

Notice of Meeting

CABINET

Tuesday, 17 January 2017 - 7:00 pm
Council Chamber, Town Hall, Barking

Members: Cllr Darren Rodwell (Chair); Cllr Saima Ashraf (Deputy Chair) and Cllr Dominic Twomey (Deputy Chair); Cllr Sade Bright, Cllr Laila M. Butt, Cllr Evelyn Carpenter, Cllr Cameron Geddes, Cllr Lynda Rice, Cllr Bill Turner and Cllr Maureen Worby

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Chris Naylor
Chief Executive

Contact Officer: Alan Dawson
Tel. 020 8227 2348
E-mail: alan.dawson@lbbd.gov.uk

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 13 December 2016 (Pages 3 - 6)

4. Budget Monitoring 2016/17- April to November (Month 8) (Pages 7 - 41)

5. Outcome of Green Garden Waste Consultation (Pages 43 - 55)

6. Licensing Act 2003 - Draft Statement of Licensing Policy 2017 - 2022 (Pages 57 - 142)

7. Council Tax Support Scheme 2017/18 (Pages 143 - 144)

8. **Calculation and Setting of the Council Tax Base for 2017/18 (Pages 145 - 150)**
9. **Procurement of Framework Agreement for Arboriculture and Horticulture Services (Pages 151 - 157)**
10. **Contract for Provision of Mobile Telephony and Ancillary Services (Pages 159 - 164)**

Appendix 1 to the report is in the exempt section of the agenda at Item 14.

11. **Acquisition of Land - 200 Becontree Avenue, Dagenham (Pages 165 - 169)**

Appendix 2 to the report is in the exempt section of the agenda at Item 15.

12. **Any other public items which the Chair decides are urgent**
13. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

The public and press have a legal right to attend Council meetings such as the Cabinet, except where business is confidential or certain other sensitive information is to be discussed. The items below are in the private part of the agenda as they contain commercially confidential information which is exempt from publication under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14. **Appendix 1: Contract for Provision of Mobile Telephony and Ancillary Services (Page 171)**
15. **Appendix 2: Acquisition of Land - 200 Becontree Avenue, Dagenham (Pages 173 - 174)**
16. **Proposed Acquisition of Land (Pages 175 - 193)**
17. **Any other confidential or exempt items which the Chair decides are urgent**



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

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MINUTES OF CABINET

Tuesday, 13 December 2016
(7:00 - 7:48 pm)

Present: Cllr Darren Rodwell (Chair), Cllr Saima Ashraf (Deputy Chair), Cllr Dominic Twomey (Deputy Chair), Cllr Sade Bright, Cllr Laila M. Butt JP, Cllr Evelyn Carpenter, Cllr Cameron Geddes, Cllr Lynda Rice, Cllr Bill Turner and Cllr Maureen Worby

75. Declaration of Members' Interests

There were no declarations of interest.

76. Minutes (15 November 2016)

The minutes of the meeting held on 15 November 2016 were confirmed as correct.

77. Budget Monitoring 2016/17- April to October (Month 7)

The Cabinet Member for Finance, Growth and Investment introduced a report on the Council's capital and revenue position for the 2016/17 financial year, as at 31 October 2016.

The General Fund showed a projected end of year spend of £155.8m against the approved budget of £150.3m, which represented another slight improvement on the previous month's position. The main budget pressures continued to be within the Children's Social Care and Homelessness services and the Cabinet Member acknowledged that the Homelessness service would be overspent at the year-end owing to the issues discussed in detail at the last meeting (Minute 63, 15 November 2016 refers). The Cabinet Member called on his colleagues and officers to continue their efforts to find additional in-year savings to mitigate the current pressures and to maintain the £15m minimum level of reserves.

The Housing Revenue Account (HRA) showed a projected year end underspend which would result in a contribution of £1.8m to the HRA reserve although it was noted that there were two potential calls on that reserve, one linked to a court case involving Southwark Council and the other to the Government's plans regarding the sale of higher value void properties and an associated levy.

Expenditure on the Capital Programme was forecast to be in line with the revised budget of £197.712m. The Cabinet Member for Educational Attainment and School Improvement advised that the Education Funding Agency continued to be lobbied for additional funding to support much-needed improvement works at the Borough's schools.

In response to other points, the Cabinet Member for Finance, Growth and Investment confirmed that the projected surplus of £0.5m in respect of B&D Reside had arisen from the improvements to operations and a current rent collection rate of over 99%. The Strategic Director of Finance and Investment also explained that the £0.5m of procurement savings were over and above the target

levels set within the contract with Elevate East London, although it was noted that some of those savings would impact on other areas of spend.

The Leader referred to the recent announcement by the Government that it was proposing to 'allow' local authorities to increase the rate of the social care precept on Council Tax, currently set at 2%, to reduce the shortfall in social care funding. The Cabinet Member for Finance, Growth and Investment advised that further details were expected later in the week and any issues would be fed into the Council's current public consultation on its budget and Council Tax arrangements for 2017/18. The Cabinet Member for Social Care and Health Integration concurred with the view that the Government was failing to meet its responsibilities by passing the onus on to local Council Tax payers to meet rising social care costs. Reference was also made to the disparity created by the 2% social care precept arrangement which generated several millions of pounds for wealthy Councils with a high Council Tax Base, while Barking and Dagenham received less than £1m under the arrangement.

The Cabinet **resolved** to:

- (i) Note the projected outturn position for 2016/17 of the Council's General Fund revenue budget at 31 October 2016, as detailed in section 4 and Appendix A to the report;
- (ii) Note the overall position for the Housing Revenue Account at 31 October 2016, as detailed in section 5 of the report;
- (iii) Note the progress made on budgeted savings to date, as detailed in section 6 and Appendix B to the report
- (iv) Note the projected outturn position for 2016/17 of the Council's capital budget as at 31 October 2016, as detailed in section 7 and Appendix C to the report;
- (v) Approve the final Transformation Programme design phase budget for 2016/17 of £4.315m, to be funded from capital receipts in line with the approach approved by Cabinet under Minute 37(ii) (20 September 2016);
- (vi) Note the projected expenditure on the Transformation Programme as set out in section 4.9 and Appendix D; and
- (vii) Approve the additions and amendments to fees and charges for 2017 approved by Cabinet under Minute 68 (15 November 2016), as detailed in section 8 and Appendix E to the report.

78. Corporate Delivery Plan 2016/17 - Quarter 2 Performance Reporting

The Cabinet Member for Corporate Performance and Delivery introduced the performance report under the new, interim corporate performance framework which covered the second quarter of the 2016/17 financial year.

The Cabinet Member explained that the report brought together the ongoing work across the Council to ensure that key ambitions and promises were being

delivered and he referred to the red, amber and green (RAG) ratings that showed performance trends.

The Cabinet Member for Environment and Street Scene referred to the reduction in staff sickness absence following the reintroduction of a range of intervention measures and was particularly pleased to note that, over the preceding 12-month period, more than 2,000 staff had no sickness absence. The Cabinet Member for Corporate Performance and Delivery was also thanked for the particular focus that he had given to addressing the 'red rated' areas of underperformance.

The Cabinet **resolved** to:

- (i) Note progress against the Key Accountabilities as detailed in Appendix 1 to the report; and
- (ii) Note performance against the key performance indicators (KPIs) as detailed in Appendix 2 to the report.

79. Debt Management Performance and Write-Offs 2016/17 (Quarter 2)

The Cabinet Member for Finance, Growth and Investment introduced the performance report for the second quarter of the 2016/17 financial year in respect of the debt management function carried out by the Revenues and Benefits Service within Elevate East London.

The Cabinet Member advised that the performance of Elevate was predominantly positive against the stretched targets, with more money being collected in real terms during 2016/17 despite the challenges that many residents and businesses faced as a consequence of the Government's austerity measures. In that regard, the Cabinet Member referred to the Council Tax Hardship Fund that the Council had created to support those most in need.

It was noted that Housing Benefit overpayment debt currently stood at approximately £21m. The Cabinet Member for Finance, Growth and Investment outlined the main reasons for the majority of the debt and referred to the recent discussions on the subject at both the Assembly and the Public Accounts and Audit Select Committee. It was also pointed out that while the number of applicants for Housing Benefit had been relatively consistent over the years at between 21,000 to 23,000 per annum, there had been an 80% increase in the volume of applications handled by the service of late owing to claimants having to regularly update their circumstances due to the complexity of the Government's welfare system and a considerable increase in the number employed on zero-hour contracts.

The Cabinet **resolved** to:

- (i) Note the performance of the debt management function carried out by the Revenues and Benefits service operated by Elevate East London, including the performance of enforcement agents; and
- (ii) Note the debt write-offs for the second quarter of 2016/17.

80. Jonathan Bunt, Strategic Director of Finance and Investment

The Cabinet Member for Finance, Growth and Investment led tributes to Jonathan Bunt, Strategic Director of Finance and Investment, who was leaving the Council at the end of the month after seven years' service.

The Cabinet Member spoke of Jon's knowledge and professionalism which had helped guide the Council through some very difficult financial situations and provide a platform for the Council to deliver its Ambition 2020 programme while continuing to make savings. The Cabinet Member was joined by a number of his colleagues in also thanking Jon for his patience and understanding while they developed their knowledge of their portfolios and the budget process.

The Leader added his appreciation and placed on record the Council's gratitude for Jon's diligent service to the local community.

CABINET

17 January 2017

Title: Budget Monitoring 2016/17 - April to November (Month 8)	
Report of the Cabinet Member for Finance, Growth and Investment	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Katherine Heffernan, Group Manager – Service Finance	Contact Details: Tel: 020 8227 3262 E-mail: katherine.heffernan@lbbd.gov.uk
Accountable Director: Kathy Freeman, Finance Director	
Accountable Strategic Director: Claire Symonds, Chief Operating Officer	
<p>Summary</p> <p>This report provides an update on the Council's revenue and capital position for the seven months to the end of November 2016, projected to the year end.</p> <p>There is a projected overspend of £5.026m on the 2016/17 budget, an improvement of just under £0.5m from the position reported to Cabinet last month. Improvements in both the Homelessness forecast and Children's Care and Support Commissioning have reduced the forecast. There are still pressures in a number of other service areas but all are currently forecast to be managed. These pressures include £1.4m in Adults Care and Support, which is an improved position since last month and will be mitigated as planned through the drawdown of an earmarked reserve created to smooth pressures on the service pending the additional Better Care Fund monies, £0.6m income risk in Enforcement with £0.66m possible mitigations identified and £0.4m in Passenger Transport against which there is a mitigation plan for the full amount. The service area which has yet to establish a full mitigation plan is Clean and Green with pressures of £1.2m against which £0.3m possible mitigations have been identified.</p> <p>The total service expenditure for the full year is currently projected to be £155.3 m against the budget of £150.3m. The projected year end overspend will contribute to a significant reduction in the General Fund balance to £17.795m at year end, which is above the minimum target balance set by the Strategic Director of Finance and Investment. However, given the level of risk in both this year and future years it is still important that action should be taken to address the service pressures or bring forward other mitigations to safeguard the Council's future financial stability.</p> <p>The Housing Revenue Account (HRA) is projected to produce a revenue surplus of £1.8m, taking the HRA reserve to £10.556m although it should be noted that there are a number of potential calls on this reserve. The HRA is a ring-fenced account and cannot make or receive contributions to/from the General Fund.</p> <p>The Capital Programme budget stands at £197.7m with an overall variance of £1.4m made up of over-performance of £2.3m on the General Fund programme and slippage</p>	

of £0.9m on the HRA programme. These two variances are the result of timing differences rather than increased costs.

Recommendation(s)

The Cabinet is recommended to:

- (i) Note the projected outturn position for 2016/17 of the Council's General Fund revenue budget at 30 November 2016, as detailed in section 4 and Appendix A to the report;
- (ii) Note the overall position for the Housing Revenue Account at 30 November 2016, as detailed in section 5 of the report;
- (iii) Note the progress made on budgeted savings to date, as detailed in section 6 and Appendix B to the report;
- (iv) Note the projected outturn position for 2016/17 of the Council's capital budget as at 30 November, as detailed in section 7 and Appendix C; and
- (v) Approve the virements totalling £1,809,699 in respect of the savings realised by the voluntary redundancy exercise, as detailed in section 4.7 of the report.

Reason(s)

As a matter of good financial practice, the Cabinet should be regularly updated with the position on spend against the Council's budget.

1 Introduction and Background

- 1.1 This report provides a summary of the Council's General Fund, HRA and Capital positions.

2 Current Overall Position

- 2.1 The following tables summarise the spend position and the forecast position of the General Fund and Housing Revenue Account (HRA) balances.

Table 1: Council Spend Position

Council Summary 2016/17	Net Budget	Full year forecast at end Nov 2016	Over/(under) spend Forecast
	£000	£000	£000
Service Development & Integration	107,257	110,372	3,115
Customer, Commercial & Service Delivery	32,133	32,957	824
Growth & Homes	5,823	8,690	2,867
Chief Executive	299	69	(230)
Finance & Investment	1,387	887	(500)

Corporate and Central Costs	3,415	2,365	(1,050)
Total Service GF Expenditure	150,314	155,340	5,026

- 2.2 The revenue outturn for 2015/16 led to a General Fund balance of £21.1m and the table below shows the available reserves at the authority's disposal to cover this expenditure

Table 2: The consequent forecast position on reserves.

Projected Level of Reserves	£'000	£'000
Opening General Fund Balance		21,115
Other available reserves		4,538
Total available reserves		25,653
<u>Calls on reserves:</u>		
Implementation of savings proposals	(2,832)	
		(2,832)
Revised Level of Reserves		22,821
Reserves Drawdown to cover Overspending		(5,026)
Forecast General Fund Reserve at 31st March 2017		17,795

- 2.3 The forecast general fund balance includes the drawdown from reserves to fund savings proposals, plus the projected budget overspend shown above. The Medium Term Financial Strategy reported to Cabinet in November included a further use of £2.3m from reserves to balance the 2017/18 budget.

3 Comments of the Chief Operating Officer

- 3.1 The projected overspend of £5.0m shown in the table above is an improvement from the position reported to Cabinet last month. This is to be welcomed. However, this is still a significant overspend and has been above £5m for a number of months now. Although the usual pattern is for forecasts to fall in the final quarter, there is perhaps less scope for this to happen this year. Cabinet are also reminded that there are significant pressures not included in this forecast which must also be resolved if the position is not to worsen.
- 3.2 These pressures include £1.4m in Adults Care and Support, which is an improved position since last month and will be mitigated as planned through the drawdown of an earmarked reserve created to smooth pressures on the service pending the additional Better Care Fund monies, £0.6m income risk in Enforcement with £0.66m possible mitigations identified and £0.4m in Passenger Transport against which there is a mitigation plan for the full amount. The service area which has yet to

establish a full mitigation plan in Clean and Green with pressures of £1.2m against which £0.3m possible mitigations have been identified.

- 3.3 If expenditure cannot be managed down further, then this level of overspend would reduce the GF balance to £17.795m. Taking £2.3m from reserves to balance the 17/18 budget as planned in the MTFs would bring the balance to £15.5m which is slightly above our target minimum level of balances of £15m leaving little margin for unforeseen events. Overall this means the position although improving remains finely balanced and management should continue to identify further measures that can be taken to improve the situation. The Chief Financial Officer of the Council has a responsibility under statute to ensure that the Council maintains appropriate balances at all times.
- 3.4 The main elements of the projected overspend are as follows, offset by underspends in Central Expenses (£1.05m), Law and Governance (£0.23m) and Asset Strategy (£0.5m):
- Children's Care and Support - £2.4m
 - Leisure - £0.85m
 - Environmental Services - £0.20m
 - Council Tax - £0.62m
 - Homelessness - £2.9m
- 3.5 In November the Strategic Director for Finance and Investment brought to Cabinet proposals for the 2017/18 budget and the Medium Term Financial Strategy to 2019/20. Achievement of the targets in that strategy depends in part on robust financial management and the whole or partial successful mitigation of the pressures being experienced by services this year.
- 3.6 The pressures in Children's Care and Support have been present for a number of years and additional pressures emerged in Homelessness in the last financial year and have continued into 2016/17. The robust action taken by the Council in regard to Children's is taking effect and the Homelessness position has recently begun to improve. The main cause of the pressure is the continuing increase in homelessness applications and the growing gap between the cost to the Council of obtaining temporary accommodation and the income that can be recovered from tenants through Housing Benefit. A key concern has been that this pressure may grow due to the wider external factors acting on the borough and the capital more broadly and the forecast included an element of continued growth. However, in recent months the number and cost of households in Temporary Accommodation has levelled off allowing the forecast to be reduced. A pressure has been recognised in the MTFP for Homelessness next year of £1.8m but this still requires the action plan to impact on the current level of overspend to achieve a balanced position next year.
- 3.7 The continuing pressure in Leisure is also a concern as it is not clear how far there is scope for this to improve in this financial year.
- 3.8 In addition, there is a high level of risk being carried in Clean and Green. The pressures in this area have built up over a number of years but have previously not been clearly identified and have been masked by underspends elsewhere.

