN	SLD	SPLD	VI	Total
2011/12		32.1%	10.2%	5.8%	15.3%	0.0%	0.7%	5.1%	0.0%	24.8%	0.7%	3.6%	1.5%	0.7%
2012/13		26.8%	11.8%	6.8%	17.5%	0.0%	1.1%	4.6%	0.0%	26.4%	1.1%	2.9%	1.1%	1.4%
2013/14		26.5%	12.3%	6.1%	16.8%	0.0%	1.0%	4.2%	0.0%	28.1%	1.0%	3.2%	1.0%	1.5%
1 year average		26.5%	12.3%	6.1%	16.8%	0.0%	1.0%	4.2%	0.0%	28.1%	1.0%	3.2%	1.0%	1.5%

Abbreviations: The Glossary provides fuller definition of each of these terms which are used below for ease of explanation.

ASD- Autistic Spectrum Disorder BESD- Behavioural, Emotional and Social Difficulties. HI- Hearing Impairment

MLD- Moderate Learning Difficulties MSI- Multi-sensory Impairment OTH-Other PD- Physical Disability

PMLD- Profound and Multiple Learning Difficulties SLCN- Speech, Language and Communication Disorders.

SpLD- Specific Learning Difficulties VI- Visual Impairment

Table 1 shows consistent rises in the numbers of pupils with Statements of Special Educational needs in mainstream primary schools, the sharpest increase taking place in 2013/14 when numbers more than doubled, from 137 to 280. Since then, these have been growing by around 10 a year so that by 2023/24, they are expected to rise from 137 to 274, i.e. doubled within 10 years.

The sharpest rises are in the Autism (ASD), Moderate Learning Difficulty (MLD), Behaviour (BESD) and Language (SLCN) groups, the number for ASD doubling over 10 years from 44 to 99 and that for MLD and BESD tripling from 14 to 46 and 21 to 63 respectively. SLCN increased from 34 in 2012/3 to 97 in 2014-5 and are predicted to rise to 101 in 2020/21; i.e. an increase of 300%. Increases in the other groups are much smaller to the extent of not requiring substantial strategic planning or action as clearly ASD, MLD, BESD and SLCN represent the main areas of growth.

Table 2 shows the distribution in mainstream secondary schools.

Table 2: Havering Secondary SEN projections by type of need

Year	Total secondary NOR	ASD	BESD	HI	MLD	MSI	OTH	PD	PMLD	SLCN	SLD	SPLD	VI	Total
2012/13	15028	64	42	15	54	0	3	26	1	47	2	30	7	291
2013/14	14837	75	54	18	66	0	4	32	1	57	2	32	7	348
2014/15	15038	77	57	18	81	0	4	32	0	61	2	14	7	353
2015/16	15075	77	57	18	81	0	4	32	0	61	2	14	7	354
2016/17	15366	79	58	18	83	0	4	33	0	62	2	14	7	361
2017/18	15622	80	59	19	84	0	4	33	0	63	2	15	7	367
2018/19	16226	83	62	19	87	0	4	35	0	66	2	15	8	381
2019/20	16642	85	63	20	90	0	4	35	0	68	2	15	8	391
2020/21	17070	87	65	20	92	0	5	36	0	69	2	16	8	401
2021/22	17359	89	66	21	93	0	5	37	0	70	2	16	8	407
2022/23	17812	91	68	21	96	0	5	38	0	72	2	17	8	418
2023/24	18051	92	68	22	97	0	5	38	0	73	2	17	8	424

	ASD	BESD	HI	MLD	MSI	OTH	PD	PMLD	SLCN	SLD	SPLD	VI	Total
2011/12	22.0%	14.4%	5.2%	18.6%	0.0%	1.0%	8.9%	0.3%	16.2%	0.7%	10.3%	2.4%	1.9%
2012/13	21.6%	15.5%	5.2%	19.0%	0.0%	1.1%	9.2%	0.3%	16.4%	0.6%	9.2%	2.0%	2.3%
2013/14	21.8%	16.1%	5.1%	22.9%	0.0%	1.1%	9.1%	0.0%	17.3%	0.6%	4.0%	2.0%	2.3%
1 year average	21.8%	16.1%	5.1%	22.9%	0.0%	1.1%	9.1%	0.0%	17.3%	0.6%	4.0%	2.0%	2.3%

As with mainstream primary placements, Table 2 shows similar distributions of pupils in mainstream secondary schools. Numbers of ASD, MLD and BESD show similar increases; ASD increasing from 77 in 2014-15 to a projected number of 87 in 2020/21 and to 92 in 2023-24. BESD numbers increased from 57 in 2014-15 and are expected to rise to 65 in 2020-21 and to 68 in 2023-4. SLCN increased from 61 in 2014-15 and are predicted to rise to 69 in 2020-21 and to 73 in 2023-24. MLD numbers also increased from 81 in 2014-15 to a predicted increase to 92 in 2020-21 and to 97 in 2023-4.

Mainstream provision for Children with Moderate and Specific Learning Difficulties

Whilst there are noticeable increases in the numbers of children and young people with moderate learning difficulties in mainstream primary and secondary schools, this is not an issue which is in any way unusual. Mainstream schools across the country are becoming even more skilled and experienced in meeting the needs of these pupils, being well able to make the necessary adjustments to provide for them. It is therefore not surprising that mainstream schools in Havering are successfully including these pupils so that it can be reasonably expected that this can continue within existing arrangements. Indeed these arrangements will not need to be too dissimilar to those that operate for pupils with Specific Learning Difficulties where numbers with Statements are falling rapidly year on year, now, in 2015, at 50% less than they were in 2012-13.

Mainstream Provision for Children with Physical, Hearing and Visual Impairment and those with Severe Learning Difficulties

As the tables show the numbers of pupils requiring such provision in the mainstream are so low that they do not constitute a priority for strategic action now or in the future.

Mainstream Provision for Children with Speech, Language and Communication Needs.

The way that children with speech, language and communication needs are classified for reporting purposes often means that this group includes a number of pupils on the autism continuum. It is therefore possible that a significant number within this group have an Autistic Spectrum Disorder as one of their needs though the approach they require may be different, with speech and language intervention, featuring prominently as their key requirement. Consultation with schools suggest that they remain very focused and committed to this group and are confident at meeting their needs, particularly if they are able to access support from speech therapists.

Children with Autistic Spectrum Disorder and Behavioural, Emotional and Social Difficulties

These two groups show large increases over the years and are clearly a concern for schools. This is not altogether surprising, given that the situation in Havering schools mirrors that of many schools across the country. Consultation with schools and other stakeholders confirms that they view these two groups as requiring priority attention. It is clear that the increases in their numbers and their complex requirements have been a source of great challenge to schools, placing additional demands on staff. Their needs are extensive and becoming increasingly complex to the extent that schools need support to continue to successfully provide for them. There is no doubt that these two groups require planning and intervention at a strategic level, aimed at ensuring that the provision they require is in place and that the shortfalls that have been identified are addressed in a timely and effective manner.

Tables 1 and 2 show the predicted increases in the numbers of these pupils in mainstream schools. Some of them are likely to benefit from either an Additionally Resourced Provision (ARP) in a mainstream school or other special facility. The data suggests that there will be an additional 23 pupils on the Autism continuum in mainstream schools within 5 years, increasing to an additional 32 within 10 years. Similar increases are predicted for pupils with behavioural, emotional and social difficulties, with an expected increase of 14 within 5 and 19 pupils within 10 years.

The need to provide for both existing pupils and the predicted increases will therefore be a key element of this Strategy.

Table 3 shows the special school projections.

Table 3: Havering Special School Projections

Year	5-16 population	Total number of statemented pupils in Havering special schools	ASD	BESD	HI	MLD	MSI	OTH	PD	PMLD	SLCN	SLD	SPLD	VI	Grand Total
2012/13	33851	242	64	8	2	54	0	3	7	20	32	48	2	2	242
2013/14	34037	274	78	13	2	57	0	3	7	21	35	52	3	3	274
2014/15	34378	294	81	14	2	58	0	4	7	27	34	62	3	2	294
2015/16	34733	297	82	14	2	59	0	4	7	27	34	63	3	2	297
2016/17	35339	302	83	14	2	60	0	4	7	28	35	64	3	2	302
2017/18	36047	308	85	15	2	61	0	4	7	28	36	65	3	2	308
2018/19	36899	316	87	15	2	62	0	4	8	29	36	67	3	2	316
2019/20	37762	323	89	15	2	64	0	4	8	30	37	68	3	2	323
2020/21	38578	330	91	16	2	65	0	4	8	30	38	70	3	2	330
2012/22	39348	337	93	16	2	66	0	5	8	31	39	71	3	2	337
2022/23	40093	343	94	16	2	68	0	5	8	31	40	72	3	2	343
2023/24	40759	349	96	17	2	69	0	5	8	32	40	74	4	2	349
	Pupils in special schools as % of 5-16 pop	ASD	BESD	HI	MLD	MSI	OTH	PD	PMLD	SLCN	SLD	SPLD	VI		
2012/13	0.71%	26.4%	3.3%	0.8%	22.3%	0.0%	1.2%	2.9%	8.3%	13.2%	19.8%	0.8%	0.8%		
2013/14	0.81%	28.5%	4.7%	0.7%	20.8%	0.0%	1.1%	2.6%	7.7%	12.8%	19.0%	1.1%	1.1%		
2014/15	0.86%	27.6%	4.8%	0.7%	19.7%	0.0%	1.4%	2.4%	9.2%	11.6%	21.1%	1.0%	0.7%		
1 year average	0.86%	27.6%	4.8%	0.7%	19.7%	0.0%	1.4%	2.4%	9.2%	11.6%	21.1%	1.0%	0.7%		

The special school data shows that Havering has been successful in including the majority of its pupils in the mainstream. In 2014-15, there were 294 placements in Havering special schools, compared with 663 in the mainstream, i.e. less than half at 44% in special schools. The data also shows that the largest numbers of pupils in special schools are on the autism (ASD) continuum, followed by pupils with severe learning difficulties (SLD). The number of pupils with behavioural, emotional and social difficulties (BESD) is low and this is due to the fact that the LA has no special school of this kind, all of its 3 special schools, being for children with learning difficulties and complex needs. Those in Havering's special schools categorised as having behavioural, emotional and social difficulties, probably do not experience these as their primary needs. It is also noticeable that the number of pupils with moderate learning difficulties (MLD) is high and increasing. This is against the national trend. Given that there are already large numbers of these pupils in the mainstream, this is intriguing. It may be that some of these pupils are able to return to mainstream settings, if appropriate provision were to be in place for them, and this possibility requires exploration. Indeed our consultation would suggest that this should form part of this Strategy, particularly as the demand for special school places is growing so rapidly. Whilst there was a total of 242 pupils in Havering special schools in 2012, this has grown to 297 by 2015, i.e. an increase of 55 or 22 %. This is expected to increase by another 52, i.e. a further 17.5% to 349 by 2023-24.

However, it is also clear that the number of children with autism (ASD) requiring special school places is increasing; the data predicts an increase of 50% over a 10 year period, i.e. from 64 in 2012-13 to 91 in 2020/21 and 96 in 2023-24. The number of children and young people with severe learning difficulties is also increasing; from 48 in 2012-13 to a prediction of 74 in 2023-24. The number of those with profound and multiple learning

difficulties (PMLD) also shows a worrying trend. Although this is usually a low incidence need, numbers are predicted to nearly double over a 10 year period, from 20 to 32. It is not clear why there are some pupils with specific learning difficulties (SpLD), albeit in low numbers, in special schools and this will be kept under review.

PLACEMENTS IN OUT OF BOROUGH SCHOOLS

Out Borough Local Authority (OLA) Special Schools

Table 4 shows the number of placements in out of borough special schools maintained by other Local Authorities (OLA) and their distribution by type of need.

Table 4: SEN projections for Havering residents with a statement of SEN who attend an out of borough special school

Year	5-16 population	Total number of stated residents in OLA special schools	ASD	BESD	HI	MLD	MSI	OTH	PD	PMLD	SLCN	SLD	SPLD	VI	Grand Total
2012/13	33851	61	15	20	2	4	0	0	2	3	6	5	3	1	61
2013/14	34037	77	19	28	2	5	0	0	4	3	7	5	3	1	77
2014/15	34378	77	19	28	2	5	0	0	4	3	7	5	3	1	77
2015/16	34733	78	19	28	2	5	0	0	4	3	7	5	3	1	78
2016/17	35339	79	20	29	2	5	0	0	4	3	7	5	3	1	79
2017/18	36047	81	20	29	2	5	0	0	4	3	7	5	3	1	81
2018/19	36899	83	20	30	2	5	0	0	4	3	8	5	3	1	83
2019/20	37762	85	21	31	2	5	0	0	4	3	8	5	3	1	85
2020/21	38578	86	21	31	2	6	0	0	4	3	8	6	3	1	86
2022/23	40093	90	22	33	2	6	0	0	5	3	8	6	3	1	90
2023/24	40759	91	23	33	2	6	0	0	5	4	8	6	4	1	91
	Havering residents in out of borough special schools as % of 5-16 pop		ASD	BESD	HI	MLD	MSI	OTH	PD	PMLD	SLCN	SLD	SPLD	VI	
2012/13	0.18%		24.6%	32.8%	3.3%	6.6%	0.0%	0.0%	3.3%	4.9%	9.8%	8.2%	4.9%		1.6%
2013/14	0.23%		24.7%	36.4%	2.6%	6.5%	0.0%	0.0%	5.2%	3.9%	9.1%	6.5%	3.9%		1.3%

Table 4 clearly shows that the number of out of borough placements in other Local Authority special schools (OLA) has been increasing over the past few years and that this is expected to be 50% higher within 10 years. The majority of these placements are for children with an Autistic Spectrum Disorder (ASD) and those with behavioural, emotional and social difficulties (BESD). Some of these OLA schools are in neighbouring boroughs whilst others can be much further, all requiring transport. The cost of these placements is around £500k p.a., rising to £692k, if transport costs are included (see Table 5). Currently there are 68 Children and Young People in these placements, 62 under 16 and 6 over 16 years of age. The average cost to Havering is around £7k p.a. in top ups with the school receiving another £10k per place from the Education Funding Agency (EFA) so that the actual, total cost is £17k p.a., excluding transport. This rises to £20k if transport costs are included. If such provision were available in Havering and places funded through the EFA, the top up would be the same at around £7k per place p.a. but with transport costs substantially reduced. This is, of course, dependent on

Havering's bid to increase places at its special schools being agreed by central government though there is no reason as to why not, given the obvious population growth and the scarcity of special school places.

The high number of pupils with an Autism Spectrum Disorder (ASD) in out-borough LA special schools is primarily due to the lack of specialist places in local special schools; there are only 3 of these and they are all full and operating at maximum capacity. There is no reason as to why Havering's own special schools could not meet these pupils' needs as they are essentially the equivalent of similar schools set up for Autism Spectrum Disorder in other Local Authorities, the main difference being that the latter have places available.

The number of pupils with Autism Spectrum Disorder (ASD) in Other LA special schools currently stands at 19, though gradually increasing. These pupils may be able to be included in Havering's own special schools, particularly if additional capacity could be created. This could be through planned expansion and/or through the transfers of pupils with moderate learning difficulties (MLD) elsewhere, either to mainstream schools or in Additionally Resourced Provision (ARP) in mainstream schools for pupils with learning difficulties or indeed at off-site satellite units specially set up for this purpose and run by their own special schools. Given that there are around 69 of these pupils with MLD in special schools, their transfers would mean that there could be capacity for more than the 19 to 22 ASD pupils currently out of borough, enabling resources to be re-directed in this way.

There are also a larger number of children and young people with behavioural, emotional and social difficulties (BESD) in out-borough placements as a direct result of no specialist provision being available locally. The number of pupils with behavioural, emotional and social difficulties would, on its own, be sufficient to fill a special school within a couple of years, with 28 pupils currently attending out borough special schools, with an expected increase to around 30 within a few years. This would avoid the need for travel and save on costs. However, capital constraints make these difficult so that the addition of these types of places through the creation of specialist Additionally Resourced Provision (ARP) for pupils with behavioural, emotional and social difficulties (BESD) is possibly a way forward.

Out Borough Independent Non Maintained Special Schools Placements

Non-maintained Special schools are completely independent of Local Authorities, being run by private organisations and charities, setting their own admission and fee arrangements and specialising in particular areas of special educational needs, e.g. autism, behavioural, emotional and social difficulties, or medical needs.

There are currently 62 children and young people from Havering attending these placements, funded by the Local Authority, at a cost of around £3m p.a. Another £170k is top sliced from Havering's Dedicated Schools Grant for Independent Non Maintained Special Schools so that the actual cost is greater at around £3.2m p.a. The average cost is around £50k per place per annum though fees can range from £40 to over £200k per place p.a., particularly where the school also provides a residential facility.

The LA spends also around £387k on transport costs to Out Borough Independent Non Maintained Special Schools, i.e. an additional £6,241.00 on transport per pupil p.a. In total, the LA is therefore spending around £3.6m on placements in independent special schools, if transport costs are included.

The majority of pupils in Independent Non Maintained Special Schools are again in respect of those with an Autism Spectrum Disorder (ASD) and those with Behavioural, Emotional and Social Difficulties (BESD). Havering makes these placements either due to lack of local provision and in some instances, where children and young people require a residential facility due to social or health needs, in which case, social care or health or both, sometimes make a financial contribution to the education funding.

Clearly the cost of placing children and young people in Independent Non Maintained Schools is high, placing severe and increasing pressure on the Local Authority's Special Educational Needs (High Needs) Budget. We

accept that this level of expenditure is unsustainable. We are therefore exploring how this can be controlled and reduced, especially where there is an option of making local provision, either through the creation of additional capacity in special schools or through the re-distribution of pupils in local schools. We will also systematically review placements in independent special schools in a thorough, multi-professional and holistic way, involving all parties, particularly parents and carers, to make sure that the focus remains on the needs of the children and young people whilst also making the most efficient and effective use of resources.

SPECIAL EDUCATIONAL NEEDS TRANSPORT

The cost of transporting children and young people to out borough Other Local Authority and Independent Non Maintained Special Schools is around £600k p.a. This is funded through Havering's "Base Budget", i.e. from the Council's own budget, without any contribution from central government for this purpose in its Dedicated Schools Budget (DSG).

Table 5 shows the distribution of these transport costs in 2014-15.

Table 5: SEN Transport Costs to Out Borough Special Schools (2014-15)

Transport Type	Cost	Number of CYPs
OLA Transport Pre 16	172,996.00	62 pre 16
OLA Transport Post 16	18,614.00	6 Post 16
OLA Total	191,610.00	
Independent Schools Pre 16	367,461.00	42
Independent Post 16	19,352.00	19
Independent Total	386,813.00	
TOTAL COST	£578,423.	123

The Local Authority currently transports 123 children and young people to OLA and Independent schools out of the borough, at an average cost of £4,702 per child/young person p.a. The total cost in 2014-15 was £578,423 and is rising, estimated to reach around £604,000 in 2015-16. In 2014-15, the Local Authority spent around £387k on transport to independent non maintained schools, representing two thirds or 66% of the total cost. This is twice the amount spent on transport to Other Local Authority (OLA) maintained special schools. £192k was spent on transport to OLA special schools in a number of London boroughs and elsewhere; ranging from Newham, Lewisham, Brent, to Hillingdon and Essex.

Children and young people in independent non maintained schools are travelling much further across the country, some living away from home, in order to access their education. Many travel on a daily basis because there is no suitable place or vacancy locally. Some live away from home because of the distance, making daily journeys impossible. A few are in the care of the Local Authority.

This Strategy aims to reduce the need for children and young people to travel great distances so that they may have the opportunity of having their needs met locally, as close to home as possible. These children and young people are amongst the most vulnerable, many having to travel for up to 2 hours or more daily. We are therefore planning to develop a range of provision for children with Autism Spectrum Disorder (ASD) and behavioural, emotional and social difficulties (BESD) in strategic locations, particularly around the most densely and socially deprived areas of the borough. The aim is to have a range of provision in each district.

We also recognise that in order to maintain children and young people in the borough, there may be additional pressures on local schools and service providers. We are therefore committed to supporting our local partners, including parents and families through planned re-direction of resources.

STRATEGIC PRIORITIES

The above analyses in respect of mainstream, special school and out of borough placements clearly point to the need to adopt the following priorities.

- The establishment of new Additionally Resourced Provision (ARP) for pupils with Autism Spectrum Disorder (ASD) to support mainstream schools
- The creation of capacity in special schools for growth in predicted pupil numbers over the next 5-10 years and for those with Autism Spectrum Disorder (ASD) through the transfers of pupils with moderate learning difficulties (MLD) to ARPs in the mainstream
- A reduction in the number of Autism Spectrum Disorder (ASD) pupils placed outside of borough, including planned returns of some pupils considered able to benefit from more local provision through placements in Havering special schools once their capacity has been increased.
- The setting up of specialist facilities for pupils with BESD to support mainstream schools
- A planned reduction and where possible a return of pupils from out borough BESD placements to Havering's BESD resources.

The rationale with this approach derives from the current level and predicted growth in the needs of these two groups. If no action is taken, the only option will be to increase reliance and expenditure on out-borough placements whilst also accepting increased pressure on Havering's mainstream and special schools. Both of these options will be unsustainable. Out borough placements are costly and if special school numbers are not increased, there will be a shortfall of around 50 places which will involve even greater expenditure. There will need to be a two-pronged approach with special schools, dealing with both the expected increase in demand for places and the requirement to provide for a growing number of pupils with an Autism Spectrum Disorder.

Whilst capital constraints represent a major issue, there are ways in which the increased capacity required may be funded through revenue expenditure, particularly, if resources can be reduced and re-directed from out-borough spending.

ACTION PLAN

The following Action Plan is proposed.

Priority One

- The establishment of new ARP for pupils with ASD to support mainstream schools
- The creation of additional capacity in special schools for ASD pupils through the transfers of MLD pupils to ARPs in the mainstream
- A reduction in the number of ASD pupils placed outside of borough, including planned returns of some pupils considered able to benefit from more local provision through placements in Havering special schools once their capacity has been increased.

The projections in Tables 1-3 suggest that there will be increases of pupils with autism in the mainstream of around 23 within 5 and 32 within 10 years. These will be on top of the increases in the number of other pupils with autism requiring special school places, estimated to be around an additional 27 pupils within 5 years, rising to 32 within 10 years. Together this means increases of 50 pupils with an Autism Spectrum Disorder within 5 and 64 within 10 years needing places in both mainstream and special schools. The establishment of ARPs will help absorb these numbers as will the setting up of off-site satellite units run by special schools. The provision of 32 places in mainstream ARPs for pupils with an Autism Spectrum Disorder and further 32 in off-site units will, in effect, ensure that those in mainstream can have their needs met there whilst also enabling special schools to

transfer those who would benefit from mainstream experiences and education. Mainstream ARPs may also allow for more pupils with moderate learning difficulties (MLD) to remain in their schools, reducing their need to transfer to special schools. Off-site units will, on the other hand, release places in special schools and create the capacity needed for pupils with more severe needs. They will also create places for some pupils with ASD currently in out of borough placements due to lack of local provision.

A key element of this Strategy is the requirement for suitable pupils to be reviewed and carefully assessed to determine how best they may be supported where change is deemed to be beneficial. This will be in the form of targeted Annual Reviews to include parents and key stakeholders to secure the necessary consultation and agreement, including the required transition.

The time line below shows how this can be achieved in relation to each group.

Autism Spectrum Disorder (ASD):

2015-2016

In its report to Schools Forum dated 10 June 2015, the LA proposed an ambitious action plan to create an additional 20 places for pupils with ASD through the establishment of 2 new ARPs, 1 primary and 1 secondary, with 10 places in each, to cover for the age range of 3 to 19. These are planned within the current financial year and are intended to complement the existing ARPs for Autism Spectrum Disorder currently operating at RJ Mitchell and Hall Mead Academy. It is hoped that these can be located in the North West/West, given that RJ Mitchell and Hall Mead can respectively serve the South East and North East parts of the borough. This will reduce the need for pupils to travel any great distances in addition to reducing travel costs.

2016-2017

2 off-site Satellite Units with 10 places in each to create capacity in special schools through the planned transfers of pupils whose needs can be better served through this type of provision. This will follow consultation with special schools who have expressed an interest in operating this kind of resource, with preference given to those who have identified an off-site facility, either in a mainstream school or elsewhere. Where an off-site setting is not available, feasibility studies can be conducted to determine alternatives within the special school's own site and/or the possibility of their staff supporting students in other settings through out-reach or through staffing additions to another establishment, e.g. in a mainstream school/college local to the student's home.

Consultation with all special schools is planned imminently. The aim is to enable those pupils who have made progress to access mainstream education, if this is better suited to their needs. It will also enable the LA to both keep pupils with severe autism in the borough in addition to returning an agreed number from out borough placements, particularly if their "targeted" Annual Reviews indicate that this will be desirable.

2017-2018

- An additional 2 ARPs for ASD, one primary and one secondary, with 10 places in each to serve mainly mainstream ASD pupils.
- An additional 2 satellite units specifically to be used to create capacity in special schools enabling them to transfer pupils whose needs could be met in this way, thereby releasing places for the return of a similar number of pupils from out borough schools which may include the retention of some pupils who would otherwise be placed out of the borough.

The LA also proposes to identify 3-4 schools so that they may work towards becoming “Autism Friendly” as detailed in its School Forum Report of June 10, 2015. These schools will be allocated the equivalent funding of 1 ARP place value, currently £10k p.a. and will form part of a network of ASD facilities within the borough.

Priority Two

The setting up of specialist facilities for pupils with BESD to support mainstream schools and to reduce and in time, obviate out of borough placements.

Havering has no specialist school for children and young people with behavioural, social and emotional difficulties (BESD). Whilst it has PRUs, these are not suitable to make long term provision for pupils with behavioural, social and emotional difficulties (BESD). The LA has therefore tended to rely on its Learning Support Centre at Hilldene Primary School to provide for pupils in the primary sector. There is no secondary facility although the incidence of such needs tends to rise as pupils get older.

The number of pupils with behavioural, social and emotional difficulties (BESD) in mainstream schools increased from 57 in 2014-15 and is expected to rise to 65 in 2020-21 and to 68 in 2023-4. This is high, with many at risk of disciplinary exclusions. In addition there are around 28-30 in out-borough placements.

The LA has 2 options which are either to open a new special school for children and young people with behavioural, social and emotional difficulties (BESD) or to create a number of Additionally Resourced Provision (ARP) in the mainstream for these pupils. The first option is not without risks and uncertainties will require considerable capital resources; it is unlikely to be feasible in the short to medium term. The second alternative has the advantage of spreading numbers in manageable groups whilst also enabling the availability of an Additionally Resourced Provision (ARP) in more than one area of the borough.

In its report to Schools Forum dated 10 June 2015, the LA proposed the setting up of ARPs for pupils with behavioural, social and emotional difficulties (BESD), in addition to the recognition, including additional funding, of “Behaviour Confident Schools”. This Strategy will take this intention forward as follows.

2015-16

- An additional 20 places for Children and Young People with Social, Emotional and Behavioural difficulties through the creation of 1 ARP (Primary), with 10 places in the South East/East, and 1 ARP (Secondary), possibly in the South East/East to link in with its primary equivalent or alternatively in the North West to link in with Hilldene.

This is primarily intended to serve the needs of pupils who would benefit from a small and structured environment within a mainstream setting and/or who otherwise would be at risk of disciplinary exclusion from school.

The LA also proposes to set up 3-4 “Behaviour Confident Schools” funded in the same way and with similar purposes as those recognised as “Autism Friendly”.

2016-2017

- A further 20 places, 10 for primary and 10 for secondary aged pupils with behavioural, emotional and social difficulties.

This is intended to help the LA reduce its number of Out-borough placements and where possible, to return pupils already placed outside of the borough to Havering, particularly at key stage transfers. The LA will re-direct funding currently spent on out of borough placements for this purpose.

2017-2020

As for 2016-17.

CAPITAL AND REVENUE IMPLICATIONS

2015-16

The LA is proposing to commit a total of up to £480k p.a. to secure the implementation of its strategy during the 2015-16. However, this would be cost-neutral given that approximately £180k has been identified as a saving arising from the re-configuration of existing ARPs. This would be re-allocated to support the new portfolio of support provision. £200k has also been set aside for ASD developments in the current financial year; and a further £100k has been identified for new provision for pupils with behavioural, emotional and social difficulties.

Whilst capital is already fully committed for 2015 and beyond, the LA will consider any capital that may be available now and in the future. It will also consider any capital requirements that may be available in its 2017 allocations from central government.

2016-2020.

Additional places for ASD and BESD pupils will be through the Dedicated Schools Grant (DSG), due to the growth in the LA population. The LA will need to apply for DSG High Needs Funding, using the evidence it has to show its growth requirements and the shortfalls it needs to address to ensure sufficient capacity for children and young people with special educational needs in its schools.

CONCLUSION

In this Strategy, we have described our vision for special educational needs and disability (SEND) in Havering. We have consulted with schools and other stakeholders in order to agree the rationale and determine the way forward. We have also conducted extensive analyses of the special educational needs and disability data maintained by the LA, including projections on how our population of children and young people will increase over the years, preparing for demographic growth and other changes in an attempt to best plan for the future and meet their needs.

We have identified two priorities which are to increase provision for children and young people with an Autism Spectrum Disorder and for those with behavioural, emotional and social difficulties. Our Strategy deals with the short and medium term action required, detailing the steps required to increase local capacity so that more of these pupils can be educated in the borough without the need to travel or indeed, in some cases, living away from home.

We hope to improve outcomes for both groups and to involve and engage these children and young people so that they may make the most of their education and improve their life chances. We will work in close partnership with their parents, teachers and other stakeholders to make sure that our vision that they should experience the best education possible and not be disadvantaged is an everyday reality. Our Strategy will provide the framework to make this happen.

We will use this Strategy as a live document to guide us in what we do and why we are doing it, constantly putting the needs of the children and young people we serve, first.

GLOSSARY

ADHD	Attention Deficit Hyperactivity Disorder
ASD	Autism Spectrum Disorder
BESD	Behaviour Emotional and Social Difficulties
CLDD	Complex Learning Difficulties and Disabilities
CYP	Children and Young People
EHC	Education, Health and Care
FE	Further Education
HI	Hearing Impairment
ISP	Independent Specialist Provider
LA	Local Authority
LDA	Learning Difficulties Assessment
LDD	Learning Difficulties and Disabilities
LEA	Local Education Authority
MLD	Moderate Learning Difficulties
MSI	Multisensory Impairment
OOB	Out of Borough
PD	Physical Difficulties
PMLD	Profound and Multiple Learning Difficulties
SEN	Special Educational Need
SEND	Special Educational Need and Disability
SLCN	Speech, Language and Communication Needs
SLD	Severe Learning Difficulties
VI	Visual Impairment

COUNCIL, 25 NOVEMBER 2015

REPORT OF THE GOVERNANCE COMMITTEE

CHANGES TO DELEGATED POWERS – REGULATORY SERVICES

At a meeting of Governance Committee on 10 September 2015 a report (attached) was presented which proposed changes to the call-in procedure for planning applications, specifically to Section 3.6.6 (b) (vi) of the Constitution for clarification on development in the Green Belt. In addition it was further proposed to change Section 3.6.6 (u) in relation to Certificates of Lawful Development for existing development.

