

Notice of Meeting of the

ASSEMBLY

**to be held on Wednesday, 22 November 2017
commencing at 7:00 pm in the
Council Chamber, Town Hall, Barking**



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

Date of publication: 14 November 2017

Chris Naylor
Chief Executive

Councillors and senior officers are also invited to attend a presentation by Councillor Cameron Geddes, Cabinet Member for Economic and Social Development and Daniel Pope, Head of Planning, Be First, on the subject of the results of the Characterisation Study, a key recommendation of the Growth Commission Report, which will inform the local plan. The presentation will take place in the Council Chamber from 6.00 pm until 6.45 pm

Contact Officer: Leanna McPherson
Tel: 020 8227 2852
E-mail: leanna.mcpherson@lbbd.gov.uk

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

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

AGENDA

1. Apologies for Absence

2. Declaration of Members' Interests

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

3. Minutes - To confirm as correct the minutes of the meeting held on 13 September 2017 (Pages 3 - 9)

4. Minutes of Sub-Committees - To note the minutes of the (Pages 11 - 15)

- JNC Appointments Panel 19 September 2017; and
- Joint JNC Salaries & Conditions and Appointments Panel 31 October 2017

5. Leader's Statement

The Leader will present his statement.

6. Appointments

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

7. Appointment of Director, Policy and Participation (Page 17)

8. Annual Safeguarding Reports 2016/2017 (Pages 19 - 100)

9. Treasury Management 2017/18 Mid-Year Review (Pages 101 - 119)

10. 2018/19 Local Implementation Plan Funding Submission (Pages 121 - 134)

11. Gambling Act 2005: Statement of Gambling Licensing Policy 2017-2020 (Pages 135 - 256)

12. Motions

None were received.

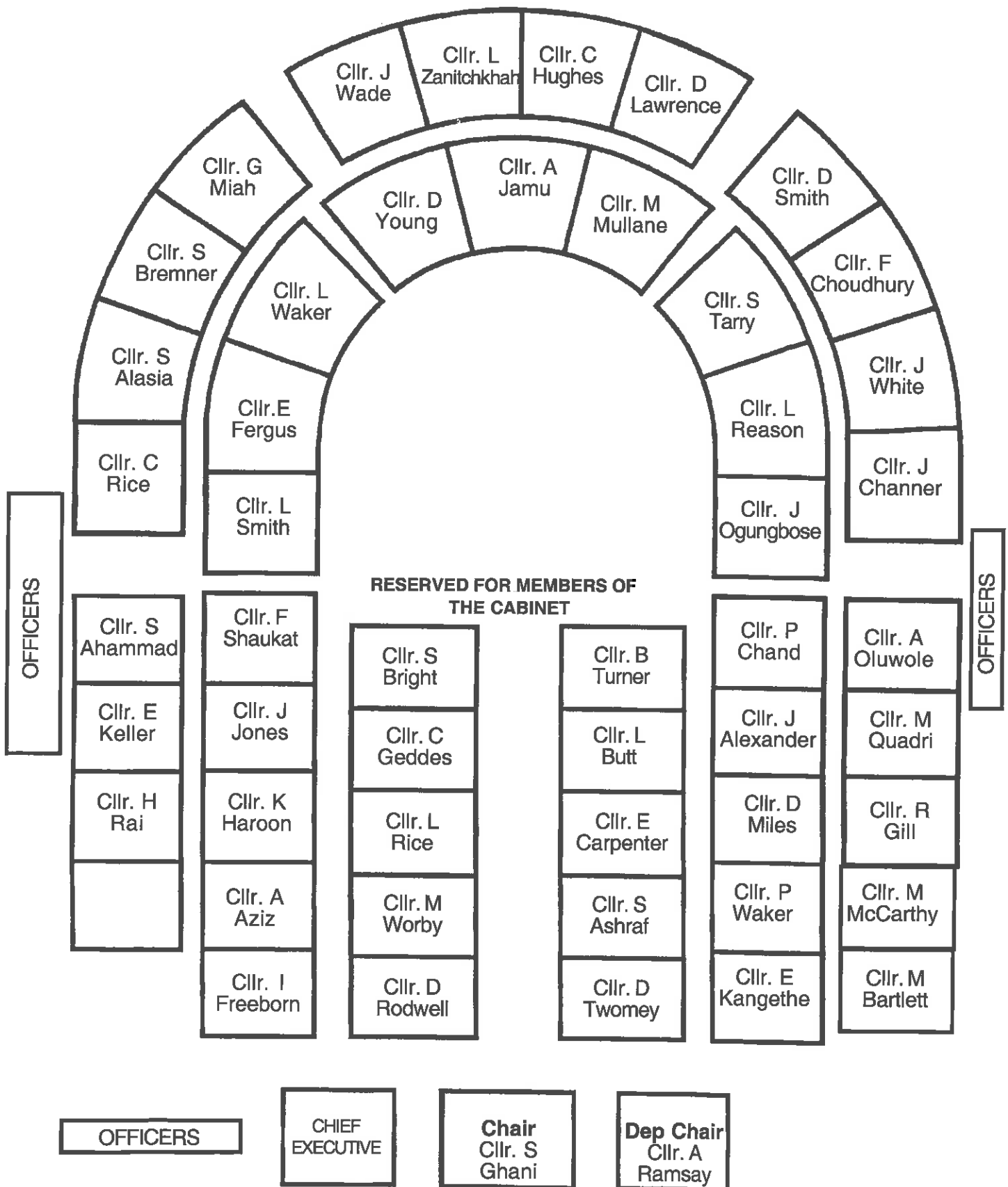
13. **Questions With Notice**
14. **Any other public items which the Chair decides are urgent**
15. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

Private Business

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

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

BARKING TOWN HALL COUNCIL CHAMBER



Our Vision for Barking and Dagenham

One borough; one community; London's growth opportunity

Our Priorities

Encouraging civic pride

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

Enabling social responsibility

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

Growing the borough

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

Well run organisation

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

MINUTES OF ASSEMBLY

Wednesday, 13 September 2017
(7:08 - 8:09 pm)

PRESENT

Cllr Syed Ghani (Chair)
Cllr Tony Ramsay (Deputy Chair)

Cllr Syed Ahammad	Cllr Jeanne Alexander	Cllr Saima Ashraf
Cllr Abdul Aziz	Cllr Simon Bremner	Cllr Sade Bright
Cllr Laila M. Butt	Cllr Evelyn Carpenter	Cllr Josephine Channer
Cllr Faruk Choudhury	Cllr Edna Fergus	Cllr Irma Freeborn
Cllr Cameron Geddes	Cllr Kashif Haroon	Cllr Amardeep Singh Jamu
Cllr Jane Jones	Cllr Elizabeth Kangethe	Cllr Danielle Lawrence
Cllr Giasuddin Miah	Cllr Margaret Mullane	Cllr James Ogungbose
Cllr Adegboyega Oluwole	Cllr Moin Quadri	Cllr Hardial Singh Rai
Cllr Chris Rice	Cllr Lynda Rice	Cllr Darren Rodwell
Cllr Faraaz Shaukat	Cllr Danielle Smith	Cllr Liam Smith
Cllr Bill Turner	Cllr Dominic Twomey	Cllr Jeff Wade
Cllr Phil Waker	Cllr Maureen Worby	

APOLOGIES FOR ABSENCE

Cllr Rocky Gill	Cllr Chris Hughes	Cllr Eileen Keller
Cllr Mick McCarthy	Cllr Dave Miles	Cllr Sam Tarry
Cllr Lee Waker	Cllr John White	

18. Declaration of Members' Interests

There were no declarations of interest.

19. Minutes - (19 July 2017)

The minutes of the Assembly held on 19 July 2017 were confirmed as correct.

20. Death of Former Councillor Darrin Best

The Assembly paid tribute to former Councillor Darrin Best who passed away on 18 August 2017.

The Assembly noted that Mr Best was first elected as a Councillor for the Village Ward in 1990 and served until his resignation in 2004. During his time on the Council he served on a number of committees including Finance, Education, Planning and Development, Housing, Establishment and Social Services. He also served as Deputy Chair on the Health and Consumer Services Committee and the Assembly.

The Assembly paid tributes to Mr Best, recalling fond memories of time spent

together.

The Assembly stood and observed a minute's silence in memory of Mr Best.

21. Leader's Statement

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

- The Overground extension to Barking Riverside, which had been approved;
- The Number 5 bus service from Romford to Canning Town, which now stopped at Queen's Hospital giving a direct bus service for residents; and
- The transformation of the Councils services, which would be reaching a key milestone in October.

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

- Councillor Ashraf's work to help to secure funding for Participatory City;
- Councillor Bright's meetings with community groups and faith groups to help build community cohesion;
- Councillor Carpenter's work supporting local schools;
- Councillor Worby's work overseeing Personal Emergency Plans for all residents in Council supported living accommodation, in response to the tragic events of the Grenfell fire;
- Councillor Butt who, alongside the Leader, had been working to improve the new tri-borough police partnership Base Command Unit (BCU) and was heavily involved in the campaign to save Dagenham Police Station from closure;
- Councillor Rice's pilot of deep cleaning the Borough's roads;
- Councillor Geddes taking the fight to the Government over the closure of Dagenham Job Centre;
- Councillor Twomey's leading role in the development of the Council's Investment Strategy which would play a key part in the future funding of services; and
- Councillor Turner's ongoing meetings with Cabinet colleagues to review performance across all Council services and ensure that proper plans were in place to meet targets and improve services.

22. Appointments

There were no appointments.

23. Appointment of Faith Representative Co-optees to the Children's Services Select Committee

The Director of Law and Governance introduced a report regarding the appointment of faith representatives to the Children's Services Select Committee.

The Assembly **resolved** to appoint Ingrid Robinson and Glenda Spencer to the positions of Faith Representative Co-optee (Church of England) and Faith Representative Co-optee (Roman Catholic Church) respectively, on the Children's

Services Select Committee for four year terms.

24. Outcome of Joint Local Area SEND Inspection

The Cabinet Member for Social Care and Health Integration and the Cabinet Member for Educational Attainment and School Improvement introduced a report to the Assembly on the joint local area Special Educational Needs and Disability (SEND) Inspection in Barking and Dagenham.

Between 27 March and 31 March 2017, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of Barking and Dagenham, to judge the effectiveness of the area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014. The inspection was led by one of Her Majesty's Inspectors from Ofsted, supported by a team of inspectors from Ofsted and the CQC children's services division.

During the 5-day inspection, the inspection team sought the views and opinions of children and young people, their parents and carers. Inspectors also visited a range of providers and spoke to leaders, staff and governors about how they were implementing the special educational needs reforms.

The Assembly noted that the local area received the final joint inspection letter from Ofsted and the CQC on 21 June 2017. The letter detailed the inspectors' key findings and outcomes in a narrative of areas of strength and areas requiring development, rather than a specific grading. Barking and Dagenham's Local Area SEND Inspection letter was attached to the report at Appendix A.

The Assembly were pleased to note that, overall, the outcome of Barking and Dagenham's inspection was positive. The inspection letter highlighted many strengths across education, health and social care, particularly in terms of the support that was offered to children and young people with SEND and their families.

In terms of development, the inspectors noted that insufficient numbers of parents and young people knew about, or used, the Local Offer to find advice and help. The Local Offer sets out in one place information about provision across education, health and social care for children and young people who have SEN or were disabled – including support for their families. A further area related to the capacity to provide therapies such as speech and language, occupational and physiotherapy, due to issues with recruiting and training staff which led to delays in Educational, Health and Care (EHC) plans. The low proportion of young adults who had learning disabilities in training and employment was also identified as an area for development.

The Cabinet Members advised that in response to the findings of the inspection, an action plan was in development which would be presented to the Health and Wellbeing Board. The action plan would include proposals to further improve the offer for children and young people with disabilities and/ or special educational needs in Barking and Dagenham.

The Assembly **resolved** to:

- (i) Note the findings of the SEND inspection, as detailed in the letter at Appendix A to the report; and
- (ii) Note the development of a multi-agency Local Area SEND Action Plan to address the identified areas for improvement and improve outcomes for children and young people with disabilities in Barking and Dagenham.

25. Motions

There were no motions.

26. Questions With Notice

Question 1

From Councillor Freeborn

“Can the Leader explain what the Council is doing in response to MOPAC’s (the Mayor’s Office for Policing and Crime) proposals to close Dagenham Police Station together with the remaining front counters that help provide a visible police presence in the borough?”

Response

The Leader advised that under new proposals announced by MOPAC, Dagenham Police Station in Rainham Road South would be sold off as part of cost-cutting measures imposed upon the Metropolitan Police. If implemented, the proposals would leave just one 24-hour counter open to Borough residents at Barking Learning Centre, with the counters at Chadwell Heath and Farr Avenue also closing.

The Leader outlined some of the actions taken so far in response to the proposals, which included:

- Residents, Members of the Council, Jon Cruddas MP and London Assembly Member Desai Unmesh staging a protest outside Dagenham Police Station;
- Letters sent to the Mayor of London, Sadiq Khan, outlining concerns about any proposal to downgrade police presence in the borough; and
- A meeting with the Deputy London Mayor for Policing and Crime, Sophie Linden, to repeat opposition calls to the closure proposals.

Question 2

From Councillor Freeborn

“Can the Leader let me know what action the Council has taken to tackle the under performance of the East Base Command Unit (EBCU), the tri-borough police pilot being shared between Barking and Dagenham, Redbridge and Havering?”

Response

The Leader referred again to the letters sent to the London Mayor voicing concerns about declining police numbers and the Borough Command Unit Area East's ability to respond to the policing challenges faced in Barking & Dagenham.

Meetings had taken place with Sophie Linden, Deputy Mayor for Policing and Crime, with Councillor Jas Athwal to discuss ways of improving the BCU.

Three issues were raised at this meeting:

- The need for joint tasking with the Council to improve outcomes;
- The need to strengthen the leadership of the BCU to make it work more efficiently and effectively; and
- And the need to secure additional police resources to ensure that the Borough had the right number of officers.

Question 3

From Councillor Haroon

“Could the Cabinet Member Educational Attainment and School Improvement let me know her view on the progress being made by the Borough's schools following the publication of this year's GCSE and A level results?”

Response

The Cabinet Member for Educational Attainment and School Improvement commented that she was delighted to have the opportunity to recognise and celebrate the achievement of the Borough's young people. A Level results had held up well under the new grading arrangements.

The Borough's schools collectively improved by 3% on the crucial English and Maths results against what appeared to be a national drop and specific mention was made of the continued improvements

Question 4

From Councillor Haroon

“Can the Cabinet Member for Economic and Social Development let me know what the Council has done to oppose the closure of Dagenham Job Centre?”

Response

The Cabinet Member for Economic and Social Development advised that a consultation response on the proposed closure was sent to the Department for Work and Pensions (DWP) on 27 February 2017 calling for a dialogue on how a Job Centre Plus (JCP) presence in Dagenham could be

maintained. That request was rebuffed by JCP District officials on the basis that they could not enter any discussion until a decision had actually been made by DWP Ministers.

A further letter was sent to David Gauke, Secretary of State for Work and Pensions, on 8 August 2017 after the closure had been confirmed. This again called for a halt to any movement of staff or claimants to the Barking JCP until meaningful discussions had taken place on dedicated employment support for Dagenham residents.

A meeting was due to be held with the JCP District Manager for East London on Thursday 14 September to discuss the closure and wider partnership issues.

Question 5

From Councillor Miah

“Can the Leader explain if the Council has taken any action to raise commuters’ concerns about the continuing delays on the Gospel Oak line due to the delayed electrification works?”

Response

The Cabinet Member for Economic and Social Development advised that the Leader wrote to Sir Peter Hendy, the Chair of Network Rail, on 9 August explaining that residents and businesses had already endured eight months of disruption on the line and to argue that the Borough’s residents should not continue to experience delays to their journeys.

Sir Hendy responded on 18 August and apologised for the continuing disruption and Network Rail had subsequently made some key changes to the way it was managing the project to end further delays. This included changes to the senior project team and more rigorous scrutiny of the works.

The works were due to be completed by Spring 2018, thereby enabling the introduction of the much-needed fleet of new trains which, from 2021, would also serve the Barking Riverside area.

Question 6

From Councillor Miah

“Can the Cabinet Member for the Environment and Street Scene let Members know what action the Council is taking to make the streets of the Borough cleaner?”

Response

The Cabinet Member for Environment and Street Scene advised that a new cleansing regime for the Borough was being designed, based on lessons

learnt from an ambitious deep cleaning exercise recently undertaken by the Council.

The managers and supervisors within the Public Realm service would also be receiving training on how to obtain evidence from fly tipping, which would support the Council's drive to undertake prosecutions and issue fixed penalty notices.

Question 7

From Councillor Choudhury

"Will the Cabinet Member for Economic and Social Development let me know what progress is being made with the long-running campaign to secure a direct bus route to Queen's Hospital for residents of the borough?"

Response

The Cabinet Member for Economic and Social Development advised that this had been a top priority for the Council and, following a successful campaign led by the Council and Margaret Hodge MP, Transport for London had implemented a revised route for the No. 5 service from 26 August 2017 which took it to Queen's Hospital.

27. Resolution to Extend Six Month Attendance Rule for Councillor John White - Section 85 of Local Government Act 1972

(The Chair agreed that this item could be considered at the meeting as a matter of urgency under the provisions of Section 100B(4)(b) of the Local Government Act 1972.)

The Assembly received a report from the Chief Executive regarding the consideration of dispensation under the provisions of Section 85 of the Local Government Act 1972 in respect of Councillor John White's non-attendance at designated Council meetings since 19 May 2017.

The Leader advised that Councillor White had been suffering from serious ill-health for several months which had prevented his attendance at meetings and proposed that the Assembly accept the reasons for his absence.

The Assembly **resolved** to approve Councillor John White's non-attendance at meetings, under the provisions of Section 85 of the Local Government Act 1972, in the event that he failed to attend a qualifying meeting prior to 20 November 2017.

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MINUTES OF JNC APPOINTMENTS PANEL

Tuesday, 19 September 2017
(1:30 - 4:00 pm)

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

9. Declaration of Members' Interests

There were no declarations of interest.

10. Minutes (22 June 2017)

The minutes of the meeting on 22 June 2017 were confirmed as correct.

11. Private Business

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

12. Appointment of Director of Community Solutions

The Panel considered the papers that had been submitted in advance of the meeting, which included the candidate pack for the post together with the CVs of the candidates to be interviewed.

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

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

The Panel **resolved** to agree the first and second preferred candidates for the post of Director of Community Solutions (grade CO5) and that the appointment shall be subject to suitable references, other employment checks and usual terms and conditions.

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MINUTES OF JOINT JNC SALARIES & CONDITIONS AND APPOINTMENTS PANEL

Tuesday, 31 October 2017
(10:07 - 10:53 am)

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

Apologies: Cllr Cameron Geddes

12. Declaration of Members' Interests

There were no declarations of interest.

13. Minutes (10 May 2017)

The minutes of the meeting on 10 May 2017 were confirmed as correct.

14. Private Business

It was resolved to exclude the public and press from the remainder of the meeting by reason of the nature of the business to be discussed which included information exempt from publication by virtue of paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

15. Proposed Revisions to the Senior Management Structure

The Chief Executive presented a report on the outcome of his latest review of the Council's senior management structure.

The Chief Executive explained that several key milestones had been reached earlier in the month with the launch of Be First, the arms-length regeneration company, and the commencement of the new My Place and Community Solutions service delivery models. The latest proposals therefore represented the next stage of evolution from the arrangements that were originally agreed by the JNC Salaries and Conditions Panel in May 2015 and would create a platform to move from 'building' to 'running' the new Council.

The main elements of the proposals were:

- The establishment of the post of Director, People and Resilience, to replace the post of Strategic Director, Service Development and Integration, on the retirement of the existing Strategic Director in Spring 2018;
- The Chief Operating Officer subsuming the responsibilities as deputy to the Chief Executive on the retirement of the Strategic Director, Service Development and Integration;
- The deletion of the posts of the Strategic Director, Growth and Homes, and Commissioning Director, Regeneration, Housing and Investment, to be replaced by Director, Inclusive Growth;

- The post of Director, Law and Governance, assuming responsibility for Enforcement services and the direct line management of the Operational Director, Enforcement, in view of the close relationships between the Council's Legal and Enforcement services;
- The deletion of the post of Director, Strategy and Programmes, to be replaced by Director, Policy and Participation, with the new post assuming a wider responsibility for community development and engagement as well as strategic responsibility for culture and heritage, including the direct line management of the Commissioning Director, Culture and Recreation;
- That once the proposals were fully implemented, the new strategic leadership team would be made up by the Chief Executive, the Chief Operating Officer, the Director, People and Resilience, the Director, Inclusive Growth, the Director, Law and Governance, and the Director, Policy and Participation.

The cumulative saving from the above would be no less than £100,000 in a full year stemming from the overall loss of one senior management post and increases to the salaries of the posts of Chief Operating Officer, the Director, Law and Governance and the Director, Policy and Participation, to reflect their new responsibilities.

The Chief Executive confirmed that the above proposals would be subject to a four-week consultation with affected staff.

In response to questions, the Chief Executive explained the practical impact of several of the proposed changes and gave some background to wider senior management changes that had occurred since May 2015. Following on, the Chief Executive agreed to provide Councillor Waker with details of the current top 20 management structure and the £1m+ savings in senior management costs that had been achieved. Comments were also made regarding an 'upward drift' in senior management pay, which the Chief Executive suggested could be partly attributed to the current market for aspiring senior managers in the public sector, and the interest shown by other Councils in many of the innovative projects being led by the Council.

Arising from its considerations, the Panel **resolved** to:

- (i) Approve changes to the responsibilities of the Chief Operating Officer and the Director, Law and Governance and the regrading of the posts to CO7 and CO5 respectively, as detailed in the report;
- (ii) Approve the deletion of the existing roles of:
 - Strategic Director, Service Development and Integration (on the retirement of the current post-holder);
 - Strategic Director, Growth and Homes;
 - Director of Strategy and Programmes; and
 - Commissioning Director, Regeneration, Housing and Investment.
- (iii) Approve the establishment of the following new roles:

- Director, People and Resilience;
 - Director, Inclusive Growth;
 - Director, Policy and Participation;
- (iv) Note the indicative grades for the new posts as detailed in paragraph 4.1 of the report and authorise the Chief Executive to determine the final grade / salary in line with the Council's job evaluation scheme, the outcome of consultation with staff and, if required, to apply a market supplement for the proposed post of Director, People and Resilience; and
- (v) Recommend the Assembly to approve, subject to formal consultation, the assimilation of the current Director of Strategy and Programmes into the post of Director, Policy and Participation, in accordance with the Council's assimilation procedures.

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ASSEMBLY**22 November 2017**

Title: Appointment of Director, Policy and Participation	
Report of the Chief Executive	
Open Report	Open Report
Wards Affected: None	Wards Affected: None
Report Author: Alan Dawson, Democratic Services Manager	Contact Details: Tel: 020 8227 2348 E-mail: alan.dawson@lbbd.gov.uk
Accountable Director: Fiona Taylor, Director of Law and Governance	
Accountable Strategic Director: Chris Naylor, Chief Executive	
<p>Summary</p> <p>On 31 October 2017, a joint meeting of the JNC Salaries and Conditions and Appointments Panels met to consider proposals from the Chief Executive relating to his latest review of the Council's senior management structure. The minutes of that meeting are included earlier on this evening's agenda.</p> <p>It was agreed at that meeting that a new post of Director, Policy and Participation (grade CO4) would replace the existing post of Director of Strategy and Programmes (grade CO2). The new post would incorporate a wider responsibility for community development and engagement as well as strategic responsibility for culture and heritage. The postholder would also be a member of the Council's Strategic Leadership team.</p> <p>The current Director of Strategy and Programmes, Tom Hook, holds assimilation rights to the new post under the Council's "Managing Organisational Change – Restructuring and Redundancy Procedure (including Assimilation Process)". As the new post will form part of the Strategic Leadership team, the Assembly is responsible for the appointment.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to approve the assimilation of Tom Hook, Director of Strategy and Programmes, into the post of Director, Policy and Participation, subject to the outcome of the formal consultation process.</p>	
<p>Reason(s)</p> <p>To accord with the requirements of Part 2, Chapter 4 of the Council Constitution.</p>	

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

List of Appendices: None

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ASSEMBLY**22 November 2017**

Title: Annual Safeguarding Reports 2016/2017	
Report of the Cabinet Member for Social Care and Health Integration	
Open Report	For Information
Wards Affected: None	Key Decision: No
Report Author: Chris Bush - Commissioning Director for Children's Care and Support	Contact Details: Tel: 020 8227 3188 E-mail: christopher.bush@lbbd.gov.uk
Accountable Director: Chris Bush; Commissioning Director for Children's Care and Support	
Accountable Strategic Director: Anne Bristow, Deputy Chief Executive and Strategic Director for Service Development and Integration	
Summary	
<p>Each year the Barking and Dagenham Safeguarding Adults Board, and the Safeguarding Children Board, produce reports detailing the vision, make-up, work and challenges of the past year. These reports have been presented to the Health and Wellbeing Board who have noted the improvement priorities.</p> <p>This report introduces these two annual reports for information and discussion.</p>	
Recommendation(s)	
<p>The Assembly is recommended to:</p> <p>(i) Note and discuss the contents of the Safeguarding Children Board Annual Report 2016/17, as set out at Appendix A to the report; and</p> <p>(ii) Note and discuss the contents of the Safeguarding Adults Board Annual Report 2016/17, as set out at Appendix B to the report.</p>	
Reason(s)	
<p>The purpose of this report is to update Assembly on the work of the Local Safeguarding Children Board and Safeguarding Adults Board, highlighting key achievements, priorities for the coming year and key safeguarding themes and issues.</p>	

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

List of Appendices:

- **Appendix A:** Barking and Dagenham Safeguarding Children Board Annual Report 2016/17
- **Appendix B:** Barking and Dagenham Safeguarding Adults Board Annual Report 2016-17

Appendix A

Barking and Dagenham Safeguarding Children Board

Annual Report 2016/17

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1. Chair's Introductions
2. Executive Summary
3. Key Facts: Barking and Dagenham
4. Safeguarding Snapshot
5. LSCB Core Business
6. Engagement with Children
7. Serious Case Reviews
8. Child Death Overview Panel
9. Allegations Against Professionals
10. Performance Management
11. 2016/17 Priorities Revisited
12. Direction of Travel
13. Priorities for 2017/18

1. Chair's Introduction

I have been the Independent Chair of London Borough Barking and Dagenham LSCB since September 2011. This is a statutory post as set out in the Children Act 2004 section 18.



My job is to hold agencies to account for the effective coordination of the commissioning and provision of services for children to ensure that children are safeguarded and the welfare of children in the area is promoted. I provide independent challenge so each Board agency partner and their representatives are held to account.

My strategic role is to hold partners to account for the safeguarding arrangements for children in Barking and Dagenham, the priorities of which are set out the LBB D LSCB business plan. To achieve this, I have quarterly Governance meetings with the Leader of the Council, the Lead member for Children, the Chief Executive of LBB D and the Strategic Director of People. I also have one to one meetings with the Strategic Lead officers for the statutory partner organisations on a regular basis.

These meetings are effective in influencing the LSCB agendas for successful delivery of the LSCB business plan. Meetings are well attended by partners and the Lead member for Children attends

the LSCB as a participant observer so that she is informed and can provide effective challenge to the Council officers.

My evaluation of the LSCB business plan is that partners have made good progress against the priorities, though there is further work to do on understanding performance data across the partnership and the arrangements to embed the voice of the child into LSCB business and the work of the sub-groups must be more robust to ensure that their voice makes a meaningful difference.

Partners have also made good progress against other significant areas of practice including reducing the numbers of children taken into police protection.

However, there is still too much variation in practice as evidenced through LSCB multiagency audit.

At the same time, the LSCB has been proactive in responding to emerging issues including the CQC inspections at North East London Foundation Trust and Barking, Havering, and Redbridge University Trust. There are also structural and associated operational changes in the Metropolitan Police as they move to a three Basic Command Unit which is being piloted across Barking and Dagenham, Havering, and Redbridge. The LSCB partners are working closely with the police to understand and support changes to ensure children are safeguarded

Partners give vulnerable children and their families the highest priority.

I am also the Independent chair of the Barking and Dagenham Safeguarding Adults Board, a statutory position under the Care Act 2014. I use my knowledge from both Boards to make links and find solutions for children and families including hoarding.

The LSCB is a multiagency partnership and is much more than the sum of its parts. Managers and front-line practitioners across the partnership all work extremely hard under significant resource pressures with some of the most vulnerable children in Barking and Dagenham. LSCB partners have demonstrated they give the highest priority to safeguarding children demonstrated through their commitment and attendance at LSCB meetings, engagement in multiagency audit of practice, serious case reviews and LSCB multiagency training.

However, challenges emerging from case file audit including partners response to Domestic Abuse and Sexual Violence and children experiencing Neglect are priorities for the coming year.

After 6 years it is time for me to step aside and in agreement with partners I will be stepping down from my role in July 2017.

**Sarah Baker | Independent Chair: Barking and Dagenham
Safeguarding Children Board**

2. Executive Summary

Purpose of the Annual Report

The report sets out the effectiveness of the Local Safeguarding Children Board (LSCB) in carrying out its core business under its statutory objectives, the effectiveness of multi-agency practice to safeguard and promote the welfare of children and young people and the progress made against the LSCB priorities of:

1. Board members are assured that arrangements are in place to identify and safeguard groups of children who are vulnerable
2. Board partners will own and share accurate information which informs understanding of safeguarding practice and improvement as a result
3. The Board will see children and young people as valued partners and consult with them so their views are heard and included in the work of the LSCB
4. Arrangements for Early Help will be embedded across agencies in Barking & Dagenham who work with children, young people, and their families
5. Board partners will challenge practice through focused inquiries or reviews based on performance indicators, practitioner

experience and views from children and young people. Collectively we will learn and improve from these reviews.

Achievements

- Delivery of a comprehensive training programme that saw over **1500 participants**.
- The sub-groups drove forward work on progressing LSCB **priorities**
- The arrangements supporting the **Child Death Overview Panel** continue to manage and review all child deaths
- There are good systems in place for the **Serious Case Review** sub-group who are co-ordinating one SCR and one PLR.
- Several new initiatives planned in the next year. These include implementation of the **Pause Practice** for work with women who have had children removed to prevent repeat removals; **Caring Dads** group-work supporting fathers who are a source of safeguarding concerns to focus more on the needs of their children; and **Mockingbird** which is a project aimed at supporting foster carers and improving placement stability for looked after children
- A new electronic records system – **Liquid Logic** – has been commissioned for Children’s Care and Support and the plan is for implementation during the 2017-18 period. This will

provide a significant improvement as a working tool for social workers in their casework and for managers in overseeing this work.

Challenges

- The arrangements to embed the **voice of the child** into LSCB business and the work of the sub-groups must be more robust and ensure that their voice makes a meaningful difference
- The engagement amongst **LSCB members** varies in terms of support in leading or chairing groups
- Whilst there are links with other **key strategic boards** in Barking & Dagenham there is a need for further development to ensure **clarity** regarding key responsibilities, identifying areas of joint work, and linking agendas
- Limited reporting on **performance data** across all partners on key safeguarding areas to the Board or Chairs Group.

Priorities for 2017/2018

Barking & Dagenham LSCB must ensure it provides assurance that safeguarding arrangements are effective. This includes:

- **Reviewing** the current structure to ensure it is fit for purpose and meets the requirements of the Children & Social Work Act.

- **Reviewing** the LSCB budget and **agency contributions** against LSCB requirements
- **Reviewing** protocols with strategic boards to clarify responsibilities and **strengthen** joint working
- Establishing a **performance data set** and dashboard to develop a partnership understanding and provide the LSCB with **assurance** of safeguarding arrangements.
- **Understand** the reason children and young people are **missing** and the risks they face through the Return Interviews.
- **Re-fresh** the multi-agency CSE Operational strategy and action plan and **update** the CSE Problem Profile
- **Develop** an understanding of the relationships between **public health** concerns such as domestic abuse; sexual health; neglect and poverty and the health and wellbeing of children and young people.
- **Recognition** and **response** to **Neglect**: Recognising the signs of neglect, knowing the effects of neglect on vulnerable children and young people and understanding the role that we can play, to prevent neglect and support those experiencing it.
- **Assist** frontline practitioners and CP IRO's **reflect** on the causes and broad categories of **emotional abuse and neglect** - the two main categories used for Child Protection Plans.

3. Key Facts: Barking and Dagenham

Barking & Dagenham is in the East of London and has a projected population for 2017 of 209,149, of which 63,270 are under 18. The borough has a predominantly white British population, with 49% of the residents from a non-white ethnic group. Black Africans are the largest minority ethnic group at 17% of the overall population.

The child population in Barking & Dagenham is estimated to be increasing by around 2-3% each year and at 30% of the population is above the London average of 22%. There has been a 14% increase in the 0-17 population since 2011 compared to the London average (7%).

It is predicted that this will increase by 11% over the next five years compared to the London average (6%). This increase continues to present rising demands for all services across the borough.

The ethnic breakdown of under 18's is projected to be: 27% White British and 9.5% White Other - predominantly Eastern European groups, with 63.4% from Black and Minority Ethnic (BME) backgrounds.

The BME figure can be further broken down to: 23.3% Black African, as 2.2% Black Caribbean, 4% as Black Other, 7.1% as Bangladeshi, 6.6% as Pakistani, 4.5% as Indian, 0.7% Arab, 0.4% as Chinese and 3.6% as Other Asian. A further 9.5% of 0-7 year olds were from a mixed ethnicity while 1.6% were from another ethnic group not shown above.

Barking & Dagenham has 44 primary schools, 10 secondary schools, 2 special schools and 1 pupil referral unit. 5.7% of Barking & Dagenham's 16 to 18-year-old cohort were not in Education, Employment, or Training (NEET), compared to London (3.4%) and England (4.7%) averages.

At least 174 languages are spoken in Barking and Dagenham. Within the school population, 38 of these languages have been identified as being spoken by individual children (source: DfE School Census Spring 2016). The percentage of pupils with an Education Health Care Plan / Statement is **2.3%**. (Source: DfE School Census Spring **2017**).

GLA projections on the gender of the Borough's residents for 2016 indicates that **51.5%** of under 18-year olds are male, whilst **48.5%** are female compared to the general population, where **49%** are male with **51%** being female.

Barking & Dagenham is a borough with high areas of deprivation and poverty and these factors alongside domestic violence impact significantly on social care. Barking & Dagenham has the 6th highest level of child poverty in England and across London is ranked 4th 'worst' for children aged under 16 and 6th 'worst' for children aged under 18.

Domestic violence and abuse continues to be a significant issue in Barking & Dagenham and impacts on all service areas across the borough. It accounts for 46.2% of violence with injury offences in the borough (JSNA, 2016) and was a presenting factor for 15.8% of children's social care contacts in 2016/17.

Property in Barking & Dagenham costs around £310,000 which is over 12 times the average household income of £25,499. This makes home ownership unaffordable for many residents. Most households presenting as homeless will live in private rented accommodation.