However, this year Finance and the service have worked together to assess the true financial position.

- 3.9 The historic trend for all services is for the final outturn to be better than that projected throughout the year though this predominantly occurs because of active management decisions and close monitoring of the pressure areas. It is essential that this occurs again in 2016/17 and the delivery of services within the approved budget is given equal status as other projects and programmes within the Council.
- 3.10 The key areas of risk which might lead to a potential overspend are outlined in the paragraphs below.

4. Directorate Performance Summaries

4.1 Service Development and Integration Overview

- 4.1.1 The budgets within Service Development and Improvement are currently forecast to overspend by £3.115m by year end as shown in the table below.

Table 3: Service Development and Integration

Service Block	Full year Budget 2016/17	Period 7 Projection	Variance from Budget	
	£000	£0	£000	%
Adults Care & Support				
Operations	30,669	32,030	1,361	
Commissioning	6,755	6,794	39	
Mental Health	3,841	3,841	0	
Adults Mgt & Support Services	1,627	227	(1,400)	
Adults Care & Support	42,892	42,892	0	0%
Children's Care & Support				
Operations	39,684	42,586	2,902	
Commissioning	8,997	8,497	(500)	
Children's Care & Support	48,681	51,083	2,402	4.9%
Public Health	0	0	0	0
Community Safety & Offender Mgt	1,226	1,226	0	0
Healthy Lifestyles - Leisure	838	1,685	847	101%
Education Commissioning	4,418	4,284	(134)	(3.0%)
Divisional Support - Children's	9,202	9,202	0	
SDI Services Total	107,257	110,372	3,115	2.90%

Adults' Care & Support

- 4.1.2 The service delivery arm of Adults' Social Care and Support is currently reflecting a breakeven position, and this includes an underlying pressure of £1.361m which is a £0.396m reduction from last month's projection of £1.757m. This movement is mainly due to a reduction of £0.296m against provision made for transition cases and an increase of £0.100m against the projected income expected against the direct payments refund.
- 4.1.3 These budgets will continue to be monitored closely throughout the year as activity levels fluctuate. There are a number of actions underway to mitigate this pressure including a review of high cost learning disability packages and any remaining overspend will be met by a call on the Adults reserve.
- 4.1.4 The Commissioning service is currently forecast to overspend by £0.039m which is a change from the previously projected underspend of £0.133m reported last month. The detailed review of the learning disabilities supported living budget provision has revealed a pressure of £0.191m which will be managed within the commissioning service. Movements between contract allocations has enabled the service mainly manage this pressure, but there remains a pressure of £0.039m which the service aims to mitigate.
- 4.1.5 Mental Health is currently forecast to breakeven at year end based on current forecast placement numbers. However, there is a potential risk that if all clients currently on the waiting list are placed, this could lead to a pressure of about £0.186m.

Children's Care and Support

- 4.1.6 The Children's Care and Support division is forecasting a current pressure of £3.28m. This is a net decrease of £0.247m over last month's reported figures, largely as the result of a net reduction in Looked After Children placements including one high cost residential placement. This is despite an increase of three new Youth Justice placements.
- 4.1.7 This figure is before the future planned reduction in expenditure as a result of SAFE programme delivery. However, it includes an overspend of £0.110m on the SAFE programme team itself. The budget for the programme was originally assessed as £1m but a saving of £0.5m was required. However, in order to achieve the objectives of the programme further resources have been needed. Further investment of £0.25m was identified as needed and agreed by the SAFE programme board. The apparent overspend of £110k is within this revised target and is being managed within the overall pressures and planning.
- 4.1.8 The forecast assumes a further £0.270m of savings will be delivered by the SAFE programme through the recruitment of permanent staff instead of agency workers in the last quarter. It should be noted that there has been little success to date in achieving the recruitment targets. While the service has responded by increasing efforts and putting in place more effective processes and oversight this saving should be regarded as high risk.

4.1.9 It should be further noted that delivering a balanced budget next year depends heavily on the full year effect of the staff related and recruitment savings which amount to around £1.8m in total.

Table 4: Children’s Care and Support Operations – Forecast Outturn

Details	2016-17 Budget	2016-17 Forecast	Current 2016-17 Variance	2016-17 Further SAFE Savings	2016-17 Final Projected Variance
	£'000	£'000	£'000	£'000	£'000
Agency/Staffing	15,283	16,841	1,558	(270)	1,288
Placements	22,565	20,888	(1,677)	(109)	(1,786)
Transport	1,928	2,119	191	0	191
Legal	437	437	0	0	0
NRPF	1,009	1,114	105	0	105
UASC	1,098	945	(153)	0	(153)
Unattributed savings/ funding gap ¹	(3,148)	0	3,148		3,148
Total C&S Operations	39,172	42,344	3,172	(379)	2,793
CCS Project Team	512	621	110	0	110
TOTAL INCLUDING CCS PROJECT TEAM	39,684	42,965	3,282	(379)	2,903

4.1.8 The overspend within Operations is offset by an underspend of £0.5m within Commissioning and Partnerships – an increased underspend of £0.137m since last month. This total includes small underspends on staffing and some commissioning contracts for Short Breaks and Supported Accommodation plus contributions from the catering and cleaning trading services.

4.1.9 Other Management Costs holds the Capital Recharges budget as well as the budgets for added years’ pension payments for teachers. There is a risk that this may cause a pressure in future years. The likely pressures are currently being worked through.

Education Youth and Childcare Commissioning

4.1.10 The Education Service is forecast to underspend by £0.134m - an improved position from previous months. This is primarily due to underspend within the School Improvement Service. This is due to potential risk of sustainability for the future years for DSG contributions resulting from schools funding formula reforms. The service is therefore holding back on DSG funded vacant posts.

Public Health

4.1.11 The Public Health ring-fenced grant has an allocation of £17.791m in 2016/17. (after the reduction in Public Health Grant.) The service is currently on target to breakeven at year end. There remains a pressure against the Sexual Health services which the service is managing with the available funding.

Healthy Lifestyles – Leisure

4.1.12 The service is still forecasting a projected overspend of £0.847m the same as last month. This position mostly relating to pressures in the Leisure centres. The Abbey Leisure Centre (ALC) is currently reflecting a forecast pressure of £0.603m which is as a result of potential income shortfall based on trends of £0.380m, £0.223m relates to a combination of pressures against staffing budgets and supplies & services cost pressure based on current trends.

4.1.13 As previously highlighted, the original business case in 2011/12 for the new ALC was based on the premise that the centre would be self-financing. However, this relied on an ambitious estimate of the possible income. Since the business case was drawn up the market in Barking has changed with other rival establishments being set up in the area and the Abbey centre started with a lower number of customers than in the original projections. Since its opening the centre has grown its income but a gap still remains in achieving the original ambitious targets. In addition, the costs of setting up such a centre had been underestimated.

4.1.14 Becontree Heath Leisure Centre (BHLC) is reflecting a pressure of £0.165m mainly due to staffing costs pressures based on the current establishment. Also within the Healthy Lifestyles division there are pressures arising as a result of assumed savings factored into the staffing budgets for the increment freeze of £0.052m and a £0.026m shortfall assumed against the Active Age centres income target. The service would look to continue to explore options for expanding the customer base and fees & charges are currently being reviewed which could boost income.

4.2 Customer Commercial & Service Delivery

4.2.1 The projection to year end is an overspend of £0.824m – a marginal improvement since last month. This is made up of savings not being achieved in Clean and Green (£0.125m), Enforcement (£0.076m) and £0.623m pressure from non-recovery of Court costs in relation to Council Tax arrears.

Table 5: CCSD

Service	Full year Budget 2016/17	Period 7 Projection	Variance from Budget	
			£'000	%
	£'000	£'000	£'000	%
Clean & Green	7,345	7,470	125	1.7
Enforcement	11,086	11,162	76	0.7
Other	26	26	0	
Elevate Client Unit	13,432	14,055	623	4.6
SD Customer service &	244	244	0	0

Commercial delivery				
Total General Fund	32,133	32,957	824	2.6

4.2.2 In addition to the declared overspend there is around £1m of expenditure pressures within this service grouping and a risk of around £0.66m on Income targets. However, managers have identified £0.96m of mitigating actions and are working on finding further action to resolve the remaining pressures and income shortfalls (£0.7m in total.).

Clean & Green

4.2.3 The collection of green garden waste was due to end in September 2015 which would deliver a £220k saving in a full year (£110k in each of the financial years 2015/16 and 2016/17). This service continued to the end of September 2016 at a cost of £125k in 2016/17 due to agency cover of the service. A consultation has been carried out on the future for this service and the saving is expected to be achieved in full in 2017/18.

4.2.4 Other pressures on staffing budgets remain because of the service being over budgeted establishment. The overall staffing pressure is estimated at £0.962 with other pressures on transport and running costs of £0.119m. These pressures have been present in the service for some time and the service was significantly overspent last year (£1.25m). However this was masked by underspends in Enforcement and other services. This year Finance and the management team have worked to bring greater transparency to the situation as a first step to resolving the issues. The cost of staffing has been reduced and the service is continuing to work to identify other potential mitigations to offset the remaining in year variance. However, at this stage of the year this should be regarded as high risk. This pressure has been recognised in the medium term financial strategy approved by Cabinet in November so is not expected to repeat in future years.

4.2.5 The Clean & Green portfolio also now includes Fleet management and workshop which is forecast to underspend by £0.1m from a combination of lower supply costs and overachievement of income. However, with repair work at the depot still ongoing, there is a risk that this underspend may be partly eroded.

Enforcement Service

4.2.6 The Enforcement service pressure is as a result of the School Crossing patrol saving not being delivered. Attempts to source external funding and sponsorship have to date not yielded significant results and the service continues to be provided. The service is due to cease in January 2017

4.2.7 There is an underlying pressure of £720k on the Parking account. This is primarily a result of a projected income shortfall of £570k. the service has seen an increase in revenue from Pay and Display (P&D) parking and Permit sales, however, a significant reduction in the receipts from fines compared to last year.

4.2.8 Delay in implementing cashless parking programme has also meant expected cost reduction for cash collection has not been fully achieved.

- 4.2.9 With the introduction of 30 minutes free parking from December 2016, there is a further risk of income reduction in both Pay & Display and penalty notices due to short term changes in enforcement patterns. This should be recouped in the medium term once the new charges are brought in subsequently but the short-term impact this year may be a net loss.
- 4.2.10 There is also an added risk of staff cost pressures in the Highways service from increased cost of overtime without commensurate income. The service is reviewing these costs and processes and formulating actions to mitigate this.
- 4.2.11 However, there are other underspends in the service which mitigate pressure across the department from maximising the use of grants and income in the service.
- 4.2.12 The service also anticipates that with ongoing Street lighting capital works in current year, there will be reduced pressure on the repairs and maintenance budget.
- 4.2.13 The net result of these pressures and mitigations is that the service should come in on balance or close to it but there will be restricted scope to offset overspends in other areas.

Other Environmental services

- 4.2.14 This includes the Passenger Transport Service. The Passenger Transport service saving of £400k will be achieved in this financial year by finding compensating savings or drawing down from reserves. Options for future years including partnership with another London Borough are currently being considered and a business case will be presented early in the new year.

Elevate Client Unit:

- 4.2.15 The Elevate Client Unit is currently forecast to overspend by £623k by year end due to underachievement of income in respect to Council Tax Court Costs. This first occurred in 2015/16 due to court summonses being cancelled as an incentive for Council Tax payers to repay their debts. This practice has continued into 2016/17. There are several other smaller pressures within the service which are being mitigated.

4.3 Growth & Homes

Table 6: Growth and Homes

Division	Full year Budget 2016/17	Period 8 Projection	Variance from Budget	
			£'000	%
	£'000	£'000	£'000	%
Culture & Recreation	4,248	4,215	(33)	(0.8)
Regeneration	770	770	0	0
Housing strategy	(85)	(85)	0	0
Homelessness	780	3,680	2,900	372

Strategic Director, Growth & Homes	110	110	0	0
Total General Fund	5,823	8,690	2,867	49.2%

Departmental Performance Summary

- 4.3.1 The projection to year end is an over spend of £2.9m within Homelessness. Most this budget is driven by the number of people presenting, and being accepted, as statutorily homeless. Potential pressures have been identified within the other budgets, however, it is expected that they will be managed within the service areas.

Culture & Recreation

- 4.3.2 This service is forecast to under spend at year end by £0.033m, due to staff vacancies across Library services.

Homelessness

- 4.3.3 The Housing General Fund is currently forecasting a pressure of £2.9m at the year end. This is an improved forecast – down by £0.2m from previous months. The overspend is due to the net cost of placing people in accommodation provided by private sector landlords, which is the largest source of temporary accommodation. The income that the Council can collect from tenants is constrained by the level of Housing Benefit payable which has been frozen for several years and is now below the cost of most accommodation in the borough and neighbouring areas.
- 4.3.4 Around two thirds of the properties used for temporary accommodation produce a net cost to the Council. However, efforts to control costs in recent months have resulted in a lower average net cost than previously forecast. The average net cost is now calculated to be around £3 per night. Performance bonuses are also paid to agents for providing seven or more properties and are forecast at £140k for the year.
- 4.3.5 The costs for Bed and Breakfast and Nightly Let accommodation are greater still but the service has succeeded in reducing the usage of such accommodation with numbers falling to just one in October. This has also contributed to the reduction in the forecast. However, there is a risk that it may not be sustainable throughout the year, especially once renovation works at Boundary Road begin in March. The works have been planned to require only limited decant (up to 12 at a time) and residents will be placed in PSL/HRA stock. However, the reduction in hostel accommodation may mean that B&B must be used for emergency cases.
- 4.3.6 There are other pressures which will impact on the pressure reported above. The impact of welfare reform continues to be monitored but is expected to result in increased levels of homelessness unless preventative measures are effective. Temporary accommodation arrears have increased by £405k (12%) this financial year, and, the current level of bad debt provision will not provide sufficient coverage, resulting in additional pressure. It should be noted that in October TA arrears has risen by £320k due to the backlog in applying housing benefits to rent accounts which is a consequence of temporarily reduced benefit officer resources. The arrears position is expected to return to normal now that resources are back to

normal. As such the pressure on the BDP has been maintained at last month's position.

- 4.3.7 There continues to be need for security at the homeless hostels to enable the safeguarding of staff and residents following several incidents in previous years. This is creating a pressure of around £0.25m on the hostels budget.
- 4.3.8 A new phase of Welfare changes has recently come into force with the lowering of the overall benefits cap. The impact of this is not yet fully known but may result in increased numbers of Homelessness applications or increased levels of bad debt.
- 4.3.9 The November Cabinet meeting received a report on the Homelessness situation and approved the high-level strategy and an outline recovery plan. This was followed by presentation of a more detailed plan at PAASC on 5th December. Although however, the budget is unlikely to return to a balanced position within year, full delivery of the plan should reduce the overspend further.

Regeneration (Including Housing strategy)

- 4.3.10 The Regeneration & Economic Development and Housing Strategy teams are currently projected to spend to budget by the end of the financial year with no specific issues or pressures at this stage.
- 4.3.11 The main risk to achieving the breakeven position for the Regeneration area is in respect of recovering the budgeted level of income which is derived mainly from Planning Application and Local Land Charge fees. The demand for Planning Applications has increased substantially over recent months and this has led to the employment of additional planning staff to cope with the demand. This additional cost can be offset by the enhanced levels of income that have been generated and, therefore, there are no current concerns in this area.

4.4 Chief Executive

Table 7: Chief Executive

Directorate Summary	2016/17 Budget £000	2016/17 Forecast £000	Variance £000
Net Expenditure	299	69	(230)

- 4.4.1 The Law and Governance Service is generating an income surplus, which is shown as an underspend.

4.5 Finance & Investment

Table 8: Finance and Investment

Directorate Summary	2016/17 Budget £000	2016/17 Forecast £000	Variance £000
Net Expenditure	1,387	887	(500)

- 4.5.1 Asset Strategy is projecting an underspend of £0.5m resulting from a surplus on B&D Reside.
- 4.5.2 The Housing Benefit Subsidy budgets are also included in this service grouping. Work is also being carried out to reassess the bad debt provision required – this is expected to produce further underspends.