Following a review the Head of Regulatory Services had identified one area of operational activity – the power to deal with deliberate concealment of planning breaches - which would benefit materially from changes to delegated powers to enable more effective and efficient service delivery. Due to a change in legislation a change to the wording re power to enter into S106 obligations was also recommended.

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

- 1) New Section 3.6.6(dd) to read:

“To apply to the magistrates court for a Planning Enforcement Order in accordance with Sections 171BA to 171BC of the Town and Country Planning Act 1990.”

- 2) Section 3.6.6(b) (vi) be altered to read:

“carry out residential development where the number of additional dwellings does not exceed two, including proposals which require prior completion of a Unilateral Undertaking committing the applicant to pay a contribution to mitigate the impact of the development on infrastructure, the latter involving liaison during the process between Head of Regulatory Services and Head of Legal Services.”

- 3) Section 3.6.6(u) be altered to read:

“To issue Certificates of Lawfulness for existing and proposed development and use”

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GOVERNANCE COMMITTEE

10 September 2015

Subject Heading:

**Changes to delegated powers –
Regulatory Services**

CMT Lead:

Andrew Blake-Herbert – Group Director
Communities and Resources

Report Author and contact details:

Patrick Keyes – Head of Regulatory
Services x2721

Policy context:

Monitoring Officer Amendments to the
Constitution

Financial summary:

The described changes to delegated
powers would have no material financial
implications.

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

Havering will be clean and its environment will be cared for [X]

People will be safe, in their homes and in the community [X]

Residents will be proud to live in Havering [X]

SUMMARY

On 1st July, the committee deferred decision on this item, in particular the proposed change to Section 3.6.6 (b) (vi) for clarification on development in the Green Belt. In addition it is further proposed to change Section 3.6.6 (u) in relation to Certificates of Lawful Development for existing development. Following a review the Head of Regulatory Services has identified one area of operational activity – power to deal with deliberate concealment of planning breaches which would benefit materially from changes to delegated powers to enable more effective and efficient service delivery. Due to a change in legislation a change to the wording of power to enter into S106 obligations is also recommended.

RECOMMENDATIONS

That the Committee **recommend to Council** that the following changes be incorporated into Section 3.6.6 of the Constitution relating to the Head of Regulatory Services.

- 1) New Section 3.6.6(cc) to read:

“To apply to the magistrates court for a Planning Enforcement Order in accordance with Sections 171BA to 171BC of the Town and Country Planning Act 1990.”

- 2) Section 3.6.6(b) (vi) be altered to:

“carry out residential development where the number of additional dwellings does not exceed two, including proposals which require prior completion of a Unilateral Undertaking committing the applicant to pay a contribution to mitigate the impact of the development on infrastructure, the latter involving liaison during the process between Head of Regulatory Services and Head of Legal Services.”

- 3) Section 3.6.6(u) be altered to:

“To issue Certificates of Lawfulness for existing and proposed development and use”

REPORT DETAIL

Background

The last report to this committee was deferred for clarification on the proposed changes in relation to the Green Belt. In terms of clarification, no changes in relation to the decision level in regard to Green Belt development is proposed. The current wording in the Constitution states “To approve any application for development throughout the borough including the Green Belt in accordance with the current development plan and other material legislation and which proposes to.....”. Reference to the Green Belt is qualified by having to be in accordance with the current development plan. Therefore any development proposed in the Green Belt can only be decided at delegated level if it accords with the development plan – any inappropriate development in the Green Belt would need to be reported to the Regulatory Services Committee if recommended for approval.

A further change to the constitution is requested in relation to Certificate of Lawfulness. The previous report is reproduced below with addition of Section 3.

Report

As part of on-going reviews of operational efficiency the Head of Regulatory Services has identified an enforcement related activity which would materially benefit from changes to delegated powers. The intended outcome is more efficient and effective service delivery as explained in the rationale described below. In addition a change to the existing delegated power to determine planning applications for up to two additional dwellings is proposed, reflecting a change in legislation.

1. Power to Apply for Planning Enforcement Order

1a) *Existing Position*

Sections 171BA of the Town and Country Planning Act 1990 was introduced by the Localism Act 2011. This gives the local planning authority power to apply to the Magistrates' Court for a "Planning Enforcement Order" and to take enforcement action under said order. An application can be made in the circumstances where the local planning authority has evidence that a breach of planning control has been deliberately concealed in an attempt to avoid enforcement action and to render the development lawful by passage of time. A Planning Enforcement Order will allow the Council to take planning enforcement action i.e. issue an enforcement notice or planning contravention notice, within a year of the date of the Order even though the usual period for taking enforcement action has expired.

Currently there are no delegated powers for the Head of Regulatory Services to apply to the magistrates court for an order.

1b) *Proposed Change*

It is proposed to delegate power to the Head of Regulatory Services to enable planning enforcement orders to be obtained from the magistrates court.

1c) *Rationale for Changes*

Delegated powers already exist for the Head of Regulatory Services to serve enforcement notices. The Localism Act 2011 included powers to deal with cases where breaches of planning control were deliberately concealed. The Council would need to demonstrate to a magistrate that this is the case. It is not therefore considered necessary to involve Members in a decision as to whether the breach has been concealed or not as this is more of a legal judgement. It is therefore requested that this additional power be added to the delegated powers in the constitution.

2. Power to Determine Applications for up to 2 new dwellings

2a) *Existing Provisions*

Section 3.6.6(b)(vi) states:

(b) "To approve any application for development throughout the borough including the Green Belt in accordance with the current development plan and other material legislation and which proposes to:"....

"(vi) erect residential development where the number of dwellings does not exceed two, including proposals which require prior completion of a Unilateral Undertaking committing the applicant to paying the Council's Infrastructure Tariffs, the latter involving liaison during the process between Head of Regulatory Services and Head of Legal Services. "

2b) *Proposed Change*

It is proposed that delegated powers are clarified so that firstly it is clear that it applies to conversions, not just new build and secondly that it applies where the increase in the number of dwellings proposed does not exceed two. Further changes are required so that there is no longer a reference to tariff reflecting changes in the Community Infrastructure Levy Regulations 2010 that came into effect in April 2015.

2c) *Rationale for Changes*

The current wording of the existing power refers to proposals to "erect" residential development. Taken literally, this would exclude quite a number of minor residential proposals that are received that involve limited or no new physical development, most commonly flat conversions or change of use of premises to residential use. Where these involve two or fewer dwellings, the issues and impacts are likely to be similar to proposals for new development and therefore it is recommended that the definition be widened to include all development. Furthermore, there are often proposals where the number of dwellings proposed is more than two, but the overall increase in total dwelling numbers is less than two. Again, it is considered that the planning issues would be very similar to a two dwelling new build proposal and it is recommended that the wording be changed to reflect this.

In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure. There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions. Where appropriate, contributions would still be sought for new residential development where there was an

impact on particular infrastructure – therefore it is recommended that the wording of the power be changed to reflect that a tariff based contribution would no longer be sought.

3. **Power to Determine Applications for Certificates of Lawfulness**

2a) ***Existing Provisions***

Section 3.6.6(u) states:

(u) To issue (a) Certificates of Lawfulness for proposed development and use; and (b) Certificates of Lawfulness for existing development and use after consultation with the Director of Legal & Governance.

2b) ***Proposed Change***

It is proposed that reference to consult with the Director of Legal & Governance in relation to Certificates for existing development be removed.

2c) ***Rationale for Changes***

The requirement to consult with Legal on all applications for certificate of existing use applications adds to unnecessary delay where in many cases the applications are straightforward and not complex involving an assessment of the facts and reference to legislation. Where necessary, for example where case law is relied on or the site has a particularly complex history, legal advice will be sought before issuing a certificate.

Financial implications and risks:

The described changes to delegated powers would have no material financial implications.

Legal implications and risks:

There are no material legal implications. The Planning Service would continue to seek and incorporate Legal Advice where necessary.

Human Resources implications and risks:

There are no material implications.

Equalities implications and risks:

There are no direct equalities implications arising from this report. Where relevant, the Planning Service would continue to seek and incorporate advice from the Council's Corporate Policy and Diversity team.

BACKGROUND PAPERS

None

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COUNCIL, 25 NOVEMBER 2015

REPORT OF THE GOVERNANCE COMMITTEE

CHANGES TO DELEGATED POWERS – CULTURE & LEISURE

At its meeting on 11 November 2015 a report (attached) was presented to Governance Committee which proposed changes to the powers delegated to the Head of Regulatory Services to issue directions and take any necessary action under the Criminal Justice & Public Order Act relating to the Control of Unauthorised Campers.

These powers were most regularly used for action against unauthorised traveller encampments. The report (attached) recommended that it made sense – from a practical perspective – for these powers to also be delegated to the Head of Culture & Leisure and in turn to the Parks Manager to widen the ability to authorise direction notices in the early stages of an unauthorised encampment.

The Governance Committee accordingly recommends to Council that the following changes be incorporated into Sections 3.6.4 and 3.6.6(I) of the Constitution relating to the Head of Culture & Leisure and the Head of Regulatory Services:

To authorise and issue, on behalf of the Council, statutory directions requiring unauthorised campers to leave land and remove their property and vehicles

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GOVERNANCE COMMITTEE

11 NOVEMBER 2015

Subject Heading:	Changes to Delegated Powers – Culture & Leisure Services
CMT Lead:	Andrew Blake-Herbert Group Director Communities & Resources
Report Author and contact details:	Patrick Keyes Head of Regulatory Services
Policy context:	Monitoring Officer amendments to the Constitution
Financial summary:	The described changes to delegated powers would have no material financial implications.

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

Havering will be clean and its environment will be cared for	[X]
People will be safe, in their homes and in the community	[X]
Residents will be proud to live in Havering	[X]

SUMMARY

The Head of Regulatory Services has delegated powers to issue directions and take any necessary action under the Criminal Justice & Public Order Act relating to the Control of Unauthorised Campers. These powers are most regularly used for action against unauthorised traveller encampments. This report recommends that these powers also be delegated to the Head of Culture & Leisure and in turn to the Parks Manager to widen the ability to authorise direction notices in early stages of an unauthorised encampment.

RECOMMENDATIONS

That the Committee **recommend to Council** that the following changes be incorporated into Sections 3.6.4 and 3.6.6(l) of the Constitution relating to the Head of Culture & Leisure and the Head of Regulatory Services.

To authorise and issue, on behalf of the Council, statutory directions requiring unauthorised campers to leave land and remove their property and vehicles

REPORT DETAIL

1. **Existing Position**

1.1 The Criminal Justice & Public Order Act 1994 contains provision for the control of unauthorised campers. This is the legislation under which the Council gives directions to require vacation of sites by unauthorised traveller encampments. A "Section 77" Direction is a statutory notice requiring those served to leave land as soon as practicable, failing which the Council applies to the Magistrates' Courts for an order. These powers are currently delegated to the Head of Regulatory Services.

2. **Proposed Change**

2.1 To delegate the above powers to the Head of Culture & Leisure as well as to the Head of Regulatory Services.

3. **Rationale for Change**

3.1 The above powers are principally used by Regulatory Services but there is an increased tendency for traveller incursions to take place on land controlled by Culture & Leisure, eg public parks and open space.

3.2 Delegating these powers also to the Head of Culture & Leisure will enable them to be sub-delegated to operational staff, particularly the Parks Manager whose staff are able to respond more swiftly to traveller incursions on Culture & Leisure land. Having staff authorised to issue directions should help improve the likelihood of securing an earlier removal of unauthorised caravans and vehicles.

IMPLICATIONS AND RISKS

Financial implications and risks:

The described changes to delegated powers would have no material financial implications.

Legal implications and risks:

There are no additional legal implications. The Culture & Leisure and Planning Services would continue to seek and incorporate legal advice where necessary.

Human Resources implications and risks:

There are no material implications.

Equalities implications and risks:

There are no direct equalities implications arising from this report. Where relevant, the Culture & Leisure and Planning Services would continue to seek and incorporate advice from the Council's Corporate Policy and Diversity Team.

BACKGROUND PAPERS

None

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COUNCIL, 25 NOVEMBER 2015

REPORT TO COUNCIL

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

The Licensing Act 2003 ('the Act') requires the Council to have a Statement of Licensing Policy, and to review that Statement at least every five years. The Council's current Statement, was approved by the Council in December 2010 and will expire in January 2016: it is therefore now necessary to carry out the third quinquennial review.

At its meeting on 10 November 2015, the Licensing Committee considered a draft new Statement, based on the current version but, after consultation, reviewed and rewritten to include good practice, current guidance and experience from implementing the Act.

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

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

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

The current S182 Guidance to Local Authorities published by the Home Office was fully considered in the drafting of the Statement of Licensing Policy.

As required by the Act, the following bodies were consulted on the draft statement as required by the Act:

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

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

The consultation period lasted until 31 August 2015. All of the statutory consultees were consulted directly and information about the consultation was disseminated widely using the Licensing Matters e-mail bulletin (over 2,700 recipients), Business Briefing e-mail (over 6,000 recipients), a press release in the Romford Recorder, the Havering website and information distributed to all local GP surgeries.

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

The Statement of Licensing Policy itself is appended to this report and Members are asked to note that this reflects the text of the document as it will be published but not necessarily the final layout.

The Licensing Committee **RECOMMENDS** to Council that:

The revised Statement of Licensing Policy be adopted.



LICENSING COMMITTEE

10 November 2015

Subject Heading:

Approval of Havering's Statement of Licensing Policy for the Licensing Act 2003

CMT Lead:

Andrew Blake Herbert

Report Author and contact details:

Trudi Penman
Trudi.penman@havering.gov.uk
01708 432718

Policy context:

Review of the current Licensing Policy having regard to the changes in legislation and the Licensing Strategy.

Financial summary:

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This report seeks approval of the Licensing Committee for the Statement of Licensing Policy under the Licensing Act 2003.

RECOMMENDATIONS

The Licensing Committee notes the details of this report and recommends that the Statement of Licensing Policy as set out in Annexe A be approved and adopted by Full Council.

REPORT DETAIL

1.0 Section 5 of the Licensing Act 2003 (hereafter termed 'the Act') requires all Licensing Authorities to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five year period to which the policy applies. The current policy expires on the 7th January 2016.

2.0 The Statement of Licensing Policy has been reviewed and revised to include good practice, current guidance, experience from implementing the Act, input from a joint topic group of Councillors from the Licensing Committee and Towns and Communities Overview and Scrutiny Committee, the Havering Licensing Strategy 2014 and responses received from the public consultation..

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

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

4.0 The Council has undertaken statutory consultation between 1st June 2015 to 31st August 2015. The consultation was mainly by internet. All of the statutory consultees were consulted directly and information about the consultation was disseminated widely using the Licensing Matters email (over 2,700 recipients) , Business briefing e mail (over 6000 recipients), a press release in the Romford Recorder , the Havering website and to all local GP's surgeries.

5.0 The consultation responses have been considered and a final draft version of the policy has been produced. Consideration of the consultation responses is set out in Annex B.

6.0 Further, the Council can only publish its Statement of Licensing Policy if it has paid due regard to guidance issued by the Government. The current S182 Guidance to Local Authorities published by the Home Office was fully considered in the drafting of the Statement of Licensing Policy.

IMPLICATIONS AND RISKS

Financial implications and risks:

The policy will be delivered within existing resources

Legal implications and risks:

The Council is required by section 5 of the Licensing Act 2003 to have an adopted Statement of Licensing Policy for each 5 year period and to review the policy from time to time.

The Statement of Licensing Policy must be reviewed every 5 years and the Council must undertake statutory consultation as required by section 5 of the 2003 Act. The consultation must include the prescribed individuals and organisations and anyone else that the Council considers to be representative of businesses and residents in its area. Government Guidance recommends a wide ranging consultation in addition to the statutory consultees.

The Statement of Licensing Policy must set out the how authority will give effect to the 4 licensing objectives of the 2003 Act and must have regard to the Statutory Guidance published under section 182 of the Act.

A failure to comply with the statutory procedures, and the adopted Statement of Licensing Policy, will be at risk of challenge by Judicial Review.

The Statement of Licensing Policy is a Council function and may only be approved and adopted by Full Council.

Human Resources implications and risks:

There are no direct human resources implications to this report.

Equalities implications and risks:

There are no negative impacts against any protected characteristics by the implementation of this policy. The decision to award a licence will be guided by the main aims and principles of the legislation which ultimately seek to protect vulnerable persons.

BACKGROUND PAPERS

Annex A Statement of Licensing Policy
Annexe B Consultation response
Annexe C EIA



Haverling

LONDON BOROUGH

Statement of Licensing Policy

Document Control

Document details

Title	Statement of Licensing Policy
Version number	V0.5
Status	Final prior to sign off
Author	Trudi Penman
Lead officer	Andrew Blake Herbert
Approved by	
Review date	2020

Supersedes	Statement of Licensing Policy
Target audience	Applicants, Residents, Licensing Committee, Councillors.
Related to	

Version history

Version	Status	Date	Dissemination/Change
V0.1	<i>Initial draft</i>	17/4/15	
V0.2	updated	28/4/15	Maps added and typos corrected
V0.3	updated	30/04/15	Formatting, typos, PK comments included
V0.4	updated	12/10/15	Updated following consultation. Changes to special policy area, change to planning policy condition, maps moved to appendices, additional evidence added to appendix 8, reworked appendix 1 .
V0.5	updated	28/10/15	Revised wording from legal.

Approval history

Version	Status	Date	Approved by
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<i>Add final version number e.g. V0.4</i>	<i>Add status of policy e.g. Final</i>	<i>Add date</i>	<i>Add name of approving body e.g. Cabinet</i>
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Equality Impact Assessment record

Date	Completed by	Review date
28/10/15	Trudi Penman	2020

The Statement of Licensing Policy of London Borough of Havering the Licensing Authority for the London Borough of Havering prepared under section 5 of the Licensing Act 2003 with due regard and weight to Guidance issued by the Secretary of State for the Home Office under section 182 of the Licensing Act 2003.

Determined for a five year period commencing xx January 2016.

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1. Executive Summary

1.1 The Licensing Act 2003 came into effect in 2005.

1.2 Section 5 of the Licensing Act 2003 requires each Licensing Authority to prepare a Statement of Licensing Policy that it will apply in exercising its functions pursuant to the Act. The Statement of Licensing Policy is valid for a term of 5 years when it must be revised again. The Licensing Authority may also review and revise the Statement of Licensing Policy within the statutory 5 years period. All revisions and reviews are subject to the statutory requirement for consultation. The document is made up of the Statement of Licensing Policy and supporting appendices. The appendices provide useful information for applicants and may be updated during the life of the Policy without consultation for example to include legislative changes.

1.3 Any decision taken by the Council in regard to determination of licences, certificates and notifications should promote the licensing objectives which are:

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

1.4 The Policy covers the licensable activities as specified by the Act which are:

- Sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the Club
- Regulated entertainment
- Late night refreshment

1.5 The Policy must have due regard to the guidance issued by the Secretary of State under S182 of the Licensing Act 2003 and other local strategies.

1.6 The Council has the ability to grant licences for premises and certificates for club premises. It also grants personal licences and accepts Temporary Event Notices.

1.7 Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

1.8 Where relevant the Council consults with the responsible authorities as described in the Act.

1.9 Local people, business and Members of the Council are able to have their say and their opinion heard through public consultation on this Policy and by making

representations about applications for premises licences or requesting reviews of licences for problem premises.

2. Introduction

2.1 The purpose of this Licensing Policy is to inform both applicants and residents about the way in which the Licensing Authority will implement the Licensing Act 2003 in Havering. The Policy along with national guidance and primary legislation forms the basis on which decisions are made.

2.2 In preparing this Policy the Council has consulted with and considered the views of a wide range of people and organisations including:

- Representatives of local business
- Local residents and their representatives
- Councillors
- Local Members of Parliament
- Representatives of existing licence holders including
 - The British Beer and Pub Association
 - Licensing solicitors
- The responsible authorities namely:
 - Metropolitan Police
 - London Fire and Emergency Planning Authority
 - London Borough of Havering- Director of Public Health
 - London Borough of Havering- Environmental Health Service
 - London Borough of Havering- Planning Service
 - London Borough of Havering-Trading Standards Service
 - London Borough of Havering-Children and Young Persons Service
 - The Local Enforcement Agency with responsibility for enforcing the Health and Safety at Work etc. Act 1974 (this will be either the Health and Safety Executive or the Health and Safety team, Environmental Health London Borough of Havering, dependent upon the nature of the premises)
- Other Council Departments including
 - Community Safety
 - Regeneration
 - Street Care
- Charitable organisations that deal with the social impact of alcohol misuse such as the Street pastors
- Local GP's surgeries.

2.3 The Authority will carry out its licensing functions with a view to promoting the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

- The protection of children from harm

Each objective is of equal importance.

3. Principles and Aspirations.

The Borough

3.1 Havering is one of the largest boroughs in Greater London, with a population of around 225,000 (from the last census) and an area approaching 40 square miles, half of which is in the Green Belt. It is located on the periphery of North East London. The area has good road and rail links. To the north and east the borough is bordered by the Essex countryside, to the south by a three mile River Thames frontage, and to the west by the neighbouring boroughs of Redbridge and Barking & Dagenham.

3.2 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 11.

The main centres of night time economy are:

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

3.3 Clean, Safe, Proud is Havering Council's vision for the future which states the following

We want Havering to be clean and to look after our environment for future generations.

We want you to be safe – whether you're a pensioner walking through a town after dark, or a young child growing up without the security of a loving home.

And we want you to be proud to live in Havering – where we respect each other, value our traditions and work together to improve our quality of life.

3.5 When applications for new licences or for variation of existing licences are received, the authority will take into account the impact of the activities concerned with a view to creating a clean and safe borough.

4.0 Expectations of applicants

4.1 The licensing objectives

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

are at the heart of the licensing regime. Applicants must demonstrate in their operating schedules as part of an application how they will address each objective. The Licensing Authority will make decisions about applications, variations and reviews based on the promotion of the same objectives. Those making representations to the Licensing sub-committee must base them on the Licensing objectives.

4.2 It is for these reasons that Havering is keen to see complete, detailed and meaningful operating schedules that will enable all parties to understand what is being sought by an application, and if granted how the premises will operate. In completing the operating schedule, applicants are expected to have regard to this Statement of Licensing Policy which sets out the expectations of the Authority as to the steps that are appropriate for the promotion of the licensing objectives.

4.3 The completion of a full and detailed operating schedule will give those reading the application greater confidence that the applicant seeks to make a positive contribution and is demonstrating a commitment to both those living in the vicinity and the licensing objectives. Applicants are expected to:

- Demonstrate knowledge of the local area when describing the steps they propose to take to promote the licensing objectives;
- Undertake enquiries about the area in which the premises are situated to inform the content of the application;
- Obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand;
 - The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children congregate.
 - Any risk posed to the local area by the applicants' proposed licensable activities;
 - Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Applicants are also expected to include positive proposals in their application as to how they will manage any potential risks.

4.4 Where specific policies apply in the area (for example, a Cumulative Impact Policy), applicants are also expected to:

- Demonstrate an understanding of how the Policy impacts on their application,
- Identify any measures they will take to mitigate the impact, and
- Confirm why they consider their application should be an exception to the Policy.

4.5 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises close to residential properties should consider how this will impact upon their smoking, noise management and dispersal policies, to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives and where there are no known concerns, acknowledge this in their application.

4.6 Lists of questions which should be considered in operating schedules are included in Appendix 2. A model pool of conditions which can also be of assistance is included at Appendix 4. The mandatory conditions which are applicable to all licences depending on what is being licenced are attached as Appendix 3. Whilst applicants are strongly encouraged to consider these they should not be regarded as standard conditions and should be tailored according to the individual application and location and be used to inform the operating schedule. By the use of a carefully considered operating schedule applicants can demonstrate that they have given thought to their application and the impact of their application on the local environment.

4.7 An operating schedule forms the basis for conditions that will be placed on the licence. It should contain details relating to the promotion of the licensing objectives that are capable of being translated into enforceable conditions as, if there are no representations against the grant of the licence these will form the basis of the conditions.

4.8 The failure by an applicant to clearly and fully demonstrate in the operating schedule that they have properly considered the promotion of the four licensing objectives is a legitimate concern should the application come before the Licensing sub-committee.

5.0 Location and Special Policies eg Cumulative Impact.

Licensing Policy 1

In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:

- **whether the premises is located in an area of cumulative impact;**
- **the type of premises and their cumulative impact on the area and the mix of premises in the area;**
- **the location of the premises and the character of the area;**
- **the views of the responsible authorities;**
- **the views of other persons;**
- **past compliance history of current management;**
- **the proposed hours of operation;**
- **the type and number of customers likely to attend the premises;**
- **whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch.**

Licensing Policy 2

The Licensing Authority has adopted a special Policy relating to Cumulative Impact in relation to:

- **Romford town centre within the ring road**
- **St Andrews Ward**

This Policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that will add to the existing cumulative impact, will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives. The exception to this policy will be for applications for restaurants where alcohol is sold ancillary to a table meal and the terminal licensing hour is in line with the Policy.

Licensing Policy 3

The Licensing Authority has adopted a Special Policy relating to cumulative impact in relation to

- **Harold Hill**

This Policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications

specifically for off sales only that are likely to add to the existing cumulative impact will be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact and not impact adversely on the promotion of the licensing objectives.

5.1 The effect of adopting a special Policy of this kind is to create a rebuttable presumption that where representations are received applications will normally be refused unless the applicant can demonstrate, in their operating schedule, that there will be no adverse cumulative impact on the licensing objectives

5.2 It must be stressed that the rebuttable presumption created by this special Policy does not relieve Responsible Authorities or other persons of the need to make relevant representations. If there are no representations, the Licensing Authority must grant the application consistent with the operating schedule submitted.

5.3 This special Policy is not absolute. The circumstances of each application within the cumulative impact area will be considered upon its own merits and the Licensing Authority shall permit licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted.

5.4 Upon receiving representations in relation to a new or variation application the Licensing Authority will consider whether it would be justified departing from the Special Policy in the light of the individual circumstances of the case. The impact of an application is expected to be different for premises with different formats and characteristics. If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine one or more of the licensing objectives and that conditions or restrictions would be an ineffective solution.

5.5 Examples of applications that the Licensing Authority may consider as exceptional may include, though not are limited to:

- Small premises with a capacity of 50 persons or less only intending to operate during hours specified in Licensing Policy 7
- Premises which are not alcohol led and operate only within the hours specified in Licensing Policy 7 such as coffee shops.

5.6 Examples of factors the Licensing Authority will **not** consider as exceptional include:

- Premises will be well managed and run
- Premises will be constructed to a high standard
- Applicant operates similar premises elsewhere without complaint
- Similar premises operate in the area.

5.7 The evidence relied upon for the cumulative impact policies is set out in Appendix 6 for Romford, Appendix 7 for St Andrews Ward and Appendix 8 for Harold Hill. The maps of the areas are included in the evidence appendices.

Licensing Policy 4

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

5.7 Upminster ward which covers Upminster town centre is a stress area. There has been an increase in the numbers of licensed premises in Upminster, and since the Licensing Act was implemented, there has been a trend for later opening hours which has been matched by the times during which crimes and anti-social behaviour occurs.

After consultation with the Police, the Licensing Authority is not of the view that this area of the borough presently requires a Cumulative or Saturation policy however, this will be kept under review. See Appendix 9 for evidence.

Shops Selling Alcohol

Licensing Policy 5

The Licensing Authority is concerned regarding the adverse impact on the licensing objectives arising from the increasing numbers of shops selling alcohol for consumption off the premises. The Licensing Authority will consider restricting the number of premises and the licensing hours to 23.00 in locations where longer hours undermine the licensing objectives.

5.8 A previous Policy of the Licensing Authority was to permit shops, stores and supermarkets to sell alcohol for consumption off the premises during the hours that they are open for trading. This approach was consistent with the S182 guidance issued by the Secretary of State but it has resulted in an increase in the number of off licences in the Borough and has resulted in an increase in the hours during which alcohol is available for sale.

5.9 The Licensing Authority is aware that this approach is having a detrimental effect on local communities and through the Alcohol Strategy adopted by the Council in March 2014 seeks to restrict the opening hours to 23.00 hours.

Development Management

Licensing Policy 6

The Licensing Authority considers that, in the interests of clarity and transparency, applicants should normally have in place the relevant planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. However every application will be considered on its merits on a case by case basis

5.10 . Licensing and Planning controls are two different regimes which operate independently. However the relationship between the two, especially as seen by the community, can cause confusion and lack of confidence in the fairness of process and outcome. That's particularly so where there results a mis-match between controls with which the operator is obliged to comply within the respective regimes.

5.11 This Policy is simply to promote clarity of process and so complies with the Guidance. Generally, any premises for which a licence is required must also have an appropriate authorised use under planning law. The planning permission for a premise determines its use and often its hours of operation. If this is not in place at the time the licence application is heard, there may be a conflict between the two and the applicant will be required to comply with any planning permission granted. In LBH experience that mis-match causes confusion and concerns about lack of transparency and fairness on the part of the local community

5.12 Applicants for Premises Licences should include information in respect of planning permission for the subject premises. Where there is no planning permission for the proposed use in place, applicants should include information regarding any planning applications being submitted, or any outstanding appeal or appeals against the refusal of planning consent.

5.12 Applicants are also advised to seeking planning advice before submitting applications for a Premises Licence where there is no planning permission in place for the proposed use. Planning advice may also be appropriate before an application to vary an existing Premises Licence is made. Where no planning consent is in place, applicants should, in appropriate circumstances, consider seeking a Provisional Statement under section 29 of the Licensing Act 2003.

5.13 Applicants should note that the grant of a Premises Licence is not also the grant of Planning Permission. Where premises are being used without the benefit of Planning Permission, the Local Planning Authority will take enforcement action by the service of an Enforcement Notice, Breach of Condition Notice, seeking an Injunction, or the service of a Stop Notice and will consider all other measures available to the Authority to abate the unlawful use without planning consent, including Closure Orders under the Anti-Social Behaviour Act 2014.

5.14 Applicants are advised that the Local Planning Authority is an Responsible Authority under the 2003 Act and is able to make representations against all applications on planning grounds relating to, inter alia, public nuisance, and thereby make representations regarding opening and closing hours, and in respect of any of the 4 overriding objectives of the Licensing Act 2003.

5.15 In framing this policy the Council acknowledges that it must ensure the lawful operation and independence of the Licensing and Planning control regimes. However this approach is consistent with strategic objectives for the community.

5.16 The Council's planning policies are set out in the Local Development Framework (LDF), adopted 2008 – see <https://www.havering.gov.uk/Pages/Category/Local-Development-Framework.aspx>. Planning decisions also have to have regard to National Planning Policy and the London Plan.

6.0 Licensing Hours

Licensing Policy 7

When dealing with new and variation applications the Licensing Authority will give more favourable consideration to applications with the following closing times:

**Public Houses and Bars 23:00 hours-Sunday to Thursday
Midnight –Friday and Saturday**

**Nightclubs 01:00 hours Sunday to Thursday
02:00 hours Friday and Saturday**

**Restaurants and Cafes 23:00 hours Sunday to Thursday
Midnight- Friday and Saturday**

Off licences 23:00 Monday to Sundays

**Hot food and drink supplied by takeaways, fast food premises
Midnight- Sunday to Thursdays
01:00 Friday and Saturday**

Hotel residents only 24 hours sale of alcohol for on sales only.

