

Notice of Meeting of the

ASSEMBLY

**to be held on Wednesday, 25 January 2017
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: 17 January 2017

Chris Naylor
Chief Executive

Councillors and senior officers are also invited to attend a presentation by Councillor Worby, Cabinet Member for Social Care and Health Integration, and Joanne Tarbutt, Group Manager, Looked After Children, Adoption & Prevention Services, on the subject of "Putting Corporate Parenting into Practice" which will take place in the Council Chamber from 6.00 pm until 6.45 pm

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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 - To confirm as correct the minutes of the meeting held on 30 November 2016 (Pages 3 - 15)

4. Minutes of Sub-Committees - To note the minutes of the: (Pages 17 - 23)

- JNC Salaries and Conditions Panel held on 30 November 2016
- JNC Appointments Panel held on 13 December 2016
- JNC Appointments Panel held on 9 January 2017

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. Barking and Dagenham (BAD) Youth Forum and Young Mayor Annual Report 2016 (Pages 25 - 87)

8. Licensing Act 2003 - Statement of Licensing Policy 2017-2022 (Pages 89 - 172)

9. Council Tax Support Scheme 2017/18 (Pages 173 - 175)

10. Options for the Appointment of an External Auditor (Pages 177 - 183)

11. Appointment of Statutory Chief Financial Officer (Pages 185 - 186)

12. Motions (Pages 187 - 193)

13. Questions With Notice

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

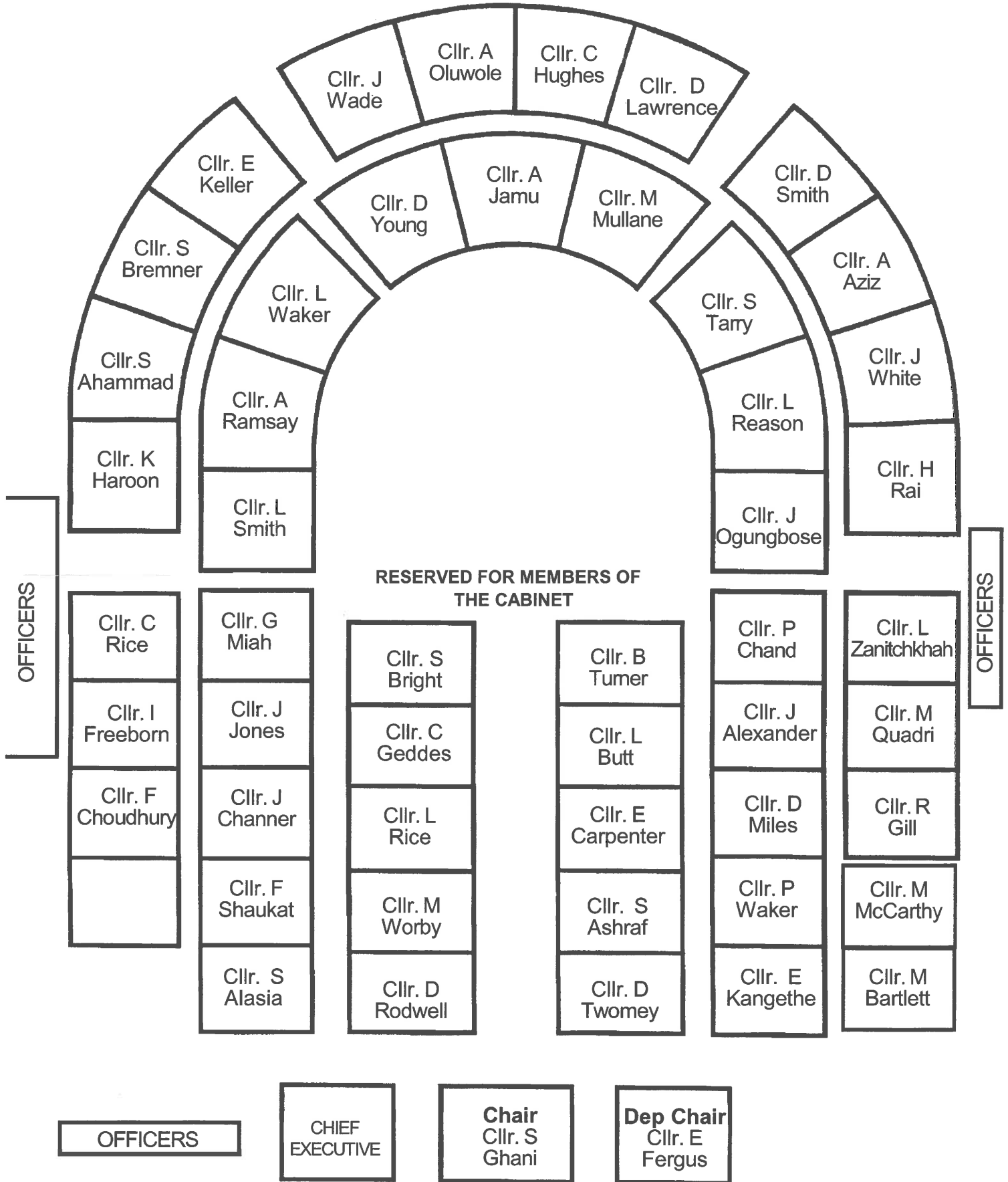
15. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

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.***

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

BARKING TOWN HALL COUNCIL CHAMBER



SEATING PLAN FOR THE ASSEMBLY

Our Vision for Barking and Dagenham

One borough; one community; London's growth opportunity

Our Priorities

Encouraging civic pride

- Build pride, respect and cohesion across our borough
- Promote a welcoming, safe, and resilient community
- Build civic responsibility and help residents shape their quality of life
- Promote and protect our green and public open spaces
- Narrow the gap in attainment and realise high aspirations for every child

Enabling social responsibility

- Support residents to take responsibility for themselves, their homes and their community
- Protect the most vulnerable, keeping adults and children healthy and safe
- Ensure everyone can access good quality healthcare when they need it
- Ensure children and young people are well-educated and realise their potential
- Fully integrate services for vulnerable children, young people and families

Growing the borough

- Build high quality homes and a sustainable community
- Develop a local, skilled workforce and improve employment opportunities
- Support investment in housing, leisure, the creative industries and public spaces to enhance our environment
- Work with London partners to deliver homes and jobs across our growth hubs
- Enhance the borough's image to attract investment and business growth

Well run organisation

- A digital Council, with appropriate services delivered online
- Promote equalities in the workforce and community
- Implement a smarter working programme, making best use of accommodation and IT
- Allow Members and staff to work flexibly to support the community
- Continue to manage finances efficiently, looking for ways to make savings and generate income
- Be innovative in service delivery

MINUTES OF ASSEMBLY

Wednesday, 30 November 2016
(7:00 - 9:27 pm)

PRESENT

Cllr Syed Ghani (Chair)
Cllr Edna Fergus (Deputy Chair)

Cllr Syed Ahammad	Cllr Jeanne Alexander	Cllr Saima Ashraf
Cllr Simon Bremner	Cllr Sade Bright	Cllr Laila M. Butt JP
Cllr Evelyn Carpenter	Cllr Josephine Channer	Cllr Faruk Choudhury
Cllr Irma Freeborn	Cllr Cameron Geddes	Cllr Rocky Gill
Cllr Kashif Haroon	Cllr Chris Hughes	Cllr Amardeep Singh Jamu
Cllr Jane Jones	Cllr Elizabeth Kangethe	Cllr Mick McCarthy
Cllr Giasuddin Miah	Cllr Dave Miles	Cllr Margaret Mullane
Cllr James Ogungbose	Cllr Adegboyega Oluwole	Cllr Moin Quadri
Cllr Hardial Singh Rai	Cllr Tony Ramsay	Cllr Linda Reason
Cllr Chris Rice	Cllr Lynda Rice	Cllr Darren Rodwell
Cllr Faraaz Shaukat	Cllr Danielle Smith	Cllr Sam Tarry
Cllr Bill Turner	Cllr Dominic Twomey	Cllr Lee Waker
Cllr Phil Waker	Cllr John White	Cllr Maureen Worby
Cllr Dan Young	Cllr Linda Zanitchkhah	

APOLOGIES FOR ABSENCE

Cllr Sanchia Alasia	Cllr Abdul Aziz	Cllr Melanie Bartlett
Cllr Peter Chand	Cllr Eileen Keller	Cllr Danielle Lawrence
Cllr Jeff Wade		

35. Declaration of Members' Interests

There were no declarations of interest.

36. Minutes (5 October 2016)

The minutes of the Assembly held on 5 October 2016 were confirmed as a correct record.

37. Leader's Statement

The Leader of the Council asked the Chair to grant permission for the Assembly to stand for a minute's silence for the victims, families and friends of Stephen Port.

The Assembly stood for a minute's silence.

The Leader then presented a verbal statement updating the Assembly on a range of matters since the last meeting, including:

- Noting the contribution Wyn Chapman, who had recently passed away, made to the Council particularly in her support of Mayoral Chairites;
- The announcement of the Government Autumn Statement, which would hit the lower income families the hardest again;
- The creation of the Accountable Care Organisation, led by Councillor Worby, which was being undermined by the Governments Sustainability and Transformation Plan; and
- The work undertaken by Councillor Geddes in the campaign the Council had waged against “Pay to Stay” and for his work on the Right to Invest Policy.
- As seen on the recent BBC2 documentary, the Council had 18,000 families a year presenting as homeless against the backdrop of only 640 council homes became available a year. Despite this, the Council had one of the best records in London for replacing council homes lost under the Right to Buy.

The Leader also announced that he had recently been appointed as the Executive Member for City Development at London Councils.

The Leader spoke highly of the work recently undertaken by the Cabinet, including:

- Councillor Twomey’s efforts to bring the Children’s Care & Support budget back in line;
- Councillor Carpenter leading the fight against Grammar Schools and helping the Boroughs schools to become more robust;
- The introduction of one hour free parking in town centres and shopping parades by Councillor Butt;
- The Borough Manifesto which would shape the Councils goals, successfully led by Councillor Ashraf;
- Councillor Lynda Rice for achieving a record response from residents on the green waste consultation;
- Councillor Bright for her work on equalities, for which the Council were recently presented with a GEC award; and
- Councillor Turner for making sure that performance was at the core of everything the Council does.

38. Appointments

The Assembly **resolved** to appoint Councillor Haroon to the Personnel Board.

39. Barking and Dagenham Member Corporate Parenting Annual Report 2015/16

The Chair of the Member Corporate Parenting Group presented the Barking and Dagenham Member Corporate Parenting Annual Report 2015/16.

The Member Corporate Parenting Group had a responsibility to closely scrutinise the work undertaken by officers and partner agencies to support young people looked after and care leavers to achieve the best outcomes.

The report showed the achievements of the previous year, as well as setting out the challenges faced in the coming year. The report also provided a summary of

the progress that had been made in relation to the 'promise' made to children looked after and the 'pledge' to care leavers by the Member Corporate Parenting Group as part of the Corporate Parenting Strategy.

In response to questions, the Assembly were advised that:

- The Borough was the third highest London Borough for the number of children adopted, although it was noted that the number had gone down slightly;
- A scrutiny review on adoption was currently being undertaken by the Children's Services Select Committee and the outcome would be reported to the Assembly in due course; and
- Visits at a minimum frequency of six weeks to children for the first year of being in care had dropped by 17.5%. Work had been undertaken to stabilise the service and the key focus was in ensuring visits were made and tracked.

The Assembly **resolved** to note the 2015/16 Annual Report of the Member Corporate Parenting Group.

40. Safeguarding Adults Board and Safeguarding Children's Board Annual Reports

The Cabinet Member for Social Care and Health Integration presented a report on the Local Safeguarding Adult Boards (SAB) and Local Safeguarding Children Boards (LSCBs).

The Boards had a statutory obligation to compile and publish an Annual Report and to provide this to the Cabinet Member as Chair of the local Health and Wellbeing Board.

The Annual Reports highlighted the work of the SAB and LSCB, setting out the key achievements, work of the partners and future priorities and sought to demonstrate how the Safeguarding Board had worked to improve the protection of vulnerable adults and children across Barking and Dagenham. The reports contained contributions from a range of organisations who were involved in safeguarding vulnerable adults and children in the Borough.

The Cabinet Member reported that partners had worked successfully together over the past year. The statutory partners had provided financial resources to support the SAB and LSCB to fulfill their functions and to support the undertaking of Safeguarding Adult Reviews (SARs) and Children's Serious Case Reviews.

All Members of the Council were corporate parents and would therefore be updated on a regular basis on statistics relation to the SAB and LCSB.

In response to a question from Assembly, the Cabinet Member advised that following the independent inquiry on child sexual exploitation in Rotherham, the Council had reviewed its processes accordingly. The Cabinet Member advised that the Council must also talk openly about the various issues faced by adults and children, including female genital mutilation and domestic violence, to raise awareness.

The Assembly **resolved** to receive the Safeguarding Adults Board and Safeguarding Children's Board Annual Reports.

41. Treasury Management Strategy Statement Mid-Year Review 2016/17

The Cabinet Member for Finance, Growth and Investment presented a report on the Treasury Management Strategy Statement Mid-Year Review 2016/17.

The Assembly were advised that regulation changes had placed greater onus on elected Members in respect of review and scrutiny of treasury management policy and activities. This mid-year review report was important in that respect as it provided details of the mid-year position for treasury activities and highlighted compliance with the Council's policies previously approved by the Assembly.

The Assembly agreed the Treasury Management Strategy Statement for 2016/17 on 25 February 2016 which incorporated the Prudential Indicators. This report, which was presented to and endorsed by the Cabinet at its meeting on 15 November 2016, updated Members on treasury management activities in the current year.

The Cabinet Member highlighted some of the key issues in the report, advising of external factors following the referendum held on 23 June 2016 which included sterling falling dramatically and the Bank of England cutting the Base Rate to 0.25%.

In response to questions from Assembly on borrowing, the Cabinet Member advised that there were no plans to borrow up to the Council's limits. The Council had been advised that the Lender Option Borrower Option (LOBO) loan with Barclays had changed terms which were not advantageous for the Council. Further options had been explored and it was noted the Housing Revenue Account (HRA) had the ability to borrow £10m. Finally, the Cabinet Member advised that all reserves together for the Council currently totalled £41m.

The Assembly **resolved** to:

- (i) Note the Treasury Management Strategy Statement Mid-Year Review 2016/17;
- (ii) Note that the Council complied with all 2016/17 treasury management indicators during the first half of the 2016/17 financial year;
- (iii) Note that the value of investments as at 30 September 2016 totalled £259.0m;
- (iv) Note that the value of long-term borrowing as at 30 September 2016 totalled £454.9m, comprising market, PWLB and EIB loans; and
- (v) Note that the value of short term borrowing as at 30 September 2016 totalled £63.9m.

42. Motions

None had been received.

43. Questions With Notice

Question 1

From Councillor L Waker

“There are parking issues at the Heathway shopping centre where congestion and obstruction is caused through inconsiderate parking on double yellow lines.

The area is already very congested at almost all times of the day now, but with the amount of stationary vehicles in particular mini cabs it not only makes things very frustrating for other drivers but is a serious health and safety problem with them obstructing emergency vehicles police, fire and ambulances.

With an increase in Penalty Charge Notices (PCNs) being issued in the Borough, are there any plans to start giving PCNs to the cars that park on the Heathway shopping area double yellow lines?”

Response

The Cabinet Member for Enforcement and Community Safety advised that the Heathway area was patrolled and enforced regularly. In October 2016, 55 penalty charge notices were issued for various parking contraventions to parked vehicles. The Heathway was recognised as a priority area for enforcement and the Council had previously engaged with the local mini cab firm and would continue to do so.

Supplementary Question

Councillor L Waker enquired as to whether there were any transportation plans for the Borough and the Heathway.

The Cabinet Member confirmed this was currently being discussed.

Question 2

From Councillor L Waker

“The green waste collections were stopped by the Council at the end of September and subsequently a consultation card was sent to residents to ask if they would opt for some form of green waste service if they paid £1 a week.

If a resident pays £1 a week, what service do they receive?”

Response

The Cabinet Member for Environment and Street Scene advised that the consultation was very successful, with a total of 7,690 responses. 49.87%

of those residents who responded indicated they would be willing to pay £1 a week and therefore the Council would look at developing a paid service.

Supplementary Question

Councillor L Waker asked for details of what type of service residents would get for £1 a week.

The Cabinet Member would advise on the details of any future collection scheme in due course.

Question 3

From Councillor Mullane

“In the light of the tragic events in Church Elm Lane and Wyhill Walk, Dagenham, which ended in the tragic loss of a young life and injuries to others, could the Leader of the Council confirm what measures are being put in place to both reassure and protect our community?”

Response

The Leader of the Council expressed his condolences to the family of Duran Kajiamia for their loss and advised that the other victim was recovering from their physical injuries. Along with Ward Members, the Council and Police held a community meeting on 24 November and 186 people had attended. Residents concerns were listened to and a number of actions arising from the meeting had already been put in place. Ongoing consultation would continue with the residents.

Supplementary Question

Councillor Mullane advised that CCTV cameras were mentioned at the meeting and asked that Ward Councillors be informed of the proposed locations at the earliest opportunity.

The Leader confirmed ward members would be contacted in due course.

Question 4

From Councillor Haroon

“Can the Cabinet Member for Finance, Growth & Investment explain what impact the Chancellor’s recent Autumn Statement will have on the Council and local residents?”

Response

The Cabinet Member for Finance, Growth and Investment advised that the Government had abandoned its commitment to reduce public sector net borrowing to a surplus by the end of this Parliament and was now looking at a deficit of £21.9bn rather than at the previous projected surplus of £10.4bn.

There were no further savings to the benefits budget, and the triple lock on the state pension remained, ensuring pensioners' income increased in line with the cost of living.

The Cabinet Member referred to the National Living Wage increase, which would rise to £7.50 in April. It was noted that the Council paid the London Living Wage which would rise to £9.61 in April.

Question 5

From Councillor Freeborn

"Now that the public consultation on the Council's Borough Manifesto has closed, can the Cabinet Member for Community Leadership & Engagement set out the next steps for this project?"

Response

The Cabinet Member for Community Leadership & Engagement advised that nearly 3000 people responded to the consultation. A conference with over 100 attendees took place on 14 November and the feedback from this and the consultation would be used to develop the Borough Manifesto. The Borough Manifesto would set out a series of outcomes and priorities for the Borough to focus on for the next 20 years.

Question 6

From Councillor Shaukat

"Will the Cabinet Member for Finance, Growth & Investment clarify what progress is being made to ensure the budget for the Council's Children's Care and Support service in 2017/18 is not overspent?"

Response

The Cabinet Member for Finance, Growth and Investment advised that at its height, the estimated pressures in the Children Social Care budget exceeded £11m. Next year the projection is it will come in on and this will have been achieved without compromising the service.

Question 7

From Councillor Hughes

"Can the Cabinet Member for Equalities & Cohesion outline what steps the Council is taking to promote the health and wellbeing of its workforce?"

Response

The Cabinet Member for Equalities and Cohesion advised that the Council was recently successful in securing the London Healthy Workforce Charter. The Council had been awarded for the Commitment Level and were

working towards the Excellence level.

Question 8

From Councillor Quadri

“Will the Leader update the Assembly on the Council’s plans to allow Coventry University to establish a new campus at Dagenham Civic Centre?”

Response

In his response, the Leader confirmed Coventry University’s commitment to the importance of the Civic Centre and confirmed the MP’s surgeries and, when required, meetings would be held at the Civic Centre. Heads of Terms has been agreed and the Council was close to finalising a 20 year lease for the phased occupation by the University starting in January 2017. The Leader advised that the University were actively marketing the campus and teaching would begin in September 2017.

Supplementary Question

Councillor Quadri enquired as to whether there would be subsidized fees for local students.

The Leader advised that the fees at the university would be capped at £6,000 for all students and not £9,000, which was the average fee.

Question 9

From Councillor P Waker

“It would appear to some that the total of the borough’s graffiti removal costs, and possibly more on top, has been attributed to the Housing Revenue Account, and flatted tenants and leaseholders in particular. Could the relevant Cabinet Member tell us if this has happened and if it has what would be the justification for doing this?”

Response

The Cabinet Member for Finance, Growth and Investment reassured the Member that this had not happened.

Supplementary Question

Councillor P Waker raised concerns that the Council may be acting illegal and questioned the figures that had been provided to him previously.

The Cabinet Member confirmed that the Council was not acting illegally and advised that in 2015/16 the cost of graffiti removal was £471,529.41 and in total 85% was spent on the housing stock totalling £400,800.00. Of that sum leaseholders had been asked to contribute £129,972.56.

Question 10

From Councillor P Waker

As a way of assisting tenants subject to detrimental aspects of the most recent Housing Act, particularly the so called "pay-to-stay" section of the legislation, a section of the Act that many consider to be a punitive measure that sets out to penalise working people, a part-buy scheme for current tenants has been trialled. What has been the take up of this scheme so far?

Response

The Cabinet Member for Finance, Growth and Investment advised that they take up so far had been lower than expected. Around 100 information packs had been issued to residents which had resulted in two firm applications that were currently being progressed.

Supplementary Question

Councillor P Waker raised concerns that the scheme was not going to be the answer to the Councils issues considering the take up so far.

The Cabinet Member advised that the scheme was not planned to answer the Councils housing issues and although take up so far was slow, it would improve over time.

Question 11

From Councillor McCarthy

"I would like to ask the relevant lead member if we have had any discussions with Sainsbury's prior to them announcing that they would not be providing the promised 900 jobs in the borough along with the exciting retail opportunities for our residents following their decision to not build planned supermarkets in Dagenham and Barking having acquired the sites and got planning permission."

Response

The Cabinet Member for Economic and Social Development confirmed that a series of communication had taken place and the news that Sainsbury's were no longer proceeding with the developments. With regard to both developments, the Cabinet Member advised that there were no local reasons for the decision, the reasons cited were associated with the national challenges faced.

Supplementary Question

Councillor McCarthy enquired as to why the Dagenham East Regeneration Group no longer met.

The Cabinet Member advised he would look into this and would respond to

Councillor McCarthy.

Question 12

From Councillor McCarthy

“Can I ask the relevant lead member what discussions at a political level directly with the Exchequer have we had to realise our 2020 ambition following the announcement in the Autumn Statement of 23 November 2016 of an extra £1.1bn for English local transport networks, £220m to reduce traffic pinch points, more than £1bn for digital infrastructure and £1.8bn from Local Growth Fund to English regions, £2.3bn to be used to help provide 100,000 new homes in high-demand areas and another £1.4bn to deliver an extra 40,000 affordable homes?”

Response

The Cabinet Member for Finance, Growth and Investment that given the Autumn Statement was only made last week, the Council had not yet had any direct political engagement with the exchequer. However, now the announcements had been made the Council would engage with the Department for Communities and Local Government and the Treasury and aim to do so in partnership with the Mayor of London.

Supplementary Question

Councillor McCarthy stated that the Council had a record of delivery and asked what the Council were planning to do.

The Cabinet Member advised that the Council would be working very closely with the Mayor of London.

Standing orders were suspended at this juncture to allow the meeting to continue beyond 9.00pm.

Question 13

From Councillor Gill

“Could the relevant Cabinet Member please explain why Barking & Dagenham Council spent £1.8m on 40 temporary senior managers during 2015/16?”

Response

The Cabinet Member for Finance, Growth and Investment advised that as a large organisation and employer, the Council always needed to employ a number of temporary managers. The trend however was downwards as the Council spent more money on temporary managers in 2013/14 than in 2015/16.

Supplementary Question

Councillor Gill stated the average cost was £45,000 per temporary manager and enquired of the Lead Member as to what contributions had these temporary managers made to the Council.

The Cabinet Member advised that all temporary managers had in their respective areas made important and worthwhile contributions during a time of great challenge for the Council and that the cost was actually higher in the past, averaging £58,000 per manager in 2013/14.

Question 14

From Councillor Gill

Could the relevant Cabinet Member please confirm the total cost to date of the daily-rate consultants/business analysts working on the Ambition 2020 programme & related activities across the Council?

Response

The Cabinet Member for Finance, Growth and Investment advised that the Ambition 2020 programme had concluded in July and therefore there were now no such costs associated with the programme. Some analysts were currently working in the implementation of My Place, which was improving the responsiveness of the repairs and maintenance service.

Supplementary Question

Councillor Gill invited the Cabinet Member to attend the Public Accounts and Audit Select Committee (PAASC) on 5 December 2016 and asked how long before current level of expenditure would cause the Council financial hardship.

