

Notice of Meeting of the

ASSEMBLY

**to be held on Wednesday, 24 July 2019
commencing at 7:00 pm in the
Council Chamber, Town Hall, Barking**



To all Members of the Council of the London Borough of Barking and Dagenham

Date of publication: 16 July 2019

Chris Naylor
Chief Executive

Councillors and Senior Officers are also invited to attend a presentation in the Council Chamber from 6.00pm to 6.45pm from Catherine McGuinness, Chair, Policy & Resources Committee at the City of London Corporation on proposals to move the three wholesale food markets to the Borough.

Councillors' views will be sought on the principle of consolidating the markets on the preferred site in Dagenham, consider the vision and how the markets could support the local community.

Contact Officer: John Dawe
Tel: 020 8227 2135
E-mail: john.dawe@lbbd.gov.uk

Please note that this meeting will be webcast, which is a transmission of audio and video over the internet. Members of the public who attend the meeting and who do not wish to appear in the webcast will be able to sit in the public gallery on the second floor of the Town Hall, which is not in camera range.

To view webcast meetings, go to <https://www.lbbd.gov.uk/council/councillors-and-committees/meetings-agendas-and-minutes/overview/> and select the meeting from the list.

AGENDA

1. Apologies for Absence

2. Declaration of Members' Interests

In accordance with the Council's Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

3. Minutes of meeting of Assembly held on 15 May 2019 (Pages 3 - 16)

4. Minutes of Sub-Committees - To note the minutes of the JNC Appointments, Salaries and Structures Panel held on 18 June 2019 (Page 17)

5. Leader's Statement

The Leader will present his statement.

6. Appointments

The Labour Group Secretary will announce any nominations to fill vacant positions on Council committees or other bodies.

7. Treasury Management Annual Report 2018/19 and Strategy 2019/20 (Pages 19 - 37)

8. Adoption of Gambling Licensing Policy 2019 - 2022 (Pages 39 - 94)

9. Annual Scrutiny Report 2018/19 (Pages 95 - 110)

10. Motions (Pages 111 - 119)

11. Questions With Notice

12. Any other public items which the Chair decides are urgent

13. To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.

Private Business

The public and press have a legal right to attend Council meetings such as the Assembly, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). ***There are no such items at the time of preparing this agenda.***

- 14. Any confidential or exempt items which the Chair decides are urgent**

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Our Vision for Barking and Dagenham

ONE BOROUGH; ONE COMMUNITY; NO-ONE LEFT BEHIND

Our Priorities

A New Kind of Council

- Build a well-run organisation
- Ensure relentlessly reliable services
- Develop place-based partnerships

Empowering People

- Enable greater independence whilst protecting the most vulnerable
- Strengthen our services for all
- Intervene earlier

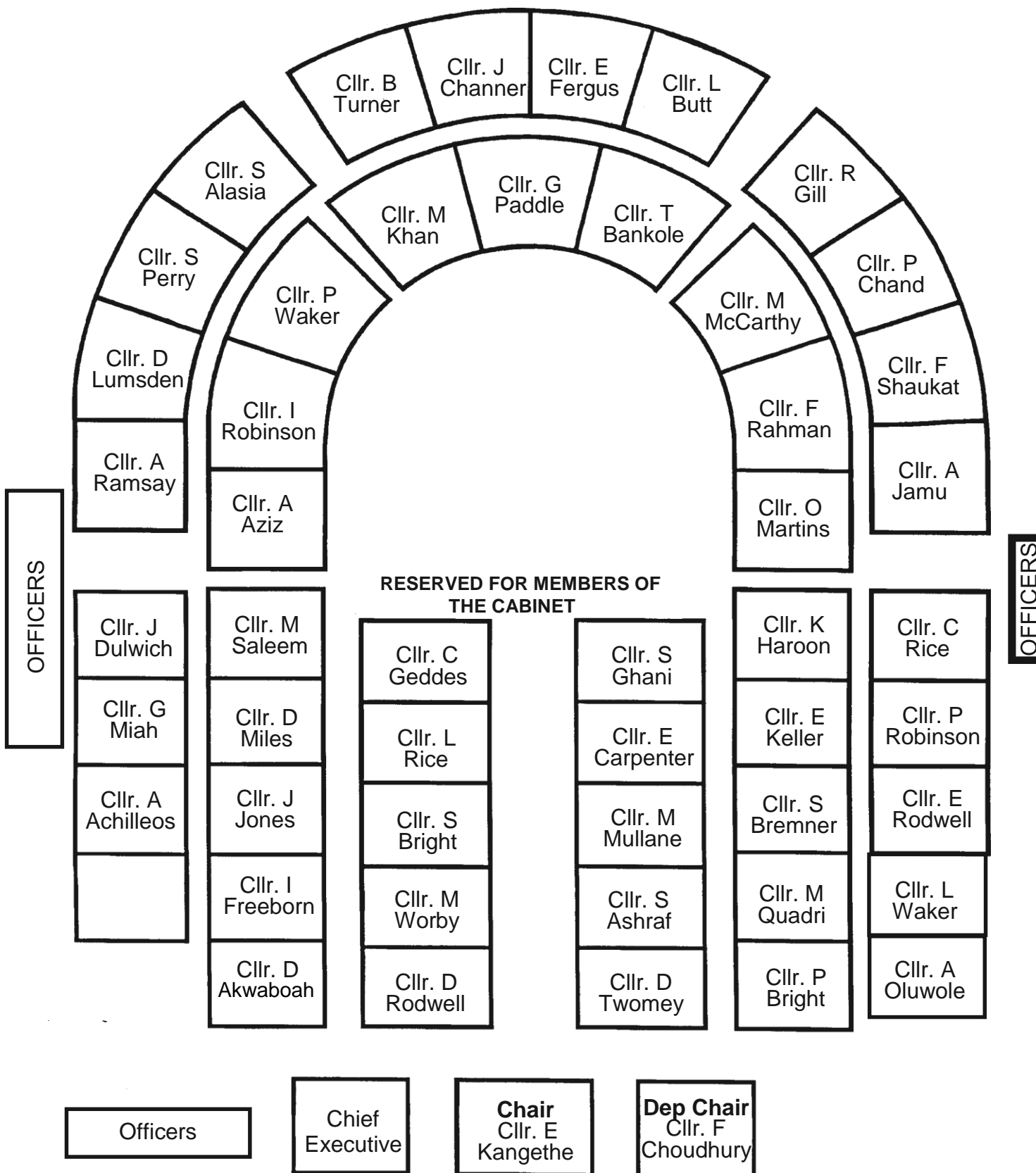
Inclusive Growth

- Develop our aspirational and affordable housing offer
- Shape great places and strong communities through regeneration
- Encourage enterprise and enable employment

Citizenship and Participation

- Harness culture and increase opportunity
- Encourage civic pride and social responsibility
- Strengthen partnerships, participation and a place-based approach

BARKING TOWN HALL COUNCIL CHAMBER



SEATING PLAN FOR THE ASSEMBLY

MINUTES OF ASSEMBLY

Wednesday, 15 May 2019
(7:03 - 7:30 pm)

PRESENT

Cllr Elizabeth Kangethe (Chair)
Cllr Faruk Choudhury (Deputy Chair)

Cllr Andrew Achilleos	Cllr Dorothy Akwaboah	Cllr Saima Ashraf
Cllr Abdul Aziz	Cllr Toni Bankole	Cllr Simon Bremner
Cllr Princess Bright	Cllr Sade Bright	Cllr Evelyn Carpenter
Cllr Peter Chand	Cllr John Dulwich	Cllr Edna Fergus
Cllr Irma Freeborn	Cllr Cameron Geddes	Cllr Syed Ghani
Cllr Rocky Gill	Cllr Kashif Haroon	Cllr Amardeep Singh Jamu
Cllr Jane Jones	Cllr Eileen Keller	Cllr Mohammed Khan
Cllr Donna Lumsden	Cllr Olawale Martins	Cllr Mick McCarthy
Cllr Giasuddin Miah	Cllr Dave Miles	Cllr Adegboyega Oluwole
Cllr Glenda Paddle	Cllr Simon Perry	Cllr Moin Quadri
Cllr Foyzur Rahman	Cllr Tony Ramsay	Cllr Chris Rice
Cllr Lynda Rice	Cllr Ingrid Robinson	Cllr Paul Robinson
Cllr Darren Rodwell	Cllr Emily Rodwell	Cllr Muhammad Saleem
Cllr Faraaz Shaukat	Cllr Bill Turner	Cllr Dominic Twomey
Cllr Phil Waker	Cllr Maureen Worby	

APOLOGIES FOR ABSENCE

Cllr Sanchia Alasia	Cllr Laila M. Butt	Cllr Josie Channer
Cllr Margaret Mullane	Cllr Lee Waker	

1. Appointment of Chair and Deputy Chair

The Chief Executive opened the meeting and invited nominations for the positions of Chair and Deputy Chair of the Assembly for the 2019/20 municipal year.

The Assembly **resolved** to appoint Councillors Kangethe and Choudhury as the Chair and Deputy Chair respectively.

2. Declaration of Members' Interests

There were no declarations of interest.

3. Minutes (27 February 2019)

The minutes of the meeting held on 27 February 2019 were confirmed as correct.

4. Leader's Statement

The Leader of the Council presented a verbal statement updating the Assembly on

a range of matters since the last meeting including:

- **London Markets** - The recent announcement by the City of London Corporation that the Borough had been selected as the preferred option for the relocation of Smithfield, New Spitalfields and Billingsgate Markets;
- **Youth Zone** - His Royal Highness The Duke of Sussex officially opened the Future Youth Zone in Parsloes Park on 19 April 2019 and young people will begin to use the state-of-the-art facilities from 18 May;
- **Home and Money Advice Hub** – The Council’s second Home and Money Advice Hub opened at the Dagenham Library, Heathway, on 13 May 2019;
- **Wall of Shame** - The Council’s Wall of Shame webpage, which encouraged the local community to report flytippers and others engaging in illegal and anti-social behaviour, had now received almost 100,000 hits;
- **Faith and Inclusion Charter** - Alongside the Barking and Dagenham Faith and Belief Forum, the Deputy Leader and Cabinet Member for Community Leadership and Engagement, Councillor Ashraf, had recently signed up to the Charter for Faith and Belief Inclusion on behalf of the Council;
- **Barking Folk Festival** - The first event in the Council’s Summer of Festivals programme, the Barking Folk Festival, would be taking place over the weekend of 8th and 9th June 2019 on Abbey Green; and.
- **Good Neighbour Guide** - The Council’s Good Neighbour Guide for 2019 would be published shortly.

5. **Appointments to the Political Structure and Other Bodies 2019/20**

The Director of Law and Governance introduced a report on the annual process of appointments to the various elements of the political structure and other internal and external bodies for the 2019/20 municipal year.

The Director drew Members’ attention to the schedule appended to the report and referred to amendments / updates since the papers had been published which related to:

- Members’ Corporate Parenting Group – The schedule should have listed Councillor Ingrid Robinson and not Councillor Paul Robinson;
- Registered Provider Forum – The vacancy would be filled by Councillor Bankole;
- Admissions Forum – The Council representation was to be increased by three, to be filled by Councillors Freeborn, Paddle and Turner.

The Assembly **resolved** to:

- (i) Approve the appointments to various Council committees and other internal and outside bodies, as set out in the document attached at Appendix 1; and

- (ii) Note the other appointments not requiring Assembly approval also included in Appendix 1.

6. Review of Council Governance Arrangements and Constitution Updates

Further to Minute 56 (28 February 2018) and Minute 8 (23 May 2018), the Cabinet Member for Finance, Performance and Core Services introduced a report on the outcome of a review of the new committee structure and governance arrangements that took effect from the start of the 2018/19 municipal year.

The Cabinet Member commented that the new arrangements appeared to be working very well, although the review process had highlighted some aspects that need refinement, such as:

- A “tidying up exercise” of the terms of reference of the Audit and Standards Committee, the Overview and Scrutiny Committee and the Health Scrutiny Committee, to properly reflect the committees’ areas of responsibility;
- Adding a July meeting to the Assembly programme, taking the Assembly back to a six-meeting schedule;
- Increasing the number of Health Scrutiny Committee meetings to six each year, as it became apparent during the first year that the quarterly meeting cycle was not sufficient for the Committee’s work programme; and
- Reinstating the provision in the Public Participation rules to give the Chair of a meeting some further discretion regarding public speaking at meetings.

The Cabinet Member also referred to the full schedule of changes, attached at Appendix 5 to the report, which included other changes to the Constitution which had been agreed by the Monitoring Officer in line with the review / revision provisions of the Constitution.

The Assembly **resolved** to:

- (i) Agree the revised Articles of the Audit and Standards Committee, as set out at Appendix 1 to the report;
- (ii) Agree the revised Articles of the Overview and Scrutiny Committee, as set out at Appendix 2 to the report;
- (iii) Agree the revised Articles of the Health Scrutiny Committee, including an increase to the meeting frequency to six meetings each municipal year, as set out at Appendix 3 to the report;
- (iv) Agree the increase to the meeting frequency of the Assembly to six meetings each municipal year;
- (v) Agree the revised ‘Meeting Rules - General’ Article, as set out at Appendix 4 to the report;
- (vi) Note the full schedule of amendments to the Constitution as set out at Appendix 5 to the report; and

- (vii) Note that the new Council Constitution shall be published on the Council's website once all the agreed changes had been made.

7. Members' Allowances Scheme 2019/20

The Director of Law and Governance and Monitoring Officer presented a report on the Members' Allowances Scheme 2019/20.

It was noted that, following the detailed review of allowances last year, it was proposed that all basic and special responsibility allowances should remain at the levels agreed by the Assembly on 18 July 2018.

The Assembly **resolved** to:

- (i) Agree that no increase be applied to Members' basic and special responsibility allowances for the 2019/20 municipal year; and
- (ii) Adopt the Members' Allowances Scheme 2019/20 at Appendix A to the report, to be effective from 16 May 2019.

8. Report of the Local Government Ombudsman on a matter relating to the Council's charging process for Residential Adult Care

The Cabinet Member for Social Care and Health Integration presented a report on the outcome of a complaint that had been determined by the Local Government Ombudsman (LGO) regarding the way that the Council handled payments for residential care.

The Cabinet Member explained that the matter principally concerned the practice of the Council making payments to the residential care home for only the Council's contribution and expecting the care home to pursue the service user contribution directly. There were also related issues regarding the Council's approach when third parties contributed to the cost of an individual's care and some deficiencies in the care planning process in the case in question. As a consequence, the LGO had determined that the Council's approach was contrary to statutory guidance under the Care Act 2014 and had caused injustice to the complainant. As a number of other Councils were operating similar processes, the LGO had chosen to issue a report in the public interest detailing the outcome of the complaint.

The Cabinet Member acknowledged the fault by the Council and referred to the action plan that had been developed, as set out in section 3 of the report, to ensure that the Council was fully complaint in the future. It was also noted that the Council had agreed to pay appropriate compensation to the complainant.

The Assembly **resolved** to:

- (i) Note the report issued by the Local Government Ombudsman and published on 17 April 2019, as set out at Appendix 1 to the report, and that the required notice had been published by the Council on 24 April 2019;
- (ii) Note the remedies that had been offered to the complainant;

- (iii) Note the system improvements that were being worked on to prevent further recurrence; and
- (iv) Request the Overview and Scrutiny Committee to review progress against the action plan in six months' time, in order to provide reassurance that the system changes had been applied and further such incidents would not reoccur.

9. Appointment of Independent Persons

The Director of Law and Governance and Monitoring Officer introduced a report regarding the appointment of Independent Persons (IPs) who supported the Members' complaints and Chief Officer disciplinary processes.

The Director advised that officers had carried out a review of the current arrangements in view of the length of service of the current IPs. The review had shown that there had been a very low level of complaints lodged against Members that necessitated the involvement of IPs and there had been no Chief Officer disciplinaries since the Localism Act 2011 came into effect. Therefore, in view of the knowledge that the three IPs had gained and the costs associated with a fresh recruitment and training programme it was proposed that the IP appointments be extended for the full term of the current Council (beyond May 2022).

The Assembly **resolved** to agree the extension of the appointment of Mr Michael Carpenter, Dr Gurpreet Singh Bhatia and Pastor Thomas Adeyemi Aderounmu as Independent Persons, under the Localism Act 2011, until the next Assembly meeting following the Annual Assembly in 2022.

10. Motions

There were none.

11. Questions With Notice

There were none.

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Main Council Committee Appointments 2019/20

Committee	Appointee(s)
Assembly	Cllrs Kangethe (Chair); Choudhury (Deputy Chair) plus all other Councillors
Audit and Standards Committee	Cllrs P. Bright (Chair); Oluwole (Deputy Chair); Bankole, Bremner, Channer, Gill, Khan and Shaukat
Health Scrutiny Committee	Cllrs Keller (Chair); P Robinson (Deputy Chair); Khan, Lumsden, C. Rice and E. Rodwell
JNC Appointments, Structures and Salaries Panel	Councillors Alasia, Aziz, Haroon, Jones, Oluwole and P. Waker
Licensing and Regulatory Committee	Cllrs Quadri (Chair); L Waker (Deputy Chair); Butt, Chand, Haroon, Lumsden, Martins, Oluwole, Paddle and Rahman
Overview and Scrutiny Committee	Cllrs Jones (Chair); Achilleos (Deputy Chair); Akwaboah, Bankole, Butt, Gill, I. Robinson, P. Robinson, Turner and P. Waker
Pensions Committee	Cllrs Jamu and Ramsay (up to May 2020) (Cllrs Miles (Chair); Miah (Deputy Chair); S Bright, Haroon and Rahman appointed in May 2018 for two-year term up to May 2020)
Personnel Board	Cllrs Bremner (Chair); E Rodwell (Deputy Chair); Alasia, Choudhury, Jones, Keller, Rahman, I. Robinson and P. Waker
Planning Committee	Cllrs Saleem (Chair); Dulwich (Deputy Chair); Achilleos, Choudhury, Fergus, Geddes, McCarthy, Perry, Rahman and Twomey

Other Internal / Outside Body Appointments 2019/20

Body / Committee	Appointee(s)
Admissions Forum	Cllrs Freeborn, Paddle and Turner (up to May 2022) (Cabinet Member for Educational Attainment & School Improvement automatically appointed and Cllrs Dulwich, Keller, Martins and Oluwole appointed in May 2018 for 4-year term up to May 2022)
Barking Riverside Community Interest Company (CIC)	Cllrs Channer and Turner (substitute representatives) (Cabinet Member for Regeneration & Social Housing and the Leader automatically appointed)
Chadwell Heath Community Trust Board	Cllrs Achilleos, Jamu and Perry
East London Waste Authority	Cllr Akwaboah (Cabinet Member for Public Realm automatically appointed)
Elevate Strategic Partner Board	Cllr Oluwole (Cabinet Member for Finance, Performance & Core Services automatically appointed)
Employee Joint Consultative Committee	Cllrs Alasia, Ghani, Keller, Saleem and P. Waker (Cabinet Member for Finance, Performance & Core Services automatically appointed)

**Appointments made by Leader, Cabinet Members and/or other appointments
not requiring Assembly approval 2019/20 - For information only**

Body / Committee	Appointee(s)
Barking and Dagenham Adoption and Permanence Panel	Cllr Lumsden (appointed up to May 2022)
Barking & Dagenham Citizens' Advice Bureau	Cllrs I Robinson and Saleem (appointed up to May 2022)
Barking and Dagenham Fostering Panel	Cllrs Lumsden and I Robinson (appointed up to May 2022)
Barking and Dagenham Reside	Cllr Geddes (observer status with no voting rights)
Barking and Dagenham Safeguarding Adult's Board	Cabinet Member for Social Care & Health Integration (automatic appointment)
Barking and Dagenham Safeguarding Children Board	Cabinet Member for Social Care & Health Integration (automatic appointment)
Barking and Ilford United Charities	Cllrs Lumsden and Quadri (appointed up to May 2022)
Barking Riverside Limited Board	Cabinet Member for Regeneration & Social Housing (automatic appointment) (observer status only)
Cabinet	Cllrs D Rodwell (Chair); Ashraf and Twomey (Deputy Chair); S Bright, Carpenter, Geddes, Ghani, Mullane, L Rice and Worby

Colin Pond Bursaries for Higher Education	Cabinet Member for Educational Attainment & School Improvement, the statutory Chief Financial Officer, the statutory Director of Children's Services and the Director of Law and Governance
Community Safety Partnership	Cabinet Members for Enforcement & Community Safety and Social Care & Health Integration (automatic appointments)
Dagenham United Charity	Cllrs Chand, Keller, Mullane and L Waker (appointed up to May 2022)
East London Housing Partnership	Cabinet Member for Regeneration & Social Housing (automatic appointment)
East London Solutions Leaders' Group	Leader of the Council (automatic appointment)
Elevate Limited Liability Partnership Board	Cabinet Member for Finance, Performance & Core Services (automatic appointment) Deputy: Cllr Oluwole
Health and Wellbeing Board	Cabinet Member for Social Care & Health Integration (automatically appointed as the Chair) and Cllrs Ashraf, S. Bright, Carpenter and L. Rice
Housing Forum - Barking	All Councillors from the following Wards are invited (one voting right per Ward): Abbey, Becontree, Eastbury, Gascoigne, Goresbrook, Longbridge, Mayesbrook and Thames
Housing Forum - Dagenham	All Councillors from the following Wards are invited (one voting right per Ward): Alibon, Chadwell Heath, Eastbrook, Heath, Parsloes, River, Village, Valence and Whalebone
Joint Health Overview and Scrutiny Committee	Three Councillors (to be appointed by the Health Scrutiny Committee)

Kallar Lodge and Fewes Lodge Trust Fund	Cllrs Chand and Keller (appointed up to May 2022)
King George V Silver Jubilee Trust Fund	The Mayor and the statutory Director of Children's Services
Local Government Association (LGA) General Assembly	Leader and Deputy Leader (Cabinet Member for Community Leadership and Engagement) (automatic appointments) and Cllrs S. Bright and Twomey
Local London Joint Committee	Leader of the Council and Chief Executive
Local Plan Steering Group	The Leader of the Council and Cabinet Members for Regeneration & Social Housing and Social Care & Health Integration (voting Members) plus Chair and Deputy Chair of the Planning Committee (non-voting)
London Councils Children and Young People Lead Member	Cabinet Member for Educational Attainment & School Improvement (automatic appointment)
London Councils Crime and Public Protection Lead Member	Cabinet Member for Enforcement & Community Safety (automatic appointment)
London Councils Culture, Tourism and Sport Lead Member	Cabinet Member for Community Leadership & Engagement (automatic appointment)
London Councils Economic Development / Regeneration Lead Member	Cabinet Member for Regeneration and Social Housing (automatic appointment)
London Councils Employment and Skills Lead Member	Cabinet Member for Employment, Skills & Aspiration (automatic appointment)
London Councils Grants Committee	Cabinet Member for Community Leadership & Engagement (automatic appointment) Deputy: Cllr S Bright

London Councils Greater London Employment Forum	Cabinet Member for Employment, Skills & Aspiration (automatic appointment) Deputy: Cllr Freeborn
London Councils Health and Adult Services Lead Member	Cabinet Member for Social Care & Health Integration (automatic appointment)
London Councils Housing Lead Member	Cabinet Member for Regeneration and Social Housing (automatic appointment)
London Councils Leaders' Committee	Leader (automatic appointment) Deputies: Cllrs Ashraf, S Bright
London Councils Pensions CIV (Sectoral Joint Committee)	Cabinet Member for Finance, Performance & Core Services (automatic appointment) Deputy: Cllr Miles
London Councils Planning / Infrastructure Lead Member	Cabinet Member for Regeneration and Social Housing (automatic appointment)
London Councils Transport and Environment Committee	Cabinet Member for Public Realm (automatic appointment) Deputy: Cllr Geddes
London Road Safety Council	Cllrs Oluwole and Saleem (appointed for two-year term up to May 2020)
London-wide Business Rates Group (Strategic Investment Pot)	Leader of the Council
May & Baker Eastbrook Community Club	Cllrs P Bright, McCarthy and Ramsay (appointed up to May 2022)
Members' Corporate Parenting Group	Cllrs Carpenter, Paddle and I. Robinson (appointed up to May 2022)

Newable (previously known as Greater London Enterprise)	Leader of the Council
OFSTED Report Panel	Cabinet Member for Educational Attainment & School Improvement (automatic appointment) and Cllrs Akwaboah, Fergus, Lumsden, Oluwole, Paddle, Rahman, I Robinson and P Waker (appointed up to May 2022)
Public Transport Liaison Group	Cabinet Member for Regeneration and Social Housing (automatic appointment) and Councillor Turner
Registered Provider Forum	Cabinet Member for Regeneration and Social Housing (automatic appointment) and Councillors Bankole and Perry
Reserve Forces and Cadets Association for Greater London	Cllr Ashraf
Shareholder Panel	Cllrs Twomey and Worby, the Chief Operating Officer and the Director of Law and Governance (non-Cabinet Member position currently vacant)

Notes:

- Appointments are for one year unless otherwise stated;
- All four-year appointments are co-terminus with Local Elections.