Consideration will also be given to the type of area that the premises is located in with regulated activities normally being permitted until 23.30 in residential areas and 00.30 in mixed use areas.

These hours are not pre-determined and each application will be considered on its merits.

6.1 The above hours are intended to guide applicants on the Licensing Authority's expectations when preparing their operating schedules. The above hours are not pre-determined and each application will be considered on its merits. The evidence to support these hours is from the Licensing Strategy and front line officer reports.

6.2 For applications within the above hours there is no presumption that the application will automatically be granted in all cases where a relevant representation has been made. If no representations are received, the application will be granted by the licensing authority under delegated powers.

6.3 Applicants who wish to provide licensable activities outside the hours specified above should ensure that the operating schedule specifies detailed measures to militate against crime, disorder and public nuisance taking into account:

- The location of the premises and the character of the area in which they are situated
- The proposed hours during which licensable activities will take place
- The adequacy of the applicant's proposals to prevent crime and disorder and prevent public nuisance
- Whether customers have access to public transport when arriving at or leaving the premises
- The proximity of the premises to other licensed premises in the vicinity and the hours of operation of those other premises policies and proposals for the orderly dispersal of customers.

7.0 Standards of Management.

The Operating schedule

Licensing Policy 8

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- **Can demonstrate comprehensive knowledge of best practice**
- **Has sought advice from the responsible authorities**
- **Has implemented any advice that has been given by the responsible authorities**
- **Is able to understand verbal and written advice and legal requirements**
- **Can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003**
- **Is able to run their business lawfully and in accordance with good business practices**
- **Is able to demonstrate a track record of compliance with legal requirements.**

Where there is a history of non-compliance associated with the premises applicants will need to establish evidence of improvement in management standards and procedures.

Licensing Policy 9

The Licensing Authority seeks to promote mixed use premises with alcohol sales being offered to customers alongside entertainment and food.

Applications for premises providing a seated environment for customers are encouraged. Applications for premises whose predominant offer is vertical drinking are not encouraged and the operating schedule for such applications will be expected to demonstrate robust arrangements for promoting the licensing objectives.

Alcohol induced crime and disorder and antisocial behaviour

Licensing Policy 10

The Licensing Authority expects licensees to operate to the highest standards of management, and to cooperate with responsible authorities to prevent:

- **The sale of alcohol to underage children;**
- **Drunkenness on premises;**
- **Irresponsible drinks promotions.**

Where the Licensing Authority receives representations from responsible authorities that the management of a premise is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or antisocial behaviour the Licensing Authority will consider reviewing the licences to impose additional restrictions and controls to prevent or minimise the impact.

7.1 Licensing enforcement is a multi-agency activity and it is important that work is coordinated between agencies to deliver solutions. The need for intervention will be risk based and take full account of data, intelligence and information available to both the Council and partners.

7.2 Where appropriate the Licensing Authority will consider imposing controls on products sold where representations indicate localised problems. This provision could include banning the sale of super strength beer, lager and cider in premises as part of a package of measures to deal with the problems associated with street drinking.

Risk assessments for significant events

Licensing Policy 11

All licensees or managers of licensed premises, applicants for premises licences and premises users intending to use Temporary Event Notices (TENS) are required to undertake a comprehensive risk assessment to ensure that the four licensing objectives are considered and addressed prior to any music event which is:

- **In a nightclub or large public house**
- **Run anytime between the hours of 22:00 and 08:00**
- **Promoted/advertised to the public any time before the event**
- **Predominantly feature DJs or MCs performing to a backing track**

7.3 The Licensing Authority recommends that the Metropolitan Police Promotion/Event Risk Assessment form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A be used for this purpose. Where the risk assessment forms are used to assess the likely risks from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion. Forms 696 and 696A are available from the Metropolitan Police Service. It is recommended that electronic completion and transmission of the forms is undertaken by licenses. E-mail addresses for submission are ClubsFocusdesk-CO14@met.police.uk

The majority of venues have regular repeat artistes and DJs. Only one risk assessment and subsequent debrief is required for an artiste at the venue concerned.

Use of toughened glass and polycarbonates

Licensing Policy 12

The Licensing Authority seeks to encourage the use of toughened glassware and polycarbonate on a risk based approach in licensed premises.

The Licensing Authority will consider imposing a condition prohibiting the sale of alcohol in annealed glass containers (glasses and bottles) and require the use of polycarbonate or other safer alternatives where:

- **Local needs dictate**
- **A relevant representation is received**
- **The premises is operating beyond midnight**
- **The licence permits drinking outside.**

7.4 Evidence indicates that the majority of incidents with lacerations from annealed glass occurring inside licensed premises are accidents. However some are malicious and cause horrific injuries and lifetime scarring.

7.5 Outside premises, glass containers, as well as being potential weapons, add to street debris, pose risks to street cleaners and pedestrians and generally undermine the objective to minimise public nuisance.

7.6 The Licensing Authority believes that the use of safer alternatives to annealed glass will help promote public safety and the prevention of crime and disorder in licenced venues.

7.7 The Licensing Authority will take into account the nature of the venue when considering imposing conditions restricting the use of glass, including the uses of bottled drinks. Considerations will include:

- The type of venue
- The customer base
- The hours of operation
- The standard of management demonstrated by the current licensee
- The history of alcohol related crime and disorder associated with the premises
- The extent to which drinking is permitted outside
- The licensee's risk assessment
- The views of the local police

Drugs Policy

Licensing Policy 13

The Licensing Authority is committed to ensuring that, where appropriate, the design and management of dance and other venues maximises the safety of customers, performers and staff. The Licensing Authority will normally expect the submission of a Drugs Policy as part of the operating schedule for applications for new premises licences and for variations to existing licenses for night clubs and similar premises.

7.8 The Licensing Authority requires licensees of all venues to take reasonable steps to:

- Prevent entry of drugs into licenced premises
- Prevent drugs changing hands within the premises
- Understand the signs of drug misuse in people so that practical steps can be taken to deal with any instances that occur
- Have appropriately trained staff to deal with drug related incidents.

Noise

Licensing Policy 14

The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

7.9 The changing nature of the town centres in Havering with increased residential use alongside commercial premises has led to increased noise complaints. The Licensing Authority will seek to balance the protection of residents from undue disturbance against noise and the activity that is the natural by-product of people going about their business, entertainment or leisure.

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

7.11 The deregulation of regulated entertainment now exempts many forms of entertainment from being a licensable activity. These activities may still give rise to a nuisance and it is expected that licensees will act promptly if this happens to avoid the need for action by the Local Authority.

Licensing Policy 15

Licence holders and applicants are encouraged to consider whether early morning deliveries and collections at their premises could potentially result in public nuisance and to introduce measures to minimise the impact where appropriate. The Licensing Authority recognises that refuse collection times can sometimes be outside the control of the premises licence holder. When representations have been received from residents in the vicinity of licensed premises stating that they are being disturbed by early morning collections and deliveries, the applicant or premises licence holder is encouraged whenever possible to renegotiate different times with the relevant contractor and to liaise with local residents where appropriate to seek agreement on acceptable hours.

Smoking, Drinking and eating outside

Licensing Policy 16

The Licensing Authority recognises that where gardens and tables and chairs are provided for smoking, eating and drinking outside, users can cause nuisance.

Where smoking, eating and drinking take place outside the Licensing Authority expects applicants to provide comprehensive details in their operating schedule on:

- **The location of outside areas to be available for use**
- **How the outside areas will be managed to prevent noise, smell and pavement obstructions.**

Where the Licensing Authority receives representations or a review application regarding the use of an outside area it will impose restrictions or conditions that are appropriate for preventing a public nuisance.

7.12 The provision of tables and chairs outside the premises, either on the highway or private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas. In some premises these facilities can encourage patrons and

passers-by to loiter rather than disperse and in many cases, noise control measures are not feasible.

Dispersal policies

Licensing Policy 17

The Licensing Authority will normally require all licensed premises to be cleared of patrons within a reasonable period, usually 30 minutes, after the end of the time permitted for licensable activities. An application for a new late night premises licences or variation application will not normally be granted unless a proposed dispersal Policy is included in the operating schedule.

7.13 The general principle will be that the carrying on of licensable activities at premises should cease some time before the end of the operational hours granted by planning consent to allow for the premises to be cleared of patrons in a gradual and orderly manner. The Licensing Authority recognises that the time required for clearing premises of patrons will differ from business to business depending on the type of licensable activities provided and the nature of the clientele. It is for applicants themselves to judge what time scale is reasonable however, the Licensing Authority recommend that between 30 minutes and one hour would be sufficient for the majority of businesses. Operating schedules should detail the applicant's proposals for clearing the premises or their dispersal Policy which could include arrangements such as:

- The provision of food.
- Issuing customers leaving the premises with lollipops and boiled sweets
- The management of the lighting as well as the nature and tone of the music
- The balance between the continued sale of alcoholic drinks and the availability of non-alcoholic beverages
- Arrangements for accessing transport for customers.

Adult Entertainment

Licensing Policy 18

The Licensing Authority expects all applicants and licensees intending to provide adult entertainment to include the relevant details in their operating schedule, including controls they intend to put in place.

When considering applications which include adult entertainment, the Licensing Authority will take into account the nature of the area, the marketing, advertising arrangements and external views of the premises together with other factors proposed by the proprietor to militate against concerns.

7.14 Premises providing adult entertainment on a regular basis will be subject to the licensing regime for Sexual Entertainment Venues. Premises licensed under the Licensing Act 2003 that are exempt from this regime will be subject to the following paragraphs of this Policy.

7.15 The location of the premises will be an important factor as it can impact on all four of the licensing objectives. The Licensing Authority will consider whether applications for new and variation premises licences that are located in close proximity to sensitive premises, such as:

- Residential accommodation,
- Schools,
- Children's and vulnerable persons' centres,
- Religious centres and public places of worship,
- Youth and community centres,

should be granted. Each application will be decided on its own merits and will depend upon the type of adult entertainment that is proposed and the applicant's ability to demonstrate the high standards of management.

7.16 The Licensing Authority considers adult entertainment to include activities such as topless waitresses, striptease and table dancing or any activity performed partially clothed or naked.

7.17 If relevant representations are received, the Licensing Authority will not normally grant a licence unless:

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

Children and Licensed premises

Licensing Policy 19

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

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

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

7.20 The following circumstances are considered to present a risk to children, and therefore may be subject to additional controls following relevant representations:

- Where the current management, personnel working at the premises or licences have been associated with convictions for serving alcohol to underage children or have a reputation for allowing underage drinking;
- Where there are concerns about drug taking or drug dealing on the premises;
- Where there is a strong element of gambling on the premises;
- premises where events in which entertainment of an adult or sexual nature is provided;
- Premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose.

7.21 Requirements may include:

- Limitations on the hours when children, or children under certain age limits will be allowed access;
- Limitations on the parts of premises that children will be allowed access;
- Limitations or exclusion when certain activities are taking place
- Full exclusion of people under 18 from the premises where any licensable activities are taking place
- The need for accompanying adults at all or various times
- The requirement for proof of age cards or other age identification to prevent the purchase of alcohol by minors;
- A safeguarding children Policy;
- All staff to hold and up to date disclosure and barring record checks (DBS).

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

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

Children and Alcohol

Licensing Policy 20

The Licensing Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children. Premises within 400 metres of schools or colleges should consider licence conditions to control the products offered for sale and on display in windows. It expects licensees to implement measures to Challenge 25 standard to reduce the likelihood of underage sales from their premises and will take appropriate action, including review of licenses, where sales persist.

Illicit Goods

Licensing Policy 21

The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licencing objectives.

7.24 The Licensing Authority's approach is that the supply of illicit goods will be taken seriously as these matters undermine the licensing objectives. Licensees supplying illicit goods can expect the Licensing Authority to impose additional controls and run the risk of losing their licence.

Temporary events

Licensing Policy 22

Where events qualify for a temporary events notice, applicants are encouraged to submit notifications at least four weeks prior to, but not more than 12 weeks before the date of the proposed event.

Licensing Policy 23

When considering objections to temporary event notices from the Police or Environmental Health, the Licensing Authority will take the following factors into account:

- **Circumstances of the objection**
- **The applicant's willingness to comply with the conditions attached to the premises licence**
- **History of complaints**
- **The track record of the applicant**
- **Any other proposed control measures.**

7.25 The Licensing Act 2003 provides for certain occasions when events organised for less than 500 people at a time and each lasting for no more than 168 hours can take place, following the notification of such events to the Licensing Authority and the Police. Environmental health and the Police only can object to the temporary event notice if they are of the opinion that the event is likely to undermine the licensing objectives.

7.26 Although the statutory legal minimum time required for notification of a temporary event to the Licensing Authority and the Police is 10 working days, or 5 days for a late temporary event notice, it is essential that adequate notice is given to allow for proper consideration of the proposed event in order to ensure that all the legal requirements for the authorisation have been met. Statutory guidance allows the Licensing Authority to publicise its preferred timescale for notification and this is indicated above. The increased timescale will allow more time to resolve issues rather than see organisations faced with the cost of cancelling late because there is insufficient time to address representations.

7.27 "Ten working days" notice means ten working days exclusive of the day on which the event is to start and exclusive of the day on which notice is given. Five

working days in respect of late TENS means five working days exclusive of the day on which the event starts and exclusive of the day on which the notice is given.

Provisional statements

Licensing Policy 24

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

7.28 Provisional statements provide limited assurance to prospective proprietors of licensed premises that an application for a premises licence in respect of specific premises or licensed activities will be likely to succeed, The Licensing Authority recognises that these may be necessary for the promotion of investment and employment opportunities in the borough. Applications for provisional statements must include the particulars of the premises (including plans), describe the works to be done and the licensable activities planned.

7.29 The granting of a provisional statement has the effect of precluding representations from being made to the subsequent premises licence application save in very exceptional circumstances. Applicants are encouraged to seek to convert their provisional statements to premises licences at the earliest opportunity. The longer the delay before a premises licence is applied for the greater the potential for representations made in respect of an application for a premises licence not to be excluded.

8.0 Enforcement

Review of Licences

Licensing Policy 25

The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:

- **Restricting hours of operation**
- **Removing licensable activities from the premises licence**
- **Imposing additional conditions**
- **Requiring the removal of a designated premises supervisor**
- **Suspending a licence**
- **Revoking a licence**

8.1 The Licensing Authority believes that the promotion of the licensing objectives is best achieved by mutual cooperation between all stakeholders. Reviews will therefore be mainly reserved for circumstances where early warnings of concerns and the need for improvement have gone unheeded by the management of the licensed premises.

8.2 Reviews of licences may be triggered at any stage by responsible authorities or interested parties because of a matter arising at the licensed premises and relating to one or more of the four licensing objectives. Reviews may also become necessary following the service of a closure order by the police or any formal enforcement action by officers of the local authority.

8.3 Where a licence is revoked, any new application for the premises will be considered against the Policy. There will be a full consideration of the applicant and the operating schedule with no assumption that a licence premises can continue in that location.

Appendix 1 Alcohol and Health in Havering

This appendix sets out some general background and gives some information on health which licensees may wish to consider when writing their application.

The inclusion in 2012 of local health bodies as responsible authorities under the Licensing Act (2003) enables health services to feed into the local strategy, comment upon applications and initiate reviews. The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered. Although 'Health' is not a specific licensing objective the Council is acutely aware of the negative impact on the health of our residents caused by alcohol, reflected in hospital admissions and deaths from alcohol related illnesses, alcohol induced violence and domestic violence.

Alcohol consumption brings mixed fortunes to the local environment. On the one hand, the jobs and revenue generated by on and off-trade sales of alcohol can stimulate a local economy, whereby well-run community pubs and other businesses, together with moderate drinking, provide employment and social venues for the community. On the other hand, excessive consumption of alcohol has a negative impact on crime and health, on communities, and on children and young people. Drinking excessively is strongly correlated with other harmful factors, such as unemployment, poor mental health, and smoking. It is often implicated as one of the three major issues in the Troubled Families agenda, along with domestic abuse and mental ill-health.

Drinking levels and patterns (from the JSNA chapter on drug and alcohol)

Whilst alcohol is a poison and there are no 'safe' levels, the NHS recommends that to minimise the harm caused by alcohol¹:

The NHS recommends²;

(N.B. "Regularly" means drinking this amount every day or most days of the week).

The current recommended guidelines (state that men should drink no more than 3-4 units a day and women should drink no more than 2-3 units a day for no more than 2 or 3 days per week. Men and women should avoid alcohol for 48 hours after a heavy drinking session this is regarded as more than 3 to 4 units.

The Department of Health recommends that if you're pregnant, or planning to become pregnant, you should avoid alcohol altogether. But, if you do opt to have a drink, you should stick to no more than one or two units of alcohol (equivalent to one or two small glasses of wine) once or twice a week to minimise the risk to your

¹ NHS Choices 'Alcohol Units' <http://www.nhs.uk/Livewell/alcohol/Pages/alcohol-units.aspx> (accessed 24.08.15)

² ibid

baby.³ Additional antenatal advice from the National Institute for Health and Care Excellence (NICE) advises women to avoid alcohol in the first three months in particular, because of the increased risk of miscarriage.⁴ Fetal alcohol spectrum disorders (FASD) result from mothers drinking alcohol during pregnancy. They are lifelong conditions that can have a severe impact on individuals and their families - leading to a wide range of difficulties including low IQ, memory disorders, attention disorders, speech and language disorders, visual and hearing defects, epilepsy and heart defects

For children, an alcohol-free childhood is recommended as the safest and healthiest option, or at the very least to delay consuming any alcoholic drink until at least 15 years old as vulnerability to alcohol abuse and dependence is greatest amongst young people who begin drinking before the age of 15⁵. If 15-17 year olds drink it should be rarely and never more than once a week, and should always be with the guidance of a parent or carer or in a supervised environment.

There is no guaranteed safe level of drinking, but those who choose to drink should aim to be in the lower-risk category to minimise the health risks.⁶

Parental Alcohol Misuse

Drug and alcohol addiction does not just affect the individual involved, it also has a detrimental impact on their family – and if there are children involved the consequences can be long-lasting. Children growing up in families where parents are dependent on drugs or alcohol are seven times more likely to become addicted as adults.⁷

Toxic Trio (Mental Health, Alcohol Misuse, Domestic Violence)

There is a clear association between having a mental illness and increasing risk of alcohol dependence⁸ – if you drink too much, you put your mental health at risk. Conversely, if you have a mental health problem, you are more likely to drink at levels that put your health at risk. Similarly, there is a close inter-relationship between domestic violence and substance misuse, which both further impact mental ill health. Early identification of domestic abuse and/or mental health issues in substance misusers is highly important. Tackling this ‘toxic trio’ of issues is therefore

³ NHS Choices Alcohol in Pregnancy <http://www.nhs.uk/conditions/pregnancy-and-baby/pages/alcohol-medicines-drugs-pregnant.aspx#close> (accessed 24.08.15)

⁴ NICE (2008) Antenatal Care <http://www.nice.org.uk/guidance/CG062>

⁵ Draft Guidance on the Consumption of Alcohol by Children and Young People from the Chief Medical Officers of England, Wales and Northern Ireland. Available on:

<http://www.google.co.uk/url?q=https://www.education.gov.uk/consultations/downloadableDocs/CMO%2520Guidance.pdf&sa=U&ei=RDELU53jBobb7AbmioGgBA&ved=0CB4QFjAA&usg=AFQjCNESXAE0eWHRSt4KIUPnkQBCz8KApA>

⁶ NHS Choices The Risks of Drinking too Much <http://www.nhs.uk/Livewell/alcohol/Pages/Effectsofalcohol.aspx>

⁷ LGA Tackling drugs and alcohol Local government’s new public health role

http://www.local.gov.uk/c/document_library/get_file?uuid=29b1bd72-bac4-46dd-9189-73ea23c38284&groupId=10180

⁸ Weaver, T., Madden, P., Charles, V., Stimson, G., Renton, A., Tyrer, P., Barnes, T., Bench, C., Middleton, H., Wright, N., Paterson, S., Shanahan, W., Seivewright, N. & Ford, C. (2003). Comorbidity of substance misuse and mental illness in community mental health and substance misuse services. *British Journal of Psychiatrists* 183: 304-313.

a clear priority for Havering – the following section highlights the prevalence of mental health problems and domestic violence within the borough.

Drinking trends in Havering

Just over 1 in 4 people (29%) in Havering drink at levels that put them at increased risk of ill health for conditions such as liver, mouth or breast cancer, pancreatitis and liver disease (see section 6.1 of the JSNA chapter on alcohol for further detail on the health harms of alcohol)⁹. This means that out of an adult population of around 170,000 people, just over 44,000 people drink at a level which puts them at increased risk of ill health. A further 14% of the Havering adult population (20,808 individuals) drink at a level which puts them at higher risk of serious health conditions. An estimated 15.99% of Havering’s population abstain from alcohol (mid 2009 estimate)¹⁰.

Numbers of Higher, Increasing and Low Risk Drinkers in Havering

Level	Higher Risk Drinkers	Increasing Risk Drinkers	Low Risk Drinkers
Definition	<p>Drink at very heavy levels which significantly increase the risk of damaging their health and may have already caused some harm to their health.</p> <ul style="list-style-type: none"> Men who regularly drink over 8 units per day Women who regularly drink over 6 units per day. 	<p>Drink above the recommended levels which increase the risk of damaging their health.</p> <ul style="list-style-type: none"> Men who regularly drink over 3 to 4 units per day Women who regularly drink over 2 to 3 units per day. 	<p>Drink within the recommended alcohol guidelines.</p> <ul style="list-style-type: none"> Men who regularly drink no more than 3 to 4 units per day Women who regularly drink no more than 2 to 3 units per day.
Havering	20,808 (14%)	44,292 (29%)	88,840 (58%)
England	2.6 million	7.4 million	25.9 million

Prevalence of Alcohol Misuse in Havering¹¹

- 3,316 estimated Dependent Drinkers
- 20,808 (14%) Higher Risk Drinkers – drink at very heavy levels which significantly increases the risk of damaging their health

⁹ <http://www.haveringdata.net/research/jsna.htm>

¹⁰ Local Alcohol Profiles for England (LAPE) (2014). Local Authority Alcohol Indicators, 2014 Update. Mid 2009 synthetic estimate of the percentage within the total population aged 16 years and over who report in abstaining from drinking. Available on: http://www.lape.org.uk/downloads/LAPE_LA_Dataset_PHE_250414_FINAL.xlsx

¹¹ JSNA Chapter: Drug and Alcohol Misuse in Havering (2014) <http://www.haveringdata.net/research/jsna.htm>

- 44,292 (29%) Increasing Risk Drinkers – drink above the recommended level which increases their risk of damaging their health
- 88,840 (58%) Low Risk Drinkers – drink within recommended guidelines
- Havering ranks 11th out of 15 Local Authorities (1 being best) in the same deprivation bracket for deaths from Liver Disease at a rate of 15 per 100,000
- The rate of mortality from chronic liver disease in women in Havering (6.67 per 100,000) is higher than that for London (5.83 per 100,000)
- 4% of all ambulance callouts in 2012-13 in Havering were alcohol related.
- 265 of people entering alcohol treatment in Havering consume more than 600 units of alcohol in the 28 days prior to treatment.
- There were 21,802 alcohol related admissions to A&E in Havering
- 761 alcohol related hospital admissions as an inpatient in Havering were wholly attributable to alcohol.

Amount of Alcohol Consumed/Binge drinking

Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Most common in younger age groups and is often associated with 'pre-loading'.

'Pre-loading' is a term that relates to people drinking alcohol at home or in the streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident. People pre-load on alcohol because it is much cheaper to buy from a supermarket or other off licence than in a pub or bar. Research suggests that for young people 'Pre-loading' is seen as a supplementary form of drinking and as a result are more likely to drink excessively, become intoxicated and encounter more alcohol-related problems than those who do not. Whether this extends to older groups is an area for further exploration. 'Pre-loading' presents a challenge for policy makers as this research found one of the key reasons for 'Pre-loading' was for the social aspect and it is therefore important that any interventions to reduce this consider how to replace it with something equally meaningful.¹²

¹² Foster, J. (2013) 'Alcohol 'Pre-loading': A Review of the Literature'. Alcohol and Alcoholism Vol. 49, No. 2, pp. 213–226, 2014

Young people and alcohol

The health risks of excessive and prolonged use of alcohol usually begin in adolescence. The Smoking, drinking and drug use among young people in England in 2012 survey¹⁹ is the latest in a series designed to monitor smoking, drinking and drug use among secondary school pupils across England aged 11 to 15 years. Data from this 2012 survey (published in 2013), in which over 7,500 children responded, showed that 43% of pupils had ever had an alcohol drink.¹³

Despite the downward trends, there remain serious concerns. The proportion of children in the UK drinking alcohol remains well above the European average. We continue to rank among the countries with the highest levels of consumption among those who do drink, and British children are more likely to binge drink or get drunk compared to children in most other European countries¹⁴.

- In 2009, the Tell Us 4 Survey showed that 42% of young people aged 11-15 years nationally have never had alcohol compared with 45% in Havering
- In 2013, 269 young people in Havering were asked at what age they had their first alcoholic drink; nearly 75% answered that they were aged 15 or under when they had their first drink

Early age of drinking onset is associated with an increased likelihood of developing alcohol abuse or dependence in adolescence or adulthood; vulnerability to alcohol abuse is greatest amongst young people who begin drinking before the age of 15.

Recommendations to Licensees

Given the range of health and social impacts of alcohol on a community, it is recommended that businesses' applying for licenses in Havering outline as fully as possible how they will minimise the harmful impacts of alcohol. This includes, for example:

1. Security in and around the premises¹⁵
 - CCTV should be installed inside and outside the premises. External lighting provides an obvious means of crime deterrence.
 - Effective security policies based on risk assessments can protect your premises, staff and customers from threats, conflict or violence.

¹³ Fuller, E. (ed) (2013) Smoking, Drinking and Drug Use Among Young People in England in 2013. London: Health and Social Care Information Centre (HSCIC). Available on: <http://www.hscic.gov.uk/catalogue/PUB11334/smok-drin-drug-young-peopeng-2012-repo.pdf>

¹⁴ Hibell B, Guttormson U, Ahlstrom S, et al (2012) The 2011 ESPAD report: substance use among students in 36 European countries

¹⁵ City of London (2013) ' Code of Good Practice for Licensed Premises'

<https://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Documents/CoL-code-of-good-practice.pdf>

2. Underage sales of alcohol¹⁶

- Operate a strict 'No ID – No Sale' policy. 'Challenge 21' scheme serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol. Adopting regular ID checks for purchasers, e.g. Challenge 21 to prevent the sale of alcohol to under 18s
- Prominently advertise the scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.
- A 'Challenge 25' scheme gives staff additional support and encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.

3. Drinks promotions¹⁷

- A documented policy on responsible drinks promotions should be in place at the premises and should adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.
- Any drinks promotion should market the availability of soft drinks.
- Drink-aware posters can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.

4. Training¹⁸

- Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour
- Ensuring all staff are trained in recognising excessive drinking behaviour, and delivering alcohol brief interventions where possible.
- Raising awareness of the dangers of excessive drinking within their establishments, particularly around the impact on mental health, illegal drug use and so-called 'legal highs' in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises.

¹⁶ ibid

¹⁷ ibid

¹⁸ ibid

Appendix 2. Questions for applicants to consider when making an application.

The following questions should be considered, although they will vary according to the use of each premise, the following list is not exhaustive and is intended to act as a prompt for matters to consider. Licensees/applicants should use their own experience and knowledge of their customers and location to add or amend to these and form them into an operating schedule. The content of an operating schedule subsequently becomes the basis of conditions on the licence and should be in a form that can be expressed as an enforceable condition. Failure to do this may lead to a representation from the Licensing Authority, a responsible authority or other person.

Crime and Disorder

- Is there CCTV, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance, what is the period for retention of recordings and the provision of instant access to the Police and Authority officers, the ability to produce copies or download images?
- Are SIA door staff employed, numbers of door supervisors, door supervisors wearing high visibility clothing, use of search arches/wands, location of such searches, all such staff to have their details recorded and checks made with SIA website to ensure that licences are current, staff to sign in when commencing work and out when they leave. Is any induction/training given to new door staff?
- Are female door supervisors deployed?
- Do door staff receive any venue specific training to enable them to deal effectively with the clientele of the venue?
- Is there use of ID scanning and recording systems, if so what are the hours during which such systems will be in place, that all patrons will be required to use the system?
- Will there be a “No ID No entry” Policy?
- Are any measures proposed to prevent possession, supply or consumption of illegal drugs and possession of weapons? For example, designing out areas or surfaces where there is a likelihood of drug use;
- Is there a clear written Policy regarding persons caught using/supplying drugs? Is there provision of safe storage for any seized drugs?
- Has the use of plastic or toughened glass for the serving of alcohol been considered, will glass bottles be handed across the bar?
- Any restrictions on patrons taking drinks outside the premises?

- Any restrictions on numbers of patrons using outside smoking area?
- Are patrons searched on re-entering from smoking areas if there is potential for patrons to have contact with non patrons?
- Location of lighting inside/outside the premises?
- Is there a proof of age scheme to be introduced, if so what and is there any dress code used at the premises?
- How is the number of patrons in the premises managed, including reference to any capacity restriction?
- How is capacity counted if appropriate?
- What is the frequency of staff training, what training is given, availability of completed training records and details of the content of training?
- What measures are used to manage queuing?
- Any dispersal Policy?
- Is there a drinking up time before the terminal time of the licence?

For premises selling alcohol for consumption off the premises the following should be considered;

- Should beers, ales, lagers and ciders and anything similar that are sold/supplied in a can only be sold in multiple packs in order to discourage street drinkers?
- Will there be a restriction on the sales /supplies of beers, ales, lagers or ciders or anything similar of 6.5 ABV or above, excluding the sale of specialist branded alcoholic beverages?
- Will there be a restriction on the sale/supply of miniature bottles of spirits of 50ml or less at any time?
- Will ales, lagers and cider be supplied only in bottles of 2 litres and above in capacity?

Public Safety

- What staff training will there be? Will it include an awareness of selling alcohol to those already drunk?
- The potential impact of drunkenness on levels of violence?
- For premises operating to later hours what is the availability of taxis and public transport?

- Is a scheme such as “cabwise” promoted?
- Is a telephone available inside the premises for patrons to call taxis?
- Are staff given training to recognise and deal with vulnerable persons and is there a written Policy?
- Any measures to combat drink spiking?
- Is there a dispersal Policy to reduce queuing for taxis and transport?