The Cabinet Member thanked Councillor Gill for the invitation and confirmed he would attend the PAASC meeting. In response to the question, the Cabinet Member advised that recommendations agreed in July would see savings of £47m year on year being delivered by 2020/21 with just under £10m being delivered next year.

Question 15

From Councillor Young

“Does the relevant Cabinet Member agree on recent reports in the Evening Standard that “Barking and Dagenham is the least prosperous area in London”?”

Response

The Cabinet Member for Finance, Growth and Investment confirmed he did not agree with the report.

Supplementary Question

Councillor Young enquired as to what actions the Council was taking to tackle the problems with such reports from London wide papers.

The Cabinet Member advised that the positive press coming out of the Borough significantly outweighed the negative press seen in such papers. Residents and workers in the Borough could see what the Council was doing to build a prosperous Borough day in and day out and this was shown through the vibrant community.

Question 16

From Councillor Young

“Can the relevant Cabinet Member please explain the lack of social housing in the regeneration development plans for Beam Park?”

Response

The Cabinet Member for Finance, Growth and Investment clarified that there was no lack of social housing in the regeneration plans for Beam Park.

Supplementary Question

Councillor Young asked if the Council needed to look at the number of social housing being built in the Borough before residents were priced out?

The Cabinet Member advised that the Council were always looking at what it could do for residents. In total 36% of the total housing built on Beam Park would be affordable housing.

Question 17

From Councillor Tarry

“It appears that the North East London Acute Reconfiguration Programme Board is going ahead with the King George Hospital A&E closure as a key part of their Sustainability and Transformation Plan, can the relevant cabinet member confirm that the Council and local residents will have the opportunity to comment on the Sustainability and Transformation Plan before it is finalised?”

Response

The Cabinet Member for Social Care and Health Integration advised that the North East London Acute Reconfiguration Board Programme Board did not exist, however the consultation on the Sustainability and Transformation Plan was open to everyone in the Borough.

Supplementary Question

Councillor Tarry asked what the impact would be on Chadwell Heath residents.

The Cabinet Member advised that there would be a financial gap that could not be bridged and therefore the impact on residents would not be good.

Question 18

From Councillor Tarry

“Can the Lead Member with responsibility for Health confirm that LBBD will campaign and lobby against the closure of King George Hospital A&E?”

Response

The Cabinet Member for Social Care and Health Integration confirmed that the Council had campaigned and lobby against the closure and would continue to do so, however it was noted that the decision to close King George Hospital A&E had been taken five years ago.

Supplementary Question

Councillor Tarry asked if the Council would be willing to work together with residents to fight the closure.

The Cabinet Member confirmed this could happen, however she did not want to raise expectations too high of what the Council may be able to do.

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MINUTES OF JNC SALARIES AND CONDITIONS PANEL

Wednesday, 30 November 2016
(6:00 - 6:40 pm)

Present: Cllr Darren Rodwell (Chair), Cllr Cameron Geddes, Cllr Rocky Gill, Cllr Kashif Haroon, Cllr Dominic Twomey and Cllr Maureen Worby

Apologies: Cllr Saima Ashraf

5. Declaration of Members' Interests

There were no declarations of interest.

6. Private Business

It was 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).

7. Proposed Revisions to Senior Management Structure

The Chief Executive introduced the report putting forward further changes to the senior management structure to progress the Council's Ambition 2020 proposals and recommendations of the Growth Commission agreed by cabinet in July 2016, building on the changes presented and agreed by the Panel on 17 November 2016.

The proposals amend the existing organisational structure at Strategic Director level by creating a Chief Operating Officer and deleting the Strategic Director posts of Finance and Investment and Customer, Commercial and service Delivery. In addition, the following new posts at Director level will be created, two of which will be permanent and two fixed term:

- Director: My Place
- Director: Community Solutions
- Commercial Director: Traded Services (fixed term up to one year)
- Commercial Director: Public Realm (fixed term up to two years)

These posts will form an integral part of both the transformation of services and the Council's future operating model, and as such are necessary to deliver the Council's medium term financial plan and budget reductions of £47m through to 2020/21, as agreed by the Cabinet in November 2016.

The Chief Executive explained that the changes to the structures will along with the voluntary severance scheme, retirements and resignations, exceed his commitment of reducing the cost of senior management by at least £1m by the end of 2016/17, and which will reduce the need to achieve further savings in the coming year.

The Chief Executive then summarised the proposals for each post as follows:

- (a) Chief Operating Officer – The financial and operational performance of the organisation are closely linked and therefore it is important that the oversight of both areas falls within the remit of one Strategic Director through merging the role of Finance and Investment (including the statutory Section 151 responsibilities) with that of Customer, Commercial and Service Delivery.

The remaining elements of the Strategic Director of Finance and Investment responsibilities will be shared amongst the Senior Management team on the basis a further review of the posts and roles of Strategic Directors will take place in the Summer of 2017.

- (b) Director: My Place – this permanent post will be responsible for looking after and managing the Council's property and assets portfolio and related contracts. The role is linked to the Council's Investment Strategy and will work closely with Reside. At the point that My Place goes live then the post of Operational Director: Housing Management will be deleted.
- (c) Director: Community Solutions – this permanent post will manage a large multi-disciplinary operational staff group which will provide the Council's initial response not only to those residents seeking information, advice and guidance but importantly to those residents facing challenging and at times high risk situations where more intensive support and intervention may be required. The post holder will need to ensure continuous improvement by rethinking and then implementing changes in roles, working practices, culture and services to meet changing resident needs and public sector responsibilities with a clear ethos of 'helping people to help themselves'.
- (d) Commercial Director: Traded Services - A great deal of work has been undertaken on the viability of a new commercial entity that will generate income through offering competitively priced services to schools and other customers, and one which is commercially sustainable. Once the new vehicle has been created its Management Board will create a role for its Managing Director and therefore for that reason it is proposed that the post will be for a fixed one year term only.
- (e) Operational Director: Public Realm- the current Clean and Green areas are to be divided into three distinct service blocks, each to be commissioned through My Place. This post will be responsible for creating and performance managing the new service blocks to deliver the service levels required and embed an effective response to commissioning. This is a significant change in focus and will mean a shift in culture alongside developing new processes and procedures. The new role will be for a fixed two-year term and its creation will result in the deletion of the existing post of Operational Director: Clean and Green. Longer term, the post will be managed through My Place.

In summing up, the Chief Executive explained that all the staffing changes will in the short term be cost neutral, and that the report represents the start of the Council's normal change procedure. Subject to approval, the formal consultations

with the staff affected and trade unions will begin on the proposals including the new job descriptions as set out as appendices to the report.

In response, Members of the Panel asked several questions for clarification, the summary and officer responses to which were:

- It would have been helpful especially for the non-Cabinet Members of the Panel to have seen an organisational chart (now and proposed) to be able to see where the changes are being made. The Chief Executive agreed to circulate charts to all members of the Panel and will ensure future reports to this Panel include relevant organisational charts for ease of reference.
- In respect to the role of Chief Operating Officer the Chief Executive explained the assimilation process will apply to the two-affected current Strategic Directors, both of whom are qualified accountants, a requirement in relation to the role of the statutory Section 151 responsibilities. The existing post of Finance Director will deal with the day to day financial management of the Council reporting to the Chief Operating Officer who will be required to demonstrate financial credibility, deal with commercial operations and performance management.

The Deputy Leader and Cabinet Member for Finance added that whilst the sound financial management of the organisation will be essential the remit of the post is much broader in terms of the customer interface and that he had been reassured that the management structure proposed was fit for purpose in terms of delivering the Council's future operating model. The post holder will be required to increase investment whilst seeking to drive down demand; a combination of skill sets that are not standard in local authorities.

Slight reservations were expressed about the post of Commercial Director: Traded Services in the context of the poor track record of local authorities of competing with similar posts in the private sector. The Chief Executive reiterated that it was for that reason the post was for a fixed one-year term to be paid on a daily rate. Once the new company is established it will be for that commercial board to appoint a Managing Director on a competitive salary.

Despite the assurances given, Councillor Gill did not support the merging of the role of Finance and Investment (including the statutory Section 151 responsibilities) with that of Customer, Commercial and Service Delivery. Councillor Gill also did not support the remaining staffing proposals as he felt that there was insufficient information available. Consequently, a vote was taken and, by a majority 5-1 decision with Councillor Gill voting against all the recommendations, the Panel **resolved** to:

- (i) Approve the creation of the following new posts:
 - Chief Operating Officer;
 - Director: My Place;
 - Director: Community Solutions.
- (ii) Approve the creation of the following fixed term positions:
 - Commercial Director: Traded Services (one-year fixed term);
 - Operational Director: Public Realm (two-year fixed term).

- (iii) Note the indicative grades / salaries for the above posts as detailed in the report and authorised the Chief Executive to determine the final grades / salaries in line with the Council's job evaluation scheme;
- (iv) Approve the deletion of the following posts:
- Strategic Director: Finance and Investment, with effect from 1 January 2017;
 - Strategic Director: Customer, Commercial and Service Delivery, with effect from 1 January 2017;
 - Operational Director: Clean and Green, with effect from 1 April 2017;
 - Operational Director: Housing Management, on the go live of My Place.
- (v) Approve the assimilation of existing post holders in accordance with the Council's assimilation procedures; and
- (vi) Note that the appointments not subject to assimilation rights would be considered by the JNC Appointments Panel in due course.

MINUTES OF JNC APPOINTMENTS PANEL

Tuesday, 13 December 2016
(5:15 - 6:20 pm)

Present: Cllr Darren Rodwell (Chair), Cllr Saima Ashraf, Cllr Elizabeth Kangethe, Cllr Eileen Keller and Cllr Dominic Twomey

36. Declaration of Members' Interests

There were no declarations of interest.

37. Private Business

It was 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).

38. Appointment of Operational Director: Public Realm

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 together with the CV and supporting statement of the shortlisted candidate.

The Panel reviewed and agreed the presentation topic as well as the interview questions to be asked of the candidate.

Following the interview, Members discussed the presentation and responses to the questions and reached a unanimous decision.

The Panel **resolved** to appoint Alan Bowley to the two-year fixed term post of Operational Director: Public Realm, subject to satisfactory references.

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MINUTES OF JNC APPOINTMENTS PANEL

Monday, 9 January 2017
(5:05 - 6:05 pm)

Present: Cllr Cameron Geddes (Chair), Cllr Saima Ashraf, Cllr Kashif Haroon, Cllr Eileen Keller, Cllr Darren Rodwell and Cllr Dominic Twomey

4. Appointment of Chair

Councillor Geddes was appointed as Chair of the meeting.

5. Declaration of Members' Interests

There were no declarations of interest.

6. Private Business

It was 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).

7. Appointment of Interim Director: Community Solutions

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 together with the CV of the shortlisted candidate.

The Panel reviewed and agreed the presentation topic as well as the interview questions to be asked of the candidate.

Following the interview, Members discussed the presentation and responses to the questions and reached a unanimous decision.

The Panel **resolved** to appoint David Murray as Director of Community Solutions on an interim basis pending a permanent recruitment later in the year.

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ASSEMBLY

25 January 2017

Title: Barking and Dagenham (BAD) Youth Forum and Young Mayor Annual Report 2016	
Report of the Strategic Director – Service Delivery and Integration	
Open Report	For Information
Wards Affected: None	Key Decision: No
Report Author: Sally Allen-Clarke, Senior Youth Worker	Contact Details: Tel: 020 8227 3297 E-mail: sally.allen-clarke@lbbd.gov.uk
Accountable Divisional Director: Jane Hargreaves, Commissioning Director for Education	
Accountable Director: Anne Bristow, Strategic Director – Service Delivery and Integration.	
<p>Summary</p> <p>This report summarises the work and achievements of the Barking and Dagenham (BAD) Youth Forum and Young Mayor in 2016. The work of each individual sub-group is included, the report also details the campaigns and projects young people have participated in, the outcomes they have achieved and the impact this has had locally.</p> <p>The BAD Youth Forum exists to give young people in Barking and Dagenham the opportunity to find an appropriate platform to express their views and be listened to at a senior level. The BAD Youth Forum holds annual elections to democratically elect its membership. Young people from all secondary schools (age 13 and over) are given the opportunity to nominate themselves ahead of the election day, which is held on the same day in each school (January). In 2016 all secondary schools participated in the election day, with the exception of Trinity Special School, which arranges a selection process that is more suitable to the needs of their students.</p> <p>At the start of 2016 the Barking and Dagenham Young Mayor was elected from the BAD Youth Forum members. The Young Mayor, and the social action workload included in her role, integrated in to the BAD Youth Forum for the first time and became one of our three sub-groups. This ensured sufficient youth worker support for the Young Mayor as well as peer support for fundraising events and other activities.</p> <p>At the start of 2016, all 60 members came together to discuss what issues are pertinent to young people. The wider forum shared experiences, both positive and negative, of living, working or being educated in the borough and from this two sub-groups were formed. The forum felt that the issues most affecting young people in 2016 were mental health and sexual health. As a result, one sub-group has made an ‘infomercial’ about breaking down the stereotypes around mental health and raising awareness of how to access support, whilst the other sub-group has continued to be Young Inspectors (as in previous years). The fact that young people were identifying mental health as a priority</p>	

<p>issue reflects a need as expressed by many young people for better CAMHS services, particularly at an earlier stage.</p> <p>The Young Inspectors group have carried out a total of 130 inspections of pharmacies throughout the borough that offer the Come Correct condom distribution scheme. The borough's performance against the Come Correct condom distribution scheme has improved and is now best in London. The Young Inspectors have also continued their link with Trading Standards, participating in 'test purchases' of age restricted products.</p> <p>The accompanying presentation slides are included in the report as Appendix 3.</p>
<p>Recommendation(s)</p> <p>The Assembly is recommended to note the Barking and Dagenham Youth Forum and Young Mayor Annual Report 2016 and to ensure support for its work.</p>
<p>Reason(s)</p> <p>The Barking and Dagenham Youth Forum acts as the council's youth parliament. First established in 2001, the Forum works with secondary schools to annually democratically elect representatives that serve the borough via the Forum's campaigns, consultations and social action projects.</p>

1. Introduction and Background

- 1.1 In January 2016 the BAD Youth Forum held its 15th annual elections, with three boys and three girls (13+) elected. The elections took place in each secondary school on the same day with support from Democratic Services. 60 young people were elected to the forum.
- 1.2 Shortly after being elected, all forum members were invited to participate in a team building day full of interactive and engaging activities to help young people settle in to their new role. Following this the young people also participated in a Full Forum meeting in Barking Town Hall Chambers and a session at the Vibe Youth Centre to elect the Young Mayor and other important forum roles e.g. Chair and Deputy Chair of the Forum.
- 1.3 Having established, through full forum discussions, that mental health is a significantly important issue for young people, the group began planning how they could have the greatest impact. The group wanted to raise awareness of the stigma that exists whilst trying to break it down, thus enabling young people to access the support they need without fear of discrimination or negative judgement. Some members of the group had personal experience of accessing mental health services and were able to give the group valuable insights in to the issues young people with mental health issues face locally.
- 1.4 The Young Mayor and the sub-group who worked alongside her were the first of its kind in Barking and Dagenham. In 2016 we integrated all of the responsibilities of the Young Mayor in to the BAD Youth Forum with great success. The Young Mayor and the BAD Youth Forum worked together to choose the Young Mayor's charity

appeal, which in 2016 was Richard House Children's Hospice. The group worked tirelessly throughout the year arranging fundraising events to generate as much money for the charity as possible whilst raising awareness of the charity itself. The group arranged 6 events raising a total of £1363.17. In addition to her weekly sessions and fundraising events, the Young Mayor, Pelumi Oyewo, attended a total of 15 events.

- 1.5 The Young Inspectors sub-group were commissioned by Public Health to carry out mystery shop inspections of local pharmacies and outlets that offer the Come Correct condom distribution scheme. The Young Inspectors were trained at the start of the year by experienced Young Inspectors and were mentored through their initial inspections. At the time of writing this report the Young Inspectors had completed a total of 130 inspections. For each inspection a full report is completed by the young person and the findings are fed back to the Condom Distribution officer for LBBB Public Health, who in turn shares it directly with the pharmacy or outlet, therefore ensuring continual impact on service delivery.
- 1.6 Throughout 2016 BAD Youth Forum members participated in three full forum meetings. Each meeting had a different theme or purpose. These included a meeting with Meena Kishinani, Programme Director, to discuss the A2020 programme, a trip to the Houses of Parliament to meet with local MP Jon Cruddas and a celebration event at the end of the forum year.
- 1.7 The forum members have participated in a wide range of one-off consultations throughout the year which have enabled young people to share their views, hear about changes to their local area, question local decision makers and have an impact on service delivery locally. This has included work on the development of the borough manifesto.

2. Proposal and Issues

Sub-groups work outline

2.1 Mental Health sub-group



- 2.1.1 The sub-group discussed topics at length to establish the issue they felt they could have the greatest impact on. The group discussed their life experiences and things

that have affected themselves and their peers and from this discussion found that they had all been affected by mental health issues.

- 2.1.2 During initial discussions, some young people identified difficulty in accessing services and the long waiting times once referred. But the most prominent issue that concerned young people is the stigma associated with young people who have a mental health condition.
- 2.1.3 Young people carried out a consultation in their schools and amongst friendship groups, asking for young people's views and general understanding of mental health. The group received over 250 responses. Following this, the group created ideas of how best to address the issue of discrimination and stigmatisation of young people based on their mental health condition. The group decided to make a short film to tackle the issue. From previous campaigns, the forum knew that it is difficult for schools to find the time to incorporate additional resources in to PSHE /Citizenship lessons, so therefore, the group made a video that can be played in all areas of the schools on TV screens, either silently or with sound.
- 2.1.4 The DVD was created and delivered to all secondary schools in the borough and a variety of council buildings. It will also be posted on Social Media sites, supported by the Leader of the Council. The DVD is a visual way of educating young people that people with mental health issues do not look or act in a certain way and that mental health conditions are not something to be ashamed or scared of. It encourages people to recognise mental health conditions in themselves or their peers and informs them of where to access help.
- 2.1.5 Throughout the year this sub-group have regularly met with Ronan Fox, Joint Commissioner for Barking and Dagenham Clinical Commissioning Group. This partnership has been beneficial to the young people's campaign and Ronan's work to improve Mental Health services for young people locally. Through this partnership Ronan has introduced the group to representatives from KOOTH, an online counselling service that aims to support young people who need help but do not necessarily need to access a counsellor face to face. Young people have had involvement in the consultation process looking at the accessibility of the online service and assessing its suitability for young people in Barking and Dagenham. Some young people have also accessed Integrated Youth Services' Peer Support Group, a youth provision for young people with moderate mental health issues that do not meet statutory thresholds, delivered by our Health Youth Workers.

2.2 Young Mayor



2.2.1 The Barking and Dagenham Young Mayor for 2016 was elected from the BAD Youth Forum in February. Three young women stood for election, Pelumi Oyewo was successful after giving a powerful speech to her peers.

2.2.2 After being elected Pelumi worked with the sub-group to research local charities that they could consider supporting. After careful consideration and a democratic vote the young people collectively decided to support Richard House Children's Hospice. This charity supports many families from Barking and Dagenham who have children and young people who have a life threatening or life limiting illness. The young people felt this is a special charity that they wanted to support.

2.2.3 Pelumi has worked successfully as part of a sub-group of the BAD Youth Forum to plan all of her events to raise money for Richard House. There have been a total of six events throughout the year which have engaged members of the public. The events have focussed on raising awareness of the charity as well as raising money. The events included:

- A cultural event held at the Vibe Youth Centre
- Non-uniform day at Southwood Primary School
- A toy tombola at Richard House Children's Hospice Summerfest event
- Several events at the Youth Parade, including a Young Mayor vs the Leader of the Council custard welly race!
- A bucket shake collection at Asda Dagenham
- A Halloween movie night

2.2.4 A total of £1363.17 has been raised from these six events, representing a 70% increase on the amount of money raised by the 2015 Young Mayor for her charity.

2.2.5 During her term as Young Mayor, Pelumi has attended 15 events representing and speaking on behalf of young people locally and, on one occasion, regionally. These events include:

- Mayor of London event, a reception to celebrate the importance of London's communities and the impact their contribution has

- Gender Equality Charter launch
- Women's Empowerment Month awards ceremony
- Barking and Dagenham's Got Talent
- Queens birthday celebration at the Civic Centre
- Annual ceremonial council
- Mayoral Civic Service
- Barking Folk Festival
- Northbury School Fete
- Two National Citizens Services events
- Richard House Children's Hospice Summerfest event
- Barking and Dagenham Youth Parade
- Arc Theatre event
- Remembrance Sunday service
- Subwize Alcohol Awareness Week event in Barking and Dagenham College

2.2.6 Throughout the year Pelumi has worked with the current and previous Mayors of Barking and Dagenham. These relationships have supported Pelumi to learn new skills and grow in confidence.

2.3 Young Inspectors



2.3.1 The Young Inspectors had 20 new members join at the beginning of the year. As in previous years, the Young Inspectors were commissioned by Public Health to inspect pharmacies which offer the Come Correct Condom Distribution scheme ('C-Card'). The Young Inspectors have focussed solely on these inspections this year which has dramatically increased the number of inspections we have been able to complete.

2.3.2 At the start of the year the young people participated in training which involved mystery shop inspections, report writing, learning how to accurately register someone for the Come Correct Condom distribution card and the wide range of information an inspector has to identify during an inspection. This training is essential to teach young people how to be an effective 'mystery shop' inspector, without the pharmacy knowing they are being inspected.

- 2.3.3 During the course of 2016 (until this report was completed mid November) a total of 130 inspections were completed by young people. A report for each of these inspections has been completed by the Young Inspectors and the feedback, both positive and negative, will have been fed back to every pharmacy on each occasion. This has been possible due to the effective link the Forum has with the borough's Condom Distribution Officer, who sits within Integrated Youth Services, who makes contact with every pharmacy following receipt of each inspection report.
- 2.3.4 Over the course of the year new pharmacies have joined the scheme, the Young Inspectors have inspected all 29 pharmacies on the programme at least once each. Anonymised examples of a positive and negative inspection have been included in appendix 1 and 2.
- 2.3.5 As a result of the effective link with the Condom Distribution Officer we have been able to clearly see the impact of the inspections on the quality of service pharmacies are offering young people. In some pharmacies we can evidence good progression. Others have always offered good service and we can evidence that they continue to do so. In a minority of cases some pharmacies offer a poor service which has not improved but we can evidence that this continues to be monitored and that the Condom Distribution Officer gives extra support to these pharmacies. The numbers of condoms distributed under the C-Card programme has risen by 95% between Quarter 2 2015 and Quarter 2 2016 to 15,975 in that quarter, and we are now the best performing borough in London.
- 2.3.6 In addition to the C-Card quality assurance inspections, young people have worked in partnership with Trading Standards to conduct 'Test Purchases' of age related products, such as, knives, alcohol and cigarettes. Young people have made many purchases in shops throughout the borough which Trading Standards follow up with a warning or, as in one case this year, prosecution.

2.4 Consultations

- 2.4.1 Throughout 2016 the BAD Youth Forum have participated in a number of one-off consultations. These include:
- A2020 consultation with Meena Kishinani, Programme Director. This consultation gave young people the opportunity to listen to the Ambition 2020 plans and give feedback about how they felt this would positively and negatively affect young people in Barking and Dagenham. The young people asked a number of assertive and thought provoking questions which were formally fed in to the consultation process carried out borough wide.
 - Young people met with the borough's Confidence and Faith Police Officer, sharing their views about local policing and what they felt could be improved. Young people were able to discuss personal experiences, as well as those of their peers. This honest insight was greatly received and will be used to inform future decision making about local priorities. Also from this consultation, young people were educated about local crime issues, how safe the borough is and how to access the police force locally should they need to.
 - Young people participated in a consultation with Holly Baine, Project Manager responsible for Implementing the Review of Child Sexual Assault Services for London. This project is commissioned by NHS England and is

tasked to create a 'Child House' which is an all encompassing service that children and young people, who are the victims of sexual abuse, can access for support in emergency situations. The project manager asked young people for their views of what a 'Child House' should look and feel like and what should be on offer to young people who access the services. All views were documented and will be combined with the views from children and young people all over London to design and build the Child House in the next two years.

- Mick McManus, Alcohol Co-ordinator for the Barking and Dagenham Substance Misuse Strategy Team, consulted with young people about the effectiveness of alcohol awareness messages delivered to young people locally. Young people were asked how effective the messages are, where and how they receive the messages and how these messages could be more effective. Young people gave very honest feedback which Mick took away to commissioners and programme managers to help shape future alcohol awareness programmes locally.
- Young people were consulted about the Borough Manifesto, not only looking at their views but also to create the original consultation form that people across the borough were asked to complete. Young people adapted the consultation to ensure it was fit for purpose and captured the most important information effectively.
- Erik Stein, Group Manager for Integrated Youth Services, led a consultation session asking young people to review the Local Safeguarding Children's Board priorities and plan for this year. Young people prioritised each area of the plan and this was fed back directly to the chair of the LSCB.