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MINUTES OF JNC APPOINTMENTS, SALARIES AND STRUCTURES PANEL

Tuesday, 18 June 2019
(3:30 - 4:45 pm)

Present: Cllr Darren Rodwell (Chair), Cllr Adegboyega Oluwole, Cllr Dominic Twomey, Cllr Phil Waker and Cllr Maureen Worby

1. Declaration of Members' Interests

There were no declarations of interest.

2. Private Business

The Panel **resolved** to exclude the public and press from the remainder of the meeting by reason of the nature of the business to be discussed which included information exempt from publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

3. Appointment of Director, Policy and Participation

The Panel considered the papers that had been submitted in advance of the meeting, which included the job description and person specification for the post and the personal statement of the sole applicant.

The Panel reviewed and agreed the interview questions to be asked of the candidate.

Following the interviews, Members discussed the responses to the questions and reached a unanimous decision regarding the appointment.

The Panel **resolved** to appoint Mark Tyson to the post of Director, Policy and Participation on an 18-month secondment basis, subject to suitable references, other employment checks and usual terms and conditions.

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ASSEMBLY**24 July 2019**

Title: Treasury Management Annual Report 2018/19	
Report of the Cabinet Member for Finance, Performance and Core Services	
Open	For Decision
Wards Affected: None	Key Decision: Yes
Report Author: David Dickinson, Investment Fund Manager	Contact Details: Tel: 020 8227 2722 E-mail: david.dickinson@lbbd.gov.uk
Accountable Director: Helen Seechurn, Interim Director of Finance	
Accountable Strategic Leadership Director: Claire Symonds, Chief Operating Officer	
Summary	
<p>Changes in the regulatory environment now place a greater onus on elected Members for the review and scrutiny of treasury management policy and activities. This report (the Treasury Management Annual Report) is important in that respect, as it provides details of the outturn position for treasury activities, significant new borrowing proposed, and highlights compliance with the Council's policies previously approved by the Assembly prior to the start of each financial year.</p> <p>This report presents the Council's outturn position in respect of its treasury management activities during 2018/19. The key points to note are as follows:</p> <ul style="list-style-type: none"> ➤ Interest income for the year was £8.9m (2017/18: £4.1m) compared to a budget of £4.3m; ➤ Investment Income resulting from the Council's Investment and Acquisition strategy totalled £2.7m for the year compared to a budget of £2.8m; ➤ The Council's average interest return of 1.50% for 2018/19 was 0.57% higher than the average London Peer Group return and 0.58% higher than the Local Authority average return; ➤ Interest payable for 2018/19 totalled £29.2m (£2017/18: £25.9m), with PFI and Finance leases totalling £9.8m, HRA totalling £9.7m and the General Fund totalling £9.7m. ➤ The Council borrowed £140.0m of long-term General Fund borrowing in 2018/19 to bring the total long-term General Fund borrowing to £475.7m. The total borrowing comprises market, Public Works Loan Board (PWLB), Local Authority, European Investment Bank and Green Investment Bank loans; 	

- The value of short term borrowing as at 31 March 2019 totalled £96.0m;
- Total HRA borrowing remained at £275.9m, with PFI and finance lease borrowing totalling £131.2m;
- Total Council borrowing as at 31 March 2019 was £978.8m;
- The Council did not breach its 2018/19 authorised borrowing limit of £1.102bn or its Operational Boundary limit of £1.002bn; and
- The Council complied with all other set treasury and prudential limits.

This report was presented to the Cabinet on 18 June 2019.

Recommendation(s)

The Assembly is recommended to:

- (i) Note the Treasury Management Annual Report for 2018/19;
- (ii) Note that the Council complied with all 2018/19 treasury management indicators;
- (iii) Approve the actual Prudential and Treasury Indicators for 2018/19; and
- (iv) Note that the Council borrowed £140.0m from the Public Works Loan Board (PWLB) in 2018/19.

Reason(s)

This report is required to be presented to the Assembly in accordance with the Revised CIPFA Code of Practice for Treasury Management in the Public Services.

1. Introduction and Background

1.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2018/19. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).

1.2 For the 2018/19 period Assembly received the following reports:

- an annual treasury strategy in advance of the year (Assembly 28/02/2018);
- a mid-year (minimum) treasury update report (Assembly 21/11/2018); and
- an annual review following the end of the year describing the activity compared to the strategy (this report).

1.3 This Annual Treasury Report covers:

- The Council's treasury position as at 31 March 2019;
- Economic Factors in 2018/19 and Interest rates Forecasts;
- Investment Strategy and Performance in 2018/19;
- Borrowing Outturn;
- Treasury Management costs in 2018/19;
- Compliance with Treasury limits and Prudential indicators;
- Lending to Commercial and External Organisations; and
- Prudential Indicators for 2018/19 (Appendix 1).

2. Treasury Position as at 31 March 2019

2.1 The Council's treasury position for 2017/18 and 2018/19 can be found in table 1:

Table 1: Council's treasury position at the start and end of 2018/19

	31-Mar-2018	Average Rate of interest	Average Life	31-Mar-2019	Average Rate of interest	Average Life
	£'000	%	Years	£'000	%	Years
Fixed Rate Debt - Long Term Borrowing						
Housing Revenue Account (HRA) – PWLB	265,912	3.51	37.67	265,912	3.51	36.81
HRA – Market	10,000	3.98	60.21	10,000	3.98	59.21
General Fund (GF) – PWLB	179,565	2.36	34.72	335,596	2.28	28.33
GF - Market	34,000	3.96	45.19	49,000	2.85	28.78
GF – EIB	86,669	2.21	26.02	86,669	2.21	26.02
Fixed Rate Debt - Short Term Borrowing						
GF - Local Authorities	65,000	0.67	0.65	115,000	0.88	0.10
Total Debt	641,146	2.75	32.32	847,613	2.56	27.85
Investments						
In-House*	247,905	1.37	1.22	316,681	1.50	1.21

* excludes a prepayment made to Elevate and external school cash balances.

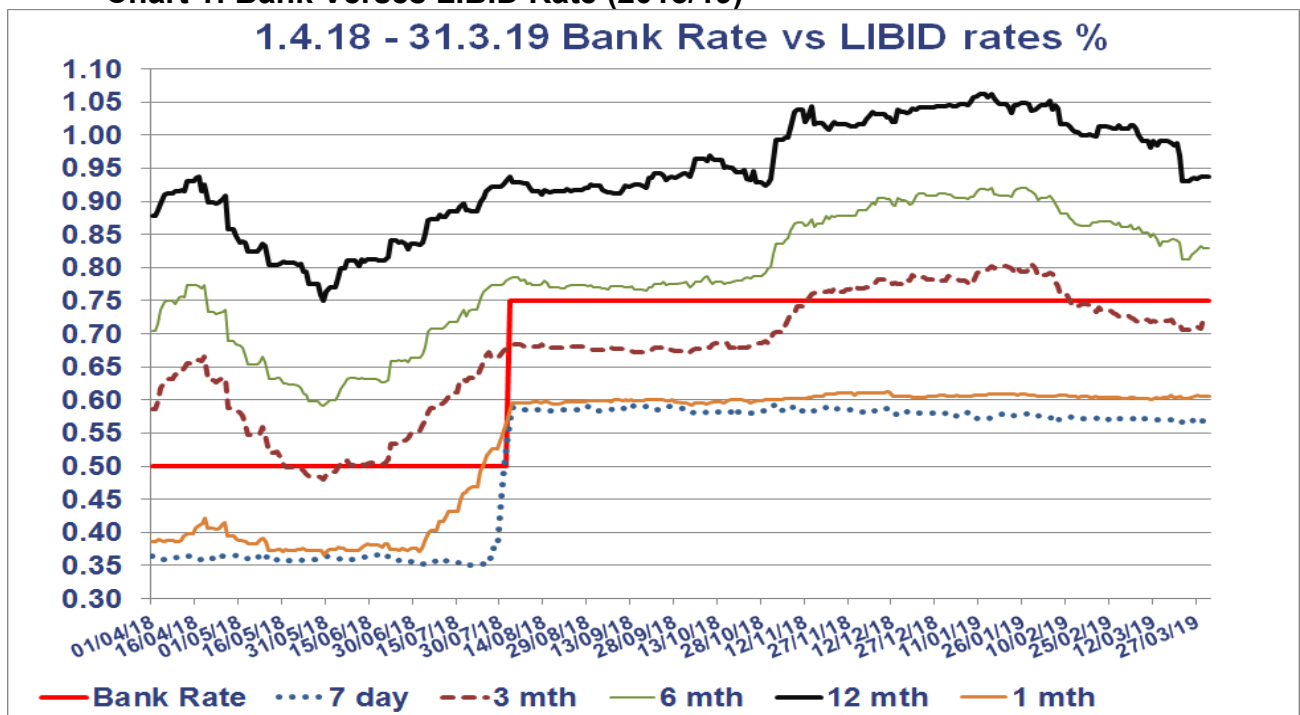
- 2.2 The Council manages its debt and investment positions through its in-house treasury section to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities.
- 2.3 Procedures and controls to achieve these objectives are well established both through Member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices.

3. Economic Factors in 2018/19 and Interest Rate Forecasts

- 3.1 The outcome of the EU Referendum in June 2016 resulted in a gloomy outlook and economic forecasts from the Bank of England based around an expectation of a major slowdown in UK GDP growth, particularly during the second half of 2016, which was expected to push back the first increase in Bank Rate for at least three years. Consequently, the Bank responded in August 2016 by cutting Bank Rate by 0.25% to 0.25% and making available over £100bn of cheap financing to the banking sector up to February 2018. Both measures were intended to stimulate the economy.

- 3.2 This gloom was overdone as the UK economy turned in a G7 leading growth rate of 1.8% in 2016, and followed it up with another 1.8% in 2017, (although this was a comparatively weak result compared to the US and EZ).
- 3.3 As a result of the uncertainty, PWLB 25 and 50-year rates have been volatile during the year with little consistent trend. However, shorter rates were on a rising trend during the second half of 2018 and reached peaks in February / March 2018.
- 3.4 Longer term investment rates were on a rising trend for most of the year until they started falling in Q1 of 2019. The graphs and tables for PWLB rates show, for a selection of maturity periods, the average borrowing rates, the high and low points in rates, spreads and individual rates at the start and the end of the financial year.

Chart 1: Bank Verses LIBID Rate (2018/19)



4. Investment Strategy and Performance in 2018/19

4.1 Annual Investment Strategy (AIS) 2018/19

- 4.1.1 All investments were managed in-house and were invested with institutions of high credit standing listed in the Council’s approved lending list and specified limits. The Council invested over a range of periods from overnight to three years.
- 4.1.2 Council officers met quarterly with Treasury Adviser to discuss financial performance, objectives, targets and risk in relation to the Council’s investments and borrowing. Monthly treasury meetings were held between the Section 151 Officer, the Group Manager – Treasury and Pensions and the Treasury Section to discuss strategy and to ensure close monitoring of investment decisions. The Cabinet Member for Finance, Performance and Core Services was briefed regularly on treasury activity by the Section 151 Officer.

4.1.3 During 2018/19 the Council's investment policy was governed by CLG guidance, which was implemented in the 2018/19 Annual Investment Strategy. The policy sets out the Council's approach for choosing investment counterparties.

4.2 Treasury Outturn

4.2.1 The Treasury Outturn position is in Table 2 Below.

Table 2: Treasury Outturn for 2018/19

Interest	2018/19 Actual	2018/19 Budget	Difference
HRA Borrowing Costs	9,690	9,690	0
GF Borrowing costs	9,744	8,198	1,546
GF Interest Income	(8,879)	(4,299)	(4,580)
GF Investment Income	(2,678)	(2,811)	133
GF Net Investment and Interest Cost	(1,813)	1,008	(2,901)

4.2.2 Overall the General Fund borrowing costs were higher than forecast due to an additional £60.0m of borrowing from the PWLB and Local Authorities. The borrowing was used to fund a number of property purchases as part of the Council's Investment and Acquisitions strategy. General Fund interest income was £4.6m more than budgeted due to good treasury investment returns and interest from a number of loans the Council made to Reside and to its trading partnerships.

4.2.3 General Fund Investment Income, predominantly from Reside, totalled £2.7m compared to a budget of £2.8m.

4.2.4 The Council deals with most of its counterparties directly but from time to time the Council will use the services of brokers to act as agents between the Council and its counterparties when lending or borrowing. However, no one broker will be favoured by the Council. The Council will ensure that sufficient quotes are obtained before investment or borrowing decisions are made via brokers. In 2018/19, brokerage costs of £145k were incurred from the short-term borrowing and costs from borrowing from the PWLB. These costs are not budgeted from but form part of the borrowing costs for the year in which they are incurred.

4.3 Investments decisions during 2018/19

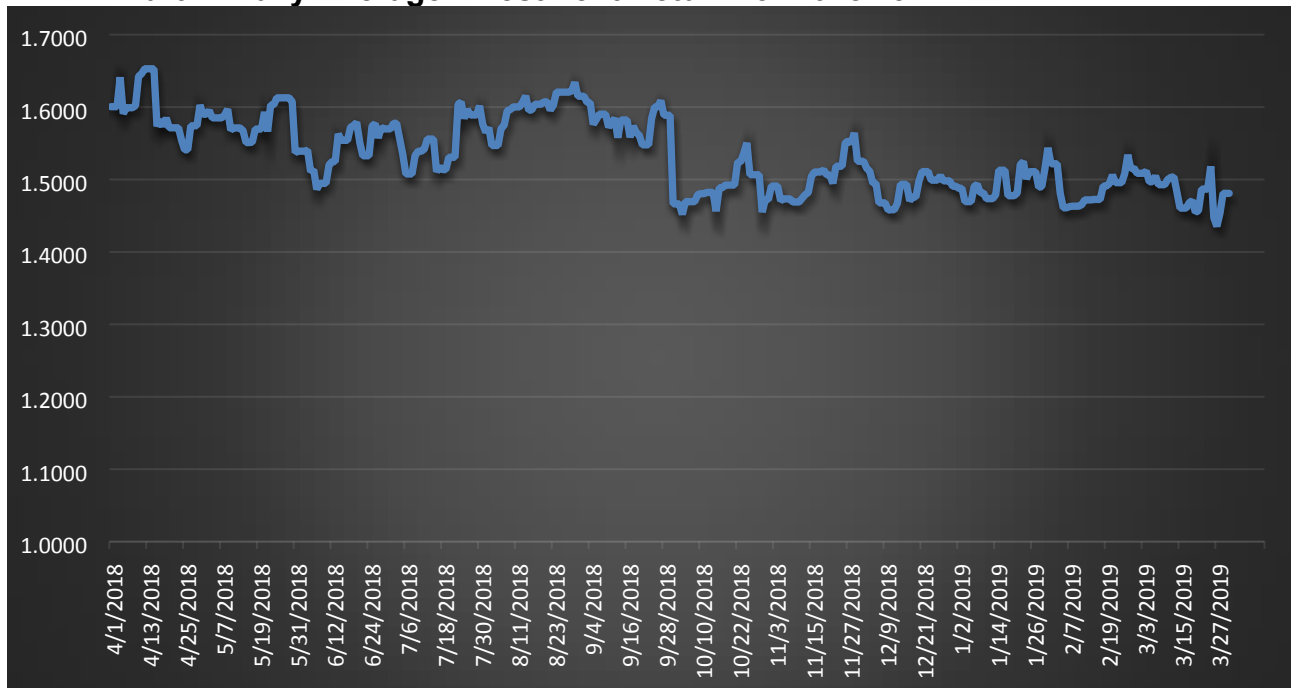
4.3.1 When making investment decisions the Council must have regard to its investment priorities being:

- (a) The **security** of capital;
- (b) The **liquidity** of its investments; and
- (c) **Yield** (after ensuring the above are met).

4.3.2 Using the above as the basis for investment decisions does mean that investment returns will be lower than would be possible were yield the only consideration. During 2018/19, the Council ensured that all investments were made with appropriately rated counterparties and that liquidity was maintained. On occasion, short term borrowing was also used to allow the Council to take advantage of investment opportunities.

4.3.3 During the year there were several opportunities for the Council to invest with credit worthy financial institutions as well as Local Authorities over a longer duration at much improved rates. As a result of these opportunities the Treasury Section was able to provide an average return of 1.50% for 2018/19 (1.37 for 2017/18). Chart 2 below graphically illustrates the increase in the average daily return for the Council during the year

Chart 2: Daily Average Investment Return for 2018/19



4.3.4 The average cash balance held was £331.4m. The average cash balance was high as this included the use of short-term borrowing, which was used to cover some of the investment opportunities. Short-term borrowing was also used to smooth the cash flow fluctuations, allowing treasury to keep a considerable proportion of its investments invested over a longer duration.

4.4 Strategy Changes in 2018/19

4.4.1 The Council's investment policy was agreed in the AIS approved by the Assembly on 28 February 2018. Members agreed to delegate authority to the Section 151 Officer in consultation with the Cabinet Member for Finance, Performance and Core Services to proportionally amend the counterparty lending limits agreed within the TMSS.

4.4.2 During the year, there were no changes to the AIS.

4.5 Performance Benchmark in 2018/19

4.5.1 As part of ensuring value for money and to monitor the Council's investment return, the Council's treasury performance is benchmarked by against a peer group of Local Authorities. Benchmarking date is provided by the Council's treasury advisors, Link Asset Services. Table 3 summarises the benchmarking data as at 31 March 2019.

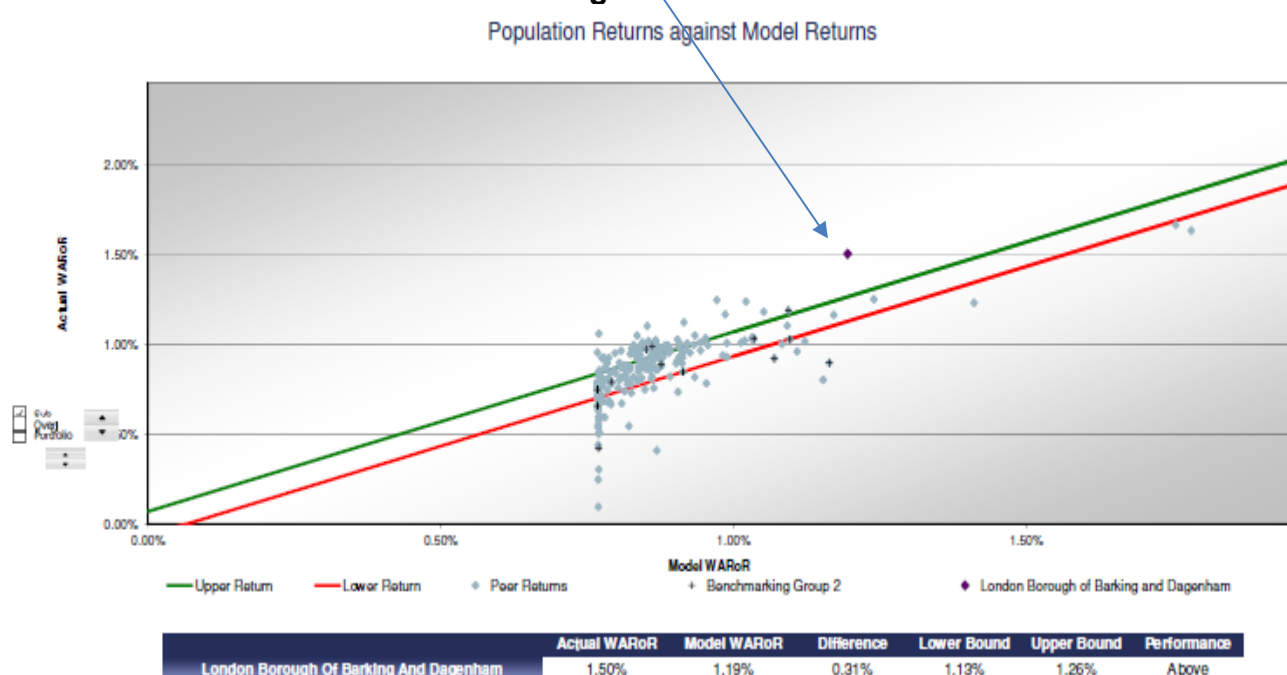
Table 3: Advisor's Benchmarking data as at 31 March 2019

Savings Proposal	LBBB	London Peer Group (20)	Total LA Group (223)
Weighted Average Rate of Return	1.49%	0.93%	0.92%
Weighted Average Maturity(days)	443	111	111
Credit Risk	2.26	2.71	2.41

4.5.2 The benchmarking data outlines the outperformance of the Council's investment return compared to a group of 21 London Boroughs and 223 Local Authorities (LAs). The Council's average return as at 31 March 2019 was 0.57% higher than the average London Peer Group return and 0.58% higher than the Local Authority average return. The Council's credit risk, at 2.26 was lower (better) than the London Peer Group at 2.71 and lower than the Local Authority Group at 2.41.