4.6 Central Expenses

Table 9: Central Expenses

Summary	2016/17 Budget	2016/17 Forecast	Variance
	£000	£000	£000
Net Expenditure	3,415	2,365	(1,050)

- 4.6.1 This budget covers treasury management costs (interest paid on loans and received on investments), levies from ELWA and other statutory bodies, budgets to cover the costs of redundancy and doubtful debts and a small contingency to cover any unforeseen pressures.
- 4.6.2 Interest on borrowing costs is currently forecast to be £0.2m better than budget due to required borrowing being lower than anticipated and additional procurement savings of £0.2m are also forecast. In addition, there is around £0.5m projected underspend relating to Procurement savings.
- 4.6.3 The recent Cabinet decision to retain the current redundancy terms means that the saving from the removal of the enhanced multiplier will not be achieved. This will be managed in year but presents a risk for future years' budgets.

4.7 Revenue Virement Requiring Cabinet Approval

- 4.7.1 In line with Financial Regulations, Cabinet are asked to approve a virement removing the in-year savings realised by the Voluntary Redundancy exercise. These savings will be transferred to reserves at year end and then drawn down to support the 17/18 budget as set out in the Medium Term Financial Strategy reported to Cabinet in November. They have not been included in the forecast variance figures.
- 4.7.2 The table below shows a summary of this virement at Operational Director level.

Table 10: VR savings Virement for Cabinet Approval.

SERVICE	Vr Savings
F1000A - SERVICE DEVELOPMENT & INTEGRATION	646,296
F1050B - ADULT'S CARE & SUPPORT	313,646
F1070B - COMMISSIONING ADULT'S CARE & SUPPORT	79,675
F1130B - PUBLIC HEALTH	42,246

F1150B - HEALTHY LIFESTYLES	105,456
F2040B - COMMISSIONING CHILDREN'S CARE & SUPPORT	105,273
F1500A - CHIEF EXECUTIVE	305,655
F1720B - LAW & GOVERNANCE	305,655
F3000A - CUSTOMER, COMMERCIAL & SERVICE DELIVERY	219,952
F3020B - ENFORCEMENT	120,291
F3030B - CLEAN & GREEN	99,661
F4000A - FINANCE & INVESTMENT	294,450
F1520B - ASSETS & INVESTMENT	100,868
F1560B - FINANCE	31,421
F1580B - STRATEGY & PROGRAMMES	96,420
F1740B - ASSURANCE AND COUNTER FRAUD	65,741
F5000A - GROWTH & HOMES	343,346
F1090B - CULTURE & RECREATION	95,401
F1780B - GROWTH, HOMES & REGENERATION	152,393
F3050B - HOUSING GENERAL FUND	95,552
Grand Total	1,809,699

5. Housing Revenue Account (HRA)

Table 11: HRA

HRA Classification	Budget £'000	Forecast £'000	Variance £'000
Rent	(90,538)	(90,818)	(280)
Non Dwelling Rents	(807)	(750)	57
Other Income	(19,285)	(19,453)	(168)
Interest Received	(336)	(437)	(101)
Income	(110,966)	(111,458)	(492)
Repairs and Maintenance	17,093	16,943	(150)
Supervision and Management	42,572	41,382	(1,190)
Rent, Rates and Other Taxes	700	350	(350)
Bad Debt Provision	2,772	2,772	0
Interest Charges	10,059	10,059	0

Corporate and Democratic Core	685	685	0
Expenditure	73,881	72,191	(1,690)
Revenue Contribution to Capital	37,085	37,447	362
Transfer to HRA Balances	0	1,820	1,820

5.1 The overall position shows no change from the period 7 forecast.

HRA Income

5.2 Income is expected to over-achieve by £0.492m. The main areas of variation from budget are:

- Additional rental income of £0.28m from lower than expected void levels, partially offset by lower rental income from HRA decants used for Temporary Accommodation
- Lower than expected garage income £0.057m while the refurbishment programme continues.
- Lower than expected service charge income of £0.1m due to the Housing Management decision to suspend Concierge charges at Thaxted House. This is offset by an equivalent savings in payments to the security contractor.
- Higher than budgeted income from telecommunication masts and other income is expected (£0.268m)
- Based on a higher level of balances now expected to be held in the HRA an increased interest payment is expected (£0.101m)

HRA Expenditure

5.3 Expenditure budgets are expected to be underspent by £1.690m.

- Supervision and Management is expected to underspend by £1.190m, this is due to Housing Management fleet/estate cost reductions (£0.5m) & staff saving (£0.590m) from the on-going voluntary redundancy process and service management savings from the suspension of the concierge service at Thaxted House (£0.1m).
- The Repairs and Maintenance Service is currently forecast to underspend by £0.150m. This is a significant reduction from 2015/16 due to reduction in staffing costs in 2016/17 as a result of the on-going voluntary redundancy process. The service also continues to actively work to identify further savings and make better use of its existing resources. The forecast position is highly dependent on level of work carried out by the in-house service in preference to that completed by sub-contractors, therefore this continues to be closely monitored to ensure no revenue pressure is created by underutilisation of the existing workforce. Any management decision to move additional work to sub-contractors will also need to consider the revenue and capital budget implications.
- The HRA contribution towards the cost of voluntary redundancy and the additional HRA pension fund top up is currently forecast to be £3.5m but this is

containable within the overall HRA budget due to the staff vacancies created from the voluntary redundancy process.

HRA Balances

- 5.4 There is a budgeted contribution to capital resources of £37.1m and it is currently assumed this will increase by £0.362m in 2016/17.
- 5.5 Based on the current forecast it is also assumed HRA balances will increase by £1.820m, this will partly contribute towards a potential risk from a court decision against LB of Southwark, which is subject to appeal currently, in respect of resale of water supply and the associated commission (to cover admin costs of circa £1.2m in 2016/17). Should the appeal fail this may result in the repayment of commission to tenants. The service is currently seeking legal advice on this matter.
- 5.6 In addition, there is a Government proposal to instruct Local Authorities to sell its higher value voids and pay a levy to the Government to fund Housing Association Right to Buys. Even if the Authority does not decide to sell off its voids a levy will still apply. Formal Government Policy is still awaited, but it is now confirmed no payment will be required to central government in this financial year. However it will be prudent for authorities with Housing stock to build up funds for future requirements.

6. In Year Savings Targets – General Fund

- 6.1 The delivery of the 2016/17 budget is dependent on meeting a savings target of £12.9m. Directorate Management Teams are monitoring their targets and providing a monthly update of progress which is summarised in the table below. Where there are shortfalls, these are either reflected in the monitoring positions above or will be managed within existing budgets.
- 6.2 A detailed breakdown of savings and explanations for variances is provided in Appendix B and any shortfall in savings is already incorporated in to the overall and service forecasts earlier in the report.

Table 12: Savings Targets

Summary of Savings Targets	Target £000	Forecast £000	Shortfall £000
Customer, Commercial & Service Delivery	3,190	2,604	586
Growth & Homes	971	371	600
Service Development and Integration	3,466	3,378	88
Finance & Investment	5,227	4,470	757
Total	12,854	10,823	2,031

7. Capital Programme 2016/17

- 7.1 The Capital Programme forecast against budget as at the end of Nov 2016 is as follows:

Table 13: Capital Programme

	2016/17 Revised Budget £'000	Actual Spend to Date £'000	2016/17 Forecast £'000	Variance against Budget £'000
Service Development & Integration	62,032	47,918	62,432	400
Customer, Commercial & Service Delivery	9,046	2,823	10,004	958
Finance & Investment	3,884	5,972	3,884	
Growth & Homes	60,091	29,259	61,091	1,000
Subtotal - GF	135,053	85,972	137,411	2,358
HRA	62,659	24,632	61,759	(900)
Total	197,712	110,604	199,170	1,458

New Schemes

7.2 There were no new schemes added to the Capital Programme in this reporting period.

Service Development & Integration

7.3 The main element in the programme is the school expansion programme (£53.6m). Forecast is that it will spend £0.4m over the in-year budget – however this is due to the Gascoigne Secondary School (Greatfields) scheme being developed ahead of schedule. Funding for this is already in place and budgeted in 2017-18.

Customer, Commercial & Service Delivery

7.4 This includes IT projects (£5.1m) and various environmental projects (£3.9m). The Directorate is showing an overspend of £0.958m primarily due to increased hardware costs for the ICT End User scheme and the IT investment scheme being brought forward from future years.

Finance & Investment

7.5 The main element in the programme is the corporate accommodation strategy (£3.0m). The Land Acquisition (previously known as Barking Riverside Housing Zone), Acquisition of Royal British Legion and Gurdwara Way have been moved to this Directorate from Regen in Chief Executive Directorate. At present, everything is spending to budget.

Growth & Homes

7.6 The largest project is the Gascoigne estate renewal (£37m). The monitoring shows that the Directorate will overspend by £1.0m due to delay in agreement on procurement and brief specification on Boundary Road Hostel (£0.2m) and accelerated spend of £1.2m on Gascoigne West due to buybacks.

HRA

7.7 The main expenditure is on new build schemes (£17.3m) and investment in existing stock (£36.9m). Forecast is £0.9m below budget due to delay in Modular programme development and agreement.

8. Consultation

- 8.1 The relevant elements of the report have been circulated to appropriate Divisional Directors for review and comment. Individual Directorate elements have been subject to scrutiny and discussion at their respective Directorate Management Team meetings.

9. Financial Implications

Implications completed by: Kathy Freeman, Finance Director

- 9.1 This report details the financial position of the Council.

10. Legal Implications

Implications completed by: Fiona Taylor, Director of Law and Governance

- 10.1 Local authorities are required by law to set a balanced budget for each financial year. During the year, there is an ongoing responsibility to monitor spending and ensure the finances continue to be sound. This does mean as a legal requirement there must be frequent reviews of spending and obligation trends so that timely intervention can be made ensuring the annual budgeting targets are met.

Public Background Papers Used in the Preparation of the Report:

Oracle monitoring reports

List of Appendices

- **Appendix A** – General Fund expenditure
- **Appendix B** – Progress against savings targets
- **Appendix C** – Capital Programme

GENERAL FUND REVENUE MONITORING STATEMENT NOVEMBER 2016/17

Directorate	Revised Budget	Expenditure to Date	Forecast Outturn	Forecast Variance
	£000	£000	£000	£000
<u>Service Development & Integration</u>				
Adults Care & Support				
Operations	30,669	21,366	32,030	1,361
Commissioning	6,755	4,512	6,794	39
Mental Health	3,841	2,430	3,841	0
Adults Mgt & Support Services	1,627	1,079	227	(1,400)
Children's Care & Support				
Operations-	39,684	28,640	42,586	2,902
Commissioning-	8,997	6,998	8,497	(500)
Public Health (Net)	0	0	0	-
Community Safety & Offender Management	1,226	(146)	1,226	0
Leisure	838	2,157	1,685	847
Education Commissioning	4,418	8,105	4,284	(134)
Divisional Support - Children's	9,202	528	9,202	-
	107,257	75,670	110,372	3,115
<u>Customer, Commercial & Service Delivery</u>				
Clean & Green	7,345	6,592	7,470	125
Enforcement	11,086	3,685	11,162	76
Other	26	(493)	26	0
Elevate Client Unit	13,432	20,619	14,055	623
SD Customer Service & Commercial Delivery	244	279	244	(0)
	32,133	30,681	32,957	824
<u>Growth & Homes</u>				
Housing Strategy	-85	-84	(85)	-
Homelessness	780	1,208	3,680	2,900
Regeneration & Economic Development, Housing Strategy	770	437	770	-
Culture & Recreation	4,248	3,702	4,215	(33)
Strategic Director - Growth and Homes	110	44	110	0
	5,823	5,307	8,690	2,868
<u>Chief Executive</u>				
Chief Executive	18	2,380	18	-
Law and Governance	281	(1,017)	51	(230)
	299	1,363	69	(230)
<u>Finance & Investment</u>				
Corporate Finance & Assets	1,172	(4,829)	672	(500)
Strategy & Programmes	215	(25)	215	0
	1,387	(4,855)	887	(500)
<u>Corporate and Central Expenses</u>				
Central Expenses & Levies	3,415	8,297	2,365	(1,050)
	3,415	8,297	2,365	(1,050)
TOTAL	150,314	116,464	155,341	5,028

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Directorate Savings Targets: progress at Period 8

Customer Commercial & Service Delivery

Reference	Detail	Current Position	Target £'000	Forecast £'000	Variance £'000
ES004	Removal or self funding for School Crossing Patrols from 23 primary school locations across the borough	We will need to identify potential sponsors and risk assess each location for potential road safety works. We expect the saving to be delivered by a mix of stopping services and sponsorship. Sponsorship is not forthcoming despite efforts of trying to achieve. The options now available due to the budget already halved is to issue notice to all staff on Cat B+C sites (no cover from beginning of new school term in September 2016) and arrange for engineering solutions to be put into all Cat A sites with the removal of the whole service July 2017	82	6	76
ES006	To increase zones and the sale of permits in line with the Parking Strategy	This work now forms part of a wider Parking Improvement Board. Work is being undertaken with the Ambition 2020 team for setting of fees and charges	125	125	0
ES010B	Prestart payment to drivers	Saving will be fully delivered by yr2	17	17	0
ES012	Cease green garden waste collection	Savings was based upon fully chargeable service in place from September 2015, but as a result of delays in implementing this, it was assumed that charging would take effect from April 2016. However, service provision is expected to continue (not as a chargeable service) until September when the service will be fully withdrawn. A consultation has been carried out about the future of the service.	110	0	110

ES015	Redesign of street cleansing operations	Service redesign is already delivered. Savings are available for yr1 and on track for yr2.	40	40	0
ES018	Achieve revenue budget savings by transferring the Councils current repair and maintenance responsibilities for allotments to the Allotment Society	Surveys are ongoing and arrangements to cancel existing licences are being made for April. The main risk is that societies will not accept leases and transferred responsibilities because remedial works in 2015/6 are not undertaken due to budget restriction and disagreement with societies.	17	17	0
ES020	Increases in income expected from future regulatory activity.	These savings will build on those to be delivered in yr1. It is too early to assess whether income improvements will be made. A programme of service transformation is being developed and will require service restructure and some adoption of policy and powers.	125	125	0
ES030	Parking review opportunity	Initial business cases are being developed to support debt recovery and cashless/paperless parking. The impact of legislation changes governing the use of CCTV came into force in April 2015; the service did come in on budget however it was clear that there was a need for increased capacity within the parking service for more officers on-street. A review of the service is underway and a reactive team is being developed.	450	450	0
ACS/SAV/11	Review of passenger transport for adults	The Maples Day centre has now closed thereby reducing the Adults passenger transport requirement. PTS are reviewing their costs in order to achieve this saving but it is unlikely to be met in year. Instead alternative savings will be found. Options for future years including partnership with another LA are being explored	400	0	400

CEX/SAV/45a (CCSD)	Review of corporate accommodation strategy	Corporate funding to be used	600	600	0
CEX/SAV/51 (CCSD)	School uniform grants	The issuing free school uniforms grants has been discontinued.	64	64	0
CEX/SAV/56 (CCSD)	B&D Direct - Customer Services Channel Shift	Delivered by reducing Elevate Target Cost.	324	324	0
CEX/SAV/61 (CCSD)	Council Tax - invest to collect more	Investment in place but delivery to be monitored.	391	391	0
CEX/SAV/63 (CCSD)	ICT End User Technologies	Delivered by reducing Elevate Target Cost.	400	400	0
CEX/SAV/64 (CCSD)	Client Team reduction	Delivered by post being deleted.	45	45	0
Total	CC&SD		3,190	3,004	586

Growth & Homes

Reference	Detail	Current Position	Target £'000	Forecast £'000	Variance £'000
HGF001	Expand Council hostel portfolio to accommodate temporary placements instead of using expensive B&B accommodation.	There is currently a delay to the transfer of an additional hostel which was assumed in the budget to be available from December 2016 but is now likely to be available in April 2017.	600	0	600
ACS/SAV/24	School library service to be full cost recovery and Home Library Service to be delivered by volunteers.	Achieved	59	59	0
ACS/SAV/27	Valence and Thames View libraries – community management	This saving was dependent on the option that the libraries would be in a trust as this is no longer the case, the service is working on alternative options to deliver the saving	125	125	0
ACS/SAV/29a	Broadway Theatre - transfer to College	Achieved	40	40	0
CEX/SAV/05	Reduction in Planning Policy Posts with amalgamation of roles	Achieved	25	25	0
CEX/SAV/04a	Reduction in staff costs in Development Planning & Strategic Transport	Achieved	42	42	0
CEX/SAV/08	Increased income in Employment & Skills	Achieved	80	80	0
Total	Growth & Homes		971	371	600