Market rents have been rising much faster than household incomes, particularly for those families on benefits. Private rents have increased by 25% over the last two years, outstripping both inflation and Local Housing Allowance rates. This has led to difficulties for low income households accessing or sustaining affordable tenancies in the private rented sector and consequently significantly increased the number of households presenting as homeless.

There is only a 3% turnover in council housing every year, which severely limits the amount of council housing available to re-house homeless households.

The largest single factor for households becoming homeless is loss of private rented sector tenancy. The second largest factor is parental/household 'ejection'. Overcrowding and non-violent relationship breakdown were the most significant causes followed by violent breakdown which is usually associated with domestic violence or anti-social behaviour.

Changing market dynamics, the lack of local affordable private rented housing and the progressive erosion of the purchasing power of those on benefits is expected to increase the number of

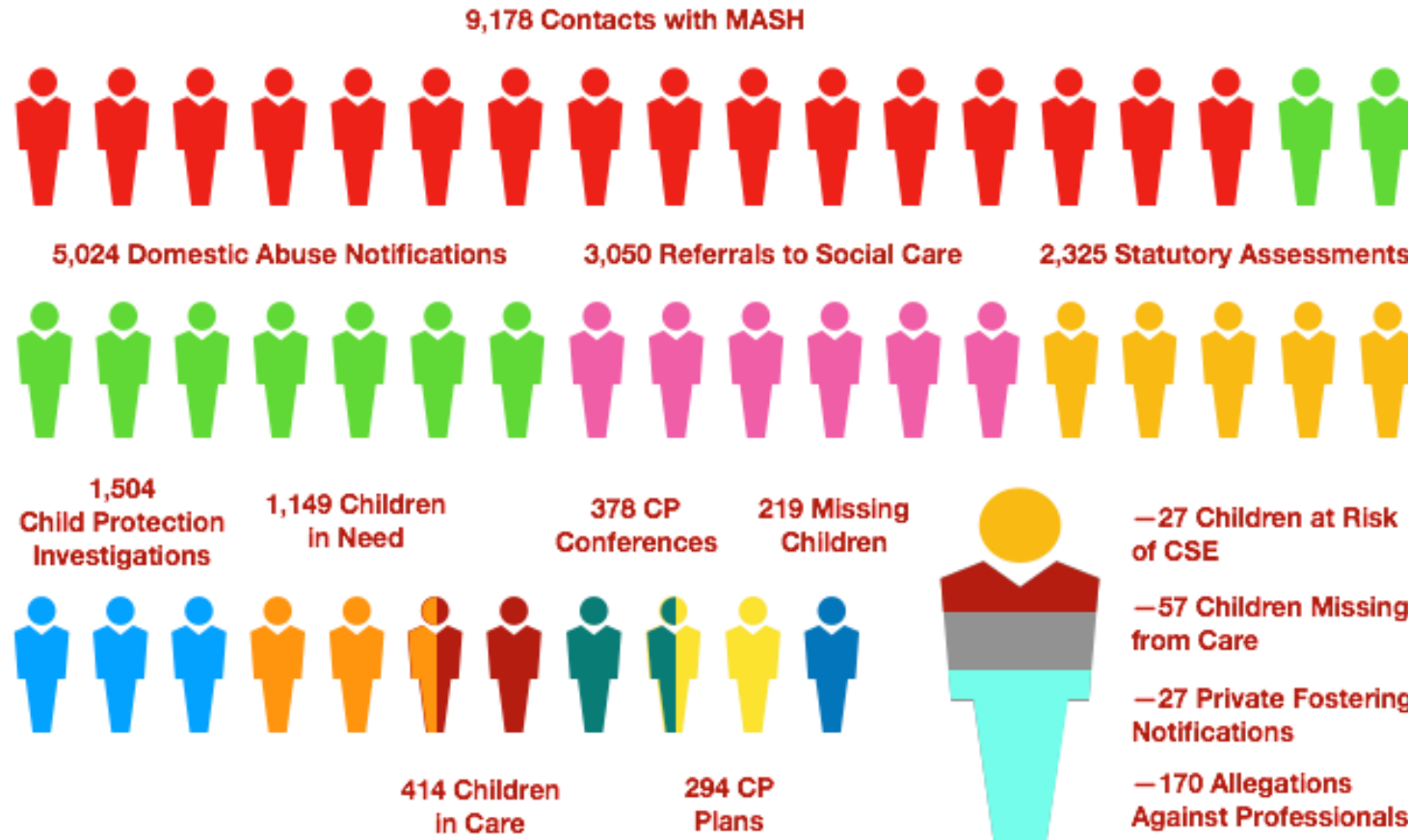
households needing assistance, with the number of households presenting as homeless expected to double by 2020.

Against a background of a projected increase in demand, there is a need to address the underlying causes of homelessness and to find ways to prevent households from becoming homeless in the first place.

There are some actions proposed for the coming year to help to reduce homelessness, these include:

- Early intervention
- Adopting a holistic, multi-agency approach
- Mediation in parental ejection cases
- Employment, debt management and benefits advice
- Working more closely with private landlords

4. Safeguarding 'Snapshot' 2016/17



2,024 Social Care Cases

18% of Children Receive Free School Meals

5. LSCB Core Business

Policies, Procedures, and Guidance

Barking & Dagenham LSCB is part of the London Safeguarding Board and as such follows the Pan London Child Protection Procedures.

Locally, the LSCB has published an Early Help Strategy and revised and re-launched a Threshold document which is available on the website.

In response to a recommendation in the Serious Case Review (SCR) for Child B, the LSCB has re-circulated the “Arrangements for Escalation – Challenge and Resolution”. During the year the referral pathway for Child Sexual Exploitation has also been revised.

Communication & Awareness

The LSCB has a responsibility to undertake communication & awareness raising activity for safeguarding.

The LSCB undertook a range of activity in 2016/17 targeting professionals, the community, children, and young people using a variety of methods to engage the various audiences.

- Practitioner Forum – regular meetings for practitioners across the partnership to raise awareness of the work of the Board, to focus upon various topics of interest and to encourage networking.

- Newsletters are circulated to partner agencies and put on the website

Learning and Improvement Framework (Training)

The LSCB is required under Chapter 4 of Working Together 2015 to have a Learning and Improvement Framework in place that outlines how the board supports and embeds a culture of learning to drive quality and improve outcomes for children and young people.

The LSCB Training Strategy and Training Plan is underpinned by a model of continuous development and seeks to develop the core competencies of the children and family’s workforce.

The training programme is reviewed and developed each year based on:

- evaluation of the previous year’s training
- research and best practice
- learning from case audits
- learning from serious case reviews (national and local)
- consultation and needs analysis across agencies
- LSCB and national priorities and requirements.

During 2016/17, the LSCB ran an extensive multi-agency training programme offering **63** different courses to **1560** people across statutory and voluntary sectors which reached a range of professionals.

The LSCB also has a range of training methods available offering e-learning, face to face training and bespoke packages.

The LSCB pays for 'Gold' membership of the NWG (National Working Group) which provides online information on CSE, membership of the Association of Independent Chairs which provides up to date information via the Business Manager and the council has recently joined Research in Practice.

Evaluation of training demonstrates that the LSCB plan and quality of training is highly regarded and positively impacts on practice.

Overall **1540** people attended courses throughout 16/17 period and **764** responded to an evaluation survey. That works out to a **49.61%** response rate (**50%** if rounded up) overall.

(Stage 1): Ensuring quality

Members of the Performance, Learning & Quality Assurance Committee (PLQ) attend learning events and provide feedback to the committee on the quality of the training delivery and delegate engagement/learning.

(Stage 2): At the end of learning

End of course evaluation is completed on line via Survey Monkey for all courses – each delegate that attends a course receives a link via email no later than the day after the training event inviting them to give their feedback.

The results are collated by Survey Monkey and analysed by the Training Coordinator, results are then shared with trainers.

(Stage 3): Impact Assessment

6-8 weeks after attending a training event, a selection of learners are contacted via survey monkey or telephone to seek further evidence of the impact of learning on practice and outcomes for service users.

Areas of training & development to be included in 2017/18 are:

- Effective early help provision and use of CAF
- Substance misuse and the impact on children
- Domestic abuse
- Violence to women and children including FGM
- Child Sexual Exploitation
- Neglect and the impact on children
- Adult mental health and the impact on children

Single agency safeguarding training by partners has been assessed as part of the Section 11 audit:

BHRUT monitor compliance for Safeguarding Children's Training Level 1, 2 and 3 at the Trust's Safeguarding Children's Operational and Safeguarding Strategic and Assurance Groups. Compliance is reported quarterly to the LSCB. A Safeguarding Children's Training Needs Analysis (TNA) and Strategy for 2016/17 was approved at the Trust's Safeguarding Strategic Assurance Group meeting on 1 June 2016.

Case Auditing

The LSCB has revised and strengthened the case audit process through the Multi-Agency Audit Group (MAAG) to involve more partners enabling them to have a line of sight to frontline practice.

The table below sets out the audit activity for the year that incorporated Thematic audits, including those identified through the Ofsted Inspection in 2014 and those based on LSCB priority areas across neglect, child sexual exploitation, and domestic abuse.

The impact of these audits increased levels of contribution, competence, and confidence by agencies in the case audit process. Case audits have also generated a huge amount of intelligence about effective local practice and areas of development.

April 2016	Police Protection Quality of Strategy Discussions/Meetings
May 2016	Police Protection Quality of MARFs
June 2016	Police Protection Missing children/Return Interviews
July 2016	Police Protection Pre-birth Assessments
August 2016	Police Protection CP Conferences Stepping Down to CIN
September 2016	Police Protection Domestic Abuse
October 2016	Police Protection

	Second time CPP (Q1)
November 2016	Police Protection In-depth audit on second time CPP Q1
December 2016	Police Protection
January 2017	Police Protection Second time CPP (Q2)
February 2017	Police Protection Missing children/Return Interviews
March 2017	Police Protection Parental drug/alcohol misuse & mental health

The findings from completed audits are shared with individual agencies through the Performance, Learning & Quality Assurance Sub-Group members.

Each agency is then required to identify actions and improvements that are relevant to their organisation and ensure these are included in their own safeguarding development plan.

Outcomes are incorporated into training. The learning needs identified through the audit process are also considered by the Performance, Learning & Quality Assurance sub group to ensure that learning is incorporated into the multi-agency training plan.

Key Learning Points:

Information from case audit has demonstrated that:

- **Police Protection** – All cases of children subject to Police Powers of Protection are audited and discussed with police colleagues to understand the reasons why Police Protection was taken. As a result, the number of children coming into care through police powers of protection during the 2016-17 period was 45 which is 22.1% of all admissions. This compares with 54 (24.5%) in 2015-16 and with 69 (25.3%) children in the 2014-15 period. This indicator was raised in the Ofsted inspection in 2014 as an area requiring improvement.
- **Disguised compliance** - in several cases the word of the parents was accepted
- Lack of **chronologies, genograms** and **ecomaps** evidenced.
- **Reactive** rather than responsive interventions evidenced.
- Lack of evidence of **multi-agency** assessments. Social workers are not consistently using the partnership to complete Core Assessments.
- **Multi-Agency Risk Assessment Conference** (MARAC) minutes not evidenced in social care records.
- **Self-reporting** by parents is accepted as factually accurate.
- **CAF** not considering all children e.g. in other schools no triangulation and a **Think Family** approach.
- Lack of involvement of **absent fathers**.
- Impact of **parental behaviours** on children needs to be considered by all agencies
- Lack of awareness of **Toxic Trio** and use of research and evidence based practice in all partners.
- **Strategy discussions** often taking place over the phone.

- Individual events are being recorded in isolation i.e. no evidence of a use of a **chronology** which would give the “bigger picture”
- Professionals often lack the **confidence / knowledge** to challenge decision making or make use of the LSCB **Escalation** procedure.
- There is no national dataset for **CSE** so difficult to benchmark
- Some cases showed no evidence of the **CSE Risk assessment** tool being used
- Assessments tended to focus on the parent’s relationship rather than the long-term impact on the child where **domestic abuse** was a factor
- History and parenting capacity must be captured in long term **neglect** cases.

Key Strengths:

- ✓ Child sexual exploitation now becoming **recognised** as a causation of sexualized presenting behaviour.
- ✓ Some agencies evidenced good **communication**.
- ✓ Some good evidence of **partnership** working
- ✓ Timely response to referral, good assessment, reference to research, formulation of a **good plan** and review with other agencies.
- ✓ **Strong evidence** of management oversight, decision making and regular supervision.
- ✓ Evidence of **child’s involvement** in the CAF assessment.

- ✓ Good chronology from **school**.
- ✓ Evidence of **good direct work** with child with clear actions.
- ✓ Good **CAF** assessment.
- ✓ Positive agency involvement, partnership working and **information sharing**, prompt actions.
- ✓ **Pro-active** health visiting involvement in following up with SW team and arranging professionals meeting.
- ✓ Good evidence of **escalation** within NELFT using safeguarding Team to support escalation of concerns
- ✓ Clear **communication** between health and school.
- ✓ Good record of discharge planning meeting, good description of intoxicated attendance and impact on parenting, **good social history information**, good use of body map for strategy meeting,
- ✓ Good **information sharing** between professionals.

Section 11 Challenge

The LSCB has a well-established process in place to measure the compliance of agencies with Section 11 of the Children Act 2004 which places duties on a range of agencies to ensure that they have regard to the need to safeguard and promote the welfare of children.

The Section 11 audit in Barking & Dagenham is from 2016 a two-stage process:

1. Self-assessment – where each organisation completes an assessment tool under eight standards, which is further broken down into 50 questions. Each organisation provides an explanation of the services or arrangements in place under the questions and provides evidence to support each requirement. A self-assessed grading is given for each question of red, amber, or green.
2. LSCB ‘challenge session’ is arranged upon submission of the audit where a senior manager from the agency meets a panel to discuss and moderate the completed audit. The agency will then update the audit and grading following the moderation.
3. A new, interactive tool has been introduced for this year’s audit, which has received positive feedback from those who are responsible for completing. As the tool is completed, an action plan is automatically generated by the responses given to each standard.
4. A workshop was held for all the designated officers nominated to complete the Section 11 audit tool to provide support and advice in completing it

What is the impact of the S11 audit?

Overall the outcome of the Section 11 audit has been positive with most of the standards being judged ‘partially met’ or ‘fully met’.

- ✓ There is a good understanding of safeguarding across all agencies

- ✓ A designated individual has overall responsibility for safeguarding and there are established lines of accountability up through the organisation.
- ✓ Most agencies could demonstrate good arrangements in place to assess their contracted service providers under the Section 11 standards
- ✓ There are mechanisms in place that allow the views of children and young people to be taken into consideration
- ✓ Appropriate levels of Safeguarding training are accessed by all members of staff which includes; in-house single agency training and, multi- agency specialist training.
- ✓ All audits evidenced safe recruitment processes, with references taken up and relevant checks made.

Schools Safeguarding Audit

On a bi-annual basis the LSCB implements a school safeguarding audit relating to Section 175 of the Children Act 2004 which measures compliance with statutory guidance 'Keeping Children Safe in Education'. The audit tool is in line with a similar tool issued by the NSPCC and goes above the minimum standard to reflect the constantly changing picture of safeguarding and the responsibility on schools and their staff to safeguard children.

An encouraging picture has emerged from the report that many schools are demonstrating a proactive stance in executing their duties towards the safeguarding of children. Generally, there has

been an improvement in the quality of audits. The next audit will be undertaken in the spring / summer 2018

What is the impact of the Audit?

- ✓ An improvement in the quality of audits
- ✓ 75% of schools returned an audit
- ✓ 63% of schools used the specifically devised training materials for 'whole school' training – the remaining schools use in part or outsource their training.
- ✓ 100% of schools have a clear 'e-safety' policy
- ✓ 81% of schools understood the requirements of CSE with 19% rated 'amber'
- ✓ 100% of schools are fully compliant with the recording and storing of information on child protection concerns
- ✓ A need for more specific training on safeguarding for school governors

Safeguarding in Sport

In November 2016, a former footballer disclosed to the Guardian newspaper that he had been sexually abused as a youth player.

Since then, more people have also come forward with allegations of historical abuse in football including former footballers - including ex-youth players, trainees, and professionals.

The Football Association (FA) have set up an internal review, the Child Protection in Sport Unit, which has assisted the FA with its

safeguarding procedures since 2000, will also carry out an independent audit into the FA's practices and the NSPCC set up a helpline supported by the FA.

In response to these national and historical concerns the Barking & Dagenham LSCB have ensured that:

- all council run leisure/sports facilities must update a S11 audit.
- the principles of S11 must be used in all commissioning and contracting
- a letter is sent to all sports groups in the borough from the LSCB Independent Chair with a link to the NSPCC
- A 'leaflet' with information for parents circulated to all schools and sports facilities in the borough and placed on the LSCB website.

6. Engagement with Children

There are well established consultative and collaborative forums with children and young people to inform, shape and develop multi-agency work and priority safeguarding children areas. The engagement of children and young people in safeguarding is through:

- Barking and Dagenham Youth Forum, including Young Inspectors and Young Mayor
- Children in Care Council (Skittlz), including two annual CiC Consultations
- Young People's Safety Group (sub-group of the BDSCB)

- LGBTQ Youth Group (FlipSide)
- Progress Project (Disabled Children's Parliament)
- Child Protection and Looked After Review processes
- Locally commissioned Advocacy services for CiC.

The Young People's Safety Group met twice over the past year. A session was held in in September 2016, led by the Youth Offending Service and themed on serious youth violence in response to recent incidents in the borough. 56 pupils attended, drawn from five schools in the borough.

A February 2017 session was themed on Child Sexual Exploitation, and was led by Barnardo's. 45 pupils attended from six schools. In both cases, key questions raised by the young people at each session were shared with the Board for appropriate response and to raise awareness of the key issues experienced by young people. In addition to the Young People's Safety Group, young people took over the LSCB in November 2016 as part of national Takeover Day. The session saw BDSCB members interact with members of the BAD Youth Forum, Looked after Children and Young Carers to discuss the key safeguarding issues that affect them in the borough.

The voices of young people are additionally captured through generic and targeted youth provision, such as Vibe, Gascoigne, Sue Bramley and Marks Gate youth clubs. The voices of vulnerable young people are additionally captured through the commissioned services for young carers and AbPhab, a youth club for disabled children. Young people also sit on representative groups, such as

the Children's Services Select Committee and CCG's Patient Engagement Forum.

The Annual Report for the 2016 BAD Youth Forum was presented to Assembly in January. It highlighted several key achievements, including the production of a powerful film raising awareness around mental health entitled 'Breaking the Stigma', which has been shared widely.

Young Inspectors have conducted 62 mystery shopping inspections of pharmacies that deliver the C-Card (condom distribution scheme) this year to date. The borough's C-Card performance is now top in London, with Teenage Pregnancy figures continuing to fall. A future campaign will be Child Sexual Exploitation as a theme and will be developed in conjunction with Barnardo's.

The Children in Care council continues to be very active, with its most recent consultation receiving responses from over 100 LAC. It demonstrated improvements across many annual indicators, including frequency of contact with Social Workers and retention. FlipSide, our LGBT youth group, have also secured 50 places at this year's London Pride parade, and recently conducted a training session for Members.

7. Serious Case Reviews (SCR)

In Chapter 4 of Working Together 2015 it sets out the requirement for LSCBs to undertake reviews of serious cases in specified circumstances stated as:

“undertaking reviews of serious cases and advising the authority and their board partners on lessons to be learned.”

A serious case is one where:

- abuse or neglect of a child is known or suspected and
- either the child has died or the child has been seriously harmed and there is cause for concern as to the way in which the authority, their board partners or other relevant persons have worked together to safeguard the child.

The LSCB has a Serious Case Review (SCR) Sub-committee and all SCR decisions have followed the requirements in Working Together 2015 with the LSCB Independent Chair observing and listening to the conversation and recommendation to be better informed in coming to a decision.

During the year 2016/17 **3** cases were considered by the Serious Case Review panel.

One was progressed to a SCR – Child C which will be published in the summer 2017, one was deemed a multi-agency Practice Learning Review. Early lessons arising from these reviews are:

- disguised compliance by families
- ‘hidden father’ not assessed
- Over optimism of practitioners and acceptance of family’s self-reporting.
- Lack of understanding and knowledge of premature babies

A range of multi-agency learning events are set up to disseminate the messages from the reviews using a variety of methods

8. Child Death Overview Panel (CDOP)

The LSCB is responsible for ensuring that a review of each death of a child living in their area is undertaken by a Child Death Overview Panel (CDOP) as set out in Chapter 5 of Working Together 2015.

A CDOP is responsible for collecting and analysing information about each death with a view to identifying:

- any case which may require an SCR
- any matters of concern affecting the safety and welfare of children in the authority
- any wider public health or safety concerns arising from a death or from a pattern of deaths in that area and
- putting in place procedures for ensuring that there is a coordinated response by the authority, their board partners, and other relevant persons to an unexpected death.

The purpose of the CDOP process is to try and reduce the number of preventable child deaths by considering:

- the cause of death
- any modifiable factors that can be identified
- whether the modifiable factors mean the death was preventable
- what recommendations need to be made to agencies, the LSCB, regionally or nationally to prevent future such deaths.

In 2015-16 HM Government, commissioned Alan Wood to undertake a review of Local Safeguarding Children Boards (LSCB)

and Child Death Overview Panels (CDOP). The recommendations for CDOP included:

- Child deaths need to be reviewed over a population size that gives a sufficient number of deaths to be analysed for patterns, themes, and trends of death;
- Responsibility for CDOP should move from Department of Education (DfE) to Department of Health (DH);
- DH should determine how CDOPs can be organised on a regional basis with sub-regional structures to promote learning and dissemination;
- The DH should lead on policy on CDOPs, and consider how they can be supported within the arrangements of the NHS; and
- If the national study recommends the introduction of a national database for CDOPs, the DH should consider expediting its introduction

The Children and Social Work Act has now been finalised and a revised guidance and process is expected to be released during 2017-18. Once changes are ratified and statutory guidance released, CDOP structures will begin to change across all boroughs. Locally, Partners are beginning to have conversations in relation to regional structure changes, however updated legislation is awaited.

During 2016/17 in Barking & Dagenham there were 21 deaths notified and 25 reviewed by the CDOP, some deaths were reviewed more than once. This is an increase of 1 notified death on the previous year.

Expected and Unexpected Deaths

The categorisation of expected child deaths in Barking and Dagenham, continues to follow the same trend as previous years. Unexpected deaths continue to be significantly lower than expected ones, with unexpected deaths being around 50% lower over the last five years.

Financial Year	Expected Deaths	Unexpected Deaths	Percentage difference	Total
2016/2017	14	7	50%	21
2015/2016	16	4	25%	20
2014/2015	15	8	53%	23
2013/2014	17	10	58%	27
2012/2013	15	9	60%	24

Of the 21 new cases notified to CDOP, six (6) Rapid Response meetings were held. All Rapid Response meetings were held within 5 working days of notification, across varying venues. Where possible, meetings were held at the Hospital where the child had

died. This enabled medical staff involved with the care of the child to attend and share information known. The Rapid Response meeting recommended to the Safeguarding Children Board (LSCB) that one case be considered for a Serious Case or Practice Learning Review.

On reviewing the details of this case, the SCR panel agreed that the case did not meet the threshold for a Serious case review or learning review, as detailed within Working Together 2015.

What we know

- The small numbers of child deaths in the Borough make it difficult to identify trends or make comparisons.
- The neonatal age bracket (0-27days) remains the highest proportion of deaths (46%), which mirrors 2015-16 reported figures. Children under the age of 1 year represent 63% of total child deaths reviewed by CDOP over 2016-17.
- Child deaths within the Black African ethnic group continue to be highest cohort recorded. In 2016-17, there were 8 deaths reviewed (33%), four (4) male and four (4) female. This is an increase on 20% recorded in 2015-16, which equated to a total of four (4) cases.
- 75% of children reviewed who were identified as Black African (6), were aged between 0-4 years. 37% (3) cause of deaths were recorded as extreme prematurity as all were delivered between 22-24 weeks.
- Barking and Dagenham CDOP continues to request and record pregnancy and maternity information so factors like late

bookings, birth gestation, birth weight and any high-risk factors can be considered in the review.

What we did

- The LSCB Chair met with the newly appointed Coroner at the start of the financial year, to develop stronger working relationships and further understand the Coroner’s role in relation to child deaths. This meeting enhanced communication and information sharing between CDOP and LSCB and explored enhanced learning which included promotion of learning following Regulation 28’s.
- Whilst undertaking new birth visits, Health Visiting teams were reminded to advise women who exclusively breastfeed, of the importance of Vitamin D supplements. Additional training sessions were held with the Designated Doctor and Nurse, alongside NELFT to disseminate these messages to the workforce.
- Barking and Dagenham CDOP continues to network outside its neighbouring boroughs and links with the National Network CDOPs (NNCDOP), the North-East London CDOP group, and Healthy London Partnership who, in conjunction with NHS England have been charged with reviewing the circumstances and contexts for the death of an infant or child and are contributing to shaping and strengthening services and resources.

Challenges for 2017/18

- The timeliness of notification continues to be monitored. During 2016-17 two notifications were received outside of the 24-hour timeframe. Both were from a Hospital setting, and these were addressed within the Rapid Response meetings held.
- Obtaining timely information from General Practitioners continues to be an issue to the CDOP process. The Panel are working closely with the Named GP to eradicate these issues as information held by GPs are vital to the reviewing process.
- The local Registrar has a responsibility to inform CDOPs of all registered deaths for a person under the age of 18 years at time of death. Whilst these links appear to be robust within other boroughs, this appears to be a weaker link within Barking and Dagenham. The SPOC will continue to liaise with the Registrar to receive timely updates.

9. Allegations Against Professionals

The Local Authority Designated Officer (LADO) is well established, and based within the Safeguarding & Quality Assurance service and provides oversight of allegations against people who work with children as well as advice and guidance to agencies. An annual report is produced and presented to the LSCB.

When an allegation is made against a member of the children’s workforce, the safety of the children with whom the professional comes into contact is the priority. Employers, have an additional duty of care towards their staff and therefore the complexities involved in responding to such allegations require balance and careful judgement to ensure risk and support are measured at both levels.

The LADO supports this process through:

- **advice** on thresholds at the stage of notification;
- **mediation** with colleagues in other agencies,
- providing a **proportionate response** to investigations;
- **guidance** on individual risk management including careful consideration of whether suspension of the staff member might be necessary; and
- **support** in the analysis of information and evidence gained as investigations progress, to ensure risks are responded to and appropriately concluded.

Between April 2016 and end March 2017, the LADO recorded **170 allegations** against the children’s workforce (including volunteers) in Barking & Dagenham. Whilst this represents a 11% decrease on the previous year (190) the number of contacts for consultation and allegation management support remains high. These contacts mainly relate to staff conduct issues which, on consultation, are designated as below the allegation threshold or unlikely to result in a S47 investigation and are passed back to employers to manage as practice or competence issues. The contacts may also constitute historical matters where staff are no longer working within the children’s workforce, or could relate to matters of policy guidance.

The categorisation of a piece of work as a ‘consultation’ is deceptive and may suggest a lesser input from the LADO. Many consultations require considerable and significant follow-up and analysis by the LADO beyond the initial caller contact.

Working Together 2015 sets out the expectation that 80% of LADO cases should be resolved within one month of referral, 90% within three months, and all but the most exceptional cases, completed within one year.

In Barking & Dagenham 3 cases are outside of these timescales due to the length of police investigations to achieve a timely resolution.

The statistical distribution of allegations in the year indicates that professionals employed in education services including early years, account for 39% of the total LADO referrals (not consultations). Combined, social workers, foster carers, residential workers and youth workers, account for 36%. The remaining 24% are divided by

religious professionals, football coaches and others. It has been noted that there are very low or zero rates of contacts passed to the LADO from or about professionals working in the Health sector. Over the next twelve months work will be conducted to increase awareness within parts of the Health community.

Agency	Number
Education (Schools)	5
Early Years (Nursery)	3
Additional Education Settings	5
Foster Carers	6
Health Professionals	0
Residential Workers	1
Reg. Social Workers	3
Church / Religious Professionals	3
Youth Workers / Organisations	2
Registered Child Minders	0
Football Coaches	3
Others	2
Total	33

Referrals related to concerns regarding persons working or volunteering within additional education facilities, acting as a private tutor or independent sports coach have been identified as a

concern and are not regulated or safely recruited. Nationally, there is no duty on these organisations to adhere to statutory guidance in the safeguarding of children.

There is even less organisational oversight in circumstances where classes are set up in private homes or outbuildings and parents bring in an adult to teach their children.

The lack of statutory guidance in this area creates difficulty holding individuals and organisations to account for the safeguarding and harm of children. There can be no confidence that individuals working or volunteering in this capacity undergo robust safer recruitment checks.

When concerns are raised, there is limited scope for the LADO to exercise powers on behalf of the local authority if there is no independent regulatory body to refer to. The usual referrals to the Disclosure and Barring Service are often ineffective as many of these organisations do not adhere to the requirement for DBS checks before appointment. In the cases referred to the LADO in Barking & Dagenham, it has been reliant on Police to investigate and potentially prosecute to prevent those who are unsuitable to work with children from doing so. This issue will continue to be raised through regional and national forums.

10. Performance Management

The LSCB has a comprehensive performance management framework in place which supports the board in identifying and addressing areas of good performance as well as areas that require attention and challenge. During 2017/18 the LSCB will review and further develop its multi-agency performance management reporting.

The following areas of performance have been key areas of consideration for the LSCB. The provision of performance data from some partners remains a challenge and will be taken forward as a priority action for next year.

Referrals to Children's Social Work Services

The number of referrals received has decreased by 6% during the year (from 3255 to 3050). The rate per 10,000 has fallen from 539 to 505. This is below the statistical neighbour average (700) and the national average (532), but above the London average (491).

The most significant numbers of referrals are received from the Police (816) and from Education (618). 93% of referrals were acknowledged within 24 hours during the year, compared to 80% previously.

The repeat referral rate has reduced from 16.6% to 12.8% during the year.

Statutory Assessments

A total of 2325 assessments were completed during the year, a decrease of 8%. 76.4% of these were completed with required timescales, a slight increase on previous performance but not where we would hope.

Strategy Discussions/Section 47 Investigations

Reflecting significant levels of need and risk in the Borough, the number of Section 47 investigations has continued at a high level. Importantly, this has been looked at more closely as part of two independent reviews - in September 2015 and in October 2016 - and the standard of decision making has been considered as being appropriate.

The number of cases in 2016-17 which were progressed to Section 47 investigations was 1175 out of 1504 strategy discussions, a conversion of 78%. For the previous year this figure was 86%.

The number of Section 47 Investigations being completed remains comparatively high when considered against national and London averages, however this is reducing.

The number of strategy discussions taking place with involvement of other agencies has increased from 121 (8%) to 618 (41%). This area of practice had been shown as needing improvement as strategy discussions are often needed within short timescales. This has been achieved using technology and introduction of telephone conference facilities during the year.

Core Groups

The number of core group meetings held in timescale for children subject to child protection plans has increased to 88% as of the end of 2016-17 compared to 84% a year earlier. This remains a positive story with a sustained improvement when compared to the performance of 2013-14 which was 34%.

Children Subject to a Child Protection Plan

378 cases were considered at initial child protection case conferences during the year at a rate per 10,000 of 63, a higher number than in the previous year. The current rate per 10,000 of 63 compares with rates in 2015-16 period of 74 for statistical neighbours, 54 for London and 63 for the national rate.

At the end of the year 294 children and young people were subject to Child Protection Plans, an increase of 16% from the same point last year. This is notably higher than national and local trends.

The number of children becoming subject to a child protection plan for the second time in 2016-17 was 56 (16.8%). This compares with 24 children (7.7%) in 2015-16.

Although performance has increased over the last year, we remain below the national and statistical neighbour averages which were 17.9% and 17.1% respectively at the year-end of 2015-16.

This year has seen an increase in the percentage of children who were on a child protection plan for two years or more although the total number of children involved – a total of 19 - is relatively low. This equates to 6.5% and compares with 12 children in the 2015-16 period which was 2.9%.

This area of performance is above the target of 5% and higher than the national and statistical neighbour averages for the 2015-16 period which were 3.8% and 4.1% respectively

Child Protection Conferences

There has been good performance in the work to achieve 97% of initial child protection case conferences within the 15-day timescale. This is significantly higher than all comparators (between 75% and 77%).

Child Protection Review Conferences being held in time has remained as a strength at 100%.

Child Protection Visits

This year has seen an increase in the percentage of children who were on a child protection plan for two years or more although the total number of children involved – a total of 19 - is relatively low. This equates to 6.5% and compares with 12 children in the 2015-16 period which was 2.9%. This area of performance is above the target of 5% and higher than the national and statistical neighbour averages for the 2015-16 period which were 3.8% and 4.1% respectively.

86% of children subject to child protection plans were visited and seen within 4 weeks in the period of 2016-17, no change on the 2015/16 performance.

Missing Children

219 children with 584 reports/incidences

A total of 243 return interviews took place. Of these, 92 (37.8%) were held within the recommended 72-hour period following the child's return. 20 interviews were either declined by the child or could not take place because the young person was immediately taken into custody.

Risk of CSE

Police investigate all cases where there is a suspicion or evidence of CSE. Those children and young people identified as at risk of or vulnerable to CSE are supported through several pathways ranging from early help to children's social care. The CSE Police in Borough are responsible for cases at Level 1 (suspicion of) and Level 2 cases including those involving on-line sexual exploitation.

Level 2 cases, where there is evidence of CSE are investigated by the Police Sexual Exploitation Team (SET).

At 31st March 2017, there were 27 children and young people from Barking & Dagenham subject to investigations by Police; 23 were open investigations to the local CSE Team and 4 were actively being investigated by the Police SET.

Police Powers of Protections

At the end of March 2014 136 children had been removed via Police Powers of Protection which accounted for 43% of admissions to care. Work between Children's Social Care and the Police has reduced this figure to 45 children which is 22% for the 2016-17 period.

This reduction is hugely important for reducing the impact of trauma on individual children and continues to receive close attention through regular meetings with Senior Police Officers to review performance and consider individual cases highlighted in the audit of the cases.

Private Fostering

During the period 2016/17, the Fostering Team received **27** private fostering notifications compared to **45** in 2015/16. Of the 27 new notifications, 6 met the criteria for Private Fostering. Of those 6 cases, 5 were closed during the financial year – 3x return to birth family, 1x turned 16 years, and 1x moved out of Borough. One remained open.

11 cases were carried over from 2015/2016 to 2016/2017, of the 11 cases, 8 were closed as 3 young people turned 16 and were no longer within the Private Fostering arrangement; 1 moved out of borough and 1 returned to mother; 2 returned to birth family, and 1 was referred to the Assessment Team due to safeguarding concerns. As at 31/3/17, the Fostering Team held in total 4 active private fostering cases

11. Priorities for 2016/17: Revisited

Priority One: Board members are assured that arrangements are in place to identify and safeguard groups of children who are particularly vulnerable

Reduce the harm from child sexual exploitation

What have we done?