4.5.3 Chart 3 illustrates the Council's return against the upper and lower banding levels and shows the Council's performance compared to a Local Authority benchmark.

Chart 3: Advisor's benchmarking data as at 31 March 2019



4.6 Investments Held as at 31 March 2019

Table 4: Investments held by the Council at 31 March 2019

Investment Counterparty	Credit Rating	Interest Rate %	Principal £000s	Start Date	End Date
Barclays Bank Plc	A+	0.05	9,313	25/03/2011	//
Lloyds Deposit Account	A+	0.40	6,600,000	04/11/2013	//
Pension Fund	Pension Fund	0.65	561,556	N/A	N/A
Royal Bank Of Scotland	A+	0.21	8,793	31-Mar-15	//
Lloyds Bank Plc	A+	1.79	5,000,000	01/04/2016	01/04/2019
Lloyds Bank Plc	A+	1.00	5,000,000	05/04/2017	05/04/2019
Lloyds Bank Plc	A+	1.84	5,500,000	21/04/2016	18/04/2019
Goldman Sachs International	A	1.30	10,000,000	18/04/2018	18/04/2019
Goldman Sachs International	A	1.33	10,000,000	02/11/2018	01/11/2019
Lloyds Bank Plc	A+	1.25	10,000,000	05/02/2019	21/02/2020

Lloyds Bank Plc	A+	1.18	5,000,000	16/03/2017	16/03/2020
Lloyds Bank Plc	A+	1.15	5,000,000	05/04/2017	06/04/2020
Lloyds Bank Plc	A+	0.90	5,000,000	15/06/2017	15/06/2020
Lloyds Bank Plc	A+	1.10	5,000,000	30/06/2017	30/06/2020
Lloyds Bank Plc	A+	1.09	10,000,000	14/07/2017	14/07/2020
Lloyds Bank Plc	A+	1.14	5,000,000	19/09/2017	18/09/2020
Lloyds Bank Plc	A+	1.24	5,000,000	05/12/2017	07/12/2020
Lloyds Bank Plc	A+	1.16	4,500,000	19/12/2017	21/12/2020
Lloyds Bank Plc	A+	1.48	10,000,000	31/08/2018	31/08/2021
Barnsley MBC	Local Authority	0.94	3,000,000	21/09/2017	21/09/2020
Borough Of Poole	Local Authority	0.97	7,500,000	18/11/2016	18/11/2019
Cambridgeshire CC	Local Authority	1.35	5,000,000	04/04/2018	06/04/2020
Cambridgeshire CC	Local Authority	0.95	10,000,000	06/04/2018	06/04/2021
Darlington BC	Local Authority	1.45	5,000,000	20/12/2018	21/12/2020
Doncaster MBC	Local Authority	1.10	5,000,000	06/11/2017	06/11/2020
Dudley Metropolitan BC	Local Authority	1.30	5,000,000	27/04/2018	27/04/2020
Gascoigne Primary School	Local Authority	4.50	78,935	03/03/2016	03/03/2036
Grafton Primary School	Local Authority	4.50	81,221	03/03/2016	03/03/2026
L B Croydon	Local Authority	1.00	10,000,000	24/04/2018	23/04/2021
L B Newham	Local Authority	1.20	8,000,000	12/01/2018	12/01/2021
Lancashire CC	Local Authority	1.50	10,000,000	25/04/2018	24/04/2020
Lancashire CC	Local Authority	1.00	5,000,000	01/11/2017	21/09/2020
Lancashire CC	Local Authority	1.35	5,000,000	24/09/2018	24/09/2020
Lancashire CC	Local Authority	1.45	10,000,000	15/11/2018	16/11/2020
Lancashire CC	Local Authority	1.35	10,000,000	23/11/2018	23/11/2020
Lancashire CC	Local Authority	1.16	5,000,000	27/11/2017	27/11/2020
Medway Council	Local Authority	1.50	10,000,000	16/10/2018	16/04/2021
Northamptonshire CC	Local Authority	1.10	5,000,000	04/04/2018	03/04/2020
Northumberland CC	Local Authority	1.04	10,000,000	28/04/2017	28/10/2020
Plymouth City Council	Local Authority	1.40	5,000,000	03/04/2018	03/04/2020
Plymouth City Council	Local Authority	1.40	5,000,000	09/04/2018	09/04/2020
Rugby Borough Council	Local Authority	1.05	5,000,000	16/11/2018	15/11/2019
South Ayrshire Council	Local Authority	1.55	5,000,000	22/10/2018	22/04/2021
Southwood Primary	Local Authority	3.50	80,356	28/04/2017	28/04/2022
Valence Primary School	Local Authority	3.50	100,000	12/02/2015	01/08/2019
Warrington Borough Council	Local Authority	0.92	20,000,000	08/09/2017	08/09/2020
Woking Borough Council	Local Authority	1.55	10,000,000	30/01/2019	30/07/2021

5. Borrowing in 2018/19

5.1 Council's Growth Strategy

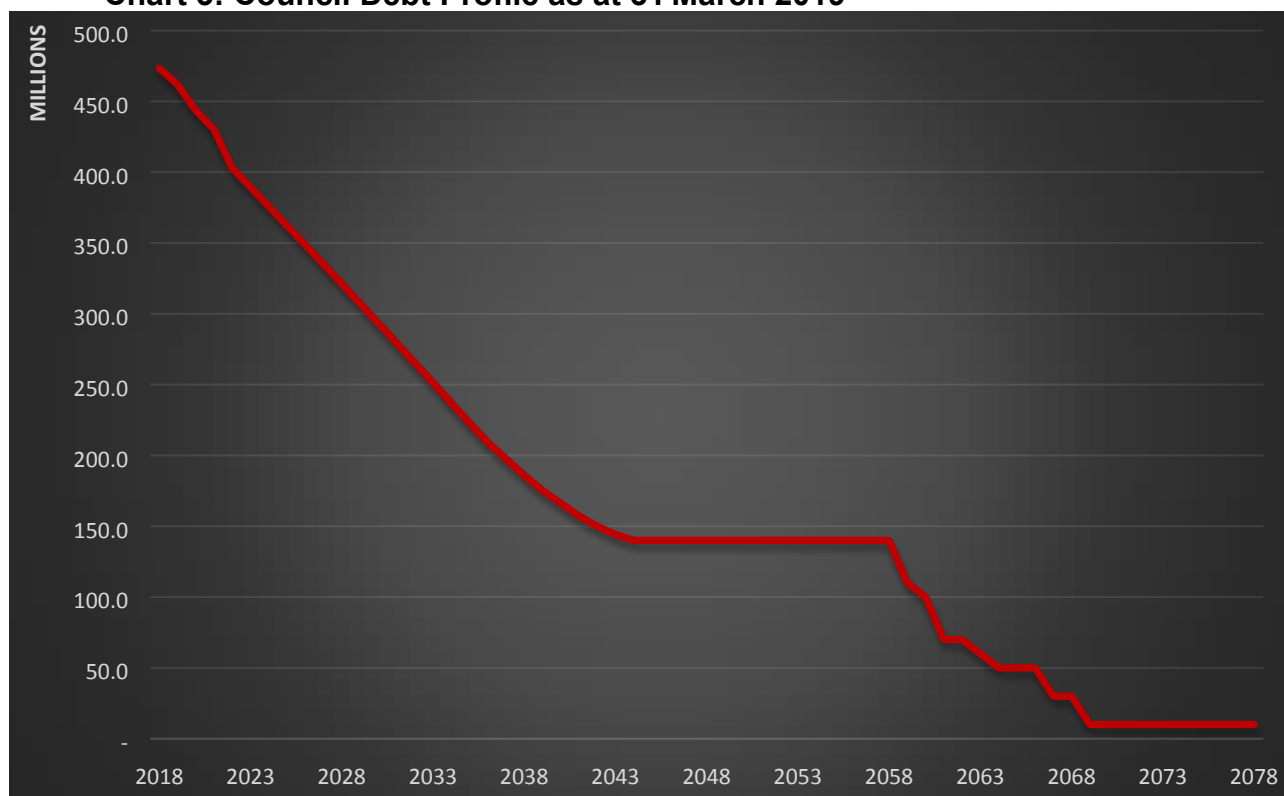
5.1.1 In 2015, the Growth Commission Report – “No-one left behind: in pursuit of growth for the benefit of everyone”, recommended the establishment of a Borough-wide regeneration vehicle that would be an early statement of the Council's intent to increase the pace of regeneration of the borough.

5.1.2 Subsequently Be First was set up to deliver the Council's long-term strategic regeneration objectives, including enhancing economic growth and prosperity for the

people of Barking and Dagenham. In addition, Be First has been charged with delivering significant financial benefits to the council by bringing forward returns in New Homes Bonus, Council Tax and NNDR, and delivering dividends to the Council.

- 5.1.3 In October 2016, Cabinet agreed an Investment and Acquisition Strategy (IAS) alongside an initial £250m investment budget and £100m land and property acquisition budget. An Investment Panel was also established and charged with managing an investment portfolio to deliver a net income of £5m per annum by 2020.
- 5.1.4 In 2017 the Council established a revised IAS, and in February 2018, Cabinet agreed the Be First Business Plan. A revised IAS was agreed at the October 2018 Cabinet.
- 5.1.5 During 2018/19 the Treasury Section, in consultation with the Section 151 officer, began a strategy of building up a debt portfolio to support the Council's investment. Although the Council has significantly increasing its long-term debt by £140m, officers have sought to ensure that the borrowing matches the relevant asset life and potential repayment profile of the Council's investment portfolio. Chart 3 below summarises the GF long term debt position as at 31 March 2019, indicating the repayment profile.

Chart 3: Council Debt Profile as at 31 March 2019



5.2 Borrowing Owed as at 31 March 2019

5.2.1 Table 5 outlines the borrowing owed by the Council as at 31 March 2019. The table also shows the interest rate charged and the repayment date for each loan. The loans are split between HRA, General Fund Long and Short-Term Loans:

Table 5: Loans as at 31 March 2019

Lender	Start Date	End Date	Amount	Rate %
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HRA				
PUBLIC WORKS LOAN BOARD	28/03/2012	28/03/2042	50,000	3.5
PUBLIC WORKS LOAN BOARD	28/03/2012	28/03/2062	65,912	3.5
PUBLIC WORKS LOAN BOARD	28/03/2012	28/03/2061	50,000	3.5
PUBLIC WORKS LOAN BOARD	28/03/2012	28/03/2052	50,000	3.5
PUBLIC WORKS LOAN BOARD	28/03/2012	28/03/2060	50,000	3.5
BARCLAYS BANK PLC	30/05/2008	30/05/2078	10,000	4.0
HRA Total LT Borrowing			275,912	
General Fund				
WYCOMBE DISTRICT COUNCIL	03/04/2017	09/12/2019	5,000	0.90
CORNWALL COUNTY COUNCIL	03/04/2017	03/04/2020	10,000	1.00
STEVENAGE BOROUGH COUNCIL	09/01/2017	09/04/2020	2,000	0.98
RUGBY BOROUGH COUNCIL	09/01/2017	09/04/2020	2,000	1.00
PUBLIC WORKS LOAN BOARD	07/03/2018	07/03/2035	9,412	2.20
PUBLIC WORKS LOAN BOARD	21/02/2018	21/02/2036	18,889	2.38
PUBLIC WORKS LOAN BOARD	30/10/2018	30/10/2036	20,000	2.14
PUBLIC WORKS LOAN BOARD	19/03/2018	19/03/2038	19,000	2.31
PUBLIC WORKS LOAN BOARD	01/10/2018	01/10/2039	40,000	2.38
PUBLIC WORKS LOAN BOARD	12/09/2017	12/09/2040	18,696	1.98
PUBLIC WORKS LOAN BOARD	04/02/2019	04/02/2042	20,000	2.17
PUBLIC WORKS LOAN BOARD	26/03/2019	26/03/2042	40,000	1.99
PUBLIC WORKS LOAN BOARD	31/05/2018	29/05/2043	19,600	2.27
PUBLIC WORKS LOAN BOARD	10/12/2018	10/12/2043	20,000	2.28
European Investment Bank	30/01/2015	31/03/2044	84,286	2.21
L1 RENEW	15/12/2016	01/10/2046	6,817	3.44
PUBLIC WORKS LOAN BOARD	19/12/2017	19/06/2058	30,000	2.36
RBS	26/03/2010	26/03/2059	10,000	4.05
PUBLIC WORKS LOAN BOARD	14/06/2016	15/12/2059	10,000	2.65
PUBLIC WORKS LOAN BOARD	28/06/2016	29/12/2059	10,000	2.49
RBS	26/03/2010	27/02/2060	10,000	4.07
PUBLIC WORKS LOAN BOARD	07/07/2016	06/01/2062	10,000	2.14
PUBLIC WORKS LOAN BOARD	29/06/2016	29/06/2062	10,000	2.38
PUBLIC WORKS LOAN BOARD	09/06/2016	09/06/2066	20,000	2.72
PUBLIC WORKS LOAN BOARD	05/04/2017	05/04/2067	20,000	2.36
DEXIA	30/06/2008	30/06/2077	10,000	3.98
GF Total LT Borrowing			475,700	
DACORUM BOROUGH COUNCIL	07/01/2019	17/04/2019	5,000	0.73
VALE OF GLAMORGAN COUNCIL	17/01/2019	18/04/2019	2,000	0.80
SUFFOLK COASTAL DISTRICT COUNCIL	18/01/2019	08/05/2019	3,000	0.85
Police & Crime Commissioner Dyfed-Powys	21/01/2019	26/04/2019	2,000	0.80
CAMBRIDGE & PERTERBOROUGH CA	21/01/2019	30/04/2019	5,000	0.88
Essex CC	22/01/2019	23/04/2019	5,000	0.88
Neath Port Talbot County Borough Council	22/01/2019	23/04/2019	5,000	0.88
LB HAMMERSMITH & FULHAM	28/01/2019	30/04/2019	10,000	0.88
RLB KENSINGTON & CHELSEA	28/01/2019	30/04/2019	5,000	0.88
TYNE & WEAR PENSION FUND	25/01/2019	25/04/2019	5,000	0.85
Derbyshire Pension Fund	28/01/2019	01/04/2019	5,000	0.85
CITY & COUNTY OF SWANSEA PF	25/02/2019	25/04/2019	4,000	0.90
LANCASTER CITY COUNCIL	25/02/2019	28/05/2019	5,000	0.90
NORTHERN IRELAND HOUSING EXEC	25/02/2019	28/05/2019	5,000	0.90

OXFORDSHIRE COUNTY COUNCIL	26/02/2019	28/05/2019	5,000	0.95
SUFFOLK COASTAL DISTRICT COUNCIL	27/02/2019	24/05/2019	6,000	0.90
SOUTH GLOCESTERSHIRE COUNCIL	28/02/2019	31/05/2019	5,000	0.92
SLOUGH BOROUGH COUNCIL	14/03/2019	14/05/2019	10,000	0.90
CITY & COUNTY OF SWANSEA PF	25/03/2019	22/05/2019	4,000	0.90
	GF Total ST Borrowing		96,000	

6. Compliance with Treasury limits and Prudential Indicators

- 6.1 It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordable limits) are included in the approved Treasury Management Strategy (TMSS).
- 6.2 During the financial year to date the Council has operated within and complied with the treasury limits and Prudential Indicators set out in the Council's annual TMSS. The Council's prudential indicators are set out in Appendix A to this report. In 2018/19, the Council did not breach its authorised limit on borrowing of £1.102bn.
- 6.3 The Operational limit set in the 2018/19 TMSS was £1.002bn, which was also not breached. As at 31 March 2019 the total borrowing was £978.8m.

7. Lending to commercial and external organisations

- 7.1 Section 2 of the Local Government Act 2000 (power of well-being) gives authorities the power to lend as part of promotion or improvement of economic /social wellbeing of the Borough. The guidance encourages local authorities to use the well-being power as the power of first resort removing the need to look for powers in other legislation. Further the power provides a strong basis on which to deliver many of the priorities identified by local communities and embodies in community strategies. The Chief Operating Officer determines the rates and terms of such loans.

8. Lending to Special Purpose Vehicles

- 8.1 The Cabinet on 30 June 2014 agreed to the principle of establishing a Special Purpose Vehicle(s) to develop, own and be responsible for procuring the management of the units to be developed as part of the Gascoigne Estate (East) Regeneration.
- 8.2 Cabinet also agreed:
1. that the Council shall grant a 252-year lease to the Special Purpose Vehicle(s) which shall terminate at the option of the Council at the end of the funding term and repayment of the loans made by the Council, with full ownership reverting to the Council;
 2. to the principle of establishing an independent charity which shall own and control the Special Purpose Vehicle(s) in accordance with the funding terms imposed by the Council;
 3. to the principle of borrowing £62.86m within the General Fund to finance the

development and ownership of the following tenures:

- i. Borrow £39.98m to fund development and ownership of 236 affordable rented units, social rent units and shared ownership units to be owned and managed by a Special Purpose Vehicle(s) controlled within the General Fund;
 - ii. Borrow £3.75m to fund 50% of 51 private for sale units to be developed and sold jointly by the Council and East Thames Group via a limited company, and
 - iii. Borrow £19.13m to lend to East Thames Group to fund the development and ownership of 135 units shared ownership units which shall be owned by East Thames Group subject to agreement of satisfactory terms;
- 8.3 Cabinet also delegated authority to the Chief Executive, in consultation with the Director of Law and Governance, the Section 151 Officer and the Cabinet Member for Finance, Performance and Core Services, to negotiate terms and agree the contract documents to fully implement and effect the project and to authorise the Director of Law and Governance to execute all the legal agreements, contracts and other documents on behalf of the Council.
- 8.4 Following a significant period of legal discussions a number of SPV's were set up. As at 31 March 2019, the Council had lent Reside a total of £44.4m.
- 8.5 Actual payment will be made to the various SPV throughout the construction period, with interest added to the Loan amount. After the construction period has been completed and the properties are being rented out the loan and interest will be repaid over a 50-year period. Where properties are sold then the full loan, plus interest, will be paid back to the Council.

9. Council Transformation Programme

- 9.1 In addition to the Reside loan, the following loans have been agreed by Cabinet for the various companies set up as part of the Council's transformation programme:

£21.6m	Purchase LEUK	BD Trading Partnerships
£ 4.2m	Working Capital	Be First
£ 3.0m	Capital	BD Energy Limited*
£ 1.7m	Working Capital	BD Energy Limited
£ 0.7m	Working Capital	BD Trading Partnerships
£ 0.2m	Working Capital	BD Schools Improvement Partnership
£ 0.2m	Working Capital	BD Reside Regeneration Limited

**Potentially a total of £27.2m subject to receipt of HNIP grant*

10. Options Appraisal

- 10.1 There is no legal requirement to prepare a Treasury Management Annual Report, however, it is good governance to do so and meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

11. Consultation

- 11.1 The Chief Operating Officer has been informed of the approach, data and commentary in this report.
- 11.2 This report was considered and endorsed by the Cabinet at its meeting on 18 June 2019.

12. Financial Implications

Implications completed by: *Katherine Heffernan, Finance Group Manager*

- 12.1 This report sets out the outturn position on the Council's treasury management position and is concerned with the returns on the Council's investments as well as its short and long term borrowing positions.

13. Legal Implications

Implications completed by: *Dr. Paul Feild, Senior Governance Lawyer*

- 13.1 Section 28 of the Local Government Act 2003 imposes a statutory duty on the Council to monitor its budget during the financial year and its expenditure and income against the budget calculations. The Council sets out its treasury strategy for borrowing and an Annual Investment Strategy which sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.
- 13.2 The Council is legally obliged to 'have regard to' the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities when carrying out its functions under the Act. Furthermore, the Prudential Code emphasises that authorities can set their own prudential indicators beyond that specified in the Code where it will assist their own management processes.

14. Risk Management

- 14.1 The whole report concerns itself with the management of risks relating to the Council's cash flow. The report mostly contains information on how the Treasury Management Strategy has been used to maximise income throughout the past year.
- 14.2 EIB funded urban regeneration programme - The urban regeneration programme will be governed by a programme delivery board established in the Regeneration department. A programme manager will be identified within the Council who will be responsible for delivering each scheme within the investment programme.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

Appendix 1 - The Prudential Code for Capital Investment in Local Authorities

Appendix 2 - Glossary of Terms

The Prudential Code for Capital Investment in Local Authorities

Treasury Management Outturn Report 2018/19

1. Introduction

1.1 There are a number of treasury indicators which previously formed part of the Prudential Code, but which are now more appropriately linked to the Revised Treasury Management Code and guidance 2009. Local authorities are still required to “have regard” to these treasury indicators.