Service Development & Improvement

Ref:	Detail	Current Position	Target £000	Forecast £000	Variance £000
ACS/SAV/06a	Personalisation of Learning Disability Day Services and consequential closure of The Maples.	Achieved	127	127	0
ACS/SAV/10	Care and support in the home focused on people with doubling up of care staff as a result of high needs	Achieved	45	45	0
ACS/SAV/12a	Generalist Advice and Hate Crime Incident Reporting reductions	Achieved	280	280	0
ACS/SAV/12f	The Foyer Supported Living for 18-24 year olds	On track to be delivered.	92	92	0
ACS/SAV/12i	Bevan House supported living for vulnerable families	On track to be delivered.	97	97	0
ACS/SAV/31	Leisure centres - Management and reception staff	On track to be delivered.	150	150	0
ACS/SAV/32	Leisure centres - extraordinary increase in net income	An income shortfall is currently reported against leisure income and an action plan is being worked on to reduce the shortfall.	88	0	88
ACS/SAV/36	Options appraisal for leisure and cultural services	As a result of delays to the trust, this saving will be managed corporately in the financial year.	750	750	0
CHS/SAV/26	Children's Centres, part of policy paper re frontline service delivery (use of libraries, developing hubs approach etc. and use of assets Closure of a number of centres	On target	400	400	0
CHS/SAV/27	Youth Service - reconfigure to voluntary sector provision with £100k budget	On target	200	200	0

CHS/SAV/34	Reduction in CIN (c20 year 1, c120 year 2, c60 year 3) due to impact of Troubles Families agenda	Achieved by SAFE programme savings.	300	300	0
CHS/SAV/30	CAMHS - reduce to statutory minimum for year 1 and then delete service	On target but high risk at tier 2	150	150	0
CHS/SAV/35	Review children's social care costs to identify areas for spend reduction	Achieved by SAFE programme savings.	500	500	0
CHS/SAV/36	This proposal is to reduce funding to the Integrated Early Help QA Service	On target	120	120	0
CHS/SAV/25a	Reduction in support to quality Childcare and early years provision	Budget/saving removed via training, development and marketing centralisation	167	167	0
Total	Service Development & Improvement		3,466	3,378	88

Finance & Investment

Ref	Detail	Current Position	Target	Forecast	Variance
			£000	£000	£000
CEX/SAV/26	Minimum Revenue Provision accounting	Achieved	2,850	2,850	0
CEX/SAV/27	Investment income - rate change	On target to be achieved	500	500	0
CEX/SAV/77 (CEX)	Business Support review	Not yet delivered.	90	0	90
CEX/SAV/78 (F&I)	Reduction in middle management	Delivered.	300	300	0
CEX/SAV/42 (F&I)	Energy team	CEX/SAV/42 & 54b delivered through VR of 2 posts.	25	25	0
CEX/SAV/45 (CCSD)	Maritime House	Delivered as lease terminated.	125	125	0
CEX/SAV/53 (CCSD)	Business rate relief	Policy has been re-written to deliver this.	50	50	0
CEX/SAV/72 (Corporate)	Freeze salary increments	On target to be achieved	500	500	0
CEX/SAV/73 (Corporate)	Reduce redundancy multiplier	Following the decision of Cabinet to retain the redundancy multiplier this saving will not be achieved.	667	0	667
CEX/SAV/54b (F&I)	Energy and utility efficiencies	CEX/SAV/42 & 54b delivered through VR of 2 posts.	60	60	0
CEX/SAV/54f (F&I)	Pay Pension Fund contributions on 1 April instead of monthly	Delivered.	60	60	0
Total	Finance & Investment		5,227	4,470	757

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Capital Programme 2016/17

APPENDIX C

Project No	Project Name	Revised 2016/17 Budget	Actuals	2016/17 Forecast	Variance
Service Development & Integration					
Adult Care and Support					
Adult Social Care					
FC00106	Private Sector HouseHolds	1,064,000	552,842	1,064,000	0
FC02888	Direct Payment Adaptations Grant	400,000	178,833	400,000	0
FC03049	Adult Social Care Cap Grant	113,000	28,599	113,000	0
FC03061	Social Care IT Replacement System	425,515	0	425,515	0
Healthy Lifestyles					
FC02870	Barking Leisure Centre 2012-14	310,617	198,933	310,617	0
Total For Adult & Community Services		2,313,132	959,207	2,313,132	0
Education, Youth and Childcare					
Primary Schools					
FC02736	Roding Primary School (Cannington Road Annex)	129,789	0	129,789	0
FC02745	George Carey CofE (formerly Barking Riverside) Primary School	23,376	450	23,376	0
FC02784	Manor Longbridge (former UEL Site) Primary School	150,000	2,818	150,000	0
FC02799	St Joseph's Primary - expansion	4,279	4,279	4,279	0
FC02861	Eastbury Primary (Expansion)	63,857	40,032	63,857	0
FC02865	William Bellamy Primary (Expansion)	44,500	1,824	44,500	0
FC02919	Richard Alibon Expansion	53,770	36,036	53,770	0
FC02920	Warren/Furze Expansion	350,255	339,732	350,255	0
FC02921	Manor Infant Jnr Expansion	39,308	36,527	39,308	0
FC02923	Rush Green Expansion	115,902	114,689	115,902	0
FC02924	St Joseph's Primary(Barking) Extn 13-14	15,072	0	15,072	0
FC02956	Marsh Green Primary 13-15	882,218	647,173	882,218	0
FC02957	John Perry School Expansion 13-15	17,395	2,445	17,395	0
FC02960	Sydney Russell (Fanshawe) Primary Expansion	4,382,500	4,483,995	4,382,500	0
FC02979	Gascoigne Primary (Shaftesburys)	7,024,340	6,139,933	7,024,340	0
FC02998	Marks Gate Junior Sch 2014-15	50,000	38,218	50,000	0
FC03014	Barking Riverside City Farm Phase II	50,000	563	50,000	0
FC03041	Village Infants - Additional Pupil Places	1,511,417	1,394,677	1,511,417	0
FC03053	Gascoigne Primary - 5fe to 4fe	600,000	194,478	600,000	0

Project No	Project Name	Revised 2016/17 Budget	Actuals	2016/17 Forecast	Variance
Secondary Schools					
FC02953	All Saints Expansion 13-15	112,233	0	112,233	0
FC02954	Jo Richardson expansion	350,000	44,898	350,000	0
FC02959	Robert Clack Expansion 13-15	3,500,000	2,516,798	3,500,000	0
FC02977	Barking Riverside Secondary Free School (Front Funding)	27,500,000	21,848,204	27,500,000	0
FC03018	Eastbury Secondary	2,800,000	1,328,878	2,800,000	0
FC03020	Dagenham Park	2,831,458	2,491,857	2,831,458	0
FC03054	Lymington Fields All through School	200,000	10,000	200,000	0
FC03019	Eastbrook School	640,000	613,657	640,000	0
FC03022	New Gascoigne Secondary School (Greatfields)	100,000	334,090	500,000	400,000
FC03078	Barking Abbey Expansion 2016-18	100,000	3,235	100,000	0
Other Schemes					
FC02826	Conversion of Heathway to Family Resource Centre	19,323	16,662	19,323	0
FC02906	School Expansion SEN projects	164,138	32,119	164,138	0
FC03042	Additional SEN Provision	250,000	65,911	250,000	0
FC02909	School Expansion Minor projects	87,344	25,583	87,344	0
FC02972	Implementation of early education for 2 year olds	691,482	268,502	691,482	0
FC02975	Barking Abbey Artificial Football Pitch	55,415	0	55,415	0
FC02978 / FC03010 / FC03051	School Modernisation Fund	3,058,746	3,013,227	3,058,746	0
FC03013	Universal infant Free School Meals Project	5,862	0	5,862	0
FC03043	Pupil Intervention Project (PIP)	400,000	449,703	400,000	0
9999	Devolved Capital Formula	917,392	127,490	917,392	0
Children Centres					
FC03063	Extension of Abbey CC Nursery	125,000	35,623	125,000	0
FC03033	Upgrade of Children Centres	290,853	254,813	290,853	0
FC02217	John Perry Children's	5,123	0	5,123	0
FC02310	William Bellamy Children Centre	6,458	0	6,458	0
Total For Children's Services		59,718,805	46,959,119	60,118,805	400,000
Total for Service Development & Integration		62,031,937	47,918,326	62,431,937	400,000

Project No	Project Name	Revised 2016/17 Budget	Actuals	2016/17 Forecast	Variance
Customer, Commercial & Service Delivery					
Environmental Services					
FC03064	Street Light Replacing	976,005	5,500	976,005	0
FC03030	Frizlands Phase 2 Asbestos Replacement	381,146	204,791	381,146	0
FC02964	Road Safety Impv 2013-14 (TFL)	236,000	23,179	236,000	0
FC02886	Parking Strategy Imp	0	909	0	0
FC02542	Backlog Capital Improvements	394,830	104,810	394,830	0
FC03065	Highways Improvement Programme	705,190	30,600	705,190	0
FC02982	Controlled Parking Zones (CPZ's) 2013-15	150,000	15,607	150,000	0
FC03011	Structural Repairs & Bridge Maintenance	383,001	30,735	383,001	0
FC03012	Environmental Asset Database Expansion	0	(1,032)	0	0
FC03031	Highways & Environmental Design	0	0	0	0
FC03067	Abbey Green Works 2016-17	63,678	26,459	63,678	0
FC03066	Parking ICT System	280,000	254,926	280,000	0
PGSS					
FC03026	BMX Track	226,136	0	226,136	0
FC03034	Strategic Parks	117,840	32,494	117,840	0
Total For Environmental Services		3,913,826	728,978	3,913,826	0
ICT					
FC03068	ICT End User Computing	1,700,000	1,509,496	2,658,000	958,000
FC02738	Modernisation and Improvement Capital Fund (formerly One B & D ICT Main Scheme)	256,457	(36,425)	256,457	0
FC02877	Oracle R12 Joint Services	157,465	38,159	157,465	0
FC03052	Elevate IT Investments	2,221,000	529,708	2,221,000	0
FC03059	Customer Services Channel Shift	797,070	52,423	797,070	0
Total For ICT		5,131,992	2,093,361	6,089,992	958,000
Total For Customer, Commercial & Service Delivery		9,045,818	2,822,339	10,003,818	958,000

Project No	Project Name	Revised 2016/17 Budget	Actuals	2016/17 Forecast	Variance
Finance & Investment					
Asset Strategy					
FC02587	Energy Efficiency Programme	28,753	0	28,753	0
FC02565	Implement Corporate Accommodation Strategy	3,000,000	1,545,179	3,000,000	0
FC03081	Land Acquisitions 2016-18 (Barking Riverside Housing Zone)	0	3,727,077		0
FC03080	Acquisition of Royal British Legion	0	700,000		0
FC03082	Gurdwara Way - Land remediation	855,000	0	855,000	0
Total For Asset Strategy		3,883,753	5,972,256	3,883,753	0
Total for Finance & Investment		3,883,753	5,972,256	3,883,753	0

Growth & Homes					
Culture & Sport					
FC03060	BLC - Replacement Flooring	171,000	0	171,000	0
FC03029	Broadway Theatre	50,000	0	50,000	0
FC03062	50m Demountable Swimming Pool	1,700,000	0	1,700,000	0
FC03032	Parsloes Park - Artificial Turf Pitches & Master Planning	519,540	5,375	519,540	0
FC03057	Youth Zone Development	1,000,000	166,000	1,000,000	0
FC03079	Whitehouse Refurb	100,000	0	100,000	
Regeneration					
FC03027	Establishment of Council Owned Energy Services Company	100,000	57,518	100,000	0
FC02969	Creative Industries	35,586	0	35,586	0
FC02898	Local Transport Plans (TfL)	144,000	120,086	144,000	0
FC02962	Principal Road Resurfacing 2013-14 TfL	446,000	457,602	446,000	0
FC02963	Mayesbrook Neighbourhood Improvements (DIY Streets) 2013-14 (TfL)	0	18,856	0	0
FC02994	Renwick Road/ Choats Road 2014/15 (TfL)	0	9,281		
FC02995	Ballards Road/ New Road 2014/15	0	2,550	0	0
FC02996	Barking Town Centre 2014/15 (TfL)	778,300	609,073	778,300	0
FC02997	A12 / Whalebone Lane (TfL)	0	0	0	0
FC03000	MAQF Green Wall (TfL)	0	2,349	0	0
FC03023	Bus Stop Accessibility Improvements	138,000	33,961	138,000	0
FC03025	Gale St Corridor Improvements	325,000	206,707	325,000	0
FC03028	Chadwell Heath Crossrail Complementary Measures (CCM)	811,650	440,992	811,650	0
FC03050	Clockhouse Avenue - Freehold Purchase	37,016	10,233	37,016	0
FC03072	Purchase of Sacred Heart Convent, 191 Goresbrook Road, Dagenham - to convert to homeless provision	3,000,000	2,821,163	3,000,000	0
FC03069	Barking Station improvements (TfL)	900,000	0	900,000	0

Project No	Project Name	Revised 2016/17 Budget	Actuals	2016/17 Forecast	Variance
FC03055	Barking Riverside Trans Link (Drovers Way)	9,300,000	2,411,883	9,300,000	0
Total For Regeneration		19,556,092	7,373,629	19,556,092	0

General Fund Housing					
FC03070	Boundary Road Hostel	400,000	13,703	200,000	(200,000)
FC02990	Abbey Road Phase II New Build	360,000	10,380	360,000	0
FC02986	Gascoigne Estate	36,775,406	19,481,021	36,775,406	0
FC02985	Gascoigne West (Housing Zone)	3,000,000	2,379,907	4,200,000	1,200,000
Total For General Fund Housing		40,535,406	21,885,011	41,535,406	1,000,000
Total For Growth & Homes		60,091,498	29,258,640	61,091,498	1,000,000

Grand Total for Non HRA		135,053,006	85,971,561	137,411,006	2,358,000

Project No	Project Name	Revised 2016/17 Budget	Actuals	2016/17 Forecast	Variance
HRA					
	Estate Renewal				
FC02820	Boroughwide Estate Renewal	8,000,000	6,844,989	8,000,000	0
	Sub-Total: Estate Renewals	8,000,000	6,844,989	8,000,000	0
	New Build schemes				
FC02823	Council Housing Phase 3	0	79	0	0
FC02916	Lawns & Wood Lane Bungalows	0	6,560	0	0
FC02917	Abbey Road Creative Industries Quarter	0	2,500	0	0
FC02931	Leys New Build Development (HRA)	8,550,000	4,192,444	8,550,000	0
FC03071	Modular Construction Programme	1,000,000	1,000	100,000	(900,000)
FC03009	Leys Phase II	3,000,000	637,268	3,000,000	0
FC02961	Goresbrook Village Housing Development 13-15	0	101,214	0	0
FC02970	Marks Gate Open Gateway Regen Scheme	414,997	693,732	414,997	0
FC02973	Infill Sites	784,100	83,121	784,100	0
FC02988	Bungalows	100,000	(8,813)	100,000	0
FC02989	Ilchester Road New Build	2,750,000	435,457	2,750,000	0
FC03056	Burford Close	300,000	3,463	300,000	0
FC03058	Kingsbridge Development	400,000	194,881	400,000	0
	Sun-Total: New Builds	17,299,097	6,342,906	16,399,097	(900,000)
	Investment In Stock				
FC00100	Aids & Adaptations	860,000	276,828	860,000	0
FC02811	Members Budget	0	(144)	0	0
FC02933	Voids	5,000,000	291,115	5,000,000	0
FC02934	Roof Replacement Project	116,139	37,224	116,139	0
FC03048 / FC02938	Fire Safety Works	1,642,300	1,201,922	1,642,300	0
FC02943	Asbestos Removal (Communal Areas)	900,000	660	900,000	0
FC02950	Central Heating Installation Inc. Communal Boiler Replacement Phase II	1,600,000	28,165	1,600,000	0
FC02939	Conversions	50,000	7,388	50,000	0
FC02984	Block & Estate Management	0	86,441	0	0
FC02983	Decent Homes Central	6,900,000	1,234,345	6,900,000	0
FC03002 / FC03047	Decent Homes South	8,087,900	4,550,440	8,087,900	0
FC03001 / FC03046	Decent Homes North	5,900,000	3,204,968	5,900,000	0
FC03003	Decent Homes (Blocks)	76,000	(92,890)	76,000	0
FC03004	Decent Homes (Sheltered)	33,200	(28,379)	33,200	0
FC03005	Decent Homes Small Contractors	0	(5,000)	0	0
FC03007	Window Replacement Scheme	4,400	(10,500)	4,400	0
FC03036	Decent Homes Support - Liaison Teams/Surveys	90,000	0	90,000	0