Public Nuisance

- Is an acoustic report needed if application involves live or recorded music and later hours?
- Can details of the location and types of any schemes designed to attenuate noise from the premises be provided?
- Can details of any measures to minimise the noise caused by patrons outside the premises be provided?
- The location and availability of any taxi ranks, bus stops, train or tube stations in relation to the premises which are operational at or just after the terminal hour of the licence?
- Provide details of the location and management of any outdoor areas within the property boundary for use by patrons drinking, eating, smoking, queuing or congregating outside, and the hours of use of such areas. The hours of use should also be included:
- Include details of dispersal policies and consider the role of door supervision and winding down periods;
- Will you reduce music sound levels and temp towards the end of the evening?
- Will lighting be increase towards the end of the evening?
- Will there be an area for patrons to use whilst waiting for taxis?
- Any wind down/chill out areas?
- Any use of outside areas such as tables and chairs on the highway or smoking areas?
- If the operation of the venue will attract additional litter such as food cartons or publicity flyers what measures will be put in place to deal with this?
- Will there be litter patrols for takeaways?

Protection of Children

Venues that are family friendly are particularly welcome; applicants are encouraged to make this clear in their application and to make this explicit in the operating schedule.

- Adoption of a proof of age schemes, details of which should be provided;
- Details of which proofs of age will be accepted;
- Any regular training of all staff, details of which should be recorded;
- Will new staff be trained on induction?
- Will a refusals register be used to record instances when sales have been refused?
- The frequency with which the refusals register will be checked to see if it is consistently used;
- Any restrictions on the hour's children may be present?
- Any requirements for accompanying adults to be present?
- Compliance with the BBFC film classification system.

Appendix 3 Mandatory Conditions Correct as at April 2015

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to

condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification Policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification Policy.

(3) The Policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the Policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

(a) a holographic mark or

(b) an ultraviolet feature.

6. The responsible person shall ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the

permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision

except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Appendix 4

London Borough of Havering

Pool of Model conditions

Conditions attached to a licence or certificate are steps or actions the holder of the premises licence or club premises certificate will be required to take, or refrain from taking, at all times when licensable activities are taking place at the premises in question.

Conditions are required to be clear, appropriate and enforceable and must be expressed in terms that are unambiguous. Further, such conditions should be open transparent and reasonable

Conditions must not be applied universally and treated as standard conditions. Licensing conditions are to be tailored to the size style characteristics and activities taking place at the premises concerned.

License conditions are not required where other regulatory regimes provide sufficient protection to the public e.g. Fire safety legislation.

The pool of model conditions is neither exclusive or exhaustive. The model conditions relate to the four licensing objectives and can be used where appropriate to the particular circumstances of individual premises.

The pool of model conditions does not restrict any applicant, responsible authority, or other persons from proposing any alternative conditions nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considered appropriate for the promotion of the licensing objectives.

Further information relating to conditions can be found in the guidance issued under section 182 of the Licensing Act 2003 which can be found at

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Prevention of Crime and Disorder.

CCTV

CD01 The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the Police or the Licensing Authority recordings of the previous two days immediately when requested.

(n.b. The above condition is an example of the wording that could be used for premises where the customers might commit serious crime. The CCTV requirements would be expected to be 'scaled down' accordingly for smaller premises or those premises which are unlikely to prove as troublesome.)

Promoted events

CD02 There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23.00 and 07.00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

Incident Management

CD03 An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the London Borough of Havering. The log will record the following:

- All crimes reported to the venue
- All ejections of customers
- Any incidents of disorder (disturbance caused by either one person or a group of people). (There is no requirement to record the above incidents where they do not relate to a licensable activity).
- Seizures of drugs or offensive weapons
- Any faults in the CCTV system or searching equipment or scanning equipment

- Any refusal of the sale of alcohol during the hours the premises is licensed to sell it.

CD04 There must be at the premises a lockable 'Drugs Box' to which no member of staff except the DPS and/or XX shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premise must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Metropolitan Police Service for appropriate disposal.

Door supervisors

CD05 On any occasion that regulated entertainment is provided, not less than **SIA registered door supervisors shall be engaged to control entry.

CD06 At least ** female door supervisor(s) shall be engaged at the premises at such times as door supervisors are required to be provided.

CD07 When the premises is carrying on licensable activities after **.**. hours, at least ** registered door supervisor(s) is (are) to be on duty at each door used for entry or exit.

CD08 A written search Policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.

Late night provisions

CD09 There shall be no admission or readmission of customers to the premises after **.**. hours save for customers using the agreed smoking area at the premises.

CD10 On occasions where licensable activities are carried on past **.**. hours admission of customers will be restricted to (enter restriction e.g. a particular entrance, a particular area of licence premises etc.).

Public Safety

PS01 All glasses in use at the premises shall be either toughened glass or polycarbonate material.

PS02 No drinks of any sort are to be supplied to customers in glass bottles.

The Prevention of Public Nuisance

Noise (regulated entertainment)

PN01 All doors and windows shall remain closed at all times after **.**. hours during the provision of regulated entertainment except for entry or exit, or in the event of an emergency.

PN02 Loudspeakers shall not be located in the entrance lobby (specify another location if appropriate) or outside the premises.

Noise (persons)

PN03 A written dispersal Policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to the neighbours.

PN04 Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

PN05 Customers permitted to temporarily leave and then re-enter premises eg, to smoke, shall not be permitted to take drinks or glass containers with them.

PN06 There shall be no sale of alcohol in unsealed containers for consumption off the premises.

PN07 The Licence holder shall make available a contact telephone number to nearby residents and the London Borough of Havering Licensing team to be used in the event of complaints arising.

The Protection of Children from Harm

PC01 A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is(are) .or appears to be , under ** years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the London Borough of Havering.

PC02 A 'Challenge **' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of ** shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of identity card.

PC03 Children under the age of ** years shall not be allowed on the premises after **.**. hours unless accompanied by an adult.

PC04 Children under the age of ** years shall not be allowed on the premises.

PC05 No single cans or bottles of beer or cider shall be sold at the premises.

General

GC01 Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear.

GC02 Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.

GC03 Alcohol shall be sold to customers by waiter/waitress service only.

GC04 There shall be no sales of alcohol for consumption off the premises.

GC05 Sales of alcohol for consumption off the premises shall only be supplied with a meal.

GC06 There shall be no admission after **. ** other than to

- Residents of the hotel and their bona fide guests
- Persons who have pre-booked to attend a function at the premises

GC07 No entertainment, performance, service, or exhibition involving nudity or sexual stimulation shall be permitted.

Appendix 5 Good Practice Guidance

Restrictions on drinking areas

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

CDGPG1 No outside area shall be used for consumption of alcohol or provision of Regulated Entertainment unless the area is clearly marked or defined

Crime prevention notices

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

CDGPG2 Crime prevention notices and advice shall be displayed (if advised by Havering Police) in order to support local crime prevention initiatives.

Other signage

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

CDGPG3 Prominent, clear notices shall be displayed at every public entrance stating the actual operating hours of the premises.

CDGPG4 Prominent, clear notices shall be displayed at every public entrance stating any restrictions relating to the admission of children to the premises or other admission restrictions.

Door supervisors

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

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

Conditions may also be needed to deal with the number of such Door Supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female Door Supervisor should be available (for example, if female customers are to be the subject of body searches). Door Supervisors also have a role to play in ensuring public safety.

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

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

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

CDGPG5 Premises which have a Policy that includes the searching of persons shall have Door Supervisors of both sexes on duty at all times.

CDGPG6 All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing'.

Off sales

CDGPG7 All occasions when persons have been refused service shall be recorded in writing and kept at the premises for six months.

CDGPG8 Prominent, clear notices shall be displayed at the premises about the supply of alcohol to minors and the relevant offences involved

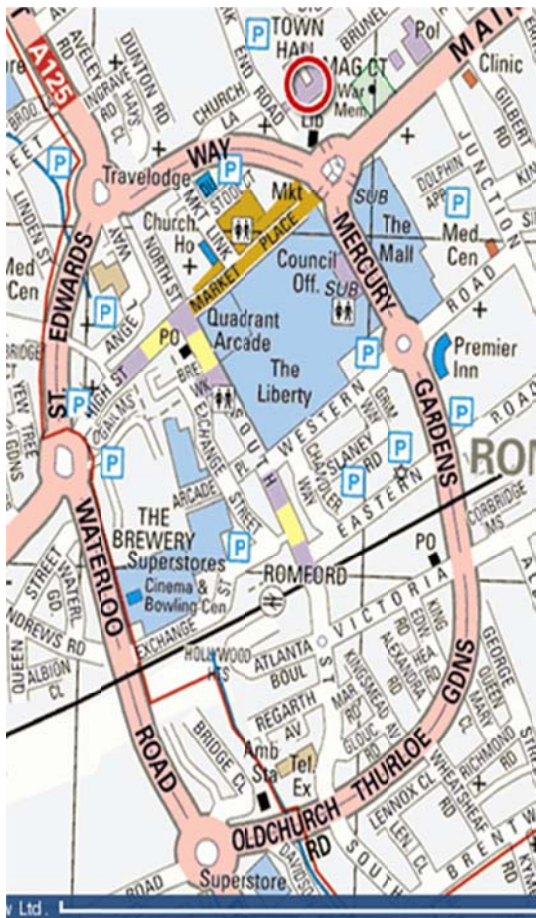
CDGPG9 No single cans or bottles of beer or cider shall be sold at the premises.

Safe and Sound Partnership

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

CDGPG10 The Licence Holder shall sign up to the Safe and Sound approved charter.

Appendix 6 Crime Analysis for Romford Town Ward



The following data demonstrates the impact of late night venues on temporal patterns of crime, particularly violent crime and disorder, in retail and commercial areas. It is estimated that 44% of all violence, as reported via the Crime Survey for England & Wales formerly known as the British Crime Survey, is alcohol related (either whereby a victim, a perpetrator, or both have consumed alcohol).

Violent crime in Havering occurs disproportionately during the 10pm-2am time frame (extending to 4am in Romford Town), during and following a Friday and Saturday night. This includes almost 1 in 4 assault with injury offences (Actual Bodily Harm) and a third of serious assaults (Grievous Bodily Harm). Furthermore, 1 in 5 sexual offences (much lower in volume) occur during this time frame.

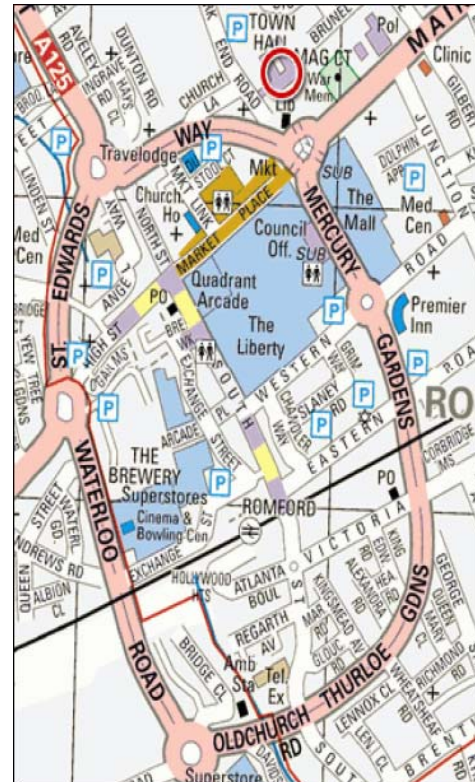
The offence types that will be focussed on in the mapping and temporal analysis are as follows:

- Actual Bodily Harm (assault/violence with injury – defined as leaving a mark on the skin)
- Common Assault (assault/violence without injury – defined as assault with no visible injury)
- Grievous Bodily Harm (assault/violence with injury – more serious injury sustained, including weapon enabled)

- Affray
- Public order offences (threatening or insulting words, causing alarm and distress)
- Violent Disorder

Map of Location:

Romford Town centre historically has experienced a high volume of alcohol related and night time economy violent crime and disorder. Of London’s 12 Metropolitan Centre’s Romford Town had the highest rate of violent crime in 2009 (this has improved to 5th in 2013). However, the town centre remains a hotspot and due to the volume of late night venues which continue to thrive around South Street.



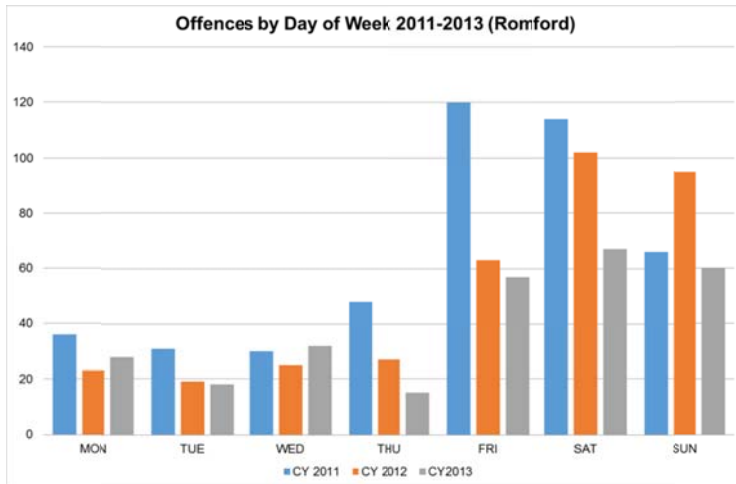
The night life in Romford continues to attract visitors locally, but also from other London boroughs. Almost half of violent offences in Romford town centre involve victims / suspects who live outside of Havering. In the region of 15,000 people use on-licence premises each weekend in Havering, with some venues remaining open until 4am/5am which increases the potential for customers to become more intoxicated, and therefore vulnerable to becoming a victim of crime; or where alcohol acts as an inhibitor becoming a perpetrator of crime.

An analysis of violence with injury crimes in Romford town centre for 2013 found almost 90% of incidents to involve a victim and/or perpetrator who had consumed alcohol.

Time Period	Offences
2011 calendar year	445
2012 calendar year	354
2013 calendar year	277

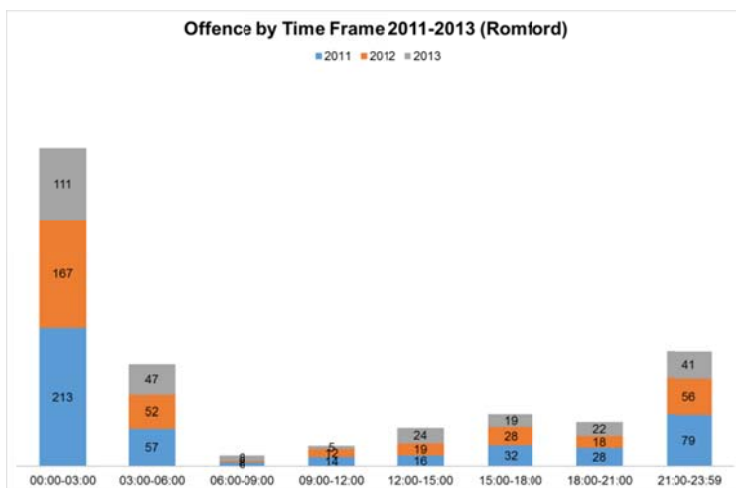
The total volume of 1,076 offences between 2011 and 2013 compares to 1,163 when the analysis was last completed for three year period covering Apr-07 to Mar-10. This represents a decrease of -7.5% in violent crime and disorder in Romford Town.

The decline has accelerated in the last three years, falling from 445 in 2011 to 277 in 2013 (-38%).



The chart shows the distribution of reported and recorded offences by day for each of the last three years. Overall, Saturday (283), Friday (240) and Sunday (221) were the busiest days in Romford – Monday to Thursday all recorded less than 100. Combined, Friday and Saturday offences have noted a marked reduction since

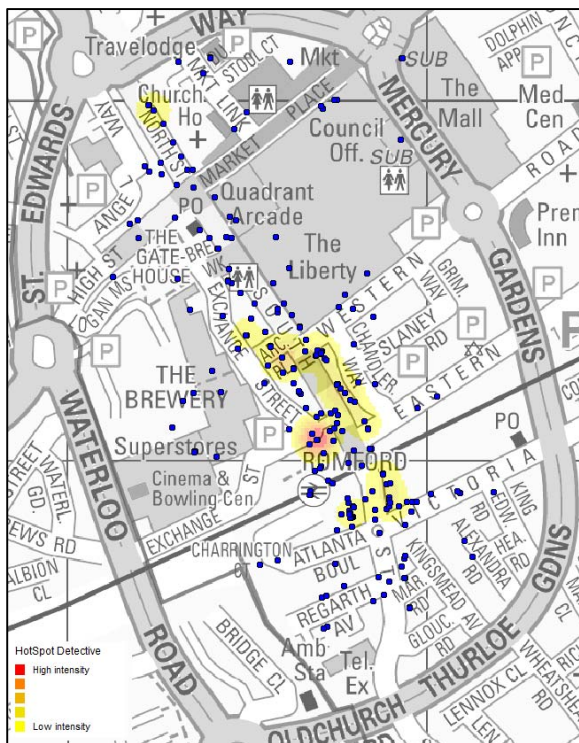
2011, falling from 234 to 124 in 2013 (-47%), which is greater than the overall reduction during this time frame.



The temporal link to the night time economy in Romford is even more pronounced than compared to Upminster and Hornchurch. Violent crime and disorder, as can be seen in the time frame chart, show a clear escalation in offences between 9pm-6am with an exponential peak at midnight-3am. This time period has seen notable reductions over the last three

years, from 213 (2011), to 167 (2012) to 111 (2013).

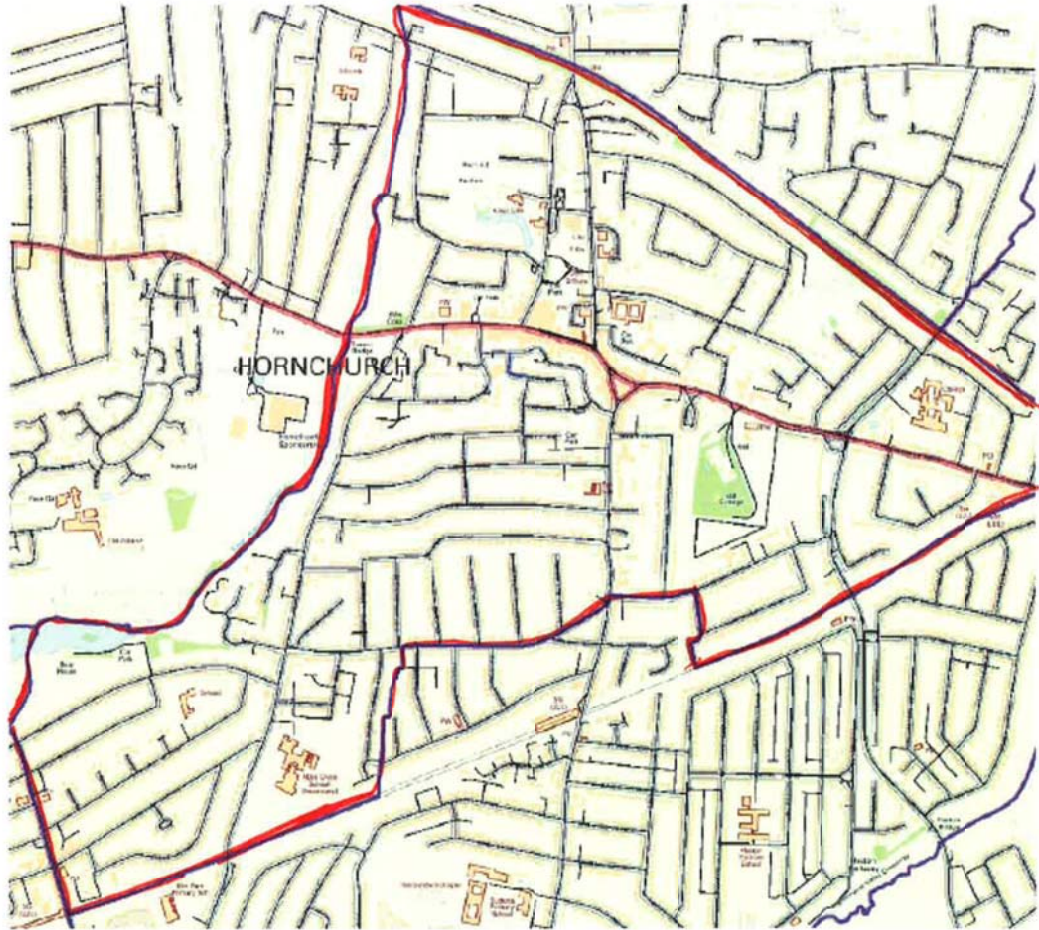
The map below shows the distribution of offences for each of the previous three years. Just over half of all violent incidents in Romford Town Centre took place on the street / outside, predominantly outside on-licence premises at the bottom end of South Street between Western Road and Victoria Road.



A third of all reported violence takes place within on-licence premises, whilst 40% of violence is recorded in / or directly outside the four latest opening premises in Romford Town Centre.

**Map Left - Violent
crime hotspots
Romford – NB. One
point may represent
multiple incidents)**

Appendix 7 Crime Analysis for St. Andrews Ward



The following data demonstrates the impact of late night venues on temporal patterns of crime, particularly violent crime and disorder, in retail and commercial areas. It is estimated that 44% of all violence, as reported via the Crime Survey for England & Wales formerly known as the British Crime Survey, is alcohol related (either whereby a victim, a perpetrator, or both have consumed alcohol).

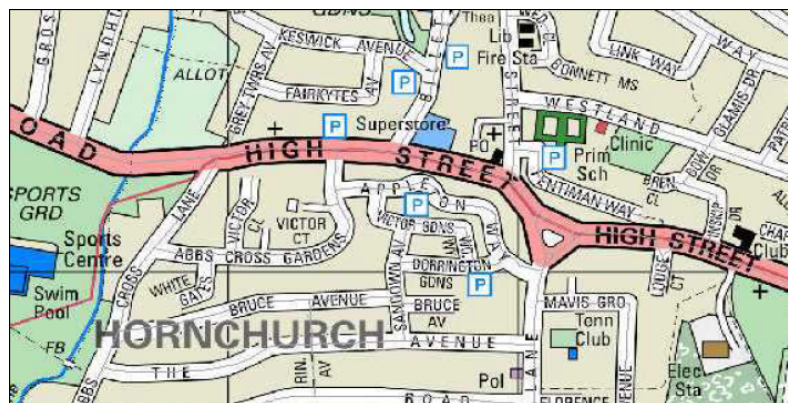
Violent crime in Havering occurs disproportionately during the 10pm-2am time frame (extending to 4am in Romford Town), during and following a Friday and Saturday night. This includes almost 1 in 4 assault with injury offences (Actual Bodily Harm) and a third of serious assaults (Grievous Bodily Harm). Furthermore, 1 in 5 sexual offences (much lower in volume) occur during this time frame.

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

- Actual Bodily Harm (assault/violence with injury – defined as leaving a mark on the skin)
- Common Assault (assault/violence without injury – defined as assault with no visible injury)
- Grievous Bodily Harm (assault/violence with injury – more serious injury sustained, including weapon enabled)
- Affray
- Public order offences (threatening or insulting words, causing alarm and distress)
- Violent Disorder

Map of Location:

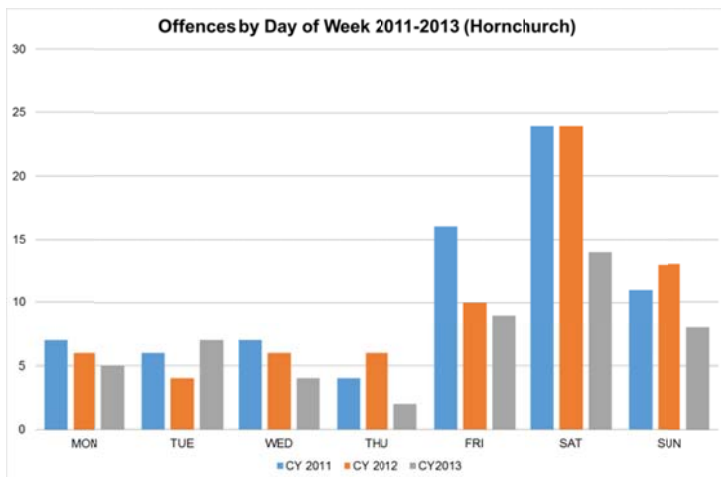
Hornchurch has a growing restaurant and late night premise economy, the second largest in Havering after Romford Town. A disproportionate amount of violent crime and disorder within Hornchurch continues to take place over the weekend (Fri, Sat, Sun – 67%) from 9pm-3am (54%). Three venues contribute to a disproportionate amount of late evening offences, however, overall there has been a reduction since the last time this analysis was conducted.



Time Period	Offences
2011 calendar year	75
2012 calendar year	69
2013 calendar year	49
January to June 2014	22

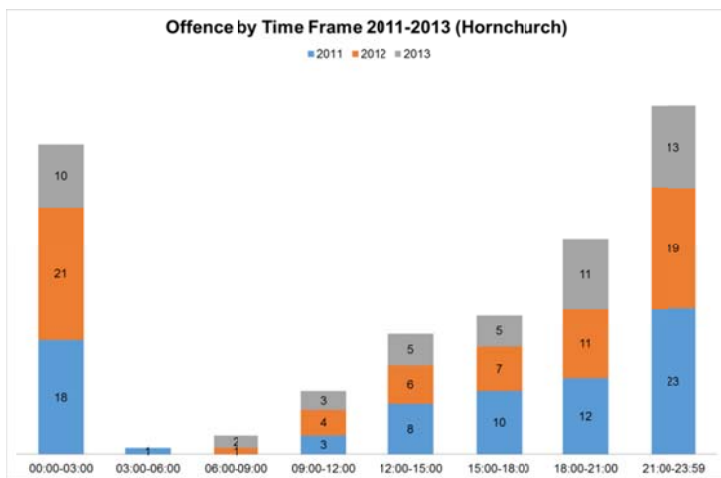
The total volume of 193 offences between 2011 and 2013 compares to 208 when the analysis was last completed for three year period covering Apr-07 to Mar-10. This represents a decrease of -7% in violent crime and disorder in Hornchurch. The decline has accelerated in the last three years, falling from 75 in 2011 to 49 in 2013 (-35%).

The chart shows the distribution of reported and recorded offences by day for each of the last three years. Overall, Saturday (62), Friday (35) and Sunday (32) were the busiest days in Hornchurch. Combined, Friday and Saturday offences have noted a marked reduction since 2011, falling from 40 to 23 in 2013 (-43%), which is greater than the overall reduction during this time frame.



The temporal link to the night time economy in Hornchurch is more pronounced than compared to Upminster. Violent crime and disorder, as can be seen in the time frame chart, show a clear escalation in offences between 9pm-midnight and midnight-3am.

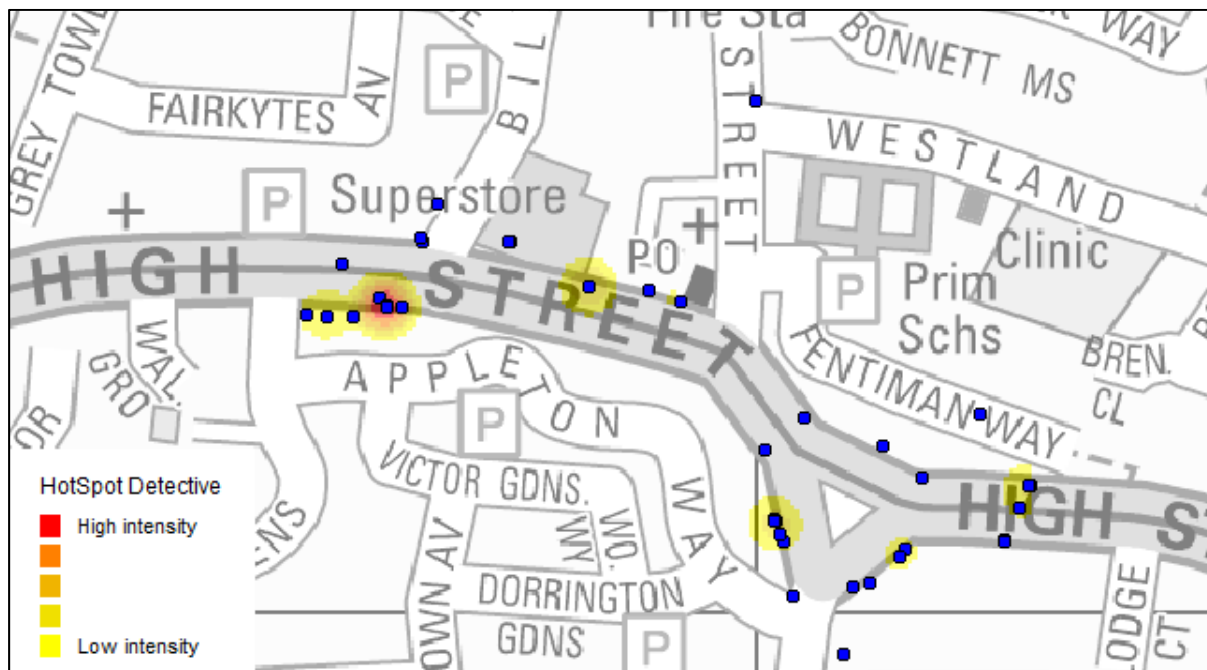
As noted this time frame saw a significant reduction in the last calendar year when compared with 2011 and 2012.



The map below shows the distribution of offences for each of the previous three years. A third of incidents were recorded as taking place on the street / outside whilst a further 40% took place within on-licence premises.

Half of all violence within the night time economy hours in Hornchurch town centre took place within the vicinity of four on-licence premises during the previous 3-years.

Violent crime hotspots Hornchurch – NB. One point may represent multiple incidents)

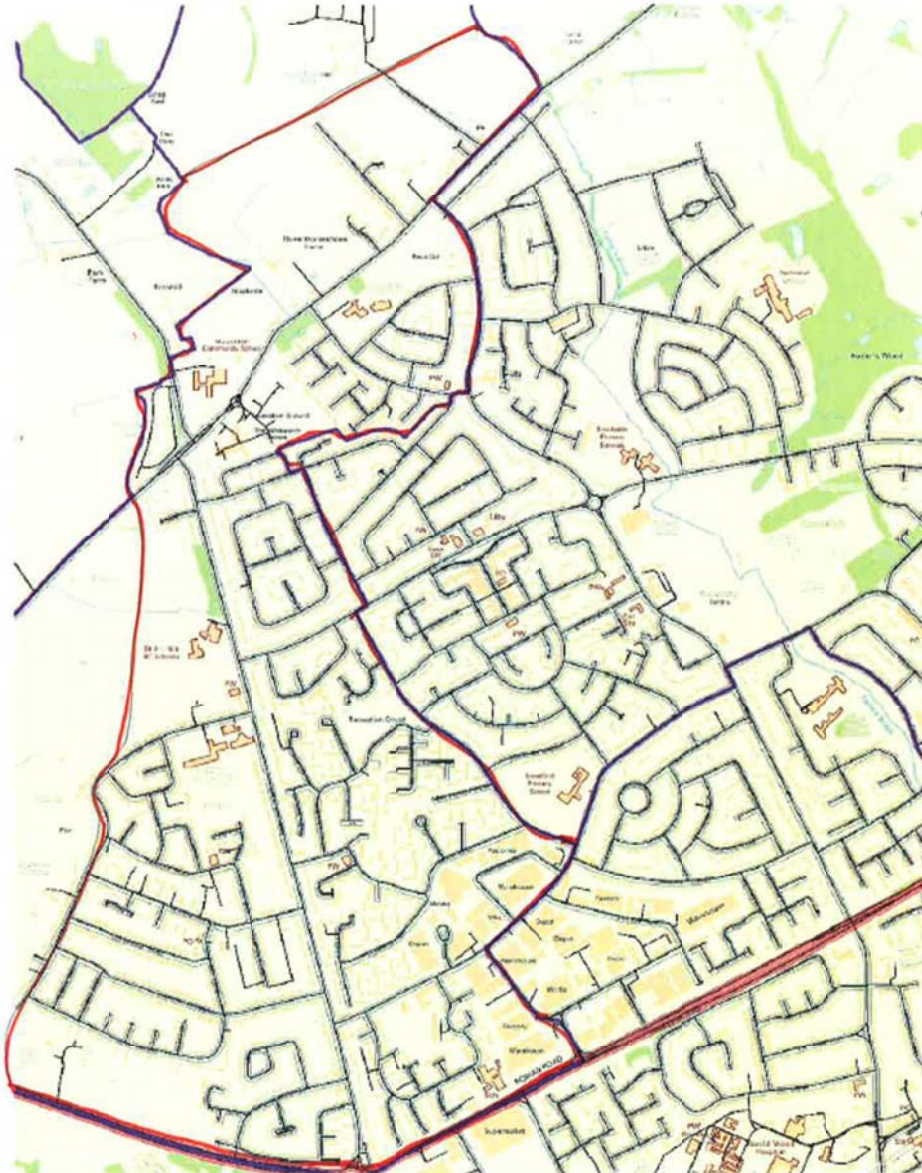


Appendix 8 Evidence for Harold Hill.