Child sexual exploitation (CSE) is an issue of ever growing significance and is a fast-moving area with new reports, requirements and guidance being published on a regular basis. The LSCB partnership has been working hard to ensure that that our practice, policy, and procedures are updated in line with these.

Reducing the harm from CSE has continued to be a priority area of focus for the LSCB. A CSE Strategic Group has been in place, although the Board has now agreed that there will be direct reporting from the MASE and the Missing groups through to the Performance, Learning & QA group.

There are shared strategic priorities across partnership groups such as the Community Safety Partnership and Health & Wellbeing Board. A report on CSE was submitted for discussion in March to the Councils Children's Select Committee

The CSE Strategy and action plan currently being refreshed for 2017/18, outlines the accountability framework for tackling CSE within Barking & Dagenham.

A CSE Champions Forum take place termly and provides opportunities for training, presentations, and networking. Champions have been identified from partner agencies and from schools in the borough.

Our CSE Champions have developed and confirmed their Mission Statement setting out what they aim to do as individuals and as a collective and this will be published on the BDSCB website

Champions have also developed an Action Plan outlining what they need to achieve their goals. Work on this is ongoing and will be reviewed at Forums throughout the coming year.

We have revised our Pre-MASE Membership and updated the Terms of Reference and Agenda for this meeting to ensure that it appropriately supports the function of the MASE.

Work is underway to revise the Terms of Reference and Agenda for this meeting in line with the recently refreshed London CSE Operating Protocol – due to be published in June 2017. The revised documents will provide a focus on increasing the strategic oversight and value of this meeting.

We have strengthened the strategic and operational links between missing children and children in gangs in recognition of the cross-over of issues and increased vulnerabilities for this cohort of young people.

Following an HMIC inspection of the Metropolitan Police, our borough Police CSE team have been restructured and now form part of a 3 Borough East Basic Command Unit that works across Havering, Redbridge and Barking and Dagenham. The CSE element of this Unit remains located in the borough.

Police investigate all cases where there is a suspicion or evidence of CSE. Those children and young people identified as at risk of or vulnerable to CSE are supported through several pathways ranging from early help to children's social care.

A CSE toolkit was implemented by NELFT to support the identification of CSE and enable an appropriate response by staff. The CSE Services Self-Assessment Framework developed by NELFT was acknowledged by NHSE as a valuable resource to enable services to temperature check that they are ready to respond effectively to CSE.

Missing and CSE

Not all children who go missing are at risk of CSE. Not all children at risk of CSE go missing. But the link between missing and CSE is very clear. 39 of the children reported missing were identified as being at risk of CSE. At the time, all of them had an allocated social worker. Every case was discussed at Pre-MASE and/or MASE meetings.

Going missing is a dangerous activity. There are concerns about the links between children running away and the risks of sexual exploitation, gangs, and radicalisation. A child/young person who

goes missing just once faces the same immediate risks as those faced by a child/young person who regularly goes missing. The LSCB has a Missing Children Strategic Group (MCSG). It is a multi-agency meeting comprising of representatives from the police, Social Care, Education, and Health and meets every eight weeks to review missing children procedures and data.

The CSE Coordinator is a member of the MCSG so that links between children missing and CSE can be explored.

Each quarter, data is provided to the Performance and Quality Assurance Committee on children reported missing within this borough.

Return interviews

When a child returns from being missing, or is found, the police undertake a 'safe and well' check (a type of return interview). The purpose of this is to clarify if the child has been the victim, or perpetrator, of a crime.

The police will try to get the child to explain why they went missing but it is the Local Authority Return Interviews that is the key tool in understanding why a child went missing; what happened to them whilst they were gone and what can be done to stop them going missing again.

A total of 243 return interviews took place. Of these, 92 (37.8%) were held within the recommended 72-hour period following the child's return. 20 interviews were either declined by the child or

could not take place because the young person was immediately taken into custody.

There is no reliable data to compare to previous years. Ensuring that return interviews take place within 72 hours is a performance indicator and the focus is on trying to improve the percentage of interviews taking place within this time.

What difference has it made?

- ✓ The risk management processes in place in relation to CSE are robust. The links between children who go missing and CSE are well understood and acted upon.
- ✓ The Missing Children Group considers data and themes from independent return interviews (IRI). This IRI information is fed back to lead professionals and the police to inform interventions.
- ✓ There are up to date policies and procedures in place for CSE and missing children tested out through case audit.
- ✓ Police continue to take the lead in training for CSE, both to Police personnel and other partners via a series of workshops. We have also commissioned “Advanced” CSE training through the NSPCC as well as training on Harmful Sexual Behaviour (HSB) through Safer London. This training will take place toward the end of 2017.
- ✓ The BDSCB continues to work with Police colleagues to promote “Operation Makesafe” across the partnership and earlier in the year hosted an extremely successful breakfast for local hoteliers and taxi drivers.

- ✓ The police have issued several child abduction notices during the year to suspected perpetrators and have submitted applications for Sexual Harm Prevention Orders against specific offenders

What will we do next?

The local profile will be updated to inform the local picture of the prevalence of CSE to enable resources to be targeted.

There will be a continued clear focus on preventing the risks and causes of CSE through education and prevention both with individuals and communities and through universal provision, early help, and targeted interventions. There continues to be a need to continue to raise awareness of CSE with children and young people so that they are educated and empowered to recognise this form of abuse including within their online world.

CSE is still an area that the LSCB will to focus on to ensure that risk locally continues to be managed effectively. CSE will remain a priority for 2017/18.

Reduce the harm from neglect

What have we done?

Reducing the harm from neglect continues to be a significant safeguarding priority nationally.

The proportion of children and young people the subject of a child protection plan because of neglect and because of emotional harm is increasing.

Neglect and Emotional harm have remained the most prevalent reasons for child protection plans locally over several years and remains the most prevalent form of child maltreatment nationally.

A multi-agency audit of cases to assess the quality of work across the partnership where neglect is a factor was carried out in December 2016. Further audits of children subject to a child protection plan for neglect have also been undertaken and reported to the Performance, Learning & QA group and to the Board.

A 'Home Conditions' tool is used by Early Help staff to assess neglect.

Training has been enhanced for social workers on attachment based approaches to support children and families.

Supporting parenting capacity is critical in reducing the harm from neglect and abuse, promoting healthy attachments between parents and children and providing help for parents who have particular needs of their own which impact on their parenting capacity. These include substance misuse, mental health issues and domestic abuse. Outcomes from these audits also span across to neglect of children so recommendations are also considered as factors to ascertain neglect.

What difference has it made?

- ✓ Learning from case audits has been disseminated through the LSCB, Multi-Agency Audit group and the PLQA group
- ✓ Revised and updated neglect training is part of LSCB training programme for 2016/17 and for 2017/18
- ✓ Training on attachment based approaches to supporting children and families is part of the Children's Care & Support training programme.
- ✓ Early help is proactive in supporting families through a range of approaches.
- ✓ Families whose children are made subject of a child protection plan for neglect make positive progress. Data demonstrates that; there are low numbers of children subject of a child protection plan for 2 years or more, and, there are few children with second/subsequent child protection plans.

What will we do next?

In Barking & Dagenham, neglect and emotional harm have remained the most prevalent reasons for child protection plans. So, understanding its consequences and the potential for prevention and early intervention is important. Evidence from our audits indicates connections to other forms of harm and vulnerability to CSE in children and young people.

There has been limited attention given to the social determinants (such as poverty, inequality, and availability of community based support) that contribute to neglect.

In Barking & Dagenham, a high proportion of the children and young people becoming subject of child protection plans for emotional harm and neglect had domestic abuse in their family background. Further exploration should be undertaken to ascertain links to neglect and identification at an earlier stage.

The Neglect Strategy and Action Plan is being reviewed and updated.

A multi-agency neglect tool and guidance is being reviewed and updated.

Reduce the harm from Domestic Abuse

What have we done?

The Barking and Dagenham Community Safety Partnership (CSP) oversees domestic and sexual violence which is a priority for the CSP and the LSCB.

Domestic and Sexual violence impacts on all service areas across Barking and Dagenham. It accounts for 46.2% of violence with injury offences in the borough (JSNA, 2016) and was a presenting factor for 15.8% of children's social care contacts in 2016/17.

Domestic and sexual violence are significant issues for Barking and Dagenham. The borough has the highest number of reported incidents of domestic violence per 1000 population in London. The available data does not include those victims who do not report to the police and therefore, is only an indicator of the true scale of the problem.

During 2016-17, the Independent Domestic and Sexual Violence Advocates (IDSVA) worked with 697 victims. Of these, the majority were referred via the Police. This trend reflects the profile of MARAC referral data with a high level of Police referrals and low levels of referrals from other key statutory and voluntary agencies. Consequently, in Barking and Dagenham most victims are identified if their case has come to the attention of the criminal justice system and not at an earlier stage of victimisation.

The Multi Agency Risk Assessment Conference (MARAC) meets monthly to conference the highest risk cases in the borough by developing robust multi-agency support plans. During 2016/17, the total number of cases discussed was **348**, which represented a **3.3%** increase compared to **337** cases the previous year. Of these, **28%** were repeat cases which is on par with the 'Safelives' national recommendation of **28-40%** repeats to MARAC.

A significant number of children (**419**) were attached to these cases, which represents a **10%** increase compared to **381** in 2015/16.

57.8% of referrals to MARAC were from police and **25%** from the IDSVA service. Children's Social Care accounted for **2%** with just **7** referrals over 2016/17 to MARAC. Referrals from other statutory and voluntary agencies remain low.

3.9% of cases referred in 2016/17 were for a victim who was 16 or 17 years old. This represents a **35%** increase compared to the previous year. The number of people harming others who are 17 years or younger has increased by **175%** compared to 2015/16

although the numbers in comparison to total cases heard **(3.2%)** are rationally low for a borough with a large population of children and young people.

The number of victims from black or minority ethnic (B&ME) backgrounds reflects the percentage of referrals of victims who are non-white British. We would expect referrals to the MARAC to be representative of the local B&ME population.

SafeLives recommendation for cases with LGBT victims is 5-7% of total cases. In line with the national average, Barking & Dagenham is lower than expected, sitting at 1.1% in 2016-17.

Both the local and national average for cases where the victim has a disability is lower than the expected 16% (or above) which is partly due to barriers in reporting, 3.7% of Barking and Dagenham MARAC cases had a victim who had a disability.

Compared to 2015/16 the total number of MARAC cases heard where the victim was male has not changed. Expected national average for male victims at MARAC is between 5 and 10% based on the current understanding of the different experiences of domestic abuse by gender. Less than 3% of Barking and Dagenham MARAC cases discussed in 2016/17 were male victims.

What difference has it made?

- ✓ The jointly commissioned IDSVA (Independent Domestic and Sexual Violence Advocate) service includes a young person's IDVA and two Child Domestic Abuse Caseworkers. There are

also IDSVA's and caseworkers available who will work with adult victims experiencing differing levels of risk. The IDSVA service has experienced some difficulties in 2016/17 with high turnover of staff and lack of a dedicated resource in the police community safety unit. The formation of a Police tri-borough Basic Command Unit with Havering & Redbridge has also led to fewer referrals. This has been raised through formal channels and is anticipated to be part of the bedding in of new structures and processes. The children's specialist posts have seen low referral rates and would benefit from internal promotion going forwards.

- ✓ The Domestic Violence Treatment Programme, commissioned by children's services, is a 12-week programme for children between 4 and 19 years of age. The programme offers support and help to children to understand their experiences and develops their emotional resilience. The mothers can access a concurrent programme which explores reducing self-blame, helping them understand the impact of domestic abuse upon their children, increasing their own awareness of domestic abuse, a guide to healthy relationships, rebuilding their self-confidence and relationships with their children. Throughout 2016/17 this service included access to psychotherapy and play therapy sessions.
- ✓ The Council commissions a refuge service for women who need to leave their homes because of the violence and abuse they experience. Service users may be referred from Barking and Dagenham but also from across the country.

- ✓ Additionally, there are regionally commissioned services providing support to Barking and Dagenham funded by various commissioners including London Councils. This includes the Ascent consortium – 22 specialist organisation’s accessible from one central hub and able to provide specialist services for victims facing multiple disadvantages such as no recourse to public funds.
- ✓ The IDSVA service has provided training to different agencies and continues to do so. A conference was held in November 2016, targeted at social workers, and sought to raise awareness of Domestic and Sexual Violence and VAWG issues, and increase confidence in responding to disclosures.
- ✓ There is increased visibility by the Independent Domestic Violence Advocate based at Queen’s Hospital who also provides support at King George Hospital.
- ✓ There has been a significant increase in referrals made by NELFT practitioners to MARAC across the 3 boroughs during the year. This evidences the impact of training and the application of the Safe Lifes risk assessment tool.

What will we do next?

Areas for development in 2017/18 include the formation of a VAWG sub-group reporting to the Community Safety Partnership. This group will provide strategic oversight of the borough response to Domestic and Sexual Violence and VAWG and will support and steer the MARAC and Domestic Violence Forum.

A MARAC self-assessment is recommended which will inform a MARAC improvement plan.

A mapping exercise of support available, a comprehensive communications plan including the development of a multi-agency training offer are also areas of development.

Priority Two: Board partners will own and share accurate information which informs understanding of safeguarding practice and improvement as a result

What have we done?

Through the S11 audit we have checked that agencies fulfil the requirement to have effective systems, processes, and policies

We have challenged agencies to provide evidence of the work that they are undertaking to improve outcomes overall and in relation to specific areas of business

We have undertaken audits to understand how effectively the whole system is working and to make sure that the child's journey is always the focus.

We have made sure there are strong governance arrangements in place with Children's Trust, Health & Wellbeing Board, and Community Safety Partnership; and that there is evidence of two-way communication and challenge.

The CDOP Annual Report shares learning & performance data, and escalates concerns to the Board

Performance, Learning & Quality Assurance subgroup scrutinise performance data on behalf of the Board

Increased visibility of the LSCB through regular newsletters, updates on the website and use of social media – Facebook & Twitter

In 2016, The Named GP and Designated Nurse started a GP Forum, meeting quarterly, to enable GP leads in Safeguarding to meet, discuss, and work together for the benefit of the whole B&D Primary Care / General Practice community. Work has started looking at ways of improving time limited information sharing between Primary Care and Children's Social Care.

The Named GP has produced supportive documentation / policy templates for all GP practices to help them prepare for their personal CQC inspections. This will assist practices in having all necessary Safeguarding processes and pathways and assuring CQC of robust safeguarding practices.

What difference has it made?

- ✓ A new, interactive tool has been introduced for this year's S11 audit, which has received positive feedback from those who are responsible for completing. There is a good understanding of safeguarding across all agencies
- ✓ In 2016/17, the LSCB continued to have consistent leadership through its Independent Chair and Director of Children's Services. Local political leaders have a clear line of sight of the safeguarding agenda in Barking & Dagenham and the work of the LSCB.

- ✓ The board has clarity about its role and function, which is described in the memorandum of understanding, signed up to by all board members.
- ✓ Partnership working is established at all levels
- ✓ Partners are engaged in the safeguarding agenda and share a clear vision and commitment for safeguarding children
- ✓ Partners demonstrate mature relationships with respectful challenge.
- ✓ The LSCB has strong links with other strategic groups and this ensures that priorities for children are shared and embedded across the strategic partnerships
- ✓ The LSCB has responded quickly and proactively to national changes in safeguarding children in 2016/17. The 'Wood Report: Review of the role and functions of LSCBs' and the response from the government were published in 2016 with the Children & Social Work Act 2017 receiving Royal Assent in 2017. The reports set out changes about the strategic and statutory arrangements for the organisation and delivery of multi-agency arrangements to protect and safeguard children. The new arrangements include greater flexibility regarding local arrangements and that the three key agencies being the local authority, health and the police should determine the multi-agency arrangements for protecting and safeguarding children in their area. The LSCB in Barking & Dagenham have proposed a different structure beginning in the Autumn of 2017 that brings together the Chief Officers and Chairs from all the strategic partnership groups to act as a single 'umbrella'

group by which to lead safeguarding across the borough. It is envisaged that this will reduce crossover and duplication whilst incorporating safeguarding priorities across the partnership. The LSCB structure will be further reviewed in response to the revision of Working Together 2015.

What will we do next?

The LSCB will further strengthen the case audit process to involve all board members

Case audits generate a huge amount of intelligence about effective local practice and areas of development. During 2017/18 we will communicate with practitioners and use these areas of learning to change practice.

Priority Three: The Board will see children and young people as valued partners and consult with them so their views are heard and included in the work of the LSCB

What have we done?

Learning from National Serious Case Reviews indicates that in too many cases the child was not seen enough by professionals involved, or was not asked about their views and feelings; that agencies did not listen to adults who tried to speak on behalf of the child; that parents and carers prevented professionals from seeing and listening to the child and that practitioners often focused on the needs of the parents, overlooking implications for the child.

The LSCB has a Young People’s Safety Group as part of its structure. The Young People’s Safety Group continues to be a popular forum through which the borough’s schools can engage collectively around issues of safeguarding. The existence of the Group allows the LSCB to respond quickly to specific issues, such as theming the September 2016 meeting around Serious Youth Violence.

The dissemination of key messages by schools following each meeting, ensures that the learning goes beyond just those young people that attend the sessions. In addition, the identification of two key questions for the Board following each meeting retains a strong and progressive two-way link between the YPSG and LSCB.

A survey regarding the Young People’s Safety Group has recently been conducted with schools. Results indicate that schools largely value the sessions, but would like additional resources to use back in school linked to successive YPSG themes. Most schools share learning back in school (usually through pupil assemblies), which indicates that the issues and learning from the YPSG is having a wider reach than the meetings themselves.

We have listened to the views of children and young people and used these to inform best practice. For the second year, the Young People’s Safety Group organised and ‘took over’ the November Board meeting as part of Young People’s Takeover Day. Young People from the BAD Youth Forum, Young Carers and Arc Theatre, used presentations and ‘round table’ discussions for items they wanted the Board to take forward. This not only provided LSCB members with an insight into current safeguarding issues as experienced by the young people of the borough, but also provided an opportunity to ask questions, discuss these issues directly and plan actions to address the issues raised.

What difference has it made?

The YPSG continues to triangulate LSCB priorities with the needs and wishes of young people and local triggers, such as Serious Youth Violence. The delivery of a Young People’s Takeover Day session in November 2016 helped provide some new priorities for the Group, particularly around substance misuse, which is a theme that has not been explored by the YPSG for some time.

Link the work of BDSCB members to the YPSG and provide them with opportunities to consult with young people.

Ensures participation from all schools in the YPSG. Meeting dates and themes for YPSG are planned for the academic year and align with BDSCB priorities

What will we do next?

More detailed analysis is needed of YPSG participants to accurately monitor participation from vulnerable groups and act in response.

Discussions have been held with the Barking College regarding their participation in the YPSG. The College have launched a student forum, which is looking to link with the work of the YPSG and BAD Youth Forum. The College are seeking to send representatives to future YPSG meetings and to potentially host future meetings. YPSG themes may also be explored through their own student voice forum.

Priority Four: Arrangements for Early Help will be embedded across agencies in Barking & Dagenham who work with children, young people, and their families.

The Early Intervention Foundation states that “early intervention involves identifying children and families who may be at risk of running into difficulties and providing timely and effective support”. The terms ‘early intervention’ and ‘early help’ are used interchangeably, and describe a range of services, programmes or interventions to help children and families resolve problems before they become more difficult to reverse or require more interventionist support.

Early Help services in Barking & Dagenham are changing to include the triage of early help through the Multi-Agency Safeguarding Hub (MASH) or Single Points of Entry and multi-agency support. Known as Community Solutions, the changes have been part of deliberate change to provide more efficient and targeted support, transforming the role of services from a ‘fixer of problems’ to a stimulator of family owned change.

The Integrated Working Team currently covers the CAF support across the borough, by supporting practitioners to identify children with additional needs, complete an assessment to identify the areas that would benefit from support and help in deciding what

services to put in place to support the child, young person, or their family.

The team oversees three Multi Agency Panels (MAPs) that receive all the Police MERLINS that have been rated as ‘Green’, referrals that do not meet the threshold for social care, step down assessments from the assessment team and case presentations from staff either in or out of borough with a concern for a child, young person, or family where they would benefit from a targeted intervention. Of the Total Number of referrals to MAP’s – 4404 - 3206 (72.7%) were made up of MERLINS rated ‘Green’. Of these:
 Number escalated to Social Care: 172 / 5.3%

Number referred to YOT: 106 / 3.3%

Number allocated to a Targeted Service: 963 / 30%

Number allocated to a Universal Service: 830 / 25.8%

Number closed as No Targeted Intervention Required: 1134 / 35.3% (Cases can be closed to MAP as no targeted intervention required either once the MAP chair has undertaken the screening, or after the case has been discussed at a MAP meeting and a task has been undertaken, for example a home visit to clarify the concerns in the referral received or when families decline services).

The team provides multi-agency training on CAF throughout the year through a 1-day course named Integrated Working Through Information Sharing and Assessment (IWISA) and CAF briefings that

are half a day. The Integrated Working Team is represented on the LSCB Multi Agency Audit Group as well as completing single agency audits.

What have we done?

- ✓ Work has been undertaken to clarify thresholds with partners to ensure a more consistent application and to reduce a 'risk averse' practice by some partners reluctant to apply the threshold.
- ✓ The team has moved into the second year of traded services to schools for CAF support. Over forty schools have bought into the traded services for 2016-17, which was the second year of being a Traded Service. The team has continued to support schools in the CAF process, supporting the settings with their processes for recording, identifying children with additional needs and with data for Governors reports and Ofsted visits. The team has undertaken briefings at the schools to ensure they are aware of the process of CAF and highlighting any concerns and areas of good practice. The team also supports schools with their threshold application for referrals to social care and other services.
- ✓ The Multi-Agency Panels worked with the Police and Social Care to agree a Pathway for the 'Green MERLIN's to be passed straight to the Multi-Agency Panels rather than going to MASH, which has greatly reduced the number of contacts needing to be screened at the 'front door'. The process for Green

MERLINS to be passed through began in January 2016 and has continued to date. During 2016-17, the team worked closely with Social Care and Police colleagues to ensure the threshold applied was consistent, met with Police staff to advise them of the Multi-Agency Panel processes to ensure they are aware of the Early Help response and continued to escalate MERLINS to social care where a safeguarding concern has been identified.

- ✓ A team member now attends the MARAC and MASE meetings to provide information from a CAF and MAP perspective to assist the multi-agency discussion for families.
- ✓ The Barking and Dagenham Early Intervention Worker works in partnership with BHRUT Safeguarding Team and supports front line staff across the organisation in accessing services for children and families. There is demonstrative evidence that this post holder has worked alongside staff and families as the number of referrals increased during this reporting period.
- ✓ The CAF is now in use within the Midwifery Department, Neonatal Unit, Paediatric Wards, Children Home Care Team, Emergency Department, and Sexual Health in Queens Hospital.
- ✓ Trust Staff are provided with CAF training as part of level 2 and 3 Safeguarding Children training and BHRUT continues to be supported by an Early Intervention Worker.
- ✓ During the reporting period 283 Pre CAFs were completed by front line staff.
- ✓ A Liaison Social Worker and an Early Intervention Worker (EIW) are based within the Safeguarding Children Team at Queen's Hospital, providing advice and support for the

Emergency Departments, Maternity and Paediatric inpatient areas. The EIW supports the completion of Pre CAFs in the clinical areas and in the community, and helps with the facilitation of Pre-CAF training at mandatory update meetings for staff. The Social Worker attends all Psychosocial and Maternity Partnership meetings across sites.

What difference has it made?

The continued support to schools is valued and has ensured that the working relationships between the team and the settings has been maintained.

The team have enabled long term relationships which has been a factor in the success of the Traded Services.

It has allowed a varied focus including new ways of working with schools, for example, concentrating on specific groups of vulnerable children, supporting the schools to design new recording systems and identify training gaps for staff.

The receiving of the Green MERLINS has ensured that the number of contacts to social care has reduced. It has also meant that families that require targeted support are receiving it sooner than they would have previously, as a level of screening has been removed by taking the social care element out of the process.

30% of the MERLINS now result in a targeted service being allocated to the families, whereas previously, it could have been dealt with by a MASH social worker and closed with no onward work undertaken. The team discuss cases where the threshold

needs some discussion through a MASH manager and have an agreed process for escalating cases to MASH.

The team’s attendance at MASH and MARAC has provided more Tier 2 information being shared to assist decision making. It has also assisted workers from a Tier 2 perspective being aware of a family being discussed at a MASE or MARAC meeting.

It has also assisted the team’s knowledge with screening of MAP cases, as the team now consider referrals to the MARAC meeting or is able to seek advice from a member of staff in that area.

What will we do next?

The schools will continue to be supported through the Traded Services offer and will have the opportunity to personalize the support that is on offer through the service level agreement.

The Green MERLINS will continue to be screened by the team and targeted and universal services will continue to be recommended. Cases will be escalated to MASH as and when required.

The multi-agency involvement and impact will be assessed and reported to the LSCB as the early help work moves into the new service of Community Solutions.

Priority Five: Board partners will challenge practice through focused inquiries or reviews based on performance indicators, practitioner experience and views from children and young people. Collectively we will learn and improve from these reviews.

What have we done?

The LSCB has a Serious Case Review (SCR) Subcommittee and there is a robust scheme of delegation from the LSCB Independent Chair. All SCR decisions have followed the requirements in Working Together 2015.

The SCR committee has considered three referrals during the year:

- 1 did not meet the criteria for a Review
- 1 is being considered as a multi-agency Practice Learning Review
- 1 met the criteria for a Serious Case Review and will be published during the summer 2017

Following the last Serious Case Review – Child B published in 2015, there has been a substantial programme of awareness raising and publication of the lessons learnt to include, staff briefing sessions, presentations at strategic partnerships, staff information included in the LSCB newsletter and incorporated into training.

A multi-agency audit has been undertaken and jointly co-ordinated by a Quality Assurance and Audit officer on behalf of the LSCB and the Named Nurse – Safeguarding Children NELFT. The case was raised using the LSCB Escalation process. All practitioners with involvement in the case met with the two auditors to describe their involvement in the case and the outcomes and learning from the subsequent report was agreed and signed off by the agencies represented at the Performance, Learning & Quality Assurance sub group and disseminated to practitioners through a learning day. Learning points were also included in the LSCB Training plan.

A multi-agency audit on Neglect using the Ofsted JTAI Framework has been carried out and outcomes reported to the BDSCB.

Work on the Ofsted improvement action plan put in place in 2014 has continued to be reviewed to ensure that recommendations and actions completed.

The key elements of practice that remain a focus, include the quality of referrals, assessment work and planning, capturing and being influenced by the voice of the child and ensuring good supervision and management oversight.

The CQC carried out an unannounced inspection in the Barking, Havering, Redbridge University Trust (BHRUT) in September and October 2016, to review progress of the improvements that had been implemented, to apply ratings, and to make recommendations on the status of special measures.

The resultant report identified that the Safeguarding Team had made significant progress in ensuring that it effectively executes its duties and responsibilities by maintaining a focus on the welfare of all children and young people, adults, and services users. The result of this progress meant the Trust has been removed from 'special measures'.

The National Probation Service National Safeguarding Reference Group has produced an Action Plan with many key themes; learning from DHRs, SCRs, audits, inspections, etc. It was instrumental in the Safeguarding Children launch in the last financial year within NPS and it has also promoted an Audit Tool for Assurance Processes.

What difference has it made?

- ✓ Better understanding of the use of all multi-agency meetings and attendance thereby improving communication
- ✓ Highlighted the lack of local knowledge about what is available for families experiencing domestic abuse.
- ✓ Arrangements to distribute invitations, minutes, and update about child protection plans, particularly with Health agencies is better understood
- ✓ Review of communication re safeguarding processes in paediatrics
- ✓ Poor use of CSE risk assessment tool across agencies
- ✓ Multi-agency neglect 'task -to-finish' group set up to consider the requirements of the JTAI across the partnership

What will we do next?

A Meeting Matrix has been compiled setting out what each multi-agency meeting is for and circulated across the partnership, placed on the LSCB website and in procedures

Update of directory listing DV services locally & nationally. Two MARAC workshops held. Review of DV training for frontline staff.

Generic e mail accounts have been set up across the health agencies and a revised document for the setting up of CP Conferences for social work staff

Review and revision of pathway, including documentation and nursing input on ward rounds

CP IRO's will ensure CSE and the risk is included in plans for children and young people. CSE Champions training to include the use of the CSE tool.

The JTAI group will progress actions arising from the Neglect audit and initiate work across adult services, including the SAB to review understanding of staff working with adult substance and alcohol misuse where they are parents to reduce neglect.

The findings from the serious case review for Child B have been disseminated to staff across the service during 2015-16 but this also carried over in to 2016-17 to complete implementation of the actions, which included:

- guidance about practice for pre-birth assessments;
- training on working with fathers; and

- further communication about resources for working with domestic abuse and substance misuse.

12. Direction of Travel

This Annual Report provides evidence of changes in activity, characteristics of the Borough and the needs of children and young people. Collectively, it presents a busy terrain of interlocking factors, challenges, and enablers. Being able to focus on what has, or could have the biggest impact and identifying those which offer both challenge and support improvement is critical for the coming year.

The year 2017-18 will see significant organisational changes which will include:

- supporting the safe transition of management of the Multi-Agency Safeguarding Hub (MASH) across to the new Community Solutions service.
- The Youth Offending Service (YOS) will be managed within Children's Care & Support.
- The Disabled Children's Team will join the Disability Service for all ages.

Another key development to note for 2017/18 is that the Children's Assessment and Care Management services will be aligned to the new locality model for health and social care.

This will enable closer working relationships to develop between, for example, schools, health services and children's services. There will be closer links with the Multi-Agency Partnership (MAP)

arrangements for the localities and this will bring benefits through strengthening working relationships for early help.

Two new initiatives are planned for 2017/18.

Implementation of the '**Pause Practice**' for work with women who have had children removed and to prevent repeat removals into care.

Caring Dads groupwork which aims to support fathers who are a source of safeguarding concerns to focus more on the needs of their children. These initiatives will be reported on in the next Annual Report.

Challenges

- To develop the right culture that is less 'risk averse'
- Improvement in the collation and reporting of data and performance management across all agencies
- Workforce – the recruitment and retention of staff across all agencies is a challenge. Attracting staff with experience and reducing 'churn' as staff move around London due to greater incentives has been a difficulty.
- The level of risk and vulnerability of children is likely to increase because of the social and economic pressures on families.
- Children's needs are becoming increasingly complex
- Improvement in the Metropolitan Police after the HMIC inspection in 2016 and the regional changes to work across a tri-borough in east London.

13. Priorities for 2017-18

1. Board members are assured that arrangements are in place to identify and safeguard groups of children who are particularly vulnerable

- Learn from the feedback from Missing children and Return Interviews.
- The local Problem Profile will be updated to inform the local picture of the prevalence of CSE to enable resources to be targeted.
- The Neglect Strategy and Action Plan and multi-agency tool will be reviewed and updated.
- Review the current structure to ensure it is fit for purpose and meets the requirements of the Children & Social Work Act 2017.
- Whilst there are links with other key strategic boards in Barking & Dagenham there is a need for further development to ensure clarity regarding key responsibilities, identifying areas of joint work, and linking agendas
- Review the LSCB budget and agency contributions against LSCB requirements

- Challenge greater engagement amongst LSCB members in terms of support in leading or chairing groups
- ### 2. Board partners will own and share accurate information which informs understanding of safeguarding practice and improvement as a result
- The performance information for 2016-17 shows some change in the volume of traffic at the front door through reductions in the number of referrals being received and the number of open cases.
 - It is important for the safeguarding partnership to understand the complexity of cases and the increase over the year in the numbers of children subject to child protection plans and becoming looked after. This complexity leads to pressure on caseloads across all agencies.
 - There is limited data available from some partners, so we must review and establish a performance data set and dashboard to develop a partnership understanding of the story behind the data and provide the LSCB with assurance about safeguarding arrangements
 - The LSCB will further strengthen the case audit process to involve all board members and ensure that practice is improved as a result.

3. The Board will see children and young people as valued partners and consult with them so their views are heard and included in the work of the LSCB

- The arrangements to embed the voice of the child into LSCB business and the work of the sub-groups must be more robust and ensure that their voice makes a meaningful difference
- More detailed analysis is needed of YPSG participants to accurately monitor participation from vulnerable groups and act in response.

4. Arrangements for Early Help will be embedded across agencies in Barking & Dagenham who work with children, young people, and their families

- The current trends highlighted in the analysis of data demonstrate the need for continued analysis, understanding and discussion about demand for services in the Borough and how this is managed. Most particularly what further can be done about prevention and early help at a challenging time of demographic change and of reduced resources, including the impact of Community Solutions.
- The multi-agency involvement and impact will be assessed and reported to the LSCB as the early help work moves into the new service of Community Solutions.

5. Board partners will challenge practice through focused reviews or audit based on performance indicators, practitioner experience and views from children and young people. Collectively we will learn and improve from these reviews.

- Re-refresh the multi-agency CSE Operational strategy and action plan and update the CSE Problem Profile
- Put children’s needs onto the public health agenda. Develop an understanding of the relationships between public health concerns such as domestic abuse; sexual health; neglect and poverty and the health and wellbeing of children and young people. Identify triggers to support joined-up commissioning and service delivery.
- Assist frontline practitioners and CP IRO’s reflect on the causes and broad categories of emotional abuse and neglect - the two main categories used for Child Protection Plans.
- The JTAI group will progress actions arising from the Neglect audit and initiate work across adult services, including the SAB to review understanding of staff working with adult substance and alcohol misuse where they are parents to reduce neglect.

Appendix 1: Finance

Income

Partner Contributions	£
LBBB Children's Care and Support	92,240
LBBB Housing	10,221
Barking, Havering, Redbridge Hospital Trust (BHRUT)	3,716
North East London Foundation Trust (NELFT)	3,716
Barking and Dagenham Clinical Commissioning Group	37,034
Police	5,000
Children & Family Court Advisory and Support	550
National Probation Service (NPS)	1,050
Community Rehabilitation Company (CRC)	1,000
<i>Total Partnership Income</i>	<i>154,527</i>
Schools Forum	50,000
Fire Service	500
Training Income	12,252
<i>Additional Income</i>	<i>62,752</i>
<i>Carried Forward 2015-16</i>	<i>98,048</i>
Total BDSCB Income	315,327

Expenditure

Expenditure	£
BDSCB Chair	21,819
BDSCB Training	11,811
Staffing costs (including on costs)	59,338
Staff expenses	735
Serious Case Review	8,495
Other	2,856
Total BDSCB Expenditure	105,054

Balance

Total Income	315,327
Total Expenditure	105,054
Carry forward 2017-18	210,273

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Safeguarding Adults Board Annual Report 2016 - 17



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Foreword by Sarah Baker, Independent Chair of the Barking and Dagenham Safeguarding Adult Board.

Welcome to the 2016/17 Annual Report of the Barking and Dagenham Safeguarding Adults Board (SAB). The Annual Report presents the work of the Safeguarding Adults Board as it works under the auspices of the Care Act 2014.