2.5 Children's Services Select Committee

2.5.1 The Chair and Deputy Chair of the forum have attended all Children's Services Select Committee meetings throughout the year and have actively participated in the current work plan focussed on adoption. Young people have scrutinised and challenged views and practices during the meetings, ensuring their voices are heard. Young people have gained skills in speaking in formal meetings and have a deeper understanding of the value of their role on a committee and how their views and opinions can benefit themselves and other young people in Barking and Dagenham.

2.6 Other events and meetings the BAD Youth Forum have participated in.



- The young people were tasked by the council's Marketing and Communications team to devise a Youth Newsletter consultation. The young people consulted with their peers and shared the results. This feedback will be used to create a borough wide newsletter for young people, focussing on what is important to young people.
- The Monday sub-group consulted other young people for their views about PSHE and Citizenship lessons in schools. At the start of the forum year many young people expressed frustration about the National Curriculum requiring schools to 'teach to the test'. Young people feel the curriculum and the GCSE exams are so rigid that there is not time to teach young people other important life skills. Young people cited examples of things they have learnt in order to pass their GCSE exams that they feel they will never use again. However, almost all of the young people had no idea about mortgages, managing finances and living independently. Some young people felt concerned about the lack of effective healthy relationship and sexual health content in secondary school curriculum for some schools. Having discussed what topics they feel are missing the group wrote to each school asking for information about the content of their PSHE curriculum. One response from Eastbrook School indicated that their Chair of Governors will look at their curriculum with a view to adapting it to include additional topics the young people suggested for Key Stage 4 and sixth form.
- Two young people represented the forum on the '25% Steering Group' board. This is a regional meeting set up for young people to express their views about what they feel should be included in the new Mayor of London's list of priorities in relation to young people. Two young people attended meetings and shared their views.
- Young people were actively involved in the Borough Manifesto film, giving their views about the borough now and where they would like to see it in 5, 10 and 20 years time.
- Nine BAD Youth Forum representatives participated in the borough's National Takeover Day. The young people 'took over' the LSCB meeting, planning a range of activities that were designed to educate the board about young people's experiences and what the young people think the board should consider when creating policies and making decisions locally that will affect young people's lives.
- Young people participated in a trip to the Houses of Parliament, hosted by Jon Cruddas MP. The young people enjoyed a tour of the Houses of Parliament followed by a meeting with their MP. Young people had pre-arranged a list of questions for their MP ranging from Brexit and how this will affect the borough, to local plans, in particular Ambition 2020, and what the MP's views are about the direction the borough is headed in. Young people had a very enjoyable and educational experience.
- Two representatives have attended the Public Transport Liaison Group giving their views about transport services locally.
- Young people have attended two Patient Engagement Forum meetings arranged by the CCG (Clinical Commissioning Group), feeding back the health projects they have been working on and their achievements throughout the year, as well as contributing their views.
- One representative attended a Chief Officers Group meeting hosted by the Youth Offending Service, looking at out of court disposal orders and whether the right decision has been made.

- Twenty young people attended the borough's Youth Parade, celebrating local young people and their achievements, as well as raising funds for the Young Mayor's charity appeal.
- Throughout the year young people have met regularly with the Leader of the Council. These meetings have been held during regular BAD Youth Forum sessions and have given young people the opportunity to regularly update the Leader about their achievements to date and also explore ideas moving forward. The young people have greatly appreciated their time with the Leader this year and feel it has benefitted their work.
- The Monday sub-group volunteered in a food bank in Barking for a morning in order to support the local community and volunteer their services.

2.7 Forward plan

At the start of every BAD Youth Forum year (January) young people devise a thorough plan that aims to address issues young people face locally, that will have an impact and benefit young people in Barking and Dagenham. Although the specific work plans will be decided once the new forum is elected and inducted, there are a number of priorities the forum will consider, these include:

- Continue close links with Condom Distribution Officer to ensure good quality assurance procedures are in place for the C-Card scheme to further support the council's work to reduce Teenage Pregnancy rates.
- If commissioned, we will continue to inspect pharmacies offering the c-card scheme and reporting about the effectiveness of their services.
- Build on the success of the Young Mayor's achievements this year to ensure we have another successful year in 2017, where their work is fully integrated into a social action sub-group.
- Ensure our campaigns and work plans contribute to the boroughs priorities of encouraging civic pride, enabling social responsibility and growing the borough.

3. Financial Issues - completed by Daksha Chauhan, Group Accountant, Childrens Finance

3.1 There are no direct financial implications arising from this report.

4. Legal Issues – completed by Lucinda Bell, Education Lawyer

4.1 This report asks that the Assembly notes its contents and continues to support the Forum. No decision is required. There are no further legal comments.

5. Other Issues

5.1 Corporate Policy and Customer Impact

The Barking and Dagenham Youth Forum and Young Mayor programmes have a direct impact on two of the three Council priorities. These are; encouraging civic pride and enabling social responsibility. All of the work that the BAD Youth Forum and Young Mayor carries out, is with an aim to improve the borough for the benefit of young people locally. The young people volunteer vast amounts of time

throughout their term to ensure they have an impact locally. This in itself is enabling social responsibility and having civic pride.

The young people extend opportunities to other young people throughout the year through consultations which enable them to have their say and have an impact on local services and decision making. The work of the Young Mayor, in particular raising awareness of, and funds for, the Young Mayor's charity appeal, is a positive example of social responsibility. Young people take on these roles to enhance their lives and those of others locally.

The work of the Forum plays an important role in the borough's transformation plans and the borough manifesto going forward.

5.2 Safeguarding Children

The young people have participated in a number of consultations and meetings directly relating to safeguarding. These include the National Takeover Day of the Local Safeguarding Children's Board focussing on safeguarding issues related to young people, consultations with a local police officer and representatives sitting on each Children's Services Select Committee meeting, which is reviewing adoption practice. In addition, the Forum's campaign around improving awareness of and access to mental health services is in support of the borough's duty to keep children and young people safe. Many specific consultations also relate to Safeguarding issues, which can be seen in detail in point 2.4.1.

5.3 Health Issues

During 2016 two of the forum sub-groups had a health focus, the Mental Health sub-group and the Young Inspectors. The Mental Health sub-group have created a resource that can be used in any setting that has a TV screen. The short film addresses the issue of mental health which affects a significant number of young people and seeks to raise awareness of where to access help. This valuable tool is available to any setting young people may use within the borough.

With regards to the Young Inspectors, they continue to address the issue of good quality condom distribution in the borough. Through well planned inspections and detailed reports relevant commissioners are able to see the quality of services available for young people. The Young Inspectors reports map out good provision, improving provision and those that are still in need of improvement. This enables the Condom Distribution Officer to effectively equip staff at these outlets with the required training and resources to ensure the services maintain a high standard. Teenage pregnancy figures continue to decline at a faster rate than national, and there is a correlation between this as the work of the Young Inspectors.

5.4 Crime and Disorder Issues

Whilst crime has not been a focus for the Forum this year, we continue to maintain close links with the Police. The role of the Young Mayor and active participation in community events such as the Youth Parade, contribute to providing positive role models for young people, as well as a community that is cohesive and working together for the greater good.

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

List of appendices:

- Appendix 1 - Exemplar positive pharmacy inspection
- Appendix 2 - Exemplar negative pharmacy inspection
- Appendix 3 – BAD Youth Forum annual report presentation slides



Name of Pharmacy:

Name of Inspector/s:

Date : April 2016

Time 5:50pm

I was registered for the Come Correct card YES NO






If yes, what is the card number? *****

If no, why? _____

Were you asked for ID? Yes No (please circle)

If yes, what ID?:






1-How friendly was the staff member? (please circle)

				<input checked="" type="radio"/> 
1 (Awful)	2 (bad)	3 (ok)	4 (good)	5 (Amazing)

Do you have any Comments?:

The lady was very nice to me and made me feel well in the environment by asking me questions

2-How comfortable did they make you feel? ? (please circle)






				<input checked="" type="radio"/> 
1 (Awful)	2 (bad)	3 (ok)	4 (good)	5 (Amazing)

Do you have any Comments?:

She made me really comfortable because she asking me if I was ok and also she was smiling a lot



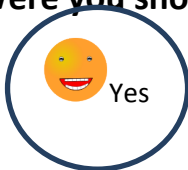
3-Rate the information given about confidentiality or confidentiality information on view?

 1 (Awful)	 2 (bad)	 3 (ok)	 4 (good)	 5 (Amazing)
--	--	---	---	--

Do you have any Comments?:

There wasn't any on view but she told me that everything that was in this room would stay in here but only if she felt I was in danger she will tell someone

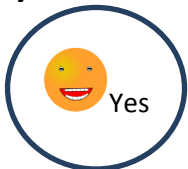
4-Were you shown how to use a condom? (please circle)



Comment:

correct demonstration was given

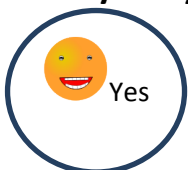
5- If you are under 16 did they go through the Fraser Guidelines with you?



Comment:

She went through all the guidelines

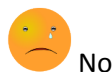
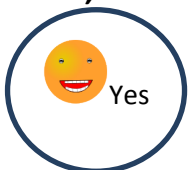
6- Did they tell you about EHC (morning after pill), and having safer sex?



Comment:

she told us to come back to her if the condom breaks

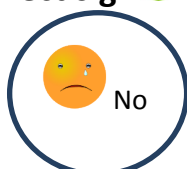
7-Were you told about other sexual health services (clinics and other places to go for condoms, testing, EHC) and where they are?



Comment:

she told us about where to go if this pharmacy wasn't open

8-Was there a Come correct sign outside?

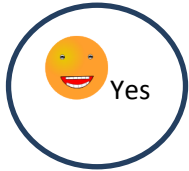


Comment:

If there was a sign it wasn't visible



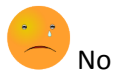
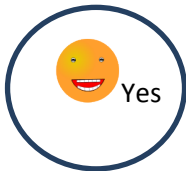
9- Were you given any information about STI testing?



Comment:

Yes she told me that I could come back to her at any time

11- I would return to this site and recommend it to my friends (please circle)



Comment:

She was amazing, I felt very comfortable and she was smiling the whole time which made me feel good

Recommendations

Put come correct sign outside

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Name of Pharmacy:

Name of Inspector: **Age : 15**

False name if used:

Date: August 2016 **Time: 3:10**

I was registered for the Come Correct card **YES/NO**






If yes, what is the card number? *****

If no, why?

Were you asked for ID? Yes / No (please circle)

If yes, what ID?:






1-How friendly was the staff member? (please circle)

 1 (Awful)	 2 (bad)	 3 (ok)	 4 (good)	 5 (Amazing)
---	---	--	--	--

Do you have any Comments?:.

She offered for us to wait in the shop while the forms were being printed, or she said we could go away and come back in 5 to 10 mins

2-How comfortable did they make you feel? ? (please circle)






 1 (Awful)	 2 (bad)	 3 (ok)	 4 (good)	 5 (Amazing)
---	---	--	--	--

Do you have any Comments?:

They was discussing condoms in the shop, although we was alone, if someone was to walk in I wouldn't want them know why I am at the shop.



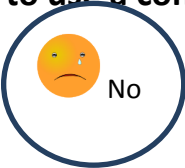
3-Rate the information given about confidentiality or confidentiality information on view?

 1 (Awful)	 2 (bad)	 3 (ok)	 4 (good)	 5 (Amazing)
--	--	---	---	--

Do you have any Comments?

Not mentioned, and no posters up

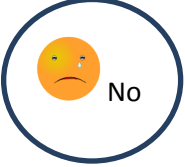
4-Were you shown how to use a condom? (please circle



Comment:

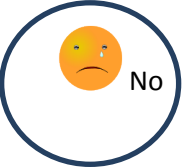
The pharmacist handed us the forms at the front of the shop, and passed us the card.

5- If you are under 16 did they go through the Fraser Guidelines with you?



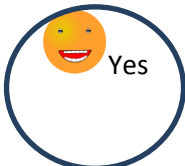
Comment: When filling out the form I questioned what that sectioned meant and he questioned my age I replied 15 and he said I don't need to worry about that section.

6- Did they tell you about EHC (morning after pill), and having safer sex?



Comment: Not mentioned

7-Were you told about other sexual health services (clinics and other places to go for condoms, testing, EHC) and where they are?



Comment: We were told that we can come back to the pharmacy and any other pharmacy in barking and Dagenham for a top up.

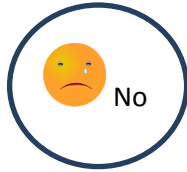
8-Was there a Come correct sign  outside?

9- Wer



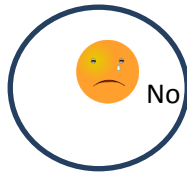
STI testing?
Page 42

Comment: Clearly shown at the front of the shop.



Comment: Not mentioned

11- I would return to this site and recommend it to my friend? (please circle)



Why? Because I wasn't shown a condom demonstration and I felt uncomfortable being signed up to the scheme at the front of the shop.

Recommendations (IN BULLET POINT FORMAT)

- Be prepared for young people to use the service. (Have the forms ready) As we was asked to come back 5 minutes later.
- Deliver a condom demonstration & have a private room to do so since it will make young people feel more comfortable.
- Ensure all information that young people should be told is covered in the sign up as the young people might never get told this information again.
- Always follow Fraser guidelines

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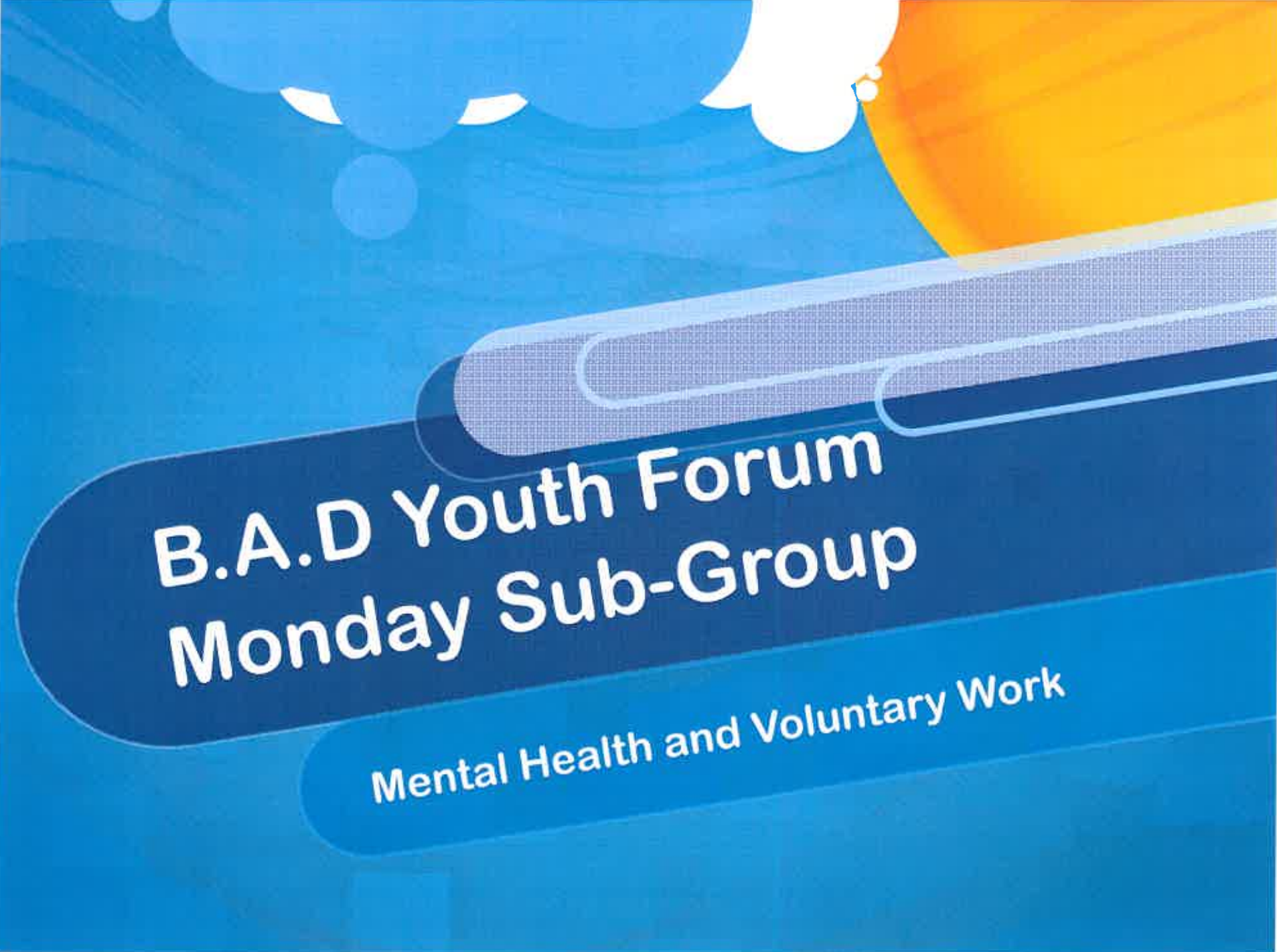
BAD Youth Forum

Achievements 2016



Elections

- All 10 secondary schools had a male and female election
- 60 young people elected
- Skittlz, Flipside and Generic also had representatives join the forum



B.A.D Youth Forum Monday Sub-Group

Mental Health and Voluntary Work



Introduction

- We are the Monday sub-group; during the course of the year we have been working to address the stigma around mental health issues, to raise awareness and to get young people talking about it.



We want to know your views on mental health!

1- Would you be able to recognise if you or a friend had mental health issues?

YES NO (please tick)

2- If you or a friend had a mental health issue, would you know where to get help?

YES NO (please tick)

If you answered YES please state where _____

3- Would you feel comfortable telling someone you had a mental health issue?

YES NO (please tick)

4- Which of the following you consider to be a mental illness?
(please tick)

GAD
Pre-menstrual tension
Aspergers
Multiple personality disorder
Suicidal thoughts
Tiredness
Schizophrenia
Bulimia

Tiredness
Insomnia
Bipolar
Dyspraxia
Self-harming
Depression
Anorexia
Post Traumatic Stress
Disorder (PTSD)

5- Have you heard of CAMHS?

YES NO (please tick)

If you answered YES please state what you know

Thanks for taking the time to complete this!

The Mental Health Questionnaire

- We created a questionnaire to find out how much young people actually knew about mental health, to see if there is still a stigma attached, and would they know where to get help, we had 250 responses...



Conclusion:

- Based on the results of the questionnaire, it's clear young people have very little knowledge of mental health.
- The stigma is still there
- Don't know where to get help

So we decided to make an infomercial to raise awareness, break the stigma and get young people talking about mental health.....

We're hoping it will be shown in secondary schools.

We'd now like to show you our film.





PSHE

Problems with PSHE in our borough

Lacking in budgeting skills, practical life skills and social skills

We wrote to eleven secondary schools...



Feedback:

Unfortunately we only heard back from three of eleven secondary schools:

- Eastbury
- Eastbrook
- Barking Abbey

Eastbrook School agreed to adapt and include the additional topics on their curriculum for KS4 and 6th Form, which is very positive news.

Helping at the Food bank



- Many people in the UK are living in poverty. In Barking and Dagenham alone, there are 37% of children living under the poverty line. (According to NPI's report in 2013)
- As a group, we decided to help out in the Barking food bank.

Poverty Affects Us All



How this experience personally affected me ...

Promotional DVD

- We wanted to raise awareness on all the amazing things the BAD Youth Forum does, so we decided to make a promotional DVD to be shown in schools around nominations time.
- We want everyone to know what you can achieve by being a part of the Forum, so they nominate themselves for election.



IT'S YOUR CHOICE! USE YOUR VOICE!

Look out for Youth Workers in your school to nominate yourself.....



Young Mayor's Sub-Group

Fundraising For Richard House Children's Hospice

WHO ARE WE?

- This is the first year that the role of Young Mayor has been part of the B.A.D Youth Forum.
- Our sub group was created to support the Young Mayor with her fundraising campaign. Together we have planned and developed fundraising events during the course of the year.

Young Mayor's commitments

- o Mayor of London event, a reception to celebrate the importance of London's communities and the impact their contribution has
- o Gender Equality Charter launch
- o Women's Empowerment Month awards ceremony
- o Barking and Dagenham's Got Talent
- o Queens birthday celebration at the Civic Centre
- o Annual ceremonial council
- o Mayoral Civic Service
- o Barking Folk Festival
- o Northbury School Fete
- o Two National Citizens Services events
- o Richard House Children's Hospice Summerfest event
- o Barking and Dagenham Youth Parade
- o Arc Theatre event
- o Remembrance Sunday service
- o Subwise Alcohol Awareness Week event in Barking and Dagenham College

OUR CHARITY.....





Fundraising

What we've done

- Cultural Event
- Supported Richard House Summer Fest
- Non-Uniform Day (Schools)
- Youth Parade – Custard Welly Race, Stalls
- ASDA bucket shake
- Halloween Movie Night

Cultural Event



At this event we had drama, dancing, music and international food.

We raised £177

Summer Fest



Annually Richard House holds a Summerfest and this year we contributed by holding our own stall where people could participate in our toy tombola and we raised a total of £51.60

Non-school uniform day



Southwood primary school raised a total of £386 For our non-uniform day.

Youth Parade



One of the highlights of the year was The Custard Welly Race between the Young Mayor and the Leader. This event raised a total of £620

A decorative header featuring a stylized sun with a blue and orange gradient and white clouds against a blue background.

For those who missed it...





ASDA Bucket Shake



We went to Dagenham ASDA to raise money and we done this by shaking a bucket for 5 hours and collected a total of £98.57

Halloween Movie Night



To sum up the year and to celebrate our achievements we had a closed door event, just for the Young Mayor's sub group and we watched 'Hocus Pocus' and we raised £30

A stylized illustration of a bright orange sun with a blue circle in the center, partially obscured by white and light blue clouds. The background is a solid blue color.

**WE RAISED A GRAND
TOTAL OF...**



£1363.17



B.A.D Youth Forum Young Inspectors Sub-Group

Young inspectors



Training

- All young inspectors are trained when they first join the group by Heather the c-card coordinator.
- We are given full training, the same as pharmacies, including a condom demonstration and shown how to use dental dams and femidoms, so we know what we need to look out for when we do an inspection.

Come correct sign




This is the come correct sign which should be displayed outside every pharmacy that is part of the come correct scheme.



What we look for

- Environment
- A good demonstration
- Information given to us about STI's, EHC etc
- Fraser guidelines if we are under 16

Our Inspection Template

 _____

Name of Pharmacy _____

Name of Inspector _____ Age _____

Phone number used _____

Date _____ Time _____

I am registered for the same service as _____

If you speak to the pharmacist, please identify yourself.

If no, why? _____

If I did they suggest you to another pharmacy? _____

What was asked for? _____

If any, what is it? _____

1-How friendly was the staff members? (Please circle)

1. Excellent 2. Good 3. Fair 4. Poor 5. Very Poor

2-How comfortable did the staff make you feel? (Please circle)

1. Excellent 2. Good 3. Fair 4. Poor 5. Very Poor

Do you have any other comments? _____

Do you have any other comments? _____

3-Is the information given about confidentiality or the confidentiality policy correct?

1. Excellent 2. Good 3. Fair 4. Poor 5. Very Poor

Do you have any comments? _____

4-Do you think you own CORRECTLY how to use a condom? (Please circle)

1. Excellent 2. Good 3. Fair 4. Poor 5. Very Poor

Do you have any comments? _____

5- If you are under 18 did they go through the Fraser Guidelines with you?

1. Excellent 2. Good 3. Fair 4. Poor 5. Very Poor

Do you have any comments? _____

6- Did they call you about the morning after pill, and how to use it?

1. Excellent 2. Good 3. Fair 4. Poor 5. Very Poor

Do you have any comments? _____

7-When you told about STI testing and when to get it done?