1.2 The key treasury indicators which are still part of the Prudential Code are:

- Authorised limit for external debt;
- Operational boundary for external debt; and
- Actual external debt.

2. **Net borrowing and the Capital Financing Requirement**

2.1 To ensure that borrowing levels are prudent over the medium term the Council’s external borrowing, net of investments, must only be for a capital purpose. This essentially means that the Council is not borrowing to support revenue expenditure.

2.2 Net borrowing should not therefore, except in the short term, have exceeded the Capital Financing Requirement (“CFR”) for 2018/19 plus the expected changes to the CFR over 2018/19 from financing the capital programme. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs in 2018/19.

2.3 **The authorised limit** – This sets the maximum level of external borrowing on a gross basis (i.e. Not net of investments) and is the statutory limit determined under Section 3 (1) of the Local Government Act 2003 (referred to in the legislation as Affordable Limit).

2.4 **The operational limit** – This links directly to the Council’s estimates of the CFR and estimates of other cash flow requirements. This indicator is based on the same estimates as the Authorised Limits reflecting the most likely prudent but not worst case scenario but without the additional headroom included within the Authorised Limit for future known capital needs now. It should act as a monitor indicator to ensure the authorised limit is not breached.

2.5 Total external borrowing, including PFI and Finance Leases as at 31 March 2019 was £978.8m, which is lower than the Approved Authorised Limit of £1.102bn and the Operational Boundary of £1.002bn, which were set in the Treasury Management Strategy Statement for 2018/19.

3. Limits for Fixed and Variable Interest Exposure

- 3.1 The following prudential indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The upper limit for variable rate exposure has been set to ensure that the Council is not exposed to interest rate rises which could adversely impact on the revenue budget.
- 3.2 The Council's existing level of fixed interest rate exposure is 100.0% and variable rate exposure is 0.0%. The high fixed interest rate is as a result of locking in low long-term rates for the HRA borrowing. The table 2 below shows the fixed and variable interest rate exposure.

Table 1: Fixed and variable rate exposure 2016/17 to 2019/20

Interest Rate Exposures	2018/19 Actual %	2019/20 Estimate %	2020/21 Estimate %	2021/22 Estimate %
Upper limit for fixed interest rate exposure	100.0	100.0	100.0	100.0
Upper limit for variable interest rate exposure	70.0	70.0	70.0	70.0

4. Maturity Structure of Fixed Rate Borrowing

- 4.1 This prudential indicator deals with projected borrowing over the period and the rates that they will mature over the period, as summarised in table 2.

Table 2: Borrowing as at 31 March 2019

Maturity structure of fixed interest rate borrowing 2018/19			
	Actual Position	Lower	Upper
Under 12 months	10.32%	0%	20%
12 months to 2 years	1.43%	0%	40%
2 years to 5 years	2.2%	0%	70%
5 years to 10 years	0.0%	0%	70%
10 years and above	88.25%	0%	100%

- 4.2 The fixed rate borrowing over 10 years was 88.25%, which is within the limits outlined below:

Table 3: Maturity Structure of Borrowing for 2018/19

	Upper Limit	Lower Limit
Under 12 months	20%	0%
12 months and within 24 months	40%	0%
24 months and within 5 years	70%	0%
5 years and within 10 years	70%	0%
10 years and above	100%	0%

5. Investments over 364 days

- 5.1 The overriding objective of the investment strategy is to ensure that funds are available on a daily basis to meet the Council's liabilities. Taking into account the current level of investments, and future projections of capital expenditure, the following limits will be applied to sums invested:

Maximum principal sums invested > 364 days £'000s	2018/19 £000's Actual	2019/20 £000's Estimate	2020/21 £000's Estimate	2021/22 £000's Estimate
Principal sums invested > 364 days	248,000	200,000	150,000	130,000

6. Summary Assessment

- 6.1 The outturn position is set out above in respect of the Prudential Indicators approved by Assembly in February 2018.
- 6.2 The outturn figures confirm that the limits and controls set for 2018/19 were applied throughout the year, and that the treasury management function adhered to the key principles of the CIPFA Prudential Code of prudence, affordability and sustainability. The treasury management indicators were regularly monitored throughout 2018/19.

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Glossary of Terms

1. **Authorised Limit** –represents the limit beyond which borrowing is prohibited, and needs to be set and revised by the Council. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable. It is the expected maximum borrowing need, with some headroom for unexpected movements.
2. **Bank Rate** – the rate at which the Bank of England offers loans to the wholesale banks, thereby controlling general interest rates in the economy.
3. **Counterparty** – the other party involved in a borrowing or investment transaction.
4. **Capital Financing Requirement (CFR)** – the level of capital expenditure to be financed from borrowing.
5. **Liquidity** – The ability of an asset to be converted into cash quickly and without any price discount. The more liquid a business is, the better able it is to meet short term financial obligations.
6. **LIBID** – London Interbank Bid Rate - The interest rate at which London banks ask to pay for borrowing Eurocurrencies from other banks. Unlike LIBOR, which is the rate at which banks lend money, LIBID is the rate at which banks ask to borrow. It is not set by anybody or organisation, but is calculated as the average of the interest rates at which London banks bid for borrowed Eurocurrency funds from other banks. It is also the interest rate London banks pay for deposits from other banks.
7. **LOBO** (Lenders Option Borrowers Option) - Long term borrowing deals structured which usually has a short, initial period (anything from 1 year to 7 years), followed by a “step rate” to a higher rate of interest (the “back end” interest rate), which is to be charged for the remainder of the loan period.

The overall length of LOBO’s is usually 50 or 60 years but can be shorter or longer periods. After the “step up” date, and at set intervals thereafter, the lender (the bank) has the option of increasing the “back end” interest rate. Whenever this option is exercised, if the proposed new rate is unacceptable, the borrower (The Council) can redeem the loan without penalty.
8. **Monetary Policy Committee** – independent body which determines the Bank Rate.
9. **Operational Boundary** – This indicator is based on the probable external debt during the course of the year; it is not a limit and actual borrowing could vary around this boundary for short times during the year. It should act as an early warning indicator to ensure the Authorised Limit is not breached.
10. **Prudential Code** – The Local Government Act 2003 requires the Council to ‘have due regard to the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council’s capital investment plans are affordable, prudent and sustainable.
11. **PWLB** – Public Works Loan Board. An institution managed by the Government to provide loans to public bodies at rates which reflect the rates at which the government is able to sell gilts.

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ASSEMBLY**24 July 2019**

Title: Adoption of Gambling Licensing Policy 2019 – 2022	
Report of the Cabinet Member for Enforcement and Community Safety	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Theo Lamptey, Service Manager, Public Protection	Contact Details: Tel: 020 8227 5655 Email: theo.lamptey@lbbd.gov.uk
Accountable Director: Andy Opie, Operational Director of Enforcement	
Accountable Strategic Leadership Director: Fiona Taylor, Director of Law and Governance and HR	
<p>Summary</p> <p>The Council, as the local licensing authority for gaming and betting, is required under the Gambling Act 2005 to have in place a statement of the principles (a ‘policy’) by which it will abide in carrying out its licensing responsibilities. Once established, the Council’s policy may be reviewed at any time but must be reviewed in accordance with a statutory three-year cycle. All changes to the policy must be subject to a public consultation.</p> <p>The Council first published a gambling licensing policy in 2007 and as the Gambling Act 2005 dictates that it must be reviewed every three years, a further review is now due in order to keep the Council’s policy in line with the statutory review cycle. The reason for a statutory review period of the statement of licensing policy is to ensure it remains relevant and reflects changes in gambling activity.</p> <p>The Council’s Statement of Gambling Licensing Policy was the subject of a full detailed mid-term review in 2017, which intended to refresh the Council’s position on gambling licensing and ensure consistency with all relevant statute, codes and guidance.</p> <p>Given that the policy was only the subject of a full review in 2017, only minimal changes are proposed. These are considered necessary in order to reflect the latest developments in gambling licensing. This report details each of the revisions and provides a copy of the draft revised Barking and Dagenham Statement of Gambling Licensing Policy for the period 2019- 2022, for consideration at Appendix A.</p> <p>The 2017 Statement of Gambling Policy has been made to reflect the changes in stakes for category B2 machines that came into effect in April this year, and other two additions have been made, one to reflect best practice as recommended by the Gambling Commission in relation to the content of plans submitted with new applications, and the other advice to those completing risk assessments for submission with applications.</p>	

<p>The Cabinet is to consider this report at its meeting on 16 July 2019 (the date of the publication of this Assembly agenda). Any issues arising from the Cabinet meeting will be reported at Assembly</p>
<p>Recommendation(s)</p> <p>The Assembly is recommended to adopt the revised Statement of Gambling Licensing Policy 2019-2022, as set out in Appendix A of the report.</p>
<p>Reason(s)</p> <p>To ensure that the Council’s Statement of Gambling Licensing Policy complies with s349 of the Gambling Act 2005 to review and publish the revised gambling licensing policy every three years.</p> <p>The Assembly has responsibility for approving the plans and strategies which form part of the Council’s Policy Framework and which includes this Policy.</p>

1. Introduction and Background

- 1.1 The Gambling Act 2005 (‘the Act’) established the national licensing regime for gaming and betting (except the national lottery).
- 1.2 The Act provides a two-tier licensing system. The Gambling Commission is responsible for licensing both gambling operators and key industry personnel. Local licensing authorities are responsible for licensing the premises in their area where gambling activities are intended to be provided.
- 1.3 The Statement of Policy aims to set out how the licensing authority intends to approach its licensing responsibilities under the Act.
- 1.4 In carrying out its licensing functions, the Authority is directed by s153 of the Act to, in so far as it thinks fit, aim to permit the use of premises for gambling:
 1. In accordance with any code of practice issued by the Gambling Commission;
 2. In accordance with any relevant guidance issued by the Gambling Commission;
 3. In a manner which is consistent with the licensing objectives; and
 4. In accordance with the licensing authority’s own statement of policy.
- 1.5 The three licensing objectives stated in the Act are set out below. Local licensing authorities are mainly concerned with the first and third objectives:
 - Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;
 - Ensure gambling is conducted in a fair and open way; and
 - Protecting children and vulnerable people from harm or from being exploited by gambling.
- 1.6 This report details the proposed revisions to the Policy and the reasons why these changes are being made. It also explains the consultation process.

2. Proposal and Issues

The current Barking and Dagenham Statement of Gambling Licensing Policy 2019-2022

- 2.1 At the time of the previous revision of the Policy, many local licensing authorities, including this Authority, had held long standing concerns over the directed and restricted nature of the gambling licensing regime. It was believed that this directed approach had prevented licensing decisions from properly addressing local circumstances and that this, in turn, had led to:
- Frustration within local licensing authorities over lack of discretion;
 - A perceived uncontrolled growth in gambling establishments, particularly betting shops driven by their ability to install up to 4 x category B £500 jackpot Fixed Odds Betting Terminals (FOBTs);
 - The perceived concentration of betting shops in high street locations in more deprived areas;
 - Concern that vulnerable people were being targeted and exploited; and
 - Concern that children were being regularly exposed to gambling and gambling becoming 'normalised'.
- 2.2 As a result of this situation, an analysis of the impacts of gambling related harm within the Borough was conducted using spatial analysis techniques drawing on published, relevant and reliable socio-economic, public health and anti-social behavior data sets. The analysis was used to develop a 'local area profile' i.e. a model of local area vulnerability to gambling related harm which now supports and informs the Council's Policy. The analysis can be accessed via:
<https://www.lbbd.gov.uk/sites/default/files/attachments/Gambling-related-harm-risk-assessment.pdf>
- 2.3 In the light of the findings of the analysis, the existing Policy made a number of important statements:
- That the Council considers it necessary to limit facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk;
 - That areas where there is high overall risk of gambling related harm are inappropriate for further gambling establishments; and
 - That operators are asked not to consider locating new premises or relocating existing premises within such areas.
- 2.4 The existing Policy goes on to set out in some detail the considerations this Council would have when determining applications for licensed gambling premises and to detail the types of management controls the Council may expect to see in place at such establishments.
- 2.5 It remains the case that each application is required by law to be considered upon its own merits and so the Policy may not set out to refuse all future licence applications. However, it looks to establish a framework which best places the Council to make future licensing decisions which take into account local information and address local circumstances and concerns.

The draft revised Barking and Dagenham Statement of Gambling Policy 2019 – 2022

- 2.6 A copy of the draft revised Barking and Dagenham Statement of Gambling Licensing Policy for 2019-2022 is attached at Appendix A. Four new paragraphs have been added to the policy. These are detailed from paragraph 2.10 onwards. Two additions relate to the forthcoming changes to stakes in B2 machines, they are as follows:

Changes to the controls over category B2 machines

- 2.7 Since the last policy was drafted and adopted, the Government has announced that the maximum stake permissible in category B2 machines (FOBTs) would reduce from £100 to £2. This was implemented from April 2019. These machines can only be located within betting shops and are restricted to a maximum number of four per shop. The future implications of this change on the number and clustering of betting shops are as yet unclear, but it is considered important to acknowledge this in the Policy. Industry estimates suggest that it is likely, over a period to result in a reduction of the number of betting shops, especially in areas where ‘clustering’ has been experienced. It may be that reductions will not be experienced until current leases are due for renewal.

As a result, two changes to the Policy are proposed as follows:

1. Executive summary – ninth paragraph, page 4 – The following text is added:
“This authority recognises that the significant reduction in maximum stakes for category B2 machines from April 2019 may increase the potential for significant changes to occur during the life of this Policy.”
2. Section 119, page 32 – The following paragraph is added:
“It is recognised that from April 2019 the maximum stake of category B2 machines (fixed odds betting terminals) was reduced from £100 to £2. A re-assessment of the risks posed by gaming machines is likely to be appropriate for future iterations of this Policy, but it is not appropriate at the current time as the full implications of this change are unclear in advance of the implementation of the change.”

Preparation of individual premises risk-assessments

- 2.8 Applicants for each category of gambling premises licences are required to review the content of the local area profile incorporated within the Council’s Policy and address the concerns raised within their local business risk-assessments by way of appropriate proactive mitigation and control measures. Applicants are asked to provide a copy of their local business risk- assessment as part of their application.
- 2.9 Experience has shown that staff working in gambling premises often have significant insight into the local area where they work and their input to the risk-assessment process can add significant value to the process. It is therefore being recommended as part of this review that they are involved in local risk assessments:

Section 43, page 16 – the following paragraph has been added:

“It is recommended that those preparing the local risk assessment seek the views of staff working in the premises. They may well possess knowledge based on their daily presence in the locality and may also be local residents with detailed local knowledge. Experience shows that shop staff, when asked to read the completed risk-assessment often do not recognise the description of the area portrayed within the risk-assessment.”

Premises plans submitted as part of the application process

- 2.10 The Gambling Commission, in their published guidance for local licensing authorities, (S.7.44 – 7.47) recommend a higher level of detail be shown on premises plans submitted as part of the new licence application process, in order to help ensure appropriate supervision of premises.

Section 58, page 20 – a new paragraph is added:

“Notwithstanding the requirements of The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007, relating to the content of submitted plans, this authority believes that in order to be satisfied that the requirements of S.153 are being met, especially social responsibility codes, more detail is required, with the locations of gaming machines and self-service betting terminals marked on the plan. This view is supported in the national guidance issued by the Gambling Commission (S.7.44). Accordingly, for any new premises licence application or variation application this level of detail will be required. Any plan submitted without this information will be returned to be corrected, thus potentially delaying the issue of any licence.”

3. Consultation

- 3.1 The revised draft Policy was subject to a public consultation exercise for six weeks between 27 May and 5 July 2019. Details were sent to representative groups of the Gambling industry and all gambling premises in the Borough. The revised Policy was also presented to the Licensing and Regulatory Committee on 1 May 2019 and it was agreed to proceed with public consultation. At the time of consideration of this report by the Cabinet two responses had been received, one from a trade body and one from an individual betting operator. Neither had any comments about the proposed changes, as set out in this report.
- 3.2 This report was considered and endorsed by the Cabinet at its meeting on 16 July 2019.

4. Financial Implications

Implications completed by *Katherine Heffernan, Head of Service Finance*

- 4.1 There are no financial implications arising directly from this report.

5. Legal Implications

Implications completed by *Dr Paul Field, Senior Corporate Governance Lawyer*

5.1 The legal implication of the revised Gambling Licensing Policy is set out in the body of this report.

Public Background Papers Used in the Preparation of the Report:

Gambling Commission Guidance to licensing authorities, 5th edition, revised September 2016

List of appendices:

Appendix A – Draft Statement of Gambling Licensing Policy 2019 – 2022

London Borough of Barking & Dagenham

Gambling Act 2005

Statement of Gambling Licensing Policy 2019-2022

Notes

The Gambling Act 2005 (“the Act”) came into force in 2007. It introduced a new, comprehensive system for gambling regulation in Great Britain, bringing together the vast majority of commercial gambling into a single regulatory framework.

The Act established a dedicated national regulator in the form of the Gambling Commission “the Commission”. But it also recognised the potential local impact and importance of gambling. So, it created many local regulators whose job it is to manage gambling within their area, in line with local circumstance. These are the 380 licensing authorities of England, Wales and Scotland. In doing so, the Act established a strong element of local decision-making and accountability in gambling regulation.

As licensing authority for the London Borough of Barking and Dagenham, this Council is required under s.349 of the Act to prepare and publish, every three years, a statement of the licensing principles it proposes to apply in exercising its functions under the Act. This is commonly known as the statement of licensing policy. The statement of policy can be reviewed and revised by the Council at any time, but must be produced following consultation with those bodies and persons set out in s.349 of the Act.

The Barking and Dagenham Statement of Gambling Licensing Policy sets out how this Authority intends to exercise its functions under the Act, for the next three years. First published in 2007, this latest draft revision has been prepared having regard to the Act, secondary regulations, and the Commission’s Guidance to Local Licensing Authorities (5th Edition published September 2015 – updated 2016).

This policy was presented for adoption to the Assembly on 24 July 2019.

Executive Summary

This Authority recognises that the gambling industry, across its many component parts, makes a significant contribution to the national economy and provides considerable job opportunities. It also recognises that gaming and betting provides a legitimate leisure activity, enjoyed by many people, and that the majority of people who gamble appear to do so without exhibiting any signs of problematic behaviour.

However, the Assessment of National Gambling Behaviour published by the Gambling Commission in August 2017 and prepared by NatCen Social Research states that 1.4% of gamblers were classed as 'problem gamblers' (0.8% of the population), with 6.4% of gamblers were classed as at risk (3.9% of the population). Gambling Commission Executive Tim Miller is quoted as stating that "Whilst overall problem gambling rates in Britain have remained statistically stable, our research suggests that in excess of two million people are at-risk or classed as problem gamblers, with very many more impacted by the wider consequences of gambling-related harm."

While a thriving gambling industry may be good for the economy, the success of the industry cannot be at the expense of families affected by problem gambling.

This Authority acknowledges that genuine efforts are being made to ensure that gaming and betting can take place in a socially responsible manner and that the industry itself contributes to this. Recent initiatives such as the national multi-operator self-exclusion scheme, which allows an individual to make a single request to self-exclude from the same type of the gambling within their area, and the continuing work on identifying harmful play on machines and mitigating this through intervention are wholly supported. However, as the Responsible Gambling Strategy Board acknowledge, many of the new initiatives have yet to prove their significance.

Gambling related harm is recognised as a 'co-morbidity' (i.e. one of a range of conditions existing in an individual that exacerbates pre-existing conditions and contributes toward a reduced life expectancy). It is often observed in people who suffer from poor mental health; stress or anxiety; substance misuse; and financial difficulties.

As such, it potentially extends beyond the individual through work and study, personal, financial legal and interpersonal circumstances and affects the community around the individual and local community services. The prevalence of problem gamblers based on the Health Survey for England 2012 indicates there could be in excess of 1,400 individuals who are problem gamblers within Barking and Dagenham.

The costs to society (i.e. the excess fiscal costs caused by people who are problem gamblers beyond those that are normally incurred otherwise by members of the public) are felt through health; housing and homelessness; unemployment; and imprisonment. Using the Health Survey as a basis the total excess costs in Barking and Dagenham could be anything up to £2.2 million.

For these reasons, this Authority has set out to establish a gambling licensing policy which recognises good industry practice and intends to support responsible operators but sets out to offer adequate protections to our local community.

Integral to this has been the analysis of gambling related harm which informs Section 3 of this policy. The analysis explored local area-based vulnerability to gambling related harm and, as such, provided both context to this policy and a 'local area profile'. This enables consideration to be given to local issues that must be addressed by local operators and to the extent to which any further development of a gambling offer within the borough may be appropriate. This authority recognises that with the impending significant reduction in maximum stakes for category B2 machines from April 2019 there is the potential for significant changes to occur during the life of this policy.

Section 3 of this policy sets out the considerations this Authority will go through in determining gambling premises licences. All new and current operators must have regard to this section when compiling local risk assessments and should make this section their starting point when absorbing the content of this policy.

Before this, the policy opens with a more general introduction to Barking and Dagenham (Section 1), followed by detail on the principles this Authority will rely on in fulfilling its licensing responsibilities (section 2).

Sections 4 (premises licences) and 5 (other consents) go on to set out in some detail, the steps that this and other responsible authorities would wish to see given appropriate consideration within risk assessments and operating schedules. It is intended to reflect and enhance industry good practice. This section is also intended to make clear certain aspects of the applications process for the benefit of all. This includes information on consultation, responsible authorities, interested parties and relevant objections.

Section 6 deals with enforcement matters, establishing how this Authority and partner service and external agencies intend to work collaboratively together, in a fair, transparent, open and consistent manner, to provide intelligent directed regulation.

Together, we hope to support a successful industry, which can offer enjoyable leisure activities without harm to our young and most vulnerable.