I have been the independent chair of London Borough Barking and Dagenham Safeguarding Adult Board since October 2014. This is a statutory post as set out in the Care Act 2014. My job is to hold agencies to account for the effective coordination of the commissioning and provision of services for adults, to ensure that adults at risk are safeguarded. I provide independent challenge so that each Board agency partner and their representatives are held to account.

To achieve this, I have quarterly governance meetings with the Leader of the Council, the Lead Member for Social Care and Health Integration, the Chief Executive of London Borough Barking and Dagenham and the Strategic Director of Service Development and Integration. I also have one to one meetings with the Strategic Lead officers for the statutory partner organisations on a regular basis. These meetings are effective in influencing the SAB agendas for successful delivery of the SAB business plan. Meetings are well attended by partners and the Lead Member for Social Care and Health Integration attends the SAB meetings so that she is informed and can provide effective challenge to Council officers.

My evaluation of the SAB business plan is that partners have successfully completed five of the eight priorities set out in the business plan, however there is more work to do against the remaining three priorities. At the same time, the SAB has been proactive in responding to emerging issues including the CQC inspections at BHRUT and NELFT and serious incidents in general practice.

I attend the Health and Wellbeing Board and have had the opportunity to contribute to debate and discussion to ensure safeguarding issues are considered with the wider health and social care agenda. I also presented the SAB Annual report for 2015/16.

I am also the independent chair of the Barking and Dagenham Safeguarding Children Board. This has provided the opportunity to consider safeguarding issues across adults' and children's services, including hoarding and associated fire and mental health issues. I use my knowledge from both boards to make links and find solutions for children and families. Examples of joint work include working with the fire brigade and workshops on hoarding.

The SAB evaluated itself against the Care Act 2014 and whilst progress has been made from last year's audit there is still work to do to ensure full compliance. Key areas of focus are:

- advocacy
- Mental Capacity Act and Deprivation of Liberty
- Making Safeguarding Personal, and
- information sharing.

The SAB has set up the Multi Agency Safeguarding Case File Audit group, inviting practitioners to present cases identifying best practice, safeguarding issues and areas for development. It was interesting to note that the areas for front line development mirrored those featuring in the Care Act Compliance audit as above.

This year the SAB has commissioned three Safeguarding Adult Reviews (SARs), one of which will not be completed until later in 2017. A more detailed account of the completed SARs is available at chapter 9. Themes arising from both completed SARs include discharge planning and application of the Mental Capacity Act. The SAB will be providing briefings for staff across the partnership and reports for completed SARs have been published on the SAB webpages of the London Borough of Barking and Dagenham website.

The Barking and Dagenham SAB is a multiagency partnership and is much more than the sum of its parts. Managers and front-line practitioners across the partnership all work extremely hard under significant resource pressures with some of the most vulnerable adults in Barking and Dagenham. There is always much work to do but I am confident that will continue to give the highest priority to safeguarding adults as already demonstrated through their commitment and attendance at SAB meetings, engagement in multi agency audit of practice, safeguarding adult reviews and SAB multi agency training.

The SAB partners have agreed the following priorities for next year:

- Making Safeguarding Personal
- Disseminate the Hoarding Policy
- Develop and embed the Performance and Quality Framework
- Increasing community awareness around safeguarding
- Enhance joint working with the CSP and LSCB
- Applying the Mental Capacity Act to practice.

I would like to thank all partners and front-line practitioners for their commitment to safeguarding adults in Barking and Dagenham.

R Sach Bever

Independent Chair of the Safeguarding Adults Board

The Care Act 2014 came into force on 1st April 2015. The Act introduced new requirements for safeguarding adults and the arrangements that each locality must have in place to ensure that vulnerable people are protected from risk, abuse or neglect. The Local Authority, Clinical Commissioning Groups and the Police are all statutory partners of the Safeguarding Adults Board (SAB) and other partners are involved via the committees and working groups.

The Care Act identifies six key principles that should underpin all safeguarding work. These are accountability, empowerment, protection, prevention, proportionality and partnership.



The SAB must publish an Annual Report each year as well as a Strategic Plan. In addition, the SAB has a statutory duty to carry out Safeguarding Adult Reviews (SARs) where an adult in the local authority area:

- has died as a result of abuse or risk (either known or suspected) and there are concerns that partner organisations could have worked together more effectively to protect that adult.
- has not died but the SAB knows or suspects that adult has experienced serious abuse or neglect.

The implementation of recommendations and action plans from a SAR must be reported in the Annual Report, including any decision not to implement any recommendation. Three SARs were commissioned during 2016/17 one of which will not be completed until later in 2017. An overview of the SARs is given in chapter 9.

This Annual Report of the Barking and Dagenham SAB looks back on the work undertaken by the SAB and its committees, throughout 2016/17 and provides an account of the work of the partnership including achievements, challenges and priorities for the coming year.

Over the past year partnership working, co-operation and involvement in adult safeguarding has been strengthened. This is evidenced through frontline engagement in learning events including the hoarding workshops, which has culminated in the development of a hoarding policy and the initiation of a Complex Case Panel.

All statutory partners make financial contributions to the Safeguarding Adults Board. For 2016/17 the partner contributions to the SAB were as follows:

CCG - £30,000

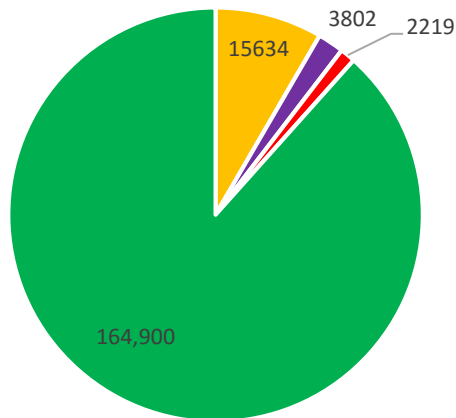
Police - £5,000

London Fire Brigade - £500

LBBB - £227,720 (including a Support Services budget of £164,900).

The following chart shows how the SAB budget has been spent in 2016/17. The majority of the budget covers support services including staffing costs (for the independent chair and the Safeguarding Adults Board Business and Policy Manager). The second largest spend is on Safeguarding Adult Reviews, followed by single agency reviews. The remaining spend enabled the board to deliver briefing events to share the learning from SARs and single agency reviews with front line practitioners and managers across the SAB partnership. These were very well attended and we reached out to around 170 professionals.

SAB Expenditure (£) 2016/17



- SARs
- Single Agency Reviews
- Learning events & meetings
- Support Services

Our Vision

Every adult living in the London Borough of Barking and Dagenham has the right to live in safety, free from fear of abuse or neglect. The Safeguarding Adults Board exists to make sure that organisations, people and local communities work together to prevent and stop the risk of abuse or neglect.

In the London Borough Barking and Dagenham we want to embed a stronger and safer culture that supports adults who are at risk of harm. We know that to achieve this we have to work in partnership with the people who use local services and with the wider local community. All agencies working with adults at risk have an essential role in recognising when these people may be in need of protection. Agencies also have a responsibility to work in partnership with adults at risk, their families, their carer(s) and each other. The introduction of the Care Act 2014 has brought in many changes in Adult Social Care Services. The Safeguarding Adults Board has a statutory duty to ensure it uses its powers to develop responsibility within the community for adults who need care and protection.

The prime focus of the work of the Safeguarding Adults Board is to ensure that safeguarding is consistently understood by anyone engaging with adults who may be at risk of or experiencing abuse or neglect, and that there is a common commitment to improving outcomes for them. This means ensuring the community has an understanding of how to support, protect and empower people at risk of harm. We want to develop and facilitate practice which puts individuals in control and generates a more person-centred approach and outcomes.

The Safeguarding Adults Board has developed a Strategic Plan which sets out how we will work together to safeguard adults at risk.

The Safeguarding Adults Board has a responsibility to:

- **protect** adults at risk
- **prevent** abuse occurring, and
- **respond** to concerns.

You may suspect that someone is at risk of harm because:

- you have a general concern about someone's well being
- you see or hear something which could put someone at risk
- someone tells you that something has happened or is happening to them which could put them or someone else at risk.

The Board and its Committees 4

The Barking and Dagenham Safeguarding Adults Board is made up of the following statutory partners:

- The Local Authority (representing Adult Social Care and Children's Services)
- The Borough Police
- The Clinical Commissioning Group (CCG).

Other members of the Board include:

- Chairs of the Committees
- Officer advisors.

In addition, the SAB may invite other organisations or individuals to attend and speak at the meetings where they have contributions to make.

The SAB has three standing committees, which are chaired by different partner organisations:

- The Performance and Assurance Committee (chaired by the Clinical Commissioning Group)
- The Safeguarding Adult Review Committee (chaired by the London Borough of Barking and Dagenham)
- Learning and Development Committee (chaired by North East London Foundation Trust).

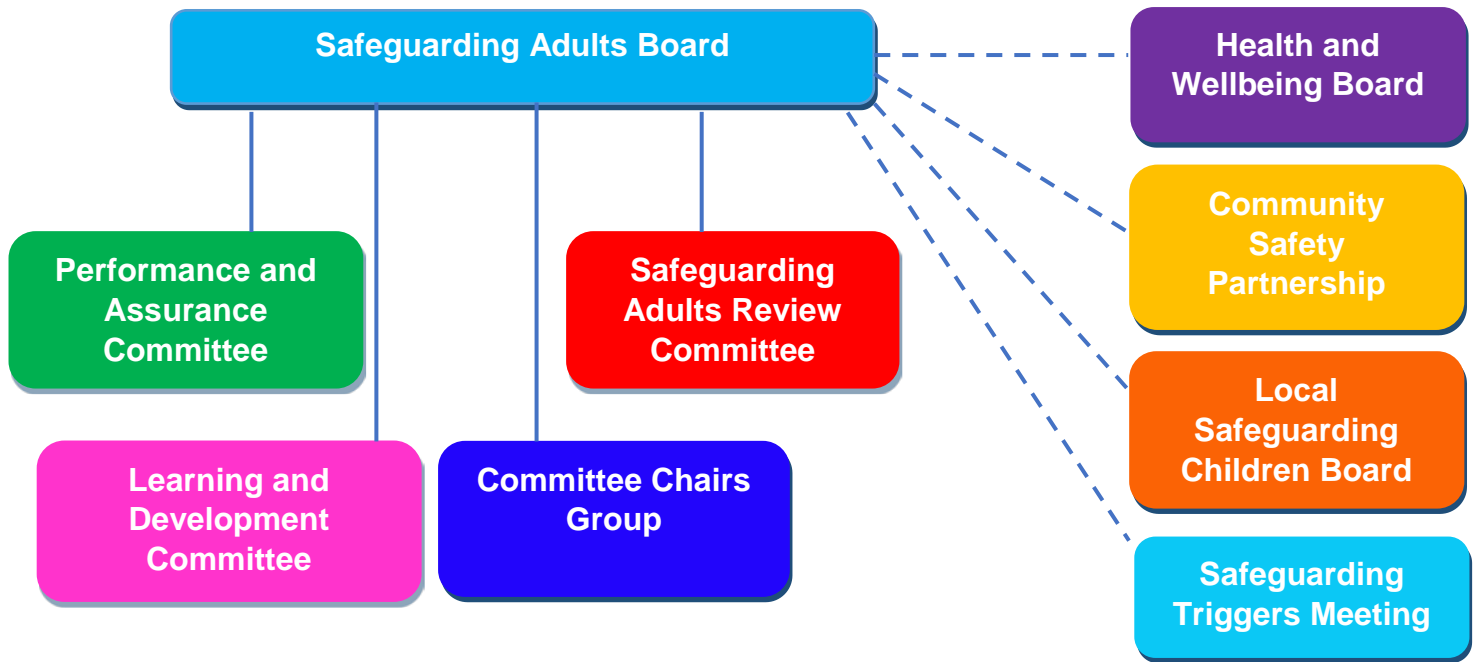
The Chair of each committee is responsible for:

- Developing a work programme which will be incorporated into and monitored through the SAB strategic plan.
- Resourcing the meetings of the committee.
- Reporting on the progress of the committee's work to the SAB and ensuring that the membership of the committee draws in the required experience.

The independent chair of the SAB meets quarterly with the committee chairs to provide a forum for reviewing progress of the work plans and to discuss and debate specific topics to progress their work.

Working groups have also been established by the SAB to undertake specific pieces of work on behalf of the board.

The Safeguarding Adult Board Structure



The independent chair is the chair of both the Barking and Dagenham Safeguarding Adults Board and the Safeguarding Children Board. This allows for opportunities to consider safeguarding adults and children at risk, and the issues affecting both.

The independent chair attends the Health and Wellbeing Board to allow for further consideration and debate regarding the issues of safeguarding within the agenda.

The independent chair meets quarterly for a *Triggers Meeting* with the Leader of the Council, the Lead Member for Social Care and Health Integration, the Chief Executive of the London Borough of Barking and Dagenham and the Deputy Chief Executive and Strategic Director for Service Development and Integration, to review performance data for adult social care, including workforce data and associated risks and mitigation. This allows for open debate, discussion, challenge and demonstrates a climate of openness and transparency.

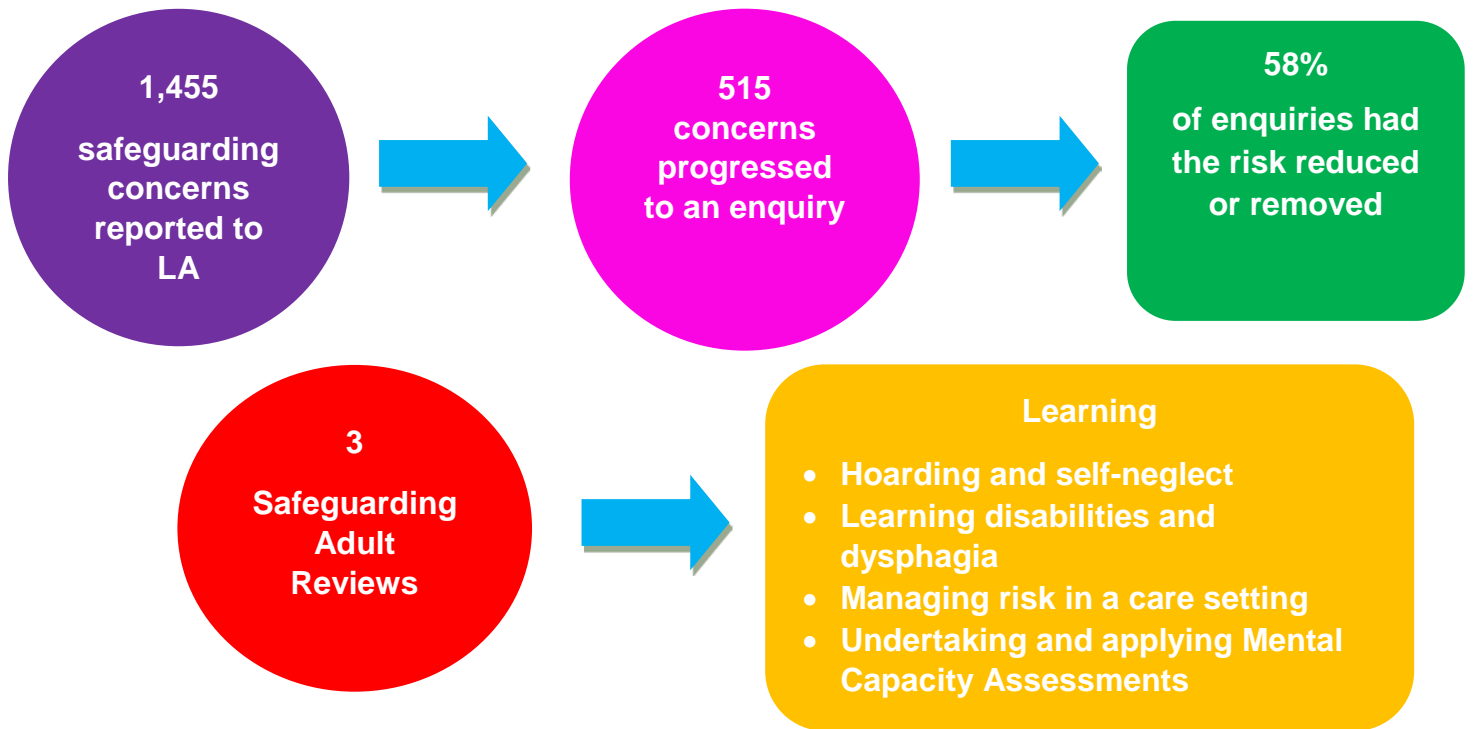
Partners' attendance at the SAB in 2016/17 was as follows:

Independent Chair	100%
London Borough of Barking and Dagenham	100%
Police	100%
Clinical Commissioning Group	100%

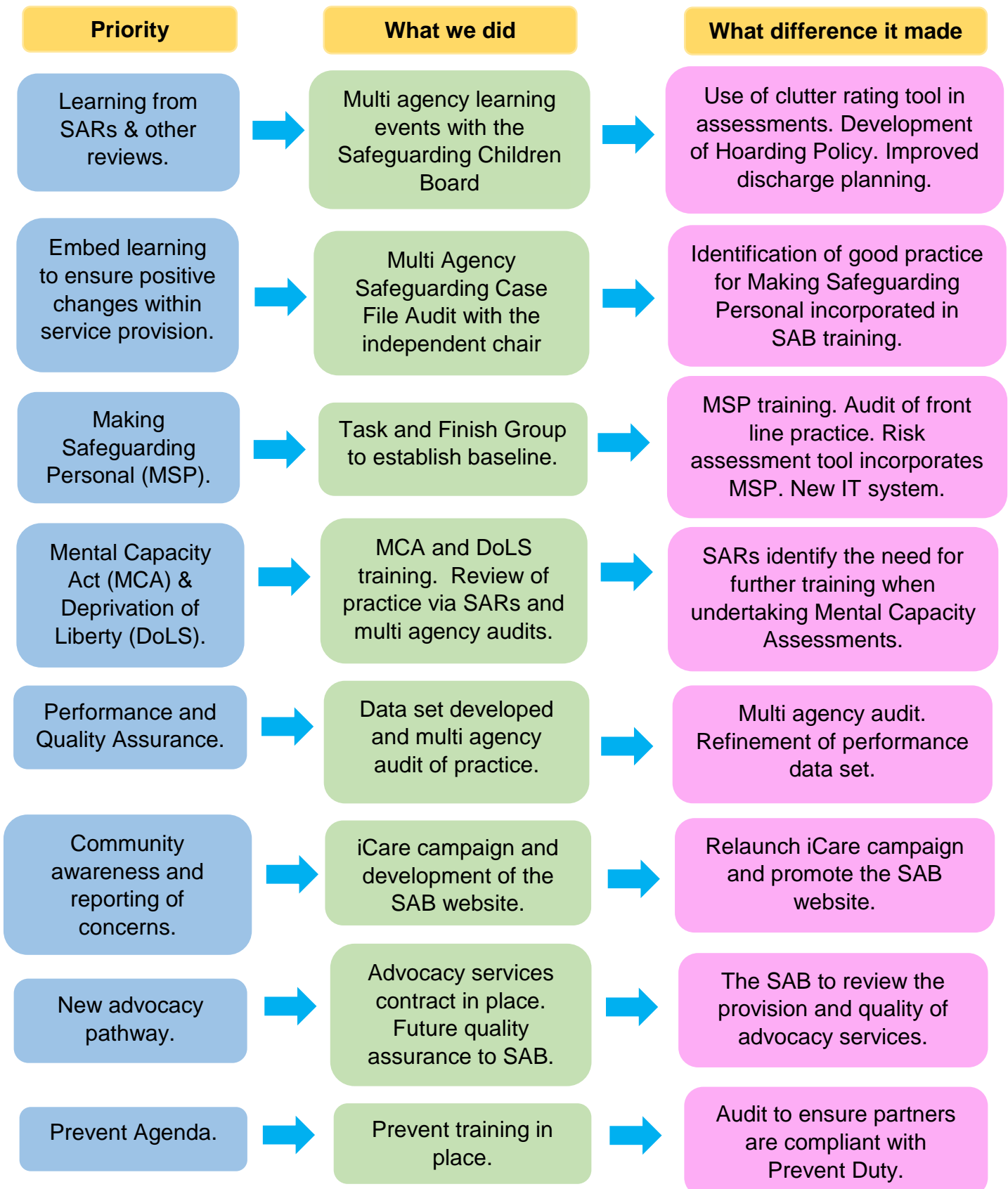
The board is supported by the Lead Member for Social Care and Health Integration as a participant observer. This enables Councillor colleagues to be kept up to date with safeguarding adult matters. In addition, the Committee Chairs and officer advisors also attend board meetings.

Safeguarding at a Glance

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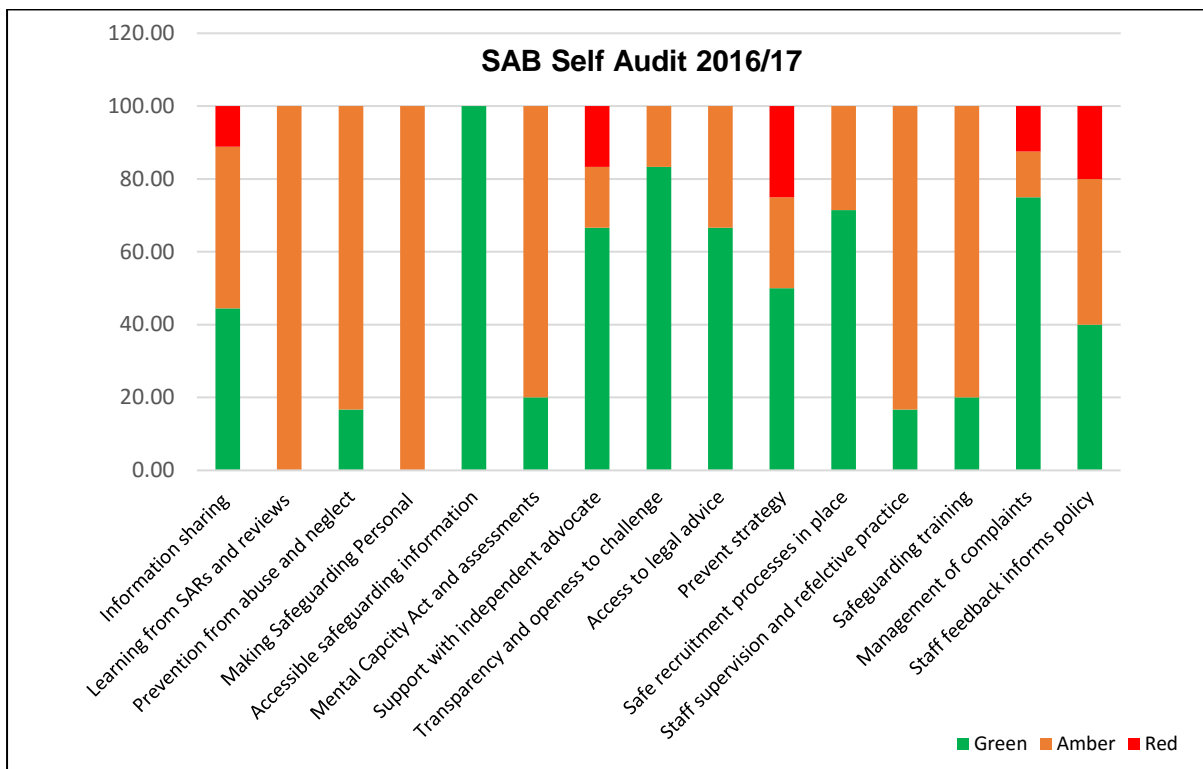
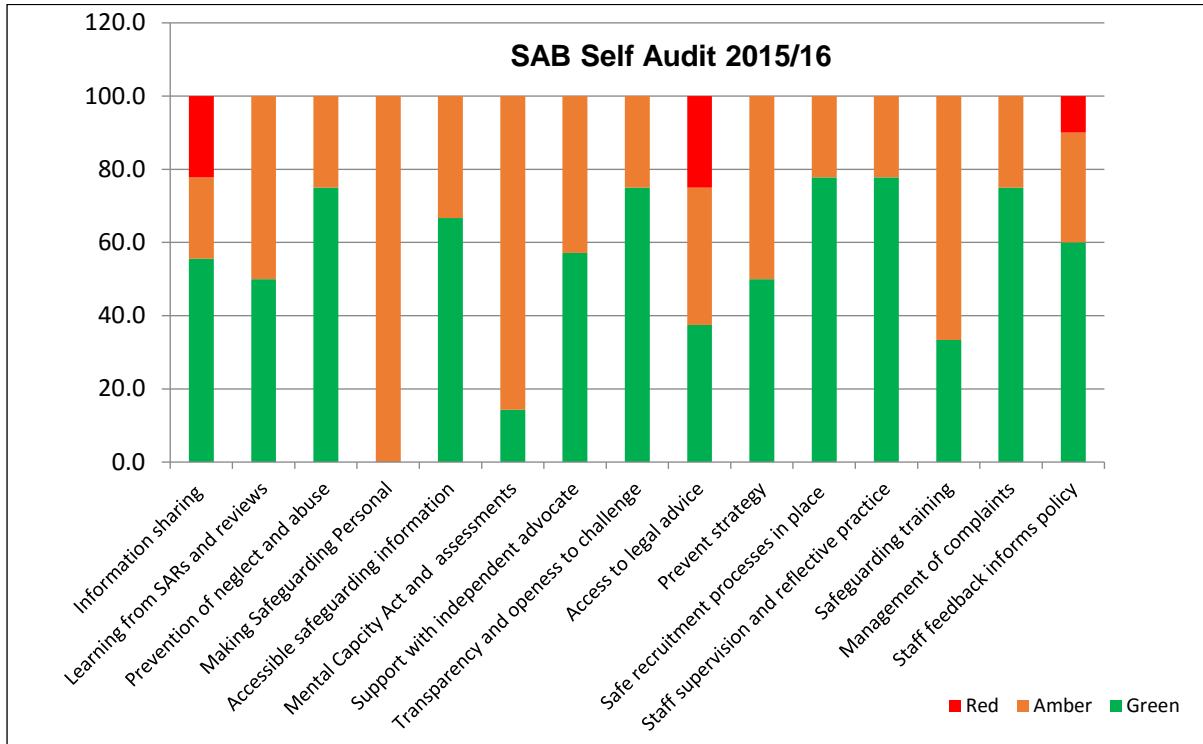


SAB Progress Against Priorities 6



SAB Self Assessment

The Safeguarding Adults Board holds an annual development session to review progress against the Care Act and the priorities from the previous year. The graphs below shows the results of the SAB's self-audit in 2015/16 and 2016/17.



At the March 2017 development session, the partners undertook a self-assessment of the work of the SAB. This graph shows the partners' analysis across a number of areas for 2016/17.

Comparison of the scores for 2015/16 and 2016/17 show that whilst the SAB has made progress in some areas, there are areas where the SAB partners believe that progress has slipped. This is particularly evident in relation to the learning from Safeguarding Adult Reviews. Board members scored the partners as amber overall. This relates to a concern that whilst learning is disseminated there is evidence that this is not being embedded in practice as similar themes are arising in subsequent reviews.

Making Safeguarding Personal remains amber. This has been identified throughout the year as an area for requiring further work. A working group was established to undertake some background research.

The self-assessment identified that compliance with the Mental Capacity Act remains low. This accords with findings from SARs undertaken this year. The Board will be working with partners to strengthen the confidence of practitioners in the application of the Mental Capacity Act in their practice. Staff supervision and reflective practice is being incorporated into the Multi Agency Case File Audit process led by the Independent Chair of the Board and supported by partner representatives.

Theme	What did we do?	Actions for the future
Information Sharing	Information sharing agreement and SAR Procedure which sets out information sharing requirements and commitments of partners.	Increase in information sharing across partners. Performance data information sharing processes need improvement.
Learning from SARs and other reviews	Learning events for SARs. Complex Case Panel in place. Development sessions to explore learning from Regulation 28 reports.	Strengthen learning from DHRs, SARs and national SARs. Measure the impact of learning from SARs.
Making Safeguarding Personal (MSP)	Audit tools and processes in place. Safeguarding Case File Multi Agency Audit used to identify examples of MSP. Complex Case Panel meetings to support practitioners to manage risk. Roll out of the risk management tool to front line staff.	MSP training programme to be developed. MSP learning to be incorporated into SAB Learning and Development programme. New IT system will make it easier to record MSP. SAB Audit Tool to be rolled out across the partners in 2017/18.

<p>Prevention from abuse and neglect</p>	<p>Care Act training in place. Adult Safeguarding Multi Agency Policies and Procedures adopted. iCare campaign information distributed. Training/resources available for hoarding and self-neglect cases. SAB web pages include resources for the community and professionals.</p>	<p>iCare campaign relaunch. Hoarding Policy to be agreed and launched. Disseminate information about the role of the Designated Adult Safeguarding Manager.</p>
<p>Staff supervision and reflective practice</p>	<p>Multi Agency Case File Audit and Complex Case Panel meetings to reflect on practice. Learning events for SARs and other reviews provide an opportunity for reflective practice.</p>	<p>The SAB requires further assurance that partners are providing supervision at all levels. Partners to review supervision process to ensure that they include safeguarding issues and MSP.</p>
<p>Mental Capacity Act (MCA) & undertaking assessments</p>	<p>SARs have identified that undertaking MCA assessments and recording of information is still an issue. The Safeguarding Case File Audit provides an opportunity to explore the application of MCA in practice and recording of information.</p>	<p>Training on undertaking MCA assessments and recording of information.</p>
<p>Transparency and openness to challenge</p>	<p>Care Act Multi Agency Policy and Procedures training undertaken. Regulation 28 report board session. Challenge to partners in respect of demonstrating Duty of Candour, openness and transparency. Quality assurance work with provider market and CQC. Implementation of the safeguarding audit tool enables practitioners to assess themselves. Independent chair and SAR reviewers meet with clients and families.</p>	<p>Continue to raise challenges to ensure openness and transparency to safeguard adults at risk.</p>
<p>Safeguarding training</p>	<p>Single agency and multi agency training plan in place. Learning events related to SARs and other themes. Safeguarding online training available to providers. Adult Safeguarding Level 2 Training packages being implemented at GP Protected Time Initiative events.</p>	<p>Further development of multi agency training plan. The training programme needs to reflect learning arising from local and national SARs and other reviews.</p>

Access to legal advice	The SAB has access to legal advice which has informed decision making at board level. All front line practitioners have access to legal advice to support decision making at a case management level.	The SAB will access independent legal advice where required.
Prevent strategy	All partner organisations have Prevent training in place.	Continue to ensure Prevent training is available to all partners.
Feedback informs policy	Feedback from learning events used to inform policy and practice. Team meetings, one to ones and reflective practice give practitioners opportunity to review and feedback.	Work more closely with Healthwatch to contribute to questionnaires and surveys.
Accessible safeguarding information available	Multi Agency Safeguarding Policies and Procedures adopted and on website. iCare campaign undertaken. Production of an 'easy read' reviews guidance leaflet.	Continue to improve SAB web pages to provide accessible information to the community and professionals. Relaunch iCare campaign.
Support with independent advocate	Advocacy services contract in place. Language Shop contract in place to support people to access advocacy services.	Quality assurance reports to the SAB in relation to advocacy services.
Safe recruitment processes in place	Partners and commissioned providers follow safer recruitment guidelines including references, DBS checks and audit these processes.	The SAB to seek assurance that safe recruitment systems and processes are in place.
Management of complaints	Sharing of the Local Government Ombudsman guidance of complaints about SABs. Partners and commissioned providers have complaints and whistle blowing procedures in place.	The SAB to seek assurance that partners comply with their complaints and whistleblowing policies.

SAB Achievements and Challenges

8

SAB Achievements

The board and the committees have worked hard to establish effective partnership working and undertake work to improve safeguarding practice across Barking and Dagenham.

The Safeguarding Adult Review process has been tested and embedded with the commissioning of three SARs in 2016/17. Following the success of a hoarding training event that was the outcome of a single agency review, the board led further hoarding events, in partnership with the LSCB, recognising the safeguarding risk to children and other family members.

A Multi Agency Case File Audit is undertaken quarterly, led by the Independent Chair, to identify areas for improvement and also best practice that can be shared across the partnership.

As a result of single agency reviews, SARs and a Domestic Homicide Review, the Complex Case Panel has been set up to provide support to practitioners who are dealing with complex cases.

The board have undertaken a learning session around Regulation 28 reports and invited the Coroner and partners to share the learning that has been undertaken in relation to these.

There has also been partnership working around quality assurance reviews to improve standards in the care market.



SAB Challenges

In June 2016 the Safeguarding Adult Board discussed Dr Haq, a General Practitioner (GP) who had practiced at Abbey Medical Centre, in Barking between 2004 and 2014. In March 2016 he was found guilty of five counts of indecent assault while working as a GP in Hatfield in the 1970s and early 1980s. He was jailed in March 2016 for 18 months.

Dr Haq has been removed from the General Medical Register and has not worked as a doctor since 2014.

This was reported in the media in March 2016. The SAB asked NHS England (London), in line with the Duty of Candour, how former patients at Abbey Medical Centre would be informed of the offences so that they could raise any concerns regarding the care they had received from Dr Haq. NHS England (London) were reluctant to inform patients, believing that because the case had been reported in the national press, patients who had concerns would have raised these. The board and

independent chair rejected this rationale and sought a more robust response from NHS England (London). Ultimately, after 11 months, in February 2017, all patients who were registered with Dr Haq, were written to by NHS England (London) and the national contact centre was available for any patient who wished to report an incident or ask for further information or advice.

The SAB invited the Medical Director from NHS England (London) to a board meeting to allow for lessons learnt to be identified. These included:

- The paramountcy of safeguarding all patients in line with The Duty of Candour.
- The role of the Local Authority Designated Officer in providing advice to safeguard adults and children at risk of harm.
- Cultural issues which may impact on patients feeling able to share sensitive information.
- Ensuring learning is shared across the General Practitioner community.

In addition to this, the SAB has undertaken a review to strengthen the Safeguarding Adult Review process, as a result of partnership issues regarding the agreement of findings, recommendations and final sign off of SAR reports.

Safeguarding Adult Reviews 9

The Safeguarding Adult Review committee, under the Care Act, has responsibility for commissioning and leading on SARs and single agency reviews.



During 2016/17 the Safeguarding Adults Board commissioned three Safeguarding Adult Reviews. Independent reviewers were appointed to lead on these. The Safeguarding Adult Review Committee oversaw the reviews and presented the final report to the Safeguarding Adults Board for sign off and agreement for publication.

Safeguarding Adult Review 'Lawrence Beasley'

The Safeguarding Adult Review Panel commissioned this review using the 'Learning Together' methodology. Two reviewers from Social Care Institute of Excellence (SCIE) led the review along with a 'review' group, who oversaw who undertook the conversations and gathered further information. The 'case' group were made up of front line staff from partner agencies who were interviewed and provided further information to the review. The review group and case group were given the opportunity to come together to discuss the 'key practice episodes' and the findings.

Lawrence was a 63 year old man living in sheltered accommodation. He had a medical history of Type II Diabetes, paranoid schizophrenia and hyperthyroidism. He received insulin injections twice daily from the district nursing service although sometimes he was not compliant with this. On 9th March 2016, Lawrence was admitted to hospital with haemoptysis. On 17th March 2016 Lawrence was discharged from hospital. He was found deceased in his flat on 21st March 2016.