1. Excellent 2. Good 3. Fair 4. Poor 5. Very Poor

Do you have any comments? _____

8- Was there a female correct sign? (Please circle)

1. Excellent 2. Good 3. Fair 4. Poor 5. Very Poor

Do you have any comments? _____

9- I would return to this site and recommend it to my friends (Please circle)

1. Excellent 2. Good 3. Fair 4. Poor 5. Very Poor

Do you have any comments? _____

Name or initials of all staff who saw _____

Do you have any comments? _____

10- How many things have you noticed that you would like to see improved in the service? (Please circle)

1. Excellent 2. Good 3. Fair 4. Poor 5. Very Poor

Do you have any comments? _____



The Process

- o Inspection
- o Typing up reports with recommendations
- o Report read by Condom Distribution Officer
- o Feedback given to each pharmacy inspected (positive and negative)
- o Pharmacies take on board feedback and improve their services
- o Follow up inspections carried out to check pharmacy listened!

Typing our reports.....



Positive Impact

- We have completed a total of 130 inspections on pharmacies in 2016
- As a result, we have seen progress in a number of pharmacies
- Young people are receiving a better service
- Pharmacies that are not improving are given additional support

Experiences of being young inspectors

- As young inspectors we have learnt a lot of new things such as how to keep ourselves safe during sex, by using different types of contraception e.g. condoms, femidoms and dental dams, how to use them correctly and the advantages.

We also gained other skills such as:

- New friends and teamwork
- General respect for others and yourself
- How to be independent and confident
- Report writing skills
- A sense of purpose and responsibility.



Other BAD Youth Forum Activities

Full Forum meetings

- **First Full Forum meeting at Barking Town Hall to discuss issues affecting young people**
- **Ambition 2020 meeting with Meena Kishinani**
- **Houses of Parliament visit hosted by MP Jon Cruddas**



Consultation

Young people have participated
in 7

consultations throughout 2016:

- Police- Confidence and Faith officer
- A2020
- LSCB workplan
- Borough Manifesto
- Alcohol awareness
- Child House
- Police- 'Ask the boss' session

Other events/meetings

BAD Youth Forum members are involved in much more than just our campaigns and Programmes. Here's some other examples:

- Children's Services Select Committee
- Patient Engagement Forum
- Youth Offending Service Chief Officer Group meeting
- Public Transport Liaison Group
- Borough manifesto film
- National Takeover Day
- Regular meetings with the Leader of the Council





Thank you for listening...

Any questions?

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ASSEMBLY**25 January 2017**

Title: Licensing Act 2003 – Statement of Licensing Policy 2017-2022	
Report of the Cabinet Member for Enforcement and Community Safety	
Open Report	For Decision
Wards Affected: All	Key Decision: No
Report Author: Theo Lamptey, Service Manager Public Protection	Contact Details: Tel: 0208 227 5655 E-mail: theo.lamptey@lbbd.gov.uk
Accountable Director: Jonathon Toy, Enforcement Services	
Accountable Strategic Director: Claire Symonds, Chief Operating Officer	
<p>Summary</p> <p>The Council, as the local licensing authority under the Licensing Act 2003, is required to publish a statement of the principles (a ‘policy’) by which it will abide when carrying out its licensing responsibilities under the Act – these responsibilities relate to alcohol, regulated entertainment and late night refreshment. The Council is also required to review that policy every five years and to carry out public consultation as part of that review.</p> <p>A draft statement of policy was prepared in consultation with the Responsible Authorities named under the Act (these include police, fire authorities, health and safety authorities, local planning authorities, environmental health and bodies responsible for protecting children from harm). It was subject to a public consultation exercise through October and November 2016 and the draft policy was updated, where appropriate, in the light of the responses received.</p> <p>The proposed Statement of Licensing Policy for the period 2017-2022 is set out at Appendix A to the report.</p> <p>The Cabinet is to consider the proposed Policy at its meeting on 17 January 2017. Any issues arising from the Cabinet’s consideration will be reported at the meeting.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to resolve that the London Borough of Barking and Dagenham Statement of Licensing Policy 2017-2022 in respect of the Licensing Act 2003, as attached at Appendix A to the report, be adopted.</p>	
<p>Reasons</p> <p>The draft policy, compiled in conjunction with the relevant responsible authorities, promotes best practice management controls in promotion of the four licensing objectives under the Act.</p>	

The draft policy also supports the Council's priorities, in particular

- Encouraging civic pride – 'Building pride, respect and cohesion across our borough' and 'promoting a welcoming, safe and resilient community' by working together with responsible premises management and residents to provide well managed, safe venues which enhance the community
- Enabling social responsibility – 'Supporting residents to take responsibility for themselves, their homes and their community' by promoting involvement in the licensing system. 'Protecting the most vulnerable keeping adults and children healthy and safe' by giving detailed consideration to appropriate venue management controls.

1. Introduction and Background

1.1 The Licensing Act 2003 introduced the licensing regime for:

- The supply of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment

1.2 Under the Act the Council is the local licensing authority for the area, responsible for the issuing of:

- Premises licences
- Club premises certificate
- Personal licences
- Club premises certificates
- Temporary Event Notices (TENs)

1.3 When determining licence applications, the Council must promote the four stated licensing objectives set out in the Act. These are:

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

1.4 The Council must also have regard to:

- The Act
- Secondary regulations
- Guidance published by the Home Office (current version is the 5th Edition published March 2015)
- The Authority's own statement of licensing policy

1.5 The Council is required to develop and publish a statement of the principles ('a policy') by which it will abide while carrying out its licensing function. That statement of policy must be reviewed every five years. The Council's current statement of policy is due for renewal.

- 1.6 A draft policy revision was prepared in consultation with partner 'responsible authorities' named under the Act. The primary intention of the draft revision was to update the policy to ensure that it is consistent with current law and guidance and that it reflects current best practice.
- 1.7 The draft statement of policy was the subject of public consultation through October and November 2016. The responses received from the consultation were considered and the draft statement of policy was further revised in the light of the responses received. A summary of the responses received is set out at Appendix B.
- 1.8 The revised draft was considered by the Corporate Strategy Group on 15 December 2016. The Group approved the policy to go forward for consideration by the Cabinet with only minor amendment, requiring appropriate references to be made to the Council's commitment to the Gender Equality Charter (Section 72 of Appendix A) and the need to consider the protection of vulnerable people alongside children and young people (Section 155 to 157 of Appendix A).

2. Proposal and Issues

- 2.1 The policy aims to:
 - Promote the licensing objectives
 - Ensure the Council fulfils its licensing responsibilities in a way that benefits all sections of the Barking and Dagenham community
 - Boost the local economy
 - Encourage a broad range of licensed premises across the borough
 - Support consistent licensing decisions
 - Support licensing decisions that may be subject of appeal.
- 2.2 The consultation exercise received a low level of response. This was expected given that the revision of the policy was primarily an updating of the existing document to ensure consistency with current law and guidance, both of which have been subject of piecemeal development.
- 2.3 In all 13 responses were received. Of these, nine responses were detailed responses (primarily from Responsible Authorities) and four responses were received using the online questionnaire (comprising licence holders, a representative and a local resident).
- 2.4 The online questionnaire asked whether the policy was clear and easy to understand and whether the Council's approach to the promotion of the licensing objectives and to enforcement was supported. All the four responses either supported the approach taken or were non-committal.
- 2.5 The nine detailed responses provided a range of clarifications and additional information for inclusion. Generally, these contributions have been incorporated into the further revision.
- 2.6 The draft policy has been the subject of some re-arrangement to aid the logical flow of the content. The main additions to the further revision of the policy are:
 - An introductory section intended to provide context;

- Further clarification provided around issues such as:
 - The principles the Council relies upon within its decision-making process
 - Direction for applicants on compiling the operating schedule (which forms a central part of the licence application) in setting out the measures the applicant proposes in promotion of the licensing objectives
 - How licences may be conditioned
- Extended sections on the promotion of the four licensing objectives, including information around the expectations of the responsible authorities intended to support robust risk-assessment of licensed business operation and the preparation of effective operating schedules. These include new sections on:
 - Responsible management
 - Working in partnership
 - Third party hire of venues
 - Illicit goods
 - Risk-assessment for safeguarding of children

3. Options Appraisal

3.1 The consultation generated little opposition. The only two areas which gave rise to some difference of opinions related to:

- The use of sound-limiting devices (promoted as a potential tool for dealing with nuisance generated by live music) but opposed by the Musicians Union. The Union considers sound-limiting devices to be disruptive and potentially damaging where they cut-out sound equipment mid performance. However, officers' view is that, used correctly in the right circumstances, they remain a viable option for helping control the impact of live music performance. Equipment is now widely available which does not impact in the way envisaged by the Musicians Union. It is recommended that the policy recommends sound limiting devices are used where appropriate and where they provide the best means of noise control (Section 136 of Appendix A and Page 57 of Appendix 6 to Appendix A, Page 57);
- The fourth licensing objective deals with the protection of children from harm. The policy sets out a series of additional control measures recommended as good practice, including meeting the standards set out in Challenge 25, for off-licences, convenience stores and supermarkets located within 400 metres of schools. While they may not be necessary in all circumstances, where applied, these increased control measures will ensure that the promotion and accessibility of alcohol is limited, thereby promoting the objective of protecting children from the harm caused by alcohol (Sections 150-153 of The Licensing Policy – Appendix A)

4. Consultation

4.1 The public consultation exercise took place through October and November 2016. It comprised:

- Promotion of the consultation exercise on the Council’s web site together with background information and an e-questionnaire for easy submission of comments;
- Direct notifications provided to the range of statutory consultees which include:
 - The Metropolitan Police
 - The Fire Service
 - Representatives of premises licence holders
 - Representatives of club premises certificate holders
 - Representatives of personal licence holders
 - Representatives of the local community
- Additional direct notifications given to:
 - Responsible authorities named under the Act
 - Other relevant partner agencies
 - Other known stakeholders
 - Ward Councillors
- Promotion of the consultation through the borough e-newsletter.

4.2 The revised draft Policy was considered by the Corporate Strategy Group on 15 December 2016.

4.3 The Cabinet is due to consider the draft Statement at its meeting on 17 January 2017.

5. Adoption Process

5.1 As noted, the full Council (the Assembly) must formally adopt the policy.

5.2 If adopted, the policy must be published on the Council website and a public notice must be placed in a local newspaper raising awareness that the new policy has been adopted and the date that it comes into effect. This date should be one month after the decision to adopt the policy.

5.3 Alongside this, all current licence holders will be made aware of the new policy and provided with a web link to the document. Any points of clarification required will be answered. Officers will take all opportunities to make both existing operators and new applicants aware of its content.

5.4 An awareness session will be staged for members of the Council’s Licensing and Regulatory Board.

6. Financial Implications

Implications completed by Katherine Heffernan, Group Finance Manager

6.1 The resources for the review of the policy were contained within the Regulatory services budget. The administration costs will also be met from this budget.

6.2 The licensing and other fees associated with this policy are reviewed regularly and agreed by cabinet as part of the Council’s annual fees and charges review process.

7. Legal Implications

Implications completed by: Dr Paul Feild, Senior Corporate Governance Lawyer

- 7.1 The Council, as the Licensing Authority, is required by Section 5 of the Licensing Act 2003 to prepare and publish a Statement of Licensing Policy every five years.
- 7.2 The policy must be prepared with public consultation undertaken in accordance with the provisions of the Licensing Act 2003. Finally, as observed in the report it is a legal requirement that final approval is an Assembly function.

8. Other Implications

- 8.1 **Corporate Policy and Customer Impact** – The policy is intended to promote the four statutory licensing objectives. It attempts to do so in a way that acknowledges and supports the broader Council vision and priorities. The policy has been subject of an Equalities Impact Assessment.
- 8.2 **Safeguarding Children** – The fourth licensing objective specifically deals with the protection of children from harm. As such, the policy includes detailed best practice management advice around child protection issues, compiled in conjunction with expert responsible authorities. This deals with issues such as age-verification; film classification and child sexual exploitation. Child Protection are a statutory responsible authority under the Act and are consulted on all new and varied premises licence applications.
- 8.3 **Health Issues** – Although public health is not a licensing objective, the draft policy takes the opportunity to promote socially responsible premises management and through this responsible consumption of alcohol. Public Health are a statutory responsible authority under the Act and are thereby consulted on all new and varied premises licence applications.
- 8.4 **Crime and Disorder Issues** – The first licensing objective specifically deals with the prevention of crime and disorder. As such, the draft policy includes detailed best practice management advice around crime and disorder prevention issues, compiled in conjunction with the expert responsible authorities.
- 8.5 **Property / Asset Issues** – None directly, although all Council-operated licensing venues will be subject to the same controls as for commercial venues or facilities.

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

List of appendices:

- **Appendix A** – Draft London Borough of Barking and Dagenham Statement of Licensing Policy 2017-2022
- **Appendix B** – Summary of Consultation Responses

**The London Borough of Barking and
Dagenham**

**Licensing Act 2003 - Statement of
Licensing Policy 2017-2022**

Notes

The Licensing Act 2005 (“the Act”) came into force in 2005. It introduced a new, comprehensive licensing regime for the sale and supply of alcohol; the provision of regulated entertainment; and the provision of late night refreshment.

As the local licensing authority for the London Borough of Barking and Dagenham, this Council is required under s.5(1) of the Act to prepare and publish, every five 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.5(3) of the Act.

The Barking and Dagenham Statement of Licensing Policy sets out how the Council intends to exercise its functions under the Act, for the next five years. First published in 2005, this latest revision was compiled in 2016 and approved by the Council Assembly on (Date TBC). In preparing this document, regard was had to the Act: secondary regulations; the Home Office Guidance issued to Local Licensing Authorities under s182 of the Act (March 2015 edition); and responses received from a public consultation exercise. Consultees are listed in Appendix 4.

This policy is effective from (Date TBC). It will be kept under review and further revised as and when considered appropriate. Where revisions are made to the s182 Guidance are made by the Secretary of State, it is for the licensing authority to determine whether revisions to the policy statement are necessary.

A licensing authority may depart from its policy where it has good reason to do so and can provide full reasons.

Executive summary

This Council recognises the important role that a diverse and vibrant range of entertainment and leisure facilities holds within the local community. Aside from providing important economic, employment and leisure opportunities, such facilities provide opportunity for relaxation, for people to meet and build relationships; to promote cultural activities and support community cohesion.

It is this Council's intention to promote a broad and varied leisure opportunity and to support responsible business and event management wherever possible.

However, the Council equally recognises that poor and / or irresponsible business or event management can lead to serious issues of crime, disorder, nuisance, anti-social behaviour and more. This is particularly the case where alcohol sales are involved. Alcohol plays an important role in our society but if used irresponsibly can have serious impact, for individuals and the community generally.

This licensing policy intends to support a licensing process which supports responsible operators and promotes the licensing objectives but provides adequate protections for the local community where these are necessary.

Central to this policy are sections 4 and 5 which provide advice and guidance on compiling a good considered operating schedule as part of a licence application and the types of issues and control measures that should be considered as part of this. It provides pointers toward sound management planning and best practice. These sections are supported by appendices 6 and 7 which provide suggested model licence conditions, alongside mandatory licence conditions, and appendix 8 which offers a model risk-assessment for child protection issues. These are the recommended starting points for new (and existing operators).

Elsewhere, section 1 provides an introduction to the borough. Section 2 sets out the principles that guide this Council in carrying out its licensing functions. Section 3 deals with an important range of administrative matters. Section 6 deals with the approach taken to setting licence conditions and section 7 deals with our approach to enforcement.

We recommend the contents of this policy and welcome your feedback on it at any time.

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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 the seventh smallest population in London with 201,979 residents. However, the borough has a young population. The average age in Barking and Dagenham is 33, lower than the London average. The 54,912 under 16s living within the borough represent the highest proportion of residents of this age group in London and UK. 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. 18.5% of residents do not have English as their first language ¹.
3. Barking and Dagenham has its challenges. Both male and female life expectancy (59.5 and 54.6 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 and a strategic location linking it 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 transport links, Barking and Dagenham is already one of London's best connected boroughs. Connections are set to improve further, however, 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
6. The borough is increasingly a focus for house building. There are plans for over 17,000 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.

¹ LBBD Key demographic facts July 2016

² As above

7. As a legacy from Barking and Dagenham's involvement as a host borough in the London Olympics in 2012, there has been 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. This Council's vision for the borough is "One Borough; One Community; London's Growth Opportunity".
11. Three corporate priorities support the vision. Each of the priorities has a set of objectives which define the areas of focus for the Council, partners, and community.
 - Encouraging civic pride
 - Build pride, respect and cohesion across our borough
 - Promote a welcoming, safe, and resilient community
 - Build civic responsibility and help residents shape their quality of life
 - Promote and protect our green and public open spaces
 - Narrow the gap in attainment and realise high aspirations for every child.
 - Enabling social responsibility
 - Support residents to take responsibility for themselves, their homes and their community
 - Protect the most vulnerable keeping adults and children healthy and safe
 - Ensure everyone can access good quality healthcare when they need it
 - Ensure children and young people are well-educated and realise their potential
 - Fully integrate services for vulnerable children, young people and families
 - Growing the borough
 - Build high quality homes and a sustainable community
 - Develop a local, skilled workforce and improve employment opportunities
 - Support investment in housing, leisure, the creative industries and public open spaces to enhance our environment
 - Work with London partners to deliver homes and jobs across our growth hubs
 - Enhance the borough's image to attract investment and business growth

Figure 1 - Map of the borough



Section 2 – Purpose and Scope of the Policy

Our Aims and Objectives

12. This statement of licensing policy sets out how the Council intends to fulfil its licensing responsibilities under the Licensing Act 2003 (the Act).
13. This policy aims to:
 - Promote the four licensing objectives
 - Benefit all sections of the Barking and Dagenham community
 - Boost the local economy
 - Encourage a broad range of licensed premises across the borough
 - Support consistent licensing decisions
 - Support licensing decisions that may be subject of appeal.
14. To achieve these aims, the Council intends to work together with all relevant stakeholders (including partner responsible authorities and service agencies; local licence holders and licensed business operators; local residents; and those who use licensed facilities) to promote the aims objectives set out in this policy.
15. In doing so, the Council will provide a licensing service which
 - Sets and maintains a high standard of service
 - Provides easy access for local businesses, residents and others who are interested in licensing
 - Provides an efficient and effective service
 - Operates in a fair, consistent and transparent and honest manner

Licensable activities

16. This policy is concerned with the following licensable activities:
 - The sale by retail of alcohol
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
 - The provision of regulated entertainment
 - The provision of late night refreshment
17. 'Regulated entertainment' includes each of the listed activities
 - A performance of a play
 - A film exhibition
 - A performance of live music
 - The playing of recorded music
 - A performance of dance
 - An indoor sporting event
 - A boxing or wrestling entertainment

- Entertainment of a similar description to a performance of live music; any playing of recorded music or a performance of dance.

When one or more of the listed activities are provided (at least partly) for the purpose of entertaining an audience, upon premises made available for the purpose of enabling that activity and also

- Takes place in the presence of a public audience, or
 - Where that activity takes place in private, be the subject of a charge made with a view to a profit.
18. The licensing of regulated entertainments has been subject of a programme of deregulation in recent years. Several exemptions now exist. For up to date information on these please contact the licensing team (contact details provided in Appendix 2).
19. 'Late night refreshment means the provision of hot food and / or drink between the hours of 23.00 and 05.00. A licensing authority may take a decision to exempt the activity of providing late night refreshment from the need for a licence. However, it should be noted that late night refreshment is not exempt from the need for a licence within Barking and Dagenham.

Authorisations or permissions

20. The Act provides for four different types of authorisation or permission, as follows:
- Premises licences
 - Club premises certificates
 - Personal licences
 - Temporary event notices (TENs)

The licensing objectives

21. The Act requires every licensing authority to promote the four statutory licensing objectives in carrying out its licensing responsibilities
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
22. Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

Other key aims and objectives

23. However, the Act supports many other key aims and objectives that are vitally important:
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
 - Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and to take action against those premises that are causing problems
 - Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises management
 - Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area
 - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

General principles to be applied

24. This policy is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. The Council acknowledges that neither the Act nor this policy are the primary means for the general control of nuisance and / or anti-social behaviour caused by individuals once they are beyond the direct control of the licence / certificate / authorisation holder. However, both are intended to play a key part in such control and will always be part of a holistic approach to the management of the day, evening and night-time economy within the borough.
25. Other mechanisms may also be utilised, where appropriate, to tackle the unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:
- Planning controls
 - Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
 - The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols

- Powers of local authorities to designate places where restrictions on public drinking apply
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
 - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - The confiscation of alcohol from children and adults in designated areas
 - Police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
 - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
26. Nothing in this policy is intended to undermine the rights of any person to apply under the 2003 Act for any of the variety of permissions and have that application considered on its individual merits.
27. Equally, nothing in this policy is intended to override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
28. In carrying out its licensing responsibilities the Council will avoid duplication with other regulatory or statutory regimes, so far as is possible. Also, the Council does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation.

Determining applications for licences made in respect of council premises

29. When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing and Regulatory Board and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by a Sub-Committee of the Board. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority may be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.
30. In all cases, applicants and those making representation in respect of applications to the Licensing Authority have a right to appeal the Council's decision to the Magistrates' Court

Section 3 – Administration, Process and Delegation

31. While it is the Council's intention to keep the licence application processes as simple as possible, this policy is not intended to provide detailed guidance on licensing process and practice.
32. Instead, a range of other supporting information and guidance documents are provided for this purpose and advice and assistance is offered to all applicants, particularly those from the voluntary sector. Published guidance is available upon request from the licensing service covering:
 - The applications processes
 - Objections, representations and reviews
 - Public hearing procedure
33. However, there are several administrative matters and arrangements the Council would wish to draw attention to here.

Applications

34. Applications for any of the various authorisations or permissions offered should be made on the appropriate form, completed in full, signed and dated and paid for at the time of application.
35. Electronic applications will be accepted where made online via the Government website at <https://www.gov.uk/apply-for-a-licence/premises-licence/barking-and-dagenham/apply-1>
36. No application will be progressed until all sections of the relevant form have been correctly completed; all necessary accompanying documentation has been received and the relevant fee paid in full.

Plans

37. Plans submitted together with applications for new and varied premises licences and club premises certificates should normally be drawn to scale 1:100. Alternative scales may be acceptable but applicants should contact the Licensing Service to discuss this before submitting.
38. Plans do not need to be professionally drawn but must include all relevant detail and clearly enable the dimensions of the premises; licensed areas and escape routes to be clearly understood.

Variations

39. Applications to licence additional buildings, floors or licensed areas are likely to require a new premises licence application. However, where a licence

holder wishes to amend the terms, conditions and restrictions of his / her licence, an application for a variation of the licence can often be made, rather than a full application for a new premises licence being necessary. This might include amendments to:

- The licensable activities named upon the licence
- The days and / or hours during which a licensable activity is permitted
- The conditions within a licence
- Any aspect of the layout of the premises which is shown on the plan submitted to the Licensing Authority

40. In cases where a licence holder wishes to vary features shown on a submitted premises plan which are not required to have been included, the Council will consider whether there is any likely impact on the promotion of the licensing objectives.
41. There is also a minor variations process intended for changes to a licence that will not have an adverse impact on the licensing objectives. Examples might include cosmetic changes to the layout arrangements of a premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions; or adding certain licensable activities. The Council will consult with appropriate responsible authorities to make such assessment.

Responsible authorities

42. Each of the bodies listed below are named as 'responsible authorities' under the Act. These responsible authorities may make representations on applications, as far as they relate to the promotion of the four licensing objectives. They may also request a review of a premises licence or club certificate.
- The Metropolitan Police Service
 - The London Fire and Emergency Planning Authority
 - The Licensing Authority itself
 - Trading Standards (as the local weights and measures authority)
 - Environmental Health (as both the enforcing authority for health and safety purposes and the authority responsible for minimising or preventing the risk of pollution of the environment or risk to human health)
 - Planning
 - Public Health
 - Any other licensing authority in whose area part of the premises is situated

43. Additionally, the London Borough of Barking and Dagenham Child Protection Team is recognised as the competent authority to advise on matters relating to the protection of children from harm.
44. The licensing authority responsible authority role will be undertaken within the Licensing Service. Where it is decided appropriate to act in the capacity of responsible authority, arrangements will be put in place to provide a separation of duties to ensure procedural fairness and eliminate conflicts of interest.
45. Contact details for responsible authorities are given in Appendix 3. Responsible authorities will also provide advice and information on established best management practice. Some information on preparing an operating schedule is contained within this policy but applicants may also wish to consult with the authorities directly.

Other persons

46. Any other person, including any individual, body or business entitled to make representation, may also comment on an application, regardless of their geographic proximity to the premises to which the application relates. Any other person can make the representation or they may ask for a representative to make it on their behalf. Members of the Licensing Authority may also make representations as interested parties.