Map area 1



Map area2



There is a problem with street drinkers in the Hilldene area and there has been increased antisocial behaviour reported and increased shop lifting. A survey carried out by the safer neighbourhood team amongst the residents and businesses of the shopping centre received comments about increased shop lifting, fighting, urinating in the stair wells and intimidating behaviour.

The RM3 postcode (Harold Hill) has the highest number of families deemed to be troubled and the highest number of people in alcohol treatment services. The increased availability of alcohol from off sales contributes to the problem in an area where there is a high proportion of off sales premises to on sales premises. As of March 2015 Harold Hill Gooshays and Heaton Wards had 33 licensed premises to sell alcohol comprising of 6 on sales only, 8 on and off sales and 19 off sales only.

Harold Hill: Demographic and health-related information

Updated 27/08/2015

Background

This paper provides demographic and health information for Harold Hill area to help inform the Havering licensing statement. Previous evidence in Joint Strategic Needs Assessment has suggested that we have higher figures for alcohol treatment for this area but more up to date evidence is needed.

Methodology

1. Identifying Harold Hill area
2. Sources of Information
 - Demographic & Health information: Compare demographic and health information of new Harold Hill with Havering overall and those areas outside of the Harold Hill area
 - a. Census (2011)
 - b. Alcohol Treatment Providers (Apr. 2014 – March 2015)
 - c. Ambulance Incident Reports

1. Identification of area

The Harold Hill area is not an official geographic region that can be defined by geographic areas. However, the area is historically recognised and the geography used for this paper is provided in Figure 1a, 1b and 2.

Havering borough can be broken down into smaller geographical areas known as Super Output Areas (SOA). There are currently two layers of SOA, Lower Layer Super Output Area (LSOA) and Middle Layer Super Output Area (MSOA). Havering currently has approximately 150 LSOAs. The LSOAs used to define the region are

2. **Comparison of demographic and health information of new Harold Hill with Havering overall and those areas outside of the Harold Hill**

London Datastore¹⁹ produces a summary of demographic and related data for each Lower Super Output Area in Greater London.

Values for each indicator produced for LSOAs in the Harold Hill can be calculated for each indicator. This can be compared with a value for Havering and a value for those LOSAs not within the Harold Hill.

Assumption

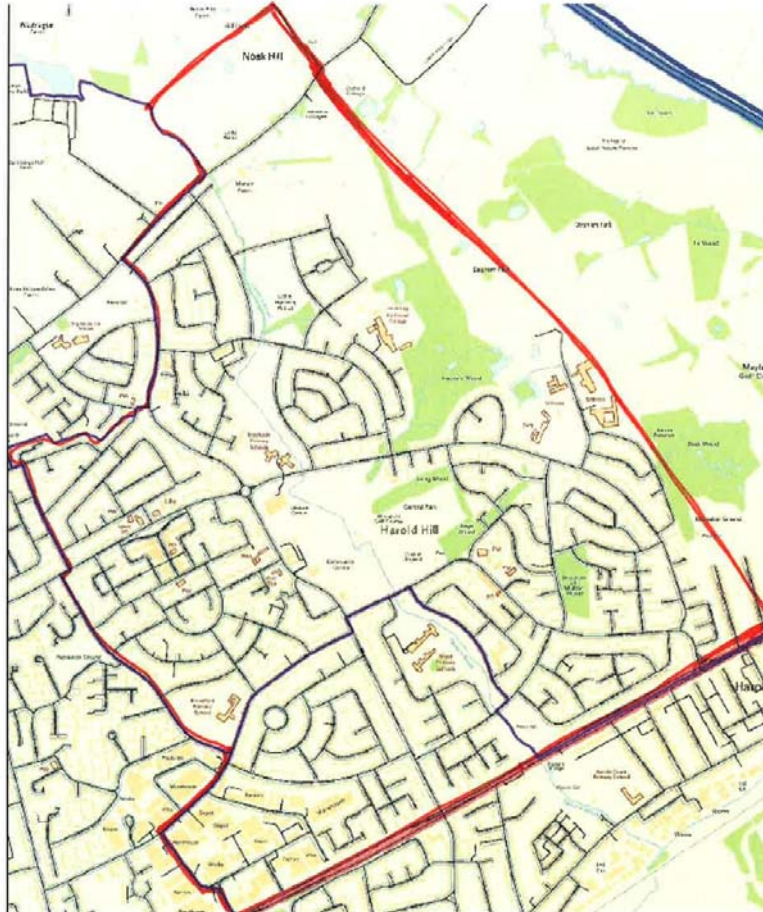
- Information for Harold Hill will be based on totals/averages of specific LSOAs. The assumption is that the performance of each indicator across this level of geography is uniform.

¹⁹ London DataStore is a free and open data-sharing portal (<http://data.london.gov.uk/>)

Identification of Harold Hill

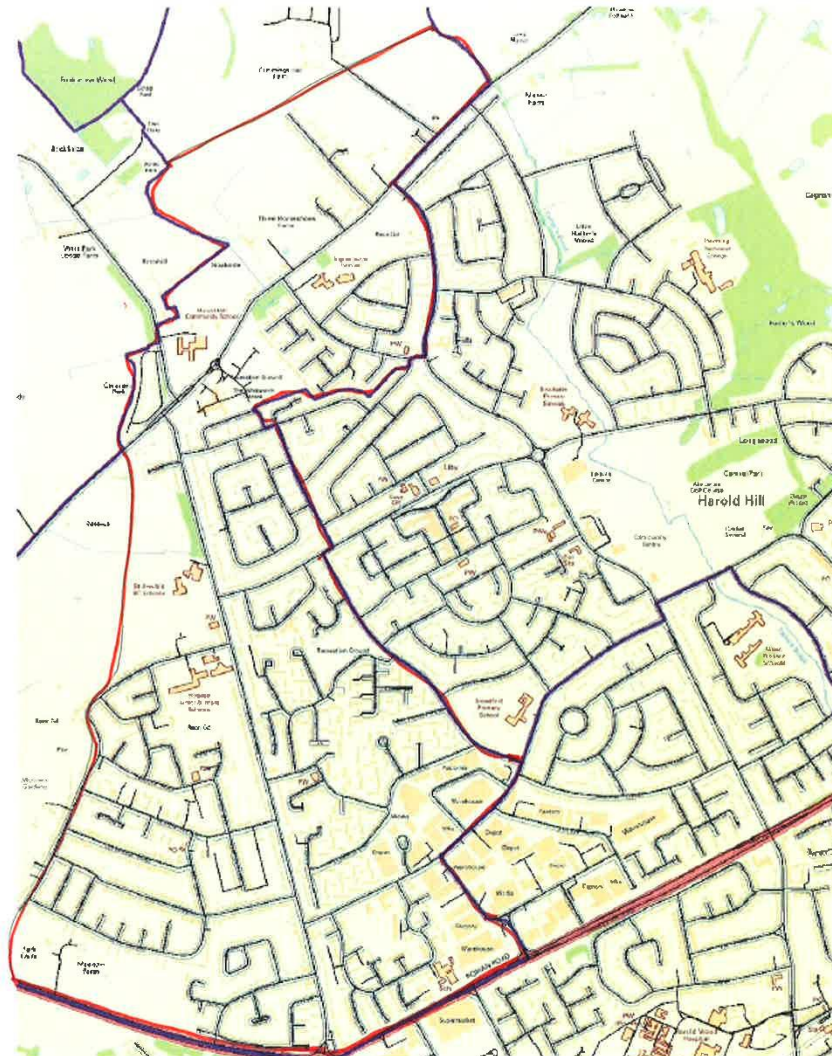
Figures below from both Licensing department (Figures 1a and 1b) and Community Safety Partnership (Figure 3) have been used to define geography.

Figure 1a. Harold Hill area 1 of 2



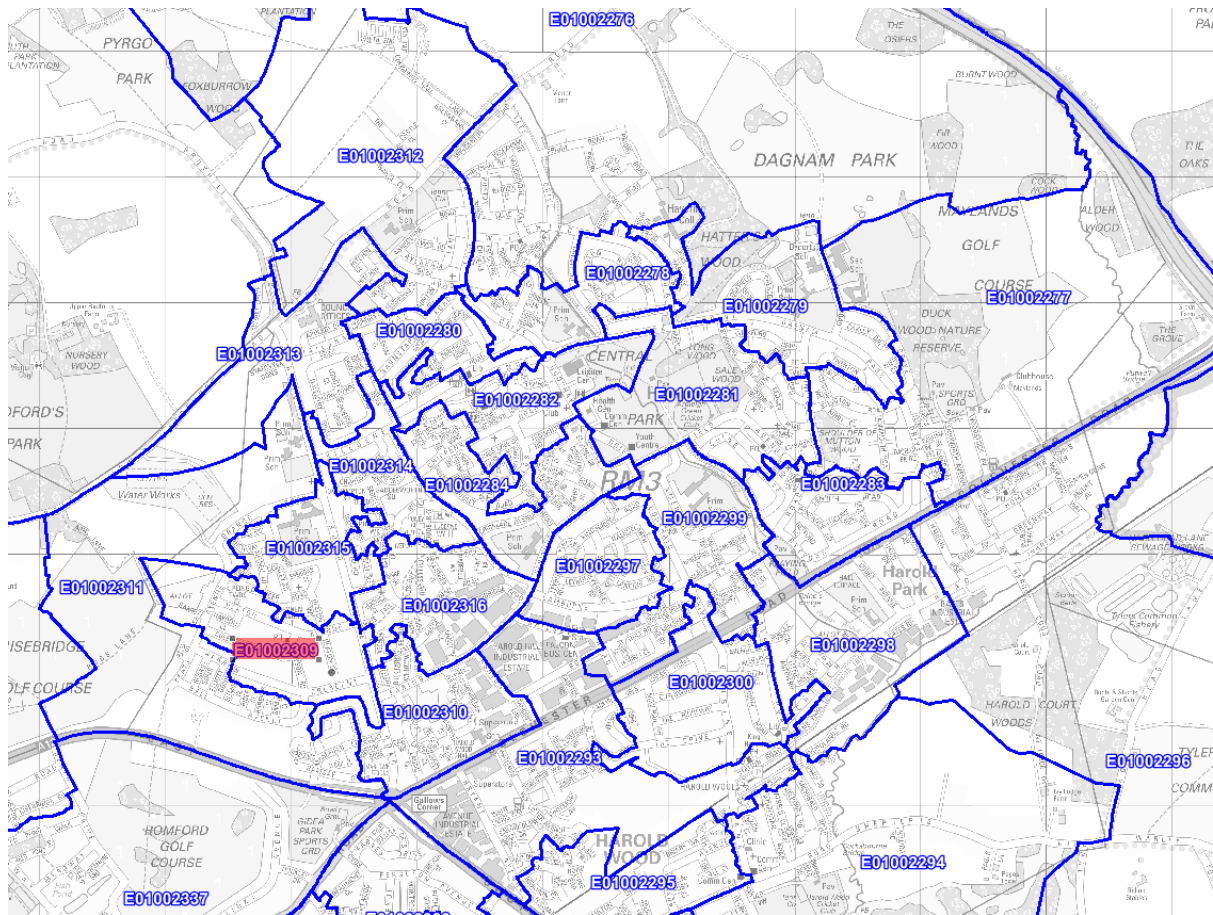
Source: Licensing Department

Figure 1b. Harold Hill area 2 of 2



Source: Licensing Department

Figure 2. Harold Hill area



Source: Community Safety Partnership

Table 1 . LSOA regions chosen to define Harold Hill area based on figures above and internal council knowledge

Harold Hill	LSOA	Notes
✓	E01002276	
✓	E01002277	
✓	E01002278	
✓	E01002279	
✓	E01002280	
✓	E01002281	
✓	E01002282	
✓	E01002283	
✓	E01002284	
✓	E01002297	
✓	E01002299	
✓	E01002309	
✓	E01002310	
✓	E01002311	
✓	E01002312	
✓	E01002313	
✓	E01002314	
✓	E01002315	
✓	E01002316	
x	E01002293	predominantly commercial, industrial and retail space around Tesco/Gallows Corner, and a new build estate to the far south of the LSOA
x	E01002298	part of 1 street is north of Colchester Road
x	E01002300	part of 1 street is north of Colchester Road
x	E01002294	
x	E01002295	
x	E01002296	
x	E01002337	

1. Results

Comparison of demographic and health information of new Harold Hill with Havering overall and those areas outside of the Harold Hill

a. Census 2011

Demographic and information on the wider determinants of health suggest that this a deprived area more susceptible to ill-health

Population

Proportion Change from 2001 to 2012

- Percentage change in population across all ages within Harold Hill is **greater** (7.5%) than the Havering average (6.7%) and non-Harold Hill (6.6%)
- Percentage change in population aged 0-15 within Harold Hill is **greater** (10.1%) than the Havering average (1.3%) and non-Harold Hill (-0.2%)
- Percentage change in population aged 16-29 within Harold Hill is **greater** (23.9%) than the Havering average and non-Harold Hill (18.6%)
- Percentage change in population aged 30-44 within Harold Hill has **increased** (1.5%) compared to decline in Havering average (-7.0%) and non-Harold Hill (-8.3%)
- Percentage change in population aged 45-64 within Harold Hill is **greater** (19.3%) compared to the Havering average (12.7%) and non-Harold Hill (11.9%)
- Percentage change in population aged 65+ within Harold Hill has **declined** (-16.0%) compared to an increase the Havering average (10.6%) and non-Harold Hill (14.7%)

Age Structure based on 2011 Census

- **Higher** proportion of people across younger and middle age groups (0-15, 16-29, and 30-44) for Harold Hill (22.5%, 18.4% and 21.4% respectively) compared to Havering average (18.7%, 17.6%, 19.5%) and non-Harold Hill (18.1%, 17.5%, 19.5% respectively)
- **Lower** proportion of people across older age groups (45-64 and 65+) for Harold Hill compared to Havering average and non-Harold Hill.

Ethnicity

- **Higher** proportion of population from Black and Minority Ethnic (BAME) groups (14.3%) in Harold Hill compared to that of Havering average (12.3%) and non-Harold Hill (12.1%)

English as main language

- **Higher** proportion (3.8 %) of households where no people in household have English as a main language compared to Havering average (3.0%) and non-Harold Hill (2.9%);

Population Density

- **Higher** proportion of persons per hectare in Harold Hill (26.0 persons per hectare) compared to Havering average (21.1 persons per hectare) and non-Harold Hill (20.5 persons per hectare)

Household

Composition

- **Lower** proportion of couple households in Harold Hill compared to Havering average and non-Harold Hill.
- **Higher** proportion of lone-parent and one person households in Harold Hill (16.3%) compared to Havering average (11.8%) and non-Harold Hill (11.1%)

Housing Tenure

- **Lower** proportion (20.1%) of households owned outright compared to Havering average (35.6%) and non-Harold Hill (35.7%);
- **Higher** proportion (39.2%) of social rented households owned outright compared to Havering average (14.2%) and non-Harold Hill (14.0%).

Health

- **Higher** proportion (10.9%) of persons answering 'Day-to-day activities limited a lot' compared to the Havering average (8.2%) and non-Harold Hill (7.8%)
- **Higher** proportion (7.2%) of persons answering they had self-reported 'Bad Health' compared to the Havering average (5.2%) and non-Harold Hill (2.6%)

b. Alcohol Treatment^{20,21}

- 268.3 per 100,000 people aged 18 and over living in Harold Hill area have been treated for alcohol misuse from 2014 April to March 2015 compared to 155.3 per 100,00 aged 18 and over living outside the Harold Hill area.
- Figures show that for those in alcohol treatment, 73% are more likely to reside in the Harold Hill area compared to those outside living outside the Harold Hill area.

Table 2. Residents of Havering (split by those living in 'Harold Hill' and those who are not) in Alcohol Treatment for 2014/2015

	Numbers	Rate per 100,000 aged 18 and over	Treatment	Population aged 18 and over
Havering	257	171.9	257	149505
Harold Hill	59	268.3	59	21991
Non-Harold Hill	198	155.3	198	127514

²⁰ Alcohol Treatment by LSOA, Crime Reduction Initiatives (CRI), 2014/15 [Accessed August 2015]

²¹ Annual Mid-year 2013 Population Estimates [LSOA], Office of National Statistics, October 2014

c. Binge-Drinking related Ambulance Incidents²²

There were a total of 4563 binge-drinking ambulance incidents in Havering from Sep 2009 to Jun 2015. Comparisons below have been limited to those years where full year data was available (2010-2014). (see Table 2)

- Since 2010 to 2014, there has been a 31% increase in binge-drinking ambulance incidents in the Harold Hill area compared to a 22% increase in those areas outside Harold Hill
- The most recent data (first 6 months of 2015) for incidents occurring in Harold Hill (98) is already 44% higher than the previous year (68) compared to a -0.9% decrease for incidents occurring outside of Harold Hill.

Table 3. Alcohol-related ambulance incidents by location (split by those occurring in 'Harold Hill' and those that are outside the Harold Hill area)

	2010-2015	2010-2014	2009* (Sep-Dec)	2010	2011	2012	2013	2014	2015* (Jan-Jun)
NUMBERS									
Havering	4563	4115	609	507	488	594	642	625	650
Harold Hill	786	492	63	52	53	71	87	68	98
Non-Harold Hill	3777	3623	546	455	435	523	555	557	552
YEAR TO YEAR RATE OF INCREASE									
Havering				-4%	17%	27%	23%	28%	
Harold Hill				2%	37%	67%	31%	88%	
Non-Harold Hill				-100%	15%	22%	22%	21%	
2009 to 2014 RATE OF INCREASE									
Havering								23%	
Harold Hill								31%	
Non-Harold Hill								22%	

²² Monthly Ambulance Service Incident Reports, Greater London Authority (GLA)

Appendix 9 Crime Analysis for Upminster Ward

The following data demonstrates the impact of late night venues on temporal patterns of crime, particularly violent crime and disorder, in retail and commercial areas. It is estimated that 44% of all violence, as reported via the Crime Survey for England & Wales formerly known as the British Crime Survey, is alcohol related (either whereby a victim, a perpetrator, or both have consumed alcohol).

Violent crime in Havering occurs disproportionately during the 10pm-2am time frame (extending to 4am in Romford Town), during and following a Friday and Saturday night. This includes almost 1 in 4 assault with injury offences (Actual Bodily Harm) and a third of serious assaults (Grievous Bodily Harm). Furthermore, 1 in 5 sexual offences (much lower in volume) occur during this time frame.

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

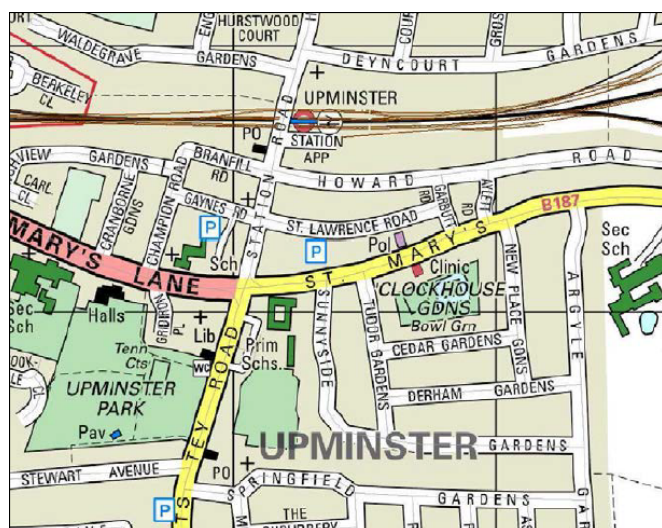
- Actual Bodily Harm (assault/violence with injury – defined as leaving a mark on the skin)
- Common Assault (assault/violence without injury – defined as assault with no visible injury)
- Grievous Bodily Harm (assault/violence with injury – more serious injury sustained, including weapon enabled)
- Affray
- Public order offences (threatening or insulting words, causing alarm and distress)
- Violent Disorder

Map of Location:

Upminster has a number of alcohol serving venues in close proximity to one another, dispersed between fast food businesses, restaurants and off licences. These are situated within close proximity to Upminster London Underground Station and Upminster Park.

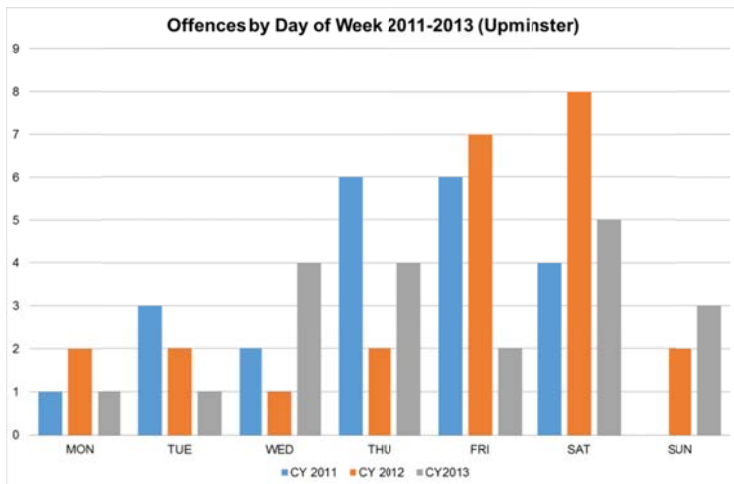
The proximity of off licences in relation to the park and underground station could be conducive to the facilitation of street drinking or drinking in public places, either by vagrants and/or young people who are underage.

The number of crimes has remained relatively stable in the previous three calendar years as shown in the table below:



Time Period	Offences
2011 calendar year	22
2012 calendar year	24
2013 calendar year	20
January to June 2014	12

The total volume of 66 offences between 2011 and 2013 compares to 116 when the analysis was last completed for three year period covering Apr-07 to Mar-10. This represents a decrease of -43% in violent crime and disorder in Upminster.

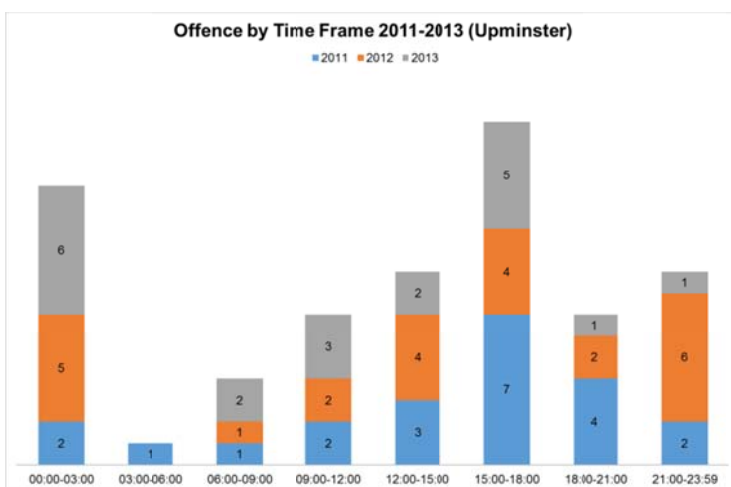


The chart shows the distribution of reported and recorded offences by day for each of the last three years. Overall, Saturday (17) and Friday (15) were the two busiest days in Upminster. Combined, these two days have experienced the most notable decline, falling from 15 in 2012 to 7 in 2013. There has been a small rise in the number

of offences on a Wednesday and Thursday, from 3 to 8.

In terms of hours of offences, 3pm-6pm is the busiest time period, this is common across most retail and transport interchanges as the volume of pedestrian traffic, including commuters, tourists/shoppers and schools children is at its highest during these hours.

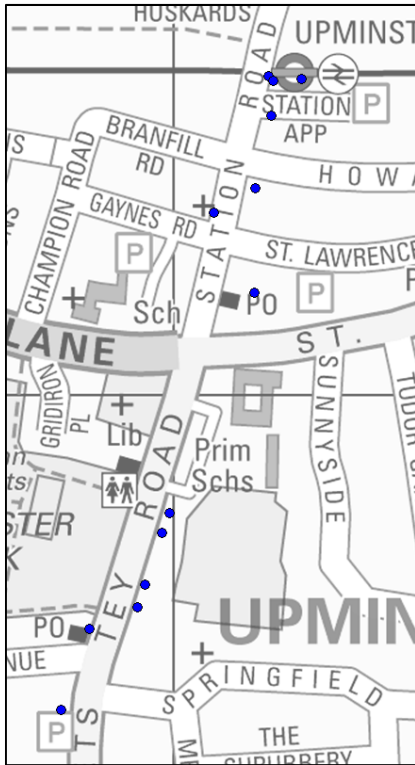
However, the additional rises in the 9pm-midnight and midnight-3am time frames are



the result of late night venues attracting / keeping people within the retail and transport area. These time periods have exceeded the 3pm-6pm time frame in 2012 (9pm-midnight) and 2013 (midnight-3am).

The increase in the midnight-3am time frame has been around the underground / rail station (a mini-cab/taxi office is also located here). Three-quarters of the offences taking place at midnight-3am are on a Saturday night. The increase at this time frame may be a combination of venues opening later (as oppose to more premises) and insufficient transport to leave the area after midnight. It would be worthwhile

establishing which the latest opening venues are on Saturday in Upminster.



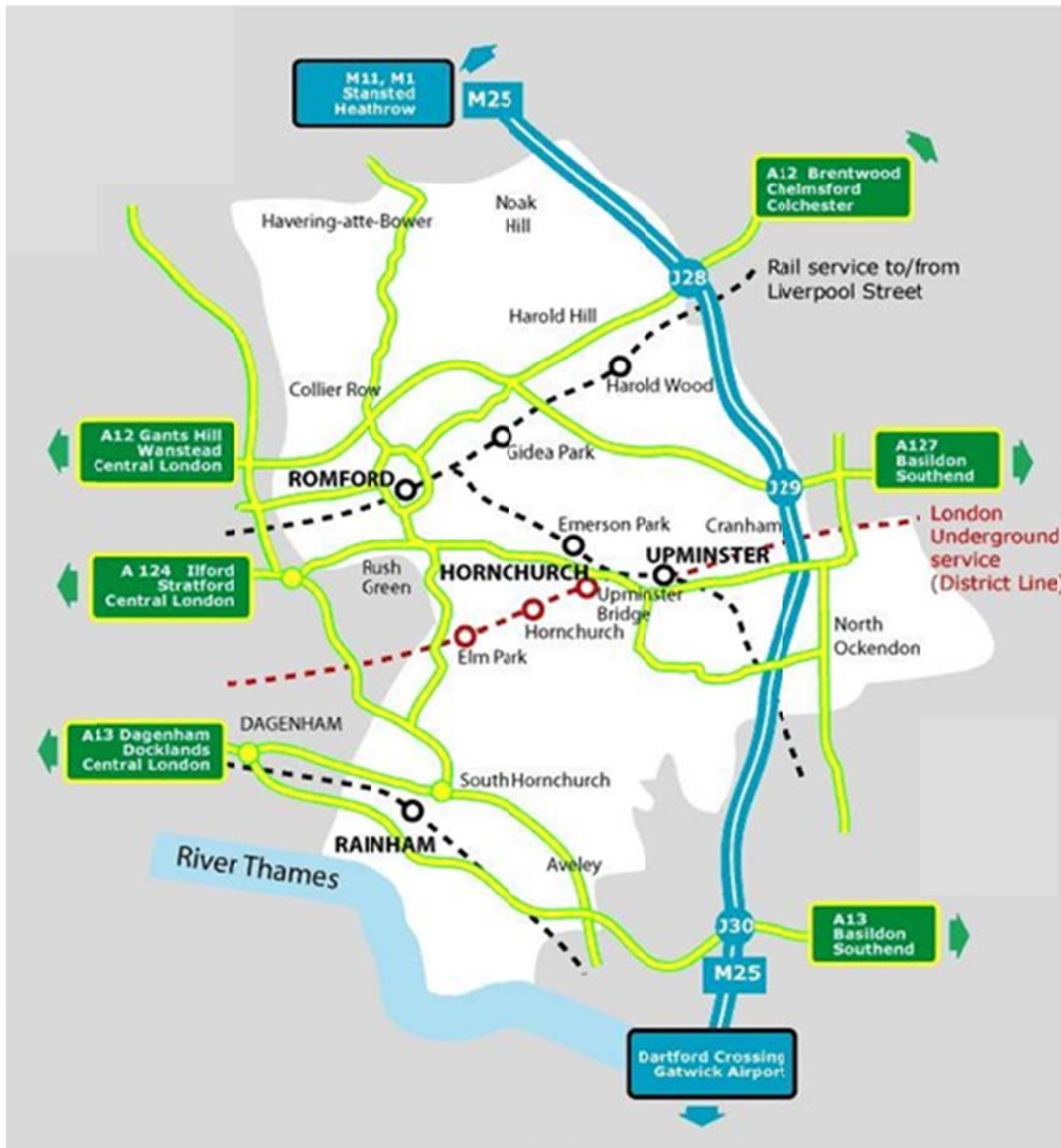
The map right shows the distribution of offences for each of the previous three years (where geographic information was available – one point may represent multiple offences). The highest volume of offences were on Station Road, and in close proximity to the Underground Station.

There were no licenced premises which had been the setting for more than 3 wounding offences over the previous three years. 60% of all incidents were recorded as taking place on the street / outside.

Appendix 10 Scheme of delegation

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

Appendix 11



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

Appendix 12 Responsible Authorities

Metropolitan Police, Licensing Office, Romford Police Station, 19 Main Road, Romford RM1 3BJ

Fire Safety Regulation, North East Area 2, London Fire Brigade, 169 Union Street, London, SE1 0LL

Licensing, Public Protection, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Health and Safety Section, Public Protection Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Environmental Protection and Housing Section, Public Protection Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Trading Standards Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Planning Control and Enforcement Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

Children and Families' Service, Safeguarding and Service Standards, c/o Town Hall, Main Road, Romford, RM1 3BD FAO Alice Peatling

Practice Improvement Lead, Havering Clinical Commissioning Group, c/o Town Hall, Main Road, Romford, RM1 3BD

Appendix 13

Glossary of Terms

These definitions are provided to aid understanding of the draft Policy. They do not replace the meaning given to the terms in the Act or the statutory guidance.