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- The third licensing objective - Protecting children and other vulnerable persons from being harmed or exploited by gambling
 - Protecting children
 - Protecting vulnerable people
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Section One – Introduction

About Barking and Dagenham

1. The London Borough of Barking and Dagenham is located at heart of the Thames Gateway, just a 15-minute train journey from central London.
2. Barking and Dagenham has a small population, estimated to stand at around 209,000 by the GLA datastore, representing an increase of 7,000 from June 2015. However, the borough has a young population. The average age in Barking and Dagenham is 32.9 years of age, lower than the London average of 36 years. The 56,800 children (persons aged between 0 and 15) equate to 27% of the local population. Some 130,700 people of working age (aged between 16 and 64) which is 63% of the population and there are 20,900 people of retirement age (65 and over) reflecting 10% of the population. Barking and Dagenham also has a diverse, multi-cultural community. The borough's BME population represents 49.3% of the total population. Nigeria is the most common birthplace of residents from outside of the UK (4.7%) followed by India and Pakistan (2.3% each). 18.7% of residents do not have English as their first language ¹.
3. Barking and Dagenham has its challenges. Both male and female life expectancy (77.6 and 82.1 respectively) are below the London average. The numbers of people who have no qualifications (15.4%); who are unemployed (10.5%); and who are DWP benefits claimants (14.9%) are all above the London average ².
4. However, with a proud history of manufacturing, industrial excellence, strategic transport links and a location to major markets in the South East (and on to Europe), Barking and Dagenham has real potential and aspires to become a destination of choice, where people stay and feel welcome.
5. With its excellent road and rail links, Barking and Dagenham is one of London's best-connected boroughs. Connections are set to improve further with new transport links currently under construction and in the pipeline, all intended to support the capital's eastward growth.
 - Crossrail will operate from Chadwell Heath from 2019
 - The London Overground will be extended to Barking Riverside by 2020
 - A new C2C station will open at Beam Park in 2020
 - Proposals to improve the A13 are under active consideration
 - Plans for the new River Thames crossings serving east London are underway

¹ LBBB Key demographic facts July 2016

² As above

6. The borough is increasingly a focus for house building. There are plans for over 35,000 new homes and 10,000 jobs over the next 20 years. Though house prices are rising much faster than the London average, the borough remains the cheapest in the capital.
7. As a legacy from Barking and Dagenham's involvement as a host borough in the London Olympics in 2012, there has been some significant investment in leisure, recreational and sporting facilities.
8. The borough has an incredible 530 hectares of green belt land, plus 25 parks and open spaces and tree lined streets.
9. A map of the geographic area comprising Barking and Dagenham is shown in Figure 1 on the following page.

Vision and priorities

10. Our vision for the borough is "One Borough; One Community; No-One Left Behind".

Our Priorities

- A New Kind of Council
 - Build a well-run organisation
 - Ensure relentlessly reliable services
 - Develop place – based partnership
- Empowering People
 - Enable greater independence whilst protecting the most vulnerable
 - Strengthen our services for all
 - Intervene earlier
- Inclusive Growth
 - Develop our aspirational and affordable housing offer
 - Shape great places and strong communities through regeneration
 - Encourage enterprise and enable employment
 -
- Citizenship and Participation
 - Harness culture and increase opportunity
 - Encourage civic pride and social responsibility
 - Strengthen partnerships, participation and a place-based approach

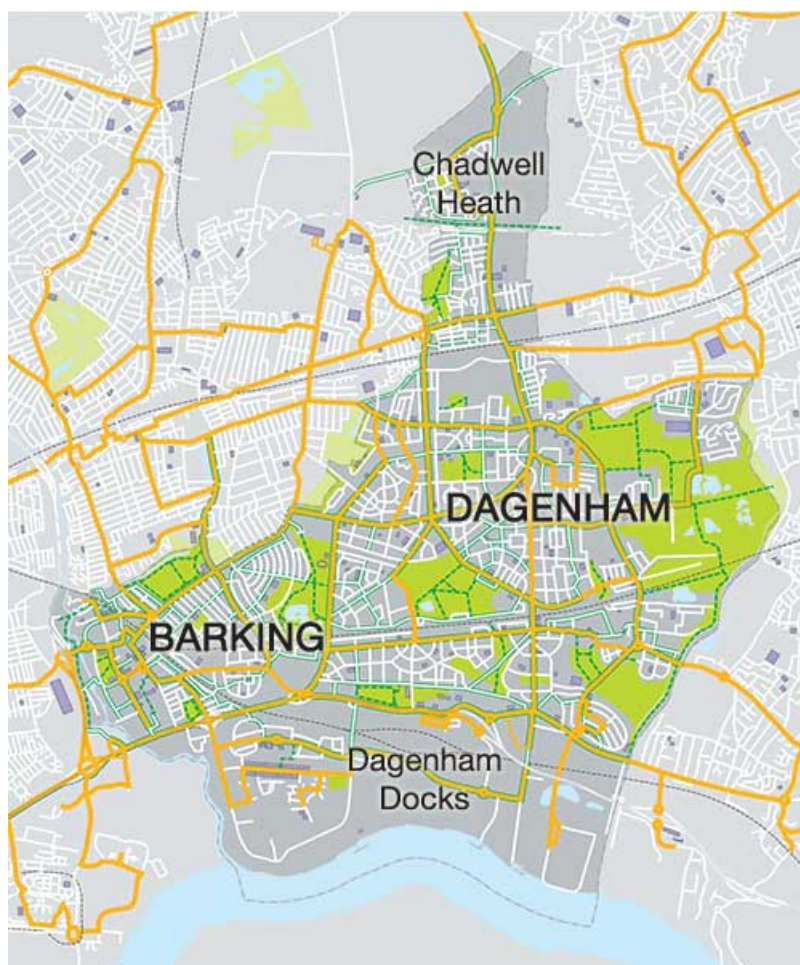


Figure 1 – Map of Barking and Dagenham

Section Two - Purpose and Scope of this Policy

The aim of the policy

11. The aim of this policy is -

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

Local authority functions

12. Under the Gambling Act 2005, this Authority is responsible for local gambling regulation. This statement of policy deals with the range of regulatory functions that fall to this Authority. These are –

- Licensing premises for gambling activities
- Considering notices given for the temporary use of premises for gambling
- Granting permits for gaming and gaming machines in clubs and miners' welfare institutes
- Regulating gaming and gaming machines in alcohol licensed premises
- Granting permits to family entertainment centres (FEC) for the use of certain lower stake gaming machines
- Granting permits for prize gaming
- Considering occasional use notices of betting at tracks
- Registering small society lotteries that fall below certain thresholds
- Setting and collecting fees.

The licensing objectives

13. While carrying out its functions under the Act, particularly in relation to premises licences, temporary use notices and some permits, this Authority must have regard to the licensing objectives, as set out in section 1 of the Act. These are -

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring gambling is conducted in fair and open way
- Protecting children and other vulnerable people from harm or from being exploited by gambling

Licensing authority discretion

14. Licensing authorities have a broad discretion to regulate the local provision of gambling and the Act gives wide-ranging powers to do so. Those include the power:

- To issue a statement of licensing policy, setting expectations about how gambling will be regulated in the local area
- To grant, refuse and attach conditions to premises licences
- To review premises licences and attach conditions or revoke them as a result

15. In exercising its functions under the Act, s.153 states that licensing authorities shall aim to permit the use of premises for gambling, in so far as it thinks it:

- In accordance with any code of practice under s24
- In accordance with any relevant guidance issued by the Commission under s.25
- Reasonably consistent with the licensing objectives (subject to the above) and in accordance with the licensing authority's statement of licensing policy

Limits on local authority discretion

16. However, licensing authorities are subject to some specific constraints in exercising their functions. A licensing authority has no discretion to grant a premises licence where that would mean taking a course of action which it did not think accorded with the Guidance issued by the Commission, any other relevant Commission code of practice, the licensing objectives or the licensing authority's own statement of policy. In the unlikely event that a licensing authority perceives a conflict between a provision of a Commission code of practice or the Guidance issued by the Commission, and its own statement of policy or view as to the application of the licensing objectives, s.153 makes it clear that the Commissions' codes and guidance take precedence.
17. In addition, the Act makes specific references to factors that must not be considered by a licensing authority in exercising its functions under s.153
- The expected demand for facilities (s.153(2))
 - Whether the application is to be permitted in accordance with law relating to planning or building (s.210(1))
18. Additionally, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.
19. This Authority also understands that moral or ethical objections to gambling are not a valid reason to reject applications for premises licences.

Other considerations

20. Licensing authorities should regulate gambling in the public interest.
21. While this statement of policy sets out a general approach to the exercise of functions under the Act, it does not override the right of any person to make an application and have that application considered on its own merits. Additionally, this statement does not seek to 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.
22. As far as is reasonably possible, this Authority will avoid duplication with other regulatory regimes.

Consideration of planning permission and building regulations

23. In particular, this Authority recognises that s210 of the Act prevents licensing authorities from taking into account the likelihood of the applicant for a premises licence obtaining planning permission or building regulations approval.
24. Equally, however, the grant of a gambling premises licence does not prejudice or prevent any decision or action that may be appropriate under planning or building control law.
25. Recent changes made to the Use Classes Order means that certain permitted development rights previously enjoyed by the likes of Betting Shops and Pay day loan companies have now been removed, meaning that planning permission for change of use is now required. Where this is necessary, this Authority does expect, applications for premises licences to be made for premises either with relevant planning permission in place or for applications for the relevant consents to be made concurrently.

Human Rights Act 1998

26. This Authority understands that the Secretary of State has certified that the Act is compatible with the European Convention on Human Rights. In considering applications, and taking enforcement action under the Act, this Authority will bear in mind that it is subject to the Human Rights Act 1998 and in particular:
 - Article 1, Protocol 1 – peaceful enjoyment of possession. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest
 - Article 6 – Right to a fair hearing
 - Article 8 – Respect for private and family life. In particular, removal or restriction of a licence may affect a person’s private life
 - Article 10 – Right to freedom of expression

Exchange of information

27. 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
28. 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 of the Act as:
 - A constable or police force
 - An enforcement officers
 - A licensing authority

- HMRC
- The First Tier Tribunal
- The Secretary of State

29. In exchanging information, this Authority will act in accordance with the relevant legislation, including the Data Protection Act 1998. This Authority will also have regard to any Guidance to local licensing authorities issued by the Commission, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act. Where the law allows, this Authority will agree secure mechanisms to share information with other regulators about gambling premises to help target resources and activities and minimise duplication.

Scheme of Delegation

30. Table 1 (on the following page) sets out the scheme of delegation for this Authority.
31. The scheme of delegation is intended to support an effective and efficient licensing process, within which non-contested matters will be granted by authorised officers.
32. Where matters are subject of representations, officers will normally attempt to reach an agreed negotiated outcome through our conciliation process. This is offered to facilitate further discussion and save the time and costs associated with a public hearing. Conciliation may be attempted up to 24 hours before a hearing. If an agreed outcome, satisfactory to all concerned parties, cannot be reached then the matter will generally be determined by a sub-committee comprising three elected members of the Council’s Licensing & Regulatory Board.

Table 1 – Delegation of decisions and functions			
Matter to be dealt with	Council Assembly	Licensing Sub-Committee	Officers
Final approval of three-year policy	X		
Policy not to permit casinos	X		
Fee setting (where appropriate)	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations have been received or representations withdrawn
Application for variation of a premises licences		Where representations have been received and not withdrawn	Where no representations have been received or representations withdrawn

Application for transfer of a premises licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received or representations withdrawn
Review of a premises licence		X	
Application for a club gaming / club machine permit		Where objections have been made (and not withdrawn)	Where no objections have been made / objections have not been withdrawn
Cancellation of a club gaming / club machine permit		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Section Three – Local Area Profile

Background

33. The Commission’s Licence Conditions and Codes of Practice (LCCP) (version published in February 2015) formalised the need for operators to consider local risks.
34. Specifically, Social Responsibility Code 10.1.1 requires all applicants for licences and current premises licence holders to assess the risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. When carrying out their risk assessments, licensees are required to take into account any relevant matters identified in the licensing authority’s statement of policy.
35. Licensees are required to undertake a local risk assessment when applying for a new premises licence. The risk assessment should also be updated:
- When applying for a variation of the premises licence

- To take account of significant changes in local circumstances, including those identified in this Authority's statement of policy
- When there are significant changes at the licensee's premises that may affect how local risks are managed

The local area profile

36. As has been recognised by the Responsible Gaming Strategy Board, there is evidence that some groups in the population may be more vulnerable to gambling related harm. This not only applies to people on low incomes but also people who are less able to make reasoned decisions because of poor mental health or addiction. Children and young people may be particularly susceptible, as their youth and inexperience may make them more inclined to risk-taking behaviour and less able to manage the consequences of those decisions. Statistics indicate that some BME groups may also be vulnerable
37. To help support applicants and licence holders to better understand their local environment, an analysis of gambling related harm has been prepared as a 'local area profile'. A copy of the document is provided at Appendix E. By drawing on relevant and reliable published socio-economic and public health data sets together with local police data concerning anti-social behaviour, the local area profile uses special analysis techniques to provide a model of area-based vulnerability to gambling related harm across the borough.
38. Both current operators and potential new operators to the borough are asked to consider the detail provided carefully, and should have regard to both the overall summary map and the individual mapping provided in respect of each relevant data set.
39. The general introduction to Barking and Dagenham provided in Section One of this policy demonstrates that this borough is an improving borough. However, as can be readily seen from the analysis provided under the local area profile, this Council's area compares poorly with its neighbours under the Index of Multiple Deprivation (IMD) 2015.
40. The assessment of the 37 separate indicators that make up the IMD indicates this borough is subject to widespread deprivation to which gambling related harm contributes.
41. This position gives rise to serious concerns of the impact of any further increase in the number of gambling premises may have for the most vulnerable and 'at risk' areas of the borough. This Authority considers that it is necessary to seek to strictly control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk, and in line with the duty, to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives. All areas shown within the local area profile as being at high overall risk of gambling related harm, are generally considered inappropriate for further gambling establishments, which would tend to raise the risk of gambling related harm to vulnerable people living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives.

42. Wherever the facilities are proposed, operators should consider, having regard to the individual mapping provided, each of the specific characteristics of their local area. Each premises' specific risk-assessment should recognise these and provide appropriate proactive mitigation or control measures.
43. This Council would also recommend that operators consider the following matters when making their risk-assessment.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling
 - Gaming trends that may reflect benefit payments
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends
 - The urban setting such as proximity to schools, commercial environment, factors affecting footfall
 - The range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
 - Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, or other street related disorder.
 - It is recommended that those preparing the local risk assessment seek the views of staff working in the premises, they may well possess knowledge based on their daily presence in the locality and may also be local residents with detailed local knowledge. Experience shows that shop staff, when asked to read the completed risk assessment often do not recognise the description of the area portrayed within the risk assessment.
44. The local area profile is intended to help facilitate constructive engagement between operators and licensees and a more co-ordinated response to local risks. The local area profile will be updated from time to time to ensure that the information contained within is current and relevant.
45. Licensees are required to share their risk assessment with the Authority when applying for a premises licence or for a variation of a licence, or otherwise at the request of the Authority, for instance during the course of a premises inspection conducted by authorised officers. This Authority asks that a copy of the relevant risk-assessment is kept available on the premises.

How applications for premises licences will be assessed

46. While it will continue to be the case that each application will be considered upon its own merits with all relevant matters – including the requirement to 'aim to permit gambling' where to do so is reasonably consistent with e.g. the licensing objectives – see paragraph 16 above - taken into account, this Authority will expect that each applicant for a licence will:

- Have had regard to the content of the local area profile and to the guidance and best practice advice provided within this document.
- Have engaged in constructive discussion with the appropriate relevant responsible authorities where risks and concerns are raised
- Be able to demonstrate that the risks raised within the local area profile, this policy and through representations have been adequately addressed by submitted operating schedules
- To be reasonably consistent with the licensing objectives

47. This Authority may require additional information where appropriate.

Factors it is likely the local authority will take into account in determining applications

48. In considering applications for new licences; variations to existing licences and licence reviews, this Authority will be likely to take into account some or all of the following matters:

- The type of premises
- The location of the premises
- The proposed or current hours of operation of the premises
- The configuration and layout of the premises
- The nature of the local area, and the implications for the risk of gambling related harm, including where appropriate the recorded levels and types of crime and/or the levels of deprivation
- The extent to which the risk-assessment provided by the operator acknowledges and proactively deals with local concerns as raised under the local area profile contained within this policy
- Matters relating to children and young people
- Matters relating to vulnerable adults
- The level of control measures proposed
- Whether the application establishes high levels of management
- The compliance history of the premises management, if current
- The views of the responsible authorities
- The views of interested parties

49. This list is not exhaustive. Other relevant information will be considered, determined on a case by case basis.

Conditions

50. All licences granted are subject to the mandatory and default conditions provided for by law. Where there are risks associated with a specific premises or class of premises, the licensing authority may consider it necessary to attach additional conditions.

51. Conditions may be attached to premises licences in a number of ways:

- Mandatory conditions established through the Act or secondary regulations
- Default conditions, which may be imposed upon a licence by the licensing authority under s.168 of the Act
- Conditions imposed upon licences by the local licensing authority under its discretion

52. Where its discretion has been engaged through the representations process, this Authority will impose conditions where it considers that it is necessary to do so to address relevant local circumstances. Conditions imposed by this Authority will be proportionate to the circumstances they are seeking to address. In particular, conditions will be:

- Relevant to the need to make a proposed building suitable as a gambling facility
- Directly related to the premises (including the locality and any identified local risks) and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- Within the ability of the operator to comply
- Enforceable
- Reasonable in all other respects

Conditions that may not be attached to premises licences by licensing authorities

53. This Authority notes that the Act sets out certain matters that may not be the subject of conditions.

- S.169(4) prohibits a licensing authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition
- S.172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation
- S.170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence
- S.171 prevents a licensing authority imposing conditions in relation to stakes, fees, winnings, or prizes.

Compliance with Commission Licence Conditions and Codes of Practice

54. In considering the matter of conditioning of licences this Authority is aware of the content of the current version of the Commission's Licence Conditions and Codes of Practice (January 2017 effective from 1 April 2017). These may be viewed in full by visiting <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>

55. The licence conditions and codes of practice apply to all new and existing licences, including any holder of a personal or operating licence issued under the Gambling Act 2005.

Section Four – Premises licences

56. This policy statement does not set out to explain the process and procedure for applying for a premises licence, variation or transfer. Advice on such can be obtained directly from the licensing service (see contact details in appendix A). However, this policy statement does set out for the benefit of applicants and all other interested parties, some important matters that this Authority will have regard to when determining applications.

Types of premises licences

57. In accordance with s.150 of the Act, premises licences can authorise the provision of facilities on:

- Casino premises
- Bingo premises
- Betting premises, including tracks and premises used by the betting intermediaries
- Adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
- Family entertainment centres (FEC) premises (for category C and D machines)

Applications

58. Applications for premises licences and club premises certificates must be made on the prescribed form (available from <https://www.lbbd.gov.uk/business/licenses-and-permits/gambling-licences-and-permits/gambling-premises-licence/overview/>) and accompanied by:
- The prescribed fee
 - The prescribed documents, namely a plan of the premises (ideally at 1:100 scale, unless otherwise agreed with the Authority)
 - Notwithstanding the requirements of The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007, relating to the content of submitted plans, this authority believes that in order to be satisfied that the requirements of S.153 are being met, especially social responsibility codes more detail is required, with the locations of gaming machines and self-service betting terminals marked on the plan. This view is supported in the national guidance issued by the Gambling Commission (S.7.44). Accordingly, for any new premises licence application or variation application this level of detail will be required. Any plan submitted without this information will be returned to be corrected, thus potentially delaying the issue of any licence.
59. Applications must be completed in full and signed and dated. If an application is submitted incomplete it will not be processed.
60. Similarly, a licence application, and any licence subsequently issued, is not valid if the relevant 'application notices' have not been made. These include
- A notice placed outside the premises for 28 consecutive days in a place where it can be easily seen and read by passers by
 - A public notice placed in a newspaper or newsletter of local relevance on at least one occasion within ten days of the application being made
 - Notice provided to all of the relevant responsible authorities, including the Commission, with seven days of the application being made.

Responsible authorities

61. Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences.
62. S.157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:
- The licensing authority in whose area the premises is wholly or partly situated
 - The Gambling Commission

- The Chief Officer of Police
- The fire and rescue authority
- The local planning authority
- The council's environmental health service
- A body designated in writing by the licensing authority, as competent to advise about the protection of children from harm
- HM Revenue and Customs
- Any other person prescribed by the Secretary of State

Body designated as competent to advise on the protection of children from harm

63. This Authority has determined the local Safeguarding Children Board as the body competent to advise on the protection of children from harm.

64. The principles that this Authority has applied in designating the competent body are:

- The need for the body to be responsible for the area we cover
- The need for the body to be able to provide professional expert opinion
- The need to ensure accountability, through being answerable to elected members rather than any particular interest group

Interested parties

65. S.158 of the Act defines interested parties. To accept a representation from an interested party, this Authority must take the view that the person:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities
- Has business interests that might be affected by the authorised activities
- Represents persons in either of these two groups

66. When determining whether a person 'lives sufficiently close to the premises' this Authority will take the following factors into account:

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
- The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises

67. When determining whether a person has business interests that might be affected by the authorised activities this Authority will recognise that the 'demand test' from previous legislation does not apply and, therefore, that view that an application provides competition

to an existing local business will not be considered sufficient reason for a representation. In establishing that a relevant business is likely to be affected, factors that are likely to be relevant include:

- The size of the premises
- The 'catchment' area of the premises, that is, how far people travel to visit the premises
- Whether the person making the representation has business interests in that catchment area that might be affected

68. Interested parties can be people who are democratically elected, such as councillors and MPs. Other representatives might include bodies such as trade associations, trade unions and residents' and tenants' associations. A school head or governor might act in the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

69. Aside from democratically elected persons, this Authority will satisfy itself on a case by case basis that a person does represent interested parties, and will request written evidence to support this where necessary. A letter from the interested person being represented would be sufficient.

70. This Authority will only consider 'relevant' representations, i.e. representations that relate to the licensing objectives or to issues that are raised within this statement of policy. Any representation that is considered to be 'frivolous' or 'vexatious' may be disregarded. Relevant considerations in interpreting these phrases may include:

- Who is making the representation and whether there is a history of making representations that are not relevant
- Whether or not it raises a 'relevant' issue
- Whether it raises issues that are specifically to do with the premises that are the subject of the application under consideration

Definition of premises & split premises

71. This Authority notes that the Act defines 'premises' as including 'any place' and that s.152 of the Act prevents more than one premises licence applying to any place.