The key findings from this SAR were:

- Managing safe hospital discharge

- Mental Capacity Assessments, and
- Managing risk.

Safeguarding Adult Review 'Mary'

Mary was an elderly woman who lived on her own in Dagenham. During February 2016 several calls were made to the Police, regarding an intruder. These were unfounded. A merlin was raised and in early March a social care assessment was carried out. Mary was offered an extensive care plan but she was not keen to accept this. After some persuading Mary agreed to one visit per day (Monday to Friday only). On 9th June at around 5pm, Mary's neighbour called an ambulance as Mary was again complaining of shortness of breath. The ambulance took her to King Georges Hospital where she was seen in the emergency department, treated and identified as fit for discharge at around 9pm. Due to a shortage of available hospital transport Mary was not taken home until 5am on 10th June. The care agency attended to carry out the scheduled visit on the Friday morning, however the neighbour (who was unaware of Mary's return from hospital) told the carer she was still in hospital. He also voiced his anger at the carer about Mary's key being left in the door. He had taken in the key when it was discovered in the door rather than putting it back in the key safe. Mary was not due to have another carer visit over the weekend. The neighbour saw Mary on the Friday afternoon. The care agency did not attend on the Monday 13th June. On 14th June the neighbour called the police as he had not seen Mary for a few days. The police called for an ambulance and the ambulance crew found Mary deceased in her home.

The key findings from this SAR were similar to the previous one in terms of:

- Managing safe transfer home from the Emergency Department
- Effective communication and information sharing
- Mental Capacity Assessments, and
- Managing risk.

The third SAR that was commissioned in 2016/17 is still ongoing.

The full Safeguarding Adult Review reports and the executive summaries can be found at this link

<http://careandsupport.lbbd.gov.uk/kb5/barkingdagenham/asch/advice.page?id=cGthvG2UuNE>

The Learning and Development committee has responsibility for developing and commissioning the training plan for the SAB. The training plan is based on statutory requirements in line Care Act, recommendations arising from SARs and other reviews and emerging themes from multi agency audits and the Complex Case Panel.



The Safeguarding Adults Board, colleagues from partner organisations and the Safeguarding Children Board have led and taken part in a number of learning and development opportunities over the last year.

Safeguarding Adult Review Learning

A learning event was held on the SAR RC case that was published at the end of 2015/16. The independent reviewer presented the case and talked through the findings. The learning event focussed on:

- Issues around people with learning disabilities and dysphagia
- Managing risks in a care setting
- Joint working
- The Mental Capacity Act
- What has been implemented to improve processes and practices in response to the case.

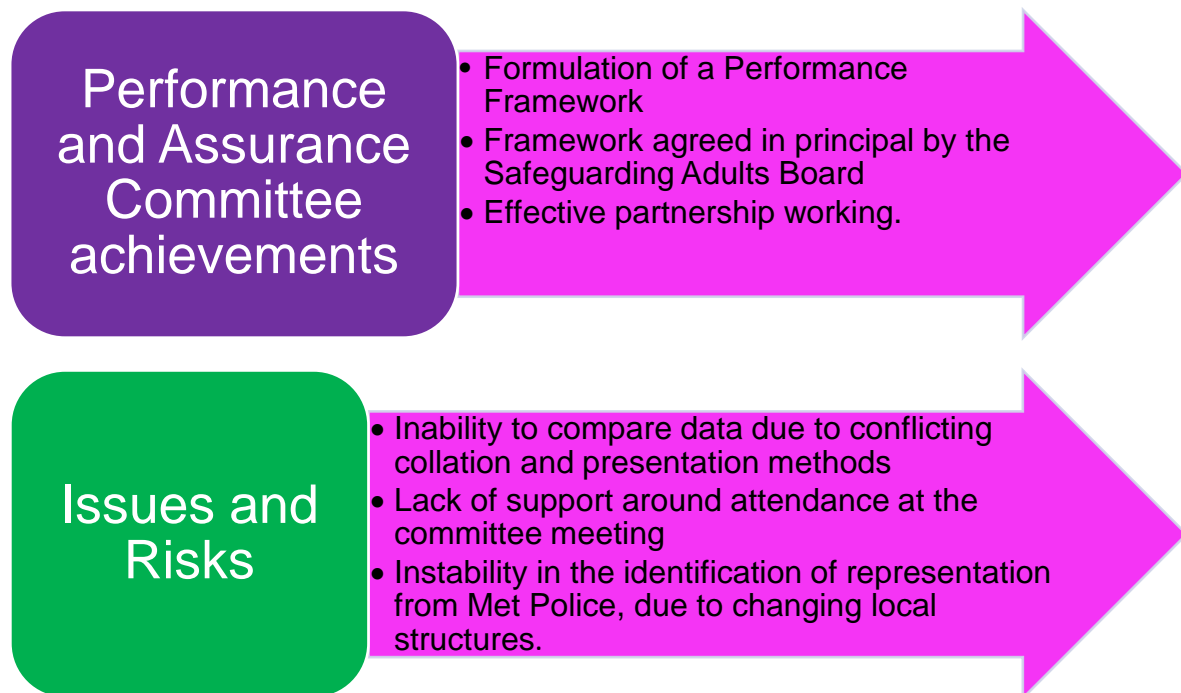
Hoarding

Following a management review around hoarding that took place in 2015/16 and subsequent feedback which stated that further events would be useful, a hoarding learning event took place. Around 40 SAB partners and front line staff attended. There were presentations from a psychologist, the Fire Service and Environmental Services. Attendees took part in workshops and used the hoarding risk and audit checklists and looked at case studies to increase their knowledge and understanding of the issues facing hoarders. Positive feedback was received and a further event has taken place aimed specifically at commissioned providers. The SAB have developed a hoarding policy that includes hoarding assessment tools to support frontline practice.



Performance and Assurance 11

The Performance and Assurance committee has responsibility for developing the performance framework to enable the SAB to understand safeguarding performance across the partnership. This informs future quality assurance activity including audit and deep dives.



Regulation 28

The Coroner has a legal power and duty to write a report following an inquest if it appears there is a risk of other deaths occurring in similar circumstances. This is known as a 'report under regulation 28' or a 'preventing future deaths report'. The report is sent to the people or organisations who are in a position to take action to reduce the risk. They then must reply within 56 days to say what action they plan to take.

A number of these reports have been sent from the Coroner to our partners. The board invited the Coroner to a SAB meeting along with the partners, to give a verbal update on what measures have been put in place to ensure that similar issues do not occur in the future and how they intend to manage the risks. The SAB is interested in the safeguarding and learning from these reports and how it can facilitate learning across partners and organisations.

The board committed to undertaking learning from Regulation 28 report in the coming year.

Complex Case Panel

A new Complex Case Panel has been set up. The purpose of this meeting is to share information on cases presenting with the highest risk and complexity. The panel is made up of representatives of the local authority, community health services, the environmental and housing services, the police, the fire brigade and other professionals, as and when required. The panel will consider complex cases that may require multi agency communication and approach to addressing risk. After sharing all relevant information about the adult at risk, the panel members will discuss options and support to address the issues. The main focus of the Complex Case Panel is to review the risk to the adult and consider other persons affected and the wider community. The panel will support professionals in decision making for ongoing case management.

Multi Agency Safeguarding Case File Audit

The purpose of the Multi Agency Safeguarding Case File Audit meeting is to share, discuss and audit multi agency safeguarding practice. The aim is to gain greater understanding of practice, issues and challenges at the front line in order to encourage multi agency thinking and share the outcomes across the partnership. It also an opportunity for the SAB independent chair, to find out more about safeguarding processes in the borough and assess whether there is anything that the SAB partnership can do to improve or review systems and processes to support practitioners. The good practice and learning is shared more widely. Key themes have included Mental Capacity Assessment, Making Safeguarding Personal and management supervision.

Safeguarding Quality Assurance Audit

A quality assurance audit process has been developed and implemented for safeguarding enquiries. The purpose is to assure the board of the compliance to the Care Act and the Multi Agency Adult Safeguarding Policy and Procedures across all partners. The results of the audit are being fed back to the board and managers to support them to take forward any learning with their staff. As a result, this has identified that compliance with the London Multi Agency Safeguarding Policy and Procedure was variable across partners. This has led to training with staff teams and providers and the development of a new safeguarding concern form to ensure compliance with the Care Act, as well as new tools for enquiry officers and Safeguarding Adult Managers.

Barking Havering and Redbridge Unitary Trust (BHRUT) CQC Inspection

In 2013 the Trust was inspected by the Care Quality Commission (CQC) and due to concerns, was placed in special measures. The CQC returned to inspect the Trust in March 2015. Overall, the CQC found that improvements had been made, however it was evident that more needed to be done to ensure that the Trust could deliver safe, quality care across all core services.

The CQC carried out an unannounced inspection in September and October 2016, to review the progress of the improvements that had been implemented, to apply ratings, and also to make recommendations on the status of special measures.

The CQC inspected four of the core acute services including urgent and emergency care, medical care (including older people's care), services for children and young people, and outpatients and diagnostic services, at both the Queen's Hospital and King George Hospital sites.

To understand patients' experiences of care, the CQC asked the following five questions of every service and provider:

- Is it safe?
- Is it effective?
- Is it caring?
- Is it responsive to people's needs?
- Is it well-led?

The Trust has now come out of special measures.

The key safeguarding findings were:

- In line with statutory guidance the Trust had named nurses, named doctors, and safeguarding teams for child protection and safeguarding adults at risk.
- The safeguarding adult and children policies were available on the Trust intranet and were up to date. Safeguarding was part of the Trust's annual mandatory training.
- Staff we spoke with were aware of their responsibilities in relation to safeguarding adults and children. Staff were able to give examples of what would constitute a safeguarding concern and told us they would seek advice from senior staff members and the trust safeguarding team if they had any concerns.

- All staff we spoke with knew the safeguarding team and could identify where to find the contact details if required.
- There was a monthly safeguarding and learning disability operations group, where any issues around safeguarding or staff awareness of processes were shared.
- Staff had a good understanding of female genital mutilation (FGM) and knew they could access the safeguarding lead for any support.
- In the Emergency Department at the King George Hospital completion of safeguarding training by doctors was low. Compliance with safeguarding adults level 2 was 73% and safeguarding children level 3 was 60%.

Areas of safeguarding good practice identified were:

- A dedicated paediatric learning disability nurse had introduced support resources for patients, including a children's hospital passport and visual communication tools. This helped staff to build a relationship with patients who found it challenging to make themselves understood. This had been positively evaluated and received a high standard of feedback from parents and patients.
- Child to adult transition services were comprehensive and conducted with the full involvement of the patient and their parents. This included individualised stages of empowering the person to gradually increase their independence, the opportunity to spend time with paediatric and adult nurses together and facilities for parents to spend the night in adult wards when the young person first transitioned.

North East London Foundation Trust (NELFT) CQC Inspection

The inspection took place in April 2016. Overall NELFT were rated as 'requires improvement'. The Trust had a number 'must do' actions that it undertook to improve care. As with the BHRUT inspection, the same five questions were asked of every service and provider.

The key safeguarding findings were:

- In the community health services there were major staffing shortages and recruitment challenges across all staff groups and localities. There was a high use of agency and bank staff across these services which impacted on the services provided.
- Within the community health services for adults there was a lot of variation in referral to treatment times for accessing specialist nursing services. The trust did

not have a system in place for monitoring referral times to treatment in district nursing.

- In acute inpatient settings risk assessments, risk formulations and care plans were not always being updated and reviewed.
- Patients' personal preferences were not always reflected in care plans. Not all patients had been given a copy of their care plan.
- Access to psychological therapies for people with mental health problems was not consistently provided across the trust.

Areas of safeguarding good practice identified were:

- The community treatment team worked closely with local acute hospitals to reduce emergency admissions to hospitals for patients, who were treated in their own homes. The service has been highly commended and has won a national patient safety award in partnership with the London Ambulance Service.
- The trust had a positive approach to equality and diversity amongst its workforce. Their work on this agenda led to the trust winning the inclusive networks award. The trust had been nominated for the Diverse Company of the Year award at the National Diversity Awards 2016 and had been cited as one of the top ten global black and minority ethnic networks by The Economist in February 2016.
- The trust has good overall systems and processes for managing safeguarding children and adults at risk. The trust was represented at all local authority safeguarding boards and contributes to sub groups.

Following the CQC inspection a Quality Summit was held where an action plan to address areas of improvement was agreed with partner agencies which is being taken forward.

Partnership Priorities for 2017/18

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The board considered the work of the SAB in light of the changing context of health and social care and of partner organisations, emerging risks and financial pressures. The board recognises the need to have oversight of safeguarding practice to ensure that quality of care is not compromised. The SAB has a role to play in supporting the workforce across the partnership, ensuring that they have the skills and competencies to fulfill their roles.

"Some thoughts on future challenges..."

Barking & Dagenham
Safeguarding Adults Board
Development Session
22 March 2017

Mark Taylor
Communications Director, Adult Care & Support



Safeguarding Adult Board Priorities for 2017/18

The Safeguarding Adult Board priorities for 2017/18 are set out below. These are incorporated into the SAB's strategic plan and committee work plans.



Healthwatch, Barking and Dagenham have worked in partnership with the Adult Safeguarding Board throughout the year and are a member of the Performance and Assurance committee.



The particular role of Healthwatch is to be the voice of patients and service users of Health and Social Care. Healthwatch fully support the board's priorities around Making Safeguarding Personal and believes that people who are making the difficult journey through the safeguarding process should be empowered to make decisions and achieve outcomes that are important to them. Healthwatch is committed to ensuring that service users' views are central to improvements made to the safeguarding process, and are committed to working in partnership with the Board to ensure that this continues to happen.

Further Information about Safeguarding 15

For further information about safeguarding and information about the Safeguarding Adults Board please use the following link

<https://www.lbbd.gov.uk/residents/health-and-social-care/adults-care-and-support/safeguarding-adults/safeguarding-adults-overview/>

To report a safeguarding concern:

Adult Social Care Intake and Access Team

020 8227 2915

intaketeam@lbbd.gov.uk

Out of Hours Emergency Social Work Duty Team

020 8594 8356

intaketeam@lbbd.gov.uk

In an emergency:

Call 999 and ask for the Police

Call 101 if you are worried but it is not an emergency.

ASSEMBLY

22 November 2017

Title: Treasury Management 2017/18 Mid-Year Review	
Report of the Cabinet Member for Finance, Growth and Investment	
Open Report	For Decision
Wards Affected: None	Key Decision: Yes
Report Author: David Dickinson, Group Manager Pensions and Treasury	Contact Details: Tel: 020 8227 2722 E-mail: david.dickinson@lbbd.gov.uk
Accountable Director: Kathy Freeman, Finance Director	
Accountable Strategic Director: Claire Symonds, Chief Operating Officer	
<p>Summary</p> <p>Regulation changes have placed greater onus on elected Members in respect of the review and scrutiny of treasury management policy and activities. This mid-year review report provides details of the mid-year position for treasury activities and highlights compliance with the Council's policies previously approved by the Assembly.</p> <p>The Assembly agreed the Treasury Management Strategy Statement for 2017/18 on 22 February 2017, which incorporated the Prudential Indicators. This report updates Members on treasury management activities in the current year.</p> <p>The Cabinet is to consider this report at its meeting on 14 November 2017 (the date of publication of this Assembly agenda). Recommendations (i) and (ii) below are due to be decided at the Cabinet meeting and, for the purposes of this report, it has been assumed that the approval was forthcoming. Any issues arising from the Cabinet meeting will be verbally reported to the Assembly.</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to:</p> <ul style="list-style-type: none"> (i) Note the approval of a loan of up to £595,000 for Barking & Dagenham Trading Partnership, as detailed in paragraph 6.5 of the report; and (ii) Note the delegated authority to the Chief Operating Officer, in consultation with the Cabinet Member for Finance, Growth and Investment, to agree contractual terms, including the rate, duration and security as part of the loan agreements to Barking & Dagenham Trading Partnership; (iii) Note the Treasury Management Strategy Statement Mid-Year Review 2017/18; 	

- (iv) Note that in the first half of the 2017/18 financial year the Council complied with all 2017/18 treasury management indicators;
- (v) Note the value of investments at 30 September 2017 totalled £250.5 million;
- (vi) Note the value of long term borrowing at 30 September 2017 totalled £502.2m, comprising market, PWLB and EIB loans;
- (vii) Note the value of short term borrowing at 30 September 2017 totalled £70.0m; and
- (viii) Agree the revised Minimum Revenue Provision Policy Statement in Appendix 1;

1. Introduction and Background

- 1.1 The Council operates a balanced budget whereby cash raised during the year meets the Council's cash expenditure needs. Part of the treasury management operations is to ensure this cash flow is adequately planned, with surplus monies invested with counterparties of an appropriate level of risk, providing adequate liquidity before considering maximising investment return.
- 1.2 The second main function of treasury management is the funding of the Council's capital programme. These capital plans provide a guide to the Council's borrowing need, which is essentially the use of longer term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer term cash may involve arranging loans, using cash flow surpluses or restructuring previously drawn debt to meet Council risk or cost objectives.
- 1.3 A third main function of treasury management is the funding and treasury advice that is required for the Council's Investment and Acquisitions Strategy.
- 1.4 The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2011) following practices are adopted in that a public authority should the:
- I. Maintain a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management.
 - II. Maintain a Treasury Management Practices which set out the how the Council will seek to achieve those policies and objectives.
 - III. Receipt by full Council of a Treasury Management Strategy Statement, (TMSS) including the Annual Investment Strategy (AIS) and Minimum Revenue Provision (MRP) Policy for the year ahead; a Mid-Year Review Report; and an Annual Report covering activities during the previous year.
 - IV. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
 - V. Delegation by the Council to a specific named body, for this Council this is Cabinet, to scrutinise the treasury management strategy and policies.
- 1.5 This mid-year report has been prepared in compliance with CIPFA's Code of practice on Treasury Management, and covers the following:

1. Economic Update and Interest Rate Forecast;
2. Cash Position as at 30 September 2017;
3. Interest Budget Position as at 30 September 2017;
4. Council's Investment and Acquisitions Strategy;
5. Treasury Position at 30 September 2017;
6. Debt Position as at 30 September 2017;
7. Investment Portfolio 2017/18;
8. Minimum Revenue Provision Review; and
9. The Council's Capital Position (Prudential Indicators).

2. Economic Update and Interest Rate Forecast

2.1 The first half of the financial year saw volatility within yields, due to uncertainty over Brexit. From July to early September yields dropped significantly due to poor economic data and a decrease in inflation, which supported the view that the Bank of England would not raise its base rate in the near future. Yields reached a low point for the year on 8 September.

2.2 However, September saw two major developments: -

1. The Monetary Policy Committee (MPC) minutes indicated a majority of MPC members would likely vote for some monetary stimulus withdrawal if the economy performed consistently with its central projections i.e. there does not need to be a pickup in growth for Bank Rate to rise.

2. MPC member, Gertjan Vleighe, who previously voted no to rate increases, made a speech where he indicated he was likely to vote for a rate increase.

2.3 These events caused a sharp jump in market expectations of an increase in Bank Rate in November 2017 and there were sharp increases in market rates, gilt yields, and PWLB rates. Chart 1 below shows the 25-year gilt rate movements to 30 September 2017, illustrating the volatility in the rates.

Chart 1: 25-year gilt rate



2.4 Despite the increase in gilt yields in September, it is important to note that economic data is not indicating a strong pickup in growth and there is no change in expectation that inflation will fall back towards the 2% target over the next two years as the devaluation of sterling after the referendum works its way out of the

economy and drops out of the statistics. This sharp change in sentiment from the MPC is therefore word driven, rather than data driven. It reveals a shift in MPC opinion towards the withdrawal of the 0.25% cut in Bank Rate in August 2016.

- 2.5 With regards to the Council's treasury strategy, it is now more likely that the MPC will raise the Bank Rate by 0.25% in November. The question then remains as to whether or not they will stop at this point for a lengthy pause, or will launch into a series of further rate increases in 2018.

3. Council's Cash Position as at 30 September 2017

3.1 Council Cash Position

Table 1 details the Council's mid-year treasury position. Overall the Council's borrowing has increased from 31 March 2017 due to an increase in borrowing from other Local Authorities and an additional £40m borrowed from the PWLB. Investment balances remain elevated, but the return has remained around 1.36%.

Table 1: Council's Treasury Position at 30 September 2017

	Principal Outstanding £000s	Rate of Return %	Average Life (yrs)
General Fund Fixed Rate Borrowing			
PWLB	100,000	2.38	41.6
Market Loans	117,363	2.68	32.0
Medium Term Borrowing	19,000	0.97	2.4
Short Term Borrowing	69,950	0.29	0.3
Total General Fund Debt	306,313	1.93	26.1
Housing Revenue Account Fixed Rate Borrowing			
PWLB	265,912	3.50	38.3
Market Loans	10,000	3.98	60.7
Total Housing Revenue Account Debt	275,912	3.51	40.1
Total Council Borrowing	572,225	2.66	31.8
Investments	250,592	1.36	0.91

- 3.2 Overall the Council has a significant level of cash available to fund its Street and Land Purchase scheme. Cash levels will be monitored, and additional borrowing taken as and when required for the Councils Investment and Acquisitions Strategy.

4. Interest Budget Position as at 30 September 2017

- 4.1 As part of the Council's savings proposals a saving of **£4.6m** was allocated to the treasury budget in 2015/16. Subsequently **£1.9m** has been added to the interest payable budget for 2017/18 to fund the Council's Street and Land Purchase scheme. Improved investment returns and careful management of the Council's cash flow and borrowing requirement has resulted in a forecast surplus of **£23k** in net interest against the 2017/18 budget for the General Fund. Table 2 summarises the 2017/18 budget, the forecast net interest and the variance.

Table 2: 2017/18 Treasury Interest Budget Position

Description	2017/18 Budget	2017/18 Forecast	Variance
	£000's	£000's	£000's
Interest Payable (Excluding HRA) *	4,233	5,858	1,625
Net Interest to the General Fund*	(2,147)	(3,795)	(1,648)
Net Interest Payable to GF	2,086	2,063	(23)

* interest is for the General Fund and excludes HRA borrowing costs

5. Council's Investment and Acquisitions Strategy

- 5.1 Historically the Council has either been debt free or has had a very low-level of debt. This changed significantly in 2012 when, as part of the HRA reform, £265.9m of debt was transferred to the Council's HRA. In January 2015, £89m was borrowed for the Council's General Fund from the European Investment Bank to fund the regeneration of Abbey Road and Gascoigne Phase 1. Abbey Road is currently operational, and Gascoigne Phase 1 will be operational in 2018.
- 5.2 In November 2016, Cabinet approved the establishment of an Investment and Acquisition Strategy (IAS). Cabinet also approved an initial £250m investment budget and £100m land and property acquisition budget to support delivery of the IAS. The purpose of the IAS is to support the Borough's growth opportunities and to ensure that the Council, and future generations, benefit by increasing the Council's ownership of long-term income producing assets.
- 5.3 The IAS has an income objective and a target of delivering £5.12m by 2020/21. The investment programme will be delivered primarily by the Council's new development vehicle, Be First, and it is expected that Be First will accelerate the regeneration of the borough.
- 5.4 The IAS will support the Council to fundamentally change its approach to investment and regeneration. Going forward the Council will need to become a proactive developer and investor, helping to support growth opportunities and ensure that the Council and future generations benefit by increasing its ownership of long-term income producing assets. Potentially 44 schemes are in the pipeline over a period of 15 years.
- 5.5 The total capital expenditure is estimated at over £2.0bn over the next twenty years, were the whole programme to be funded by the Council. Whilst the Council will use, where possible, any capital receipts it may generate from land sales to help finance acquisition costs, the main source of financing of the full programme would need to be from borrowing.
- 5.6 It is expected that the net capital expenditure required, which is the capital spend less any money received from private sales and Shared Ownership, will be significantly less than £2.0bn. There may also be occasions where refinancing may be used to secure borrowing on the properties when they are operational and in some cases properties will be sold to fund new regeneration schemes.
- 5.7 Due to the scale of the planned regeneration programme the PWLB will still be considered, especially when rates are low, but in addition, institutional funders, the

Municipal Bonds Agency or from the European Investment Bank will also be considered. In addition, it may be more advantageous to consider raising further finance through the issuance of a bond. A range of borrowing periods will also be used based on cashflow requirement, ensuring that not all borrowing is long term and that the debt repayment is linked to the income generated from both the rental returns and the sales receipts. The Chief Operating Officer (COO), advised by the Investment Panel and external advisors, will consider the optimum funding mix for each investment to meet the investment return objectives.

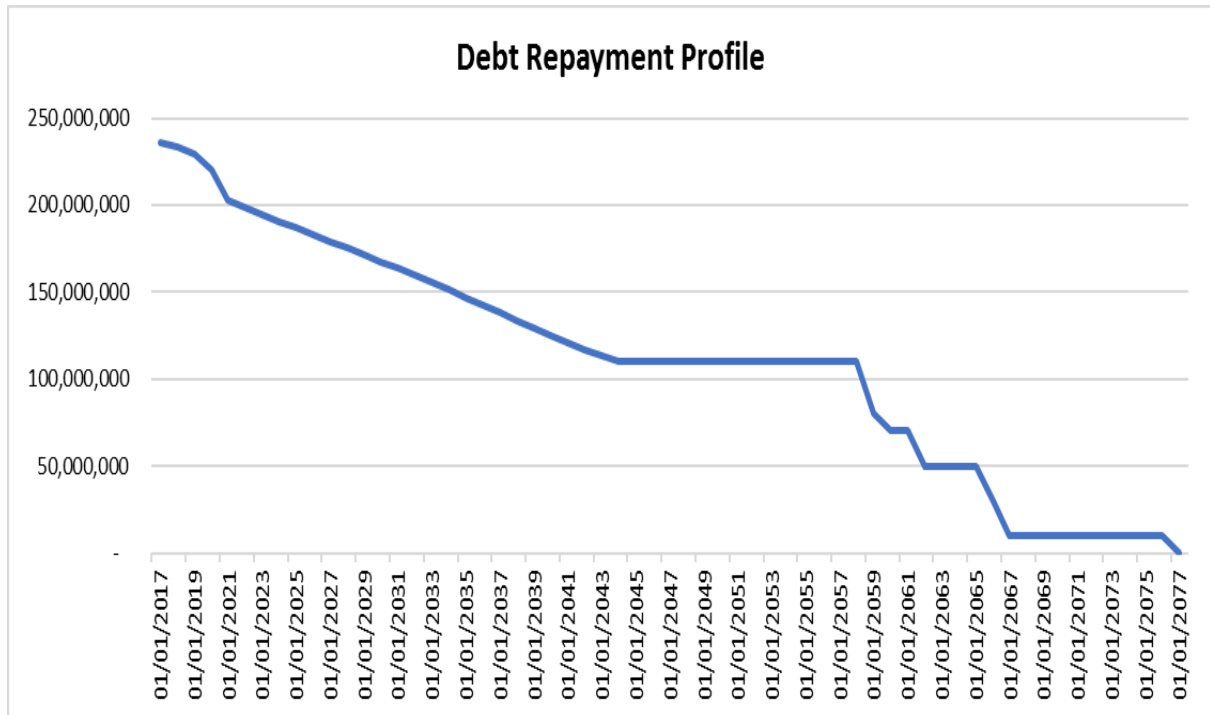
6. Debt Position at 30 September 2017

- 6.1 During 2016/17 the treasury section borrowed £60.0m from the PWLB to fund the IAS at a rate of 2.52% and for an average duration of 46.5 years.
- 6.2 For the first half of the Financial year, the treasury section has borrowed a further £40.0m of long term debt from the PWLB and £19.0m of debt with a maturity of 3 years from other Local Authorities. The average rate borrowed at was 1.78%. Details of the loans are below:

Repayment Type	Counterparty	Start Date	End Date	Amount £000s	Rate %
Repay on Maturity	Wycombe DC	03/04/2017	09/12/2019	5,000	0.90
Repay on Maturity	Cornwall CC	03/04/2017	03/04/2020	10,000	1.00
Repay on Maturity	Stevenage BC	09/01/2017	09/04/2020	2,000	0.98
Repay on Maturity	Rugby BC	09/01/2017	09/04/2020	2,000	1.00
Repay on Maturity	PWLB	05/04/2017	05/04/2067	20,000	2.36
EIP	PWLB	12/09/2017	12/09/2040	20,000	1.98
Total Borrowed:				59,000	

- 6.3 Although the size of the Council's overall borrowing is significant, Members are asked to note that the EIB borrowing of £87m is an annuity repayment. This means that over the 30 years of the loan, a proportion will be repaid each year. In addition, the £20m borrowed in September 2017 has an equal instalment payment (EIP) type, which means that an equal portion of the debt will be repaid each year until its maturity. The Council's borrowing repayment is outlined in Chart 2 below and is based on the current General Fund borrowing position of £236.4m.

Chart 2: General Fund Debt Maturity



Transformation Update

- 6.4 **Be First** - The Be First business plan is expected to be reported at the February 2018 Cabinet and will outline the borrowing requirement to fund the Investment and Acquisitions programme. The level of borrowing, the structure and debt repayment profiles will be outlined in the Treasury Management Strategy Statement (TMSS) that will also be presented to the Cabinet and Assembly for approval in February 2018.
- 6.5 **Traded Services** - In the February 2017 TMSS, the Cabinet agreed a £150,000 loan as part of the initial set-up costs for Traded Services. A business plan has been completed for what is now called 'Barking & Dagenham Trading Partnership' and the Cabinet has been asked to agree seed capital and a loan of £595,000 to cover initial set-up costs, including training, branding, marketing, communications, specialist resources required to set up the new company and initial governance costs such as payments to Directors. That decision was due to be made by the Cabinet on 14 November (the date of publication of this Assembly agenda).

Debt Repayment and Rescheduling

- 6.6 Debt rescheduling opportunities are limited in the current economic climate. No debt rescheduling or repayments were undertaken during the first six months of the financial year.

7. Investment Portfolio 2017/18

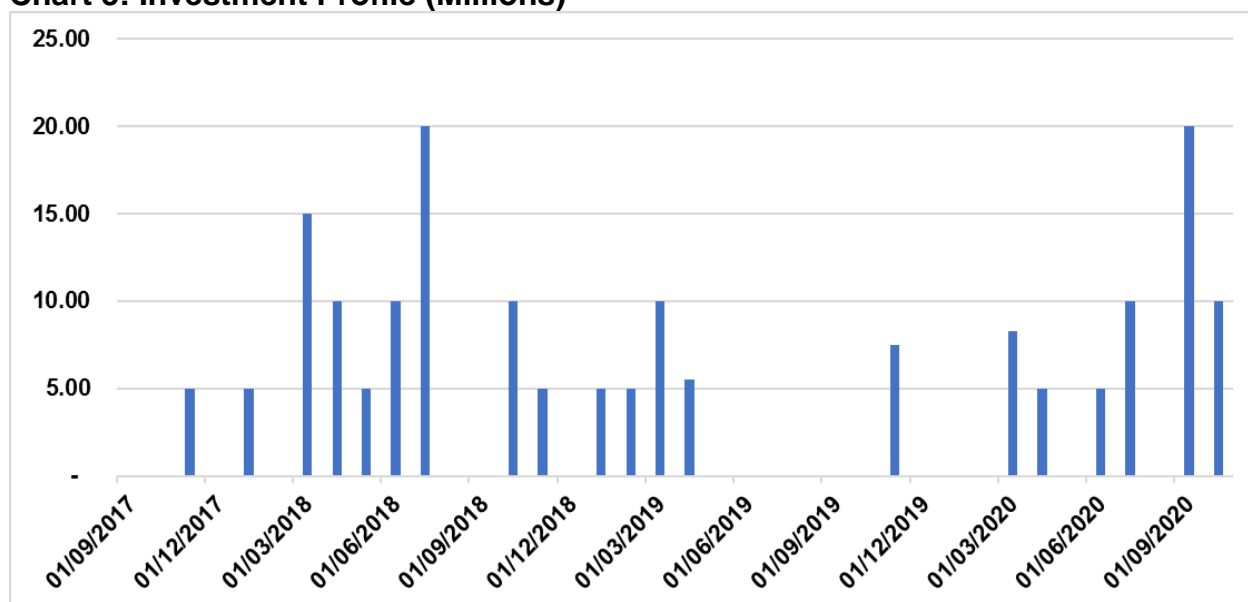
- 7.1 It is the Council's priority to ensure security of capital and liquidity before obtaining an appropriate level of return which is consistent with the Council's risk appetite. In the current economic climate, the Council's risk appetite remains relatively low, with the treasury section looking to take advantage of the fluctuations in rates offered by

Local Authorities and Financial Institutions to lock in favourable rates without the need to take on significant additional risk.

7.2 As at 30 September 2017 the Council held £250.6m in cash, with £92m invested with Local Authorities, £150.5m held in deposits with banks and £8m held in a Money Market Fund.

7.3 The Council's investment maturity profile in Chart 3 below shows that as at 30 September 2017, 2.0% of the Council's investments had a maturity of 60 days or less, with 36.4% having a maturity of one year or less. Spreading out the maturity of longer dated investments allows the Council to take advantage of improved rates of return while ensuring sufficient liquidity.

Chart 3: Investment Profile (Millions)



7.4 Although yields have remained at historically low levels for much of the first half of the financial year, a number of opportunistic investments have resulted in a much-improved average rate of return of **1.38%** for the first six months of the year. The rate at 30 September 2017 is **1.36%** indicating that the returns for the second part of the financial year will be similar to those achieved in the first half. It is also likely that the average rate for 2018/19 will average approximately **1.37%**.

7.5 Due to the Council's increased investment and capital programme, investments will continue to be made to reduce the cost of carry of any borrowing. In addition investment will be made to match the cashflow requirements to ensure that, where significant expenditure is required, sufficient cash is available to cover this, thereby reducing the need to take out long term borrowing when rates may be elevated.

8. Minimum Revenue Provision (MRP) Review

8.1 Regulations 27 and 28 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (as amended) require that a local authority "shall determine for the current financial year an amount of minimum revenue provision which it considers to be prudent". MRP is a charge to the revenue account in relation to capital expenditure financed from borrowing or credit arrangements, often referred as a provision for the repayment of debt.

- 8.2 Prior to 2007 the arrangements for determining debt repayment were prescriptive. In 2007, this was replaced by a system of self-regulation that aligns with the prudential code and accounting codes to allow authorities local discretion based on their own judgement as to what is prudent. The Secretary of State has issued statutory Guidance on determining the “prudent” level of MRP.
- 8.3 It is timely that the Council reviews its MRP policy to ensure it remains prudent and provides a stable and deliverable financial position whilst ensuring the prudent management of the Council’s finances generally. There is freedom for authorities to consider annual profiling of MRP which fits the prudent management of its own financial circumstances, providing that it meets the basic test of “prudence” which is to repay debt over the life of the benefit or the period implied by the associated grant.
- 8.4 Appendix 1 of this report seeks to make several amendments to the Council’s MRP policy, predominantly covering MRP for property held in wholly owned Council Special Purpose Vehicles.