Representations

47. A representation can only be considered 'relevant' if it relates to the effect of the grant of the licence on the promotion on one or more of the four licensing objectives. Representations must not be frivolous or vexatious, and in the case of reviews, repetitious.
48. Representations must be received in writing at the licensing service office by the last date set for representations. Representations must be
 - Signed
 - Dated
 - Provide the grounds of representation in full
 - Include the name and address of the person / body making the representation.
49. Where a notice of a hearing is given to an applicant, the Licensing Authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made. In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation

or violence if their personal details, such as names and address, are divulged to the applicant.

50. Where this Council considers that the person concerned has a genuine and well-founded fear and may be deterred from making a representation on this basis, alternative approaches will be considered. Where circumstances justify such actions the Council may either provide only minimal details (such as street name or general location in a street) or withhold details.

Conciliation

51. Where relevant representations are received, the Council offers a conciliation service intended to bring the applicant and 'objectors' together to discuss the application and concerns raised in more detail. Conciliation meetings aim to explore the issues involved with a view to identifying whether a negotiated conclusion may be reached to the satisfaction of all parties involved.

Public hearings

52. It is only when relevant representations are received that a licensing authority may hold a public hearing to determine an application. Where no representations are received, the application must be granted in full, upon the terms, conditions and restrictions sought by the applicant, subject to the mandatory licence conditions and conditions consistent with the steps proposed to be taken by the applicant under the Operating Schedule.
53. When considering applications, the Council will have regard to:
 - the Licensing Act 2003 and the licensing objectives
 - Government guidance issued under Section 182 of the Licensing Act 2003
 - Secondary regulations
 - This statement of licensing policy

The Licensing and Regulatory Board

54. In accordance with section 6 of the Licensing Act 2003, the Council's Licensing and Regulatory Board will form Licensing Sub-Committees to perform all functions relating to licensing.
55. The Council will annually appoint 10 members to sit on the Licensing and Regulatory Board. From this overall membership, any 3 members may sit as a licensing sub-committee to determine contested applications. Only councillors who have received relevant licensing training will take part in decisions on licensing matters.

56. Members of the Licensing and Regulatory Board will not take part in any licensing decisions concerning premises that they have an interest in. A member of the Licensing and Regulatory Board may not hear an application that is in their own ward, but may observe the meeting as a member of the public.
57. At public hearings, members will consider applications on their own merits with all relevant matters taken into account. They will pay particular attention to promoting the licensing objectives and consider whether concerns raised may be alleviated by appropriate conditions, imposed in addition to any which may already be included in the operating schedule.
58. The full table of delegation, identifying which decisions will be made by the Licensing Sub-Committee, and which matters will be confirmed or made by council officers through delegated authority, is provided at Appendix 5.

Licence reviews

59. A review of a premises licence may be called by any responsible authority or other person at any time, where there are relevant concerns relating to the licensing objectives. However, such reviews should, where possible, be supported by evidence to be presented to the licensing authority.
60. In addition, a licensing authority must review a premises licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder, and the magistrates' court has sent the authority the relevant notice of its determination. A review must also be undertaken if the police have made an application for a summary review of a licence on the basis that the premises are associated with serious crime and/or disorder.
61. Where possible and appropriate any responsible authority will give early warning to the relevant licence holder of any concerns about problems identified at premises and of the need for improvement.
62. No more than one review per premises will normally be permitted from other persons within any 12-month period on similar grounds, except in exceptional and compelling circumstances.
63. Applications for review made to this Council will be dealt with fairly at a public hearing in front of a Licensing Sub-Committee. The Sub-Committee will take particularly seriously situations where a licensed premises is used for the following criminal activities:
 - For the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime
 - For the sale and distribution of illegal firearms

- For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected
- For prostitution or the sale of unlawful pornography
- By organised groups of paedophiles to groom children
- As the base for the organisation of criminal activity, particularly by gangs
- For the organisation of racist activity or the promotion of racist attacks
- For unlawful gaming and gambling
- For the sale of smuggled tobacco and alcohol
- For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.

Payment of annual licence maintenance fee

64. All premises licences and club premises certificates issued are subject to an annual maintenance fee. These are payable on the anniversary of the grant of the licence.
65. The Act provides for the automatic suspension of any licence or certificate where the fee is not paid on time. The Council will provide a reminder when a fee is due and sufficient time for the payment to be made but, if the money due is not received by the date required, the authorisation will be suspended and no licensable activities may be provided at the premises until the fee is paid in full.

Temporary event notices (TENS)

66. Certain temporary events are not required to be licensed but must be subject of a notification (a 'Temporary Events Notice' (TENS)) given to the Licensing Authority, the Metropolitan Police, and the Council's Environmental Health Service.
67. However, while the TENS process is intended to provide a fast track process for 'one-off' or irregular small scale community events, such occasional activities may still have implications for each of the four licensing objectives. For this reason, both the police and environmental health may give 'counter-notices' if they have concerns about a particular event relevant to the licensing objectives.
68. So, although the legislation requires a minimum of ten clear working days' notice to be given (five clear working days' notice in the case of Late Temporary Event Notices), event organisers are encouraged to submit their notification as soon as reasonably practicable to enable the responsible authorities to work with them to identify and reduce the risk to the licensing objectives.

69. If TENs must be made with the minimum amount of permitted notice given, it must be understood that the requirements for 10 clear working days' notice means, for example, that TENs intended to cover an event on a Saturday night must be given 3 Fridays prior to this. If the period includes a bank holiday, then the notice given must be extended by 1 working day for each bank holiday falling in the period. The Council has no ability to waive or reduce the legal notification periods.
70. TENs are subject to limitations on the numbers of permitted uses of a premises; the numbers of notifications that may be given by a person; and the duration and size of the event. Full information is given in the Guidance Note produced by the Licensing Service.

Other Policies, Strategies and Initiatives

71. Before applying, applicants are encouraged to refer to other relevant policies, strategies, and initiatives. Although they may not be directly related to the promotion of licensing objectives, they may have an indirect impact on them. These may include:
- The Community Safety Strategy
 - The Community Safety Plan
 - The Crime and Disorder Strategy
 - The Cultural and Tourism strategies
 - Drug and Alcohol strategies
 - The Drug and Alcohol Treatment Plan
 - The Regulators Compliance Code and the Council's Enforcement Policy
 - The Environmental Strategy
 - The Corporate Equalities Policy Statement
 - The Leisure Strategy
 - The Neighbourhood Renewal Strategy
 - The Regeneration Strategy
 - The Transport Plan
 - Core Strategies and Borough Wide Development Policies of the Local Development Framework
 - The Waste Strategy
 - The Health and Wellbeing Strategy

The Equality Act 2010

72. The Equality Act 2010 places a legal obligation on public authorities to have due regard to unlawful discrimination, harassment, and victimisation. This obligation is understood and will be a consideration throughout all licensing process and practice. Barking and Dagenham became the first Council in the country to adopt a Gender Equality Charter on 10 March 2016. The Charter is a commitment on behalf of the Council and our partners to create a fair and

just society where people are treated equally, discrimination is tackled and the barriers to achieving equality removed. This policy has been subject of an Equality Impact Assessment accordingly.

Designated Public Place Order

73. On 24 March 2010, this Council adopted the provisions of section 13(2) of the Criminal Justice and Police Act 2001. This made the whole borough a Designated Public Place and subsequently a Designated Public Place Order (DPPO) was enacted to create a borough-wide alcohol control zone. This is currently in place until September 2017. While this designation does not have any direct impact on the ability of individuals, companies or relevant organisations when applying for a premises licence or club premises certificate, licence holders are expected to have regard to the designation and trade responsibly. In particular, not to sell alcohol to those who are visibly drunk regardless of the time of day. We will be working with the Police and the Community Safety Team to encourage responsible trading.

Tourism and employment

74. A well run licensed premises can help to promote tourism and encourage visitors to the borough. They also provide employment opportunities for the local community.
75. Applicants are advised to refer to the Barking and Dagenham Growth Strategy 2013 – 2023, before submitting applications. Whilst the Council welcomes applications that support this strategy, this does not take preference over the promotion of the licensing objectives.

Planning and building control

76. Licensing will be treated separately from planning permission and building control approval. The Licensing Sub-Committee will not be bound by planning restrictions.
77. Nor may a licensing authority consider matters of 'need'. It is recognized that there may be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or off-licensed premises. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy, and this Council will not take need into account when making decisions on licence applications.
78. While it is understood that refusal of a planning consent is not in itself a valid reason for refusal of a licence application, the Council expects that applications for premises licences for permanent commercial premises should

normally be from businesses with planning consent for the property concerned.

79. It is recommended that applicants for licences consult with planning and building control before a licence application is submitted to see if any other consents may be required. No licensing decision overrides the need for an operator to obtain all necessary lawful consents before commencing licensed operations. Operators should take care to ensure that all relevant consents have been firstly obtained. A premises operation may be restricted by the terms of a lease or other lawful agreement for occupancy and other permissions may be necessary, such as building control approval. Applicants are expected to ensure that such permissions are obtained where necessary.

Sports grounds

80. Any premises to which the Safety at Sports Ground Act 1974 and associated legislation applies is strictly controlled by the above legislation, and, for the purposes of the Licensing Act 2003, the Safety at Sports Ground Act 1974 will take precedence during the times that such activities controlled under Safety at Sports Ground Act 1974 take place

Section 4 - Preparing an Operating Schedule

81. One of the most important sections of the premises licence application is the operating schedule. In this part of the application form, the applicant is asked, having set out the business proposal, to consider the risks that proposed operation offers under each of the four licensing objectives and state what steps are intended to be taken in mitigation.
82. If the application receives no representations then it will be granted in full made subject only to the mandatory licence conditions under the Act and to additional licence conditions that reflect the steps the applicant has stated will be taken to reduce risks, within the operating schedule.
83. We will expect that, once issued, the licence terms, conditions and restrictions will be complied with in full. Failure to comply could result in formal enforcement action and / or the loss of the licence. So it is very important that an applicant for a licence understands the implications of the steps offered within the operating schedule and is committed to ensuring that these are carried out in full. This is particularly important if the application is being completed by an agent or other person on behalf of the applicant. Once the process is successfully completed the licence holder will be responsible for compliance.
84. The following section of this policy is intended to help support the preparation of good operating schedules. It has been compiled in conjunction with the relevant responsible authorities and sets out the joint expectations of the authorities as to the types of considerations that should be had when preparing a thorough risk-assessment and compiling a detailed operating schedule.
85. Each section also offers advice on best management practice and model conditions are provided across Appendices 6 and 7 for some of the most common control measures. While each application will be considered on its own merits with all relevant matters taken into account, applicants are asked to have regard to the information offered.
86. However, the Council recognises that applicants should know their premises best. The selection of control measures should be based upon a full risk-assessment of the premises proposed method of operation, including the types of events, activities and intended custom group (e.g. age range, numbers, catchment area). The steps proposed to be taken in mitigation of the risks identified should be specifically intended to reduce the identified risk and be reasonable, proportionate and within the applicant's ability to fulfil. Where help is required with developing a good, effective set of management controls we would advise that pre-application discussions are had with the relevant responsible responsibilities (contact details supplied at Appendix 3). The more careful consideration given to risk and how to mitigate that risk, the greater chance of securing a licence without representations being made.

87. When an application is submitted, the Council and responsible authorities will expect the operating schedule to demonstrate that suitable and sufficient measures will be implemented and maintained, relevant to the individual style and characteristics of the premises and activities proposed. Where appropriate, it should be made clear whether additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.
88. Although the Council cannot require the risk assessments to be documented (other than where specified under legislation) this is considered good practice. Documented risk assessments can prove a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, (e.g. when making application for variation or in response to changing circumstances / conditions at the premises). Where risk-assessments are documented it is requested that these are submitted together with any application made, as this gives clear indication of how an operating schedule has been devised.
89. This Council welcomes applications for licences and consents that support the vision and priorities, as set out in section 1 of this policy. This will not, however, outweigh the need to promote the licensing objectives.

Section 5 – The Licensing Objectives

90. This section deals in detail with each of the four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
91. Some of the most important issues are covered here fully. Other potential areas of concern are raised and / or covered by model conditions in the accompanying appendices. Because of the wide variety of premises to which this policy applies, not all control measures are relevant in all circumstances. The control measures suggested are not intended to provide an exhaustive list. Many control measures achieve more than one objective but have not necessarily been repeated throughout. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

First Licensing Objective – The Prevention of Crime and Disorder

92. This Council is committed to further improving the quality of life for the people of the borough by continuing to reduce crime and the fear of crime.
93. Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on local licensing authorities, the police, and other partner agencies, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
94. The promotion of the prevention of crime and disorder licensing objective places an equal shared responsibility on licence holders to promote this objective.
95. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder inside of and in the vicinity of their premises.
96. When addressing the issue of crime and disorder, the applicant should be able to demonstrate that adequate consideration has been given to the range of factors that impact on crime and disorder. These factors may include:
- Anti-social behaviour
 - Drunkenness on the premises
 - Public drunkenness
 - Drugs
 - Violent behaviour

- The possession of weapons
 - Harassment
 - Under-age drinking
 - Theft (of personal property or alcohol)
97. The following examples of control measures are suggested to assist applicants who may need to take account of them in their operating schedule. The control measures should be relevant to the particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases:
- Established, effective and responsible management of premises
 - Appropriate numbers of staff with adequate supervision
 - Appropriate authorisation of alcohol sales with personal licence holder present whenever possible
 - Documented staff training appropriate for the roles staff are allocated
 - Carefully considered premises design and layout, including provision of adequate seating
 - The installation, maintenance and use of effective CCTV equipment with a 31-day library of recordings maintained
 - Employment of Security Industry Authority licensed door staff
 - Provision of search wands or arches where appropriate
 - Provision of secure deposit boxes for confiscated items ('sin bins')
 - Provision of toughened or plastic drinking vessels
 - Establishment of an age verification scheme using accredited PASS approved photographic 'proof of age cards' and / or driving licences
 - Adoption of a 'Challenge 25' principle under the age verification scheme
 - Introduction of a last admissions time
 - Establishment of a dispersals policy
 - Adoption of best practice guidance (e.g. Safer Clubbing, the Government's Alcohol Harm Reduction Strategy 'Safe. Sensible. Social.' and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
 - Provision of secure cloakrooms
 - Provision of external lighting
 - Provision of litterbins
 - Membership of local 'Pub watch' schemes or similar collaborative groups is recommended where these exist
98. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

Responsible management

99. At all premises, the standard of management provided will be of paramount importance. A good, established management structure, with clear roles and responsibilities defined, supported by appropriate numbers of trained and supervised staff will provide a solid and stable basis for any successful premises operation.

The role of the Designated Premises Supervisor (DPS)

100. Except for 'qualifying community premises', a trained and qualified designated premises supervisor must be named within the operating schedule for any premises from which alcohol will be sold. It is anticipated that the DPS will normally have been given the day to day responsibility for running the premises by the premises licence holder and, as such, this key member of the management structure should be present on the licensed premises on a regular basis. The DPS will also be responsible for authorising alcohol sales and should have an established process of authorisation in place for all staff engaged in alcohol sales. The DPS will hold a personal licence, however, the Council would strongly encourage the DPS to undergo additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
101. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.
102. Note: Community premises may apply, under certain circumstances for an exemption to appoint a DPS. Where such application is made, this will be considered on a case by case basis.

Working in partnership

103. It is this Council's and the partner authorities' intention to work together with and support responsible operators. Working in partnership presents the best opportunity to ensure that licensed venues and facilities in Barking and Dagenham are well managed and may operate in a safe and secure manner. Together, we will offer support, advice and assistance but will expect that premises management and front of house security (where this is in place) work in co-operation with local authority officers, the police, and other partner agencies in circumstances where any concerns may arise.

CCTV

104. CCTV installation makes a significant contribution to ensuring a safe environment in licensed premises. Consideration to the installation of CCTV is urged in all circumstances. Advice on installation and operation is available.

CCTV provides security and peace of mind and can provide invaluable evidence in the event that an incident occurs.

105. All CCTV systems must be properly designed, installed, commissioned and maintained by a CCTV Installer in accordance with the Information Commissioner's (ICO) CCTV Code of Practice pursuant to the Data Protection Act first introduced in 2000, so that each and every CCTV system is "Fit for Purpose" by the Licensee for their premises and for the Police and Crown Prosecution Service (CPS) should CCTV evidence be required from a reported incident.

Hire of premises to third parties and 'promoted events'

106. A recent growing concern has been with the hire of premises not normally used for the provision of licensable activities for private and / or promoted events.
107. It is advised that no premises are hired out to third parties unless a diligent and 'robust' booking procedure is put into place which establishes the identity of the proposed user and records their full contact details; the nature, timing and duration of the event that is proposed; and the arrangements for ensuring the event takes place safely. Care should be taken to ensure that no licensable activities take place without the necessary consent having been firstly obtained or notification given.
108. It should be understood that hirers retain a level of responsibility for events staged in their premises and for any problems that may arise.

'Saturation' policies and 'cumulative impact'

109. This Council recognises that a concentration of licensed premises, located in close proximity, can have a 'cumulative impact'. The "cumulative impact" refers to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For instance, an increased number of people passing through an area or congregating in streets during the night can give rise to issues of crime and disorder, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. The amenity of residents can be placed under severe pressure without this being attributable to any individual premises.
110. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.

111. It is open to a licensing authority to adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is resulting in unacceptable levels of crime and disorder or public nuisance.
112. Currently, having had regard to the information available, there is insufficient evidence to support that any particular part of this borough suffers from cumulative impact.
113. However, the potential for a special policy on 'saturation' remains and the situation will be reviewed if evidence arises or is submitted that indicates that residents are suffering from cumulative impact at any time.
114. The cumulative impact of licensed premises in a particular area may be raised as an issue through representations from residents or businesses or a responsible authority. Where 'cumulative impact' is formally raised, consideration may be given to whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

Illicit Goods on Licensed Premises

115. The public expects and deserves to know the products they buy at licensed premises are genuine and sourced from reputable suppliers. Illicit tobacco and alcohol products present a real and substantial risk to public health due to their low price and the risk of toxins. To support the objectives of the Licensing Act 2003, the London Borough of Barking and Dagenham Trading Standards fulfils the statutory duty for local weights and measures authorities to enforce the following provisions:
 - Trade Marks Act 1994³ – in relation to counterfeit cigarettes and illicit alcohol
 - General Product Safety Regulations 2005⁴ - in particular in relation to fire-safety cigarettes
 - Consumer Protection from Unfair Trading Regulations 2008⁵ - in relation to misleading and unfair business practices, including the placing on sale of illegal goods
 - Tobacco and Related Products Regulations 2016⁶ - in relation to non-UK labelled/ standard tobacco products.

³ <http://www.legislation.gov.uk/ukpga/1994/26/section/93> section 93 (1)

⁴ <http://www.legislation.gov.uk/uksi/2005/1803/regulation/10/made> section 10 (1)

⁵ <http://www.legislation.gov.uk/uksi/2008/1277/regulation/19/made> regulation 19 (1)

⁶ <http://www.legislation.gov.uk/uksi/2016/507/regulation/53/made> section 53 (1)

116. In addition, Trading Standards enforces the food traceability and safety provisions of the Food Safety Act 1990 and Food Regulations 2004 in relation to illicit alcohol.
117. Trading Standards conduct regular unannounced enforcement visits to licensed premises to detect the presence of illicit goods
118. It is an offence under section 144 of the Licensing Act 2003 for a license holder, designated premises supervisor, or any person who works at licensed premises, to allow the presence of smuggled goods on the premises. In addition, statutory guidance makes clear that where licensed premises are being used for the storage of smuggled tobacco and/or alcohol, review procedures should be used with revocation of the licence seriously considered.⁷
119. It is the responsibility of the licence holder and designated premises supervisor to ensure illicit products are not present. This may include regular bag checks of staff and monitoring of CCTV. All goods must be bought from reputable wholesalers, and be accompanied by complete numbered receipts listing the name and address of the wholesaler. Receipts must be kept in an ordered manner and be available for inspection. Where illicit goods are found on licensed premises both prosecutions and license reviews may be instituted in accordance with London Borough of Barking and Dagenham's enforcement policy.

Businesses buying alcohol from wholesalers – New provisions from 1 April 2017

120. From 1 April 2017 businesses that sell alcohol to the public will need to ensure that the UK wholesalers they buy alcohol from have been approved by HMRC under the [Alcohol Wholesaler Registration Scheme \(AWRS\)](#). They will need to check the wholesaler's Unique Registration Number (URN) against the HMRC online database which will be available from April 2017.
121. If a business is found to have purchased alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and have their alcohol stock seized.

The Second Licensing Objective – Public Safety

122. The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and

⁷ Home Office *Revised Guidance issued under section 182 of the Licensing Act 2003* March 2015
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf para. 11.27

maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

123. When addressing the issue of public safety, an applicant should demonstrate that those factors that impact on the standards of public safety have been considered. These factors may include:

- The occupancy capacity of the premises
- The age, design, and layout of the premises, including means of escape in the event of fire
- The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- The customer profile (e.g. age, disability)
- Means of escape from the premises
- Measures to reduce the risk of customers becoming intoxicated on the premises
- Measures to ensure that customers can leave the premises safely
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

124. The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases.

- Suitable and sufficient risk assessments
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Employment of Security Industry Authority licensed door staff
- Appropriate instruction, training, and supervision of those employed or engaged to secure the safety of the premises and patrons
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide)
- Provision of effective CCTV in and around premises
- Maintenance of clear, unobstructed, and available escape routes with clear signage provided
- Provision of toughened or plastic drinking vessels
- Implementation of crowd management measures
- Provision of food and a good range of soft drinks to reduce the potential for excessive consumption of alcohol

- Provision of adequate seating
- Ensure all areas of the premises can be properly monitored
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety
- External lighting
- Arrangements with reputable cab companies for customers

125. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

Safe permitted capacity

126. The maximum permitted occupancy capacity for premises and events is also considered to be an important factor in the promotion of the four licensing objectives within 'on sales' premises. This factor is considered important not only for the purpose of fire and other emergency situations but to ensure the comfort and welfare of customers and staff. We expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule. In appropriate instances, we will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.

127. The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These factors may include:

- The nature of the premises or event
- The nature of the licensable activities being provided
- The internal layout of the premises including the provision or removal of such items as temporary structures, such as a stage, or furniture
- The number of staff available to supervise customers both ordinarily and in the event of an emergency
- The customer age profile
- The attendance by customers with disabilities, or whose first language is not English
- Availability of suitable and sufficient sanitary accommodation
- Nature and provision of facilities for ventilation

128. The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. It is recognised that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will

be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded or localised overcrowding may occur in any internal area.

Minimum alcohol price

129. It is a mandatory licence condition that no alcohol may be on sale for less than the duty price.⁸ Any premises offering alcohol for sale at less than duty price, will, in effect, be operating outside their licence and committing an offence under section 136 of the Licensing Act. This may also result in a licence review or closure order.⁹

Availability of small measures

130. To help reduce excessive drinking, it is a mandatory licence condition that where wine, beer, cider, gin, rum, vodka, or whisky are sold or supplied for consumption on on-licensed premises they are available in 125ml, half pint, and 25ml or 35ml measures as appropriate. To allow this to take place prices for smaller measures should be included in price lists, on menus, and electronic point of sale devices. In addition, licensees should make sure correctly stamped measures (i.e. half pint stamped glasses, stamped lined wine glasses, stamped “thimble” measures or optics) are available to serve 125ml, half pints and/or 25ml, 35ml. This condition does not apply where only pre-packed alcohol is supplied.¹⁰

Transport

131. Good public transport is essential in order that people can leave licensed premises and the surrounding areas quickly without causing a disturbance or nuisance to residents. Transport may be a consideration in determining licence applications. It is expected applicants will take account of public transport provision when deciding on the detail of their applications particularly in relation to the arrival and dispersal of larger capacity events and venues.