Reference should therefore be made to these publications to clarify any of these terms for legal purposes.

- **Adult entertainment.** It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- **Alcohol** includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale
- *Children.* There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over. The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00. Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence. In section 20, for the purposes of the exhibition of film, children mean persons under 18.
- **Club Premises or Qualifying Clubs** can supply alcohol to members or guests and can provide regulated entertainment. These clubs must comply with general and specific conditions in relation to size, membership and the nature of their operations.
- **Combined use premises** Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e. ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue, etc. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

- **Designated Premises Supervisor** is a personal licence holder who is for the time being specified in the premises licence as the Premises Supervisor. This may be the premises licence holder or another person.
- **Karaoke** Singing by members of the public to musical backing or accompaniment. Usually involving pre-recorded music and numbers of members of the public singing in series.
- **Late night refreshment** premises a person providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises. (Schedule 2, Licensing Act 2003).
 - Licensable activities those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (Council) include the following:
 - The sale by retail of alcohol
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
 - The provision of regulated entertainment
 - The provision of late night refreshment.
- **Licensing Committee** is a committee of 10 to 15 councillors, appointed by the Council.
- **Licensing Sub-Committee** is a committee of three councillors appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act.
- **Personal Licence** permits individuals to supply, or to authorise the supply of alcohol. The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premise to another, allowing greater flexibility. It ends the outdated regime where publicans are tied by licence to the premises they manage.
- **Qualifying club** these clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been “licensed”; they have registered with the magistrates’ courts having established that they qualify to be treated exceptionally. The 2003 Act preserves this special treatment and requires the club to “qualify” to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority. A qualifying club will normally be permitted under the terms of a

club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them. Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

- **Rebuttable presumption** is an assumption made by a court. It is taken to be true unless someone comes forward to contest it and prove otherwise. For example, a defendant is presumed innocent until proved guilty.
- **Regulated entertainment** Includes both entertainment and the provision of entertainment facilities. Subject to qualifying conditions, definitions and exemptions as set out in Schedule 1 of the Licensing Act 2003, where the following regulated entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience. This includes:
 - A performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - A boxing or wrestling entertainment (indoors and outdoors)
 - A performance of live music
 - Any playing of recorded music
 - A performance of dance
 - Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.
- **Representations** are complaints or comments on applications by responsible authorities (e.g. police) or interested parties (e.g. residents). They must be made in writing and will only be relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Representations by interested parties will not be relevant if they are considered by the licensing authority to be frivolous (i.e. not serious) or vexatious (i.e. arising out of unrelated disputes).
- **Security Industry Authority (SIA)** the Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private

security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at www.the-sia.org.uk

- **Temporary Events** – relatively small-scale events held in or on any premises involving no more than 499 people at any one time. Each event, which must be covered by a Temporary Event Notice, can last up to 168 hours, and no more than twelve events can be held at any particular premises in a year (15 with effect from 1/1/16).
- **Variation** – changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises or the specification of another person as the Designated Premises Supervisor.
- **Vicinity** – usually taken to mean the area immediately around the licensed premises but where there is reasonable evidence to suggest that problems are directly linked to licensed activity or customers of a particular premises, can be extended.
- **Vertical drinking** premises are premises with high capacities which are used primarily or exclusively for the sale and consumption of alcohol and have little or no seating for patrons.

Appendix 13

Useful contact Names and Addresses and Sources of information

Licensing, Public Protection, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

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

Planning Control and Enforcement Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

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

Trading Standards Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

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

Health and Safety Section, Public Protection Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

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

Public Health Section, Public Protection Service, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1 3BD

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

Metropolitan Police, Licensing Office, Romford Police Station, 19 Main Road,
Romford RM Telephone:

01708 7791581 3BJ

Fire Safety Regulation, North East Area 2, London Fire Brigade, 169 Union Street,
London, SE1 0LL

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

Telephone: 020 7556 2100

Website: www.hse.gov.uk

Streetcare, London Borough of Havering, c/o Town Hall, Main Road, Romford, RM1
3BD

Telephone: 01708 432563

Streetcare@haverling.gov.uk

Community Safety Section, London Borough of Havering, Town Hall, Main Road,
Romford, RM1 3BD

Telephone Number: 01708 432028

communitysafety@haverling.gov.uk

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

Telephone: 01708 771771

Security Industries Authority, PO Box 1293, Liverpool, L69 1AX

Tel 0844 892 1025 lines are open from 08.00 to 20.00 Monday to Friday

Website: www.sia.homeoffice.gov.uk

London Borough of Havering public register of licensed premises.

<https://www.havering.gov.uk/Pages/ServiceChild/PublicRegister-LGSL-797.aspx>

Appendix 15 Summary of Licensing Policy Statements

Licensing Policy 1

In considering applications for new licences, variations to existing licences and licence reviews the Licensing Authority will take the matters listed below into account:

- **whether the premises is located in an area of cumulative impact;**
- **the type of premises and their cumulative impact on the area and the mix of premises in the area;**
- **the location of the premises and the character of the area;**
- **the views of the responsible authorities;**
- **the views of other persons;**
- **past compliance history of current management;**
- **the proposed hours of operation;**
- **the type and number of customers likely to attend the premises;**
- **whether the applicant is able to demonstrate commitment to a high standard of management, for example through active participation in the Safe and Sound meetings and pub watch.**

Licensing Policy 2

The Licensing Authority has adopted a special Policy relating to cumulative impact in relation to:

- **Romford town centre within the ring road**
- **St Andrews Ward**

This special Policy will create a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives. The exception to this policy will be for applications for restaurants where alcohol is sold ancillary to a table meal and the terminal licensing hour is in line with the Policy.

Licensing Policy 3

The Licensing Authority has adopted a special Policy relating to cumulative impact in relation to

- **Harold Hill**

This special Policy will create a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications specifically for off sales only that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

Licensing Policy 4

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

Licensing Policy 5

The Licensing Authority is concerned about the adverse impact on the licensing objectives arising from the increasing numbers of shops selling alcohol for consumption off the premises. The Licensing Authority will consider restricting the number of premises and the licensing hours to 23.00 in locations where representations are received and where longer hours will undermine the licensing objectives.

Licensing Policy 6

The Licensing Authority considers that, in the interests of clarity and transparency, applicants should normally have in place the relevant planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. However every application will be considered on its merits on a case by case basis

Licensing Policy 7

When dealing with new and variation applications the Licensing Authority will give more favourable consideration to applications with the following closing times:

Public Houses and Bars	23:00 hours-Sunday to Thursday Midnight –Friday and Saturday
Nightclubs	01:00 hours Sunday to Thursday 02:00 hours Friday and Saturday
Restaurants and Cafes	23:00 hours Sunday to Thursday Midnight- Friday and Saturday
Off licences	23:00 Monday to Sundays
Hot food and drink supplied by takeaways, fast food premises	Midnight- Sunday to Thursdays 01:00 Friday and Saturday
Hotel residents only	24 hours sale of alcohol for on sales only.

Consideration will also be given to the type of area that the premises is located in with regulated activities normally being permitted until 23.30 in residential areas and 00.30 in mixed use areas.

These hours are not pre-determined and each application will be considered on its merits.

Licensing Policy 8

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- Can demonstrate comprehensive knowledge of best practice**
- Has sought advice from the responsible authorities**
- Has implemented any advice that has been given by the responsible authorities**
- Is able to understand verbal and written advice and legal requirements**

- Can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003
- Is able to run their business lawfully and in accordance with good business practices
- Is able to demonstrate a track record of compliance with legal requirements.

Where there is a history of non-compliance associated with the premises the Licensing Authority is unlikely to grant a new or variation application unless there is evidence of significant improvement in management standards.

Licensing Policy 9

The Licensing Authority seeks to promote mixed use premises with alcohol sales being offered to customers alongside entertainment and food. Applications for premises providing a seated environment for customers are encouraged. Applications for premises whose predominant offer is vertical drinking are not encouraged but if made, the operating schedule will be expected to demonstrate robust arrangements for promoting the licensing objectives.

Licensing Policy 10

The Licensing Authority expects licensees to operate to the highest standards of management, and to cooperate with responsible authorities to prevent:

- The sale of alcohol to underage children;
- Drunkenness on premises;
- Irresponsible drinks promotions.

Where the Licensing Authority receives representations from responsible authorities that the management of a premise is supporting such activities, or that there is strong evidence linking patrons with alcohol related crime, disorder or antisocial behaviour the Licensing Authority will consider reviewing the licences to impose additional restrictions and controls to prevent or minimise the impact.

Licensing Policy 11

All licensees or managers of licensed premises, applicants for premises licences and premises users intending to use Temporary Event Notices (TENS) are required to undertake a comprehensive risk assessment to ensure that the four licensing objectives are considered and addressed prior to any music event which is:

- **In a nightclub or large public house**
- **Run anytime between the hours of 22:00 and 08:00**
- **Promoted/advertised to the public any time before the event**
- **Predominantly feature DJs or MCs performing to a backing track**

Licensing Policy 12

The Licensing Authority seeks to encourage the use of toughened glassware and polycarbonate on a risk based approach in licensed premises.

The Licensing Authority will consider imposing a condition prohibiting the sale of alcohol in annealed glass containers (glasses and bottles) and require the use of polycarbonate or other safer alternatives where:

- **Local needs dictate**
- **A relevant representation is received**
- **The premises is operating beyond midnight**
- **The licence permits drinking outside.**

Licensing Policy 13

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

Licensing Policy 14

The Licensing Authority is committed to protecting the amenity of residents and businesses in the vicinity of licenced premises, particularly when late hours have been sought. Where relevant representations are received, the Licensing Authority will impose appropriate restrictions or controls on the licence to support the prevention of undue noise disturbance from licensed premises.

Licensing Policy 15

Licence holders and applicants are encouraged to consider whether early morning deliveries and collections at their premises could potentially result in public nuisance and to introduce measures to minimise the impact where appropriate. The Licensing Authority recognises that refuse collection times can sometimes be outside the control of the premises licence holder. When representations have been received from residents in the vicinity of licensed premises stating that they are being disturbed by early morning collections and deliveries, the applicant or premises licence holder is encouraged whenever possible to renegotiate different times with the relevant contractor and to liaise with local residents where appropriate to seek agreement on acceptable hours.

Licensing Policy 16

The Licensing Authority recognises that where gardens and tables and chairs are provided for smoking, eating and drinking outside, users can cause nuisance.

Where smoking, eating and drinking take place outside the Licensing Authority expects applicants to provide comprehensive details in their operating schedule on:

- **The location of outside areas to be available for use**
- **How the outside areas will be managed to prevent noise, smell and pavement obstructions.**

Where the Licensing Authority receives representations or a review application regarding the use of an outside area it will impose restrictions or conditions that are appropriate for preventing a public nuisance.

Licensing Policy 17

The Licensing Authority will normally require all licensed premises to be cleared of patrons within a reasonable period, usually 30 minutes, after the end of the time permitted for licensable activities. An application for a new late night premises licence or variation application will not normally be granted unless a proposed dispersal Policy is included in the operating schedule.

Licensing Policy 18

The Licensing Authority expects all applicants and licensees intending to provide adult entertainment to include the relevant details in their operating schedule, including any controls they intend to put in place.

When considering applications which include adult entertainment, the Licensing Authority will take into account the nature of the area, the marketing, advertising arrangements and external views of the premises together with other factors proposed by the proprietor to militate against concerns.

Licensing Policy 19

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

Licensing Policy 20

The Licensing Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children. Premises within 400 metres of schools or colleges should consider licence conditions to control the products offered for sale and on display in windows. It expects licensees to implement measures to Challenge 25 standard to reduce the likelihood of underage sales from their premises and will take appropriate action, including review of licenses, where sales persist.

Licensing Policy 21

The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licencing objectives.

Licensing Policy 22

Where events qualify for a temporary events notice, applicants are encouraged to submit notifications at least four weeks prior to, but not more than 12 weeks before the date of the proposed event.

Licensing Policy 23

When considering objections to temporary event notices from the Police or Environmental Health, the Licensing Authority will take the following factors into account:

- **Circumstances of the objection**
- **The applicant's willingness to comply with the conditions attached to the premises licence**
- **History of complaints**
- **The track record of the applicant**
- **Any other proposed control measures.**

Licensing Policy 24

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

Licensing Policy 25

The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:

- **Restricting hours of operation**
- **Removing licensable activities from the premises licence**

- **Imposing additional conditions**
- **Requiring the removal of a designated premises supervisor**
- **Suspending a licence**
- **Revoking a licence**

Annexe B Consultation Responses

9 completed the survey monkey questionnaire and 4 e mails received

Answer choices Responses

Responsible authority 2
 Business 1
 Public 3
 Councillor/Politician 0
 Tradebody/solicitor 1
 Other. 2
 total 9

E mails from Police, Regeneration, Public health and G&T licensing consultants

survey questions

We have tried to simplify the policy and make it more helpful to applicants. Do you agree?

90% yes

Do you think that it is reasonable to include expectations of applicants in the policy?

90% yes

Do you agree that Romford Town centre should have a special policy to include all new premises licences, club premises certificates or variation applications?

100% yes

Do you agree that St Andrews Ward in Hornchurch should have a special policy to include all new premises licences, club premises certificates or variation applications?

90% yes

Do you agree that the Harold Hill area should have a special policy regarding applications for off sales?

80% yes

Consultation response verbatim	Consideration of response	Change made (in bold)
<p>The SLP Licensing Policy 6 in our view is inconsistent with the Section 182 Statutory Guidance in that neither planning or any other control regime should be bolted onto Licensing. Your LP6 policy clearly sets out to do that in stating licences will not be granted if the correct planning consent is not in place.</p> <p>It is accepted that Licencees can not trade in breach of planning conditions or permitted hours but these should be enforced by Planning under their controls not by refusing a new licence or</p>	<p>The aim of licensing policy 6 is to reduce duplication and make it clearer for applicants that they do need relevant planning permission before they can utilise their licence. It is our experience that some premises licence holders do not understand this and operate illegally with regard to their planning permission because they have been issued with a licence. However the respondent is correct so the wording has been changed.</p>	<p>The Licensing Authority considers that, in the interests of clarity and transparency, applicants should normally have in place the relevant planning consent for the intended use and hours of operation, or otherwise have lawful planning status, before making an application for a premises licence. However every application will be considered on its merits on a case by case basis</p>

<p>variation. It is legal for a prospective Licencee to apply for a Premises Licence first then seek planning consent. They may not wish to go any further with a premises if they can not get a Licence for instance.</p> <p>We therefore formally object to this part of the draft Licensing Policy for the reason given.</p>		
<p>We question the inclusion of the part of Elm Park within St Andrews Ward within the CIZ. Surely for consistency and fairness to the trade all or none of Elm Park should be included within the special policy area?</p> <p>Secondly we question whether the Hornchurch CIZ is now justified with the closure of the White Hart / Lloyds and the Kings Head over recent years. With restaurants excluded there are only 4 pubs the 2/3 wine bars, the late night wine bar previously known as Olivers and off licences in Hornchurch Town Centre.</p> <p>Finally the area is too widely drawn stretching to Elm Park and part of Emerson Park and should be limited to the Town Centre if it is still justified</p>	<p>The policy was developed by a topic group comprising of cross party councillors. They were keen to retain the existing special policy areas as they felt that they had improved the areas concerned. The majority of respondents agreed with the policy. If applications are received and no representations are made then the application will be granted.</p>	<p>No Change to area</p>
<p>1. We have tried to simplify the policy and make it more helpful to applicants. Do you agree? No While there has clearly been an attempt to make the policy more simplified, holistically it is still not particularly accessible to applicants in some areas. Readers have to spend a long time excavating the relevant pieces of information in order to establish what they need. There does of course need to be particularly prescriptive</p>	<p>Generally respondents felt that the policy was more helpful. Applicants are expected to read the whole policy. The maps have been moved to the appendices so they can be improved and updated without changing the policy document and to reduce the size of the policy.</p>	<p>Maps moved from the policy document to the appendices.</p>

<p>elements of the document, but the initial sections of the executive summary and introduction do not quickly identify what the proposed changes are in a succinct fashion. Readers are left having to read the policies in full detail to gain a grasp of what they are, which only be necessary if all the specifics are required. Something akin to Appendix 14 at the start would be beneficial as it would give the headlines of the policy before more detail was given. Furthermore, the maps are of a poor quality and add little to the document and make it more lengthy than necessary.</p>		
<p>3. Do you agree that Romford Town centre should have a special policy to include all new premises licences, club premises certificates or variation applications. No There is clearly a vertical drinking culture within Romford that has caused significant problems to residents, police and community safety alike. Within recent years, community safety and the police have done great work in reducing the level of offences in the local area, however the implications of the introduction of this policy stifle the remedy to this general issue. The creation of new more socially acceptable evening entertainment will help to dilute the mix of the evening economy. Economic Development is concerned that by increasing further restrictions, this policy would largely prevent this type of action occurring as new businesses would be</p>	<p>Whilst most respondents agreed with the special policy area the Romford Town Centre development framework identifies a strategic objective SO1 – To strengthen Romford’s role as a Metropolitan Centre by better serving the retail and leisure needs of local and neighbouring communities</p> <p>A diverse range of daytime and evening activities and an enhanced cultural offer will generate additional employment and economic activity, and will maintain Romford’s position as a destination of choice for shoppers and leisure visitors in outer east London. Longer opening hours and the provision of a safe, higher value evening economy will result in the capture of a greater market share of the retail and leisure expenditure currently lost to competing centres.</p> <p>Following discussion with the</p>	<p>Licensing Policy 2 The Licensing Authority has adopted a special Policy relating to cumulative impact in relation to:</p> <ul style="list-style-type: none"> • Romford town centre within the ring road • St Andrews Ward <p>This special Policy will create a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives. The exception to this policy will be for applications for restaurants where alcohol is sold ancillary to a table meal and the terminal licensing hour is in line with the Policy.</p>

<p>discouraged from involving themselves in an application process of this kind. This policy could lead to many good businesses from being deterred from applying, no matter how reasonable the mitigation procedure is.</p>	<p>Chair of Licensing Committee and the Cabinet Member for Regulatory Services and Community Safety it was agreed to amend the special policy to exclude restaurants.</p>	
<p>Do you agree that St Andrews Ward in Hornchurch should have a special policy to include all new premises licences, club premises certificates or variation applications? No There has been a significant reduction in offences related to the Hornchurch area since 2011. Whilst the link between alcohol and violence is irrefutable, the rates of offences are directly related to three venues within Hornchurch. Therefore, an approach to deter other businesses to grow through the rebuttable presumption leaves a particularly important town centre with a limited opportunity to benefit from the night time economy.</p>	<p>The policy was developed by a topic group comprising of cross party councillors. They were keen to retain the existing special policy areas as they felt that they had improved the areas concerned. The majority of respondents agreed with the policy. If applications are received and no representations are made then the application will be granted. However the policy is amended as above</p>	<p>Licensing Policy 2 The Licensing Authority has adopted a special Policy relating to cumulative impact in relation to:</p> <ul style="list-style-type: none"> • Romford town centre within the ring road • St Andrews Ward <p>This special Policy will create a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives. The exception to this policy will be for applications for restaurants where alcohol is sold ancillary to a table meal and the terminal licensing hour is in line with the Policy.</p>
<p>5. Do you agree that the Harold Hill area should have a special policy regarding applications for off sales? Yes A more stringent approach to licensing in Harold Hill seems to be more reasonable as there is a high amount of anti-social behaviour related to the use of alcohol. The difference with Harold Hill to other examples is that the client base of Harold</p>	<p>The evidence for Harold Hill has been evidenced by Public Health and has been included in Appendix 8</p>	<p>Appendix 8 is increased.</p>

<p>Hill is far more localised and does not present a particularly attractive option for external investors to Havering who could end the culture of vertical drinking. Moreover, there is the highest number of families deemed to be troubled and the highest number of people in alcohol treatment services, therefore a more conservative approach is warranted, particularly as this is not a growth area for the boroughs night-time economy. Whilst the special policy does seem appropriate in this case, the evidence presented in Appendix 8 is not comprehensive nor quantitatively supported by data. The evidence consists of a series of normative statements which are not in isolation substantiated enough to provide justification and agreement on this suggestion could only be given with a prior knowledge of the area.</p>		
<p>Upminster has got enough licenced place and doesn't need any more. Could have a special policy as well</p>	<p>There is no evidence for a special policy for Upminster but the area will be kept under review.</p>	<p>No change</p>
<p>I see 7.7 lists the risk assessments venues should take around glassware however is there scope to impose TOUGHENED GLASS WARE (Minimum) inside cumulative impact and saturation zones as a matter of course for new applicants?? After all there is no different feeling to patrons holding toughened or normal glassware in the hand (unlike poly's). Patrons would not be able to differentiate between the two however the safety benefits are huge as detailed in the document.</p>	<p>Consider that this is covered sufficiently in the policy and no change is necessary.</p>	<p>No change</p>

<p>Licensing Policy 20 - Question? What is the rationale behind 400 yards of a school can this distance be lengthening at all?? The more premises restricted under that policy the better</p>	<p>400m is considered to be the accessible distance schoolchildren can travel within their lunch break.</p>	<p>No change</p>
<p>Like the questions section, it's almost a prompt for them to get the application right or at least to the necessary standard. Can we possibly add "His visibility clothing" to appendix 2 questions for applicants under the SIA paragraph?? (Albeit it appears later in model conditions GDGPG6 pg 52)</p>	<p>Agreed</p>	<p>Are SIA door staff employed, numbers of door supervisors, door supervisors wearing high visibility clothing, use of search arches/wands, location of such searches, all such staff to have their details recorded and checks made with SIA website to ensure that licences are current, staff to sign in when commencing work and out when they leave. Is any induction/training given to new door staff?</p>

Equality Impact Assessment (EIA)

Page 213

Document control

Title of activity:	Statement of Licensing Policy
Type of activity:	Policy
Lead officer:	Trudi Penman
Approved by:	Patrick Keyes
Date completed:	27/10/15
Scheduled date for	2020

review:	
----------------	--

Did you seek advice from the Corporate Policy & Diversity team?	Yes
Does the EIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?	No

1. Equality Impact Assessment Checklist

The Equality Impact Assessment (EIA) is a tool to ensure that your activity meets the needs of individuals and groups that use your service. It also helps the Council to meet its legal obligation under the [Equality Act 2010 and the Public Sector Equality Duty](#).

Please complete the following checklist to determine whether or not you will need to complete an EIA. Please ensure you keep this section for your audit trail. If you have any questions, please contact the Corporate Policy and Diversity Team at diversity@havering.gov.uk

About your activity

1	Title of activity	Statement of Licensing Policy
2	Type of activity	Policy
3	Scope of activity	<p>The aim of the Statement of Licensing Policy is to comply with the requirements of the Licensing Act 2003. It sets out how Havering as the Licensing Authority will approach licensing premises under the Licensing Act 2003. The updated policy identifies what the expectations from the Licensing Authority are of applicants and provides appendices of useful information. The policy covers the licensable activities as specified by the Act which are: Sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, regulated entertainment, late night refreshment. Applicants for a licence under the Licensing Act have to follow a legal process.</p>

4a	Is the activity new or changing?	<i>No</i>
4b	Is the activity likely to have an impact on individuals or groups?	<i>No groups or individuals most likely to be affected Residents of Havering, People who work in Havering Businesses in Havering Councillors. Responsible authorities as defined under the Licensing Act 2003.</i>
5	If you answered yes:	<i>Please complete the EIA on the next page.</i>
6	If you answered no:	<i>None of these groups are specifically affected. However the Licensing Act requires that a public consultation exercise is carried out. This was from 7th June 2015 to 31st August 2015. The consultation was primarily on line using a Survey monkey questionnaire to collect responses however respondents had the option to email licensing. Information about the consultation was sent out via the Licensing matters email, the business briefing e mail, the Romford Recorder, to Safe and Sound members, to responsible authorities, to Havering Councillors, to GP's surgeries within the Borough, other Council departments such as community safety and regeneration.</i>

Completed by:	Trudi Penman, Licensing and Health and Safety Divisional Manager, Public Protection, Communities and Resources.
Date:	28/10/15



COUNCIL, 25 NOVEMBER 2015

REPORT TO COUNCIL

APPROVAL OF HAVERING'S STATEMENT OF GAMBLING POLICY FOR THE GAMBLING ACT 2005

The Gambling Act 2005 ('the Act') requires the Council to have a Statement of Gambling Policy, and to review that Statement at least every three years. The Council's current Statement will expire in January 2016: it is therefore now necessary to carry out the review.

At its meeting on 10 November 2015, the Licensing Committee considered a draft new Statement, based on the current version but, after consultation, reviewed and rewritten to include good practice, current guidance and experience from implementing the Act.

In exercising their functions under the Gambling Act 2005 Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

The Statement of Gambling Policy had been reviewed and revised to include good practice, current guidance and experience from implementing the provisions of the 2005 Act.

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

It should be noted that the consultation for this revision of the Statement has been shortened, being one month only, as it will be necessary to review the policy again in 2016 when the legislation changes with regard to risk assessments.

A statutory consultation was undertaken between 30 September 2015 and 31 October 2015. The consultation was mainly carried out via the internet. All the statutory consultees were consulted directly and information about the consultation was disseminated widely using the Licensing Matters e-mail bulletin (over 2,700 recipients), Business Briefing e-mail bulletin (over 6,000 recipients) in the Romford Recorder and on the Havering website.

The Statement of Gambling Policy itself is appended to this report and Members are asked to note that the Appendix reflects the text of the document as it will be published but not necessarily the final layout.

The Licensing Committee **RECOMMENDS** to Council that:

The revised Statement of Gambling Policy be adopted.



LICENSING COMMITTEE

10 November 2015

Subject Heading:	Approval of Havering's new Statement of Gambling Policy for the Gambling Act 2005
CMT Lead:	Andrew Blake Herbert
Report Author and contact details:	Trudi Penman Trudi.penman@havering.gov.uk 01708 432718
Policy context:	Review of the current Statement of Gambling Policy having regard to the changes in legislation.
Financial summary:	No significant changes.

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This report seeks approval of the Licensing Committee for the revised Statement of Gambling Policy under the Gambling Act 2005.

RECOMMENDATIONS

The Licensing Committee notes the details of this report and recommends that the revised Statement of Gambling Policy set out in Annexe A be approved and adopted by Full Council.

REPORT DETAIL

1.0 Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Gambling Policy that they propose to apply in exercising their functions under the Act for each successive prescribed three year period. The consultation for this revision of the Statement has been shortened, being one month only, as it will be necessary to review the policy again in 2016 when the legislation changes with regard to risk assessments

2.0 In exercising their functions under the Gambling Act 2005 Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

3.0 The current Statement of Gambling Policy has been reviewed and revised to include good practice, current guidance and experience from implementing the provisions of the 2005 Act.

4.0 Statutory consultation was undertaken between 30th September 2015 and 31st October 2015. The consultation was mainly carried by internet. All the statutory consultees were consulted directly and information about the consultation was disseminated widely using the Licensing Matters email (over 2,700 recipients), Business briefing e mail (over 6000 recipients), in the Romford Recorder and on the Havering website.

The consultation responses have been considered and a final draft of the revised policy has been produced. Consideration of the consultation responses is set out in Annexe B.

5.0 Further, the Council may only publish its Statement of Gambling Policy if it has paid due regard to Guidance issued by the Government and the Gambling Commission.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report seeks approval for the proposed Statement of Gambling Policy. The proposed Statement is an update of the current Statement of Gambling Policy. It has been brought into line with government changes. The Statement makes no changes to how we incur and recover costs. For information the government specify a minimum and maximum fee level. Fee levels continue to be monitored on an on-going basis to ensure full cost recovery.

Legal implications and risks.

A Licensing Authority must have in place, and must review its Statement of Gambling Policy every 3 years and may undertake additional reviews of the whole Statement of Policy or any part of it during each successive 3 year period.

The Statement of Policy must give effect to the 3 licensing principles of the Gambling Act 2015:

Prevention of gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime

Ensure that gambling is conducted in a fair and open way

Protection of children and other vulnerable persons from being harmed or exploited by gambling.

In finalising its Statement of Policy or any revision, the Authority must have due regard to the Guidance published by the Gambling Commission, with appropriate explanations and justifications for any departure from the Gambling Commission Guidance. Part 6 of the Gambling Commission Guidance in respect of Statements of Policy is annexed to this report. The Authority must declare within the Statement of Policy that it has had due regard to the Guidance by the Gambling Commission, the principles of the 2005 Act and any responses from those who were consulted.

The Authority must undertake statutory consultation for every change to the Statement of Policy and comply with best practice recommended by the Gambling Commission within its published Guidance. The consultation must include the prescribed offices and organisations, being the chief police officer for its area, persons representing interests of those carrying on gambling businesses in the area, and representatives of persons whose interests are likely to be affected by the Council exercising its functions under the 2005 Act. The recommended best practice of a wide ranging inclusive consultation is appropriate beyond the statutory requirements.

The Statement of Policy should have as its aim to permit the use of premises for gambling, however, each application must be considered upon its own merits and subject to the 3 gambling act principles.

The form and content of the Statement of Policy is for the Authority to determine, however, it must comply with statutory requirements set out within regulations and include sections within the Policy Statement in respect of designating a competent body to advise the Authority about the protection of children from harm, principles in respect of determining who is an interested party to applications and premises licences, exchange of information with the Gambling Commission and others and the inspection of premises and institution of criminal proceedings.

The Statement of Policy ought to take into consideration local circumstances and reflect local issues in respect of gambling within its area and each authority will have different priorities given its location and demographic and economic make up, being an assessment of its local area profile.

There is a statutory requirement to publish a notice of the intention to publish a Statement of Policy, the date it will come into effect. There must also be details of an Internet address where the publication will be made and a copy available for inspection by members of the public at the Authority's principle address. The Statement of Policy must be published for 4 weeks before it comes into effect and the notice of the publication must not be later than the first date of publication. The notice must be, inter alia, in a local newspaper, or in Libraries in the Authority's area.

The Statement of Policy or a revision of any part of it, or any procedural non-compliance may be challenged by judicial review.

Human Resources implications and risks:

There are no human resource implications.

Equalities implications and risks:

There are no negative impacts against any protected characteristics by the implementation of this policy. The decision to award a licence will be guided by the main aims and principles of the legislation which ultimately seek to protect vulnerable persons.

BACKGROUND PAPERS

Annexe A Statement of Gambling Policy

Annexe B Consultation responses

Annexe C EIA

Annexe D Part 6 Gambling Commission Guidance to licensing authorities. 5th edition.