8.5 Special Purpose Vehicles (SPV):

Since 2012 the Council has set up several wholly owned Council SPVs, under the Barking and Dagenham Reside structure, for developing, holding and managing the affordable rented units and shared ownership units respectively of the Council’s regeneration programme.

The SPVs the Council uses are wholly owned by the Council and are corporate bodies (either an English limited company or an English limited liability partnership). The SPVs act as the landlord of the regenerated dwellings once constructed.

The SPV(s) are responsible for the letting, management and maintenance of affordable and social rented dwellings after they have been constructed and for compliance with all loan terms. These loan terms and their related security provisions limit the freedom of the SPV(s) to materially change any of these arrangements without lender consent; the lender for these purposes is effectively the Council.

The SPV(s) are governed by a board, with the Boards role to undertake all activities required to fulfil the SPVs contractual obligations particularly with respect to:

- Effective letting and management of the homes and estates
- Discharge the contractual obligations of the SPV to the Council and/or to the funder in respect of lettings, maintenance and rent payment guarantees if these are required
- Effective risk management

8.6 The key changes to the MRP policy are outlined below:

- i. Where capital expenditure involves repayable loans or grants to third parties no MRP is required where the loan or grant is repayable.
- ii. Where capital expenditure involves a variety of works and assets, the period over which the overall expenditure is judged to have benefit over shall be considered as the asset life for MRP purposes. Expenditure arising from or related or

incidental to major elements of a capital project may be treated as having the same asset life for MRP purposes as the major element itself. An estimate of the life of capital expenditure may also be made by reference to a collection or grouping of expenditure type or types.

- iii. The Council intends to use SPVs held through Reside to manage its property regeneration schemes. This will require the Council borrowing to provide funding for the SPV. The annuity repayments from the SPV to the Council over the useful life of the asset will be treated as the MRP for the project in question.
- iv. Where an investment property is operational and has been valued at sufficiently more than its net cost, as at each financial year end, at the discretion of the COO, no MRP will need to be set aside during that year. A key consideration of the COO will be if the property can be sold in an open market and that sale will potentially take place within a five-year period. Any MRP already set aside for the investment property will be retained as a reserve against the property. For subsequent years a revaluation of the property will need to be completed. Where the asset is valued at less than its net cost, then MRP, net of any MRP already charged and based on the remaining life of the asset, will need to be set aside.
- v. The Council has invested in a number of Private Sector housing schemes. A recent increase in valuation in an existing scheme reported an increase in equity of the particular development. A change has been made to the Council's Minimum Revenue Provision policy to not set aside debt repayment for the scheme. The development will be held for investment purposes and subject to an annual market valuation. In the event of a market downturn, funding has been set aside in an earmarked reserve for the debt repayment.

9. The Council's Capital Position (Prudential Indicators)

9.1 Prudential Indicator for Capital Expenditure

Table 3 shows the changes to the original capital expenditure budgets. Table 3 also highlights the original supported and unsupported elements of the capital programme, and the expected financing arrangements of this capital expenditure.

The borrowing need increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced by revenue charges for the repayment of debt (the Minimum Revenue Provision). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

The increase in revised budget when compared to the original budget revised, as outlined in table 3 below, is mainly due to the addition to the capital programme of the Street Purchases and Land Acquisition Programmes.

Table 3: Revised Estimate to Capital Programme as at 30 September 2017

Capital Expenditure by Service	2017/18 Original Budget £000s	2017/18 Revised Budget £000s
Be First	1,980	1,980
Care & Support	1,790	1,870
Community Solutions	4,330	4,280
Core	8,300	8,300
Customer Access Technology	4,360	4,360
Education, Youth and Childcare	25,070	25,320
Enforcement	10,170	9,380
Culture, Heritage and Recreation	4,300	1,060
Investment Strategy	480	10,480
Regeneration	67,660	90,380
My Place	1,210	1,210
Public Realm	1,080	1,080
SDI Commissioning	4,460	4,460
Traded Services	520	520
HRA	90,720	68,660
TOTAL	226,430	233,340
Capital Grants and Contributions	38,415	42,553
Revenue / Reserve Contributions	990	590
HRA Contributions (incl MRA)	80,895	57,938
Capital Receipts	23,584	19,359
Sub-Total	143,884	120,440
Net financing need for the year (borrowing)	82,546	112,900

9.2 Prudential Indicator – CFR

Table 4 shows that the Council's revised CFR will not exceed the Operational boundary. The COO reports that no difficulties are envisaged for the current or future years in complying with this prudential indicator.

The Authorised Limit represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

Table 4: Revised Capital Financing Requirement as at 30 September 2017

	2017/18 Original Estimate £000s	2017/18 Revised Estimate £000s
Prudential Indicator – Capital Financing Requirement		
CFR – non-housing	165,754	165,754
CFR – housing	276,231	276,231
Reside 1 and 2	117,342	117,342
PFI and Leases	48,886	48,886
Alternative Financing	82,546	112,900
Total CFR	690,759	721,114
Net movement in CFR	70,571	100,925
Prudential Indicator – External Debt / the Operational Boundary		
Long Term Borrowing	492,275	552,275
Other long-term liabilities	52,308	52,308
Total debt 31 March	544,583	604,583
Operational Boundary	752,000	752,000
Authorised Limit	902,000	902,000

incl. rounding differences

9.3 Treasury Indicators: Limits to Borrowing Activity

There are three PI's for debt related treasury activity limits. The purpose of these are to restrain the activity of the treasury function within certain limits, thereby managing risk and reducing the impact of any adverse movement in interest rates. However, if these are set to be too restrictive they will impair the opportunities to reduce costs / improve performance. The indicators are:

- i. Upper limits on variable interest rate exposure: identifies a maximum limit for variable interest rates based upon the debt position net of investments;
- ii. Upper limits on fixed interest rate exposure: is similar to the previous indicator and covers a maximum limit on fixed interest rates; and
- iii. Maturity structure of borrowing: gross limits to reduce the Council's exposure to large fixed rate sums requiring refinancing.

The COO reports that there were no breaches in any of the limits outlined below:

Interest rate exposures	2017/18	2018/19	2019/20
	Upper	Upper	Upper
Limits on fixed interest rates based on net debt	100%	100%	100%
Limits on variable interest rates based on net debt	70%	70%	70%

Limits on fixed interest rates:			
• Debt only	100%	100%	100%
• Investments only	90%	90%	90%
Limits on variable interest rates			
• Debt only	70%	70%	70%
• Investments only	80%	80%	80%

Maturity structure of fixed interest rate borrowing 2017/18		
	Lower	Upper
Under 12 months	0%	40%
12 months to 2 years	0%	60%
2 years to 5 years	0%	70%
5 years to 10 years	0%	70%
10 years and above	0%	100%

Maturity structure of variable interest rate borrowing 2017/18		
	Lower	Upper
Under 12 months	0%	40%
12 months to 2 years	0%	40%
2 years to 5 years	0%	70%
5 years to 10 years	0%	70%
10 years and above	0%	80%

10. Consultation

- 10.1 The Chief Operating Officer, as statutory chief finance officer, has been informed of the approach, data and commentary in this report.
- 10.2 The report is also due to be considered at the Cabinet meeting on 14 November 2017.

11. Financial Implications

Implications completed by: Kathy Freeman, Finance Director

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

12. Legal Implications

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

- 12.1 The Local Government Act 2003 (the "Act") requires the Council to establish a treasury strategy for borrowing and to prepare an Annual Investment Strategy which sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

12.2 The Council also has to 'have regard to' the CIPFA Code of Practice on Treasury Management (2011) and the CIPFA Prudential Code for Capital Finance in Local Authorities when carrying out its functions under the Act.

12.3 A report setting out the Council's strategies in accordance with the Act was presented to Cabinet and Assembly in February 2017. This report is a mid-year review of the strategy's application and there are no further legal implications to highlight.

13. Options Appraisal

13.1 There is no legal requirement to prepare a Treasury Management Strategy Statement Mid-Year Review; however, it is good governance to do so and meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

14. Other Implications

14.1 Risk Management - The whole report concerns itself with the management of risks relating to the Council's cash flow. The report mostly contains information on how the Treasury Management Strategy has been used to maximise income during the first 6 months of the year.

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

List of appendices:

- Appendix 1: Minimum Revenue Provision Review
- Appendix 2: Investments as at 30 September 2017

Revised Minimum Revenue Provision Policy Statement

Background

1. Minimum Revenue Provision (MRP) is a statutory requirement for a Council to make a charge to its General Fund to make provision for the repayment of the Council's past capital debt and other credit liabilities. The Council is also allowed to undertake additional voluntary payments if required (voluntary revenue provision - VRP). MRP does not need to be set aside for the Housing Revenue Account (HRA).
2. The scheme of MRP was set out in former regulations 27, 28 and 29 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003. This system was radically revised by the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008. The revised regulation 28 replaced a requirement that local authorities calculate the MRP pursuant to detailed calculations with a duty to make prudent MRP.
3. The Council is under a statutory duty "to determine for the current financial year an amount of MRP which it considers to be prudent". Local authorities are asked by the Secretary of State "to prepare an annual statement of their policy on making MRP for submission to their full Council". This forms part of the Treasury Management Strategy (TMSS) approved by full council at least annually.
4. In determining a prudent level of MRP the Council is under a statutory duty to have regard to statutory guidance on MRP issued by the Secretary of State. The Guidance provides four options which can be used by the Council when determining its MRP policy and a prudent amount of MRP. The Council however can depart from the Guidance if it has good reason to do so. This policy is consistent with the Guidance. The options do not change the total MRP the council must pay over the remaining life of the capital expenditure; however, they do vary the timing of the MRP payment.
5. MRP adjustments and policies are subject to annual review by external audit.
6. The Chief Operating Officer (COO) has delegated responsibility for implementing the Annual MRP Statement. The COO also has executive, managerial, operational and financial discretion to determine MRP and any practical interpretation issues.
7. A prudent level of MRP on any significant asset or expenditure may be assessed on its own merits or in relation to its financing characteristics in the interest of affordability or financial flexibility.
8. The COO may make additional revenue provisions, over and above those set out, and set aside capital receipts, balances or reserves to discharge financing liabilities for the proper management of the financial affairs of the HRA or the general fund. The COO may make a capital provision in place of any revenue MRP provision.
9. This MRP Policy Statement has been revised to consider the Council's recently agreed investment strategy, which requires the use of MRP to be outlined in more detail, as well as to agree additional MRP options that are available for long-term property investments.

General Fund Supported Capital Expenditure or Capital Expenditure incurred before 1 April 2008

10. In relation to capital expenditure for which support forms part of the calculation of revenue grant by the government or any capital expenditure incurred before 1 April 2008, the MRP shall be calculated in accordance with the Local Authorities CFR Regulations 2003 as if it had not been revoked. In arriving at that calculation, the CFR shall be adjusted as described in the guidance.
11. In addition, the calculation method and the rate or the period of amortisation referred to in the guidance may be varied by the COO in the interest of affordability.
12. The methodology applied to pre-2008 debt remains the same and is an approximate 4% reduction in the borrowing need (CFR) each year. A review of this methodology will be carried out and reported for the Treasury Management Strategy Statement report in February 2018.

General Fund Self- Financed Capital Expenditure from 1 April 2008.

13. Where capital expenditure incurred from 1 April 2008 is on an asset financed wholly or partly by self-funded borrowing, the MRP is to be made in instalments over the life of the asset. The calculation method and the rate or the period of amortisation shall be determined by the COO.
14. The COO shall determine how much and which capital expenditure is funded from borrowing and which from other sources. Where expenditure is only temporarily funded from borrowing in any one financial year and it is intended that its funding be replaced with other sources by the following year, no MRP shall apply. Nor shall any annual MRP apply where spend is anticipated to be funded from capital receipts or grants due in the future but is in the meantime funded from borrowing, subject to a maximum of three years or the year the receipt or grant is received, if sooner.
15. The asset life method shall be applied to borrowing to meet expenditure from 1 April 2008 which is treated as capital expenditure by either a direction under section 16(2) of the 2003 Act or regulation 25(1) of the 2003 Regulations. The COO shall determine the asset life. When borrowing to construct an asset, the asset life may be treated as commencing in the year the asset first becomes operational and postpone MRP until that year.
16. Where capital expenditure involves repayable loans or grants to third parties no MRP is required where the loan or grant is repayable. By exception, based on a business case and risk assessment, this approach may be amended at the discretion of the COO.
17. Where capital expenditure involves a variety of works and assets, the period over which the overall expenditure is judged to have benefit over shall be considered as the life for MRP purposes. Expenditure arising from or incidental to major elements of a capital project may be treated as having the same asset life for MRP purposes as the major element itself. An estimate of the life of capital expenditure may also be made by reference to a collection or grouping of expenditure type or types.

Loans to Special Purpose Vehicles

18. As part of its Investment and regeneration programme, the Council will use several Special Purpose Vehicles (SPV) held through Reside to manage its property regeneration schemes. This will require the Council borrowing to provide funding for the SPV and for the SPV to repay the loan based on the cashflow forecast to be generated from the properties.
19. Initially the MRP the Council will use for the loans to the SPV will be the annuity repayment methodology over the useful life of the asset. The MRP will therefore reflect the repayment profile of the SPV to the Council and any borrowing made by the Council will be made to match the cashflow requirements of the SPV.
20. The MRP annuity method makes provision for an annual charge to the General Fund which takes account of the time value of money (whereby paying £100 in 10 years' time is less of a burden than paying £100 now). The annuity method also matches the repayment profile to how the benefits of the asset financed by borrowing are consumed over its useful life (i.e. the method reflects the fact that asset deterioration is slower in the early years of an asset and accelerates towards the latter years). This re-profiling of MRP therefore conforms to the DCLG "Meaning of Prudent Provision" which provides that "*debt [should be] repaid over a period that is reasonably commensurate with that which the capital expenditure provides benefits*".
21. Subsequently, where an investment property is operational and has been valued at sufficiently more than its net cost, as at each financial year end, at the discretion of the COO, no MRP will need to be set aside during that year. A key consideration of the COO will be if the property can be sold in an open market and that sale will potentially take place within a five-year period. Any MRP that has already been set aside for the investment property will be retained as a reserve against the property. For subsequent years a revaluation of the property will need to be completed. Where the asset is valued at less than its net cost, then MRP, net of any MRP already charged and based on the remaining life of the asset, will need to be set aside.

PFI, leases

22. In the case of finance leases, on balance sheet private finance initiative contracts or other credit arrangements, MRP shall be the sum that writes down the balance sheet liability. These are being written down over the PFI contract term.

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Appendix 2

Investments as at 30th September 2017

Counterparty	Start Date	End Date	Amount £000s	Rate (%)
Federated Investors (MMF)			8,250	0.23
Lancashire County Council	16/11/2015	16/11/2017	5,000	1.02
Lancashire County Council	08/01/2016	08/01/2018	5,000	1.05
Fife Council	14/01/2016	15/01/2018	4,000	1.00
Valence Primary School	12/02/2015	29/03/2018	100	3.50
LBBB Pension Fund	03/04/2017	29/03/2018	15,000	4.10
Goldman Sachs International	03/04/2017	03/04/2018	10,000	0.98
Goldman Sachs International	05/04/2017	05/04/2018	5,000	1.01
Goldman Sachs International	07/04/2017	06/04/2018	10,000	1.01
Lancashire County Council	11/11/2015	11/05/2018	5,000	1.00
Lloyds Banking Group	06/06/2016	06/06/2018	10,000	1.43
Goldman Sachs International	16/06/2017	21/06/2018	5,000	0.98
Doncaster MBC	24/06/2016	25/06/2018	2,000	0.90
Goldman Sachs International	23/06/2017	28/06/2018	10,000	1.10
Goldman Sachs International	03/07/2017	08/07/2018	10,000	1.13
Royal Bank of Scotland	30/01/2017	30/07/2018	20,000	1.00
Lancashire County Council	20/11/2015	20/11/2018	5,000	1.54
Lancashire County Council	26/11/2015	26/11/2018	5,000	1.54
Lloyds Banking Group	20/01/2016	18/01/2019	5,000	1.67
Lloyds Banking Group	03/02/2016	01/02/2019	5,000	1.67
Lloyds Banking Group	15/03/2016	15/03/2019	10,000	1.80
Lloyds Banking Group	01/04/2016	01/04/2019	5,000	1.79
Lloyds Banking Group	05/04/2017	05/04/2019	5,000	1.00
Lloyds Banking Group	21/04/2016	18/04/2019	5,500	1.84
Borough of Poole	18/11/2016	18/11/2019	7,500	0.97
Lloyds Banking Group	16/03/2017	16/03/2020	5,000	1.18
Barking Riverside Limited	15/10/2014	01/04/2020	4,918	3.50
Lloyds Banking Group	05/04/2017	06/04/2020	5,000	1.15
Lloyds Banking Group	15/06/2017	15/06/2020	5,000	0.90
Lloyds Banking Group	30/06/2017	30/06/2020	5,000	1.10
Lloyds Banking Group	14/07/2017	14/07/2020	10,000	1.09
Warrington Borough Council	08/09/2017	08/09/2020	20,000	0.92
Lloyds Banking Group	19/09/2017	18/09/2020	5,000	1.14
Barnsley MBC	21/09/2017	21/09/2020	3,000	0.94
Northumberland CC	28/04/2017	28/10/2020	10,000	1.04
Southwood Primary	28/04/2017	28/04/2022	120	3.50
Grafton Primary School	03/03/2016	03/03/2026	100	4.50
Gascoigne Primary School	03/03/2016	03/03/2036	84	4.50
	Total Investments:		250,572	

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ASSEMBLY

22 November 2017

Title: 2018/19 Local Implementation Plan Funding Submission	
Report of the Cabinet Member for Economic and Social Development	
Open Report	For Decision
Wards Affected: All	Key Decision
Report Author: Tim Martin – Acting Transport & Planning Policy Manager; Growth & Homes	Contact Details: Tel: 020 8227 3939 E-mail: timothy.martin@lbbd.gov.uk
Accountable Director: Dan Pope, Acting Head of Planning; Growth & Homes	
Accountable Strategic Director: John East, Strategic Director, Growth & Homes	
<p>Summary</p> <p>The LB Barking and Dagenham Local Implementation Plan (LIP) is the Council's transport strategy and delivery plan for improvements to the transport network in the borough. Ahead of the development of a new plan in 2018, the Council is required to submit a transitional 1-year spending plan to Transport for London (TfL) for funding for local transport schemes, including a range of road safety, traffic management, highways maintenance and cycling/walking schemes for implementation in 2018/19.</p> <p>The proposed programme of investment focuses on:</p> <ul style="list-style-type: none"> • Tackling various road safety, congestion and accessibility issues in Gale Street and River Road; • Continuing the programme of public realm improvements in Barking Town Centre; • Funding for road safety education and schemes across the borough, including plans for improvements outside borough schools; • Funding for cycle training and school travel planning; • Studies to inform future LIP schemes at the Ripple Road gyratory, St Pauls Road roundabout and the 'Lighted Lady' roundabout in Barking Town Centre. <p>The programme has been developed to deliver the Council's priorities including those set out in the Borough Manifesto, the recommendations of the Growth Commission Report and the Health and Wellbeing Strategy outcomes; is consistent with the Mayor of London's emerging Transport Strategy; and supports the Council's regeneration priorities by helping to shape a place that people chose to live in. The programme also aligns with the Council's Highway's Investment Programme.</p> <p>The purpose of this report is to set out the Council's proposed 2018/19 LIP spending plan submission to TfL. The Cabinet considered and endorsed this report at its meeting on 17 October 2017.</p>	

<p>Recommendation(s)</p> <p>The Assembly is recommended to approve the Council’s 2018/19 Local Implementation Plan funding submission to Transport for London, as set out at Appendix 1 to the report.</p>
<p>Reason(s)</p> <p>To help deliver the Borough Manifesto priorities, the recommendations of the Growth Commission Report and the Health and Wellbeing Strategy outcomes, whilst helping to address some of the key transport challenges affecting the borough. This in turn will assist the Council in achieving all of its Community Priorities, in particular enabling social responsibility by protecting the most vulnerable; keeping adults and children healthy and safe; and growing the borough through supporting investment in public spaces to enhance our environment.</p>

1. Introduction and Background

- 1.1 Local Implementation Plans (LIPs) are a vital tool in supporting jobs and growth and delivering a better quality of life for those who live and work in London. The Greater London Authority Act 1999 requires the Council to prepare a LIP that sets out how it will deliver better transport in the borough in the context of the Mayor of London’s Transport Strategy (MTS). The Council’s most recent LIP covered the 3-year period 2014/15 - 2016/17 whilst an interim 1-year spending plan for 2017/18 was approved by the Cabinet and Assembly in February 2017.
- 1.2 In 2016, following the election of the new Mayor of London, TfL began work on developing a new Transport Strategy for the capital, which is anticipated to be completed by the end of 2017. The publication of the new MTS will necessitate the Council having to produce a new LIP in 2018. In the meantime, TfL has issued guidance that requires the Council to produce a one-year interim funding submission for 2018/19 which provides details of the transport schemes to be taken forward in the year ahead.

2. Proposal and Issues

- 2.1 The latest TfL Business Plan was published in December 2016 and sets out TfL’s plans for the transport network over the five years to 2021/22. It includes details of the LIP budget for London for 2018/19 which forms part of a wider Healthy Streets funding portfolio totalling £223 million which is designed to support delivery of Healthy Streets for London. The Council has been allocated £2.075 million for 2018/19 - the breakdown of which is set out below:

Category	Funding Programme	Total Funding	Borough Allocation
Formula	Corridors, Neighbourhoods and Supporting Measures (Includes schemes for Bus Priority/Bus Stop Accessibility; Cycling; Walking; Local Safety Schemes; Freight; Environment; Accessibility; School/ Workplace Travel Plans; Travel Awareness; Education and Training)	£74m	£1.613m

	LIP Partnerships, Good Practice	£1m	N/A
Discretionary	Liveable Neighbourhoods (Large scale, area-based schemes to deliver the Healthy Streets Approach in and around town centres and residential areas)	£30m	Awarded through competitive bidding process
	Principal Road Maintenance	£20m	£462k (submissions to be made for a sum 25% above this figure)
	Bridge Strengthening	£7m	Funding informed by condition surveys
	Traffic Signal Modernisation	£11m	New signals should only be proposed where there is no feasible and/or cost-effective solution
Strategic	Bus Priority	£24m	Funding available via competitive bidding process or through direct award where TfL data have identified need for intervention in specific areas
	Borough Cycling Programme	£41m	
	Crossrail Complementary Measures	£9m	
	Pedestrian Town Centres	£3m	
	Mayor's Air Quality Fund	£3m	
TOTAL		£223m	£2.075m

2.2 This report recommends how the Council's LIP funding should be spent (the programme of investment) in 2018/19.

LIP Programme of Investment - Corridor, Neighbourhood and Supporting Measures

2.3 A summary of the schemes that the Council is proposing under the Corridor, Neighbourhood and Supporting Measures programmes for 2018/19 is set out below. A more detailed programme is included in Appendix 1. For each scheme an indication of costs and the measures proposed are given. It is considered that the measures proposed will help deliver the Council's priorities including those set out in the Borough Manifesto, the recommendations of the Growth Commission Report and the Health and Wellbeing Strategy outcomes, whilst also being consistent with the emerging Mayor's Transport Strategy (MTS) and a range of other national, regional, sub-regional and local plans and policies.

Scheme	Cost
Gale Street Corridor Improvements	£500,000
Barking Town Centre Improvements	£200,000
River Road/Creek Road/Long Reach Road Corridor Improvements	£300,000
Road Safety Improvement Programme	£300,000
Borough Cycle/Walking Link Improvements	£100,000
Borough-Wide Healthy/Active Travel Programme	£113,000
Future Schemes Development	£60,000
Minor Works	£40,000
TOTAL:	£1,613,000

2.4 Further details on and justification for the recommended Corridors, Neighbourhoods and Supporting Measures programme of investment is set out below:

- **Gale Street Corridor Improvements**

Following the delivery of a range of transport and public realm enhancements outside Becontree station and the nearby shopping parade in early 2017, it is now proposed to implement a number of improvements to the section of Gale Street between Rugby Road and Porters Avenue and between the junction of Woodward Road / Hedgemans Road and the A13. The scheme will focus on delivering road safety improvements at these busy junctions and the junction with Goresbrook Road to reduce incidences of collisions and personal injury; pedestrian and cyclist accessibility improvements, particularly as a means of encouraging trips on foot and by cycle to local schools and other amenities including the forthcoming Youth Zone; and enhancements to the local public realm. Improvements will follow the 'Healthy Streets' approach advocated in the emerging MTS.

- **Barking Town Centre Improvements**

In line with the place making and accessibility objectives of the Barking Town Centre Strategy, it is proposed to continue the programme of public realm improvements within the town centre focused on East Street – one of the high street 'gateway' improvement areas. This scheme will help deliver the Growth Commissions objective of creating a destination which attracts people to the Town Centre.

- **River Road/Creek Road/Long Reach Road Corridor Improvements**

Building on the road safety, traffic management and public realm enhancements currently being implemented in Thames Road, it is proposed to continue the programme of improvements along River Road, Creek Road and Long Reach Road where there is a pressing need to better manage the current chaotic parking, to work with businesses to reduce the impacts of the commercial vehicles which blight the area, improve safety and accessibility for pedestrians and cyclists, and to improve reliability on EL3 bus services which serve the area. The measures will help deliver the Borough Manifesto aims of creating safe, clean places and a place where businesses and communities grow and thrive.

- **Road Safety Improvements Programme**

A borough-wide road safety improvements programme is proposed in support of Council and Mayoral objectives to reduce the number of road casualties, and to complement our various corridor/neighbourhood initiatives. Measures include:

- Implementation of various physical interventions along Bennetts Castle Lane and Dagenham Road and in the Surrey Road area to address problems with personal injury accidents, rat-running traffic and reported issues of speeding; and to improve conditions for cyclists, pedestrians and those with disabilities;
- Continuation of road safety education programme at all borough schools and the roll-out of small-scale road safety improvements outside and on the approach to schools. Work to implement new pedestrian crossing facilities in the vicinity of Ripple, Southwood, Five Elms, Richard Alibon and Hunters Hall primary schools is currently underway and is expected to be completed by early 2018, with similar proposals earmarked at several other locations (to be confirmed) in 2018/19.

- **Borough Cycle/Walking Link Improvements**

The need to improve cycling and walking links across the borough has been identified by a range of local stakeholders as critical as a means of encouraging a shift to healthy, sustainable modes of travel. A key priority in the MTS, it also figures prominently in the Council's Health and Wellbeing Strategy as well as forming an important element of the Barking Riverside Healthy New Towns programme. New and improved cycling and walking infrastructure will also help achieve the Borough Manifesto target of increasing the proportion of people walking and cycling 30-90 minutes each week. In support of these improvements it is proposed to improve cycle parking/storage facilities throughout the borough. It is also proposed to look at measures to encourage older people to walk more including resting points.

- **Borough-Wide Healthy/Active Travel Programme**

To assist the Council in achieving its Borough Manifesto priorities of enabling social responsibility and keeping adults of all ages and children healthy and safe, and in line with the Growth Commission's recommendations that 'no one should be left behind', it is proposed to continue the successful programme of cycle training across the borough; to assist schools with updating travel plans and delivering small scale physical measures such as cycle parking; and to work with businesses to reduce the impact of freight movements. The Council will also continue its partnership agreement with Living Streets to deliver a range of walking events and initiatives which have proved popular amongst residents and schools and have helped to encourage the take-up of more healthy, active lifestyles. These include initiatives such as led walks around the borough, Walk Leader training to train volunteers to lead walks, and engagement with schools to promote events such as Walk to School week.

- **Future Schemes Development**

Funding has also been set aside for feasibility studies into schemes which can be delivered in subsequent years. This includes future LIP Corridor schemes

aimed at tackling a range of localised congestion, road safety and accessibility problems; as well as new 'Liveable Neighbourhood' schemes with a focus on promoting healthy, active travel in the borough. Priorities for 2018/19 include the Ripple Road gyratory, St Pauls Road roundabout and the 'Lighted Lady' roundabout in Barking Town Centre. Proposals for a new pedestrian crossing facility and supporting road safety measures along Porters Avenue, to address issues of speeding traffic and improve pedestrian accessibility to the nearby Roding Primary school, as identified in the recent Porters Lodge DIY Streets project, will also be developed and could be implemented in the 2019/20 LIP programme.

- **Minor Works**

A minor works programme, comprising a range of ad-hoc measures such as pedestrian access improvements; small-scale public realm enhancements; implementation of cycle parking; reviews of parking and waiting/loading restrictions; etc. is proposed in support of our main LIP Corridors/ Neighbourhood schemes and to address any issues/opportunities that may arise during the course of the year.

Maintenance Programme

- 2.5 Borough funding for principal road maintenance is based on an assessment of need taken from road condition surveys. On that basis, Barking and Dagenham has provisionally been allocated £462,000 in 2018/19 for such schemes.
- 2.6 The Council is required to identify proposals for principal road maintenance, including details of the priorities and criteria that will be used to identify proposed areas of spend, within the LIP spending plan. A key priority for 2018/19 includes St. Pauls Road in Barking.
- 2.7 Funding for bridge assessment and strengthening schemes is allocated to boroughs on a priority basis based on the relative condition of bridges/structures. Circa £7 million is available across London in 2018/19. Work to identify those structures in the borough most in need of repair is underway as part of the work to develop the Council's Highways Asset Management Plan (HAMP).
- 2.8 LIP funding cannot be used to fund repairs to borough's road which are not principal roads. However, when LIP Corridor and Neighbourhood schemes are delivered the opportunity will also be taken, subject to funding, to repair those roads which are included in the Highway's Investment Programme Action List.

Strategic Funding Programmes

- 2.9 A number of additional funding streams are likely to be available to the Council to bid for during the course of 2018/19, including funding to deliver bus priority, cycling and air quality improvements in the borough. However, details of these have still to be confirmed by TfL. In 2016/17 the Council was successful in securing funding through the Crossrail Complementary Measures programme, which has enabled the completion of a range of accessibility and public realm improvements outside and on the approach to Chadwell Heath station – the first borough along the Crossrail route to do so, and well ahead of the opening of Elizabeth Line services in 2019.

Funding was also secured in 2017/18 to undertake feasibility/design works for the introduction of bus priority measures along Longbridge Road as a means of improving bus journey times along this busy corridor, and for the introduction of a new bus service along Goresbrook Road. Work on these studies is set to be completed by early 2018 and any recommendations made will be reported to Cabinet separately.

3. Options Appraisal

- 3.1 The Council is required by TfL to submit an interim 1-year spending plan for 2018/19. Section 2 of this report has provided a justification for the recommended program.
- 3.2 Whilst the focus of the 1-year spending plan is to address local transport issues, the programme is also designed to help deliver the objectives of the MTS.
- 3.3 The LIP programme is also required to be broadly consistent with a range of other national and regional plans and strategies. They include the Healthy Streets for London document and TfL's Business Plan at the pan-London level; and the East London Sub Regional Transport Plan at the sub-regional level.
- 3.4 The LIP programme also aligns with the aims and objectives of a number of local plans and strategies including the Borough Manifesto; Growth Commission Report; the emerging Local Plan; Children and Young People's Plan; Community Safety Strategy and Health and Wellbeing Strategy; and the Highways Asset Management Plan and Highways Investment Programme.

4. Consultation

- 4.1 The programme has been drawn up in consultation with the relevant Council services including planning and regeneration; parking and highways; and public health.
- 4.2 The Cabinet considered and endorsed this report at its meeting on 17 October 2017.

5. Financial Implications

Implications completed by: Katherine Heffernan, Finance Group Manager.

- 5.1 The LIP funding available for the Borough in 2018/19 will be £2,075m. This figure is broadly in line with the level of funding the Authority has received from TfL in both 2016/17 and 2017/18. The funding will continue to be claimed from TfL periodically during the year in line with actual level of spending against each scheme.
- 5.2 It is anticipated that the full programme of works will be carried out within the allocated funding and there will be no impact on the Authority's internally funded capital programme or level of borrowing. Some of the proposed projects will be treated as revenue expenditure as, rather than enhancing the highways infrastructure, they relate to training, publicity or the staging of events. There will be no impact on existing revenue budgets.

- 5.3 Whilst it is unlikely that there will be any ongoing revenue implications associated with the programme (e.g. infrastructure maintenance costs), if additional ongoing maintenance costs do arise, they will be met from the existing highway maintenance programme budget with additional external funding sought where possible.
- 5.4 The revenue cost of monitoring the LIP targets and mandatory indicators will continue to be met from existing Regeneration and Economic Development budgets.

6. Legal Implications

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

- 6.1 The Council is required under Section 146 of the Greater London Authority Act 1999 ('the GLA Act') to submit its Local Implementation Plans to the Mayor of London for his approval. These plans must include a timetable for implementing its proposals and a date by which all the proposals are delivered.
- 6.2 In preparing a Local Implementation Plan the Council must have regard to the Mayor's Transport Strategy. The Mayor will take into consideration whether the Plans is consistent with the Transport Strategy and the proposals and timetable are adequate for the implementation.

7. Other Implications

- 7.1 **Risk Management** – Failure to submit a 1-year LIP funding programme could result in the Council's funding allocation for 2018/19 being withdrawn and the Council having to bear the full costs of any planned transport schemes. A number of the proposed schemes will require further investigation/detailed design work to be carried out before they can be progressed, to ensure all potential risks are properly mitigated.
- 7.2 **Contractual Issues** – Procurement relating to the design/delivery of the scheme will be undertaken in accordance with the provisions of the Council's contract rules and procurement rules including EU procurement rules where applicable. The Legal Partner would be consulted in entering into terms and conditions with suppliers in relation to such procurement.
- 7.3 **Staffing Issues** – There are no specific staffing implications.
- 7.4 **Corporate Policy and Customer Impact** – The schemes in the LIP programme are in line with Council priorities. In particular, the programme will contribute to enabling social responsibility through protecting the most vulnerable, keeping adults and children healthy and safe. The proposed schemes will also benefit all those who live on or travel through the borough including motorists, pedestrians and cyclists and will improve safety along various roads and at key junctions. The programme also contributes to the Council's 'Growing the borough' priority through investment in enhancing our environment.

All schemes are subject to consultation with relevant stakeholders, including TfL, and road safety and accessibility will be considered carefully in drawing up options. Where LIP works are planned at a similar location to planned Highways Investment

Programme works, wherever possible, a coordinated approach will be taken so that local disruption can be kept to a minimum.

- 7.5 **Safeguarding Children** – The LIP Programme includes schemes to improve road safety both through highway safety measures and also through initiatives such as cycle training.
- 7.6 **Health Issues** – It is widely acknowledged that walking and cycling is one of the best ways for people to achieve good health and fitness. The promotion and enabling of walking and cycling in Barking and Dagenham is a key component of the Council's Health and Wellbeing Strategy.
- 7.7 **Crime and Disorder Issues** – Personal safety has been highlighted as a concern by both users and non-users of the local transport network. The Council is addressing these concerns by working with TfL to ensure that roads and footways are well maintained and free from obstructions and infrastructure is safe and secure. The Crime and Disorder Act requires the Council to have regard to crime reduction and prevention in all its strategy development and service delivery. The Council will work with partners to ensure that the infrastructure is delivered with due regard to safety and to reducing the fear of crime.
- 7.8 **Property / Asset Issues** – The precise nature of some of the LIP schemes is still to be determined, however, in general, very little of what is proposed represents 'new' infrastructure. In many cases, schemes are, in effect, 'replacements' for existing infrastructure which would otherwise require maintaining. Where new infrastructure is required, high quality design, durable products and well-engineered schemes should ensure that short term maintenance is not required. In most circumstances, ongoing maintenance costs will be met through the existing highway maintenance programme budgets with additional external funding sought where possible.