⁸ <http://www.legislation.gov.uk/ukxi/2014/1252/introduction/made>

⁹ Home Office *Guidance on banning the sale of alcohol below the cost of duty plus VAT For suppliers of alcohol and enforcement authorities in England and Wales* May 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311735/Guidance_on_BBCS_3.pdf page 12

¹⁰ Home Office *Guidance on Mandatory Licensing Conditions For suppliers of alcohol and enforcement authorities in England and Wales* September 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/350507/2014-08-29_MC_Guidance_v1_0.pdf page 9

The Third Licensing Objective – The Prevention of Public Nuisance

132. Licensed premises have a significant potential to adversely impact on communities through public nuisance that may arise from their operation. The Council wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
133. The Council intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter, and anti-social behaviour, where these matters impact on those living, working, or otherwise engaged in normal activity in an area.
134. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.
135. When addressing the issue of prevention of public nuisance, the applicant should demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These factors may include:
- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, and places of worship
 - The hours of opening, particularly between 23.00 and 07.00
 - The nature of activities to be provided, including whether those activities are of a temporary or permanent nature, whether they are to be held inside or outside premises and their audibility at noise sensitive premises
 - The design and layout of premises and in particular the positioning of sound equipment and the presence of noise limiting features
 - The activities staged in and the control and timing of use of external areas
 - Provision of facilities for smokers in line with Health Act 2006
 - The occupancy capacity of the premises
 - The availability of public transport
 - Establishing a ‘wind down period’ between the end of the licensable activities and closure of the premises
 - The last admission time
 - Measures for orderly and safe dispersal of customers
136. The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases:
- Effective and responsible management of premises

- Appropriate instruction, training, and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as timing of deliveries and external rubbish collection
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)
- Installation of soundproofing, air conditioning, acoustic lobbies, and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises, including dispersal policies
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter including smoking-related litter
- Effective ventilation systems to prevent nuisance from odour
- Siting of smoking areas in relation to adjoining residential areas
- Details of dispersal policy for customers leaving the venue.

137. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

Operating hours

138. The Council and partner responsible authorities have no set policy on licensed operating hours. Applications will generally be considered on a case by case basis with all relevant matters taken into account. Applicants need to be clear, however, that the Council will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and relevant representations have been received. Conversely, premises with demonstrable effective measures planned to prevent public nuisance, may be suitable for longer opening hours.
139. In the case of shops, stores and supermarkets selling alcohol, the Council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating, for instance, to disturbance or disorder.

The Fourth Licensing Objective – The Protection of Children from Harm

140. The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.
141. The general relaxation in the 2003 Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.
142. The protection of children from harm includes the protection of children from moral, psychological, and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include where topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language are provided. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.
143. Premises which are classed as Sexual Entertainment Venues (SEV) are separately licensed under the Local Government (Miscellaneous Provisions) Act 1982 and are subject to additional regulation to protect children from harm.
144. The Council considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Council has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club.
145. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.
146. Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant should demonstrate that those factors that impact on

harm to children have been considered. Areas that will give particular concern in respect of children include:

- Where entertainment or services of an adult or sexual nature are commonly provided
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

147. The following examples of control measures are given to assist applicants and are amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities. The list is not exhaustive and the examples given will not be applicable in all cases.

- Effective and responsible management of premises
- Employment of Security Industry Authority licensed door staff
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- Appropriate instruction, training, and supervision of those employed or engaged to secure the protection of children from harm
- Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging, and Promotion of Alcoholic Drinks)
- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs
- Measures to ensure children do not purchase, acquire, or consume alcohol (e.g. 'Challenge 25' scheme)
- Measures to ensure children are not exposed to incidences of violence or disorder
- Appropriate siting and supervision of Amusements with Prizes machines

148. These examples can be adopted in any combination. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

Underage Sales

149. To further the licence objective of protecting children from harm, Trading Standards conducts regular test purchase visits with volunteers to prevent the sale of age restricted goods to persons under the age of eighteen. The products tested include alcohol, tobacco, knives, fireworks, and butane cigarette lighter refills. For all age, restricted offences there are statutory defences available where a sale has been made as the result of a genuine accident and not due to a business operator's failings. At a minimum licensees, must take all reasonable precautions to prevent sales and be diligent the precautions are adhered to by staff. This will include regular documented training, instructions as to appropriate proof of age, use and monitoring of refusals registers, and monitoring of CCTV.

Proximity to Schools and other premises attended primarily by children and young people

150. This council recognises that in the correct setting, alcohol has many social and economic benefits. It also recognises that there are some groups within society who are particularly vulnerable and the protection of children from harm is uppermost in that thinking.
151. The Council is particularly concerned about proximity of off-licences, convenience stores, supermarkets and similar premises to schools and other facilities attended primarily by children and young people.
152. When applications are made for licences in respect of such premises located within 400 metres of a school or college, applicants are strongly encouraged to include the following controls in their operating schedules. If such controls are not included, and if relevant representations are made, the council's policy is to include the controls as conditions on the licences except in very exceptional circumstances.
153. The controls are:
- Alcohol should not be advertised outside of the premises in the street either in shop windows nor 'A' boards or other means
 - No display boards or other alcohol advertising should be shown on the shop floor
 - All alcohol should be stored behind the shop counter
 - No alcohol should be capable of purchase through self-service check-outs
 - The licensee shall operate a Challenge 25 policy
 - All tills should be fitted with a till prompt requiring authorisation by a supervisor for the sale of controlled products
 - All supervisors should hold a personal licence
 - The licensee should maintain a refusal register which should be kept at the premises and produced to the police and licensing authority forthwith on request

- All cashiers permitted to sell alcohol should receive training in relation to underage sales which should be refreshed at regular intervals. The content of the training should be documented and records of training shall be kept. The content and records should be kept at the premises and produced to the police and licensing authority forthwith on request
- Cans of alcohol should not be sold singly
- Bottles of beer under 1 litre should not be sold singly
- No beer, perries or cider over 6.5% ABV should be sold
- No alcopops should be sold

Film classifications

154. In the case of film exhibitions, the Council will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films in accordance with the classification given by the British Board of Film Classification or the Licensing Authority. No film that has yet to be classified should be shown without reference to the Licensing Service. Local film classifications may be given where good notice is given to the Council.

Child Sexual Exploitation

155. This Council is concerned to ensure that children, young and vulnerable people admitted to licensed premises remain safe and that no opportunity arises for their exploitation at any time. To help licensees ensure that proper consideration has been given to safeguarding concerns, the Council's Child Protection Team have prepared a detailed template risk-assessment for consideration. The risk-assessment is attached at Appendix 8 and is recommended for use by all licensees who admit children and young people to their premises. This should include children and young people admitted as customers, employees, residents, friends / relatives, or other status. The principles may be equally applied to vulnerable people.
156. If considered appropriate, the Council may require that some adult supervisors undergo an enhanced Criminal Records Bureau check to ascertain that there is no known impediment to their working with children and young persons. In appropriate cases, the Council may also attach conditions relating to searches carried out on children and young persons.
157. The Council will rarely impose complete bans on access to premises by children. However, in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

Section Six – Licence Terms and Conditions

158. There are three types of conditions that may be imposed on a premises licence or club premises certificate: mandatory, proposed and imposed.

Mandatory conditions

159. A number of mandatory licence conditions are set down under the Act. These conditions are set out in Appendix 7 to this policy. The mandatory conditions must be attached to all licences issued under the category of operation the condition refers to.

Proposed conditions

160. Proposed conditions emerge from the risk-assessment carried out by the prospective licensee or certificate holder prepared when compiling their operating schedule and licence application.

161. It should be understood that it is not acceptable for a licensing authority to simply replicate the wording from an applicant's operating schedule. Conditions will be interpreted in accordance with the applicant's intentions.

Imposed conditions

162. In cases where a licensing authority's discretion is engaged following receipt of relevant representations, that authority may impose conditions upon a licence or certificate in order to promote the licensing objectives.

163. Where relevant representations are made, this Council will seek to make objective judgements as to whether it is appropriate to attach additional conditions to a licence or certificate to secure achievement of the licensing objectives.

164. Conditions will be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. They will be determined on a case by case basis.

165. This Council will make sure that conditions imposed upon licences are

- Appropriate
- Proportionate
- Reasonable
- Clear
- Enforceable.

166. Any proposed conditions arising from the operating schedule or imposed conditions, as a result of representations, will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.
167. Additional measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned (e.g. popular live band or during major sporting occasions), which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. Reference should be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to promote the licensing objectives.

Standard conditions

168. A pool of model conditions can be found at Appendix 7. The pool of model conditions will be regularly reviewed and developed to ensure it is up to date and relevant. The Council's Licensing Sub-Committee may refer to this when considering applications. However, the model conditions are not intended as standard conditions and will not be used as such. Conditions applied will always be relevant to each application and relating to one or more of the licensing objectives.

Premises licensed under the Gambling Act 2005

169. The Licensing Act 2003 covers activities which may be provided within casinos, bingo clubs and other gambling premises, which are also subject to the provisions of the Gambling Act 2005. No condition attached to a 2003 Act premises licence will prevent a licence holder complying with the requirements of the Gambling legislation.

Section Seven - Enforcement

170. The Council delivers a wide range of enforcement services aimed at safeguarding the local community and environment and at providing a 'level playing field' on which businesses can trade fairly. The administration and enforcement of the licensing regime is one of these services.
171. Each of the Council's regulatory services are subject to the provisions of Regulators' Code, which is designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open, transparent, and consistent manner.
172. Our resources will be 'intelligence led' and directed to where they are needed most. Responsible business operators, with proven operating history, can expect a light touch enforcement approach, enabling resources to be directed to supporting new operators and dealing with irresponsible and illegal operations.
173. Licensed premises may be subject of 'during performance' or 'during operation' visits but these will be conducted on a risk-assessed basis, having regard to the premises previous operating history and confidence in management
174. We intend to regulate in a proportionate, fair, consistent, and transparent manner. Where it is necessary to take enforcement action officers will normally
- Be clear about the issue(s) that have made enforcement action necessary and why
 - Provide a clear explanation as to what action is necessary to resolve the concern and by when
 - Allow opportunity for appropriate alternative steps to address the concern where this is possible
 - Provide an explanation of any rights of appeal
175. The Council and partner agencies recognise the interests of both citizens and businesses and will work together to assist licence holders to comply with the law and the four licensing objectives it seeks to promote.
176. We will support responsible operators and provide education and advice where this is required. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.
177. The Council has set clear standards of service and performance that the public and businesses can expect. An enforcement policy has been created that explains how the Council will undertake its role as Licensing Authority

and how the principles of effective enforcement will be achieved. This policy is freely available from the Licensing Service, as are details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: www.lbbd.gov.uk .

References to Guides and Best Practice

- ⇒ Guidance issued under Section 182 of the Licensing Act 2003 <https://www.gov.uk/guidance/alcohol-licensing>
- ⇒ Regulators Code <https://www.gov.uk/government/publications/regulators-code>
- ⇒ Enforcement Policy www.lbbd.gov.uk
- ⇒ Safer Clubbing www.drugs.gov.uk
- ⇒ The Point of Sale Promotions www.beerandpub.com
- ⇒ Security in Design www.beerandpub.com
- ⇒ Drugs and Pubs www.beerandpub.com
- ⇒ Fire Safety Risk Assessment Guides:
Guide 6 – Small and Medium Places of Assembly
Guide 7 – Large Places of Assembly
Guide 9 – Open Air Events and Venues <https://www.gov.uk/workplace-fire-safety-your-responsibilities>
- ⇒ The Event Safety Guide www.hse.gov.uk
- ⇒ Good Practice Guide on the Control of Noise from Pubs and Clubs www.ioa.org.uk

- ⇒ Licensed Property: Noise www.beerandpub.com

- ⇒ The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
The Retailer Alert Bulletin <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>

- ⇒ British Institute of Innkeepers www.bii.org
Best Practice Qualification
Door Supervisors
Personal Licence Holders
Other Bar Staff

- Example premises risk assessments
Produced by the HSE <http://www.hse.gov.uk/risk/casestudies/>

Contact Details for Relevant Responsible Authorities

Responsible authority	Contact details
London Borough of Barking and Dagenham Licensing Service	Pondfield House, 100 Wantz Road, Dagenham, RM10 8PP Email: licensing@lbbd.gov.uk
Child Protection	FAO Teresa Devito, Children's Services, Barking Town Hall Email: Teresa.devito@lbbd.gov.uk
Planning and Development control	FAO Group Manager Planning Department, Barking Town Hall, 1 Town Square, Barking IG11 7LU. Email: planning@lbbd.gov.uk
Environmental Health	Environmental and Noise Protection Pondfield House, 100 Wantz Road, Dagenham, RM10 8PP Email: @lbbd.gov.uk
Trading Standards	Vincent Searle Trading Standards Service, Pondfield House, 100 Wantz Road, Dagenham, RM10 8PP Email: Vincent.searle@lbbd.gov.uk
Public Health	Matthew Cole, Director of Public Health Health Authority, Barking Town Hall, 1 Town Square, Barking IG11 7LU
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
Police Licensing	Corinne Holland Police Licensing Officers, Dagenham Police Station, 561 Rainham Road South, Dagenham RM10 7TU Email: corinne.holland@met.pnn.police.uk
If premises are enforced by Local Authority	FAO: Kelly Frances / Laurence Kamm Health and Safety, Pondfield House, 100 Wantz Road, Dagenham, RM10 8PP
If premises are enforced by Health and Safety Executive	Stephen Hartley HSE, Rose Court, 2 Southwark Bridge, London SE1 9HS Email: stephen.hartley@hse.gsi.gov.uk

Contact Details and Useful Addresses

1. Arts Council England
London Office
21 Bloomsbury Street
London, WC1B 3HF

Tel: 0845 300 6200
Email: enquiries@artscouncil.org.uk
Web: www.artscouncil.org.uk
2. Association of Licensed Multiple Retailers
9 Central Chambers
Ealing
London W5 2NR

Tel: 020 8579 2080
Email: info@almr.org.uk
Web: www.almr.org.uk
3. British Beer & Pub Association
Ground Floor
Brewers Hall
Aldermanbury Street
London, EC2V 7HR

Tel: 020 7627 9191
Email: contact@beerandpub.com
Web: www.beerandpub.com
4. British Board of Film Classification
3 Soho Square
London
W1D 3HD

Tel: 020 7440 1570
Email: helpline@bbfc.co.uk
Web: www.bbfc.co.uk
5. British Institute of Inn keeping
Infor House
1 Lakeside Road
Farnborough
Surrey
GU14 6XP

Tel: 01276 684449
Email: enquiries@bii.org
Web: www.bii.org
6. Equality & Human Rights Commission
Fleetbank House

Tel: 020 7832 7800
Fax: 020 7832 7801

- 2-6 Salisbury Square
London
EC4Y 8JX
Web: www.equalityhumanrights.com
7. Institute of Acoustics
3rd Floor
St Peters House
45-49 Victoria Street
St Albans
Hertfordshire
AL1 3WZ
Tel: 01727 848195
Email: ioa@ioa.org.uk
Web: www.ioa.org.uk
8. Musicians Union
London Branch
60-62 Clapham Road
London
SW9 0JJ
Tel: 020 7840 5540
Email: london@musiciansunion.org.uk
Web: www.musiciansunion.org.uk
9. Security Industry Authority
PO Box 49768
London
WC1V 6WY
Tel: 08702 430 100
Email: info@the-sia.org.uk
Web: www.sia.homeoffice.gov.uk
10. The Portman Group
4th Floor
20 Conduit Street
London
W15 2XW
Tel: 020 7290 1460
Email: info@portmangroup.org.uk
Web: www.portmangroup.org.uk

Consultation Stakeholders

4 Consultation

There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

In recognition of this, the Licensing Authority consulted widely on this latest draft revision.

The following statutory consultees and other parties were contacted directly

- Responsible authorities (including the police and fire service)
- Representatives of Premises Licence and Club Premises Certificate holders
- Representatives of Personal Licence holders
- Representatives of the local community
- Ward councillors
- Other known stakeholders and interest groups

The consultation was also advertised on the council's web site and in the borough e-newsletter.

An electronic questionnaire was provided on the web site for ease of response.

All responses received were considered in the preparation of the final draft.

A summary of the responses together with commentary is available upon request from the Licensing Service.

Delegation of Authority

Table of who makes licensing decisions

Decisions made by:	Licensing Sub Committee	Council officers
Matter being decided:		
An application for a personal licence	If a police objection	If no relevant representation made
An application for a personal licence with unspent convictions	All cases	
An application for a premises licence or club premises certificate	If a relevant representation made	If no relevant representation made
An application for a provisional statement	If a relevant representation made	If no relevant representation made
An application to vary a premises licence or a club premises certificate	If a relevant representation made	If no relevant representation made
An application to change a 'designated premises supervisor'	If a police objection	All other cases
A request to be removed as a 'designated premises supervisor'		All cases
An application for a premises licence to be transferred	If a police objection	All other cases

An application for interim authorities	If a police objection	All other cases
An application to review a premises licence or a club premises certificate	All cases	
Whether a complaint is irrelevant, frivolous, vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

Pool of Model Licence Conditions

FIRST LICENSING OBJECTIVE -. PREVENTION OF CRIME AND DISORDER

- **CCTV** - A CCTV system shall be installed, kept and maintained in good working order at all times. If the CCTV system breaks down then the police should be informed immediately and the system repaired within 2 days. The CCTV system shall
 - Make and retain clear images
 - The CCTV recordings shall show an accurate date and time that the recordings were made and all recordings shall be retained for a period of not less than 31 days
 - The original, or a copy of the CCTV recording, will be available on request to the Police and Local Authority within 48 hours
 - Copies of CCTV recordings shall be provided in a format that can be viewed on readily available equipment without the need for specialist software
 - There shall be at all times when alcohol is available for sale, a member of staff on the premises who has access to and be able to fully operate the CCTV equipment
 - CCTV must cover all entrance and exit points where door staff are employed (Note: May not be relevant to off-licensed premises)
 - CCTV must cover points of sale of alcohol and facial images of the purchasers (off-licensed premises and similar)

- **Consumption of alcohol** - Alcoholic drinks may only be consumed within the premises. The premises licence holder must ensure that no alcohol is consumed outside the premises at any time.

- **Door supervisors** - When SIA registered door staff are employed they shall be employed on a ratio of one door supervisor per 100 patrons or part thereof, whichever is the greater.
 - Door supervisors shall be in position early enough in the evening to ensure that procedures for promoting public safety are effective, and shall remain on duty until the premises are closed and patrons have dispersed from outside the premises
 - SIA staff on duty shall wear high visibility clothing
 - A log of SIA door staff on duty shall be maintained at the premises and are to be kept for at least three years and be made available to police and council officers upon request
 - Metal detecting wands should be used in the searching of customers by door supervisors
 - Any searching by door staff must be done within view of a CCTV camera.

- **Drugs/weapons box** - A secure storage box is to be located at the premises in which all drugs and offensive weapons found or seized at the club are stored to await collection by the police. This box should be kept locked and secure and only accessed when depositing items or when being emptied by police.

- **Incident log** - An incident log will be kept at the premises and made available upon request to any police officer or authorised local authority officer. The incident log shall record:

- All crimes reported at the venue
 - All ejections of patrons
 - Any complaints received
 - Any incidents of disorder
 - All seizures of drugs or offensive weapons
 - Any faults in the CCTV system
- **Prohibition on bringing alcohol onto licensed premises** - No customers carrying open or sealed bottles shall be allowed to enter the premises at any time that the premises are open to the public.
 - **Prohibition on removal of alcohol** - Alcoholic and other drinks purchased from the premises may not be taken away from the immediate curtilage of the premises in open containers such as glasses or opened bottles
 - **Prohibition on use of glass containers** - Drinks shall not be served in regular glass containers or bottles. All drinks must be served in polycarbonate, plastic or paper cups, or cups made from toughened glass.
 - **Public notices** - Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of pickpockets, bag snatchers, etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises.
 - **Pubwatch** - The holder of the premises licence will subscribe to and participate fully in the local pub/club/shop watch scheme (*where this is in place*)
 - **Reporting** - All instances of crime and disorder shall be reported to the Police
 - **Restaurants** - Alcohol shall only be purchased for consumption on the premises when it is an accompaniment to a sit down substantial plated meal served at a table.
 - **Refusals book** - A refusals book shall be kept at the premises, in which must be recorded the date, time and circumstances under which any sale of alcohol is refused. This book must be made available for inspection by any police officer, police community support officer or authorised officer of the local authority. Entries in this book must be made as soon as practicable after the refusal of the sale. The DPS should check and sign the entries on at least a weekly basis.
 - **Signage – For admissions** - The premises shall prominently display signage at all entrances informing customers:
 - All persons entering this premise are liable to be searched. Agreement to search is a condition of entry. If persons do not consent, entry will be refused. Police may be called if drugs or weapons are found
 - CCTV is in operation throughout this premises and is made available to the police.
 - Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.
 - Management reserve the right to refuse entry

- **Staff training - Continuation training** - All staff shall receive continuation training regarding their responsibilities under the Licensing Act 2003 at least every six months. Such training shall be recorded in a Staff Training Log showing what training has been given to whom by whom and on what date. This should be signed by the DPS as correct. These records shall be available on request to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.
- **Staff training – New staff** - All new members of staff shall, before first starting to sell alcohol, be trained as to their responsibilities under the Licensing Act 2003, namely sales to underage, persons already intoxicated, sales by proxy, licensable hours, conditions attached to the premises licence. This training should be recorded in a staff training log and be made available on demand to any Police Officer, Police Community Support Officer or an authorised officer of the Local Authority.
- **Super Strength Alcohol Ban:** - All beers, perries and ciders with an ABV of 6.5% and above will not be sold on these premises.

SECOND LICENSING OBJECTIVE - PROMOTION OF PUBLIC SAFETY

- **Alcohol suppliers** - All alcoholic goods to be bought from reputable wholesalers. The Premises Licence Holder, or Designated Premises Supervisor, shall ensure that all receipts for alcoholic goods bought include the following details:
 - Seller's name and address
 - Seller's company details, if applicable
 - Seller's VAT details, if applicable.
 - Copies of the documents referred to shall be kept in an ordered manner and made available within seven days upon request.
- **Door to door sellers** - No alcoholic goods shall be bought from door to door sellers.
- **Emergency lighting** - Emergency lighting will be provided sufficient to illuminate all exit routes, signage and exit doors in the event of mains supply failure. The emergency lighting provided will be maintained fully operational with batteries fully charged before the admission of the public.
- **Emergency vehicle access** - Access for emergency vehicles must be kept clear and free from obstruction.
- **Exit doors – Available for use** - All exits doors shall be maintained readily available for use while members of the public, staff and performers are upon the premises and easily operable without the use of a key, card, code or similar means.
- **Exit doors – Maintenance** - Exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check shall be kept.
- **Exit doors – Removable fastenings** - Any removable security fastenings must be removed from doors on any exit routes whenever the premises are open to the public or occupied by staff.

- **Exit routes** - All exit routes must be kept unobstructed, and maintained with non-slippery and even surfaces. Where chairs and tables are provided, internal gangways shall be kept unobstructed
- **First aid equipment** - Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times
- **First aiders** - There must be at least one suitably trained first-aider on duty when the public are present, and if more than one suitably trained first-aider is available, their respective duties must be clearly defined.
- **Lighting** - In the absence of adequate daylight, the lighting in any area accessible to the public shall be fully in operation when they are present.
- **Permitted accommodation** - That the maximum number of persons that may be accommodated upon the premises at any one time shall not exceed (*stated number*). Within the premises staff shall ensure that no area is subject to local overcrowding.
- **Pre-opening safety checks** - Safety checks must be carried out before the admission of the public. Details of safety checks must be kept in a log-book on the premises. The log-book must be available for inspection
- **Special effects** - Special effects must not be used without the prior consent of the licensing authority.
- **Staff provision – People with disabilities** - When people with disabilities are present, there must be sufficient numbers of staff and adequate arrangements must be in place to enable their safe evacuation in the event of an emergency. People with disabilities on the premises must be made aware of such arrangements by staff and by the use of appropriate signage.
- **Steps and stairways** - The edges of the treads of steps and stairways must be maintained in good condition and be conspicuous.

THIRD LICENSING OBJECTIVE - PREVENTION OF PUBLIC NUISANCE

- **Beer gardens and other external areas** - The beer garden/outside drinking area shall be cleared of customers by (*stated time*) hours
- **Contact telephone number** - The contact telephone number for the premises licence holder/designated premises supervisor/duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.
- **Doors and windows** - Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. live and recorded music
- **Inaudibility** - Noise from licensable activities taking place in the premises including live and amplified music shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of the use. The initial test for compliance with the 'inaudibility' criterion will be that noise should be no more than barely audible outside those noise sensitive premises. In the event that there is a disagreement as to whether entertainment noise is or is not audible the following numerical limits shall

be used to determine compliance with this condition: * the LAeq (PN) 5 minute shall not exceed LA90 (WPN) 5 minute and: * the L10 (PN) 5 minute shall not exceed 90 (WPN) 5 minute in any 1/3 octave band between 40Hz and 160 Hz. PN = Premises noise level (arising from licensable activities). WPN = Representative background noise level without the premises noise, both measured 1m from the facade of the noise-sensitive premises.