Statement of Gambling Policy

(2016-2019)

Document Control

Document details

Title	Statement of Gambling Policy
Version number	V0.1
Status	Initial draft
Author	Trudi Penman
Lead officer	Andrew Blake Herbert
Approved by	
Review date	2019

Supersedes	Statement of Gambling Policy
Target audience	Applicants, Residents, Licensing Committee, Councillors.
Related to	

Version history

Version	Status	Date	Dissemination/Change
V0.1	Initial draft	25/08/15	
V0.2	Draft	30/10/15	changes in responses to consultation.
V0.3	Final draft	3/11/15	Changes following legal comments

Approval history

Version	Status	Date	Approved by
Add final version number e.g. V0.4	Add status of policy e.g. Final	Add date	Add name of approving body e.g. Cabinet

Equality Impact Assessment record

Date	Completed by	Review date

Statement of Gambling Policy

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1. Introduction

- 1.1 The Gambling Act 2005 (the “Act”) requires this Licensing Authority to consult on and publish a Statement of Gambling Policy in relation to its responsibilities under the Act. Once published, this Policy Statement, will be kept under constant review and, reviewed every three years. Before any revision of the Statement of Gambling Policy is published this Authority will carry out a full consultation exercise on the relevant sections. The Statement of Gambling Policy has been revised after review and is for the period 2016 – 2019.

Section 25 of the Gambling Act states that;

The (Gambling) Commission shall from time to time issue guidance as to-

(a) the manner in which local authorities are to exercise their functions under this Act, and

(b) in particular, the principles to be applied by local authorities in exercising functions under this Act.”

- 1.2 The Gambling Commission states in the introduction to its Guidance to Licensing Authorities:

‘The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions. It does not seek to impose a ‘one size fits all’ model across all licensing authorities. We recognise that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation.

This Guidance does not, therefore, attempt to fetter the discretion that licensing authorities have under the Act and it is not intended to replace their judgement in individual cases. Moreover, this Guidance cannot anticipate every set of circumstances that may arise and, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. There should, however, be strong reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.’

- 1.3 This Policy, therefore, generally follows the principles laid down in the Gambling Commission’s Guidance to Licensing Authorities.

The Gambling Act 2005 can be accessed via:

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

and the Gambling Commission’s Guidance to Licensing Authorities may be accessed via;

<http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities.aspx>

1.4 The Act also requires this Authority to carry out its various licensing functions so as to be reasonably consistent with the following three licensing objectives:

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

1.5 As required by the Guidance issued by the Gambling Commission, the Council, in carrying out its licensing functions under the Act will aim to permit the use of premises for gambling as long as it is considered to be:-

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Commission
- reasonably consistent with the licensing objectives, and
- in accordance with this Policy Statement published under section 349 of the Act

Nothing in this Statement of Gambling Policy will override the right of any person to make an application under this Act and have that application considered on its individual merits. Equally, nothing in this Statement of Gambling Policy will undermine the right of any person to make representations to an application, or seek a review of a licence where there is a legal power to do so. This Authority will ensure that, when considering applications under this legislation, it will avoid duplication with other regulatory regimes.

1.6 Previous gambling legislation required that the grant of certain gambling permissions should take account of whether there was an unfulfilled demand for gambling facilities. However, unfulfilled demand is not a criterion for a Licensing Authority in considering an application for a premises licence under the Gambling Act. Each application will be considered on its merits without regard to demand.

1.7 The Licensing Authority will not take into consideration any moral objections to Gambling when considering an application for a premises licence.

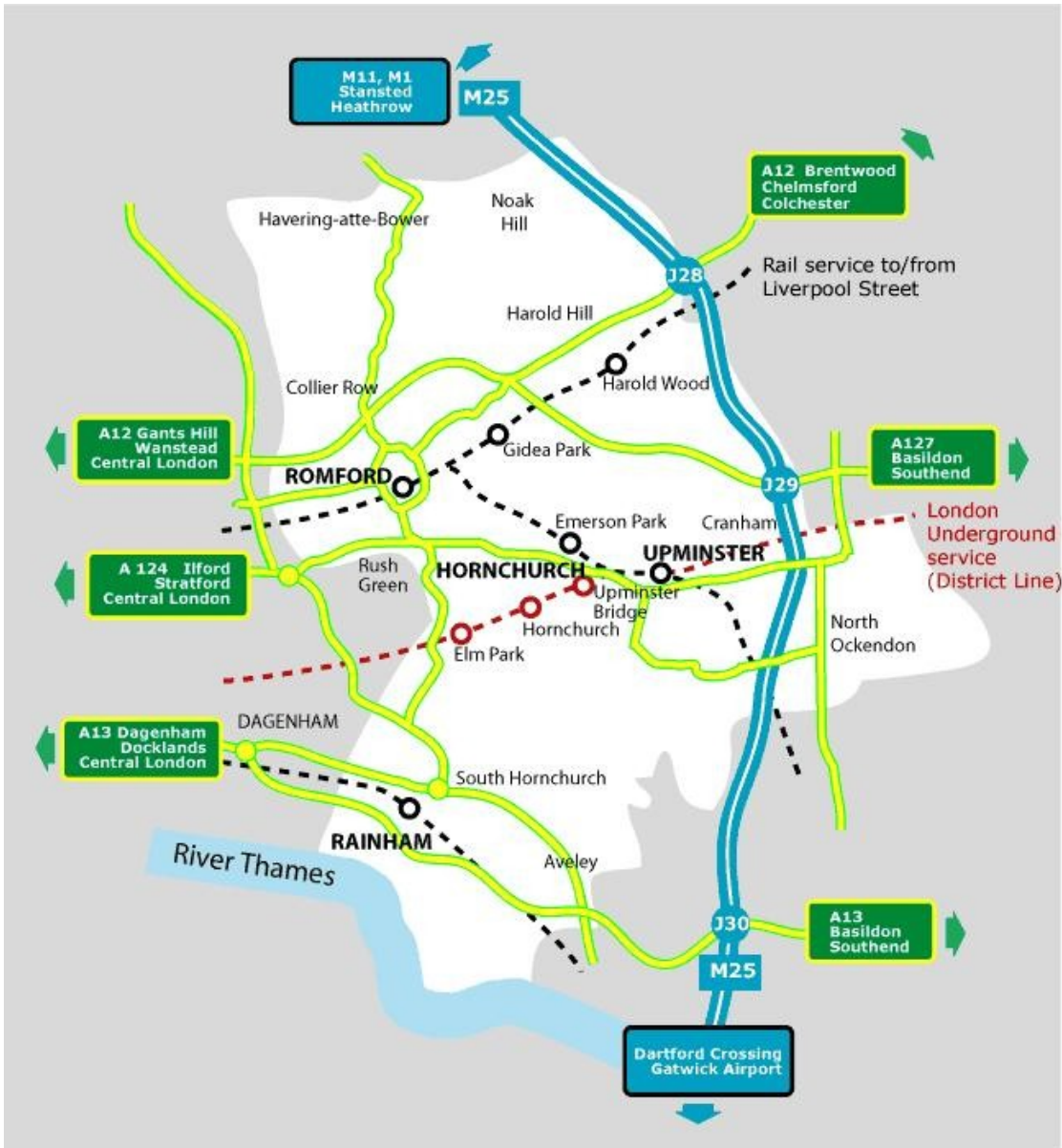
2 Profile of the London Borough of Havering

- 2.1 The London Borough of Havering is a borough with an ancient history and an exciting future. It is located on the periphery of North East London. The area has good road and rail links and boasts a 3 mile river frontage. It is currently a major centre for renewal and development.
- 2.2 Granted a royal liberty 540 years ago, the borough has held a regular street market since 1247. Today Havering is London's third largest borough, with a population of over 220,000 and an area of 11,227 hectares, of which almost over half is open green space.
- 2.3 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. Leisure facilities are second to none, with three recently renovated leisure centres with state-of-the-art equipment and facilities. The borough is also a great place to shop. There are 250,000 regular shoppers in Romford town centre alone. In addition to Romford there are small local shopping centres in Harold Hill, Collier Row, Hornchurch, Cranham, Upminster, Elm Park and Rainham. see map below
- 2.4 Clean, Safe, Proud is Havering Council's vision for the future which states the following

We want Havering to be clean and to look after our environment for future generations.

We want you to be safe – whether you're a pensioner walking through a town after dark, or a young child growing up without the security of a loving home.

And we want you to be proud to live in Havering – where we respect each other, value our traditions and work together to improve our quality of life.



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3 Consultation

- 3.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 3.2 The London Borough of Havering consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided as Appendix E. The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

4. Declaration

- 4.1 In producing this Statement of Gambling Policy, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission and any responses from those consulted on the Statement.

5 Responsible Authorities and Interested Parties

- 5.1 The Gambling Act 2005 allows for two different types of groups to make representations regarding applications to the Licensing Authority and also to apply to have existing licences reviewed by the Authority. These groups are “Responsible Authorities” and “Interested Parties”
- 5.2 The Act defines Responsible Authorities as:
- (a) a Licensing Authority in England and Wales in whose area the premises are wholly or partly situated,
 - (b) the Gambling Commission,
 - (c) the Chief Officer of Police for a police area in which the premises are wholly or partly situated,
 - (d) the fire and rescue authority for an area in which the premises are wholly or partly situated,
 - (e) the Local Planning Authority, in accordance with Part I of the Town and Country Planning Act 1990 (c. 8), for an area in which the premises are wholly or partly situated,
 - (f) an authority which has functions by virtue of an. enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated,

(g) a body which is designated in writing for the purposes of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm *,

(h) Her Majesty's Commissioners of Customs and Excise, and

(i) any other person prescribed for the purposes of this section by regulations made by the Secretary of State.

* Under the Children Act 2004, Area Child Protection Committees (ACPC) have been replaced by Local Safeguarding Children Boards (LSCBs). The policy of the Licensing Authority is that the 'responsible authority' in relation to the protection of children from harm will be the Council's Family and Children's Services Department and, in particular, the LSCB Manager in that Department.

5.3 Section 158 of the Act states that a person is an "Interested Party" if, in the opinion of the Licensing Authority that person;

(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

(b) has business interests that might be affected by the authorised activities, or

(c) represents persons who satisfy paragraph (a) or (b).

The Gambling Commission recommends in its Guidance to Licensing Authorities that Interested Parties could include trade associations and trade unions, and residents' and tenants' associations. However, it fails to mention that those bodies should represent persons or businesses sufficiently close to be likely to be affected by the operation of the premises. (Gambling Commission Guidance for Local Authorities paragraph 6.21). This Authority will follow section 158 of the Act and will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. they live sufficiently close or carry on a business so that they will be likely to be affected by the activities being applied for.

5.4 The Licensing Authority is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles for Havering are that each case will be decided upon its own merits and rigid rules will not be applied to its decision making. It will consider the examples provided in the Gambling Commission's Guidance for Licensing Authorities at paragraph 6.21. It will also consider the Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

5.5 Should an individual wish to submit an objection to a new premises licence or submit a request for a review of an existing licence, it should be based on the licensing objectives contained within the Act (see Para 1.4). It should be noted that the Act does not include the prevention of public nuisance and anti-social behaviour as a specific licensing objective.

6. Exchange of Information

- 6.1 Licensing Authorities are required to include in their Statement of Gambling Policy the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that Havering Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

7. Enforcement

- 7.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 The Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for Local Authorities, will comply with the 'Regulators Code', and will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.

The Authority will also act in accordance with its own Enforcement Policy.

- 7.3 As per the Gambling Commission's Guidance for Licensing Authorities, the Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 The Authority will also adopt a risk-based inspection programme as recommended by the Gambling Commission's Guidance for Licensing Authorities.
- 7.5 The main enforcement and compliance role for the Licensing Authority in terms of the Act will be to ensure compliance with the terms and conditions of premises licences and other permissions that they authorise. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that

concerns about manufacture, supply or repair of gaming machines will also be dealt with by the Gambling Commission.

7.6 The Licensing Authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8. Licensing Authority functions

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements* where premises are intended to provide gambling activity
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that local Licensing Authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences. The Financial Services Authority regulates spread betting and the National Lottery Commission regulates The National Lottery

9 Premises Licences.

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

9.2 The Licensing Authority is aware that, in making decisions about premises licences, it should aim to permit the use of premises for gambling in so far as it thinks it is;

- in accordance with any relevant code of practice issued by the Gambling

Commission;

- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Gambling Policy.

- 9.3 The Authority takes particular note of the Gambling Commission's Guidance for Licensing Authorities, which states that Authorities should pay particular attention in considering applications for multiple licences for a building, and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular this Authority is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).
- 9.4 There will be specific issues that the Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 9.5 The Authority takes particular note of paragraphs 7.7 to 7.8 and 7.26, 7.30 – 7.33 of the Gambling Commission's Guidance to Licensing Authorities relating to the artificial subdivision of premises. It also takes note of section 152 (1) of the Act and Regulation 12(2) of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 and will look very carefully at any application that may appear to breach any of these provisions. The Authority also takes particular note of the Gambling Commission's Guidance, contained in paragraphs 19.21 – 19.25, regarding "the appropriate licensing environment" for a premises licence. For example, where a premises is licensed to provide bingo facilities then the primary activity must be the provision of bingo, with gaming machines being an ancillary offering in the premises. The Authority also notes the Gambling Commission's Codes of Practice consolidated for all forms of Gambling that came into effect in August 2014.
- 9.6 Operators can apply for a premises licence in respect of premises which have still to be constructed or altered and each application will be determined on its merits. It should be noted that an applicant may not be able to obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the Authority can, if necessary, inspect it fully, as can other Responsible Authorities with inspection rights.

9.7 The Licensing Authority will expect compliance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) in relation to the submission of plans with applications.

9.8 The Regulations state that plans shall contain the following information:

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

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

9.10 The Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it.

9.11 Planning: The Gambling Commission Guidance to Licensing Authorities states:

'7.56 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...'

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

'7.63 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for

the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.'

- 9.12 **Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime.** Premises licences granted must be reasonably consistent with the licensing objectives. The Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of crime the Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions, such as the provision of door supervisors, may be relevant.
- 9.13 Where gambling premises are located in sensitive areas, e.g. near schools, the Licensing Authority will consider imposing restrictions on advertising the gambling facilities on such premises where it is felt relevant and reasonably consistent with the Licensing Objectives.
- 9.14 **Local area profile-** a map of the Local Authority area has been attached as appendix D. The map contains the location of all schools, hostels and homes for vulnerable people, GP's surgeries, medical centres, hotspots of antisocial behaviour (ASB) and centres for people with drug and alcohol addiction. The Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of schools, ASB hotspots, hostels/homes for vulnerable people and centres for people with a drug and alcohol addiction.
- 9.15 In areas sensitive areas the Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any ASB problems within the vicinity generally. Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions if appropriate, to cater for the local area in which they propose to run their business.
- 9.16 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their risk assessments how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people.
- 9.17 Some publicly available sources of information to assist in operators completing a Local Area Profile include:
- (a) the Crime Mapping website;

- (b) Neighbourhood Statistics websites;
- (c) websites or publications by local responsible authorities;
- (d) websites or publications by local voluntary schemes and initiatives; and
- (e) on-line mapping tools.

9.18 The Authority will expect applicants for the new grant of, or variation to an existing, licence to include full details of their risk assessment in compliance with Social Responsibility (SR) code 10.1.1 and Ordinary code provision 10.1.2 (both effective as from 6 April 2016)

9.19 **Ensuring that gambling is conducted in a fair and open way** - The Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

9.20 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - The Licensing Authority has noted that the Gambling Commission's Guidance for Licensing Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

9.21 As regards the term “**vulnerable persons**” it is noted that the Gambling Commission is not seeking to offer a definition but states that ‘... *it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.*’ The Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision. The Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues in relation to this licensing objective regarding specific premises such as casinos

9.22 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale, neighbourhood and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. The Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

9.23 The Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- .only adults are admitted to the area where these machines are located;
- .access to the area where the machines are located is supervised;
- .the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

9.24 It is noted that, because of restrictions imposed by the Gambling Act, there are conditions which the Licensing Authority cannot attach to premises licences; these are:

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

9.25 The Gambling Commission advises in its Guidance for Licensing Authorities that they may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that there is no requirement for "in house" door supervisors at casinos or bingo premises to be licensed by the Security Industry Authority (SIA) through a specific exemption contained in Paragraph 17 of Schedule 16 to the Act. However, following clarification from the Department for Culture, Media and Sport

(DCMS) and the Security Industry Authority (SIA), any contract staff employed in a Door Supervisor role will still require to be licensed by the SIA.

9.26 For premises other than “in house” staff employed at casinos and bingo premises, operators and Licensing Authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

9.27 There is no evidence that the operation of betting offices in Havering has required door supervisors for the protection of the public. The Licensing Authority will make a door supervisor requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

9.28 In relation to Adult Gaming Centres, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It is recommended that applicants provide means to satisfy the Licensing Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises. Such measures may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas

9.29 In relation to (licensed) Family Entertainment Centres, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It is recommended that applicants provide means to satisfy the Licensing Authority that, for example, there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machine areas. Such measures may include:

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

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

9.30 *No Casinos resolution* – At this time Havering Licensing Authority has not passed a ‘no casino/no additional casinos’ resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, this Statement of Gambling Policy will be updated with details of that resolution. Any such decision will be made by the Full Council.

9.31 Management of areas where category B and C gaming machines are located in gambling premises that admit children and young people

The Authority notes that the Gambling Commission’s Guidance states in Paragraph 7.27 that:

‘According to mandatory and default conditions relating to premises that admit under 18s, any area where category B and C gaming machines are located must be:

- *separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose*
- *supervised (see below) at all times to ensure that under-18s do not enter the area*
- *arranged in a way that ensures that all parts of the area can be observed* •
- *supervised either by:*
 - i. one or more persons whose responsibilities include ensuring that under-18s do not enter the areas*
 - ii. CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas.*

A notice stating that no person under the age of 18 is permitted to enter the area must be displayed in a prominent place at the entrance to the area.’

9.32 *Betting machines in Betting Premises* - The Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the access to the premises and use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number and nature of betting machines an operator wants to offer. The Authority will consider limiting the number of machines only where there is evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence, the Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter. extend premises in order to enhance the quality of facilities offered to the public who may wish to use them. The Authority will look at those applications sympathetically where there are no concerns that the Licensing Objectives will be adversely affected

9.33 *Betting Offices* – The Licensing Authority will look closely at applications to re-site betting offices in the same locality or to extend premises in order to enhance the quality

of facilities offered to the public who may wish to use them. The Authority will look at those applications sympathetically where there are no concerns that the Licensing objectives will be adversely affected.

9.34 The Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a named single point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.

9.35 *Travelling Fairs* - It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fair occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9.36 *Provisional Statements* - The Licensing Authority notes the Guidance from the Gambling Commission which states that '*It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence*' and that '*Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully*'.

The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations requires applications for Provisional Statements to be advertised in the same way as applications for Premises Licences. In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

(a) which could not have been raised by objectors at the provisional licence stage; or

(b) which in the authority's opinion reflect a change in the operator's circumstances.

The Authority has noted the Gambling Commission's Guidance that '*A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.*'

9.37 Reviews - Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious or will certainly not cause this Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review unless there is a material change in circumstances.

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

The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

10. Permits and Temporary and Occasional Use Notices

10.1 *Unlicensed Family Entertainment Centre gaming machine permits* (Statement of Principles on Permits - Schedule 10 paragraph 7 to the Gambling Act 2005)

Where an operator does not hold a premises licence but wishes to provide gaming machines, an applicant may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

10.2 The Act states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives, and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for Licensing Authorities also states: *'in its policy statement, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits.*

" licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.'
(24.8)

10.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (FEC), and if the Chief Officer of Police has been consulted on the application. The Licensing Authority may also consider asking applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

- .That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- That employees are trained to have a full understanding of the maximum stakes and prizes. (24.9)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

10.4 Statement of Principles – The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficacy of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truanting school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

10.5 *(Alcohol) Licensed premises gaming machine permits* - (Schedule 13 paragraph 4(1) to the Gambling Act 2005)

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

10.6 If a premises wishes to have more than 2 machines then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” The Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Authority will also expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not

have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful

10.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines. Notifications and applications for two or three machines will generally be dealt with by Licensing Authority officers. Those for four or five machines will be determined by Licensing Officers in consultation with the Chair of the Licensing Committee, and applications for six or more machines will be referred to a Licensing Sub-Committee.

10.8 *Prize Gaming Permits* - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3) to the Gambling Act 2005)

The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

The Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm;
- that they meet the objective of carrying out gambling openly and fairly; and,
- that the premises are mainly or wholly used for gambling purposes.

10.9 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

10.10 Permit holders must comply with the mandatory conditions of the Gambling Act 2005.

10.11 *Club Gaming and Club Machines Permits*

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

10.12 The Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account of a number of

matters as outlined in sections 25.47-25.49 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

10.13 The Commission Guidance also notes that '*licensing authorities may only refuse an application on the grounds that:*

- *the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;*
- *the applicant's premises are used wholly or mainly by children and/or young persons;*
- *an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;*
- *a permit held by the applicant has been cancelled in the previous ten years; or*
- *an objection has been lodged by the Commission or the police.'*

10.14 There is also a 'fast-track' application procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). It should be noted that commercial clubs cannot hold Club Premises Certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance for Licensing Authorities states: *Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced."* and *"The grounds on which an application under the process may be refused are:*

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

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

10.15 *Temporary Use Notices (TUN)*

There are a number of statutory limits as regards temporary use notices. It is noted that the Gambling Commission Guidance states that 'The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. The definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition, licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. For example, a large exhibition centre with a number of exhibition halls may come within

the definition of 'premises'. A TUN should not then be granted for 21 days in respect of each of its exhibition halls.

In relation to other covered areas, such as shopping centres, the Licensing Authority will need to consider whether different units are in fact different 'sets of premises', given that they may be occupied and controlled by different people. The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and, at the time of writing this Statement, the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) states that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

10.16 *Occasional Use Notices:*

This notice allows for betting on a track without the need for a premises licence on 8 days or less in a calendar year. The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

11. **Small Society Lotteries**

11.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission); and
- exempt lotteries (including small society lotteries registered by the Licensing Authority)

11.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:

- small society lotteries;
- incidental non-commercial lotteries;
- private lotteries;
- private society lotteries;
- work lotteries;
- residents' lotteries;
- customer lotteries;

11.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to

run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on the Council's web-site at

<https://www.havering.gov.uk/Pages/ServiceChild/FAQ-lotteries-licence.aspx>

by email at licensing@havering.gov.uk

- 11.4 Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 11.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, codes of practice and any guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's guidance.
- 11.6 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of his registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably electronically by emailing: licensing@havering.gov.uk
- 11.7 The Licensing Authority will refuse applications for registration if, in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 11.8 The Licensing Authority may refuse an application for registration if in their opinion:
- the applicant is not a non-commercial society;
 - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
 - information provided in or with the application for registration is false or misleading.
- 11.9 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may also seek further information from the Society.

- 11.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.
- 11.11 The Licensing Authority may revoke the registered status of a Society if it thinks that it would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 11.12 Where a Society employs an external lottery manager, it will need to satisfy itself that the manager holds an operator's licence issued by the Gambling Commission, and the Licensing Authority will expect this to be verified by the Society.

Appendix A: Glossary of Terms

Casino Premises Licence Categories - a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements.

Child - Individual who is less than 16 years old.

Code of Practice: Means any relevant code of practice under section 24 of the Gambling Act 2005

Default Conditions - Conditions that will apply through Statute unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Lottery - An arrangement where 1) persons are required to pay to participate in the arrangement 2) in the course of the arrangement, one or more prizes are allocated to one or more members of a class 3) the prizes are allocated by a series of processes, and 4) the first of those processes relies wholly on chance.

Exempt Lotteries - Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:

- Small Society Lottery (required to register with Licensing Authorities).
- Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair
- Private Lotteries e.g. Raffle at a student hall of residence
- Customer Lotteries e.g. Supermarket holding a hamper raffle

External Lottery Manager - An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

Large Lottery - Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.

Licensing Committee - A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority in Gambling matters.

Licensing Sub Committee - A sub-committee of members appointed from the Licensing Committee to whom the functions of the licensing committee can be delegated under the Act to determine applications.

Mandatory Conditions - Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.

Operating Licences - Licences to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.

Personal Licence - Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.

Premises Licence - Licence to authorise the provision of gaming, facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and some family entertainment centres.

Premises - Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

Private Lotteries - 3 Types of Private Lotteries:

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents’ Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;

Prize Gaming - Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

Small Lottery - Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

Small Society Lottery - A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Provisional Statement - Where an applicant can make an application to the Licensing Authority in respect of premises that he:

- Expects to be constructed
- Expects to be altered
- Expects to acquire a right to occupy.

Temporary Use Notice - To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

Vehicles - Defined as trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.

Appendix B: Delegation of Functions

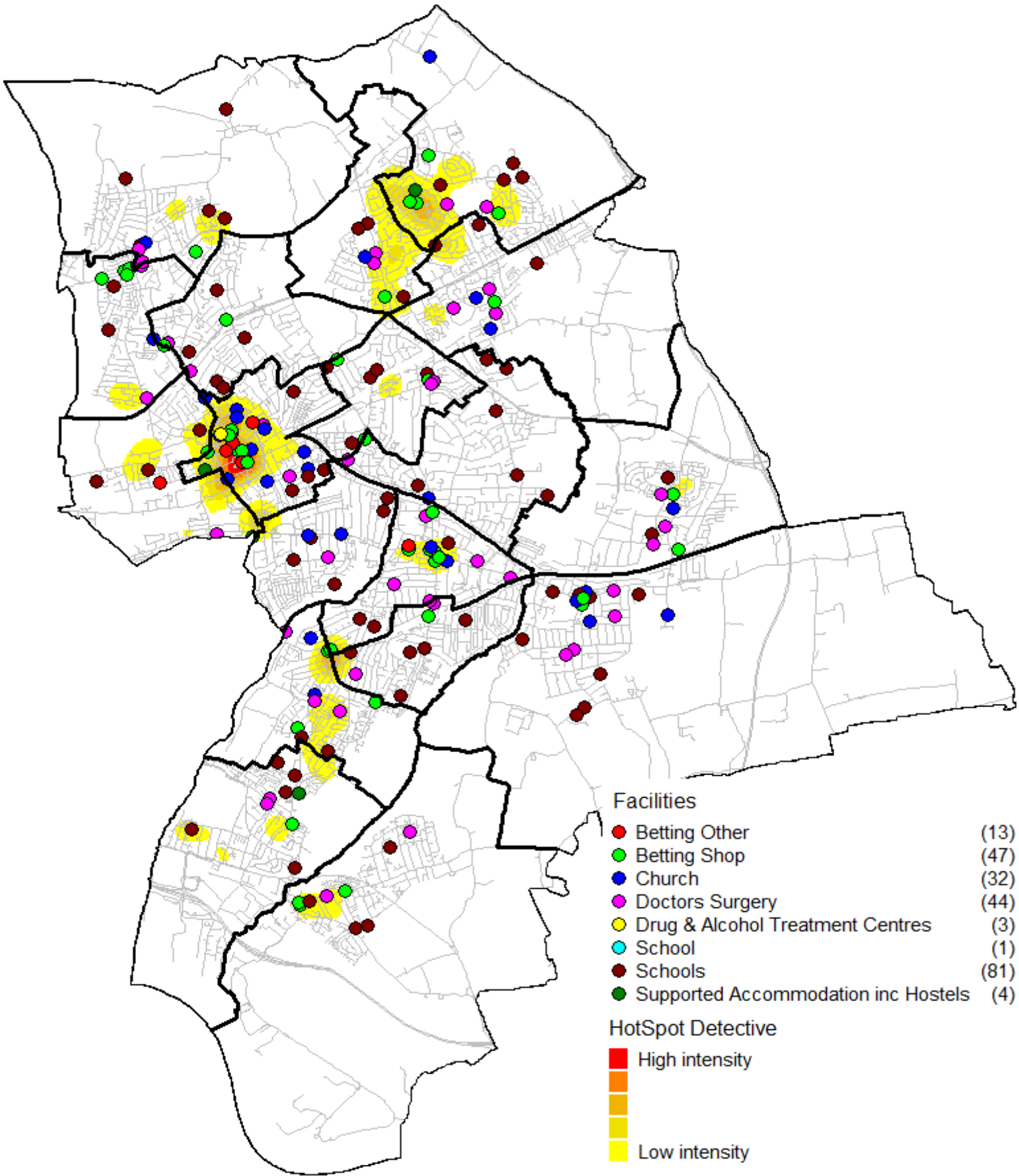
Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Officers
Final approval of 3 year Licensing Policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
Application for a transfer of a licence		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
Review of a premises licence		X	
Application for a club gaming/club machine permit		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
Cancellation of a club gaming/club machines permit			
Application for other permits			X

Alcohol licenced premises gaming machine permits		6 or more machines	3-5 machines with Chair of Licensing Committee. 3 Machines.
Cancellation of licensed premises gaming machine permit			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Appendix C: Categories of Gaming Machines

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	unlimited	unlimited	Regional casino
B1	£5	£10,000 (with an option of a maximum £20,000 linked to a progressive jackpot on a premises basis only)	Large casino, small casino, pre-2005 Act Casino and Regional Casino.
B2	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, adult gaming centre and all of the above
B3A	£2	£500	Members club or Miners Welfare institute only
B4	£2	£400	Members club or miners welfare club, commercial club and all of the above
C	£1	£100	Family entertainment centre (with Commission operating licence, qualifying alcohol licenced premises (without) additional gaming machine permit), qualifying alcohol licenced premises (with additional LA gaming machine permit) and all of the above
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
D non-money prize (other than crane grab machine)	30p	£8	All of the above
D non-money prize (crane grab)	£1	£50	All of the above

machine)			
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be money prize)	All of the above
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.



Annexe B

3 written responses received representing the trade.