Public Background Papers Used in the Preparation of the Report:

- Interim Local Implementation Plan (LIP) Annual Spending Submission Guidance: 2018/19, June 2017; Transport for London (<http://content.tfl.gov.uk/18-19-lip-ass-guidance.pdf>)

List of Appendices:

- Appendix 1: 2018/19 Local Implementation Plan Programme of Investment

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2018/19 Local Implementation Plan Programme of Investment

Scheme Name/ Location	Scheme Summary	Ward(s) Affected	2018/19 Allocation	Project Management/ Delivery Arrangements
Maintenance Programme – Provisional Allocation: £462,000				
Principal Road Resurfacing Programme	Carriageway resurfacing to be undertaken at following priority locations: <ul style="list-style-type: none"> • St. Paul's Road. 	Abbey	£462,000	Management & Delivery: Capital Delivery
TOTAL:			£462,000	
Corridors, Neighbourhoods and Supporting Measures Programme - Provisional Allocation: £1,613,000				
Gale Street Corridor Improvements	Corridor enhancement scheme building on improvements delivered outside Becontree station in 2016/17. Scheme will address long-standing road safety issues, particularly at the junctions with Porters Avenue, Woodward Road/Hedgemans Road, Goresbrook Road and A13; deliver pedestrian/cyclist accessibility improvements, particularly to nearby schools; forthcoming Youth Zone and enhance the local public realm. Measures include: <ul style="list-style-type: none"> • Junction/side road entry treatments; • Upgrade to pedestrian/cyclist facilities; • Review of parking/loading restrictions; • Footway/street furniture repairs and enhancements. 	Goresbrook, Thames, Mayesbrook, Parsloes	£500,000	Management: Regen Delivery: Capital Delivery

Scheme Name/ Location	Scheme Summary	Ward(s) Affected	2018/19 Allocation	Project Management/ Delivery Arrangements
Barking Town Centre Improvements	Continuation of highway/public realm improvements at key locations within the town centre. Focus for 2018/19 includes: <ul style="list-style-type: none"> £200,000 towards phase 2 of the High Street Improvement Programme for East Street, with a focus on strengthening the quality and appearance of one of the high street's key 'gateway' areas and enhancing physical links to the neighbouring Abbey Green; 	Abbey, Gascoigne	£200,000	Management: Regen Delivery: Capital Delivery
River Road/Creek Road/Long Reach Road Corridor Improvements	Continuation of road safety, traffic management and public realm enhancements currently being implemented in the area with the aim of better managing on-street parking; reducing the impacts of commercial vehicles; improving safety and accessibility for pedestrians and cyclists; and improving reliability of local bus services. Specific interventions subject to design/consultation.	Thames	£300,000	Management: Regen Delivery: Capital Delivery
Road Safety Improvements Programme (Various Locations)	Borough-wide road safety improvements programme in support of our LIP objective to reduce the number of road casualties, and to complement our various corridor/ neighbourhood initiatives. Programme for 2018/19 includes: <ul style="list-style-type: none"> £50,000 to address personal injury accidents and reported issues of speeding traffic along Bennetts Castle Lane; £90,000 to address personal injury accidents and improve cycling/walking infrastructure along Dagenham Road; £90,000 to address the issue of rat-running/speeding traffic and to improve cycling/walking infrastructure in the Surrey Road area; £70,000 towards schools' road safety programme, including the continuation of road safety education and the roll-out of small-scale road safety improvements outside and on the approach to schools. 	Borough Wide	£300,000	Management: Parking/Road Safety Delivery: Capital Delivery

Scheme Name/ Location	Scheme Summary	Ward(s) Affected	2018/19 Allocation	Project Management/ Delivery Arrangements
Borough Cycle/Walking Link Improvements	Continuation of programme to provide high quality, safe, accessible and well-connected cycling and walking routes as a means to increase the uptake of these healthy modes of travel within the borough. Includes funding towards the implementation of a 'Quietways' cycle route linking Barking Riverside/Thames View with Dagenham Heathway.	Borough Wide	£100,000	Management: Regen Delivery: Capital Delivery
Borough-Wide Healthy/Active Travel Programme	Continuation of work with borough schools, businesses and residents to promote healthy, active and sustainable travel practices. Funding earmarked for: <ul style="list-style-type: none"> • £60,000 towards the provision of cycle training to cyclists of all ages and the delivery of walking events/initiatives to promote cycling and walking as healthy and sustainable modes of travel; • £53,000 towards the review/update of school travel plans, including funding for promotional events and small scale physical measures (e.g. cycle parking) and the development/implementation of business travel strategies/ logistics plans to reduce the impact of freight movements/ deliveries, etc. Includes contribution towards the cost of employing London Riverside Travel Coordinator. 	Borough Wide	£113,000	Management: Regen Delivery: Regen/ Specialist Suppliers
Future Schemes Development (Various Locations)	Investigative studies to inform future LIP Corridor and Liveable Neighbourhood schemes. Focus will be on promoting healthy, active travel and on securing road safety and accessibility improvements. Priorities for 2018/19 include the Ripple Road gyratory, St Pauls Road roundabout and the 'Lighted Lady' roundabout in Barking Town Centre and Porters Avenue.	Borough Wide	£60,000	Management: Regen Delivery: Capital Delivery/ Term Consultants

Scheme Name/ Location	Scheme Summary	Ward(s) Affected	2018/19 Allocation	Project Management/ Delivery Arrangements
Minor Works (Various Locations)	Ad-hoc measures such as pedestrian access improvements; small-scale public realm enhancements; implementation of cycle parking; reviews of parking and waiting/loading restrictions; etc.	Borough Wide	£40,000	Management: Regen Delivery: Highways/Capital Delivery
TOTAL:			£1,613,000	
GRAND TOTAL:			£2,075,000	

ASSEMBLY

22 November 2017

Title: Gambling Act 2005: Statement of Gambling Licensing Policy 2017 – 2020	
Report of the Cabinet Member for Enforcement and Community Safety	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Theo Lamptey, Service Manager Public Protection	Contact Details: Tel: 0208 227 5655 E-mail: theo.lamptey@lbbd.gov.uk
Accountable Director: Jonathon Toy, Operational Director, Enforcement Services	
Accountable Strategic Director: Claire Symonds, Chief Operating Officer	
<p>Summary</p> <p>The Council, as local licensing authority for gaming and betting, is required under the Gambling Act 2005, to have in place a statement of the principles (a 'policy') by which it will abide in carrying out its licensing responsibilities and to review that policy every three years. The review of the Council's current gambling licensing policy is overdue.</p> <p>On 25 April 2017, the Cabinet approved a draft revised statement of gambling licensing policy for the purposes of public consultation. That consultation took place through July to September 2017. The consultation responses have been considered and the draft policy further revised as appropriate.</p> <p>This report returns the revised draft policy for consideration with a view to adoption as this Authority's formal gambling licensing policy for the period.</p> <p>The draft revised policy (Appendix 1) establishes that the Council has serious concerns of the impact of any further increase in the number of gambling premises may have for the most vulnerable and 'at risk' areas of the borough. The Council considers that it is necessary to seek to strictly control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk, and in line with the duty, to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives.</p> <p>All areas shown within the local area profile as being at high overall risk of gambling related harm, are generally considered inappropriate for further gambling establishments, which would tend to raise the risk of gambling related harm to vulnerable people living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives.</p>	

The draft policy goes on to set out the considerations this Council will have when determining applications for gambling premises licences and details the types of controls the Council might expect to see in place at licensed gambling establishments.

Following formal approval of the Gambling Licensing Policy, notice of the decision must be given in a local newspaper with the effective date made one month on.

The Cabinet is to consider this report at its meeting on 14 November 2017 (the date of publication of this Assembly agenda). Any issues arising from the Cabinet meeting will be verbally reported to the Assembly.

Recommendation(s)

The Assembly is recommended to adopt the Barking and Dagenham Statement of Gambling Licensing Policy 2017 – 2020, as set out at Appendix 1 to the report.

Reason(s)

The review of the policy fulfils the Council's statutory requirement to establish a gambling licensing policy and review that policy every three years.

The revision intends to take advantage of the new provisions contained within the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) by developing a local area profile incorporating local data which will inform local decision-making.

The draft policy also supports the Council's priorities 'Encouraging civic pride' and 'Enabling social responsibility'.

1. Introduction and Background

- 1.1 The Gambling Act 2005 ('the Act') established the national licensing regime for gaming and betting (excepting the national lottery).
- 1.2 The Act provides a two-tier licensing system. The Gambling Commission is responsible for licensing both gambling operators and key industry personnel. Local licensing authorities are responsible for licensing the premises in their area where gambling activities are intended to be provided.
- 1.3 Under the Act, each licensing authority is required to publish a statement of licensing policy and to review this every three years. This Authority published its initial statement in 2007. It has been updated periodically but is now overdue for revision. Each revision of the policy must be subject to public consultation.
- 1.4 The statement of policy aims to set out how the licensing authority intends to approach its licensing responsibilities under the Act.
- 1.5 In carrying out its licensing functions, the Authority is directed by s153 of the Act to "aim to permit" the use of premises for gambling in so far as it thinks it is:
 - In accordance with any code of practice issued by the Gambling Commission;

- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the licensing authority's own statement of policy.

1.6 The three licensing objectives stated in the Act are:

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

1.7 Local licensing authorities are concerned with the third objective (in particular) but with the first objective also.

1.8 Many local licensing authorities have held long standing concerns that, due to the "aim to permit" direction, insufficient consideration has been given to local context and circumstance within licensing decisions. This has led to: -

- Frustration within local licensing authorities over lack of discretion
- A perceived uncontrolled growth in gambling establishments, particularly betting shops driven by their ability to install up to 4 x £500 jackpot Fixed Odds Betting Terminals
- The perceived concentration of betting shops in high street locations in more deprived areas
- Concern that vulnerable people are being targeted and exploited
- Concern that children are being regularly exposed to gambling and gambling is becoming 'normalised'

1.9 In 2016, however, the Gambling Commission made some key changes to the standard Licence Conditions and Codes of Practice (LCCP) with which all licensed Operators must comply with under their Operators' Licence. The Social Responsibility Code, which forms part of the LCCP, now requires prospective and current operators to have regard within their business operating risk-assessments to local risks including any set out in the local authority statement of policy. This has provided a first opportunity for local issues to be considered within licence application determinations.

1.10 On 24 April 2017, the Cabinet considered and approved a draft revised statement of gambling licensing policy for the purpose of public consultation. The draft revision looked firstly to ensure that the policy is consistent with current legislation and the latest Gambling Commission Guidance to Local Licensing Authorities (September 2015). Additionally, in recognition of the recent changes made to the Commission's LCCP, the draft revision was supported by, and informed through, the development of a model of local area based vulnerability to gambling related harm. This 'local area profile' was compiled using spatial analysis techniques drawing on published, relevant and reliable socio-economic; public health and anti-social behaviour data sets.

1.11 In the light of the findings of the analysis, the draft policy made a number of important statements (section 42 of the draft policy):

- That the Council considers it necessary to limit facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk.
- That areas where there is high overall risk of gambling related harm are inappropriate for further gambling establishments.
- That operators are asked not to consider locating new premises or relocating existing premises within such areas

1.12 It remained the case that each application is required, by law, to be considered upon its own merits and so the draft policy could not set out to refuse all future licence applications. However, the draft policy looked to establish a framework which best places the Council to make future licensing decisions which take into account local information and address local circumstances and concerns.

1.13 Under the draft policy, applicants for each category of gambling premises licences would be required to review the content of the local area profile and address the concerns raised by it, within their local business operating risk-assessments, by way of appropriate proactive mitigation and control measures. Applicants are asked to provide a copy of their local business risk-assessment as part of their application.

1.14 Although initially delayed by the general election, the public consultation exercise took place through July to September 2017. This report details the response received; the main issues raised within that response; and provides a revised draft policy statement for adoption. A copy of the revised statement is attached at Appendix 1, which includes a copy of the supporting risk assessment of local gambling related harm (Appendix E to the main policy document).

2. Proposals and Issues

The Public Response to the Consultation on the Draft Revised Barking and Dagenham Statement of Gambling Licensing Policy 2017-2020

2.1 Overall, a total of 123 responses were received to the public consultation exercise. The majority of responses (119) were received through an online questionnaire made available on the Council's web site.

2.2 In general, the response to the draft policy from the questionnaire was very positive. Full details of the responses received through the online questionnaire are available on the Council's website at [Gambling Policy Consultation - Online Responses](#). A summary of the primary questions asked within the questionnaire is provided in Table 1 below.

Table 1 – Summary of responses to main questions asked within the public consultation			
No	Question	Response	No of respondents
1	Do you believe that gambling may be potentially harmful to vulnerable people	Yes 95% No 4%	113 / 119
2	Do you believe that gambling may be potentially harmful to children and young people?	Yes 93% No 6%	111/119
3	From your own personal knowledge of the numbers of gambling premises and gambling	Too much 88% About right 6%	105/119

	machines available to play within LBBDD, do you consider that there is?	Not enough 1%	
4	Do you consider the Council needs to have a policy which manages the level of local gambling facilities offered?	Yes 96% No 2%	113/118
5	Would you support a local policy which restricts (as far as the law allows) gambling in areas where there is high-risk of alcohol related harm?	Yes 91% No 5%	107/117
6	Would you support a local policy which aims to ensure that gambling premises have standards of management?	Yes 85% No 9%	99/117

- 2.3 As can be seen from Table 1, 88% of respondents considered that the numbers of gambling premises and gambling machines available to play within the borough was too high. A supplementary question asked those who considered numbers to be ‘too high’ to name specific areas where they considered this to be the case. A summary of the areas named most frequently is provided in Table 2 below.

Table 2 – Areas where there is greatest concern over the level of gambling facilities offered	
Locality	No of consultation responses
Barking Town Centre & surrounding area	45%
Dagenham Heathway	13%
Upney	6%

- 2.4 Barking Town Centre is identified as the main area of risk of gambling related harm in the analysis supporting the policy.

Detailed responses

- 2.5 Additionally, more detailed responses were also received from the Council’s Planning and Trading Standards Services; Public Health and The Association of British Bookmakers (ABB). Each of the responses are provided in full in Appendix 2 together with some commentary on the individual points raised.
- 2.6 Planning, Trading Standards, and Public Health are all generally supportive of the policy.
- 2.7 The ABB, however, provided a detailed and critical response which raised a number of issues. Each matter has been given careful consideration. Following review of the draft policy and the points raised by the ABB with Counsel, a number of amendments to the policy are proposed. A summary of the comments made by Counsel in consideration of the draft policy, in the light of the content of the response received from the ABB, and of the resultant amendments made to the policy is attached at Appendix 3. The main amendments are summarised below:
- The statement given in Section 42 of the policy dealing with the local area profile has been amended so as to give more acknowledgement to the current ‘aim to permit’ direction given to the Authority under statute and the need to judge each application on its own merits. A revised statement is proposed as follows with the amendments shown in italics –

“This position gives rise to serious concerns of the impact of any further increase in the number of gambling premises may have for the most vulnerable and ‘at risk’ areas of the borough. Because of this, this Authority considers that it is necessary to seek to strictly control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk, and in line with the duty to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives

It is this Authority’s position that all areas shown within the local area profile as being at high overall risk of gambling related harm are generally considered inappropriate for further gambling establishments, which would tend to raise the risk of gambling related harm to vulnerable people living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives.

- A similar acknowledgement is suggested in Section 47 dealing with ‘How applications for premises licences will be assessed’ as follows:

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

- Have had regard to the content of the local area profile and to the guidance and best practice advice provided within this document.
 - Have engaged in constructive discussion with the appropriate relevant responsible authorities where risks and concerns are raised
 - Be able to demonstrate that the risks raised within the local area profile, this policy and through representations have been adequately addressed by submitted operating schedules
 - Seek to promote the licensing objectives
- An acknowledgement has been added to Section 105 on location (as indicated)

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

- Section 137 on premises licence reviews has been expanded to include additional information about the circumstances under which a premises licence

“By virtue of s.198, an application may, but need not, be rejected if the licensing authority thinks that the grounds on which the review is sought:

- Are not relevant to the principles that must be applied by the licensing authority in accordance with s.153, namely the licensing objectives, the

Commission's codes of practice and this Guidance, or the licensing authority's statement of policy

- Are frivolous
- Are vexatious
- 'Will certainly not' cause the licensing authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence
- Are substantially the same as the grounds cited in a previous application relating to the same premises
- Are substantially the same as representations made at the time the application for a premises licence was considered."

2.8 As noted other amendments are detailed within Appendices 2 and 3. Additionally some statistical information and contact details have been updated where necessary.

Department of Culture Media and Sport (DCMS) consultation on proposals for changes to gaming machines and social responsibility measures

2.9 In 2016, the Government launched a review of gaming machines and social responsibility measures which began with a Call for Evidence. Responses to the Call for Evidence have been published (<http://www.gov.uk/government/consultations/call-for-evidence-review-of-gaming-machines-and-social-responsibility-measures>) as part of this package. The Government's stated objective in initiating this review was to ensure that "the right balance is struck between a sector that can grow and contribute to the economy, while also ensuring it is socially responsible and doing all it should to protect consumers and communities, including those that are just about managing."

2.10 On 31 October 2017, the DCMS published a consultation that covers proposals relating to:

- Maximum stakes and prizes for all categories of gaming machines permitted under the Gambling Act 2005;
- Allocations of gaming machines permitted in all licensed premises under the Gambling Act 2005;
- Social responsibility measures for the industry as a whole to minimise the risk of gambling-related harm, including on gambling advertising, online gambling, gaming machines and research, education and treatment (RET)

2.11 The consultation closes at midday on 23 January 2018. At the time of writing of this report the content of the consultation has not yet been absorbed and considered, however, it is anticipated that an appropriate response will be prepared and submitted in due course.

2.12 The launch of this further consultation does not negate the need for this Authority's policy to be updated in the meantime, nor does it immediately impact upon the proposed content of the policy. The next update of the policy will be due by 31 January 2019 by which time the implications of the DCMS consultation should be clear.

3. Consultation

3.1 Each review of the Council's statement of licensing policy is required to be subject of public consultation in accordance with the provisions of the 2005 Act. Public consultation was carried out in respect of this policy revision through July to September 2017. The consultation comprised:

- Direct notifications sent to
 - Responsible authorities and partner services
 - Local licence holders and trade representative groups
 - Representatives of local resident and known local interest groups
 - Ward councillors
 - Neighbouring licensing authorities
- An online questionnaire made available on the Council's web site, together with a copy of the policy and supporting information
- Awareness raising through use of
 - Flyers distributed across the borough
 - Information given in the local e-newsletter
 - Social media

3.2 The draft Policy is also due to be considered at the Cabinet meeting on 14 November 2017.

4. Timetable for progression

4.1 The final draft policy is required to be approved and adopted by the Assembly. Once that decision is made, notice of the decision must be given in a local newspaper with the effective date made one month on.

5 Financial Implications

Implications completed by: Katherine Heffernan, Finance Group Manager

5.1 The resources devoted to the preparation of the policy are contained within the Regulatory Services budget.

5.2 Fees associated with this policy are reviewed and agreed by Cabinet as part of the council's standard annual Fees and Charges review process.

6. Legal Implications

Implications completed by Dr Paul Feild, Senior Corporate Governance Lawyer

6.1 Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 year. Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Policy.

6.2 Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act.

7. Other Implications

- 7.1 **Risk Management** – This review of the Council’s gambling licensing policy fulfils the requirement under the Gambling Act 2005 for the Council to have and regularly review and update a statement of policy.
- 7.2 **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 revised policy is subject of an Equalities Impact Assessment which has been informed by this process.
- 7.3 **Safeguarding Children** - The third licensing objective specifically deals with the protection of children. 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 and advertising. Child Protection are a statutory responsible authority under the Act and are consulted on all new and varied premises licence applications.
- 7.4 **Health Issues** - Although public health is not a licensing objective, the draft policy recognises the potential impacts of gambling related harm and is intended to provide adequate protections to vulnerable persons. The draft policy promotes socially responsible premises management. Public Health are a statutory responsible authority under the Act and are thereby consulted on all new and varied premises licence applications.
- 7.5 **Crime and Disorder Issues** - The first licensing objective specifically deals with the prevention of crime and disorder. As such, the draft policy considers issues such as location and local levels of crime. The development of the revised policy is being carried out in conjunction with expert responsible authorities.
- 7.6 **Property / Asset Issues** - None directly. Any licensable gaming or betting activity provided on Council-run venues would be subject to the same controls as other commercially run venues or facilities.

Public Background Papers Used in the Preparation of the Report:

- Summary of Responses to the Public Consultation from the Council’s Online Questionnaire
<https://modgov.lbbd.gov.uk/Internet/documents/s117297/Gambling%20Policy%20Report%20-%20Online%20Responses%20-%20Background%20paper.pdf>

List of appendices:

- Appendix 1 – The Draft Barking and Dagenham Statement of Gambling Licensing Policy for 2017-2020 (incl. the Analysis of Gambling Related Harm provided by the Insight Hub)
- Appendix 2 – Summary of more detailed responses received to the consultation
- Appendix 3 – Summary of amendments made to the policy following consultation

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APPENDIX 1

London Borough of Barking & Dagenham

Gambling Act 2005

**Draft Statement of Gambling Licensing
Policy 2017-2020**

Notes

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

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

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

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

This policy was adopted by the Assembly on The policy took effect from

Executive Summary

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

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

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

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

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

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

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

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

Integral to this has been the analysis of gambling related harm which informs Section 3 of this policy. The analysis explored local area based vulnerability to gambling related harm and, as such, provided both context to this policy and a 'local area profile'. This enables consideration to be given to local issues that must be addressed by local operators and to the extent to which any further development of a gambling offer within the borough may be appropriate.

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

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

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

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

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

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Section One – Introduction

About Barking and Dagenham

1. The London Borough of Barking and Dagenham is located at heart of the Thames Gateway, just a 15-minute train journey from central London.
2. Barking and Dagenham has a small population, estimated to stand at around 209,000 by the GLA datastore, representing an increase of 7,000 from June 2015. However, the borough has a young population. The average age in Barking and Dagenham is 32.9 years of age, lower than the London average of 36 years. The 56,800 children (persons aged between 0 and 15) equate to 27% of the local population. Some 130,700 people of working age (aged between 16 and 64) which is 63% of the population and there are 20,900 people of retirement age (65 and over) reflecting 10% of the population. Barking and Dagenham also has a diverse, multi-cultural community. The borough's BME population represents 49.3% of the total population. Nigeria is the most common birthplace of residents from outside of the UK (4.7%) followed by India and Pakistan (2.3% each). 18.7% of residents do not have English as their first language ¹.
3. Barking and Dagenham has its challenges. Both male and female life expectancy (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, strategic transport links and a location to major markets in the South East (and on to Europe), Barking and Dagenham has real potential and aspires to become a destination of choice, where people stay and feel welcome.
5. With its excellent road and rail links, Barking and Dagenham is one of London's best-connected boroughs. Connections are set to improve further with new transport links currently under construction and in the pipeline, all intended to support the capital's eastward growth.
 - Crossrail will operate from Chadwell Heath from 2019
 - The London Overground will be extended to Barking Riverside by 2020
 - A new C2C station will open at Beam Park in 2020
 - Proposals to improve the A13 are under active consideration
 - Plans for the new River Thames crossings serving east London are underway

¹ LBBDD Key demographic facts July 2016

² As above

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

Vision and priorities

10. Our vision for the borough is "One Borough; One Community; 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, its 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

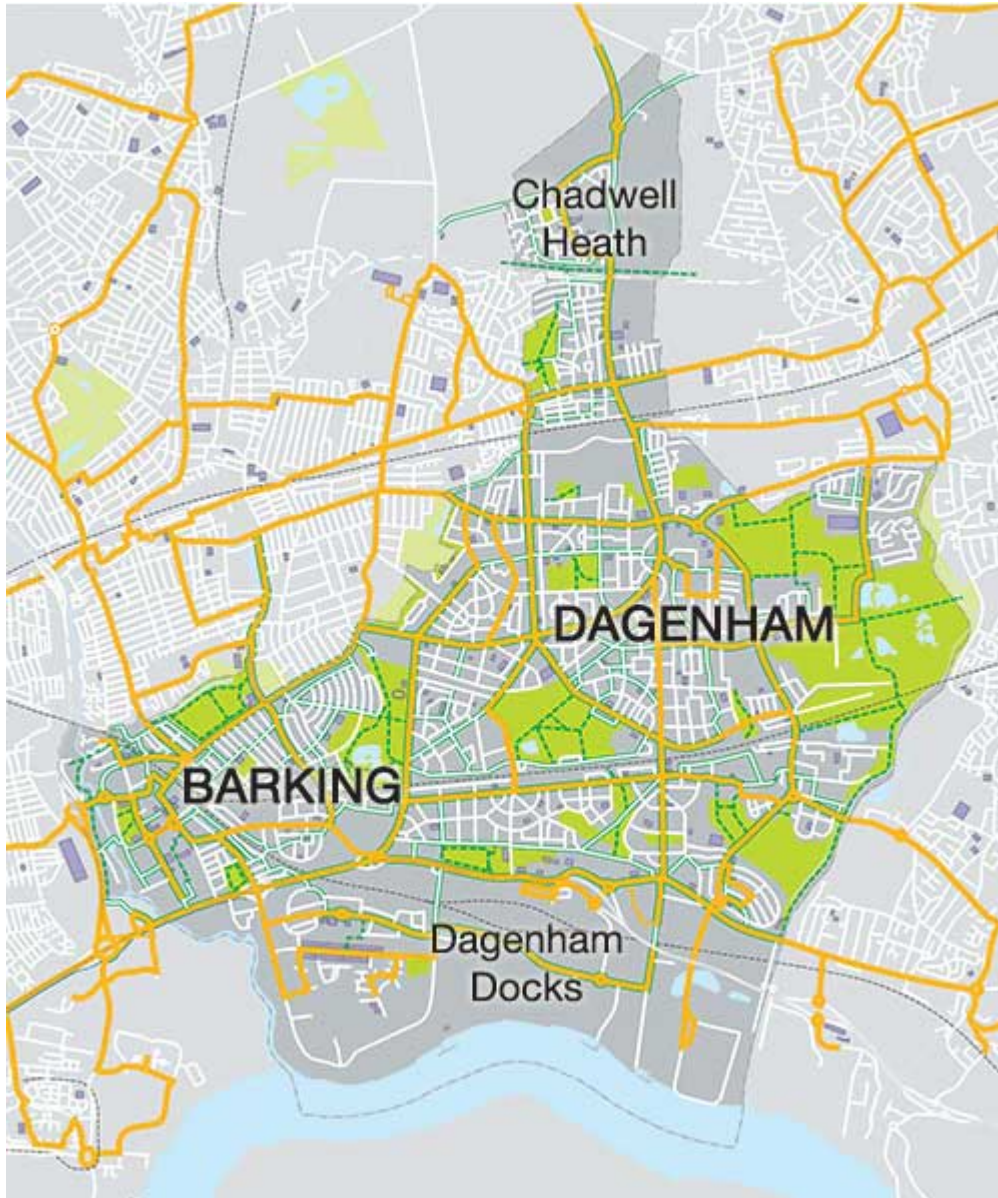


Figure 1 – Map of Barking and Dagenham

Section Two - Purpose and Scope of this Policy

The aim of the policy

12. The aim of this policy is -

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

Local authority functions

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

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

The licensing objectives

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

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

Licensing authority discretion

15. Licensing authorities have a broad discretion to regulate the local provision of gambling and the Act gives wide-ranging powers to do so. Those include the power:
- To issue a statement of licensing policy, setting expectations about how gambling will be regulated in the local area
 - To grant, refuse and attach conditions to premises licences
 - To review premises licences and attach conditions or revoke them as a result
16. In exercising its functions under the Act, s.153 states that licensing authorities shall aim to permit the use of premises for gambling, in so far as it thinks it:
- In accordance with any code of practice under s24
 - In accordance with any relevant guidance issued by the Commission under s.25
 - Reasonably consistent with the licensing objectives (subject to the above) and in accordance with the licensing authority's statement of licensing policy

Limits on local authority discretion

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

Other considerations

21. Licensing authorities should regulate gambling in the public interest.
22. While this statement of policy sets out a general approach to the exercise of functions under the Act, it does not override the right of any person to make an application and have that application considered on its own merits. Additionally, this statement does not seek to undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.
23. As far as is reasonably possible, this Authority will avoid duplication with other regulatory regimes.

Consideration of planning permission and building regulations

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

Human Rights Act 1998

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

Exchange of information

28. S.29 of the Act enables the Commission to require information from licensing authorities, including the manner in which the information is compiled, collated and the form in which it is provided, providing that it:
- Forms part of a register maintained under the Act
 - Is in the possession of the licensing authority in connection with a provision of the Act
29. S.350 of the Act allows licensing authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. Those persons or bodies are listed in Schedule 6 of the Act as
- A constable or police force
 - An enforcement officer
 - A licensing authority
 - HMRC
 - The First Tier Tribunal
 - The Secretary of State
30. In exchanging information, this Authority will act in accordance with the relevant legislation, including the Data Protection Act 1998. This Authority will also have regard to any Guidance to local licensing authorities issued by the Commission, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act. Where the law allows, this Authority will agree secure mechanisms to share information with other regulators about gambling premises to help target resources and activities and minimise duplication.

Scheme of Delegation

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

Table 1 – Delegation of decisions and functions

Matter to be dealt with	Council Assembly	Licensing Sub-Committee	Officers
Final approval of three-year policy	X		
Policy not to permit casinos	X		
Fee setting (where appropriate)	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations have been received or representations withdrawn
Application for variation of a premises licences		Where representations have been received and not withdrawn	Where no representations have been received or representations withdrawn
Application for transfer of a premises licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received or representations withdrawn
Review of a premises licence		X	
Application for a club gaming / club machine permit		Where objections have been made (and not withdrawn)	Where no objections have been made / objections have not been withdrawn
Cancellation of a club gaming / club machine permit		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Section Three – Local Area Profile

Background

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

The local area profile

37. As has been recognised by the Responsible Gaming Strategy Board, there is evidence that some groups in the population may be more vulnerable to gambling related harm. This not only applies to people on low incomes but also people who are less able to make reasoned decisions because of poor mental health or addiction. Children and young people may be particularly susceptible, as their youth and inexperience may make them more inclined to risk-taking behaviour and less able to manage the consequences of those decisions. Statistics indicate that some BME groups may also be vulnerable
38. To help support applicants and licence holders to better understand their local environment, an analysis of gambling related harm has been prepared as a 'local area profile'. A copy of the document is provided at Appendix E. By drawing on relevant and reliable published socio-economic and public health data sets together with local police data concerning anti-social behaviour, the local area profile uses special analysis techniques to provide a model of area-based vulnerability to gambling related harm across the borough.
39. Both current operators and potential new operators to the borough are asked to consider the detail provided carefully, and should have regard to both the overall summary map and the individual mapping provided in respect of each relevant data set.

40. The general introduction to Barking and Dagenham provided in Section One of this policy demonstrates that this borough is an improving borough. However, as can be readily seen from the analysis provided under the local area profile, this Council's area compares poorly with its neighbours under the Index of Multiple Deprivation (IMD) 2015.
41. The assessment of the 37 separate indicators that make up the IMD indicates this borough is subject to widespread deprivation to which gambling related harm contributes.
42. This position gives rise to serious concerns of the impact of any further increase in the number of gambling premises may have for the most vulnerable and 'at risk' areas of the borough. This Authority considers that it is necessary to seek to strictly control the number of facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk, and in line with the duty, to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives. All areas shown within the local area profile as being at high overall risk of gambling related harm, are generally considered inappropriate for further gambling establishments, which would tend to raise the risk of gambling related harm to vulnerable people living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives.
43. Wherever the facilities are proposed, operators should consider, having regard to the individual mapping provided, each of the specific characteristics of their local area. Each premises' specific risk-assessment should recognise these and provide appropriate proactive mitigation or control measures.
44. This Council would also recommend that operators consider the following matters when making their risk-assessment.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling
 - Gaming trends that may reflect benefit payments
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends
 - The urban setting such as proximity to schools, commercial environment, factors affecting footfall
 - The range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
 - Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, or other street related disorder.
45. The local area profile is intended to help facilitate constructive engagement between operators and licensees and a more co-ordinated response to local risks. The local area

profile will be updated from time to time to ensure that the information contained within is current and relevant.

46. Licensees are required to share their risk assessment with the Authority when applying for a premises licence or for a variation of a licence, or otherwise at the request of the Authority, for instance during the course of a premises inspection conducted by authorised officers. This Authority asks that a copy of the relevant risk-assessment is kept available on the premises.

How applications for premises licences will be assessed

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

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

48. This Authority may require additional information where appropriate.

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

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

- The type of premises
- The location of the premises
- The proposed or current hours of operation of the premises
- The configuration and layout of the premises
- The nature of the local area, and the implications for the risk of gambling related harm, including where appropriate the recorded levels and types of crime and/or the levels of deprivation
- The extent to which the risk-assessment provided by the operator acknowledges and proactively deals with local concerns as raised under the local area profile contained within this policy
- Matters relating to children and young people
- Matters relating to vulnerable adults

- The level of control measures proposed
- Whether the application establishes high levels of management
- The compliance history of the premises management, if current
- The views of the responsible authorities
- The views of interested parties

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

Conditions

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

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

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

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

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

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

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

- S.169(4) prohibits a licensing authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition
- S.172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation

- S.170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence
- S.171 prevents a licensing authority imposing conditions in relation to stakes, fees, winnings, or prizes.

Compliance with Commission Licence Conditions and Codes of Practice

55. In considering the matter of conditioning of licences this Authority is aware of the content of the current version of the Commission's Licence Conditions and Codes of Practice (January 2017 effective from 1 April 2017). These may be viewed in full by visiting <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>
56. The licence conditions and codes of practice apply to all new and existing licences, including any holder of a personal or operating licence issued under the Gambling Act 2005.

Section Four – Premises licences

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

Types of premises licences

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

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

Applications

59. Applications for premises licences and club premises certificates must be made on the prescribed form (available from <https://www.lbbd.gov.uk/business/licenses-and-permits/gambling-licences-and-permits/gambling-premises-licence/overview/>) and accompanied by:

- The prescribed fee
- The prescribed documents, namely a plan of the premises (ideally at 1:100 scale, unless otherwise agreed with the Authority)

60. Applications must be completed in full and signed and dated. If an application is submitted incomplete it will not be processed.