- **Noise consultants & scheme of sound insulation** - The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music from the premises. The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, prior to the premises being used for regulated entertainment.
- **Noise and vibration** - Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties
- **Public notices** - Prominent and clear notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- **Refuse clearance** - Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
- **Regulated entertainment in outside areas** - Regulated entertainment must not be provided in any outside area after (*stated time*) hours
- **Taxi / mini cab provision** - A dedicated licensed taxi/mini cab service shall be available with the premises for customers.
- **Noise limiting devices** - Where a noise limiting device or devices are installed then the entertainment noise control system shall be monitored, checked and calibrated as necessary, so that the approved levels by the Council, are not exceeded. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.

FOURTH LICENSING OBJECTIVE - PROTECTION OF CHILDREN FROM HARM

- **Authorisations for alcohol sales** - A written record of those authorised to make sales of alcohol shall be kept, this should be endorsed by the DPS with the date such an authorisation commences. This record shall be available to Police Officer, Police Community Support Officer, or an authorised officer of the Local Authority.
- **Challenge 25** - The licensee shall adopt the Challenge 25 scheme. The scheme shall operate on the basis that whilst alcohol may be sold to persons aged 18 years and over, anyone who appears under 25 years of age will be asked for ID. Notices to this effect should be displayed in a clear and prominent position at the premises.

The only proof of age accepted in respect of the sale of alcohol shall be photo driving licence, passport and other approved photographic ID bearing the PASS hologram

- **Monitoring of staff** - The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.
- **Refusals book** - A refusals book shall be kept at the premises, in which must be recorded the date, time and circumstances under which any attempted purchase by a young customer has been refused. This book must be made available for inspection by any police officer, police community support officer or authorised officer of the Licensing Authority. Entries in this book must be made as soon as practicable after the refusal of the sale. The DPS should check and sign the entries on at least a weekly basis.

Notes: See also model conditions for other objectives for issues such as CCTV provision and staff training.

Mandatory Conditions

Mandatory Conditions set out within Licensing Act 2003

1. No supply of alcohol may be made under the premises licence
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.

Additional Mandatory Conditions

Additional Mandatory Conditions

5. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring; (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 8. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.


(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 9. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

NB 5, 6, 7 and 9 do not apply to “off licence” premises

Safeguarding Risk Assessment
LOCAL SAFEGUARDING CHILDREN BOARD
SAFEGUARDING CHILDREN & THE LICENSING ACT 2003

RISK ASSESSMENT TOOL

This risk assessment must consider ALL children under the age of 18, who may have access to the premises including children as customers, employees, residents, friends/relatives or other children who access the premises.

Potential risk 	Is this a possible risk at your premises? <i>if no, state why not</i> <i>If yes, state the safeguarding measures you will operate to manage the risk OR circle from the list</i>	Safeguarding measures (please circle the control measures to be operated at your premises)	Comments
<ul style="list-style-type: none"> • Could your staff /entertainers / volunteers at the premises pose a threat to children – could their role bring them in proximity to children or allow them to behave inappropriately without raising suspicion? 		<ul style="list-style-type: none"> • Use safe recruitment practices: check the identity of job applicants; always request references in writing and confirm written references with the referee by telephone to ensure they are authentic); obtain a Criminal Records Bureau check and clearance prior to appointment • Layout of children’s entertainment/activity areas to be designed for transparency /supervision /monitoring • Designated area for children/families 	
<ul style="list-style-type: none"> • Staff lacking awareness of safeguarding issues 		<ul style="list-style-type: none"> • Appoint a children’s safeguarder who will train and advise staff how to identify and manage risk • Ensure that staff are aware of policy and 	

		the conditions attached to the license	
<ul style="list-style-type: none"> • Staff and members of the public unaware of how to report safe-guarding concerns 		<ul style="list-style-type: none"> • Provide staff/Children's Safeguarder with uniforms or badges so that they are easily identifiable • Provide lead safe guarder contact details to all staff 	
<ul style="list-style-type: none"> • Children who are not adequately supervised by a responsible adult 		<ul style="list-style-type: none"> • <u>During activities where staff are responsible for the supervision of children, ensure staffing levels are appropriate.</u> • Ensure that staff are trained to consistently operate safeguarding measures and that they are committed to their enforcement • If the adults accompanying children are responsible for their supervision, display signage (e.g. children's charter) to say so. • Take action to address adults who fail to behave responsibly (refuse to serve adults who are intoxicated/incapable of supervising adequately; ask them to remain with their child(ren) at all times; • Join Pub watch. • Have "What to do if you suspect a child is being abused" leaflets available. 	
<ul style="list-style-type: none"> • Children coming into contact with strangers/customers /residents who may pose a threat to children • adults who may expose children to dangerous or inappropriate behavior • Children being exposed to risk because they have been removed (or removed 		<ul style="list-style-type: none"> • Ensure that children are confined to designated family areas of the premises (e.g. by using cordons or barriers or other means of segregation) • Ensure children are supervised by accompanying adults at all times • Restrict or prohibit children's access to the premises or parts of the premises 	

<p>themselves) from the appropriate area of the premises/event</p>		<ul style="list-style-type: none"> • Staff should be vigilant and report suspicious behavior • Impose sanctions/ suspended membership on individuals who fail to behave responsibly • Ensure that signage is clearly displayed to identify areas where children's access is prohibited or restricted and to indicate a family friendly environment • Monitor/patrol the premises regularly • Operate restrictions that require children to be accompanied by an adult • Display signage (e.g. children's charter) to remind adults of their responsibilities 	
<ul style="list-style-type: none"> • Children exposed to inappropriate adult environments (e.g. premises where adult entertainment such as 'blue' comedians; entertainers using strong or offensive language; sexualized entertainment; or material with violent/aggressive content. 		<ul style="list-style-type: none"> • Prohibit children's access to the premises; or restrict access to specific areas during times when unsuitable entertainment/activity is taking place. 	
<ul style="list-style-type: none"> • Children exposed to unsuitable viewing material 		<ul style="list-style-type: none"> • Ensure that television, video/DVD etc display screens are suitably separate from children's areas; e.g. screened off so that children cannot see/sound-proofed so they are unable hear unsuitable material. If films are exhibited, the classification restrictions relating to the film as set out by the British Board of Film Classification (BBFC) should be clearly displayed and admission rules strictly enforced. If the film has not been given a BBFC classification the admission of children to the exhibition of any film must 	

		be restricted in accordance with any recommendation given by the Licensing Authority.	
<ul style="list-style-type: none"> Children purchasing or consuming alcohol or other people buying it for them (proxy purchase) 		<ul style="list-style-type: none"> <u>Display signs throughout the premises and at points of sale, in plain language to highlight the law in relation to children and alcohol</u> Ensure all staff are aware of the law and that they are proactively operating the proof of age scheme Display signage to notify the public that the premises operates a Proof of Age scheme Staff to wear badges to indicate that they must ask for proof of age Train staff to manage confrontation – give staff a copy of the Portman Group’s leaflet ‘Say No to Underage Drinkers’ Use CCTV or other methods to monitor the outside the premises, to ensure that children are not purchasing by proxy 	
<ul style="list-style-type: none"> Children gaining admission to adult orientated premises/events 		<ul style="list-style-type: none"> Ensure that staff are trained and vigilant and that they screen rigorously for under age admission; staff to request proof of age and accept only legitimate proof (e.g. passport, photo driving license). Keep a refusals book 	
<ul style="list-style-type: none"> Premises or Events that of a style/character known to attract irresponsible adults (e.g. adults who become intoxicated/ are involved with substance misuse / known to groom or pimp/ adults who become violent (including football/sporting events or live/sub culture 		<ul style="list-style-type: none"> Use CCTV to monitor activity at the premises/event and be vigilant of suspicious or unsuitable behavior Restrict or prohibit access to children Door staff/security staff to be briefed of the 	

music events that are associated with substance misuse (drugs/alcohol)		<p>risks, be vigilant and train staff take necessary action to remove risks to children</p> <ul style="list-style-type: none"> • Impose sanctions (ban, suspension of membership) on irresponsible individuals • Designate family areas (e.g. away from the bar) • Apply restrictions so that children do not remain at the premises at certain times (e.g. restrict the hours prior to or following a football match; ensure they do not remain unaccompanied after a certain time) 	
<ul style="list-style-type: none"> • Children engaging in or witnessing substance misuse (drugs or alcohol) 	•	<ul style="list-style-type: none"> • Restrict or prohibit access to children • Pat-down checks at point of entry to prevent smuggling substances into the premises (gender appropriate) • Breath checks at point of entry to detect under age alcohol use/intoxication • Regular toilet checks • Adequate lighting to avoid covert activities • Assign staff to patrol the site 	
<ul style="list-style-type: none"> • Children illegally or inappropriately employed 		<ul style="list-style-type: none"> • Ensure management/staff are familiar with employment laws/local by-laws in relation to the employment of children and that work permits are obtained as necessary 	

This risk assessment was completed by:

Signature

Print Name

Role at the Premises:

(E.g. Manager, Lead Safeguarder)

Name and address of premises:

Date Assessment was completed:

Responsible Authorities

Name	Address	Subject	Comment	Response
Introduction				
Richard Parkins	Licensing RA	Introduction to the borough	The policy would be strengthened by including an introduction to the borough at the start of the document, together with a map of the local authority's area and an introduction to the local authority itself. This could incorporate reference to the council's objectives and community priorities currently set out in section 3 of the draft policy.	Noted. An introduction to the borough, including map and council objectives and community priorities will be incorporated.
Section 1 - Purpose of this policy				
Richard Parkins	Licensing RA	Types of licences and consents	For purpose of clarity, this section should set out the types of licence, licensable activity and application dealt with by the policy	Noted. This section will be expanded.
Richard Parkins	Licensing RA	Other mechanisms for controlling nuisance and anti-social behaviour	The policy should make clear that licensing is not the main mechanism for controlling nuisance and anti-social behaviour caused away from licensed premises.	A note will be included to this effect.
Section 2 - The Licensing Objectives				
Richard Parkins	Licensing RA	Objectives of equal importance	Section 2 of the policy correctly establishes the four licensing objectives early on. The policy should go on to state that all objectives are of equal importance and that there are no other statutory licensing objectives. (s1.4 HO Guidance)	Noted. Will be included.
Richard Parkins	Licensing RA	Other key aims and purposes	Policy should also reference other key aims and purposes behind the governing legislation as set out in s1.5 of the HO Guidance. (Guidance 1.5)	Noted. Will be included.
Section 3 - Our objectives and community priorities				
Richard Parkins	Licensing RA	Reference to Introduction	See notes of introduction previously	As above

Section 4 - Consultation

Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Error	List of stakeholders is appendix 7	All formatting will be checked for final version.
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Section 5 - Representations

Richard Parkins	Licensing RA	Body competent to advise on safeguarding	Section 5 lists the bodies and agencies that are deemed to be 'responsible authorities' under the Act. This includes the Child Protection Team, having been deemed the competent authority in relation to the protection of children. The policy must include a declaration to this effect (Guidance 13.54)	Noted. Declaration and principles will be included.
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Section 6 - Applications

Richard Parkins	Licensing RA	Applications not subject to representations	Policy should confirm that applications that are not subject of representations should be granted in full subject only to mandatory conditions and conditions consistent with the operating schedule (Guidance 1.15)	Noted. Will be included.
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Section 9 - Planning and building control

Troy Healy	Building Control and Planning Planning Enforcement Team Leader Regulatory Services		I have reviewed it from a Planning Enforcement perspective and find no issues. Thanks for highlighting the Planning aspects.	Noted.
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Section 10 - Cumulative impact

Mick McManus	Alcohol Co-ordinator, Adults' Care & Support	Cumulative impact	There should be something in there to say that cumulative impact zones could be instigated if it is deemed that the health of the boroughs residents is being adversely affected by alcohol and the number of alcohol licenses is considered to be detrimental and a "contributory factor"	Section to be expanded.
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Section 11 - Proximity to schools

Richard Parkins	Licensing RA	Protection of children from harm	Suggest this part is incorporated into section on fourth licensing objective re protection of children from harm	Noted. Section will be relocated under the fourth licensing objective.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Gramma	First sentence ... alcohol 'have' many ... either 'may have' or 'has'	Noted. Gramma will be corrected for final version.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Controls	Controls are strong for an off licence 400 metres from a school i.e. all alcohol behind the counter / larger supermarkets tend to have self-service checkouts / what counts as a 'supervisor' in f and g? and in section (i) training should be refreshed at regular intervals (what length of time ... 3 months, 6 months, yearly). Alcohol strength should be 6.5% ABV to be consistent to the condition already on some of the licences. No alcopops should be sold This is a bit extreme.	Various points raised will all be reviewed and clarified. The level of 6.5% ABV will be incorporated as the standard recommendation.
Mick McManus	Alcohol Co-ordinator, Adults' Care & Support	Suggested controls	11 a and c. how about no advertising boards for alcohol outside, either free standing or affixed to the shop.	Noted. Advertising boards will be incorporated
Mick McManus	Alcohol Co-ordinator, Adults' Care & Support	Alcopops	m. shouldn't that be no alcopops should be sold individually?	Noted.
Mick McManus	Alcohol Co-ordinator, Adults' Care & Support	Extension to other places popular with youths	On section 11 in general. I would also like to have these controls in place in premises that are within 400 metres of places popular with youth such as parks and youth clubs/organisations. After all these places are popular with children during summer times, and schools are closed.	Noted. Consideration will be given to extension of policy

Section 12 - Other policies, strategies and initiatives

Richard Parkins	Licensing RA	DPPO	The policy references the Designated Public Places Order (DPPO). These became the Public Spaces Protection Order (PSPO) under the Anti-Social Behaviour, Crime and Policing Act in 2014	<p>Clarification provided by Katherine Gilcreest, Anti-Social Behaviour Manager - The introduction of the ASB Crime and Policing Act 2014 gave all existing DPPOs a 3 year end date. This means ours expires in September 2017, which is 3 years from commencement of the 2014 Act.</p> <p>Community Safety Partnership have discussed replacing the DPPO with a PSPO regarding alcohol consumption in public, but evidence is needed that this behaviour causes a detrimental impact on the local community. I do not think that I can evidence this across the whole borough. We get complaints about drinking (even with the DPPO) in Barking Town Centre, Heathway, Chequers Parade and most parks and open spaces, so in my view it would be reasonable to look at these for a PSPO to replace the DPPO with.</p>
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	DPPO	DPPO is being or has been replaced.	See above clarification. Note will be incorporated into the policy.
Richard Parkins	Licensing RA	Integration	Policy should include clear indications as to how it intends to ensure proper integration with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and other plans introduced for the management of town centre and night time economies. (Guidance 13.56)	Noted. Will be incorporated.

Richard Parkins	Licensing RA	Equality Act 2010	Policy should recognise that the Equality Act 2010 places a legal obligation on public authorities to have due regard to unlawful discrimination, harassment and victimisation etc. (Guidance 13.59). Declaration needs to be added.	Noted. Declaration to be added.
Richard Parkins	Licensing RA	Equality duty	Policy should explain how the Equality Duty has been complied with. (Guidance 13.60)	Noted. Will be incorporated.
Section 13 - Licence terms, conditions and restrictions				
Richard Parkins	Licensing RA	Matters within the control of the licensee	Policy must make clear that that conditions attached to licences will be focussed on matters which are in the control of individual licence holders and others with relevant authorisations (i.e. the premises and its vicinity) (Guidance 13.13). This is inferred in draft but it is worth stating this in full.	Noted. To be specified within policy.
Section 14 - Operating schedule				
Richard Parkins	Licensing RA	Approach to risk-assessment	Policy should very clearly set out the approach an applicant should take to risk-assessment and compilation of the operating schedule and emphasise the importance of the information contained within the following four sections	Noted. Policy will provide clarification.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Volunteered enforceable conditions	Expectations are to address the licensing objectives with volunteered enforceable conditions in the Operating Schedule. Applications are often generic from agents where I often feel the applicant hasn't even see the application and not knowing the implications of what is submitted.	Noted. Requirement for applicants to be fully understand and be committed to the conditions proposed within the operating schedule shall be included.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Error	reference to 2.3. ... there is no 2.3!	Noted. Will be amended.

Section 15 - Prevention of crime and disorder

Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Door supervisors	The expectation from door supervisors is assumedly covered by the SIA but could be put into the policy to reinforce their conduct. Main problem we have is that they are unwilling to make statements, so you could put in that where they are used they are expected to assist the police in the investigation of a crime / incident.	Noted. Need for co-operative approach to be included in policy.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	CCTV	I feel CCTV is an important asset and should be a requirement for all premises licence applications unless good reason is given for it not to be installed.	Noted. CCTV cannot be a requirement of all licensed premises but its installation and use will be promoted generally within policy.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Promoted events	A big issue this summer was the use of unlicensed premises for 'promoted events' which actually require a licence. Church halls and other halls for hire should not just accept the payment without fully knowing the nature of the event. They should take responsibility to ensure the event being held does not require a licence for entertainment / sale of alcohol / late night refreshment and have a robust booking procedure. Private events are not advertised on the internet therefore more diligence should be undertaken by the hirers.	Noted. Section on 'private hire' of premises to be added to the policy.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Pubwatch	Can't enforce membership of pubwatch as it is a voluntary organisation.	Noted. Membership of pubwatch where a local branch exists will be recommended as good practice.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	TENS	Bottom paragraph (certain temporary events ...) re TENS makes no sense.	Noted. Information regarding TENS will be reviewed.

Cenred Elworthy	Trading Standards	Illicit goods on licensed premises	<p>The public expects and deserves to know the products they buy at licensed premises are genuine and sourced from reputable suppliers. Illicit tobacco and alcohol products present a real and substantial risk to public health due to their low price and risk of toxins. In order to support the objectives of the Licensing Act 2003, the London Borough of Barking and Dagenham Trading Standards fulfills the statutory duty for weights and measures authorities to enforce the following provisions *</p> <p>Trade Marks Act 1994 - In relation to counterfeit cigarettes and illicit alcohol * General Product Safety Regulations 2005 - In particular to fire safety cigarettes * Consumer Protection from Unfair Trading Regulations 2008 - In relation to misleading and unfair business practices, including the placing on sale of illegal goods * Tobacco and Related Products Regulations 2016 - In relation to non UK labelled / standard tobacco products.</p> <p>In addition, Trading Standards enforces the food traceability and safety provisions of the Food Safety Act 1990 and Food Regulations 2004 in relation to illicit alcohol. Trading Standards conduct regular unannounced enforcement visits to licensed premises to detect the presence of illicit goods. It is an offence under section 144 of the Licensing Act 2003 for a licence holder, designated premises supervisor, or any person who works at licensed premises, to allow the presence of smuggled goods on the premises. In addition, statutory guidance makes clear that where licensed premises are being used for the storage of smuggled tobacco and / or</p>	Noted. Section on illicit goods on licensed premises to be added
<p>Section 16 - Public Safety Cenred Elworthy</p>	Trading Standards	Minimum price alcohol	<p>It is a mandatory licence condition that no alcohol may be on sale for less than the duty price. Any premises offering alcohol for sale at less than duty price, for example two for £5 wine offers, are in effect operating outside their licence and committing an offence under section 136 of the Licensing Act. This may also result in a licence review or closure order.</p>	Noted. Reference to be included.

Cenred Elworthy

Trading Standards

Availability of small measures

To help reduce excessive drinking, it is a mandatory licence condition that where wine, beer, cider, gin, rum, vodka, or whisky are sold or supplied for consumption on on-licensed Premises they are available in 125ml, half pint and 25ml or 35ml measures as appropriate. In order to allow this to take place prices for smaller measures should be included in price lists, on menus, and electronic point of sale devices. In addiiton, licensees should make sure correctly stamped measures (i.e. half-pint stamped glasses, stamped lined wine glasses, stamped 'thimble' measures or optics) are available to serve 125ml, half-pints and / or 25ml 35ml. This condition does not apply where only pre-packed alcohol is supplied.

Noted. Section on small measures to be added.

Section 17 - Prevention of nuisance

Andrew Martin

Environmental Health, Regulatory Service, Pondfield

Typo

Typos - Para 11 - proximity to schools have (has)?. Para 13 - where relevant objections (representations)?

Noted. Errors to be amended

Andrew Martin	Environmental Health, Regulatory Services, Pondfield	Additional noise condition	<p>Suggested additional noise condition (a close variation of this has been imposed on several planning permissions). <i>"Noise from licensable activities taking place in the premises including live and amplified music shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of the use. The initial test for compliance with the 'inaudibility' criterion will be that noise should be no more than barely audible outside those noise sensitive premises. In the event there is a disagreement as to whether entertainment noise is or is not audible the following numerical limits shall be used to determine compliance with this condition: * the LAeq (PN) 5 minute shall not exceed LA90 (WPN) 5 minute and: * the L10 (PN) 5 minute shall not exceed 90 (WPN) 5 minute in any 1/3 octave band between 40Hz and 160 Hz. PN = Premises noise level (arising from licensable activities). WPN = Representative background noise level without the premises noise, both measured 1m from the facade of the noise-sensitive premises.</i></p>	Information will be added though in light of response from Musicians Union clarification on use will be added.
Section 18 - Protection of children from harm				
Richard Parkins	Licensing RA	Access of children	<p>The policy must not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm. The policy should make clear the range of alternatives which may be considered for limiting the access of children where appropriate and make clear that conditions requiring the admission of children cannot be attached to licences and consents. The approach set out in the policy could be developed further.</p>	Noted. Section will be reviewed.

Richard Parkins	Licensing RA	Age-restricted films	Policy must make clear that in the case of premises giving film exhibitions the LA will expect licence holders to include in their operating schedule arrangements for restricting children from age-restricted films. (Guidance 13.55) The policy makes reference to this. It would be worth, however, noting the local authorities film classification role and the required notice periods.	Noted. Will be added including local licensing authority film classification role.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Convictions	Convictions of members of staff. Does it need to be convictions, could it include cautions, PNDs, fixed penalty tickets etc.)	The issue here is whether staff /entertainers / volunteers at the premises pose a threat to children – could their role bring them in proximity to children or allow them to behave inappropriately without raising suspicion? The expectation is that operators should use safe recruitment practices that give confidence that risk will be safely controlled. This is dealt with within the model risk-assessment provided by safeguarding which will be promoted by the policy.
Cenred Elworthy	Trading Standards	Under age sales	In order to further the licensing objective of protecting children from harm, Trading Standards conducts regular test purchase visits with volunteers to prevent the sale of age restricted goods to persons under the age of eighteen. The products tested include alcohol, tobacco, knives, fireworks and butane lighter refills. For all age restricted offences there are statutory defences available where a sale has been made as the result of a genuine accident and not due to the business operator's failings. At a minimum licensees must take all reasonable precautions to prevent sales and be diligent the precautions are adhered to by staff. This will include regular documented training, instructions as to appropriate proof of age, use and monitoring of refusals registers, and monitoring of CCTV.	Noted. Additional information to be incorporated.

Teresa Devito	Safeguarding & Quality Assurance	Risk-assessment tool	Provided a risk-assessment tool for use by licensees to assess a broad range of safeguarding issues relevant to licensed premises. The tool notes that "this risk assessment must consider ALL children under the age of 18, who have may have access to the premises including children as customers, employees, residents, friends/relatives or other children who access the premises."	This helpful document is welcomed. The policy will highlight the risk-assessment and promote its use within relevant premises. Field officers will be made aware of the tool and asked to provide copies where they encounter relevant circumstances.
Section 19 - Standard licence conditions				
Richard Parkins	Licensing RA	General principles	Policy should set out the general principles applying to licence condition setting as stated in the Guidance (Guidance 1.16)	Noted. General principles to be included in full.
Richard Parkins	Licensing RA	Determining community premises	Policy should deal with how LA will determine whether application premises qualifies as 'community premises' for purpose of disapplication of relevant mandatory conditions (Guidance 4.33)	Noted. 'Community premises' to be defined.
Corinne Holland	Barking and Dagenham OCU, Dagenham Police Station	Standard wording for conditions	Useful to have standard wording for specific premises to help enforcement officers. I have attached our usual wording for specific conditions.	Standard wording cannot be adhered to as conditions must be applicable to specific puposes. Use of model conditions will be promoted by the policy as far as is possible however.
Section 22 - Enforcing licences				
Richard Parkins	Licensing RA	Targetting	Enforcement protocols should provide for targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch for low risk premises. The principles of risk-assessment and targeted inspection should prevail (Guidance 13.17)	Noted. Policy to reflect this approach.

Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Under age sales	Regarding enforcement for test purchase visits. Although we do get intelligence on some licensed premises regarding under age sales this is few and far between. I feel that we should be able to 'spot check' premises with a test purchase program in order to keep licence holders vigilant. Our other visits in the main are intelligence led as a result of information received or crimes that have occurred.	Noted. Policy outlines general approach that should be taken. Such approach helps to ensure that operators are treated consistently and that no operator suffers from undue and unnecessary interference. However, it remains that enforcement teams must be free to direct activities as required having regard to the methodology provided here.
Contacts				
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Email addresses	Most emails are missing. If putting emails police one should be a group rather than individual licensing.kg@met.pnn.police.uk	Noted. Information provided by individual responsible authorities will be included. Group email will be included for MPS licensing office.
Other				
Richard Parkins	Licensing RA	Approach to operating hours	Policy should set out the LA approach regarding licensed operating hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area (s13.45). Policy only partially covers this.	Policy will confirm that there are no established 'standard recommended hours' but emphasise that the Authority will have regard to the level of residential accommodation immediately around a venue or along the main routes to and from the premises, when considering later operating venues and facilities.
Richard Parkins	Licensing RA	Departure from the policy	Policy should recognise that LA may depart from the policy but should give full reasons where doing so (Guidance 1.15)	Noted. Will be incorporated early in policy.
Richard Parkins	Licensing RA	Other relevant legislation	Policy should confirm that the LA will have regard to other relevant legislation as set out in the Guidance (Guidance 1.19)	Noted. Will be incorporated.
Richard Parkins	Licensing RA	Garages	Policy should include information about how decision will be taken as to whether it is appropriate to grant a licence (Guidance 5.21)	Noted. Information will be incorporated.

Richard Parkins	Licensing RA	Reasons for decisions	Policy should emphasise that it is important that a licensing authority gives comprehensive reasons for its decisions in anticipation of appeals (Guidance 12.10)	Noted. Will be incorporated early on.
Richard Parkins	Licensing RA	Suspension of licences	Policy should emphasise that licences are automatically suspended in event of failure to pay annual fee (Guidance 14.4)	Noted. Will be incorporated.
Richard Parkins	Licensing RA	Types of regulated entertainment	Policy should outline activities that constitute regulated entertainment and acknowledge deregulatory changes (Guidance 15.1)	Noted. Will be incorporated.
Richard Parkins	Licensing RA	Scheme of delegation	The inclusion of considerable information, particularly around licensing process, within accompanying guidance notes is supported as this allows revisions to be made without requiring the overall policy to go out to consultation. Matters such the scheme of delegation and information relating to the operation of the Licensing & Regulatory Board should by right be included within the policy proper, however	Scheme of delegation to be relocated within body of the main policy.
Corrine Holland	Barking and Dagenham OCU, Dagenham Police Station	Suggested conditions	Appended	Will be built into appended model conditions
Cenred Elworthy	Trading Standards	Suggested conditions	Appended	Will be built into appended model conditions
Neighbouring Authorities Name	Address		Comment	Response
Trudi Penman	Licensing and Health and Safety Divisional Manager, London Borough of Havering, Town Hall, Main Road, Romford, RM1 3BB	Cross border issues	I can't think of any cross border issues currently. The kids from B&D come into Romford for the night time economy but there isn't much in the way of licensed premises on the border. There are plans to build a housing estate in the south of the borough which will cross over the boundary so that is worth noting.	Noted. London Borough of Havering is a included within the public consultation for all new and varied applications and so will be afforded the opportunity to respond on applications with potential cross-border impacts.

Trudi Penman	Licensing and Health and Safety Divisional Manager, London Borough of Havering	Boot fairs	We also have the issue of Bonzer boot fair. We don't licence boot fairs and the boot fair is in Havering but the access is in B&D so I know there has been some friction about that.	Noted. While of interest boot fairs are not licensed under the Licensing Act 2003 and so are not covered by the terms of this policy.
Other Involved Agencies				
Jessica Milne	Strategy and Performance	Equalities impact assessment	Re EIA. Thank you for sending us this EIA in regard to the licensing policy revision. I can confirm that myself and Sal have reviewed this, and it looks fine. One consideration may be if there is anything that may prevent/restrict a particular group applying for a licence (just as an example, if applications were solely online. It may be harder for some disabled or elderly residents to apply) but that could be overcome with mitigating actions.	Noted. Contact with the service is offered by a range of options - through the web; by email; by telephone and (by arrangement) face to face.
Other persons				
Sam Jordan	Musicians Union London	Noise limitation devices	The only thing that stood out for us was on page 26 where it refers to the use of 'noise limitation devices'. We do not approve of such devices and believe they do nothing to encourage live music. They limit the public enjoyment and stifle the art form as to have power cut off when performing is punitive. We would ask that this reference could be removed.	Comment provided by Andrew Martin EHO. I don't agree that seeking to ensure that in appropriate cases measures are in place to prevent public nuisance is a punitive or onerous requirement. Indeed in sensitive cases, the use of a noise limiter may permit an otherwise problematic venue to continue to provide the community benefits of live music. There are available noise limiters which do not cut the power supply but rather act to put a ceiling on the sound output of an amplification system installed at the venue.

ASSEMBLY**25 January 2017**

Title: Council Tax Support Scheme 2017/18	
Report of the Cabinet Member for Finance, Growth and Investment	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Donna Radley, Head of Benefits	Contact Details: E-mail: donna.radley@elevateeastlondon.co.uk
Accountable Director: Claire Symonds, Chief Operating Officer	
Summary	
<p>The Council has a statutory duty to consider annually whether to revise its Local Council Tax Support Scheme (CTSS) or replace it with another scheme. This report recommends keeping the current scheme for use in 2017/18. The Assembly has a legal duty to approve the CTSS by 31 January 2017.</p> <p>The Cabinet is to consider this report at its meeting on 17 January 2017. Any issues arising from the Cabinet's consideration will be reported at the meeting.</p>	
Recommendation(s)	
<p>The Assembly is recommended to resolve that the Council Tax Support Scheme implemented for 2016/17 be retained for 2017/18.</p>	
Reason	
<p>It is proposed that the Council continues with the scheme it implemented last year to avoid further financial pressures and an increase in its budget gap.</p>	

1. Introduction and Background

- 1.1. As part of the 2010 Comprehensive Spending Review, the Government announced that it would localise support for Council Tax from April 2013. The proposals were part of a wider policy of localism which aimed to give local authorities increased financial autonomy and be part of the reform of the Welfare System to improve incentives to work whilst protecting the most vulnerable in society.
- 1.2. The Welfare Reform Act in 2012 abolished Council Tax Benefit (CTB) from April 2013 and, in its place, support took the form of a local Council Tax Support Scheme (CTSS). The scheme is available to help low income households by reducing the amount of Council Tax that they have to pay.

1.3. The Local Government Finance Act 2012 contains provisions for the setting up of local support schemes. The current scheme in Barking & Dagenham was based on the Default Council Tax Reduction Scheme and has included and replicated annual uprating of social security rates for Housing Benefit. This will continue for 2017/18.

1.4. The current scheme in operation ensures that:

- The scheme is means tested;
- Pensioners are protected, i.e. they must be able to receive up to a 100% reduction (a provision of the national pension age scheme);
- Everyone of working age contributes something towards their Council Tax, with a “minimum payment” of 25%. There is a 75% maximum on which any entitlement to CTSS is based;
- Those who are not pensioners and with capital in excess of £6,000 are not eligible for a Council Tax reduction under this scheme.

2. Proposals and Issues

2.1. Like many local authorities, the Council has faced unprecedented financial challenges. Therefore, it is proposed that the Council continues with the scheme it implemented last year to avoid any additional financial pressures.

3. Financial Implications

Implications completed by: Stephen Hinds, Chief Accountant

3.1. Keeping the Council Tax Support Scheme will have no impact on the amount of collectable Council Tax.

3.2. The Council must set aside a discretionary fund for circumstances of exceptional hardship. It is anticipated that a discretionary fund of £50,000 can be created to assist those with exceptional circumstances. This would be monitored and reviewed quarterly, although case law does suggest that if exceptional hardship is shown the Council must grant a discretionary reduction and cannot refuse due to a “depleted budget”. It is therefore vital that a clear policy is implemented so the Council can set their own criteria of whom would qualify for a discretionary reduction. The cost of the discretionary fund will reduce the overall Council Tax collected by £50,000.

4. Legal Implications

Implications completed by Dr. Paul Feild, Senior Governance Lawyer

4.1 The CTSS is a continuation of the scheme as approved by the Assembly last year following consultations as required by the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012. Maintaining the current scheme will bring no specific legal implications.

5. Other Implications

5.1 **Risk Management** - It is considered likely that keeping the current scheme will continue to make it difficult to collect Council Tax from those entitled to a reduction under the scheme. Presently there are 74,496 properties with a Council Tax Charge

in the Borough and, as of 30 November 2016, there were 18,212 Council Tax Support claims against these properties.

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

List of appendices: None

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ASSEMBLY**25 January 2017**

Title: Options for the Appointment of an External Auditor	
Report of the Cabinet Member for Finance, Growth and Investment	
Open report	For Decision
Wards Affected: None	Key Decision: No
Report Author: Kathy Freeman, Finance Director	Contact Details: Tel: 020 227 3497 E-mail: kathy.freeman@lbbd.gov.uk
Accountable Director: Kathy Freeman, Finance Director	
Accountable Strategic Director: Claire Symonds, Chief Operating Officer	
Summary	
<p>This report summarises the changes to the arrangements for appointing external auditors following the closure of the Audit Commission and the end of the transitional arrangements after the 2017/18 audits. The Council is required to consider the options available and put in place new arrangements in time to make a first appointment by 31 December 2017.</p> <p>The Public Accounts and Audit Select Committee were consulted on 5 December 2016 and in noting the recommendation for option 3, requested that officers to explore the possibility of considering option 2 (to set up a Joint Auditor Panel/local joint procurement arrangements) and asked that their recommendation should be included in the report to Assembly at its meeting on 25 January 2017 for final decision.</p>	
Recommendations	
<p>The Assembly is recommended to:</p> <p>(i) Consider the options appraisal set out in the report for appointing the External Auditor by 31 December 2017; and</p> <p>(ii) Endorse the proposal that the Council opt-in to the sector-led body approach as set out in option 3 in the report and that the external auditor for the Council and for the Pension Fund, from 2018/19, be appointed by Public Sector Audit Appointments Ltd.</p>	

1. Introduction and Background

- 1.1. The Local Audit and Accountability Act 2014 ended the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England.

- 1.2. The Council's current external auditor is KPMG; this appointment having been made under a contract let by the Audit Commission. Following closure of the Audit Commission the contract is currently managed by Public Sector Audit Appointments Limited (PSAA), the transitional body set up by the Local Government Association (LGA) with delegated authority from the Secretary of State.
- 1.3. When the current transitional arrangements come to an end on 31 March 2018 the Council will become responsible for the appointment of the external auditor. There are several routes by which this can be undertaken, each with varying risks and opportunities.
- 1.4. The scope of the audit will still be specified nationally and the National Audit Office (NAO) is responsible for writing the Code of Audit Practice which all firms appointed to carry out the Council's audit must follow.
- 1.5. Not all accounting firms will be eligible to compete for the work, accounting firms will need to demonstrate that they have the required skills and experience, and be registered with a Registered Supervising Body approved by the Financial Reporting Council. Current indications are that fewer than 10 large firms will register, including the Council's current auditor, meaning that small local firms will not be eligible to be appointed to local audit roles.

2. Options for the Local Appointment of External Auditors

2.1. There are three broad options open to the Council, these are:

2.2. **Option 1** - To make a stand-alone appointment

2.2.1. The Council will need to set up an Auditor Panel consisting wholly of or with a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, this excludes current and former elected members (or officers) and their close families and friends. The Auditor Panel will be responsible for making recommendations on the appointment of external auditors but the decision itself will be made by the Council.

Advantages/benefit

2.2.2. Setting up an Auditor Panel would allow the Council to take maximum advantage of the new local appointment regime and have local input into the decision.

Disadvantages/risks

2.2.3. Recruitment and servicing of the Auditor Panel, running the procurement exercise and negotiating and managing the external audit contract is estimated by the LGA to cost approximately £15,000 plus on going expenses and allowances.

2.2.4. The Council will not benefit from any reduction in fees that may be available through joint or national procurement contracts.

2.3. **Option 2 - Set up a Joint Auditor Panel / local joint procurement arrangements**

2.3.1. The Act enables the Council to join with other authorities to establish a joint Auditor Panel. Again, as stated above, this will need to be constituted of wholly or a majority of independent appointees (members). Further legal advice would be required on the exact constitution of such a panel and depends on the appetite across neighbouring authorities for such an arrangement.

Advantages/benefits

2.3.2. The costs of setting up and servicing the panel, running the procurement exercise and negotiating and managing the contracts will be shared across many authorities.

2.3.3. There is greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract value to the firms.

Disadvantages/risks

2.3.4. The Panel will be appointed by all partner authorities and not just by this authority thus reducing local input.

2.3.5. The choice of auditor could be complicated where the preferred auditor has a conflict of interest in relation to one of the appointing councils but not the others.

2.4. **Option 3 - Opt into a National Procurement Scheme: the “Appointing Person” arrangement offered by Public Sector Audit Appointments Ltd (PSAA)**

2.5.

2.5.1. PSAA, the organisation that currently manages the audit contracts under the transitional arrangements has successfully applied to the Department for Communities & Local Government (DCLG) to be appointed to deliver and manage a national procurement scheme to make auditor appointments to principal local government bodies.

Advantages/benefits

2.5.2. The ability to negotiate contracts with the firms nationally, maximising the opportunities for the most economic and efficient approach to procurement of external audit on behalf of local government bodies.

2.5.3. By offering large contract values the firms would be able to offer better rates and lower fees than are likely to result from local negotiation.

2.5.4. The costs of setting up the appointment arrangements and negotiating fees would be shared across all opt-in authorities.

- 2.5.5. Any conflicts at individual authorities would be managed by the PSAA who would have a number of contracted firms to call upon.
- 2.5.6. It could be seen as being more transparent for an entirely independent body to be responsible for appointing the Councils auditors, rather than the council itself.

Disadvantages/risks

- 2.5.7. Individual elected members will have little or no opportunity for direct involvement in the appointment process other than through the LGA and the stakeholder representative groups.
- 2.5.8. In order for PSAA to be in the strongest possible negotiating position they will need Councils to indicate their intention to opt-in before final contract prices are known.

3. Public Sector Audit Appointments Ltd (PSAA)

- 3.1. Public Sector Audit Appointments Limited (PSAA) has been designated as an appointing person under the Local Audit (Appointing Person) Regulations 2015. If the Council so decides, PSAA would, as Appointed Person, have power to appoint external auditors on behalf of the Council in respect of audits of the accounts from 2018/19 onwards.
- 3.2. PSAA is a not for profit company owned by the Local Government Association's Improvement and Development Agency (IDeA) and was originally established to operate the transitional arrangements following closure of the Audit Commission. PSAA will continue to operate as an independent company. Governance arrangements and founding documents will be amended to reflect the company's change from transitional body to an Appointing Person.
- 3.3. The PSAA Board currently consists of a non-executive Chairman and three other non-executive directors, supported by a Chief Officer and eleven members of staff.

The Board members are:

- Steve Freer (Chairman), former Chief Executive CIPFA;
- Caroline Gardener, Auditor General Scotland;
- Dr Clive Grace OBE, former Deputy Auditor General Wales; and
- Stephen Sellers, Solicitor, Gowling WLG (UK) LLP.

Chief Officer

- Jon Hayes, former Audit Commission Associate Controller.

- 3.4. Further information is available from the PSAA website at www.psaa.co.uk

4. Tender Process

- 4.1. PSAA will run the tendering exercise, and will evaluate bids and award contracts. The number of firms eligible to undertake local public audit will be regulated

through the Financial Reporting Council and the recognised supervisory bodies. Only appropriately accredited firms will be able to bid for appointments.

5. Contracts

- 5.1. To secure the best prices, PSAA will let audit contracts:
 - for five years;
 - in two large contract areas, nationally, with three or four contract lots per area, depending on the number of bodies that opt in; and
 - to a number of firms in each contract area to help manage independence issues.
- 5.2. The value of each contract will depend on prices bid, with firms offering the best value being awarded larger amounts of work. Having contracts with a number of firms will help manage issues of independence and avoid market dominance by one or two firms. Limiting the national volume of work available to any one firm will encourage competition and ensure the plurality of provision.
- 5.3. Contracts are likely to be awarded at the end of June 2017.

6. Fees

- 6.1. PSAA have stated that they will ensure that fee levels are carefully managed by securing competitive prices from firms and by minimising their own costs. Costs for setting up and managing the scheme will also need to be covered by audit fees. PSAA intend to fund an element of the costs of establishing the scheme, including the costs of procuring audit contracts, from local government's share of PSAA's current deferred income. PSAA think this is appropriate because the new scheme will be available to all relevant principal local government bodies.
- 6.2. PSAA will pool scheme costs and charge fees to audited bodies in accordance with a scale of fees which have regard to size, complexity and audit risk. Pooling means that everyone in the scheme should benefit from the most competitive prices. Fees will reflect the number of scheme participants – the greater the level of participation, the better the value represented by the scale of fees.
- 6.3. Scale fees will be determined by the prices achieved in the auditor procurement. Once contracts are awarded the overall cost and therefore the level of fees required will be clear. PSAA expect to consult on the proposed scale of fees in autumn 2017 and to publish the fees applicable for 2018/19 in March 2018.
- 6.4. PSAA will return any surplus funds to scheme members under their articles of association and memorandum of understanding with the DCLG and the LGA.

7. Opting into the National Scheme

- 7.1. The Council has received an invitation from PSAA to opt into the national scheme for auditor appointment. Formal acceptance is required to be received by PSAA no later than 9 March 2017. If acceptance is not received by the closing date, the Council could subsequently make a request to opt in but only after 1 April 2018. This means that the Council would have to make its own auditor appointment to undertake the 2018/19 audit of accounts.

- 7.2. PSAA expects to have consulted upon and made auditor appointments to local authorities by end of December 2017.
- 7.3. The relevant regulations require that the decision to accept the invitation to opt into the national scheme arrangement needs to be made by the members of the authority meeting as a whole. A report will be taken to Assembly on the 25 January 2017.
- 7.4. The Public Accounts and Audit Select Committee is therefore requested to consider the information in the report and comment accordingly.

8. Preferred Option

- 8.1. For the reasons set out above, officers recommend that Option 3, the sector led approach, is the most appropriate option for the Council to follow and that the recommendation should be made to Assembly to approve a sector led approach and to opt in to appointing person arrangements.

9. Financial Implications

Implications completed by: Stephen Hinds, Chief Accountant

- 9.1. The report provides information on the new arrangements for appointing an external auditor to undertake the audit of the Council's accounts from 2018/19.
- 9.2. Although the Council has until December 2017 to make an auditor appointment, in practical terms, this means one of the options outlined in this report will need to be in place within the next few months in order that the contract negotiation process can be carried out during 2017.
- 9.3. Greatest economies of scale will come from the maximum number of Councils acting collectively as set out in option three. Should Council be minded to choose the national scheme option offered by PSAA, it will be required to opt into the arrangement before the cost of audit fees for the 2018/19 audit of accounts is known. However, the option to appoint auditors through the national scheme should deliver the most financial benefit to the Council, by reducing set-up costs and having the potential to negotiate the lowest fees.
- 9.4. The current audit fee for undertaking the 2015/16 audit of the Council's accounts was £166k and £21k for the pension fund. Any increase in fees for the 2018/19 audit will put a financial pressure on the future budgets.

10. Legal Implications

Implications completed by: Dr. Paul Feild – Senior Governance Lawyer

- 10.1. To participate, principal authorities are required to have "opted in" to the appointing person arrangement. Under regulation 19 of the Local Audit (Appointing Person) Regulations 2015, the decision to opt in must be made by full Council.

10.2. When a principle authority opts into an appointing person arrangement, they are required by regulation to remain opted in for the “compulsory appointing period”. This is the financial period for which a relevant appointing person is responsible for appointing a local auditor to conduct the audit of the authority’s accounts. The compulsory appointing period cannot exceed five consecutive years. At the end of the compulsory appointing period the Council can opt into another appointing person arrangement or pursue other options.

Public Background Papers Used in the Preparation of the Report:

- Invitation to opt into the National Scheme for Auditor Appointments – Letter from PSAA dated 27/10/16
- The Local Audit and Accountability Act 2014.
- The Local Audit (Appointing Person) Regulations 2015

List of appendices: None

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ASSEMBLY

25 January 2017

Title: Appointment of Statutory Chief Financial Officer	
Report of the Chief Executive	
Open Report	For Decision
Wards Affected: None	Key Decision: No
Report Author: Leanna McPherson, Democratic Services Officer	Contact Details: Tel: 020 8227 2852 E-mail: leanna.mcpherson@lbbd.gov.uk
Accountable Director: Fiona Taylor, Director of Law and Governance	
Accountable Strategic Director: Chris Naylor, Chief Executive	
Summary	
<p>There are statutory and regulatory requirements to appoint certain officer roles within the Council. These include the posts of statutory officers, which the law stipulates must be approved by Assembly. These posts are charged with the corporate management and governance of the Council and include the Head of Paid Service, the Chief Financial Officer (also known as the Section 151 Officer) and the Monitoring Officer.</p> <p>This report deals with senior management changes agreed at a recent meeting of the JNC Salaries and Conditions Panel, which included the deletion of the posts of the Strategic Director of Finance and Investment and the Strategic Director Customer, Commercial and Service Delivery from 31 December 2016 and the creation of a new post of Chief Operating Officer from 1 January 2017. The new post of Chief Operating Officer includes the designation of the statutory role of the Chief Financial Officer and aligns the operational and financial performance of the organisation. The existing post of Finance Director will deal with the day to day financial management of the Council reporting to the Chief Operating Officer who will be required to demonstrate financial credibility, deal with commercial operations and performance management.</p> <p>Both the Strategic Director of Finance and Investment and the Strategic Director of Customer, Commercial and Service Delivery held assimilation rights to the new post. However, the Strategic Director of Finance and Investment did not wish to be considered for the new post and has since left the Council. In accordance with the Council's "Managing Organisational Change – Restructuring and Redundancy Procedure (including Assimilation Process)" the Strategic Director Customer, Commercial & Service Delivery was assimilated into the post of Chief Operating Officer with effect from 1 January 2017.</p>	
Recommendation(s)	
The Assembly is recommended to:	
(i) Ratify the appointment of Claire Symonds as Chief Operating Officer with effect from 1 January 2017; and	

(ii) Appoint Claire Symonds as the Council's statutory Chief Financial Officer.

Reason(s)

To regularise the position of the statutory Chief Financial Officer in the Authority, the appointment of which is an Assembly function.

1. Financial Implications

Implications completed by: Kathy Freeman, Finance Director

1.1 There are no financial implications associated with this proposal.

2. Legal Implications

Implications completed by: Dr. Paul Feild Senior Corporate Governance Lawyer

2.1 The Local Government Act 1972 requires that the Council must appoint a Chief Finance Officer, and the Local Government Finance Act 1988 stipulates the office holder must be a qualified accountant. It is a legal requirement of the Standing Order Regs 2001/ 3384 and our Constitution that the appointment of the Statutory Officers such as the Chief Finance Officer is subject to approval by the full authority in our case, the Assembly.

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

List of appendices: None

ASSEMBLY

25 January 2017

Title: Motions	
Report of the Chief Executive	
Open Report	For Decision
Wards Affected: All	Key Decision: No
Report Author: Leanna McPherson, Democratic Services Officer	Contact Details: Tel: 020 8227 2852 E-mail: leanna.mcperson@lbbd.gov.uk
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>One motion has been received in accordance with the Council's procedure rules and is attached as Appendix A.</p> <p>The deadline for amendments to the motions is noon on Friday 20 January 2017.</p> <p>For information, attached at Appendix B 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 – Notice of Motion: Grammar Schools

Appendix B – Extract from the Council Constitution, Paragraphs 10, 11 and 12 of Part 2, Chapter 4 – The Assembly

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Notice of Motion: Grammar schools

Councillor Mullane has submitted the following motion:

“Barking & Dagenham Council is against the re-introduction of Grammar Schools as there is no evidence that they increase social mobility. Indeed, the contrary is true. These schools have only ever served the needs of the few and this Council is determined to give all children the opportunity to achieve academically.

Bringing back Grammar Schools would introduce divisive selection in our Borough. What is required is an inclusive, strategically planned education system that enables every child to thrive, learn and prosper and allows local industry and businesses to benefit from the achievements of Barking & Dagenham’s young people.

Barking & Dagenham Council needs to be able to continue to play a full part in providing good schools where and when they are required in our Borough. Changing the status of schools and introducing selection will be a waste of time and resources of the Council, preventing them from producing good outcomes for all and helping local schools to recruit and retain the best teachers.

This Council will write to the Secretary of State for Education and the Prime Minister urging them not to allow the introduction of such schools in Barking & Dagenham.”

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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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