Project No	Project Name	Revised 2016/17 Budget	Actuals	2016/17 Forecast	Variance
FC03037	Energy Efficiency	500,000	79,710	500,000	0
FC03038	Garages Refurbishment	450,000	69,155	450,000	0
FC03039	Estate Roads & Environmental	750,000	(1,139)	750,000	0
FC03040	Communal Repairs & Upgrades	50,000	0	50,000	0
FC03045	External Fabrics - Blocks	3,200,000	513,880	3,200,000	0
FC03074	Estate Public Realm Improvements	500,000	0	500,000	0
FC03075	Door Entry Systems	20,000	304	20,000	0
FC03076	Window Replacements	20,000	0	20,000	0
FC03077	Internal Works	150,000	0	150,000	0
	Sub-Total: Investment in Stock	36,899,939	11,444,493	36,899,939	0
	Housing Transformation				
FC03073	Housing Transformation Programme	460,000	0	460,000	0
Total For HRA		62,659,036	24,632,388	61,759,036	(900,000)
Total for Capital Programme 2016/17		197,712,042	110,603,949	199,170,042	1,458,000

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CABINET

17 January 2017

Title: Outcome of Green Garden Waste Consultation	
Report of the Cabinet Member for Environment and Street Scene	
Open	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Claire Symonds, Chief Operating Officer	Contact Details: Tel: 020 8227 5513 E-mail: claire.symonds@lbbd.gov.uk
Accountable Director: Claire Symonds, Chief Operating Officer	
Summary	
<p>In October 2014, the Council agreed a series of savings proposals to ensure that it could meet its financial targets. One of these was to save £220,000 against the provision of a green garden waste (GGW) service, a non-statutory service. that had only been provided for the past few years. Due to that decision, the option to continue a free collection service at that time was not one that could be pursued.</p>	
<p>In line with the customary annual arrangements, GGW collections ceased on 30 September 2016. A consultation process was then initiated to determine if there was a demand within the borough to introduce a self-funding paid-for collection service (as is common in other London boroughs). A total of 7,690 responses were received through the postal card and the online consultation portal, with 3,835 (49.87%) residents indicating that they would be willing to pay for a green garden waste collection service and 3,855 (50.13%) residents not willing to pay.</p>	
<p>As almost 4,000 residents showed an interest in a paid for service, an options appraisal was completed to establish the preferred model for a new paid-for GGW service. Arising from this exercise, it is proposed the Council introduce a fortnightly collection running from 1st April – 1st November. This service would cost each participating household £40 per annum (these costs are based on operating for a 2-year period). To make the service cost neutral, the Council would need to receive payment from the number of residents who said that they would be willing to pay for the service in advance for the 1st year of the service and receive a commitment to pay for the 2nd year. It should be noted that if this commitment is not received or the actual number of residents who sign up to the paid-for service fails to reach the threshold for the scheme to be self-financing, the service will not be launched.</p>	
<p>To raise awareness of this new paid-for service, a series of communications will be published. Additionally, communications will be developed to let those residents who do not choose to use the service know of possible alternatives, including what to do with their old bins and to promote composting.</p>	

Recommendation(s)

The Cabinet is recommended to:

- (i) Agree, subject to the new service being self-financing, the commencement of a new green garden waste collection service for subscribing households with effect from 1 April 2017 on the terms detailed in the report; and
- (ii) Delegate authority to the Chief Operating Officer, in consultation with the Cabinet Member for Environment and Street Scene, to make the final determination on whether the scheme would be self-financing.

Reason(s)

A recent public consultation identified a demand within the borough to launch a paid for Service (3,835 responses stating they would pay).

This Service will also contribute to the Council's corporate objectives of:

- Encouraging civic pride.
- Enabling social responsibility.

1. Introduction and Background

- 1.1 In October 2014, the Council agreed a series of savings proposals to ensure that it could meet its financial targets. One of which was to save £220,000 against the provision of a Green Garden Waste service. This is not a statutory service and indeed has only been provided for the last few years. Due to this decision, the option to continue a free collection service was not one then that could be continued.
- 1.2 A public consultation was launched to determine if there was a demand within the borough to introduce a self-funded paid for collection service (as is in place in other London boroughs).
- 1.3 A total of 7,690 responses were received through the postal card and the online consultation portal – with 3,835 (49.87%) residents indicating that they would be willing to pay for a green garden waste collection service and 3,855 (50.13%) residents not willing to pay.
- 1.4 As a significant number of residents showed an interest in a paid-for service, an options appraisal was complete to establish the preferred model for a paid for Green Garden Waste Service.

2 Proposal and Issues

- 2.1 Based on the number of residents who indicated that they would subscribe to a paid-for service (3,835), the options appraisal identified that a fortnightly collection running from the beginning of April to the beginning of November could be provided at a cost of £40 per annum based on a two-year commitment. The requirement for a two-year commitment is important as the financial viability projections have been

calculated on a two-year collection vehicle leasing arrangement. The cost of a one-year lease would, proportionately, be significantly higher and would mean that the proposed £40 annual charge would have to be set higher.

- 2.2 While there is some flexibility within the financial appraisal if the projected self-funding position of 3,835 subscribers is not reached by the time of the proposed launch, there is no financial provision for the service to be supported by the Council in the medium to long term. Therefore, if the service has not reached the projected self-financing position by the proposed launch date and the indications are that the gap could not be adequately bridged in the short-term, the service shall not proceed. With that in mind, it is proposed that the Chief Operating Officer, in consultation with the Cabinet Member, is authorised to make that judgement.
- 2.3 Assuming that the service does proceed, residents will be able to make payments on the Council's website and via telephone. The option to introduce an additional module to My Account to facilitate this functionality will be reviewed.
- 2.4 Subscribed customers will be provided with a permit (sticker) for their green bin, indicating payment has been accepted, and only green bins with this permit will be collected. It is proposed that a new permit is given to residents each year to show they have paid for that year's service. The proposed terms and conditions of the new Green Garden Waste Service are detailed in Appendix 2.
- 2.5 Green Garden Waste collection routes will be designed in the most efficient and cost-effective manner, based on resources and the addresses of subscribing customers. The collection routes will be reviewed fortnightly to ensure any new subscriptions are added to the collection route.
- 2.6 Residents who have not subscribed to the Green Garden Waste collection service may wish to keep their green bin to be used for composting. The Council will inform residents of ways they can do this through a range of communications, including articles/publications on the "Slim your Bin" webpage.
- 2.7 All residents who are not subscribing to the Green Garden Waste Collection, and who do not wish to keep their Green Bin, will be able to request for this to be collected by the Council.
- 2.8 Redundant green bins which are not wanted by residents will be collected by the Council and cleaned. These green bins will then be either sold or reallocated to subscribed Green Garden Waste customers who do not have a green bin. The Council will retain a specific level of stock to ensure there is a supply to meet demand.
- 2.9 Ahead of the launch of the new Green Garden Waste service, a series of communications will be published to inform residents of the new service. Similarly, communications will be developed to let those residents who don't want to use the service know of possible alternatives, including what to do with their old bins and to promote composting.
- 2.10 A high-level implementation plan is included as Appendix 1.

3 Options Appraisal

- 3.1 An options appraisal was completed to identify the recommended approach detailed within this report.
- 3.2 The free green garden waste collection service ended on 30 September 2016. Therefore, the option of not offering a paid-for service would represent the status quo.

4 Consultation

- 4.1 A large public consultation exercise was undertaken, with publicity focussed on encouraging residents to comment on the option for a paid for service.
- 4.2 This exercise opened on the Consultation Portal on 13 September 2016 and closed at midday on 31 October 2016. A freepost postcard with details of the consultation was delivered to each household within the borough (excluding blocks of flats). These were also made available at the borough's libraries. The results are detailed earlier in this report.
- 4.3 The detailed proposals have been endorsed by the Council's Corporate Strategy Group on 15 December 2016 and by relevant Cabinet Members.

5. Financial Implications

Implications completed by: Katherine Heffernan, Group Manager –Services Finance

- 5.1 The provision of the Green Garden Waste Collection service was due to end in September 2015 to deliver a £220,000 saving. However, the service continued to the end of September 2016, resulting in additional budget pressures.
- 5.2 The proposal is to restart the service in April for approximately eight months to households that subscribe to the service on a cost recovery basis. Financial modelling has been carried out to assess at a very high level whether this might be viable. If around 4,000 households are willing to pay £80 for two years, then this will provide sufficient income to cover the leasing and running costs of one vehicle and crew for fortnightly collections plus administration and other costs.
- 5.3 This indicates that this option could be viable. However, it is dependent on several assumptions and detailed planning and costing of the service will not be possible until more is known about which households will take up this service (as routes cannot be designed without this information.) The service involves both variable costs and stepped costs and so careful planning will be required to ensure that the service is cost neutral.
- 5.4 As the budget for the previous service has already been removed in previous budget setting rounds, the service can only resume if alternative funding can be found. A paid for service would generate this funding.
- 5.5 At this stage there has been no appraisal of the wider financial implications of the changes to the service. It is thought that some customers who do not take up the paid for option will compost their garden waste while others will either add to their

normal waste collection or take it to a disposal point themselves. There may therefore be further impacts on waste volumes and costs (which could be positive or negative) but these cannot be predicted now.

6. Legal Implications

Implications completed by: Dr Paul Feild, Senior Governance Lawyer

- 6.1 The Council is the waste collection authority for the borough with a duty to collect specified forms of waste. However, Section 45 of the Environmental Protection Act 1990 enables such authorities to make reasonable charges for the collection for specified waste defined by the Secretary of State. These forms of waste for which the Council may charge is defined in the Controlled Waste (England and Wales) Regulations 2012 at Schedule 1 article 4. This includes green garden waste. The Council is therefore able to bring in a green garden waste scheme and make charges for collection.
- 6.2 As with any service provided by the Council an equality needs impact assessment should be carried out to ensure that the final scheme that is introduced is compliant with the Equality Act 2010 public sector equalities duties.

7. Other Implications

- 7.1 **Staffing Issues** - As this will be a new service that runs part way through the year additional staff will be engaged on specific seasonal contracts.
- 7.2 **Corporate Policy and Customer Impact** - The proposed introduction of a paid for Green Garden Waste Service will provide an alternative way of disposing of green garden waste for the residents of the borough.

As the waste will be collected in wheelie bins this has the potential for presenting problems for our residents with mobility issues, however, the Council has been using wheelie bins since 2009 and has in place an assisted collection scheme that adapts the collection to meet the needs of the residents – this will also be the case for green waste collections.

A detailed publicity programme will be in place to provide information and guidance on the scheme in the lead up to the introduction date.

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

List of appendices:

Appendix 1 - Green Garden Waste - Draft High-level Implementation Plan

Appendix 2 – Proposed Terms and Conditions for the new Green Garden Waste Service

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Green Garden Waste Draft High-level Implementation Plan

A draft High-level Implementation Plan has been designed for the implementation of a paid for Green Garden Waste Collection Service. The draft plan details the activities to be carried out from when the Community Consultation closed in early November 2016 through till the end of 2018.

The table below details the activities listed in the Draft High-level Implementation Plan below.

Reference	Dates (Week Beginning)	Title	Description
GGW-1	07/11/2016	Compile Green Garden Waste Consultation Results	Results of the Green Garden Waste Consultation (both postal and online) are compiled and analysis is carried out.
GGW-2	07/11/2016-21/11/2016	Complete Financial Model	The results of the Green Garden Waste Consultation are utilized to develop a financial model which determines the appropriate price for the service, given the demand, capacity, and costs.
GGW-3	28/11/2016-12/12/2016	Complete Communications Plan	A detailed Communications Plan is developed for the next 2 years, which includes information about the service and increasing demand for the service.
GGW-4	28/11/2016-12/12/2016	Complete Cabinet Report (Inc. Communications Plan, Payments, T&Cs, Procurement)	Cabinet Report completed as per template – including a detailed Communications Plan, Payments, T&Cs, and Procurement. Report to be provided to Alan Dawson ahead of 17 th January Cabinet.
GGW-5	12/12/2016	Obtain CSG Approval	Cabinet Report to be presented to and approved by CSG on 15 th December.
GGW-6	16/01/2017-23/01/2017	Obtain Cabinet Approval	Cabinet Report to be presented to and approved by Cabinet on 17 th January. Extra week for cool-off period.
GGW-7	23/01/2017-30/01/2017	Procure New Collection Vehicle (Inc. Procurement Board)	Procure a new 26T Collection Vehicle – must be approved by Procurement Board.
GGW-8	30/01/2016–29/10/2018	Implementation of Communications Plan (Inc. Subscription Permit Stickers)	Commence implementation of the Communications Plan, including the distribution of subscription stickers to customers who have paid.
GGW-9	05/12/2016–30/01/2017	Implement Payment Process (Inc. Technology Platform)	Commence implementation of the Payment Process – including any required technology.

Reference	Dates (Week Beginning)	Title	Description
GGW-10	06/02/2016-29/10/2018	Obtain Financial Commitment from Residents (2 years)	Financial commitment for the Green Garden Waste Collections is required from residents for 2 years, including payments being processed.
GGW-11	20/02/2017-30/03/2017	Removal/Collection of Redundant Green Bins	All green bins which are not subscribed to the Green Garden Waste collection service are to be removed.
GGW-12	13/03/2017-20/03/2017	Clean/Sell/Recycle Redundant Green Bins	All collected green bins are to be cleaned, sold or recycled (redistributed).
GGW-13	20/03/2017-27/03/2017	Redistribution of Newly Required Green Bins	All subscribed customers which do not have a green bin will be provided with a recycled green bin.
GGW-14	06/03/2017-03/04/2017	Design Optimal Collection Routes	Based upon the subscribed residents, an optimal collection route will be designed to minimise time and resource required.
GGW-15	06/02/2017-27/02/2017	Design Optimal Staffing Resource Plan	Based upon the subscribed residents, an optimal resource plan will be designed to minimise time and resources required.
GGW-16	06/03/2017-27/03/2017	Recruit Per Resource Plan	Recruit fixed term contract staff as per the Resource Plan.
GGW-17	27/03/2017-03/04/2017	Green Garden Waste Collections Go-Live	Green Garden Waste Collections commence on 1 st April 2017 and 2018.
GGW-18	29/10/2018-05/11/2018	Green Garden Waste Collections Cease	Green Garden Waste Collections cease on 31 st October 2017 and 2018.
GGW-19	05/11/2018-31/12/2018	Reassess Feasibility for Paid Green Garden Waste Collections for 2019 and Beyond	Once the 2-year service has ceased on 31 st October 2018 – the Council will reassess the feasibility of providing the service in 2019 and beyond.

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This agreement is made between the resident(s) (the Customer) registering to the green garden waste collection service (the Service) and the London Borough of Barking and Dagenham (the Council). By agreeing to pay for the service, the customer agrees to the following terms and conditions:

1. Service Description

- 1.1 Green garden waste collections are for kerbside residential properties only. Commercial properties and flats are not eligible for this service.
- 1.2 The green garden waste collection will be a fortnightly service run from the weeks commencing 3rd April 2017 – 30th October 2017 and 2nd April 2018 – 29th October 2018.
- 1.3 All green garden waste collection contracts will expire 2nd November 2018.
- 1.4 Once payment for the service has been received, the customer will receive notification prior to 1st April 2017 and 1st April 2018 of the specific day and fortnight when the green garden waste collection service will be collected prior to the service commencing.
- 1.5 Customers will be notified in advance of any change of collection dates; this information will also be available at the Council's website: www.lbbd.gov.uk/greengardenwastde.
- 1.6 An assisted green garden waste collection service is available for residents who are currently receiving assistive collections for their domestic waste and recycling.