72. It is understood that there is no reason, in principle, why a single building could not be subject to more than one premises licence, provided the licences are issued in respect of different parts of a building that can be reasonably regarded as being different premises. However, this Authority will give very close attention to any application which proposes to sub-divide a single building or plot.

73. Whether different parts of premises can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the proposed division is likely to be a matter for discussion.
74. This Authority does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If the premises are located within a larger venue, this Authority will require a plan of the venue on which the premises should be identified as a separate unit.
75. Each application will be considered upon its own merits. However, in cases where this Authority considers that a proposal is intended to create separate premises with additional gaming machine entitlement and this impacts upon the licensing objectives, then this Authority will not automatically grant a licence even where the mandatory conditions relating to access between premises are observed.

Multi-activity premises

76. This Authority will also take particular care in considering applications for multiple premises for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular,
- Premises must be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
 - Customers should be able to participate in the activity named on the premises licence
77. In determining whether two or more proposed premises are truly separate, this Authority will consider factors which could assist in making their decision, including
- Is a separate registration for business rates in place for the premises?
 - Are the premises' neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?

Provisional statements and applications for premises licences requiring works or right to occupy

78. A premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling will only be issued in relation to premises

that the Authority can be satisfied are going to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. S204 of the Act provides for potential operators to apply for a provisional statement that he / she

- Expects to be constructed
- Expects to be altered; or
- Expects to acquire a right to occupy.

79. However, case law provides that operators may apply for a full premises licence in respect of premises which have still to be constructed or altered and licensing authorities are required to determine such applications on their merits. In such cases, this Authority will consider such applications in two stages:

- Firstly, whether as a matter of substance after applying the principles in s153 of the Act, the premises ought to be permitted to be used for gambling
- Secondly, in deciding whether or not to grant the application this Authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place. This Authority is entitled to consider that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

Standards of management

80. This Authority expects all licensed operators to strive to achieve the highest standards of premises management across all facilities for gaming and betting within Barking and Dagenham.
81. To this end, premises management are expected to have an excellent and in-depth knowledge of relevant gambling law and regulations, and be able to demonstrate a full understanding of the importance of social responsibility provisions and the need to provide adequate protection of children and vulnerable people.
82. All customer-facing staff in licensed premises should also have sufficient understanding and knowledge to recognise the indicators of problem gambling and take appropriate steps to deal with this; and to promote socially responsible gaming.
83. As working in gambling establishments can also carry risks for the staff involved, it is expected that adequate staffing provision is maintained at all times and that incidents of lone working especially late at night, should be minimised. All working practices should be covered by appropriate risk-assessments.
84. Additionally, a full record of all incidents, actions and interventions should be maintained at all times and made available for inspection at the premises. This Authority would also ask

that operators support the Council and partner authorities by displaying healthy lifestyle information regarding such as alcohol consumption, local smoking cessation services and local support for mental health problems and debt advice, as and when this is made available.

The first licensing objective – Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

85. This Authority recognises that the Commission takes a lead role in preventing gambling from being a source of crime and will have investigated issues of suitability under the process for an Operators' Licence.
86. However, the location of a premises is an important factor when determining a premises licence application and so this Authority will pay particular attention to the location of gambling premises and the local level of crime. Where an area has high levels of organised crime, careful consideration will be given to whether it is appropriate for gambling premises to be located there and, if so, what conditions may be necessary to minimise the risk of crime.
87. However, operators should also be aware of and take into account, issues of lower level crime and anti-social behaviour.
88. Licensees will be expected to demonstrate that they have given careful and adequate consideration to this objective. In considering whether to grant a premises licence, this Authority will also give appropriate consideration to issues such as:
 - The configuration, design, and layout of the premises, paying particular attention to steps taken to 'design out' crime
 - The arrangements in place to control access
 - Security arrangements within the premises, including whether CCTV is installed (or intended) and, if so, the standard of the CCTV and the positioning of cash registers
 - Training provided to staff around crime prevention measures
 - The level of staff intended to be provided at the premises, including whether door supervisors are employed
 - The arrangements for age verification checks
 - The provision of adequate sanitary accommodation
 - Steps proposed to be taken to redress the recurrence of any historical crime and disorder issues
 - Steps proposed to prevent anti-social behaviour associated with the premises, such as street drinking, litter, and obstruction of the highway
 - The likelihood of any violence, public disorder, or policing problems if the licence is granted

89. The above list is not exhaustive. Reference will also be had to issues raised by the local area profile detailed in section three of this policy.

90. This Authority notes the distinction between disorder and nuisance in the case of gambling premises and that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

The second licensing objective – Ensuring that gambling is conducted in a fair and open way

91. This Authority notes that the Commission does not expect licensing authorities to be dealing with issues of fairness and openness frequently, as these matters are likely to be subject to the provisions of the Commission-issued operator and personal licences.

92. However, any suspicion raised that gambling is not being conducted in a fair and open way will be brought to the attention of the Commission for appropriate action. Similarly, any concerns relating to fair trading legislation will be brought to the attention of Trading Standards.

The third licensing objective – Protecting children and other vulnerable persons from being harmed or exploited by gambling

(a) Protecting children

93. The third licensing objective refers to protecting children from being harmed or exploited by gambling. This generally means preventing children from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children in such a way that makes them attractive (excepting category D machines).

94. Licensees and applicants will be expected to demonstrate that they have given careful and appropriate consideration to measures intended to protect children. In considering whether to grant a premises licence, this Authority will give appropriate consideration to issues such as:

- The location and supervision of entrances
- Security measures at the premises including the installation and maintenance of CCTV
- The provision of licensed door supervisors
- Arrangements for age verification
- Arrangements for segregation between gaming and non-gaming areas in premises where children are permitted
- Arrangements for supervision of machine areas in premises where children are permitted
- The provision of signage and notices

95. With limited exceptions, however, the intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering premises which are adult-only environments. This Authority will consider whether staff will be able to adequately supervise the gambling premises to ensure this.
96. This Authority will also consider whether the structure or layout and configuration of a premises either inhibits adequate supervision of the premises or prohibits it. In such cases, an applicant for a licence should consider what changes are or might be required to mitigate this. Such changes might include:
- The positioning or relocation of staff or CCTV to enable direct lines of sight of entrances / machines
 - The use of floor walkers to monitor use of machines
97. The Commission's general licence conditions and associated codes of practice include requirements as part of Operating Licences that licensees must have and put into effect social responsibility policies and procedures designed to prevent under age gambling and monitor the effectiveness of these.
98. In order that this Authority may make a proper informed judgement as to the effectiveness of these policies and procedures, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered upon their individual merits.

(b) Protecting vulnerable adults

99. The Act does not seek to prohibit groups of adults from gambling in the same way that it does children.
100. While the Commission does not seek to define 'vulnerable adults' it does, for regulatory purposes, assume that this group includes people who may gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.
101. The Commission's general licence conditions and associated codes of practice include requirements as part of Operating Licences that licensees must have and put into effect policies and procedures that promote socially responsible gambling. In particular, the codes of practice place responsibilities on licensees
- To make information readily available to customers on how to gamble responsibly and how to access information about, and in respect of, problem gambling

- For customer interaction where they have a concern that a customer's behaviour may indicate problem gambling
- To participate in the national multi-operator self-exclusion scheme
- To take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling
- To take all reasonable steps to prevent any marketing material being sent to a self-excluded customer

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

103. This Authority will also wish to understand the steps taken by the applicant to monitor the effectiveness of these policies and procedures.

(c) Location

104. Location of the premises has already been raised within this policy under the first licensing objective. However, location carries broader considerations that can potentially impact on each of the licensing objectives and beyond. That said this Authority recognises that betting shops have always been situated in areas of high population, where there are likely to be high numbers of children nearby, and this is not of itself a problem where appropriate steps have been taken to minimise the risk of children being attracted to gambling.

105. This Authority will give careful consideration to any application in respect of premises that located in close proximity to

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

Access to premises by children and young persons

106. The Act restricts the circumstances under which children and young people may take part in gambling or be on premises where gambling takes place as follows:

- Casinos are not permitted to admit anyone under 18;
- Betting shops are not permitted to admit anyone under 18;
- Bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- Adult gaming centres are not permitted to admit those under 18;
- Family entertainment centres and premises with a liquor licence (for example pubs) can admit under 18s, but they must not play category C machines which are restricted to those over 18;
- Clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines; and
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place.

107. This Authority will expect applicants to offer their own proposals to help fulfil the licensing objectives. However, there are a range of general controls that this Authority together with the other responsible authorities would recommend:

- The use of proof of age schemes;
- The direct supervision of entrances to the premises and the machine areas;
- The installation of CCTV systems with the 31-day library of recording maintained;
- Provision of suitable notices / signage explaining admission restrictions; and
- Setting and publicising specific opening hours.

Think 21

108. All premises should operate a proof of age compliance scheme. This Authority recommends that any proof of age scheme should be based on the principles of 'Think 21' and should involve:

- Persons appearing to staff to be under the age of 21 attempting to enter the premises or take part in gambling activities should be required to produce valid age identification (comprising any PASS accredited card or passport or driving licence) before being admitted or being allowed to take part;
- The reinforcement of this practice by appropriate signage displayed at the entrance to the premises and upon the premises;
- All staff to be trained in the premises proof of age compliance scheme and records of the training given to be retained on the premises and made available for inspection by authorised officers;

- The use of an incident log book to record details of all age-related refusals. The log should be reviewed monthly by the nominated responsible member of staff and any actions taken recorded in the book and signed off by that member of staff. This log shall be retained on the premises and made available for inspection by authorised officers; and
- Where a CCTV recording system is installed inside the premises, it should be arranged so as to monitor each entrance and exit and the gaming areas. A library of recordings taken by the system shall be maintained for 31 days and made available to authorised officers upon request.

Restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children

109. This Authority notes that the Commission’s Licence Conditions and Codes of Practice require all advertising of gambling products to be undertaken in a socially responsible manner. Advertising of gambling products should comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) which apply to the form and media in which they advertise their gambling facilities or services. Licensees should also follow any relevant industry code of practice on advertising, notably the Gambling Industry Code for Socially Responsible Advertising.

110. This authority understands that the following general principles apply to advertising:

- Must be legal and not misleading
- Must not encourage irresponsible or excessive gambling;
- Must take care not to exploit children and other vulnerable persons in relation to gambling activity; and
- Should not be specifically and intentionally be targeted towards people under the age of 18 through the selection of media, style of presentation, content or context in which they appear.

111. This Authority accepts that further conditions on this matter should not normally be necessary, but all issues of non-compliance with the code will be rigorously investigated and reported to the relevant authorities.

Casinos

112. S.166(1) of the Act states that a licensing authority may resolve not to issue casino premises licence. This Authority has not passed such a resolution but it is aware of the power to do so. Should this Authority decide in the future to pass such a resolution, this Statement of Policy will be updated. Any such decision must be taken by the full Council Assembly.

Bingo

113. A holder of a bingo licence is able to offer bingo in all its forms. Children and young persons are permitted in bingo premises, but may not participate in the bingo. As children and young persons may be present upon bingo premises, careful consideration will be given to protection of children from harm issues. Social responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and practices take account of the structure and layout of their gambling premises in order to prevent under-age gambling'. Where category B or C machines are available for use, these must be separated from areas where children and young people are allowed.

114. To prevent a situation where a bingo premises licence is obtained primarily to benefit from the gaming machine entitlement that it provides, this Authority will wish to satisfy itself that bingo can be played in any premises for which such a licence may be granted. Scrutiny will be given to any application for a new licence in respect of any excluded area of existing premises.

115. In addition, young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. This Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

Betting

116. The Act establishes a single class of licence covering betting, although there are two types of premises that require licensing. These are for 'off course' betting and track betting. Both are licensed by the local licensing authority. This section of the policy concentrates on 'off course' betting that takes place other than at a track and includes an entitlement to provide up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.

117. This Authority has particular concerns over the use of the B2 Fixed Odds Betting Terminals (FOBTs) within betting shops. While it is appreciated that it is permissible for a betting operator to provide solely FOBTs as their allocation of gaming machines, the high prize, high stake gaming provided enables considerable sums of money to be spent in a very short period of time, which increases the risk of gambling related harm. An applicant will in each case be expected to demonstrate that they can offer sufficient facilities for betting alongside any gaming machine provision.

118. Where Fixed Odds Betting Terminals (FOBTs) are provided, these gaming machines should be located within direct line sight of the supervised counter. Information leaflets and posters shall be provided in close proximity to the location of any FOBTs. These should be aimed at customers / families / friends and provide information on how to identify signs of

problem gambling and available pathways to advice and assistance (e.g. helpline numbers and online counselling services).

119. It is recognised that from April 2019 the maximum stake of category B2 machines (fixed odds betting terminals) will be reduced from £100 to £2. A re-assessment of the risks posed by gaming machines is likely to be appropriate for future iterations of this policy but is not appropriate at the current time as there the full implications of this change are unclear in advance of the implementation of the change.
120. Where the local area profile identifies any relevant local risk of gambling related harm, operators should consider additional protections for the vulnerable. These could include:
- Removing Automated Teller Machines (ATMs) from the betting office; and
 - Restricting FOBTs to account based play.
121. Licensed betting premises are only permitted to offer gambling facilities between 0700 and 2200 hours, unless the local authority has agreed an extension of operating hours. This Authority is also concerned that longer operating hours may attract the more vulnerable, such as those who may be intoxicated or have gambling addictions. Consequently, this Authority is unlikely to grant any extension of operating hours unless it is satisfied that robust measures will be in place to protect the vulnerable.
122. Children and young persons are not permitted to enter licensed betting premises. Social Responsibility (SR) Code 3.2.7(3) in the Licence Conditions and Codes of Practice (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent under-age gambling.
123. As per the Commission's Guidance, this Authority will wish to consider restricting the number and location of betting machines in respect of applications for betting premises licences. The council when considering the number/ nature/ circumstances of betting machines an operator wants to offer will follow the Gambling Commission's Guidance and 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 use of the machines.
124. This Authority will also have regard to the local area profile set out in section three of this policy and to the risk-assessment compiled in response to it.

Track betting

125. S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

126. Tracks may be subject to more than one premises licence, as long as each licence applies to a specific area of the track. Children and young people are able to enter track areas when facilities for betting are provided on days when dog racing or horse racing takes place. This exemption does not extend to other adult only areas.
127. This Authority will expect an applicant to demonstrate that they will put suitable measures in place to ensure that children do not have access to adult-only gaming facilities.

Adult gaming centres

128. Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence that was issued prior to the 13th July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever, is the greater. An AGC premises licence granted after the 13th July 2011 may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.
129. Gaming machines provide a form of gambling which is attractive to children and AGC's will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGC's to minimise the opportunities for children to gain access.
130. Because gaming machines provides opportunities for solitary play and immediate pay-outs, they are more likely to encourage repetitive and excessive play. The council in considering premises licences which include gaming machines will have particular regard to the third licensing objective in this respect.
131. The council will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes;
 - CCTV;
 - Entry control system;
 - Supervision of entrances/ machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices/ signage;
 - Specific opening hours;
 - Self-barring schemes for individuals to bar themselves from premises; and

- Provision of information leaflets/ helpline numbers for organisations such as GamCare.

Licensed family entertainment centres

132. The Act creates two classes of family entertainment centre (FEC). This part of the policy concerns licensed FECs. Unlicensed FECs are dealt with in Section 5. Persons operating a licensed FEC must hold a 'gaming machine general operating licence (Family Entertainment Centre)' from the Commission and a premises licence from the relevant licensing authority. They are able to make category C and D gaming machines available.
133. This Authority may only grant a permit if satisfied that the premises will be wholly or mainly used for making gaming machines available.
134. Children and young persons are permitted to enter an FEC and may use category D machines. They are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machine, so that under-18s do not have access to them. Social Responsibility (SR) code 3.2.5(3) in the Licence Conditions and Codes of Practice (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling. Mandatory conditions apply to FEC premises licences regarding the way in which the area containing the category C machines should be set out, detailed in Appendix C.
135. In determining any application for a permit this Authority will have regard to the licensing objectives and will expect the applicant to show that there are policies and procedures in place to protect children from harm, relating not just from gambling but also wider child protection considerations, including the risk of child sexual exploitation. The efficiency of such policies and procedures will be considered on their merits. However, the Authority would anticipate these would include measures / training for staff on:
- Appropriate action regarding suspected truanting school children on the premises;
 - Dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises; and
 - Staff training on the maximum stakes and prizes.
136. SR 3.2.5(2) requires operators to ensure that employees prevent access and challenge children or young persons who attempt use category C machines. It is strongly recommended that licensing authorities ensure that staffing and supervision arrangements are in place to meet this requirement both at application stage and at subsequent inspections.

Premises licence reviews

137. Requests for a review of a premises licence may be made by an interested party or a responsible authority, in which circumstances it is for this Authority to decide whether to carry out a review. By virtue of s.198, an application may, but need not, be rejected if the licensing authority thinks that the grounds on which the review is sought:

- Are not relevant to the principles that must be applied by the licensing authority in accordance with s.153, namely the licensing objectives, the Commission's codes of practice and this Guidance, or the licensing authority's statement of policy;
- Are frivolous;
- Are vexatious;
- 'Will certainly not' cause the licensing authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- Are substantially the same as the grounds cited in a previous application relating to the same premises; and
- Are substantially the same as representations made at the time the application for a premises licence was considered.

138. In addition, s.200 of the Act provides that licensing authorities may initiate a review in relation to a particular premises licence or a class of premises licence.

139. In relation to a class of premises, a licensing authority may review the use made of premises and the arrangements that premises licence holders have made to comply with licence conditions

140. A licensing authority may review any matter connected with the use made of a premises if:

- It has reason to suspect that premises licence conditions are not being observed;
- The premises is operating outside of the principles set out in the licensing authority's statement of policy;
- There is evidence to suggest that compliance with the licensing objectives is at risk; and
- There is any other reason which gives cause to believe that a review may be appropriate, such as a complaint from a third party.

141. Any formal review would normally be at the end of a process of ensuring compliance by the operator(s) which might include an initial investigation by a licensing authority officer and informal mediation or dispute resolution. If the concerns are not resolved then, after a formal review, this Authority may impose additional conditions or revoke the licence.

Section 5 – Other consents

142. The Act introduces a range of permits which are granted by licensing authorities, intended to provide a 'light touch' approach to low level ancillary gambling where stakes and prizes are subject to very low limits and / or gambling is not the main function of the premises.

143. This part of the policy considers the various permits that this Authority is responsible for issuing. Licensing authorities may only grant or reject an application for a permit. There is no provision for conditions to be set.

Unlicensed family entertainment centres

144. Only premises that are wholly or mainly used for making gaming machines available may hold a uFEC gaming machine permit. This Authority may only grant a permit if satisfied that the premises will be used as an uFEC and if the chief officer of the police has been consulted on the application. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.

145. UFECs are able to offer category D machines only under a gaming machine permit. Any category D machines can be made available, although other considerations, such as fire safety and health and safety, may be taken into account.

146. In determining any application for a permit this Authority will have regard to the licensing objectives and may ask an applicant to demonstrate;

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs;
- That the applicant has no relevant convictions; and
- That employees are trained to have a full understanding of the maximum stakes and prizes.

147. The Authority will also expect the applicant to show that there are policies and procedures in place to protect children from harm, relating not just from gambling but also wider child protection considerations, including the risk of child sexual exploitation. The efficiency of such policies and procedures will be considered on their merits. However, the Authority would anticipate these would include measures / training for staff on:

- Appropriate action regarding suspected truanting school children on the premises; and
- Dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

(Alcohol) Licensed premises gaming machine permits

148. Premises licensed to sell alcohol for consumption on the premises, may automatically have 2 category C or D gaming machines. Operators only need to inform the local licensing authority.
149. This Authority may remove the automatic authorisation in respect of any particular premises in its area if:
- Provision of the machine is not reasonably consistent with the pursuit of the licensing objectives;
 - Gaming has taken place on the premises that breaches a condition of s282 of the Act i.e. that
 - Written notice has been provided to the Authority
 - A fee has been paid
 - 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.
150. Where an operator wishes to have more than 2 gaming machines on their premises, a permit must be obtained. This Authority will consider each application based on the licensing objectives; any Guidance issued by the Commission under s25 of the Act; and 'such matters as it thinks relevant', considered on a case by case basis.
151. This Authority will have particular regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, or at risk of child sexual exploitation. This Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18-year olds do not have access to the adult only gaming machines. As a minimum this Authority will expect that machines are situated in sight of the bar, or within the sight of staff that are able to adequately monitor that the machines are not being used by those under 18. Notices and signage may also assist. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for customers who may have a gambling addiction, from organisations such as GamCare.
152. 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.

Temporary use notices

153. A Temporary Use Notice (TUN) may be used to allow premises such as hotels, conference centres or sporting venues to be used temporarily for providing facilities for gambling.

154. TUNs are controlled by s214-234 of the Act and the Gambling Act (Temporary Use Notices) Regulations 2007 and are subject to restrictions.
155. Currently, 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 overall winner.
156. This licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:
- The suitability of the premises;
 - The location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
 - The CCTV coverage within the premises;
 - The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period; and
 - Whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

Occasional use notices

157. S39 of the Act provides that where there is betting on a track for 8 days or fewer in a calendar year, betting may be permitted by an Occasional Use Notice (OUN) without the need for a premises licence. The intention is to allow licensed betting operators with appropriate permission from the Commission to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature.
158. The process for OUNs is different from TUNs. This Authority has very little discretion within the OUN process, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.
159. This Authority will, however, consider the definition of a “track” and will require the applicant to demonstrate that they are responsible for the administration of the “track” or are an occupier, and therefore permitted to avail themselves of the notice.

Prize gaming permits

160. “Prize gaming” is where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. Prize gaming may take place

without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

161. Given that prize gaming will particularly appeal to children and young persons, this licensing authority will give particular weight to child protection issues. The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- An understanding of the limits to stakes and prizes set out in regulations;
- That the gaming offered is within the law; and
- That clear policies exist that outline the steps to be taken to protect children from harm.

162. The council will only grant a permit after consultation with the chief officer of police. This will enable the licensing authority to determine the suitability of the applicant; the suitability of the premises in relation to their location; and issues about disorder.