Consultation response verbatim	Consideration of response	Change made (in bold)
<p>From Luxury Leisure . Para 9.5. - As the Authority will appreciate, the Gambling Commission’s concept of “primary use” (under any name), has been the subject of challenges in the tribunals. It is not accepted that the concept is legitimately founded in the Act.</p>	<p>Will leave the paragraph as is until legislation is clarified.</p>	<p>No change</p>
<p>We note the Authority has attached a Local Area Profile map. Unfortunately, its size/scale makes it virtually impossible to read and analyse and may therefore prove to be of little use to operators when preparing risk assessments. If this were to remain the case, it would be a pity</p>	<p>The map will be attached as an appendix so that it will be able to be increased in size and can be updated as necessary without consultation.</p>	<p>No change</p>
<p>Para 9.15 – We wonder if the reference in the first line to para 9.13 is correct? Further, as the paragraph is currently written, it suggests that applicants must always propose conditions for the premise licence they seek. Surely this is not what is intended and conditions should only be proposed where necessary. We would ask that this be clarified, perhaps by inserting the words “if appropriate” after “licence conditions”.</p>	<p>agreed</p>	<p>In sensitive areas the Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any ASB problems within the vicinity generally. Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions if appropriate, to cater for the local area in which they propose to run their business.</p>
<p>Para 9.17 – The Commission’s stated intention for risk assessments is that they are simple and short documents, based on the operator’s knowledge of the locality in which the particular premises are situated. It would be wholly disproportionate and unreasonable to expect operators to trawl through</p>	<p>Disagree The paragraph is only highlighting where information can be found.</p>	<p>No change</p>

<p>lengthy websites, volumes of crime statistics, or un-named publications to come to a view on the risk it faces in running its premises. Although Para 9.17 does not make consideration of these sites compulsory, some may take it as such, which would be contrary to the intention of the Act and the Regulators’ Code, which as the Draft correctly notes, applies to the matters covered by it</p>		
<p>Paras 9.23 and 9.31 repeat parts of the Mandatory and Default conditions. We are not sure why this is felt to be necessary, when other parts of the Regulations are not included. We suggest that these provisions be removed as being potentially confusing.</p>	<p>Disagree It is an informative as the policy is not just for the trade.</p>	<p>No change</p>
<p>. Para 9.28 – We do not understand the reference to “physical separation of areas” within an AGC. This is only relevant in the context of an adult area in a FEC and this is covered in para 9.29.</p>	<p>Disagree. Where premises have an existing multi licence (such as a bingo licence in an AGC) there needs to be separation.</p>	<p>No change</p>
<p>Para. 9.32 – While this para notes that it is an offence for those under 18 to bet, in fact it is an offence for them to be on the premises. Although this is referred to elsewhere, we suggest it be clarified in this para to avoid confusion.</p>	<p>agreed</p>	<p>9.32 Betting machines in Betting Premises - The Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the access to the premises and use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number and nature of betting machines an operator wants to offer. The Authority will consider limiting the number of machines only where there is evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence, the</p>

		Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter. extend premises in order to enhance the quality of facilities offered to the public who may wish to use them. The Authority will look at those applications sympathetically where there are no concerns that the Licensing Objectives will be adversely affected
Para 9.33 - We do not understand why these comments are directed only to Betting Premises and not to other premises holding other types of premises licences. This appears to be unfair as a blanket approach and therefore not in keeping with the Regulators' Code.	Disagree. From experience betting shops have tended to close down and reopen a new branch nearby so if the new application is in a sensitive area this paragraph will assist.	No change
GossChalks solicitors on behalf of the Association of British Bookmakers. Paragraph 1.5 indicates that in carrying out its licensing functions under the act, the Council will "generally aim to permit the use of premises for gambling..." the requirement within section 153 Gambling Act 2005 is that the licencing authority does "aim to permit". The word 'generally' should therefore be deleted.	Disagree	No change
Paragraph 9.1 states that "licencing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate". The statement of gambling policy needs to be clear throughout that conditions in addition to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licencing objectives in the circumstances of that particular case.	Noted but don't consider that it requires changing.	No change

<p>Paragraph 9.27 makes this point in relation to door supervision but the statement of principles needs to be consistent that conditions will only be imposed where there is evidence of a need to do so and not simply where “it is believed to be appropriate” (paragraph 9.1), where there is a ‘perceived need’ (paragraph 9.22) or whether there are mere concerns.</p>	<p>Noted but don’t consider that it requires changing</p>	<p>No change</p>
<p>Paragraph 9.9 refers to the location of premises. The final two sentences of this paragraph cause the ABB significant concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licencing regime under Licencing Acts 2003. Such a policy is contrary to the overriding principles of “aim to permit” contained within s153 of the Gambling Act2005. Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two sentences should be removed and replaced with the reiteration of the principle that each case will be determined on its own merits.</p>	<p>Refer to the sentence before the final 2 sentences. “Should any specific policy be decided upon regarding areas where gambling premises should not be located, this Statement will be updated”. No areas have been identified and a consultation exercise would have to be carried out prior to implementation.</p>	<p>No change</p>
<p>Paragraph 9.12 appears to have the title of first licensing objective missing. Paragraphs 9.19 and 9.20 have the second and third licensing objective clearly stated in bold type. The title appears to have been omitted from the beginning of paragraph 9.12.</p>	<p>Agreed</p>	<p>9.12 Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime. Premises licences granted must be reasonably consistent with</p>

		<p>the licensing objectives. The Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of crime the Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions, such as the provision of door supervisors, may be relevant.</p>
<p>Paragraph 9.12 should be clear that issues of nuisance are not relevant considerations and that the Gambling Commission has defined disorder as intending to mean activity that is more serious and disruptive than mere nuisance.</p>	<p>Disagree</p>	<p>No Change</p>
<p>Paragraph 9.13 should be deleted. It refers to 'sensitive areas' but these are not defined. It further indicates that the licencing authority will consider imposing restrictions on advertising gambling facilities on such premises where it is felt relevant and reasonably consistent with the licencing objectives. Advertising on gambling premises is already heavily regulated and covered by the LCCP. Ordinary code provision 5.1.6 requires socially</p>	<p>Disagree. This is more for a consideration by the applicant.</p>	<p>No change</p>

<p>responsible advertising, compliance with the CAP codes of practice and the gambling industry code for socially responsible advertising. The advertising of gambling premises is not an issue for consideration by the licensing authority and is dealt with instead under the operating licence regime. This paragraph should therefore be removed.</p>		
<p>Paragraph 9.14 explains that the local area profile introduces the map at Appendix D showing the location of schools, homes for vulnerable people and other places that the authority deems relevant for the purposes of a local authority risk assessment. This paragraph needs to be redrafted and the map at appendix D amended. The reason is that irrelevant considerations are taken into account. Social responsibility code provision 10.1.1 requires that licensees must assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. The risk assessment, therefore, must relate to the gambling objectives. Issues such as ASB hotspots (paragraph 9.14) and the proximity of churches (appendix D) cannot be relevant to the licensing objectives. Issues of nuisance are not relevant considerations under Gambling Act 2005, the Gambling Commission advising that those be dealt with under separate legislation and it is difficult to see how the proximity of a church could be relevant. Indeed, the Gambling Commission guidance (paragraph 5.34 – fifth addition) indicates “licensing</p>	<p>The map is to assist applicants to know what is in the area. Places of worship are included for completeness only.</p>	<p>No Change.</p>

<p>authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences". It is impossible to see how the proximity of a betting premise to a place of worship could pose a risk to the licencing objectives.</p> <p>It is accepted from the outset that the proximity of proposed betting offices to schools/hostels for vulnerable people could pose a risk to the licencing objectives. These issues will be covered by the local area risk assessments that need to be lodged with new applications/material variations after 6 April 2016. The paragraphs in the statement of gambling policy should also be put into some context. The licensing authority should recognise that there has been betting regulation for over 50 years. Operators have developed policies and procedures to ensure that those who are not permitted to bet do not do so. These policies and procedures are supplemented by the mandatory and default conditions which are specifically tailored to the operation of gambling premises.</p>		
<p>Coral Racing Limited are broadly supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. Please note that when judging applications, the Council should not take into account of any</p>	<p>Agreed</p>	<p>1.7 The Licensing Authority will not take into consideration any moral objections to Gambling when considering an application for a premises licence.</p>

<p>moral objections to gambling and most Council's include a sentence to this effect.</p>		
<p>Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and are pleased to see this information included within the Draft Statement. Whilst each application will be judged on its merits as mentioned at several points within your statement, we would like to politely highlight that within the detail of the style of Risk Assessments required (Section 9) of your Draft Statement, Coral knows of no evidence that the location of a licensed betting office within the proximity of schools causes harm to the licensing objectives.</p> <p>We appreciate that such locations are included within Gambling Commission guidance to councils but wish to ensure that by inclusion in the document, there is no inference that such locations in close proximity to the licensed premises, are at greater risk of causing harm to the licensing objectives.</p> <p>Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited</p>	<p>The map is to assist applicants to know what is in the area. The location of Schools is included to assist applicants when they undertake their risk assessments when the legislation requires them to do so,</p>	<p>No Change.</p>

<p>immediately next to schools and colleges and no evidence whatsoever that they cause problems.</p> <p>Coral's experience</p>		
<p>Power Leisure Bookmakers Ltd Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises (section 9.9), thorough details should be provided for consultation with stakeholders at that time.</p>	<p>Agreed and already in the policy.</p>	<p>No change</p>
<p>We note at paragraph 9.6 that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer gambling is constructed. This paragraph requires updating.</p>	<p>Agreed wording amended.</p>	<p>Operators can apply for a premises licence in respect of premises which have still to be constructed or altered and each application will be determined on its merits. It should be noted that an applicant may not be able to obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed.</p>

Equality Impact Assessment (EIA)

Document control

Title of activity:	Statement of Gambling Policy
Type of activity:	Policy
Lead officer:	Trudi Penman
Approved by:	Patrick Keyes

Date completed:	27/10/15
Scheduled date for review:	2020

Did you seek advice from the Corporate Policy & Diversity team?	Yes
Does the EIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?	No

1. Equality Impact Assessment Checklist

The Equality Impact Assessment (EIA) is a tool to ensure that your activity meets the needs of individuals and groups that use your service. It also helps the Council to meet its legal obligation under the [Equality Act 2010 and the Public Sector Equality Duty](#).

Please complete the following checklist to determine whether or not you will need to complete an EIA. Please ensure you keep this section for your audit trail. If you have any questions, please contact the Corporate Policy and Diversity Team at diversity@havering.gov.uk

About your activity

1	Title of activity	Statement of Gambling Policy
2	Type of activity	Policy
3	Scope of activity	The aim of the Statement of Gambling Policy is to comply with the requirements of the Gambling Act 2005. It sets out how Havering as the Licensing Authority will approach licensing premises under the Gambling Act 2005. The updated policy identifies what the Licensing Authority expects from applicants and provides appendices of useful information including a local area profile.
4a	Is the activity new or changing?	No
4b	Is the activity likely to have an impact on individuals or groups?	No groups or individuals most likely to be affected Residents of Havering, People who work in Havering Businesses in Havering

		Councillors. Responsible authorities as defined under the Licensing Act 2003.
5	If you answered yes:	<i>Please complete the EIA on the next page.</i>
6	If you answered no:	None of these groups are specifically affected. However the Gambling Act requires that a public consultation exercise is carried out. This was from 30 th September 2015 to 31 st October 2015. The consultation was primarily on line using a Survey monkey questionnaire to collect responses however respondents had the option to email licensing. Information about the consultation was sent out via the Licensing matters email, the business briefing email, the Romford Recorder, to responsible authorities, to Havering Councillors to gambling trade bodies and to gambling premises licence holders. The decision to award a licence will be guided by the main aims and principles of the legislation which ultimately seek to protect vulnerable persons.

Completed by:	<i>Trudi Penman Licensing and Health and Safety Divisional manager.</i>
Date:	<i>30/10/15</i>

date for next review; and who will be reviewing it.

Part 6: Statement of licensing policy

Introduction

- 6.1** S.349 of the Act requires all licensing authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act, commonly known as a statement of policy. The statement of policy forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.
- 6.2** The statement of policy acts as the primary vehicle for setting out the licensing authority's approach to regulation having taken into account local circumstances. For example, a licensing authority might identify the safeguarding of children as a key priority, in which case its statement would set out those policies, procedures and control measures it would expect licensees to follow to mitigate any risks relating to underage gambling.
- 6.3** Statements of policy are likely to reflect differences in approach between different licensing authorities. The statement made by a seaside town licensing authority, which may see gambling businesses as an important part of its plans for growth and regeneration based on regular influx of visitors, may well be significantly different from that of an inner city authority, which may be more concerned with impact on the vulnerable. In this respect, licensing authorities may find it helpful to make an assessment of the pattern of gambling and associated risks to the licensing objectives in their own areas.
- 6.4** The Commission encourages licensing authorities to have a statement of policy that is genuinely reflective of local issues, local data, local risk and the expectations that a licensing authority has of operators who either currently offer gambling facilities or wish to do so in the future. The existence of a clear and robust statement of policy provides greater scope for licensing authorities to work in partnership with operators, other local businesses, communities, and responsible authorities to identify and to proactively mitigate local risks to the licensing objectives.
- 6.5** The statement of policy can be reviewed and revised by the licensing authority at any time, but must be produced following consultation with those bodies and persons set out in s.349(3) of the Act. Regulations made by the Secretary of State, or Scottish Ministers in Scotland, prescribe the form of statements, and the procedure to be followed in relation to them and their publication, as detailed in paragraph 6.11 onwards.
- 6.6** Licensing authorities should ensure that the statement of policy balances the need for a degree of certainty on the part of gambling businesses with the need to remain responsive to emerging risks. It should be evidence led, based on the principles outlined below and reviewed at least every three years.

Fundamental principles

- 6.7** Licensing authorities' statements of policy should begin by stating the three licensing objectives (s.1 of the Act), which the policy will promote:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 6.8** The statement should also state that the licensing authority shall aim to permit the use of premises for gambling as set out in s.153 of the Act.
- 6.9** It is expected that licensing authorities will regulate gambling in the public interest which will be reflected in the statement of policy.
- 6.10** While the statement of policy may set out a general approach to the exercise of functions under the Act, it should not override the right of any person to make an application and to have that application considered on its merits. The exception to this is where the licensing authority has passed a 'no casino' resolution under s.166(1) of the Act, detailed in Part 17 of this Guidance. Additionally, the statement must not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

Form and content

- 6.11** The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006¹¹ (and The Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006¹², (set out requirements as to the form and publication of licensing authority statements of policy and subsequent revisions of statements. In addition to those requirements, this Guidance sets out certain information that the Commission considers should be included in all licensing authority statements of policy.
- 6.12** The regulations provide that the form of the statement can be determined by the licensing authority itself, subject to the requirement that the statement of policy must contain an introductory section summarising the matters contained within the statement. The introductory section must include:
- a description of the geographical area to which the statement of policy applies, which can be satisfied by including a plan of the area
 - a list of the persons consulted in preparing the statement.
- 6.13** The statement of policy should set out the activities that the licensing authority is able to license.
- 6.14** The regulations also require the statement of policy to set out specific matters in separate sections relating to the principles to be applied by the licensing authority in exercising:
- i. its powers under s.157(h) of the Act to designate, in writing, a body which is competent to advise it about the protection of children from harm
 - ii. its powers under s.158 of the Act to determine whether a person is an interested party in relation to a premises licence, or an application for or in respect of a premises licence
 - iii. the functions under s.29 and s.30 of the Act with respect to the exchanges of information between it and the Commission, and the functions under s.350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act
 - iv. the functions under Part 15 of the Act with respect to the inspection of premises and the power under s.346 of the Act to institute criminal proceedings in respect of the offences specified in that section.

Each of these is set out in further detail below.

¹¹ SI 2006/636: The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006

¹² SSI 2006/156: The Gambling Act 2005 (Licensing Authority Policy Statement) (Scotland) Regulations 2006

i. Competent authority for protection of children from harm

- 6.15** Under s.349 of the Act, the statement of policy must set out the principles that the licensing authority proposes to apply in exercising their functions. One of those functions is to determine who will be competent to advise them about the protection of children from harm and so the statement of policy must contain a section that sets out the principles the licensing authority will apply in designating a competent body.
- 6.16** In many licensing authority areas, the recognised competent body will be the local Safeguarding Children Board in England and Wales, or the Child Protection Committee in Scotland. However, the licensing authority has discretion to determine the most appropriate competent body to advise it, and must consider which body best fulfils this function. The statement of policy should set out this consideration, or the criteria the authority intends to use, in order to designate that body and confirm that designation in writing.
- 6.17** A designated body is a responsible authority under s.157(h) of the Act. Licensing authorities should engage fully with the designated body and provide sufficient opportunity for them to be consulted on the development of the statement of policy, as they can offer valuable insight into the impact of gambling on children in the local area. Licensing authorities might also opt to consult such groups as part of its own local area profile, discussed at paragraph 6.47 onwards.

ii. Interested parties

- 6.18** Licensing authority statements of policy must contain a section that sets out the principles to be applied by the licensing authority to determine whether a person is an interested party in relation to a premises licence, or in relation to an application for or in respect of a premises licence.
- 6.19** S.158 of the Act defines interested parties as persons who, **in the opinion of the licensing authority:**
- a) live sufficiently close to the premises to be likely to be affected by the authorised activities
 - b) have business interests that might be affected by the authorised activities
 - c) represent persons who satisfy paragraph a) or b).
- 6.20** It is a matter for the licensing authority to decide whether a person is an interested party with regard to particular premises and that should be decided on a case by case basis. However, the licensing authority should set out the principles it will apply in determining whether a person is an interested party in its statement of policy, and that may include relevant factors it will take into account. For example, this could be the size of the premises and the nature of the activities taking place as larger premises may be considered to affect people over a broader geographical area compared with smaller premises offering similar facilities.
- 6.21** Licensing authority statements of policy should include guidance as to whom they consider comes within the category of those who living sufficiently close to premises to be affected by it or have business interests, that may be affected by it. For example, this could include trade associations, trade unions, residents' and tenants' associations. It is expected that the types of organisations that may be considered to have business interests will be interpreted broadly to include, for example, partnerships, charities, faith groups and medical practices.

iii. Exchange of information

- 6.22** Licensing authority statements of policy must contain a section that sets out the principles to be applied by the licensing authority in relation to the exchange of information with the Commission (s.29 and s.30 of the Act) and other persons (s.350 of the Act).
- 6.23** S.29 of the Act enables the Commission to require information from licensing authorities, including the manner in which the information is compiled, collated and the form in which it is provided, providing that it:
- forms part of a register maintained under the Act
 - is in the possession of the licensing authority in connection with a provision of the Act.
- 6.24** S.350 of the Act allows licensing authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. Those persons or bodies are listed in Schedule 6(1) as:
- a constable or police force
 - an enforcement officer
 - a licensing authority
 - HMRC
 - the First Tier Tribunal
 - the Secretary of State
 - Scottish Ministers.
- 6.25** The licensing authority statement of policy must set out how it will approach information exchange with other persons or bodies under the Act, and whether it intends to establish any protocols in this regard. The statement of policy should also include the authority's approach to data protection and freedom of information, in particular, how information will be protected, whether the confidentiality of those making representations will be maintained, what information will be shared with other agencies or persons and how information can be accessed by data subjects.
- 6.26** Further information regarding the exchange of information can be found in Part 13 of this Guidance.
- 6.27** For the purposes of their statement of policy, licensing authorities should confirm that they will act in accordance with the relevant legislation and Guidance from the Commission and will adopt the principles of better regulation (detailed at paragraph 5.27).

iv. Inspection and criminal proceedings

- 6.28** Licensing authority statements of policy must contain a section that sets out the principles to be applied by the licensing authority in exercising their inspection function (part 15 of the Act) and in instigating criminal proceedings (s.346 of the Act).
- 6.29** The statutory principles of good regulation and the Regulators' Code (paragraph 5.27) apply to licensing authorities. This means that inspection and enforcement activities must be carried out in a way which is transparent, accountable, proportionate, consistent and targeted, and promotes efficient and effective regulatory approaches which improve outcomes without imposing unnecessary burdens on business.

- 6.30** The statement of policy should set out the principles to be applied by the licensing authority in relation to inspections. It is recommended that licensing authorities adopt a risk-based approach to inspection programmes and the statement of policy should outline the criteria the licensing authority will use to determine the level of risk in respect of premises. Such an approach could include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more effectively concentrated on potential problem premises. If the licensing authority has a local area profile, as outlined at paragraph 6.47 onwards below, their inspection approach is likely to be informed by it.
- 6.31** Many licensing authorities in England and Wales will have general enforcement policies which are in accordance with the codes of practice developed with the Crown Prosecution Service. Such licensing authorities may wish to refer to these codes in their statement of policy, in relation to the management of criminal cases.
- 6.32** Further guidance on licensing authorities' compliance and enforcement responsibilities is available in Part 36 of this Guidance. This has been developed following discussions between the Commission, the police, licensing authorities and other law-enforcement and regulatory agencies to agree respective roles in relation to particular types of gambling and licensed premises.

Other matters to be considered

Relevant factors when considering applications and reviews

- 6.33** The statement of policy should set out what factors it is likely to take into account when considering applications for premises licences, permits and other permissions, and when determining whether to review a licence. This may be informed by the licensing authority's local area profile and will include considerations such as the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children.
- 6.34** Although the statement of policy should identify the factors to be considered, it should be clear that each application or review will be decided on its merits. Importantly, if an applicant for a premises licence can show how risks to the licensing objectives can be mitigated, the licensing authority will need to take that into account in its decision making.

Statement regarding casino resolution

- 6.35** The statement of policy should include details about how the licensing authority has taken or will take a decision in relation to a casino resolution. A licensing authority may resolve not to issue casino premises licences within its area. If it does so, the resolution must be published in its statement of policy (s.166(5) of the Act).

Other regulatory regimes

- 6.36** The statement of policy should include a firm commitment to avoid duplication with other regulatory regimes, so far as possible. For example, a range of general duties are imposed on the self-employed, employers and operators of gambling premises, both in respect of employees and of the general public, by legislation governing health and safety at work and fire safety. Therefore such requirements do not need to be included in the statement of policy.

Demand for gaming premises

- 6.37** Previous legislation required that the grant of certain gambling permissions should take account of whether there was unfulfilled demand for the facilities. This is no longer the case and each application must be considered on its merits without regard to demand. The statement of policy should reflect the 'aim to permit' principle (s.153 of the Act) and should not comment on whether there is demand for gambling premises.

6.38 However, the statement of policy may comment on the location of premises and the general principles it will apply in considering the location so far as it relates to the licensing objectives. For example, a statement of policy may set out that the licensing authority will carefully consider applications for premises licences and whether there is a need for condition(s) to mitigate risks, in respect of certain kinds of gambling located very close to a school or a centre for gambling addicts, in light of the third licensing objective. The statement of policy must be clear that each case will be decided on its merits and will depend to a large extent on the type of gambling that is proposed for the premises.

Other information

6.39 Licensing authorities may wish to include other information in their statement of policy to ensure clarity on their approach to local regulation, particularly the factors that will not be relevant to the exercise of their functions under the Act. This will ensure that applicants or persons who wish to make representations have all the necessary information to be able to do so, including what representations may not be relevant.

6.40 For example, licensing authorities may wish to explain in their statements of policy that any objections to new premises or requests for a review should be based on the licensing objectives of the Act. The statement of policy could make it clear that – unlike the Licensing Act 2003 and the Licensing (Scotland) Act 2005 – the Act does not include the prevention of public nuisance and anti-social behaviour as a specific licensing objective.

Local risk assessments

6.41 The Commission's [Licence Conditions and Codes of Practice \(LCCP\)](#) which were revised and published in February 2015, formalise the need for operators to consider local risks.

6.42 Social responsibility (SR) code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy.

6.43 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

6.44 The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority, such as when they are inspecting a premises. Both provisions take effect from April 2016.

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FULL COUNCIL, Wednesday 25 November

MEMBERS' QUESTIONS

1) To the Leader of the Council, Councillor Roger Ramsey

From Cllr Ray Morgon

Would the Leader of the Council confirm what specific discussions have taken place with NELSA and others in devolving more powers to Havering.

2) To the Cabinet Member for Culture, Councillor Melvin Wallace

From Cllr Stephanie Nunn

Would the Cabinet Member confirm the current book fund for this year, and confirm how the council decides what books to purchase and how.

3) To the Cabinet Member for the Environment, Councillor Robert Benham

From Cllr Reg Whitney

Would the Cabinet Member confirm what parking enforcement activities take place at the weekend.

4) To the Cabinet Member for Adult Social Services, Councillor Wendy Brice-Thompson

From Cllr John Wood

To ensure that only genuine users are able to use Blue Badges, would the Cabinet Member confirm what steps the council is taking to ensure that misuse of blue badges is not taking place in Havering.

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5) To the Cabinet Member for Housing, Councillor Damian White

From Cllr June Alexander

Would the Cabinet Member confirm if he agrees that charging council tenants for mobile CCTV that all non-council tenants benefits from is unfair.

6) To the Cabinet Member for the Environment, Councillor Robert Benham

From Cllr Barry Mugglestone

Since the introduction of increased parking charges in April, would the Cabinet Member confirm the income received compared to each of the previous three financial years.

7) To the Cabinet Member for the Environment, Councillor Robert Benham

From Cllr Jody Ganly

Would the Cabinet Member confirm what actions have been taken by Havering Council and other organisations on each of the rivers that run through Havering in the past 12 months.

8) To the Cabinet Member for Housing Company Development and oneSource Management, Councillor Ron Ower

From Cllr Graham Williamson

You will be aware of the concern over Havering's relatively high Mayoral housing target of 1,170 dwellings per year, which will have a negative impact on our existing infrastructure, amenity and services. Our target is well in excess of other similar outer-boroughs e.g. 363 for Sutton, 446 for Bexley and 599 for Hillingdon etc. Furthermore, If you remove such borough's Greenbelt land and weight the targets accordingly you will find that most of those boroughs should have targets actually in excess of ours.

These targets are the result of what the Council has identified to the GLA as potential sites for development in 2004, 2006, and 2013. Clearly Councillors, who were not part of this process, should now have oversight of these sites to understand whether officers have, unlike many similar boroughs, been over-zealous in identifying land for development and in particular whether the Green Belt Mardkye Farm has been submitted to the GLA as a potential development site.

I have requested to see the submitted list but have so far been denied access. Does the Cabinet Member agree that Councillors need this information to perform their oversight

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and scrutiny duty and in the interests of transparency will he now authorise publication of this vital housing target information so it can be examined by Members and the Environment committee?

9) To the Cabinet Member for Children and Learning, Councillor Meg Davis

From Cllr David Durant

Despite promises to reduce immigration the Government are promoting a New Labour open door policy as part of their long term economic plan. At the same time they have banned councils from building new schools and this means existing schools need to be expanded to meet growing demand.

In the circumstances expansion of existing schools is unavoidable, but a zealous approach that ignores local opinion by creating East London super-size primary schools in Havering should be avoided as they will set a precedent for the whole borough.

Thus to help protect the suburban character of our borough, educational standards and local amenity will the Conservative Group rule out supporting the creation of 4th form entry super-size primary schools of 840+ pupils in Havering?

10) To the Cabinet Member for Regulatory Services & Community Safety, Councillor Osman Dervish

From Cllr Jeff Tucker

The last Council meeting passed a Conservative amendment calling on the Metropolitan Police Commissioner and the London Mayor to provide the Havering Borough Commander with the resources needed to implement the New Policing Model. Please provide the date and details of the messages sent and responses received.

11) To the Cabinet Member for Regulatory Services & Community Safety, Councillor Osman Dervish

From Cllr Keith Darvill

When is it anticipated that the Article 4 Direction and the proposed Licensing Scheme Relating to Homes of Multiple Occupation will be implemented and how many properties is it estimated will have to apply for a Licence?

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**12)To the Cabinet Member for Regulatory Services & Community Safety,
Councillor Osman Dervish**

From Cllr Ian De Wulverton

Earlier this month a KFC opened at Gallows Corner, since then it has caused chaos for drivers coming off the roundabout heading up the A12. What traffic impact studies were made prior to granting planning consent?

13)To the Cabinet Member for Housing, Councillor Damian White

From Cllr John Glanville

What impact does the council foresee on the availability of social housing in Havering, if and when the legislation extending the right to buy to housing associations comes into effect?

14)To the Cabinet Member for oneSource, Councillor Ron Ower

From Cllr Lawrence Webb

If as is likely that the TTIP will be agreed in the EU parliament what risk impact assessments have the council undertaken on how this could affect decisions around planning and procurement?

**15)To the Cabinet Member for Regulatory Services & Community Safety,
Councillor Osman Dervish**

From Cllr Philip Martin

The Council are making a substantial financial investment in the Dover's Corner development to ensure that the target of affordable homes is met. If the recent exposure of the performance of the company Persimmon on the TV programme Watchdog is to be believed there is a risk that the poor standard of construction reported from its many sites over the UK could be repeated in this major development in South Hornchurch. What safeguards are being put in place to ensure this does not happen in the Dover's Corner site?

COUNCIL, 25 NOVEMBER

MOTIONS FOR DEBATE

A ARTICLE 4 DIRECTION

Motion on behalf of the Independent Residents' Group

A developer has made extensive alterations to a property that includes erecting two 2 metre (6'6") high front boundary brick walls of an industrial appearance. The walls are immediately outside one neighbour's front door and another neighbour's front window in a road characterised by owner occupier houses with low front walls.

The Planning Department has described the two walls as arguably part "permitted development" (nearest the building) and part breach of planning rules (nearest the highway). The "permitted development" part of the wall blocks neighbours street view.

This is a very worrying development, thus Council calls on the Administration to implement an Article 4 Direction throughout the borough to restrict the height of front walls without planning permission to protect our suburban environment and community cohesion.

Amendment on behalf of the Conservative Group

Amend motion to read:

Noting concern expressed in respect of a case where two 2 metre high front boundary walls of an industrial appearance have been erected and that the Planning Department has described the two walls as arguably part "permitted development" and part breach of planning rules and that the "permitted development" part is considered to block neighbours' street view, this Council invites the Towns & Communities Overview & Scrutiny Sub Committee to investigate the case and to consider and recommend to Cabinet any action which the Council might take to address problems such as these.

B AUTISTIC SPECTRUM DISORDER

Motion on behalf of the East Havering Residents' Group

Research by the National Autistic Society suggested, of the 700,000 adults with Autism, only 15% are employed. The remaining unemployed require long-term financial support.

Havering has approximately 1,433 adults with Autism, which is profiled to rise by 12% over the next 15 years. This places increased pressures and challenges at a local level.

This Council accordingly agrees to:

- Work with Local Partners to ensure the devolved offer on skills and employment includes a strategy to support Autistic Spectrum Disorder adults with the aim of increasing the number in employment by the end of 2016.
- Lobby the government to recognise the economic benefits and under-use of skills in the workforce, and to develop programmes, promoting work opportunities for adults with ASD.

C LEISURE CENTRES

Motion on behalf of the Independent Residents' Group

As we await the promised new Romford Leisure Centre it is still vital to maintain and enhance the existing borough wide provision of leisure facilities that serve all our residents. Presently the borough wide leisure centre contract is held by "Sports and leisure Management Limited" and operates at a loss requiring a council subsidy. To cut costs there has been a contractual variation to reduce hours and presumably improvements at Chafford, Rainham and no doubt the Central Park, Romford and Hornchurch Leisure Centres face potential cutbacks too!

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Following Academy status and a Land Tribunal Adjudication the Chafford Leisure Centre will be owned by the school when the council contract ends in Oct 1st 2016 and without financial help will close, because their priority is educational rather than leisure spending. The existing facility needs significant investment and if it were to close there is planning permission in place for a new swimming pool at Chafford when funding becomes available. But will the Council allow an existing Leisure Centre, as well as an Ice Rink, to close as we await a second and 'state of the art' leisure centre in Romford that includes a promised £2 million funding from reserves?

Thus this Council calls on the Administration to maintain and enhance the existing borough wide provision of leisure facilities at Rainham, Romford and Hornchurch Leisure Centres in the healthy interests of all Havering residents.

Amendment on behalf of the Conservative Group

Amend motion to read:

Noting with approval the imminent commencement of the construction of the Romford Leisure Centre in Romford Town Ward, the letting of the contract for the first phase of the £3 million Broxhill Sports Park in Heaton Ward, the recent opening of the Visitors Centre at Hornchurch Country Park in Elm Park Ward, the recent opening of the new library and establishment of a new park in Rainham Ward, the current construction of a new library in Gooshays Ward, the achievement of Green Flags in parks across the borough and noting that the Council's Leisure Management Contract, the negotiation of which is currently in progress, is likely to provide an enhancement of leisure facilities rather than cutbacks, this Council welcomes the Administration's intention to continue to maintain and enhance the existing borough wide provision of leisure facilities in the healthy interests of Havering residents.

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