2. Payments

- 2.1 The price for the service is £80.00 for the 2 years (£40.00 per year).
- 2.2 Payments for the green garden waste collection service are required annually in advance. The first £40.00 payment must be made in full prior to the commencement of the green garden waste collection service in April 2017. Additionally, a direct debit for the second £40.00 to be paid prior to the commencement of the green garden waste collection service in April 2018 must be agreed.
- 2.3 The cost of the green garden waste collection service is non-refundable.
- 2.4 Residents can subscribe to the green garden waste collection service at any time during the 2-year period, and will be charged on a pro-rata basis.
- 2.5 The accepted methods of payment will be bank transfer, debit, or credit card via telephone or online through the Council website: www.lbbd.gov.uk/greenwastepayment. A **X.XX%** credit card processing fee will apply.

3. Presentation of Green Garden Waste

- 3.1 All green garden waste must be presented at the boundary of the property by 7:00am on the day of collection. If not presented by 7:00am, the crew will not return until the next scheduled collection day.

- 3.2 Only green garden waste presented in a London Borough of Barking and Dagenham green bin with the appropriate permit will be collected, green garden waste presented in any other manner will not be collected.
- 3.3 If the customer has paid for the green garden waste collection service but there is more than one green bin present at that property, only one of them will be collected.
- 3.4 All green garden waste material must be placed loosely in the green bin. No plastic bags are to be placed in the green bin. See details at www.lbbd.gov.uk/greengardenwaste for details on what materials are accepted.
- 3.5 Green bins that are overflowing will not be collected. The green bin lid must be closed for safety reasons.

4. Contaminated Green Garden Waste

- 4.1 Contaminated green bins, which contain incorrect materials will not be collected. If the green bin is contaminated it is the responsibility of the resident to remove the item/s of contamination prior to the next collection. If the contamination continues the Council will remove the bin. No refund is available.

5. Missed Collections

- 5.1 Green garden waste which is not collected or missed because of access issues such as road works, should be left out for 48 hours. The collection vehicle will continue to return the following business day until access is available. Collections missed on a Friday, may be collected on a Saturday.
- 5.2 All missed collections for reasons other than stated in Clause 5.1, must be reported to the Council within two days of the day the collection was due. The Council will use reasonable endeavour to collect the missed green bin within two working days of the report being received. However, this is not guaranteed.

6. Green bins

- 6.1 The Council will conduct a green bin rationalisation project, and collect all green bins which are not wanted by residents. Residents who want to subscribe to the green garden waste collection service should keep their current green bin. Residents do not wish to subscribe to the green garden waste collection service but wish to keep their green bin may do so.
- 6.2 The Council will maintain a stock of green bins and distribute these to newly registered green garden waste collection customers who do not currently have a green bin.
- 6.3 All Green Bins remain the property of the Council, unless previous proof of purchase is available. Any attempt to deliberately deprive the Council of its property will be viewed as an attempt to defraud the Council of the payments to which it was entitled.
- 6.4 Any damage, loss or theft of green bins will be the sole responsibility of the resident, including charges for any repair or replacement of green bins. Replacement green bins will be charged at **£20.00**.

7. Transfer of Subscription

- 7.1 Residents may transfer their subscription to a new address only if the new address is within the Borough. The Council must be informed and provided with evidence of the change of address. The Council must receive at least 14 days notice.
- 7.2 Green Bin customers who move to a property outside of the Borough are to inform the Council. However, the subscription will continue for the address until the contract expires. No refund is available.

8. Liability

- 8.1 The Council accepts no liability for green bins used for any purpose other than the collection of green garden waste. Customers use the green bins at their own risk. Misused bins may be removed.
- 8.2 Once collected, all green garden waste becomes the property of the Council.

9. Data Protection

- 9.1 The Council will use customer information provided, including personal information, to process their application and this information may be used by the Council and its partners to deliver and improve the Service.
- 9.2 The Council is a Data Controller under the Data Protection Act 1998. We hold information for the purposes specified in our notification to the Information Commissioner and may use this information for any of them. All personal information will be processed in accordance with the Act.
- 9.3 The Council may get information about you from others, or we may give information to them. The Council will not disclose any personal information to any other third parties unless required to do so by law and as the law permits, to check the accuracy of information, prevent fraud or detect crime or to protect public funds.

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CABINET**17 January 2017**

Title: Licensing Act 2003 – Draft 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: Clare Symonds, Chief Operating Officer	
Summary	
<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 has been 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 has also been subject to a public consultation exercise through October and November 2016. The draft policy has been further developed, where appropriate, in the light of the responses received.</p> <p>This report provides a copy of the draft revised statement of licensing policy for the period 2017-2022 together with a copy of the summary of consultation responses. The draft policy is to be reported to the Assembly on 25 January 2017 for formal adoption.</p>	
Recommendation(s)	
The Cabinet is asked to:	
<p>(i) Consider the draft Statement of Licensing Policy 2017-2022 at Appendix A to the report, produced in accordance with the Licensing Act 2003, which includes provisions that:</p> <ul style="list-style-type: none"> - Sound limiting devices shall be required where appropriate and where they provide the best means of noise control; and - Establish a number of additional control measures, as recommended practice, for off-licences, convenience stores and supermarkets located within 400 metres of schools and colleges, including meeting the standards set out in “Challenge 25”. 	

- (ii) Note the process for formal adoption of the Policy, as set out in section 5 of the report; and
- (iii) Recommend that the Policy be adopted by the Assembly at its meeting on 25 January 2017.

Reasons

The adoption of the draft policy fulfils the Council's statutory requirement to establish a licensing policy and to review that policy every five years. The review of the Council's licensing policy is overdue.

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.

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 has been subject of public consultation through October and November 2016 and the responses received from the consultation have been considered. The draft statement of policy has been further revised in the light of responses received. A copy of the further revision is attached as Appendix A with a summary of the responses received provided as Appendix B.

1.8 The draft statement of policy 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).

1.9 The Cabinet is asked to recommend the formal adoption of this draft revised policy to the Assembly.

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 9 responses were detailed responses (primarily from Responsible Authorities) and 4 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 9 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

5. Adoption Process

5.1 As noted, the full Council (the Assembly) must formally adopt the policy. The matter is currently scheduled for the 25 January 2017 Assembly meeting.

5.2 If adopted, the policy must be published on the Council web site 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 standard 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 5 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 draft 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 the Council run licensing venues will be subject to the same controls as other commercially run 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

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**The London Borough of Barking and
Dagenham**

**Licensing Act 2003 - Draft 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 often 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/uksi/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/beer-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 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	Grammar	First sentence ... alcohol 'have' many ... either 'may have' or 'has'	Noted. Grammar 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> <ul style="list-style-type: none"> 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>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 licensig 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 busines 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. Addiitonal 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.

CABINET**17 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 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.	
Recommendation(s) The Cabinet is asked to recommend the Assembly to agree that the Council Tax Support Scheme implemented for 2016/17 be retained for 2017/18.	
Reason 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.	

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 this borough, as of 30th November 2016, and 18,212 Council Tax Support claims against these properties.

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

List of appendices: None

CABINET**17 January 2017**

Title: Calculation and Setting of the Council Tax Base for 2017/18	
Report of the Cabinet Member for Finance, Growth and Investment	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Kathy Freeman, Finance Director	Contact Details: Tel: 0208 337 2497 E-mail: Kathy.freeman@lbbd.gov.uk
Accountable Director: Claire Symonds, Chief Operating Officer	
Summary	
<p>The Council has a duty to set a Tax Base for Council Tax purposes by 31 January each year under Section 67 of the Local Government Finance Act 1992.</p> <p>This report seeks approval of the Authority's Council Tax Base for 2017/18.</p>	
Recommendation(s)	
<p>The Cabinet is recommended to agree that, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by the London Borough of Barking and Dagenham Council as its Tax Base for the year 2017/18 shall be 47,273.13 Band 'D' properties;</p>	
Reason(s)	
<p>To meet the Council's statutory duties under the Local Government Finance Act 1992.</p>	

1. Introduction and Background

- 1.1 The Tax Base must be conveyed to the major precepting Authorities by 31 January prior to the start of the financial year.
- 1.2 The Tax Base must be calculated in accordance with regulations made by the Secretary of State under Section 33(5) of the Local Government Finance Act 1992 and The Local Authorities (Calculation of Tax Base) (England) Regulations 2012.
- 1.3 The regulations set a prescribed period for the calculation of the tax, which is between the 1 December and 31 January in the financial year preceding that for which the calculation of the council tax base is made. The data used in the calculation must be that held by the Council as at 30 November.

2. Proposal and Issues

- 2.1 The valuation of properties for Council Tax purposes is carried out by the Valuation Office Agency.
- 2.2 For Council Tax purposes each property is placed in a band based on its open market value as at 1 April 1991. The bands are as follows:

Range of Values Band	Valuation
Values not exceeding £40,000	A
Values exceeding £40,000 but not exceeding £52,000	B
Values exceeding £52,000 but not exceeding £68,000	C
Values exceeding £68,000 but not exceeding £88,000	D
Values exceeding £88,000 but not exceeding £120,000	E
Values exceeding £120,000 but not exceeding £160,000	F
Values exceeding £160,000 but not exceeding £320,000	G
Values exceeding £320,000	H

- 2.3 The Tax Base is calculated in terms of the equivalent number of Band 'D' properties after discounts and exemptions have been taken into account. There are statutory ratios which determine the proportion of the band D charge that will be charged for a property in each band. The ratios are as follows:

A = 6/9ths	E = 11/9ths
B = 7/9ths	F = 13/9ths
C = 8/9ths	G = 15/9ths
D = 1	H = 18/9ths

- 2.4 The standard Council Tax is set in relation to Band 'D' properties, this will mean that somebody living in a Band 'A' property pays 2/3rds of the standard amount whilst somebody in a Band 'H' property pays twice the standard amount.
- 2.5 The full Council Tax charge is based on the assumption that the property is occupied by two or more adults. However, some properties are exempt from any charge and others qualify for a discount. In determining the Tax Base the relevant discounts and exemptions are taken into account:
- 2.6 The following table shows the number of chargeable properties at 30 November after all discounts and exemptions have been applied.

2016/17			2017/18	
Last Year Totals	Band 'D' Equivalentents	Band	Total	Band 'D' Equivalent
1.19	0.66	A*	0.18	0.10
3,639.78	2,426.52	A	3,660.56	2,440.37
7,171.27	5,577.65	B	7,547.34	5,870.15
33,431.76	29,717.12	C	34,466.83	30,637.18
7,507.86	7,507.86	D	7,730.18	7,730.18
1,416.12	1,730.81	E	1,472.12	1,799.26
291.25	420.69	F	301.05	434.86
40.82	68.03	G	40.77	67.95
4.00	8.00	H	3.00	6.00
53,504.05	47,457.34		55,222.04	48,986.06

*Disabled persons' reductions

- 2.7 When determining the tax base for the purpose of setting the Council Tax an allowance has been made for non-collection. The losses on collection allowance for 2017/18 has been assessed as 6.5%. A further adjustment has been made for arrears collection to reflect the recovery of debt in future years.
- 2.8 The adjustment, expressed as band D equivalentents, is shown below.

Band D equivalent at 30 November 2016	48,986.06
In-year losses in collection allowance of 6.5%	(3,184.09)
Estimated arrears collection	1,471.16
Council Tax Base for 2017/18	47,273.13

- 2.9 A fully detailed calculation of the tax base is contained in Appendix 1.

3. Consultation

- 3.1 The calculation of the council tax base follows a prescribed process and, as such, does not require consultation.

4. Financial Implications

- 4.1 The Council Tax Base has increased by 1528.56 band D equivalent properties from 2016/17 (45,744.57). At the current Council Tax charge of £1,078.03 this would

generate an additional £1.65m of income for the Council compared to the previous year.

- 4.2 The current Medium Term Financial Strategy had assumed an increase in the Council Tax base of 1.25%. The actual increase on the Council Tax base is 3.3%, which generates an additional £1.08m over and above the MTFs assumptions for 2017/18.
- 4.3 The Council Tax collection rate is a significant factor in determining the level of income and will affect the actual amount of Council Tax collected in 2017/18. For every 1% change in the collection rate, income would increase/decrease by £510,000 for the Council.

5. Legal Implications

Implications completed by: Paul Feild, Senior Corporate Governance Solicitor

- 5.1 As observed above there is a legal requirement that the Council as a billing authority must set its Council Tax base before 31 January 2017 for the following financial year starting 1 April 2017. Section 31B of the Local Government Finance Act 1992, as inserted by the Localism Act 2011, imposes a duty on the Council as a billing authority, to calculate its Council Tax by applying a formula which as set out in the Local Authority (Calculation of Council Tax Base) (England) Regulations 2012. The formula involves a figure for the Council Tax Base for the year, which must itself be calculated. The basis of liability for Council Tax is the valuation band to which a dwelling has been assigned. Valuation bands range from A to H, and the relative liabilities of each band are expressed in terms of proportions of Band D.
- 5.2 The calculation to establish the relevant basic amount of council tax by is done by dividing the council tax requirement for the financial year by the billing authorities' council tax base. In brief, the council tax base is the aggregate of the relevant amounts calculated for each valuation band multiplied by the authority's estimated collection rate for the year. The estimated collection rate is the percentage of council tax payable which the authority actually expects to be paid i.e. the difference between what it ought to be paid in council tax and certain fund transfers and what it is likely to be paid.
- 5.3 The Council is under an obligation to notify major precepting authorities of the calculation.
- 5.4 For this Council the setting of the Council Tax Base is a Cabinet function. This is because Section 67 Local Government Finance Act 1992 as amended by section 84 of the Local Government Act 2003, (and more recently the Localism Act 2011), enabled the Assembly to delegate the power to set the tax base to the Cabinet. This is reflected in the Constitution at Part 2 Chapter 6 Responsibility for functions at paragraph 2.1(ii).

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

List of appendices:

- **Appendix 1** – Calculation of the 2017/18 Council Tax Base

Appendix 1 - Calculation of the 2017/18 Council Tax Base

		Band A disa	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Totals
1	Total number of dwellings on the Valuation List		6,493	11,494	44,954	9,430	1,726	339	44	16	74,496.00
2	Number of dwellings on the valuation list exempt		349	299	580	106	20	6	1	0	1,361.00
3	Number of demolished		0	0	0	0	0	0	0	0	0.00
4	Number of chargeable properties		6,144	11,195	44,374	9,324	1,706	333	43	16	73,135.00
5	Disabled reductions	0	1	20	146	82	20	4	2	12	287.00
6	Disabled relief	1	20	146	82	20	4	2	12	0	287.00
7	Adjusted number of dwellings	1	6,163	11,321	44,310	9,262	1,690	331	53	4	73,135.00
8	Single adult discount	1	3,516	5,071	12,254	1,841	285	34	3	0	23,005.00
8a	Grant percentage (0.75)	0.75	2,637.00	3,803.25	9,190.50	1,380.75	213.75	25.50	2.25	0.00	17,253.75
9	25% discount all but one resident disregarded	0	42	140	611	125	18	2	0	0	938.00
9a	75% of all but one resident disregarded	0.00	31.50	105.00	458.25	93.75	13.50	1.50	0.00	0.00	703.50
10	50% all residents disregarded	0	2	3	16	4	1	1	20	2	49.00
10a	Grant percentage (0.50)	0	1	1.5	8	2	0.5	0.5	10	1	24.50
11	Second homes	0	11	14	50	12	6	0	0	0	93.00
12	Empty 0% discount	0	46	35	62	15	3	0	0	0	161.00
13	Empty receiving a discount	0	0	0	0	0	0	0	0	0	0.00
14	Empty homes premium	0	12	15	17	7	2	0	0	0	53.00
15	Total empty properties	0	58	50	79	22	5	0	0	0	214.00
16	Empty more than 6 months	0	26	26	39	18	4	0	0	0	113.00
16a	Number properties empty due to flood		0	0	0	0	0	0	0	0	0.00
16b	Empty longer than 6 months (prev class a)	0	0	0	0	0	0	0	0	0	0.00
17	Dwellings liable for 100% council tax	0	2,534	6,043	31,300	7,258	1,375	294	30	2	48,836.00
18	Discount RSG	1	3,629	5,278	13,010	2,004	315	37	23	2	24,299.00
19	Total equivalent number of dwellings after discounts	1	5,215	9,967	41,007	8,747	1,609	322	42	3	66,910.75

CABINET**17 January 2017**

Title: Procurement of Framework Agreement for Arboricultural and Horticultural Services	
Report of the Cabinet Member for Environment and Street Scene	
Open Report	For Decision
Wards Affected: None	Key Decision: No
Report Author: Paul Clark, Service Manager, Customer, Commercial and Service Delivery.	Contact Details: Tel: 0208 227 2977 E-mail: paul.clark@lbbd.gov.uk
Accountable Strategic Director: Claire Symonds, Strategic Director of Customer, Commercial and Service Delivery	
Summary	
<p>This report sets out proposals relating to the procurement of a new framework agreement for Arboricultural and Horticultural services for a four-year term commencing 1 May 2017.</p> <p>The framework will address several current issues:</p> <ul style="list-style-type: none"> • It will ensure that all arboricultural and horticultural services are purchased in a complaint manner for the four-year duration of the contract. • Services are currently purchased from suppliers, across various services and intervals with differing expiry dates. This means several procurement exercises need to be conducted. Officers will spend less time on the procurement of these services as the framework will result in a one-off procurement exercise. • Currently, not all suppliers go through a pre-qualification process, and although prices are regularly benchmarked, the framework will produce a list of qualified suppliers, delivering goods and services which demonstrate best value for money to the Council and its residents. • As the service already regularly compares and demonstrates best value, the introduction of a framework agreement is for the authority to be compliant rather than to reduce costs. • It is intended that other public organisations and education bodies be able to call-off the resultant framework, via an access agreement. The access agreement will enable possible financial benefits to the Council by means of a 1% rebate from suppliers each time additional public organisations draw down. 	
Recommendation(s)	
<p>The Cabinet is recommended to:</p> <p>(i) Agree that the Council proceeds with the procurement of a framework agreement, accessible to other public bodies and schools, for arboricultural and horticultural services in accordance with the strategy set out in this report; and</p>	

- (ii) Delegate authority to the Chief Operating Officer, in consultation with the Cabinet Member for Environment and Street Scene and the Director of Law and Governance, to conduct the procurement and award and enter into the contracts and all other necessary or ancillary agreements with the successful bidder(s) in accordance with the strategy set out in the report.