163. While there are conditions set out in the Act with which the permit holder must comply, the council cannot attach conditions. The Act requires that:

- The limits on participation fees, as set out in regulations, must be complied with; and
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played.

Club gaming and club machine permits

164. Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

165. A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members;
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
- It must be permanent in nature;
- It must not be established to make a commercial profit; and
- It must be controlled by its members equally.

166. Examples of these include working men’s clubs, branches of the Royal British Legion and clubs with political affiliations.

167. This Authority 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.

168. There is also a “fast-track” procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this 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; and
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

169. 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.

Section 6 – Small Society Lotteries

170. 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)

171. 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; and
- customer lotteries.

172. Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. This 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 Gambling Commission web-site at:

<http://www.gamblingcommission.gov.uk/for-the-public/Fundraising-and-promotions/Fundraising-and-promotions.aspx>

173. Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. If application is wrongly made to this Authority the applicant will be informed as soon as possible and where possible, we will inform the other Licensing Authority.

174. 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, this Authority will have due regard to the Gambling Commission's guidance.

175. This Authority will keep a public register of all applications and will provide information to the Gambling Commission on all registered lotteries. As soon as the entry on the register is completed, the applicant will be informed. In addition, this 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, to ensure the annual monetary limit is not breached. If there is any doubt, the Gambling Commission will be notified in writing.

176. This 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.

177. This Authority may also refuse an application for registration if in its 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.
178. Applicants must set out the purposes for which the Society is established and will be asked to declare that they represent a bona fide non-commercial society and have no relevant convictions. Further information may be sought from the Society.
179. Where this 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.
180. This 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 Society will be informed 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.
181. 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 this Authority will expect this to be verified by the Society.

Section 7 – Enforcement

Good practice in regulation

182. The Legislative and Regulatory Reform Act 2006 places a legal duty on any person exercising a specified regulatory function to have regard to the statutory principles of good regulation in the exercise of the function. These provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed.
183. This Authority will have full regard to these principles when carrying out any regulatory activity and to the requirements of the Regulators' Code. The purpose of the Code is to promote efficient and effective approaches to regulatory inspection and

enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

Enforcement policy

184. These principles are reflected within the Barking and Dagenham Regulatory Services' Enforcement Policy for 2016-2020, which was prepared in consultation with relevant stakeholders. The policy sets out the Council's approach to enforcement; through education, compliance and enforcement. These core standards cover all aspects of enforcement delivered by the Council. A copy of the enforcement policy may be obtained upon request to the licensing service (see contact details in appendix A).

185. As well as ensuring that all enforcement activity is proportionate, consistent, transparent and accountable, the policy also requires that activity is targeted primarily on those activities and premises which give rise to the most serious risks or where hazards are least well controlled. This will be informed by an intelligence led approach. Regard will also be had to the local area profile set out in this policy.

186. This risk-assessed approach will also be taken to inspections of premises, so as to ensure that high risk premises requiring greater levels of attention will be targeted while low risk premises will receive a lighter touch. Premises will be assessed on the basis of;

- The type and location of the premises;
- The past operating history of the operator;
- The confidence in management; or
- The arrangements in place to promote the licensing objectives.

187. Where appropriate, this Authority will work with other responsible authorities to promote the licensing objectives through enforcement. Compliance will be normally be sought through early engagement, mediation, education, and advice. In cases where this is not possible, officers will seek to achieve compliance through the most appropriate route having regard to all relevant matters. Regard will be had to primary authority directions, where appropriate.

188. When a decision of whether or not to prosecute is required then this Authority will follow the principal criteria from the Guidance in the Code for Crown Prosecutors which requires the two main tests to be considered:

- Whether the standard of evidence is sufficient for a realistic prospect of conviction; and
- Whether a prosecution is in the public interest.

Appendix A – Contact details

The Responsible Authorities

Responsible authority	Contact details
Licensing Department, London Borough of Barking and Dagenham	Barking Town Hall, 1 Clockhouse Avenue Barking, IG11 7LU Email: licensing@lbbd.gov.uk
Police Licensing	Licensing Department Tel 01708 779162 Email EastAreaEABCUMailbox-.B&DLicensing@met.pnn.police.uk
Planning and Development Control	FAO Group Manager Planning Department, Barking Town Hall, 1 Town Square, Barking IG11 7LU Email: planning@lbbd.gov.uk

Responsible authority	Contact details
Child Protection	FAO Children Safeguarding Child Protection Team, Barking Town Hall, 1 Clockhouse Avenue, Barking IG11 7LU Email: childrensafeguardinglegal@lbbd.gov.uk
Environmental Health	Noise and Environmental Protection Enforcement Services, Barking Town Hall, 1 Clockhouse Avenue, Barking IG11 7LU Email: environmentalprotection@lbbd.gov.uk
Gambling Commission	Victoria Square House, Victoria Square, Birmingham B2 4BP Email: info@gamblingcommission.gov.uk Tel: 0121 230 6666
HM Revenue and Customs	Greenock Accounting Centre, Custom House, Custom House Quay, Greenock PA15 1EQ
London Fire Brigade	Team Leader for Barking and Dagenham Fire Safety Regulation – North, 169 Union Street, London, SE1 0LL Email: fsr-adminsupport@london-fire.gov.uk

Appendix B - List of persons who were consulted in the preparation of this policy

Statutory Consultees

- The chief officer of police for the authority’s area
- 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 Act

The above incorporated

- Responsible authorities and other relevant service providers
- Ward councillors
- Local licensed operators and relevant trades representative groups
- Publication on the authorities website

Appendix C – Mandatory & Default Licence Conditions

Mandatory conditions

A. All Premises

The following mandatory conditions apply to all premises licences:

- The summary of the terms and conditions of the premises licence issued by the licensing authority must be displayed in a prominent place on the premises
- The layout of the premises must be maintained in accordance with the plan that forms part of the premises licence
- Neither National Lottery products nor tickets in a private or customer lottery may be sold on the premises.

B. Bingo Premises

- A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

- No customer shall be able to enter bingo premises directly from a casino, an adult gaming centre or betting premises (other than a track).
- Over 18 areas within bingo halls that admit under-18s must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced.
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

C. Betting Premises

- A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
- There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or self-service betting terminal (SSBT) in order to do so.
- No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
 - Information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements)
 - Information relating to betting (including results) on any event in connection with which bets may have been affected on the premises.
 - Betting operator-owned TV channels are permitted.
- No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within paragraph 19.15 or machines which do not come within the categories of machine explicitly allowed in betting premises under s.172(8) of the Act.
- The consumption of alcohol on the premises is prohibited during any time which facilities for gambling are being provided on the premises.

- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

D. Adult gaming centres

- A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.
- There can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment centre (FEC), club gaming, club machine or alcohol licensed premises gaming machine permit. There is no definition of 'direct access' in the Act or regulations, although licensing authorities may consider that there should be an area separating the premises concerned, such as a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

E. Licensed family entertainment centres

- The summary of the terms and conditions of the premises licence issued by the licensing authority under s.164(1)(c) of the Act must be displayed in a prominent place within the premises.
- The layout of the premises must be maintained in accordance with the plan.
- The premises must not be used for the sale of tickets in a private lottery or customer lottery, or the National Lottery.
- No customer shall be able to enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track). There is no definition of 'direct access' in the Act or regulations, but licensing authorities may consider that there should be an area separating the premises concerned, such as a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- Over-18 areas within FECs that admit under-18s, must be separated by a barrier with prominently displayed notices at the entrance stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas or the category C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.

- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

Default Licence Conditions

A. Bingo Premises

- Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, there are no restrictions on access to gaming machines in bingo premises.

B. Betting Premises

- Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

Appendix D – References

The Gambling Act 2005 -

http://www.legislation.gov.uk/ukpga/2005/19/pdfs/ukpga_20050019_en.pdf

The Gambling Commission’s Guidance to Local Licensing Authorities (5th Edition – updated 2016) -

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

Gambling Commission Licence Conditions and Codes of Practice (April 2017) -

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>

Health Survey for England 2015 – Published by [NHS Digital](#) (formerly the NHS Information Centre). Chapter on Gambling commissioned by the Gambling Commission. Due for publication Spring 2017.

<http://www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Levels-of-problem-gambling-in-England.aspx>

Barking and Dagenham Key Population and Demographic Facts 2016 -

<https://www.lbbd.gov.uk/council/statistics-and-data/census-information/key-population-demographic-facts/>

Human Rights Act 1998 - <http://www.legislation.gov.uk/ukpga/1998/42/contents>

Data Protection Act -

<https://www.gov.uk/data-protection>

The Legislative and Regulatory Reform Act 2006 -

<http://www.legislation.gov.uk/ukpga/2006/51/contents>

Regulators’ Code

<https://www.gov.uk/government/publications/regulators-code>

Barking and Dagenham Enforcement Policy 2016 - <https://www.lbbd.gov.uk/council/priorities-and-strategies/council-policies/regulatory-services-policies/regulatory-services-enforcement-policy/>

ASSEMBLY

24 JULY 2019

Title: Annual Scrutiny Report 2018/19	
Report of the Chair of Overview and Scrutiny Committee and Chair of Health Scrutiny Committee	
Open Report	For Information
Wards Affected: None	Key Decision: No
Report Authors: Masuma Ahmed, Democratic Services Officer Leanna McPherson, Democratic Services Officer	Contact Details: Tel: 020 8227 2756 / 020 8227 2852 E-mail: masuma.ahmed@lbbd.gov.uk / leanna.mcpherson@lbbd.gov.uk
Accountable Strategic Leadership Director: Fiona Taylor, Director of Law and Governance	
<p>Summary</p> <p>The four principles of good public scrutiny as described by the Centre for Public Scrutiny are:</p> <ol style="list-style-type: none"> 1. Providing a "critical friend" challenge; 2. Reflecting the voice and concerns of the public; 3. Taking the lead and owning the scrutiny process; and 4. Making an impact on the delivery of public services. <p>This report outlines the work of the Overview and Scrutiny Committee (Appendix A) and Health Scrutiny Committee (Appendix B) in 2018/19 and how they have endeavoured to achieve these outcomes.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to:</p> <ol style="list-style-type: none"> (i) Endorse the 2018/19 Annual Reports of the Overview and Scrutiny Committee and Health Scrutiny Committee at Appendices A and B respectively to the report; and (ii) Note that the Director of Policy and Participation acts as the Council's Statutory Scrutiny Officer. 	
<p>Reason(s)</p> <p>It is good practice for the Assembly to be made aware of the work of the Scrutiny Committees during the last municipal year.</p>	

1. Introduction and Background

- 1.1 Following a review of the Council's governance arrangements in 2018 (Minute 56 refers), the Overview and Scrutiny Committee and the Health Scrutiny Committee have been successfully operating for one year.
- 1.2 The two Committees have looked at various issues throughout the municipal year and each have undertaken or are in the process of undertaking an in-depth review, which is referred to in the Appendices.
- 1.3 There have been no referrals, valid Call- In's, Councillor Call for Action or petitions to either Committee over the past year.

2. Statutory Scrutiny Officer

- 2.1 The role of the Statutory Scrutiny Officer is to promote scrutiny across the organisation.
- 2.2 The Statutory Scrutiny Officer role is assigned to the Director of Policy and Participation under the Council's Scheme of Delegation.

. Financial Implications

Implications completed by: David Folorunso – Finance Business Partner

- 3.1 There are no direct financial implication attached to this report.

4. Legal Implications

Implications completed by: Dr Paul Feild Senior Governance Solicitor

- 4.1 As the content of the report explains there is a legal requirement for councils which establish executive governance (this includes Leader and Cabinet, our model) to establish scrutiny and overview committees under the Local Government Act 2000. The precise arrangements are a matter for local determination and an amendment to the Act to require the appointment of a statutory scrutiny officer has given that role a specific duty to promote the scrutiny and overview function and provide support for the committee(s) and members.
- 4.2 The Council's arrangements are to operate an Overview and Scrutiny Committee and a Health Scrutiny Committee. The division of responsibility is that the Overview and Scrutiny Committee is the lead Scrutiny Committee except for health matters.
- 4.3 The Overview and Scrutiny Committee is a committee established under Section 21 of the Local Government Act 2000, as amended by the Localism Act 2011. Its functions are set out by law and also determined locally. It is responsible for addressing any Call-in/Councillor Call For Action that is received, except where the subject primarily relates to health matters in which case it will be dealt with by the Health Scrutiny Committee.

- 4.4 The Health Scrutiny Committee carries out health scrutiny in accordance with Section 244 (and Regulations under that section) of the National Health Services Act 2006 as amended by the Local Government and Public Involvement in Health Act 2007 relating to local health service matters. Where a proposal to substantially vary a health service relates to more than one local authority area, it must be considered by a Joint Health Overview and Scrutiny Committee appointed by each of the local authorities in question.
- 4.5 The Statutory Scrutiny Officer role was originally introduced by the Local Democracy, Economic Development and Construction Act 2009, the requirement for English councils to designate a “statutory” scrutiny officer can now be found at S9FB of the Local Government Act 2000 (the legislative framework having been altered by the Localism Act 2011).

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

- Appendix A: Overview and Scrutiny Committee Annual Report 2018/19
- Appendix B: Health Scrutiny Committee Annual Report 2018/19

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Overview and Scrutiny Committee (OSC) Annual Report 2018/19

Chair's Foreword

“The first year of the new Scrutiny structure has, to me, proved to be both rewarding and challenging.

As the Chair of the new Overview and Scrutiny Committee, I started the year by meeting with Cabinet Members, directors and officers to find out what the key issues were in order to help the Committee develop a meaningful work programme.

Before the Committee formally sat for the first time in September, I met with the Members to discuss the draft work programme and bring together suggestions for topics we wished to look at. As we quickly found out, the challenge was not, “what are we going to scrutinise” but more, “what are we not going to scrutinise”. With the Council still going through the transformation process, Scrutiny must ensure the Cabinet is held to account for decisions made and also to ensure that pre-decision scrutiny is undertaken in a timely and efficient manner.

Once the work programme was agreed, the Committee spent the next eight months working through packed agendas scrutinising a range of issues from social value in contracts through to how the Council is supporting a good start for its youngest children.

Following the meetings held with Cabinet Members earlier in the year, an understanding was reached that the role of Scrutiny had changed. It was not to criticise the work of Cabinet Members, but to help Cabinet reach its vision for the Council and our residents. I would like to thank the Cabinet Members who have attended meetings this year for their input, insights, for listening and taking on board suggestions or concerns raised by the Committee.

The Committee's first in-depth scrutiny review started slightly later in the year and it is shortly due to reach its conclusion. The next challenge is to decide on the next topic for an in-depth scrutiny review – suggestions are welcome!”

Cllr J Jones

Chair, Overview and Scrutiny Committee

Membership

The OSC consisted of ten Councillors, one co-opted church representative, one co-opted parent governor representative and one co-opted youth representative. There were two vacancies – co-opted church representative (Church of England) and co-opted parent governor representative (Secondary).

- Councillor Jane Jones (Chair)
- Councillor Andrew Achilleos (Deputy Chair)
- Councillor Dorothy Akwaboah
- Councillor Toni Bankole
- Councillor Princess Bright
- Councillor Rocky Gill
- Councillor Olawale Martins
- Councillor Ingrid Robinson
- Councillor Paul Robinson
- Councillor Phil Waker
- Mrs Glenda Spencer Church Representative – Roman Catholic
- Mr Baba Tinubu Parent Governor – Primary
- Johami Mutuale Youth Representative

Leanna McPherson, Democratic Services Officer, supported the Committee.

Lessons Learnt from the Elevate Joint Venture

The Committee started off the year in September 2018 by looking in detail at the lessons learnt from the Elevate East London joint venture and the way forward, as the contractual arrangements were ending in 2020.

The Committee requested details, and then undertook pre-decision scrutiny, of the post-Elevate delivery models before they were considered for approval by Cabinet. The Committee sought assurance from the Chief Operating Officer that robust monitoring processes would be put in place following the transfer of services back to the Council.

Pre-Decision Scrutiny: Corporate Plan 2018 – 2022

The first pre-decision scrutiny undertaken by the Committee was for the Corporate Plan 2018 – 2022.

The Corporate Plan is a key part of the Council's strategic planning, delivery and accountability framework. The development of a Corporate Plan ensures the Council's contribution to achieving its vision and priorities is proactive, co-ordinated, achievable and resourced in line with the Medium-Term Financial Strategy.

The Committee was pleased that the document was written in a way that was easy to read and particularly welcomed the spotlight on stable finances during times of austerity. The Committee pointed out, however, that there was no mention of social

housing within the draft Corporate Plan 2018 – 2022 and challenged how the Council would provide greater independence to residents through social housing.

The Housing Stock Investment – Decent Homes Process & Customer Satisfaction (including Stock Condition Survey)

The Committee requested a report on the Decent Homes (Housing Stock Investment) Programme, the role of the programme with regard to involving the customer and monitoring customer satisfaction in the delivery of works.

The Committee found that there was a low response rate to the customer satisfaction surveys and also raised issues regarding the method of issuing customer surveys to the Council's residents.

The following suggestions for surveying residents once work had been completed on their homes were made by the Committee:

- Give residents the option to choose how they would like to take part in the survey before the work was undertaken which could include post, telephone, email, social media or text message;
- Make the surveys available in other languages for those residents whose first language is not English; and
- If surveys were to be collected by the contractor, ensure they were collected in a sealed envelope.

The Committee felt it would be useful to undertake visits to 'void' properties that were being made up to Decent Homes standard and several members of the Committee carried out site visits to view properties at various stages of refurbishment. The members prepared a report detailing their findings and recommendations and presented it to the full Committee in November 2018. The report was then fed into the Improvement Plan for My Place.

Private Sector Housing – Proposal for New Licensing Scheme

In October 2018, the OSC was consulted on the proposed Private Rental Property Licensing Scheme 2019 – 2024.

The principal objective of the scheme was to regulate and improve the management and condition of accommodation in the borough's private rented sector and address, in particular, high levels of anti-social behaviour.

The consultation contained three options for consideration:

- Option 1 – Apply for a scheme covering 20% of the Borough;
- Option 2 – Apply for a scheme that did not include all wards; or
- Option 3 – Apply for a borough-wide scheme.

The Committee welcomed the proposed scheme, supporting the option to apply for a borough-wide scheme.

Budget Strategy Report 2019/20 to 2020/21

In November 2018, the OSC reviewed the Council's Budget Strategy for 2019/20 to 2020/21 and invited the Cabinet Member for Finance, Performance and Core Services to attend the meeting and speak on the main components of the budget strategy.

The Cabinet Member for Social Care and Health Integration was also in attendance and answered challenging questions raised by the Committee with regard to the ongoing pressures on social care budgets.

Social Value in Procurement

The Committee asked for a detailed report on how the Council is meeting its obligations under the Public Services (Social Value) Act 2012 and in December 2018, OSC was presented with a detailed report on the subject. The Council had an obligation to consider how it might improve the economic, social and environmental well-being of the relevant area and how it may act with a view to securing that improvement.

The Committee welcomed the report and the progress the Council was making with social value in procurement. However, it was noted that many of the examples given were for large scale/high value procurements. In response to these concerns, OSC were advised that work was being undertaken into how the Council could help smaller businesses, and particularly those from the local area, by encouraging and assisting those businesses to jointly bid for Council contracts.

Tri Borough Policing: Victim Satisfaction and the Perception of Crime in the Borough

The Committee took a different approach this year in challenging the Tri Borough Policing East Base Command Unit (BCU) with regard to victim satisfaction and the perception of crime in the Borough.

Representatives from across the Borough were invited by the Committee to attend the meeting to hear and discuss the views of service providers who were working with victims of crime and those of the Safer Neighbourhood Board (SNB), based on the information picked up via the local ward panels.

Representatives from the BCU were also in attendance to address the Committee on work being undertaken in relation to victim satisfaction and the perception of crime and to respond to the points raised by the services providers and the SNB.

The Committee also heard from the Chair of the BAD Youth Forum, Johami Mutuale, who gave an impassioned speech on crime-related issues effecting school children in the Borough.

Multi-Agency Safeguarding Hub Arrangements

The Committee received a report on the Council's new Multi-Agency Safeguarding Hub (MASH) arrangements, which had moved from the operational oversight of Children's Social Care to Community Solutions, following the creation of a new structure in Autumn 2017.

The Committee considered proposals for improving MASH-related services and it was noted that by referring families into an early help offer, it stopped repeat referrals coming back to MASH and would reduce demand. However, to do this families would need to be identified before they got to MASH through the early help offer. The early help offer was still being developed and it was suggested the area be scrutinised in more detail later in the year.

The Committee also requested that the MASH arrangements be reviewed annually as part of its quality assurance arrangements.

Shortly after the report was considered by the Committee, the Council was subject to an inspection by OFSTED, where the report to the Committee was praised.

How do we communicate with our residents?

The Committee requested a report on how the Council communicates with its residents and were provided with a detailed presentation outlining the Council's approach to communications, the channels used and their reach and impact.

The Committee challenged the use of the internet as the main source for communication with residents, expressing concerns that elderly residents and those in poverty may not have access to social media and other internet mediums. In response, the Committee was advised that the mail-outs sent to residents 3-4 times a year addressed some of the gaps for those not using the internet. The Committee suggested that other ways to reach the demographic of the Borough who were not online should be explored.

Local Offer for Care Leavers

OSC received a report on the 'local offer' for care leavers, which was a requirement of the Children and Social Work Act 2017. The Council was required to publish a 'local offer' of support and services that it made available to children and young people leaving care.

As part of the enhanced local offer development process, a number of key stakeholders including the OSC were asked to consider '*what do we want for our care leavers to support them to succeed in adulthood?*'. This was particularly relevant as OSC was undertaking its obligations as part of the Council's corporate parenting role.

Following consideration of the report and the question posed, the Committee made the following recommendations:

1. That the Cabinet Member for Employment, Skills and Aspiration look into using the new Business Forum as an advocate by providing guaranteed interviews and training/advice for care leavers;
2. That the Cabinet Member for Social Care and Health Integration look into arranging joint training between foster carers, social workers and care leavers on issues such as applying for accommodation, financial management and other essential life skills; and
3. That the Cabinet Member for Finance, Performance and Core Services review Council Tax benefits that may be applicable to care leavers and other measures to ensure care leavers are supported as they move into employment.

Annual Residents' Survey

Following the conclusion of the 2018 residents' survey, the Committee looked in detail at the methodology and results. 1,000 telephone surveys were undertaken with residents across the borough. The sample was representative of the population and the fieldwork was carried out between October-December 2018. The results of the 2018 survey showed that the top three concerns for residents remained the same for a third consecutive year. In order of priority these were:

- 1) Crime;
- 2) Housing; and
- 3) Litter and dirt on streets/ conditions of roads

The Committee was concerned that telephone interviews were not a sufficient method of surveying residents and recommended that, where possible, the 2019 Annual Residents' Survey include face to face interviews as well as telephone surveys.

Support for Vulnerable People

The Committee requested a report looking at the support provided to vulnerable adults by the Council and other partners.

The Committee challenged how joint working was undertaken in relation to vulnerable adults and a discussion took place on areas that needed to be addressed:

- Hospital Discharge: The pathway covering the period from when a resident left the care of the hospital to their recovery at home should be reviewed to ensure that Community Solutions were involved in the process;
- Adaptations to Council Properties: The pathway from requesting an adaptation through to having the work undertaken was not clear; and
- Housing Provision: Following a suggestion from the Committee that the Voids Team assess properties to identify if suitable adaptations could be undertaken before new residents moved in, the Commissioning Director acknowledged that B&D Reside, Be First and the Council could be more proactive and the relevant commissioners needed to be clearer about the emerging need of vulnerable residents.

Good Starts for our Youngest Children

Following the recent OFSTED inspection, it had become clear that many of the children enrolled at nurseries in the Borough were not toilet trained and had poor language skills. It was important to ensure children got the best start in life and were prepared for school and it was noted this could only be achieved through partnership working with the Early Years' Service.

The Committee was updated on the strengths of the service in the current challenging climate, areas for improvement and opportunities. The Committee were also updated on the current priorities in Early Years, which focussed on:

- Working with families, health, education and community partners to narrow the 'inequality gap' at the end of the Early Years Foundation Stage, to support more children into early education and to raise attainment for all children; and
- Building an approach to place-based working which supported greater opportunities for coherent partnership work across early years settings and beyond.

Be First Audited Accounts

The Committee requested to look at the Be First financial statements to 31 March 2018.

The financial statements of the company for 2017/18 were signed on 1 April 2019 and subsequently filed at Companies House. The overall financial position in respect of the first six months of trading was reported as a loss of £3.9m. This loss comprises the recognition of a £3m opening pension liability and a £900,000 trading loss.

There were some issues of concern raised by the Committee regarding the filing of the accounts and in response the Committee was assured that:

- New external auditors, BDO, had been appointed and an introductory meeting had taken place to ensure they had a proper knowledge of Be First's business. The company had requested BDO meet the Audit and Standards Committee and advise of its plans and timetable for completion of the audit;
- Be First had carried out a detailed review of each ledger account. Where there were transactions between Be First and the Council, a full analysis was in place providing additional assurance over completeness. Accordingly, the issue encountered during the audit of the 2017/18 accounts was not expected to recur; and
- The external audit will be completed, within the statutory timetable for filing the accounts.

In-depth Scrutiny Review: Improving household waste, recycling and street cleansing

Starting in February 2019, the Committee is currently undertaking an in-depth Scrutiny Review entitled: 'Improving household waste, recycling and street cleansing'.

The Committee has tasked officers with undertaking research and has undertaken its own evidence gathering sessions, which included a visit to the waste management facility at Frog Island.

It is anticipated that the final report, complete with recommendations, will be presented to the Overview and Scrutiny Committee in September 2019.

Monitoring Performance - Budget Monitoring

The Committee received the latest budget monitoring report at each meeting to consider items of interest or concern.

Contact

For further information on the Overview and Scrutiny Committee, or the Council's scrutiny arrangements in general, please contact:

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Health Scrutiny Committee (HSC) Annual Report 2018/19

Councillor E. Keller - Chair's Report

Following the changes made to the scrutiny committee structure last year, the Health Scrutiny Committee had three meetings to consider various matters in the form of individual agenda items and also undertook a scrutiny review on Childhood Obesity. We were supported by Matthew Cole, Director of Public Health, and Democratic Services Officers.

Membership

The HSC consisted of six members who were:

- Myself, as Chair of the Committee;
- Councillor Paul Robinson (Deputy Chair);
- Councillor Peter Chand;
- Councillor Irma Freeborn;
- Councillor Chris Rice; and
- Councillor Emily Rodwell

I, Councillor Robinson and Councillor Emily Rodwell were also members of the Outer North East London Joint Health Overview and Scrutiny Committee, which scrutinised issues affecting the health and care of residents primarily across our Borough, Havering and Redbridge (BHR).

I will now outline the issues considered by the Committee during the year.

King George Urgent Care Centre – Inadequate Rating by the Care Quality Commission

In August 2018, the Care Quality Commission (CQC) rated the Urgent Care Centre based in King George Hospital 'Inadequate' and placed the service in special measures. In response, the HSC requested that representatives of the local Clinical Commissioning Groups (CCGs) attend before it to provide assurance that it was taking immediate action to remedy the CQC's findings. The Chief Operating Officer for BD CCG assured the Committee that the BHR CCGs, together with Barking, Havering and Redbridge University Hospitals Trust ('the Trust'), took immediate action and conducted a formal, clinically led quality assurance visit to the site to determine patient safety issues, which led to changes to practices to improved patient safety. The CCG also placed the service provider under an enhanced level of surveillance for the next six months and issued a list of actions to be completed which, we were assured, led to all immediate risks to patient safety being fully mitigated. The Committee was also advised that the Director of Nursing had been removed from post following the CQC's findings, a new Medical Director had been appointed; and a recruitment process was underway for a new Chief Pharmacist. The Committee referred the matter to the JHOSC, to provide a further check on progress made.

Financial Recovery of BHRUT

The Committee was alerted that the Trust was placed in Special Financial Measures in February 2018 following the discovery of a cash shortfall by the Trust in Autumn 2017. The Committee, aware of the historic financial issues at the Trust, requested that Chris Bown, Interim Chief Executive of the Trust, update the Committee on the actions it was taking to resolve these challenges. Mr Bown explained that the placing of the Trust in Special Financial Measures would help to return the Trust to a period of financial stability and that PricewaterhouseCoopers had been appointed to support the Financial Recovery Plan delivery. A report by Grant Thornton consultancy into the underlying issues found that some of the reasons for the instability were higher demand and delivery of services above the levels agreed with the commissioners; optimistic assumptions about 2017/18; overspending; weak financial control; a lack of forward analysis of cash requirements; and the robustness of the Trust's approach to delivering the Quality and Cost Improvement Programme (QCIP). The Committee was concerned that the issues with cash flow were only noticed when there was a significant shortfall and was advised that changes had been made to ensure the Trust's Board reports contained details about the cash flow going forward. Two temporary groups had been set up to respond to the specific needs of NHS Financial Recovery in BHR and the new governance structure would also assist in its recovery.

Review of Mortality at BHRUT

The Committee was aware that the Trust had been identified as being an outlier for mortality in patients with pneumonia and for patients with biliary sepsis and sought a report from the Trust on what it was doing to address this, as well as obtain a view on mortality in the Trust more widely. As well as gaining an understanding of the mortality governance process, the Committee sought assurance from the Trust's Acting Medical Director that its mortality rate in relation to high risk surgery was not far beyond the national expected figures and that referrals from other hospitals did not have a negative impact on mortality rates in the Borough. Furthermore, the Committee explored the reasons behind the high number of hospital deaths compared to a low number of 'at home' deaths in the Borough and found that many patients did not present themselves to health services until it was too late; for example, stage four cancer patients were found presenting themselves for the first time at A&E. This was in line with what the Committee found when it undertook a Scrutiny Review on Cancer in 2016/17 and members suggested that the Health and Wellbeing Board receive an update on the Action Plan arising from the review, which I believe will be going to the Board in September this year. Members also noted that the CCG had agreed to establish an Older People's Transformation Programme that would assist in aligning GP practices to care homes, which the Committee will seek a further update on in 2019/20.

Medical and Financial issues regarding Patient Safety at BHRUT

In light of BHRUT's financial instability, the Committee was concerned at the impact this may be having on patient safety and asked the Trust to provide evidence that patients were not coming to harm. Members were assured that independent reports by Grant Thornton and Deloitte found no evidence of harm to patients as a consequence of financial issues, and that there were no concerns regarding patient safety related to ongoing financial challenges. The Committee was informed of the work being undertaken to address issues relating to allegations of bullying of medical staff and allegations that a small number of consultants were covering up poor practice. Members were also informed that following the appointment of a new acting Chief Executive, staff appeared to be

approaching managers more often, a new electronic system had been put in place to enable staff to raise issues anonymously, there was no evidence that patients had received a lower quality of service; and the Trust was the only one in London to meet the 62-day target for cancer care.

Closure of the Cedar Centre at King George Hospital

Members were made aware in August 2018 that the Trust was proposing to move all chemotherapy treatment from the Cedar Centre to Queen's Hospital; however, in October 2018, they were informed that the move would take place imminently because the Trust had come to the view that due to staff shortages, it was unlikely to resource the Cedar Centre safely from 12 November 2018. The HSC requested an explanation from the Trust as to the rationale for the move and assurances that it would mean an improved service for the Borough's residents and would not impact on them negatively in terms of travel. Whilst the Committee was satisfied that the move was for the overall benefit of the patients, and that the Cedar Centre would remain open to act as a hub providing support for cancer patients, it expressed disappointment in the way that the closure was handled, as the press release issued caused concern amongst patients who had not been prepared for the news. The Chief Nurse apologised on behalf of the Trust and advised that the mistakes made had been recognised and would be learned from.

Barking Riverside

The HSC was kept abreast of the development at Barking Riverside, which having been designated as one of NHS England's 'Healthy New Towns', provided an opportunity to develop a genuinely integrated service with a key focus on prevention. The Committee was encouraged to hear about the emerging model for a well-being hub comprising health and care, leisure, and community and voluntary sector services which was being developed in consultation with local people and key stakeholders. Members hoped that once complete, this service would act as a model for health and wellbeing services across the Borough and asked for a further update on progress at a future meeting of the Committee.

Primary Care

The HSC, being acutely aware of the challenges around primary care in BHR, particularly the ability to recruit a sufficient number of GPs to meet the demand of local populations, requested an update on the local picture from the BDCCG. The HSC had some key concerns which it challenged the BDCCG on, including the quality of the support provided to GPs before they were inspected by the CQC, the issue of safeguarding appearing as a theme in relation to CQC inspections, the ongoing GP to patient ratio and the associated barriers to access. The BDCCG provided assurance to the HSC on all counts and members appreciated their honesty in admitting that the GP to patient ratio issue was not one that could be solved overnight, and that they were continually reviewing models of general practice to help cushion the effect of this.

Scrutiny Review into Childhood Obesity

Coming now to the Scrutiny Review into Childhood Obesity, the Committee's desire to review this area stemmed from statistics telling us that Barking and Dagenham has among the highest rates of overweight and obese children in Reception and Year 6 children in London. During the course of the review, the Committee had the opportunity to go out into

the community and see and hear for themselves the work currently being undertaken to address excess weight in children. Visits to 'Lean Beans' and HENRY weight management courses were arranged and a Q&A session with Healthcare representatives was held. The report arising from the Review sets out the local picture for obesity in children and makes recommendations that involve multi-agency action to support parents and families, and that seek to embed effective weight promotion at the most important stages of a child's growth and development. The report will be going to the Health and Wellbeing Board in September and the HSC looks forward to learning how the Board takes forward the recommendations and assessing in six months' time, the extent to which the recommendations have impacted on the delivery of services and outcomes for children and young people.

Contact

For further information on the Health Scrutiny Committee, please contact:

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ASSEMBLY**24 July 2019**

Title: Motions	
Report of the Chief Executive	
Open Report	For Decision
Wards Affected: All	Key Decision: No
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Accountable Director: Fiona Taylor, Director of Law and Governance	
Accountable Strategic Director: Chris Naylor, Chief Executive	
<p>Summary</p> <p>In accordance with paragraph 10 of Part 2, Chapter 4 of the Council Constitution, motions and amendments to motions on issues directly affecting the borough may be submitted to the Assembly to be debated and voted on.</p> <p>Two motions have been received in accordance with the Council's procedure rules and are attached as Appendix A and B.</p> <p>The deadline for amendments to the motions was noon on Friday 19 July 2019.</p> <p>For information, attached at Appendix C is the relevant extract from the Council's Constitution relating to the procedure for dealing with Motions with Notice.</p>	
<p>Recommendation(s)</p> <p>The Assembly is asked to debate and vote on the motions and any amendments proposed.</p>	

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

- **Appendix A** – Phasing out Single Use Plastics
- **Appendix B** – Public Health Funding
- **Appendix C** – Extract from the Council Constitution, Paragraphs 10, 11 and 12 of Part 2, Chapter 4 – The Assembly

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Notice of Motion – Phasing Out Single Use Plastics

Councillor Achilleos has submitted the following motion:

“This local authority believes that single use plastics (referred to as SUPs from here onwards) are one of the biggest threats to environmental sustainability globally. This includes their widespread availability and their improper disposal which is leading to an increase in landfill and waste incineration, the two most environmentally damaging forms of waste disposal.

It is difficult to quantify the damaging impact SUPs have on our local area, but we need look no further than the litter on our streets and in our green spaces which poses a threat to wildlife and biodiversity. Our waterways and ponds are frequent victims of SUPs, and our air quality is inadvertently affected by the mass disposal of such plastics.

This is a global issue, but it is one that requires action. This council recognises it's responsibility to address this problem and aims to lead by example, seeking to phase out the use of SUPs across all services provided by the local authority where practical and economically viable. In some areas this may not be possible due to the financial constraints placed on us by central government, but we believe it is our duty to explore all options.

This council aims to begin the process in-house by limiting the availability of single use plastics in all our buildings and by staff leading to reducing the use of SUPs to zero as soon as practicable. Specifically, this council recognises SUP's as plastic bags, disposable utensils, beverage containers, plastic drinks bottles, food wrappers, straws, stirrers and plastic lids. We aim to investigate launching a public 'Plastic Free LBBD' campaign in order to extend the reduction of use from staff and commissioned services, contractors, suppliers and local authority schools where feasible.

This may affect the products we buy and use such as bottles, cutlery, food packaging, stationary and the use of straws. As the second biggest employer locally, it is our belief that by raising awareness in this way will help inform our residents on the matter, collectively reducing SUPs across the borough and bringing us one step closer to becoming the green capital of the capital.

We aim to work alongside the Chamber of Commerce, schools, voluntary organisations, businesses, and our community to help make ensure that the eradication of SUPs is high on the agenda. We believe that the local authority has an obligation to protect the environment for future generations: it is because of this obligation that we show leadership in this issue today.

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Notice of Motion – Public Health Funding

Councillor P Robinson has submitted the following motion:

“The public health grant funds vital services and functions that prevent ill health and contribute to the future sustainability of the NHS. Local authorities are responsible for delivering most of these services, but their ability to do so is compromised by public health grant reductions and the broader funding climate.

In 2018/19 and 2019/20 every local authority will have less to spend on public health than the year before. Taking funds away from prevention is a false economy. Without proper investment in public health people suffer, demand on local health services increases and the economy suffers. Poor public health costs local businesses heavily through sick days and lost productivity. Unless we restore public health funding, our health and care system will remain locked in a ‘treatment’ approach, which is neither economically viable nor protects the health of residents.

The Government is looking to phase out the Public Health Grant by 2020/21. Thereafter, they plan to fund public health via 75% business rates retention. Whatever the model, it is vital that local authorities have enough funding to deliver the functions and services they need to provide. Deprived areas often suffer the worst health outcomes, so it is also vital that areas with the greatest need receive sufficient funding to meet their local challenges.

This Council notes that around four in ten cancers are preventable, largely through avoidable risk factors, such as stopping smoking, keeping a healthy weight and cutting back on alcohol. In addition, in Barking and Dagenham we have the highest rate of death from cancer considered preventable in London. Smoking accounts for 80,000 early deaths every year and remains the largest preventable cause of cancer in the world. Smoking-related ill health costs local authorities £760 million every year in social care costs. Additionally, obesity and alcohol account for 30,000 and 7,000 early deaths each year respectively. All three increase the risk of: cancer, diabetes, lung and heart conditions, poor mental health and create a subsequent burden on health and social care.

This Council believes that the impact of cuts to public health on our communities is becoming difficult to ignore. This case becomes more pressing given the Government’s consideration of a 10-year plan for the NHS. For this reason, we support Cancer Research UK’s call for increased and sustainable public health funding.

This Council calls on the Government to deliver increased investment in public health and to support a sustainable health and social care system by taking a ‘prevention first’ approach. In turn, Barking & Dagenham Council will continue to support and fund public health initiatives to the best of our abilities - to prevent ill-health, reduce inequalities and support a health and social care system that is fit for the future.”

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10. Motions With Notice

- 10.1 Written notice of any motions must be received by the Chief Executive by no later than 4.00pm on the Wednesday two weeks before the meeting, except in respect of a vote of no confidence in the Leader of the Council for which the process in paragraph 13 applies.
- 10.2 A notice of motion must relate to a matter which affects the Council or its area and must relate to a matter in respect of which the Council has a relevant function. There is no limit on the number of motions that a Councillor may submit but the notice of motion must be submitted either by the Councillor who is proposing the motion or via the Group Secretary.
- 10.3 A notice of motion may be in more than one part and contain more than one recommendation, but must all relate to the same subject matter.
- 10.4 The Chief Executive may reject a notice of motion if, in his/her opinion:
- (a) it is of a vexatious or derogatory nature or otherwise considered improper or inappropriate;
 - (b) is contrary to any provision of any code, protocol, legal requirement or rule of the Council;
 - (c) it does not relate to the business of the Council;
 - (d) is substantially the same as another motion already considered at the Assembly within the previous twelve months.
- 10.5 Where the Chief Executive rejects a notice of motion on any of the above grounds, he/she shall inform the Chair and the Councillor who submitted the notice of motion as soon as possible. Prior to determining whether to accept or reject a motion, the Chief Executive may seek clarification or propose alternative wording to the Councillor who submitted the motion.
- 10.6 In the event that the Councillor who is proposing the motion is not present at the Assembly meeting, the motion will be withdrawn.
- 10.7 Any motions withdrawn as indicated above, or withdrawn at the request of the Councillor who proposed the motion, either before or during the meeting, may not be resubmitted to the Assembly within a period of six months. This condition will be waived where the Councillor, or a colleague on their behalf, has notified the Chief Executive by 5.00 pm on the day of the meeting of their inability to attend due to their ill health or other reason accepted by the Chief Executive.
- 10.8 Motions will be listed on the agenda in the order in which they are received, save that:
- (a) where two or more notices of motion are received from a particular Councillor for the same meeting, that Councillor's second notice of motion shall be included after all other Councillors' first notices of motion, that Councillor's third notice of motion shall be included after all other Councillors' second notices of motion, and so on.

- (b) where he/she considers that the notice of motion, statement or consideration of the notice of motion is likely to result in the disclosure of confidential or exempt information, in which case he/she may group such notices of motion together with other items of business which are, in his/her opinion, likely to involve the exclusion of press and public during their consideration.
- 10.9 Written notice of any amendments to motions must be received by the Chief Executive by no later than 12 noon on the Friday before the meeting. The same criteria and actions as described in paragraphs 10.2 - 10.8 will apply in relation to any amendments received.
- 10.10 Any amendments proposed after the time specified in paragraph 10.9 will only be considered for exceptional reasons such as a change in circumstances appertaining to the original motion, in which case the consent of the Chair will be required.
- 10.11 The Assembly shall not debate any motion which could give rise to a significant change to the income or expenditure of the Council or to contract terms unless, in the opinion of the Chief Executive acting on advice from the Chief Financial Officer and Director of Law and Governance as appropriate, the motion is accompanied by a report from the Chief Financial Officer or the Director of Law and Governance, as appropriate, setting out the financial or legal effect of the motion.
- 10.12 Where a motion which would require an accompanying report under Rule 10.11 falls to be moved without such accompanying report being made available to all Councillors, the motion shall stand adjourned without debate to the next available meeting of the Assembly.
- 10.13 Subject to Rule 10.14, if there are other motions or recommendations on the agenda that have not been dealt with by the close of the meeting, they are deemed formally moved and seconded and shall be put to the vote by the Chair without debate.
- 10.14 Where a notice of motion submitted under Rule 10 falls to be dealt with under Rule 10.13, the Councillor giving the notice may either:
 - (a) speak to the motion for not more than three minutes before the motion is put by the Chair without debate; or
 - (b) require that the motion is deferred to the next available meeting.

11. Motion to rescind a previous decision

- 11.1 A motion or amendment to rescind, or which has the effect of rescinding, a decision made at a meeting of the Assembly within the past six months, may not be moved except upon a recommendation from the Cabinet for a variation of the approved Budget or Policy Framework, or where the Monitoring Officer confirms that it is appropriate for the Assembly to reconsider the matter to comply with law, as a result of a change of law or material change of circumstances.

12. Rules of Debate

12.1 The following order / rules of debate shall apply:

- (a) Except with the Chair's consent, the debate on each motion shall last no longer than 10 minutes and no individual speech shall exceed two minutes.
- (b) The mover will move the motion and explain its purpose.
- (c) The Chair will invite another Councillor to second the motion.
- (d) If any amendment(s) has been accepted in accordance with paragraphs 10.9 or 10.10, the Chair will invite the relevant Councillor to move the amendment(s) and explain the purpose.
- (e) The Chair will invite another Councillor(s) to second the amendment(s).
- (f) The Chair will then invite Councillors to speak on the motion and any amendments.
- (g) Once all Councillors who wish to speak have done so, or the time limit has elapsed, the Chair will allow the mover(s) of the amendment(s) a right of reply followed by the mover of the original motion.
- (h) At the end of the debate, any amendments will be voted on in the order in which they were proposed.
- (i) If an amendment is carried, the motion as amended becomes the substantive motion to which any further amendments are moved and voted upon.
- (j) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
- (k) If all amendments are lost, a vote will be taken on the original motion.

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