Reason(s)

The Council has a statutory duty to maintain its Arboricultural and Horticultural stock borough wide and to keep it in a safe condition. The duty extends to protecting the borough from insurance claims made against the council in respect of both indirect and direct damage.

The proposals also support the Council priority of a well-run organisation'.

1. Introduction and Background

- 1.1 There are several services currently performed by a number of suppliers, with each tendered separately or procured via separate agreements. Historic spend on these services is approximately £365,000 per annum.

2. Proposed Procurement Strategy

2.1 Outline specification of the works, goods or services being procured.

The Framework will be split into the following lots;

1. Tree Pruning
2. Supply of Nursery Trees
3. Landscaping Services
4. Nursery Plant Supplies
5. Other Materials and Planting Supplies

Some lots will be service based elements with some elements being classified as goods.

The service based lots (Tree Pruning), shall be set up so that mini competitions can be undertaken on a yearly basis depending on the councils changing requirements.

The lots for goods (Nursery plants), will have pricing schedules which can be called from, when required. These lots will also either have, agreed volume discounts, or the ability to run mini competitions for larger orders.

Lots will have a minimum of 3 and maximum of 5 listed providers, to provide a good range of options and to ensure competitive bids for the mini competitions.

The framework will be accessible to the following boroughs;

Havering - Redbridge - Newham - Waltham Forest
Hackney - Tower Hamlets - Enfield - Haringey

2.2 Estimated Contract Value, including the value of any uplift or extension period.

In total (and based on historic spend), across all lots the anticipated value of the framework stands at £1,400,000 over the four-year term.

Estimated spend based on these neighboring boroughs procuring similar supplies and services based on matching urban challenges. Barking and Dagenham annual projections are around 400k and using an estimated guess, the authority could have around 20% interest in these services resulting in the 8 authorities adding an additional spend of £640k per annum if cost benefits are evident.

The precise total contract value will be dependent upon client budgets and requirement. This will give the Council further benefits of economies of scale.

2.3 Duration of the contract, including any options for extension

The framework shall be over a four-year duration.

2.4 Is the contract subject to the (EU) Public Contracts Regulations 2015

Yes. Therefore, there is a requirement for this tender to be advertised in accordance with the legislation and be advertised in OJEU and Contracts Finder.

2.5 Recommended procurement procedure and reasons for the recommendation.

This Framework contract shall be let as an open procedure.

Suppliers will have to have sufficient accreditation and H&S policies relevant to the services and have a sufficient financial standing.

The open process will allow for the maximum number of suppliers to respond, will encourage SMEs and will be likely to produce the best value for money.

2.6 The contract delivery methodology and documentation to be adopted.

Stage	Estimated Date
Procurement Strategy Report to Procurement Board	19 December 2016
Procurement Strategy Report to Cabinet	17 January 2017
Publish OJEU advert	January 2017
Publish Procurements on Contract Finder	January 2017
Tenders returned and evaluation	March 2017
Award of Contract	April 2017
Implementation	May 2017
Contract Commencement	May 2017

2.7 Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract

The framework will provide a compliant route to market for all goods and services required by the Horticultural and Arboricultural team to deliver their services. This

will reduce the chance of a legal challenge and will be fully compliant with EU and UK regulations.

The framework will simplify the purchase of goods and services, they will either be directly purchased using agreed framework rates or they will sought via mini competitions between framework providers. This will reduce the time spent by staff in relation to tendering and quotes excises.

The framework will deliver qualified, high quality providers for council services and shall ensure that the prices are competitive and market tested. As the services already market test and benchmark, there are not likely to be savings achieved through the tender process.

2.8 Criteria against which the tenderers are to be selected and contract is to be awarded

Each lot will be awarded through a scoring matrix on the basis of **80%** price and **20%** quality.

Due to the nature of the (seasonal) services required, the framework call off process will be based on mini competitions.

2.9 How the procurement will address and implement the Council's Social Value policies.

It is important to maintain sustainable procurement, by engaging with local and regional suppliers to promote the local economy and taking account of the social and environmental impact of spending decisions.

The council, along with its policies, is committed to ensuring that services are delivered in a way that protects the quality of the environment and minimises any adverse impact on community well-being.

The council plans to approach competition positively, taking full account of the opportunities for innovation and genuine partnerships which are available from working with others in the public, private and voluntary sectors.

3. Options Appraisal

3.1 Option 1: Do Nothing - This option was rejected as this would not meet the requirements under the council contract rules or the PCR 2015 regulations.

3.2 Option 2: Access an existing framework - Considered but rejected as no existing framework matches our requirements. There are frameworks that can offer some of the services but this would involve several separate procurements and would not guarantee the same results that letting our own framework would. Existing frameworks could possibly exclude local suppliers who would be interested.

3.3 Option 3: Procure a new framework - This is the recommended option for the reasons set out in the report.

4. Waiver

- 4.1 Services are currently being provided under an approved waiver, authorised on 5 August 2016 by the relevant Director, for the period up to 31 March 2017.

5 Equalities and other Customer Impact

- 5.1 The authority has a statutory duty to maintain its arboriculture and horticulture stock borough wide and to keep it in a safe condition. The duty extends to protect the borough from insurance claims made against the council in respect of both indirect and direct damages.

6. Other Considerations and Implications

6.1 Risk and Risk Management

Current Risks

1. Disaggregation of spend could leave the Council open to challenge through FOI requests or internal audit.
2. Divisional budgetary overspend due to non-contracted activity (costs can increase without prior agreement), which may result in cheaper goods/services being purchased (possibly not fit for purpose).

How these risks are managed;

1. The contract will be managed in accordance with the Council's requirements.
2. The use of the proposed framework will enable the Council to accurately manage and forecast all of the associated costs in Arboriculture and Horticulture.
3. Single procurement exercise every 4 years will ensure best use of the council's resources.
4. Call of prices and mini competitions will ensure the Council takes advantage of best prices available on the market for its acquired goods/services.

6.2 TUPE, other staffing and trade union implications-

There are no TUPE implications to the Council.

- 6.3 **Crime and Disorder Issues** – The specification will include a new clause in the contract which will highlight the issue of possible vandalism and/or neglect of products delivered (i.e. planting).

7. Consultation

- 7.1 Consultation for these procurement proposals has taken place through circulation of this report to relevant Members and officers. The report was also considered and endorsed by the Corporate Procurement Board representatives.

8. Corporate Procurement

Implications completed by: Francis Parker – Senior Procurement Manager

- 8.1 Letting this Framework will consolidate a number of currently non-compliant contracts. It will allow the arboriculture team to work in the flexible manner that they are used to but in a manageable and compliant way.
- 8.2 A full OJEU process will be conducted which will be compliant with the Councils Contract rules and the Procurement Contracts Regulations 2015. An open one stage process may mean that the number of tenders received is quite high, but it will guarantee that a number of best value suppliers are awarded a place on the framework. This will provide the best Value for money over the next 4 years.
- 8.3 An 80/20 Price/Quality split will mean that the specification has to be as detailed as possible to ensure the correct level of service and quality. The focus on price is likely to deliver the best value bids and reduce costs.

9. Financial Implications

Implications completed by: Katherine Heffernan, Finance Group Manager

- 9.1 The report seeks approval to begin a procurement exercise for a framework for term contracts for Arboriculture and Horticulture.
- 9.2 There will be no fixed charge because of this framework. The total value contract/spend value will be dependent on individual service budgets and requirement.
- 9.3 Spend will be managed within existing individual service budgets.

10. Legal Implications

Implications completed by: Bimpe Onafuwa, Contracts and Procurement Solicitor

- 10.1 This report is seeking approval to procure a framework agreement for the provision of Arboricultural and Horticultural Services. The procurement will be led by LB Barking & Dagenham (the Council) and it is intended that other public organisations and education bodies be able to call-off the resultant framework, via an access agreement. The access agreement will be subject to a 1% rebate from suppliers each time additional public organisations draw down from the framework.
- 10.2 Due to the potential value of contracts to be called off the framework agreement, this procurement is subject to the Public Contracts Regulations 2015 (PCR 2015). Regulation 33 of the PCR 2015 permits the setting up of framework agreements for a period of four years, and allows the call-off of contracts from framework agreements by organisations clearly identified in the advertisement notice.
- 10.3 This procurement is also subject to the EU procurement principles and the Council's Contract Rules. There is therefore a requirement that it be tendered competitively and that the process be transparent, non-discriminatory and ensures the equal treatment of bidders. In compliance with the principles, there is also the expectation

that the procurement will be advertised widely enough for interested bidders to be aware of the contract.

- 10.4 This report sets out the procurement strategy for this framework agreement in clause 2 and states (in clause 2.6) that it will be advertised in both the OJEU and Contracts Finder, in accordance with the PCR 2015. The report also gives details of the procurement procedure, evaluation criteria, award criteria (for both the framework and call-off contracts) and the timetable for the procurement exercise. All the above show evidence of a fair tender exercise in accordance with the PCR 2015.

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

List of appendices: None

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CABINET**17 January 2017**

Title: Contract for Provision of Mobile Telephony and Ancillary Services	
Report of the Cabinet Member for Finance, Growth & Investment	
Open Report with Exempt Appendix 1 (relevant legislation: paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972 as amended)	For Decision
Wards Affected: None	Key Decision: Yes
Report Author: Euan Beales, Head of Procurement and Accounts Payable, Elevate East London	Contact Details: Tel: 020 82275226 E-mail: euan.beales@lbbd.gov.uk
Accountable Strategic Director: Claire Symonds, Chief Operating Officer	
<p>Summary:</p> <p>This report presents proposals to enter a new contract for the provision of Mobile Telephony and Ancillary Services for a term of three years from 1 February 2017.</p> <p>EE is the current provider of Mobile Telephony and Ancillary Services to the Council's staff, which enables staff to work safer, be more mobile and assists with meeting the key strategic objectives as outlined in the Smarter Worker Programme.</p> <p>The existing contractual arrangements have operated on an annual roll over basis the latest of which expired on 31 December 2016. Until a new contract is entered into, EE will continue to provide the services under existing terms.</p> <p>EE has been identified as the Council's preferred supplier in view of the existing arrangements and quality of offer. To secure a fair market price and to deliver savings against the existing portfolio, negotiations have been conducted with EE. The contract would be awarded under the new Crown Commercial Services Framework via a Direct Call Off Model.</p> <p>The key benefits of the contract will be:</p> <ul style="list-style-type: none"> • Provide good quality and cost effective Handsets (Mobile Phones) • Provide consistency in Network and reception performance • Cost efficiencies through a review in Call Volumes, Hand set Need and data packages 	
<p>Recommendation(s)</p> <p>The Cabinet is recommended to:</p> <p>(i) Agree that the Council enters into a three-year contract for Mobile Telephony and Ancillary Services with EE, through the Crown Commercial Services Framework via Direct Call Off, in accordance with the strategy set out in this report; and</p> <p>(ii) Delegate authority to the Chief Operating Officer, in consultation with the Director</p>	

of Law and Governance, to conduct the award of contract and enter into the contracts and all other necessary or ancillary agreements with EE.

Reason(s)

The service will enable the Council to continue in its roll out of “Smarter Working”, which allows for a fluid and flexible workforce. In addition, it ensures mobile or lone workers have access to equipment which delivers a high area of coverage to enhance their safety.

1. Introduction and Background

- 1.1 The existing service has been conducted on an annual roll over basis, which required review as the market has changed considerably over the past few years.
- 1.2 The Council currently has over 3000 handset devices which are supported by a variety of call and data packages, which allow staff to make and receive calls as well as access to their emails, Calendars and the internet on the move, which enhances the capabilities of a workforce which is becoming more mobile as the Council transforms its services.

The main areas that are covered by this service are;

- Handsets and Sim Cards
- Sim Only Services for Traffic Cameras
- Sim Only Services for Door Entry Systems (hard to uninstall and replace)

- 1.3 The following table outlines a typical snap shot of a quarterly supply period to demonstrate the current usage;

Usage Review	
Period Reviewed	Aug, Sep, Oct 2016
Number of Months Analysed	3
Number of Handsets Analysed	3261
Analysed Totals	
Number of Calls	1,346,892
Duration (Minutes)	453,577.95
Average Call Time	0.34 minutes

- 1.4 The Council, as part of its Transformation Projects and through Smarter Working, will increase the way that Mobile Devices will be used, not only as a voice communication device, but as a mechanism to record and share valuable data on the move, or to ensure that the Smarter Working principles can be complied with in terms of the fluid movement and location of staff.
- 1.5 Currently the management and monitoring of the service is conducted by the Council’s strategic partner Elevate. Elevate ensure that the billing cycle is conducted appropriately, that all requests for new or upgrade devices are sanctioned by the staff member’s line manager. The costs are borne by the Council and cross charged to each user’s departmental costs code.

- 1.6 The original implementation and roll out of the mobile phone service was very labour intensive and had attached a large amount of back office cost in terms of recording, managing, distributing and maintaining the Councils requirements. In addition, in the event that a new provider was to be secured, additional costs would be required to manage the procurement and implementation of a potential new provider.

2. Proposed Procurement Strategy

2.1 Outline specification of the works, goods or services being procured

The service requirement is to provide the following:

- Hard ware (Handsets) compatible with the Councils infrastructure needs (smart phones)
- Beneficial call tariffs to a variety of uses (Text, mobile to mobile, mobile to land line local, national or international)
- Allow roaming data
- Allow internet and web services
- Good or excellent signal (4G) in over 99% of the Borough and 90% Nationally
- Consolidate and itemised billing
- Static and transparent costs to enable budgetary forecasts
- Outline where improvements can be made by utilising data to enable the Council to change its service usage

2.2 Estimated Contract Value, including the value of any uplift or extension period

The contract value over the three-year term will be circa £1.349m. This has been estimated based on the existing service, and will reduce in the event that the service requirements decrease based on the Councils transformation strategy.

2.3 Duration of the contract, including any options for extension

The contract would be for a three-year term with no extension option.

2.4 Recommended procurement procedure and reasons for the recommendation

The recommended procurement route is to exercise a direct call off from the Crown Commercial Services Framework RM1045 for Network Services. The Council is eligible to access and use this framework as it was procured on behalf of all local and central Government bodies.

The direct call off allows for service continuity whilst providing a cost-effective service and is compliant with EU Legislation and the Council's contract rules. The process will allow the Council to have a scalable solution which will assist in the implementation of the Ambition 2020 project.

2.5 The contract delivery methodology and documentation to be adopted.

The contract documentation will be as outlined in the use and acceptance of the CCS Framework Call Off Agreement.

The Council will need to comply with the criteria as outlined in the Call Off agreement and the use of the direct award process in the user guide.

2.6 **Outcomes, savings and efficiencies expected as a consequence of awarding the proposed contract**

There will be proportionate savings made in awarding the contract to EE and a summary is shown as Appendix 1. This information is in the exempt section of the agenda as it is deemed to be commercially confidential and the public interest in maintaining the exemption outweighs the public interest in disclosing the information – relevant legislation: paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

2.7 **Criteria against which the tenderers are to be selected and contract is to be awarded**

Not applicable as the procurement route is a direct award process.

2.8 **How the procurement will address and implement the Council's Social Value policies**

Not applicable to this process.

3. **Options Appraisal**

3.1 The following options have been identified and rejected or proposed as the best way forward:

- **Do Nothing:** This option has been rejected as this would be in direct violation of the Council's Contract rules and EU legislation.
- **Access an open Framework via mini competition:** This option has been rejected. The fact that Council has an existing contractual relationship with EE means that the lead-in time for a full change implementation to a different provider would expose the Council to additional cost due to procurement management and implementation costs for a new provider.
- **Access an Open Framework through Direct Award:** This is the **recommended option** as it is least disruptive to the Council whilst securing improved value, and the products and back office functions are already compatible with the Council and its systems. This also offers cost mitigation through not having to conduct a lengthy implementation process.
- **Conduct an open market procurement:** This option has been rejected as the timeframe required to conduct the process does not align with the Council's priorities, and the cost of the open market procurement would not achieve value for money in terms of the full procurement activity costs and the additional cost of implementation, compared to the savings achievable.

4. **Waiver**

4.1 No waiver is required if the recommended procurement approach is used.

5 Equalities and other Customer Impact

- 5.1 This does not impact on Equalities, however the introduction and roll out of smartphones, means that the Councils workforce is more fluid and can respond to the public, members and Officers in a timely manner. The phones will play a major part in communication which could enhance the customer experience from both an internal and external view.

6. Other Considerations and Implications

6.1 Risk and Risk Management

Risk	Likelihood	Mitigation
The Council does not enter a contract	Unlikely	Procurement of the service through the Framework will negate the risk of non-contractual operations
Cost Increase	Likely	Pricing will be fixed for set periods of time within the contract. All increases will be agreed by all parties
Handsets in the future may not conform to the Council's requirement	Fairly Likely	The Council and its strategic partner will manage the requirements to ensure all iterations of device are to the required standard

- 6.2 **Property / Asset Issues** - The risk of non-deployment is that the Council will not be able to fully adopt and utilise smarter working practices, which will require more staff to be in Council premises. This goes against the principles of a mobile work force.

7. Consultation

- 7.1 Consultation for this procurement has taken place through circulation of this report to relevant Members and officers. The proposals within this report were also considered and endorsed by the Corporate Procurement Board on 19 December 2016.

8. Corporate Procurement

Implications completed by: Euan Beales, Head of Procurement and Accounts Payable

- 8.1 The use of an open framework is a compliant route to market which satisfies the Councils Contract Rules and EU Legislation.
- 8.2 The direct Call Off is the most appropriate way of procuring the service as there would be minimal benefit of changing providers as the implementation and service transfer costs would negate the cost benefit that may be able to be achieved through mini competition.
- 8.3 To ensure value is achieved through the Direct Award process pricing has been agreed and savings have been earmarked through process delivery change in addition to the lower tariff costs.

8.4 It should be noted that this service is part of the core services as defined in the Joint Venture contract and as such attracts gainshare.

9. Financial Implications

Implications completed by: Steve Hinds, Chief Accountant

9.1 The figures in Paragraph 2.2 and Appendix 1 give an indication of the total cost and savings expected to be gained through negotiating this contract with EE based on the current number of calls. This is summarised in the table below.

	Current Rate	Negotiated Rate		Savings
Monthly	37,467.88	15,532.79		21,935.09
Annual	449,614.56	186,393.48		263,221.08
Over 3 Years	1,348,843.68	559,180.44		789,663.24

9.2 Any savings would be applied to existing Mobile Phone Budgets across the Council's services, less Elevate's 20% Procurement Gainshare entitlement.

9.3 The figures in the table would flex if call volumes vary from the base set out in paragraph 1.3.

9.4 There is a likelihood that Council services will be commissioned out under Ambition 2020 plans, although these are not finalised yet. Any significant impact on mobile call volumes resulting from such decisions may lead to EE seeking a novation to this contract, which would impact on these savings figures.

10. Legal Implications

Implications completed by: Angela Willis, Major Projects Solicitor

10.1 Legal Services note that the value of the contract being considered is above the EU threshold for services contracts. The Council's Contract Procedure rules and the Public Procurement Regulations 2015 therefore require the competitive tender of the contract via the Official Journal of the European Union (OJEU).

10.2 Where a Framework Contract is in place, the Council is able to rely on the OJEU compliant process which took place to establish the framework, as long as that process was explicitly made on behalf of local authorities, as is the case here. The Framework contract provides the option of a direct award to a supplier.

10.3 The report author and responsible directorate are advised to keep Legal Services fully informed at every stage of the contract award process. Legal Services are on hand and available to assist and answer any queries that may arise.

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

List of appendices:

Appendix 1 – Outline of savings forecast (Exempt document)

CABINET**17 January 2017**

Title: Acquisition of Land - 200 Becontree Ave, Dagenham	
Report of the Cabinet Member for Finance, Growth and Investment	
Open Report with Exempt Appendix 2 (relevant legislation: paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972 as amended)	For Decision
Wards Affected: Becontree	Key Decision: Yes
Report Author: Andrew Sivess, Asset Strategy Manager	Contact Details: Tel: 0208 227 5732 E-mail: Andrew.sivess@lbdd.gov.uk
Accountable Strategic Director: Claire Symonds, Chief Operating Officer	
Summary	
<p>An opportunity has arisen for the Council to acquire land and existing buildings at the former Barking and Becontree Synagogue site, 200 Becontree Avenue, Dagenham.</p> <p>The site has the potential for a residential-led housing scheme in the medium to long term. The Council also owns adjoining property which, in the longer term, could be included in part of a larger regeneration scheme. In the short term the property would be let out to cover holding and borrowing costs.</p>	
Recommendation(s)	
<p>(i) Approve the purchase of land at 200 Becontree Avenue as shown edged red on the plan at Appendix 1 to the report, on the terms set out in Appendix 2 to the report;</p> <p>(ii) Authorise the Chief Operating Officer, in consultation with the Cabinet Member for Finance, Growth and Investment and the Director of Law and Governance, to enter into all necessary agreements with the United Synagogue Trust and Redbridge Council;</p> <p>(iii) Authorise the Chief Operating Officer to market the site for appropriate short-term letting in order to mitigate holding costs, pending the development of plans for the redevelopment of the site; and</p> <p>(iv) Note that a report shall be presented to Cabinet in due course on the longer-term redevelopment plans.</p>	
Reason(s)	
<p>To assist the Council in achieving its corporate priorities of 'encouraging civic pride' and 'growing the borough' by acquiring strategic sites within the borough to facilitate development.</p>	

1. Introduction and Background

- 1.1 The site comprises the Barking and Becontree Synagogue which closed in 2014. It is currently surplus to requirements and redundant. The United Synagogue Trust, that own the freehold interest, are now seeking to dispose of the property.
- 1.2 On the site is a single-story brick building dating from the late 1920's with a gross internal area of 4,790sqft. There is external surface car parking. The site has a total area 0.393 acres.
- 1.3 The site was assembled by the Trust in two parts by way of freehold purchases from predecessor parties to the Council. It has the burden of historic restrictive user covenants and a pre-emption clause in favour of the original seller. These are now vested jointly in the Council and the London Borough of Redbridge (LBR).
- 1.4 The Trust initially approached the Council to release the covenants to allow the site to be sold for redevelopment but Council officers were aware of the redevelopment opportunities so initiated discussions with the Trust regarding the direct sale to the Council
- 1.5 Alternatively, if agreement is not reached with the Council on sale, the Trust would look to let the site out to another religious users and hold the property as an investment.

2. Proposal and Issues

- 2.1 The site lies within an established residential area and presents a redevelopment opportunity for a Council-led regeneration scheme. Initial plans prepared by the Council's team suggest that the site could accommodate an 18 unit residential development with a small community space on the ground floor.
- 2.2 The Council also own adjoining property which, in the longer term, could be included in part of a larger regeneration scheme.
- 2.3 Should the Council acquire the site, any redevelopment plans would be subject to further approval in the usual way.
- 2.4 Whilst redevelopment plans are being prepared, the existing buildings could be let on a temporary basis to community based groups. This will have the benefit of keeping the property occupied to avoid antisocial behaviour typically associated with a vacant property, and covering holding and funding costs for the acquisition.
- 2.5 The covenants and pre-emption arrangements under the title were initially for the benefit of the Becontree Estate. Following local government reorganisation, the estate is now split between the Council (who have the majority share by house number) and LBR. Provisional terms have been agreed with LBR to release their claim to the covenants – further details are set out in Appendix 2 which is in the exempt section of the agenda. The release by LBR would be documented at the same time as the purchase from the Trust.

3. Options Appraisal

- 3.1 Should the acquisition not proceed, the existing owner will look to either:
1. Seek to reach agreement with the Council to release the restrictions on the site and sell the property for redevelopment; or
 2. Let the property for the current (religious) use to another faith group and retain the property as an investment.
- 3.2 Under either option the Council will relinquish the opportunity to redevelop the site and immediate control over the use and management of the site.
- 3.3 Assuming that the acquisition does proceed, a full analysis would be conducted as part of the redevelopment options for the site.

4. Consultation

- 4.1 The acquisition has been discussed with the Property Advisory Group. Members for Regeneration and Finance supported the purchase to secure the site for a Council lead regeneration scheme in the medium to long term.
- 4.2 Ward councillors have also been consulted on the proposals.

5. Financial Implications

- 5.1 The detailed financial information, including the total projected capital spend and site valuations provided by independent Chartered Surveyors, is contained in Appendix 2. This information is in the exempt section of the agenda as it is commercially sensitive and the public interest in maintaining the exemption outweighs the public interest in disclosing the information – relevant legislation: paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

6. Legal Implications

Implications completed by: Erol Islek, Senior Property Solicitor

- 6.1 The Council intends to acquire the land at 200 Becontree Ave, Dagenham. In accordance with the Local Government Act 1972, Section 120, a principal council may acquire by agreement any land, whether situated inside or outside their area for the purposes of any of their functions under this or any other enactment or the benefit, improvement, or development of their area. A principal council may acquire by agreement any land for any purpose for which they are authorised by this or any other enactment to acquire land notwithstanding that the land is not immediately required for that purpose; and, until it is required for the purpose for which it was acquired, any land acquired may be used for the purpose of any of the council's functions. The general power of competence under section 1 of the Localism Act 2011 provides the Council with the power to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 enables the Council to do anything which is calculated to facilitate, or is conducive to or incidental to, the discharge of any of its functions, whether or not involving expenditure, borrowing or

lending money, or the acquisition or disposal of any rights or property. It is however vital that a valuation is obtained.

- 6.2 The Council's Constitution, Part 4, Chapter 4 sets out the Land Acquisition and Disposal Rules. In accordance with paragraph 2.1, all strategic decisions about the use, acquisition and disposal of land and property assets is within the remit of the Cabinet. Formulation of strategic decisions is overseen by the Property Advisory Group (PAG) and the Cabinet.

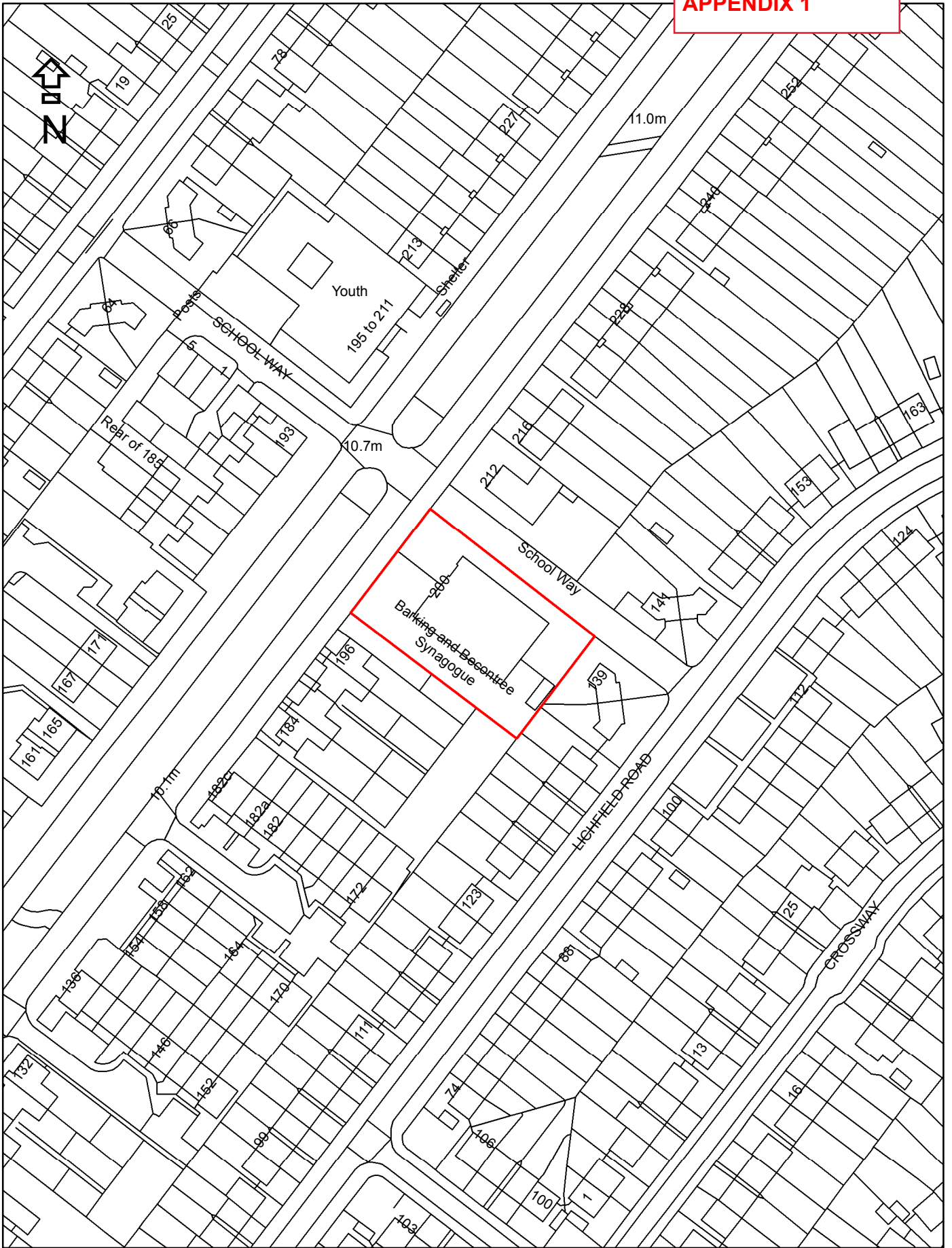
7. Other Implications

- 7.1 **Risk Management** - Vacant sites are vulnerable to the risks of illegal occupation, vandalism and public liability claims. The purchase of the site allows the Council to take control of the site and arrange temporary occupation pending longer term redevelopment. For periods when the property is not occupied following acquisition, the Council will need to ensure appropriate security measures are in place to avoid illegal occupation.
- 7.2 **Contractual Issues** - The proposed transactions will be subject to the due diligence and documentation by the Legal Services Team to ensure compliance with the Council's Contract Rules
- 7.3 **Corporate Policy and Customer Impact** – The purchase allows the Council to control a vacant site and manage the property for the benefit of residents of the borough, both in the short-term for community use and longer term for a Council lead regeneration scheme.
- 7.4 **Safeguarding Children** - The long-term redevelopment of the site for housing will improve conditions for those families in housing need who are housed in them. Residential developments could increase the child population and could have an impact on school places and health resources.
- 7.5 **Health Issues** - Sites which are vacant and overgrown could become a haven for vermin and fly tipping posing health risks to anybody entering the premises as well as any neighbouring developments. By taking ownership, the Council can actively manage any antisocial activities on the site.
- 7.6 **Crime and Disorder Issues** - A vacant site is vulnerable to illegal occupation. Letting the building out on a short-term basis will help prevent antisocial activity occurring on the site.
- 7.7 **Property / Asset Issues** - Acquiring a vacant property will encumber the Council with ongoing costs of maintenance and insurance. These can be mitigated through letting the property out on a temporary basis pending redevelopment in the longer term. The property is currently securely fenced.

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

List of appendices:

- **Appendix 1** – Site Plan
- **Appendix 2** - Property Factsheet with aerial photograph (Exempt document)



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APPENDIX 1



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