61. Similarly, a licence application, and any licence subsequently issued, is not valid if the relevant 'application notices' have not been made. These include

- A notice placed outside the premises for 28 consecutive days in a place where it can be easily seen and read by passers by
- A public notice placed in a newspaper or newsletter of local relevance on at least one occasion within ten days of the application being made
- Notice provided to all of the relevant responsible authorities, including the Commission, with seven days of the application being made.

Responsible authorities

62. Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences.
63. S.157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:
- The licensing authority in whose area the premises is wholly or partly situated
 - The Gambling Commission
 - The Chief Officer of Police
 - The fire and rescue authority
 - The local planning authority
 - The council's environmental health service
 - A body designated in writing by the licensing authority, as competent to advise about the protection of children from harm
 - HM Revenue and Customs
 - Any other person prescribed by the Secretary of State

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

64. This Authority has determined the local Safeguarding Children Board as the body competent to advise on the protection of children from harm.
65. The principles that this Authority has applied in designating the competent body are:
- The need for the body to be responsible for the area we cover
 - The need for the body to be able to provide professional expert opinion
 - The need to ensure accountability, through being answerable to elected members rather than any particular interest group

Interested parties

66. S.158 of the Act defines interested parties. To accept a representation from an interested party, this Authority must take the view that the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities
 - Has business interests that might be affected by the authorised activities
 - Represents persons in either of these two groups
67. When determining whether a person 'lives sufficiently close to the premises' this Authority will take the following factors into account:

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

68. When determining whether a person has business interests that might be affected by the authorised activities this Authority will recognise that the 'demand test' from previous legislation does not apply and, therefore, that view that an application provides competition to an existing local business will not be considered sufficient reason for a representation. In establishing that a relevant business is likely to be affected, factors that are likely to be relevant include:

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

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

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

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

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

Definition of premises & split premises

72. This Authority notes that the Act defines 'premises' as including 'any place' and that s.152 of the Act prevents more than one premises licence applying to any place.
73. It is understood that there is no reason, in principle, why a single building could not be subject to more than one premises licence, provided the licences are issued in respect of different parts of a building that can be reasonably regarded as being different premises. However, this Authority will give very close attention to any application which proposes to sub-divide a single building or plot.
74. Whether different parts of premises can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the proposed division is likely to be a matter for discussion.
75. This Authority does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If the premises are located within a larger venue, this Authority will require a plan of the venue on which the premises should be identified as a separate unit.
76. Each application will be considered upon its own merits. However, in cases where this Authority considers that a proposal is intended to create separate premises with additional gaming machine entitlement and this impacts upon the licensing objectives, then this Authority will not automatically grant a licence even where the mandatory conditions relating to access between premises are observed.

Multi-activity premises

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

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

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

79. A premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling will only be issued in relation to premises that the Authority can be satisfied are going to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. S204 of the Act provides for potential operators to apply for a provisional statement that he / she

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

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

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

Standards of management

81. This Authority expects all licensed operators to strive to achieve the highest standards of premises management across all facilities for gaming and betting within Barking and Dagenham.

82. To this end, premises management are expected to have an excellent and in-depth knowledge of relevant gambling law and regulations, and be able to demonstrate a full understanding of the importance of social responsibility provisions and the need to provide adequate protection of children and vulnerable people.

83. All customer-facing staff in licensed premises should also have sufficient understanding and knowledge to recognise the indicators of problem gambling and take appropriate steps to deal with this; and to promote socially responsible gaming.

84. As working in gambling establishments can also carry risks for the staff involved, it is expected that adequate staffing provision is maintained at all times and that incidents of lone working especially late at night, should be minimised. All working practices should be covered by appropriate risk-assessments.
85. Additionally, a full record of all incidents, actions and interventions should be maintained at all times and made available for inspection at the premises. This Authority would also ask that operators support the Council and partner authorities by displaying healthy lifestyle information regarding such as alcohol consumption, local smoking cessation services and local support for mental health problems and debt advice, as and when this is made available.

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

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

- Steps proposed to be taken to redress the recurrence of any historical crime and disorder issues
- Steps proposed to prevent anti-social behaviour associated with the premises, such as street drinking, litter, and obstruction of the highway
- The likelihood of any violence, public disorder, or policing problems if the licence is granted

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

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

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

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

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

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

(a) Protecting children

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

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

- The location and supervision of entrances
- Security measures at the premises including the installation and maintenance of CCTV
- The provision of licensed door supervisors

- Arrangements for age verification
- Arrangements for segregation between gaming and non-gaming areas in premises where children are permitted
- Arrangements for supervision of machine areas in premises where children are permitted
- The provision of signage and notices

96. With limited exceptions, however, the intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering premises which are adult-only environments. This Authority will consider whether staff will be able to adequately supervise the gambling premises to ensure this.

97. This Authority will also consider whether the structure or layout and configuration of a premises either inhibits adequate supervision of the premises or prohibits it. In such cases, an applicant for a licence should consider what changes are or might be required to mitigate this. Such changes might include:

- The positioning or relocation of staff or CCTV to enable direct lines of sight of entrances / machines
- The use of floor walkers to monitor use of machines

98. The Commission's general licence conditions and associated codes of practice include requirements as part of Operating Licences that licensees must have and put into effect social responsibility policies and procedures designed to prevent under age gambling and monitor the effectiveness of these.

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

(b) Protecting vulnerable adults

100. The Act does not seek to prohibit groups of adults from gambling in the same way that it does children.

101. While the Commission does not seek to define 'vulnerable adults' it does, for regulatory purposes, assume that this group includes people who may gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

102. The Commission's general licence conditions and associated codes of practice include requirements as part of Operating Licences that licensees must have and put into

effect policies and procedures that promote socially responsible gambling. In particular, the codes of practice place responsibilities on licensees

- To make information readily available to customers on how to gamble responsibly and how to access information about, and in respect of, problem gambling
- For customer interaction where they have a concern that a customer's behaviour may indicate problem gambling
- To participate in the national multi-operator self-exclusion scheme
- To take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling
- To take all reasonable steps to prevent any marketing material being sent to a self-excluded customer

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

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

(c) Location

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

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

- Schools
- Parks, playgrounds and open spaces
- Stations and transport hubs where large numbers of children may be expected to congregate
- Leisure facilities, youth clubs and community centres
- Hostels or other accommodation for vulnerable children, young persons and adults
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

- Faith premises and places of public worship (including churches, temples, mosques and other), which may tend to be frequented by children and/or vulnerable people.
- Areas that are prone to issues of youths congregating, including (but not limited to) for the purposes of participating in anti-social behaviour, activities such as graffiti / tagging, underage drinking etc.
- Recorded instances of attempted underage gambling

Access to premises by children and young persons

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

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

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

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

Challenge 25

109. All premises should operate a proof of age compliance scheme. This Authority recommends that any proof of age scheme should be based on the principles of 'Challenge 25' and should involve

- Persons appearing to staff to be under the age of 25 attempting to enter the premises or take part in gambling activities should be required to produce valid age identification

(comprising any PASS accredited card or passport or driving licence) before being admitted or being allowed to take part

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

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

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

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

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

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

Casinos

113. S.166(1) of the Act states that a licensing authority may resolve not to issue casino premises licence. This Authority has not passed such a resolution but it is aware of the power to do so. Should this Authority decide in the future to pass such a resolution, this

Statement of Policy will be updated. Any such decision must be taken by the full Council Assembly.

Bingo

114. A holder of a bingo licence is able to offer bingo in all its forms. Children and young persons are permitted in bingo premises, but may not participate in the bingo. As children and young persons may be present upon bingo premises, careful consideration will be given to protection of children from harm issues. Social responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and practices take account of the structure and layout of their gambling premises in order to prevent under-age gambling'. Where category B or C machines are available for use, these must be separated from areas where children and young people are allowed.
115. To prevent a situation where a bingo premises licence is obtained primarily to benefit from the gaming machine entitlement that it provides, this Authority will wish to satisfy itself that bingo can be played in any premises for which such a licence may be granted. Scrutiny will be given to any application for a new licence in respect of any excluded area of existing premises.
116. In addition, young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. This Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

Betting

117. The Act establishes a single class of licence covering betting, although there are two types of premises that require licensing. These are for 'off course' betting and track betting. Both are licensed by the local licensing authority. This section of the policy concentrates on 'off course' betting that takes place other than at a track and includes an entitlement to provide up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.
118. This Authority has particular concerns over the use of the B2 Fixed Odds Betting Terminals (FOBTs) within betting shops. While it is appreciated that it is permissible for a betting operator to provide solely FOBTs as their allocation of gaming machines, the high prize, high stake gaming provided enables considerable sums of money to be spent in a very short period of time, which increases the risk of gambling related harm. An applicant will in each case be expected to demonstrate that they can offer sufficient facilities for betting alongside any gaming machine provision.

119. Where Fixed Odds Betting Terminals (FOBTs) are provided, these gaming machines should be located within direct line sight of the supervised counter. Information leaflets and posters shall be provided in close proximity to the location of any FOBTs. These should be aimed at customers / families / friends, and provide information on how to identify signs of problem gambling and available pathways to advice and assistance (e.g. helpline numbers and online counselling services).
120. Where the local area profile identifies any relevant local risk of gambling related harm, operators should consider additional protections for the vulnerable. These could include
- Removing Automated Teller Machines (ATMs) from the betting office
 - Restricting FOBTs to account based play
121. Licensed betting premises are only permitted to offer gambling facilities between 0700 and 2200 hours, unless the local authority has agreed an extension of operating hours. This Authority is also concerned that longer operating hours may attract the more vulnerable, such as those who may be intoxicated or have gambling addictions. Consequently, this Authority is unlikely to grant any extension of operating hours unless it is satisfied that robust measures will be in place to protect the vulnerable.
122. Children and young persons are not permitted to enter licensed betting premises. Social Responsibility (SR) Code 3.2.7(3) in the Licence Conditions and Codes of Practice (LCCP) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent under-age gambling.
123. As per the Commission's Guidance, this Authority will wish to consider restricting the number and location of betting machines in respect of applications for betting premises licences. The council when considering the number/ nature/ circumstances of betting machines an operator wants to offer will follow the Gambling Commission's Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
124. This Authority will also have regard to the local area profile set out in section three of this policy and to the risk-assessment compiled in response to it.

Track betting

125. S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
126. Tracks may be subject to more than one premises licence, as long as each licence applies to a specific area of the track. Children and young people are able to enter track areas when facilities for betting are provided on days when dog racing or horse racing takes place. This exemption does not extend to other adult only areas.
127. This Authority will expect an applicant to demonstrate that they will put suitable measures in place to ensure that children do not have access to adult-only gaming facilities.

Adult gaming centres

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

Licensed family entertainment centres

132. The Act creates two classes of family entertainment centre (FEC). This part of the policy concerns licensed FECs. Unlicensed FECs are dealt with in Section 5. Persons operating a licensed FEC must hold a 'gaming machine general operating licence (Family Entertainment Centre)' from the Commission and a premises licence from the relevant licensing authority. They are able to make category C and D gaming machines available.

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

Premises licence reviews

137. Requests for a review of a premises licence may be made by an interested party or a responsible authority, in which circumstances it is for this Authority to decide whether to carry out a review. By virtue of s.198, an application may, but need not, be rejected if the licensing authority thinks that the grounds on which the review is sought:
- Are not relevant to the principles that must be applied by the licensing authority in accordance with s.153, namely the licensing objectives, the Commission's codes of practice and this Guidance, or the licensing authority's statement of policy
 - Are frivolous
 - Are vexatious
 - 'Will certainly not' cause the licensing authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence
 - Are substantially the same as the grounds cited in a previous application relating to the same premises

- Are substantially the same as representations made at the time the application for a premises licence was considered.
138. In addition, s.200 of the Act provides that licensing authorities may initiate a review in relation to a particular premises licence or a class of premises licence.
139. In relation to a class of premises, a licensing authority may review the use made of premises and the arrangements that premises licence holders have made to comply with licence conditions
140. A licensing authority may review any matter connected with the use made of a premises if:
- It has reason to suspect that premises licence conditions are not being observed
 - The premises is operating outside of the principles set out in the licensing authority's statement of policy
 - There is evidence to suggest that compliance with the licensing objectives is at risk
 - There is any other reason which gives cause to believe that a review may be appropriate, such as a complaint from a third party.
141. Any formal review would normally be at the end of a process of ensuring compliance by the operator(s) which might include an initial investigation by a licensing authority officer and informal mediation or dispute resolution. If the concerns are not resolved then, after a formal review, this Authority may impose additional conditions or revoke the licence.

Section 5 – Other consents

142. The Act introduces a range of permits which are granted by licensing authorities, intended to provide a 'light touch' approach to low level ancillary gambling where stakes and prizes are subject to very low limits and / or gambling is not the main function of the premises.
143. This part of the policy considers the various permits that this Authority is responsible for issuing. Licensing authorities may only grant or reject an application for a permit. There is no provision for conditions to be set.

Unlicensed family entertainment centres

144. Only premises that are wholly or mainly used for making gaming machines available may hold a uFEC gaming machine permit. This Authority may only grant a permit if satisfied that the premises will be used as an uFEC and if the chief officer of the police has been consulted on the application. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.
145. UFECs are able to offer category D machines only under a gaming machine permit. Any category D machines can be made available, although other considerations, such as fire safety and health and safety, may be taken into account.
146. In determining any application for a permit this Authority will have regard to the licensing objectives and may ask an applicant to demonstrate
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
 - That the applicant has no relevant convictions
 - That employees are trained to have a full understanding of the maximum stakes and prizes.
147. The Authority will also expect the applicant to show that there are policies and procedures in place to protect children from harm, relating not just from gambling but also wider child protection considerations, including the risk of child sexual exploitation. The efficiency of such policies and procedures will be considered on their merits. However, the Authority would anticipate these would include measures / training for staff on
- Appropriate action regarding suspected truanting school children on the premises,
 - Dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

(Alcohol) Licensed premises gaming machine permits

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

Temporary use notices

153. A Temporary Use Notice (TUN) may be used to allow premises such as hotels, conference centres or sporting venues to be used temporarily for providing facilities for gambling.
154. TUNs are controlled by s214-234 of the Act and the Gambling Act (Temporary Use Notices) Regulations 2007 and are subject to restrictions.

155. Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
156. This licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:
- The suitability of the premises
 - The location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises
 - The CCTV coverage within the premises
 - The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period
 - Whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

Occasional use notices

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

Prize gaming permits

160. “Prize gaming” is where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.
161. Given that prize gaming will particularly appeal to children and young persons, this licensing authority will give particular weight to child protection issues. The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- An understanding of the limits to stakes and prizes set out in regulations;

- That the gaming offered is within the law;
- That clear policies exist that outline the steps to be taken to protect children from harm.

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

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

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

Club gaming and club machine permits

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

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

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

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

167. This Authority may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- The applicant's premises are used wholly or mainly by children and/ or young persons
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- A permit held by the applicant has been cancelled in the previous ten years; or
- An objection has been lodged by the Commission or the police.

168. There is also a “fast-track” procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under schedule 12
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

169. There are statutory conditions on club gaming permits: that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

Section 6 – Small Society Lotteries

170. Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:
- licensed lotteries (requiring an operating licence from the Gambling Commission); and
 - exempt lotteries (including small society lotteries registered by the Licensing Authority)
171. Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:
- small society lotteries
 - incidental non-commercial lotteries
 - private lotteries
 - private society lotteries
 - work lotteries
 - residents' lotteries
 - customer lotteries
172. Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. This Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on the Gambling Commission web-site at:
- <http://www.gamblingcommission.gov.uk/Gambling-sectors/Lotteries/Lotteries-raffles.aspx>
173. Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. If application is wrongly made to this Authority the applicant will be informed as soon as possible and where possible, we will inform the other Licensing Authority.
174. Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, codes of practice and any guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, this Authority will have due regard to the Gambling Commission's guidance.
175. This Authority will keep a public register of all applications and will provide information to the Gambling Commission on all registered lotteries. As soon as the entry on the register is completed, the applicant will be informed. In addition, this Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each, to ensure the annual monetary limit is not breached. If there is any doubt, the Gambling Commission will be notified in writing.
176. This Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused.

177. This Authority may also refuse an application for registration if in its opinion:

- The applicant is not a non-commercial society;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided in or with the application for registration is false or misleading.

178. Applicants must set out the purposes for which the Society is established and will be asked to declare that they represent a bona fide non-commercial society and have no relevant convictions. Further information may be sought from the Society.

179. Where this Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.

180. This Authority may revoke the registered status of a Society if it thinks that it would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Society will be informed of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

181. Where a Society employs an external lottery manager, it will need to satisfy itself that the manager holds an operator's licence issued by the Gambling Commission, and this Authority will expect this to be verified by the Society.

Section 7 – Enforcement

Good practice in regulation

182. The Legislative and Regulatory Reform Act 2006 places a legal duty on any person exercising a specified regulatory function to have regard to the statutory principles of good regulation in the exercise of the function. These provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed.
183. This Authority will have full regard to these principles when carrying out any regulatory activity and to the requirements of the Regulators' Code. The purpose of the Code is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

Enforcement policy

184. These principles are reflected within the Barking and Dagenham Regulatory Services' Enforcement Policy for 2016-2020, which was prepared in consultation with relevant stakeholders. The policy sets out the Council's approach to enforcement; through education, compliance and enforcement. These core standards cover all aspects of enforcement delivered by the Council. A copy of the enforcement policy may be obtained upon request to the licensing service (see contact details in appendix A).
185. As well as ensuring that all enforcement activity is proportionate, consistent, transparent and accountable, the policy also requires that activity is targeted primarily on those activities and premises which give rise to the most serious risks or where hazards are least well controlled. This will be informed by an intelligence led approach. Regard will also be had to the local area profile set out in this policy.
186. This risk-assessed approach will also be taken to inspections of premises, so as to ensure that high risk premises requiring greater levels of attention will be targeted while low risk premises will receive a lighter touch. Premises will be assessed on the basis of
- The type and location of the premises
 - The past operating history of the operator
 - The confidence in management
 - The arrangements in place to promote the licensing objectives
187. Where appropriate, this Authority will work with other responsible authorities to promote the licensing objectives through enforcement. Compliance will be normally be sought through early engagement, mediation, education, and advice. In cases where this is not possible, officers will seek to achieve compliance through the most appropriate route having regard to all relevant matters. Regard will be had to primary authority directions, where appropriate.

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

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

Appendix A – Contact details

The Responsible Authorities

Responsible authority	Contact details
Licensing Department, London Borough of Barking and Dagenham	Pondfield House, 100 Wantz Road Dagenham, Essex, RM10 8PP Email: licensing@lbbd.gov.uk
Police Licensing	Ian Taylor & Alan Felix Tel 0208 708 5338 Email licensing matters: redbridgelicensing@met.police.uk
Planning and Development Control	FAO Group Manager Planning Department, Barking Town Hall, 1 Town Square, Barking IG11 7LU Email: planning@lbbd.gov.uk
Child Protection	FAO Sonia Drozd Child Protection Team, 3rd Floor, Roycraft House, 15 Linton Road, Barking IG11 8HE Email: sonia.drozd@lbbd.gov.uk
Environmental Health	Noise and Environmental Protection Housing and Enforcement Services, Pondfield House, 100 wantz Road, Dagenham, Essex, RM10 8PP Email: eyesoreandpublichealth@lbbd.gov.uk
Gambling Commission	Victoria Square House, Victoria Square, Birmingham B2 4BP Email: info@gamblingcommission.gov.uk Tel: 0121 230 6666
HM Revenue and Customs	Greenock Accounting Centre, Custom House, Custom House Quay, Greenock PA15 1EQ
London Fire Brigade	Team Leader for Barking and Dagenham Fire Safety Regulation – North, 169 Union Street, London, SE1 0LL Email: fsr-adminsupport@london-fire.gov.uk

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

Statutory Consultees

- The chief officer of police for the authority's area
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act

The above incorporated

- Responsible authorities and other relevant service providers
- Ward councillors
- Neighbouring authorities
- Local licensed operators and relevant trades representative groups
- Known interest groups

In addition, responses were invited to an online questionnaire made available on the Authorities public website.

Appendix C – Mandatory & Default Licence Conditions

Mandatory conditions

A. All Premises

The following mandatory conditions apply to all premises licences:

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

B. Bingo Premises

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

C. Betting Premises

- A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
- There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or self-service betting terminal (SSBT) in order to do so.

- No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
 - Information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements)
 - Information relating to betting (including results) on any event in connection with which bets may have been affected on the premises.
 - Betting operator-owned TV channels are permitted.
- No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within paragraph 19.15 or machines which do not come within the categories of machine explicitly allowed in betting premises under s.172(8) of the Act.
- The consumption of alcohol on the premises is prohibited during any time which facilities for gambling are being provided on the premises.
- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

D. Adult gaming centres

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

E. Licensed family entertainment centres

- The summary of the terms and conditions of the premises licence issued by the licensing authority under s.164(1)(c) of the Act must be displayed in a prominent place within the premises.
- The layout of the premises must be maintained in accordance with the plan.
- The premises must not be used for the sale of tickets in a private lottery or customer lottery, or the National Lottery.
- No customer shall be able to enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track). There is no definition of 'direct access' in the Act or regulations, but licensing authorities may consider that there should be an area separating the premises concerned, such as a street or cafe, which the public go to for purposes other than gambling, for there to be no direct access.

- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- Over-18 areas within FECs that admit under-18s, must be separated by a barrier with prominently displayed notices at the entrance stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas or the category C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

Default Licence Conditions

A. Bingo Premises

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

B. Betting Premises

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

Appendix D – References

The Gambling Act 2005 -

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

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

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

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

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

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

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

Barking and Dagenham Key Population and Demographic Facts 2016 -

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

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

Data Protection Act - <https://www.gov.uk/data-protection/the-data-protection-act>

The Legislative and Regulatory Reform Act 2006 -

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

Regulators’ Compliance Code 2014 -

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

Barking and Dagenham Enforcement Policy 2016 -

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

Gambling Related Harm

Michael Sinclair
Insight Hub Analyst

01 Introduction

02 Gambling Related Harm: Vulnerable Locality Index

03 Location of Gambling Establishments

04 Anti-Social Behaviour (Police Data)

05 Cost to Society

06 Cost to Society

07 References

Introduction

Gambling Related Harm

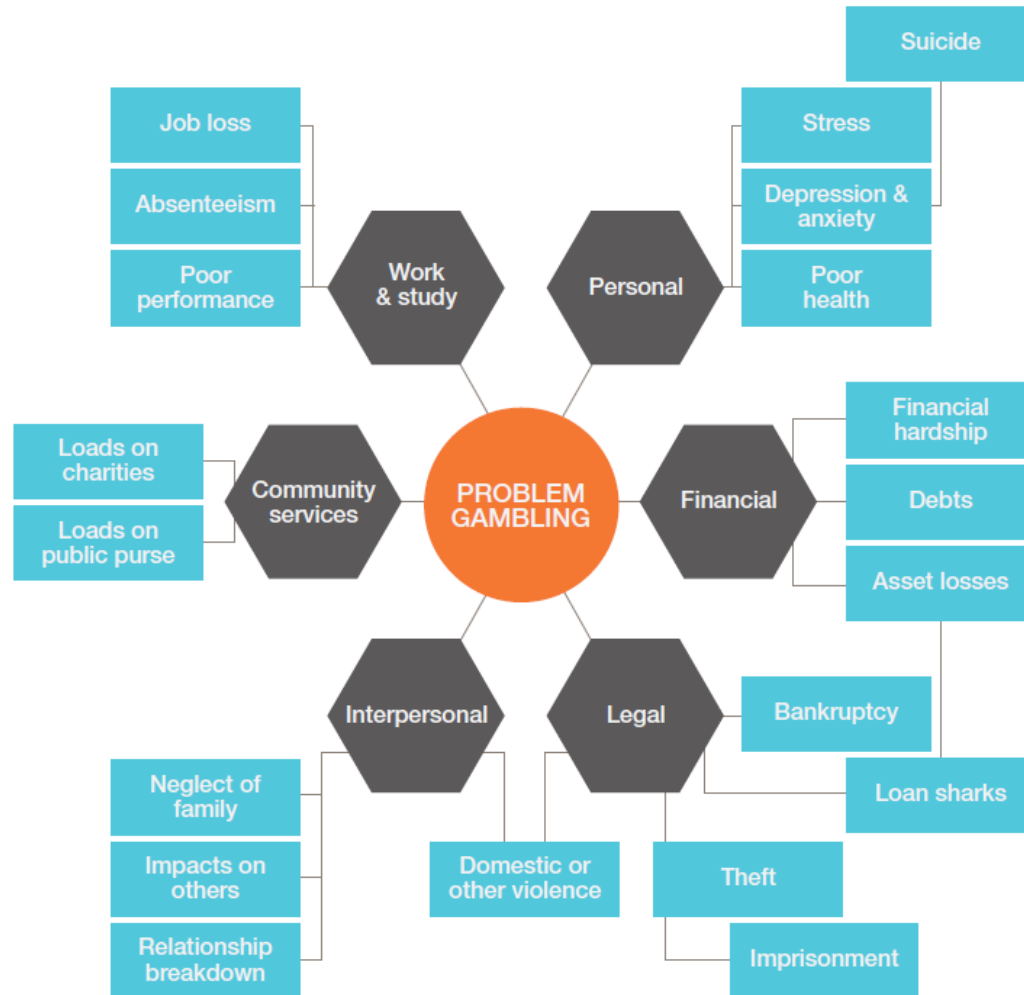
“any initial or exacerbated adverse consequence due to an engagement with gambling that leads to a decrement to the health or wellbeing of an individual, family unit, community or population”

Langham et al (2016)

Gambling Related Harm

- Gambling related harm is a co-morbidity
- It is usually observed in people who have
 - Poor mental health
 - Stress or anxiety
 - Substance misuse
 - Financial difficulties
- Gambling related harm exacerbates pre-existing conditions
- Gambling related harm extends beyond the individual and affects the community around the individual

Impact of problem gambling



Source: IPPR adaptation of data from Australian Productivity Commission, Australia's Gambling Industries (APC)

Gambling Related Harm: Vulnerable Locality Index

Aim:

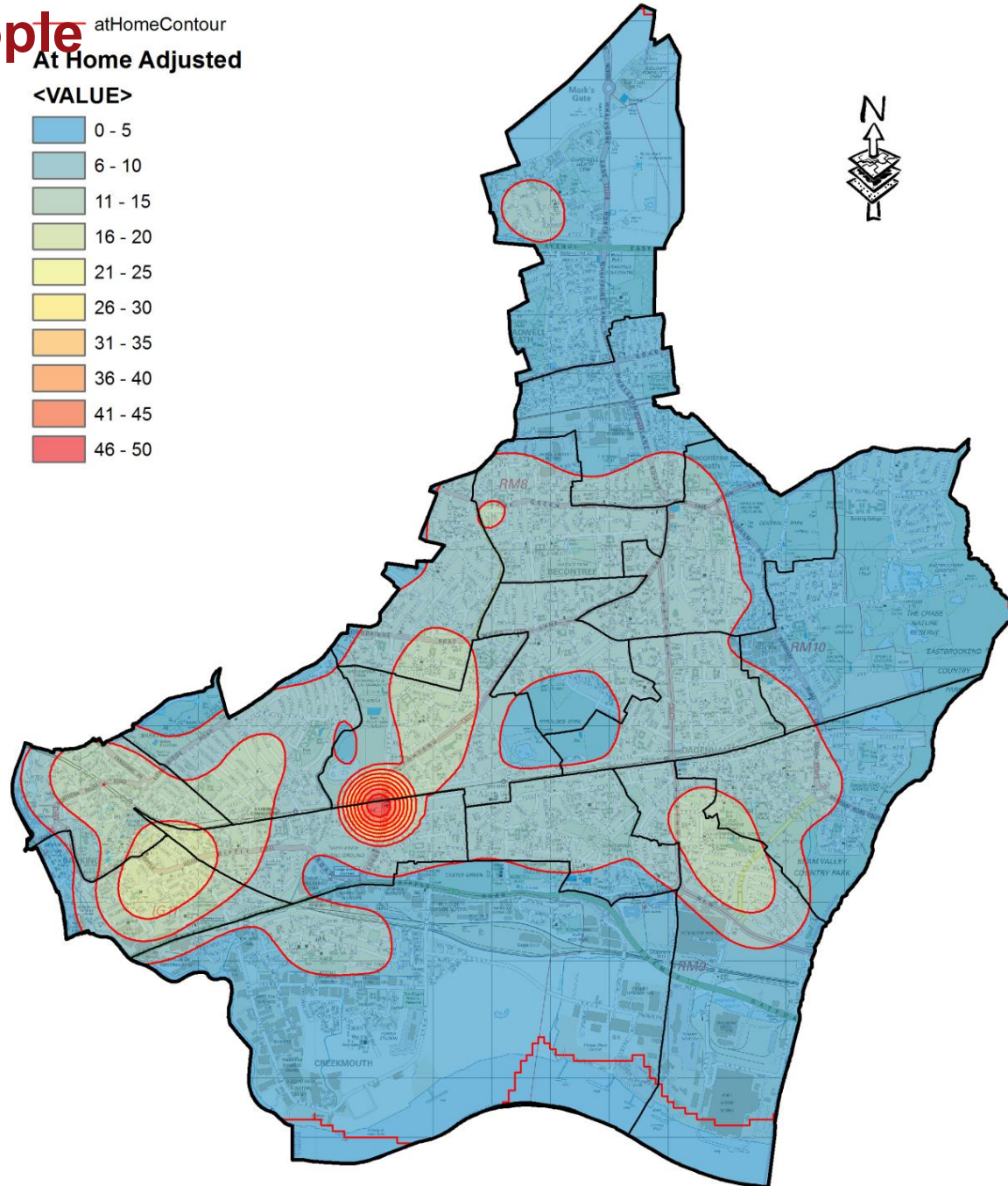
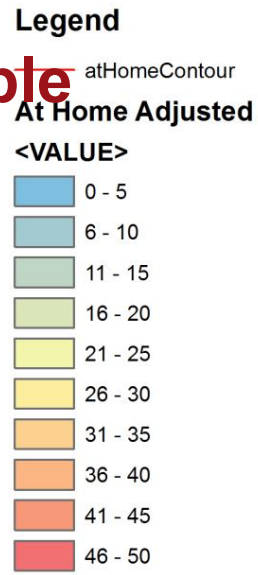
To identify areas where individuals are more likely to be at risk from Gambling related harm based on identified at risk groups

Person related risk factors (People at home)

Risk factor	Indicator
Ethnic Groups	Number of residents from certain at risk Ethnic groups*
Unemployment	Number of economically active unemployed residents
Youth	Residents aged 10-24 years
Poor mental health	Patients on GP register with QOF mental health flag
Homelessness	Emergency homeless accommodation

- This table shows the risk factors that were identified as 'people at home' and the indicators used to measure each risk.

Combining 'people at home' risk factors



External influence (People away from home)

Risk factor	Indicator
Substance abuse/misuse	Drug and Alcohol treatment providers
Unemployment	Job Centre Plus Offices
Youth	Education institute with students of 13-24 years
Financial difficulties	Payday loan shop
Financial difficulties	Food Banks

- This table shows the risk factors that were identified as 'people away from home' and the indicators used to measure each risk.

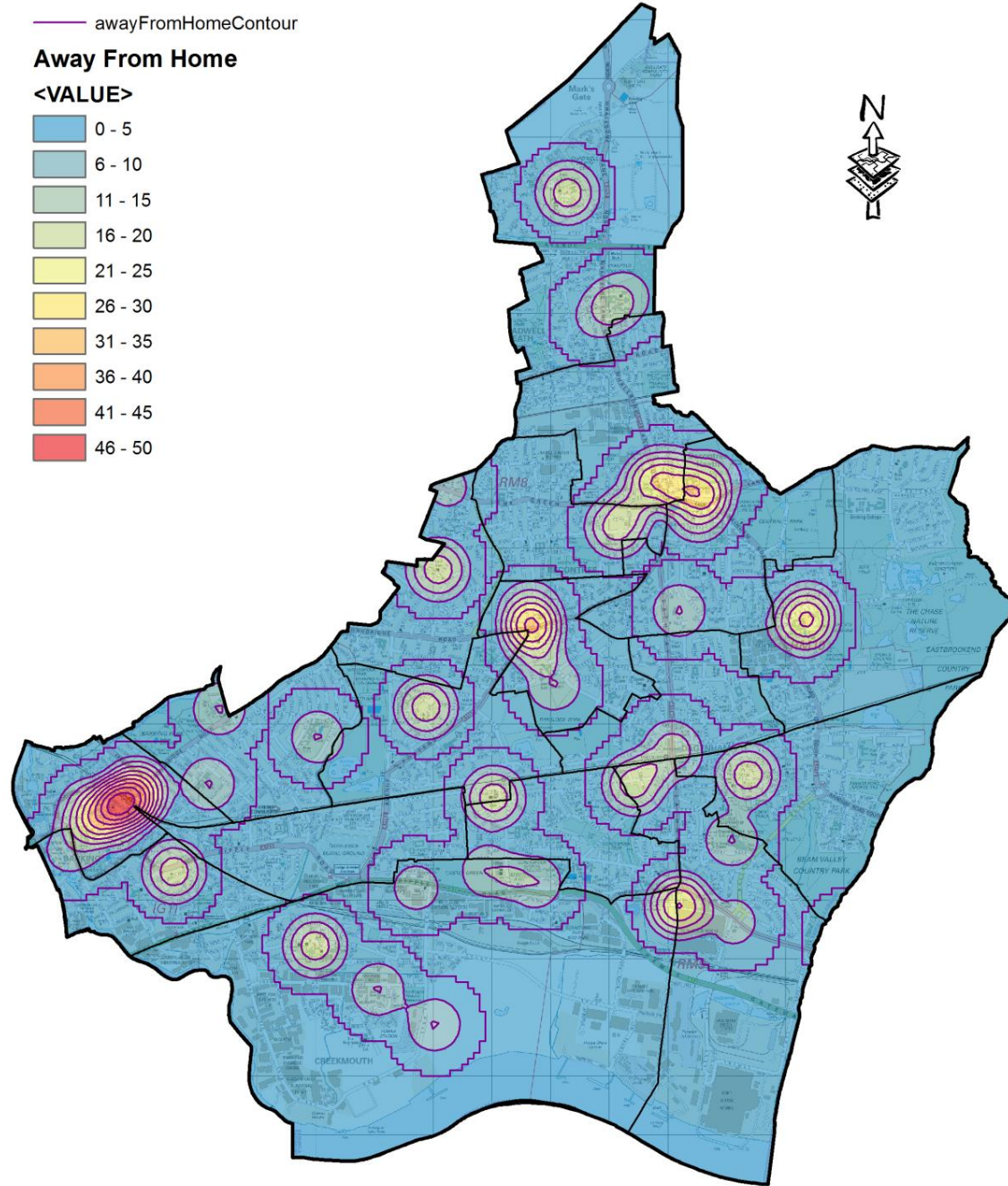
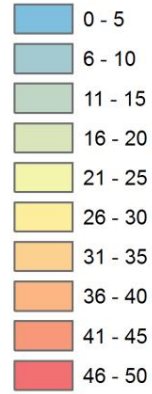
People away from home

Legend

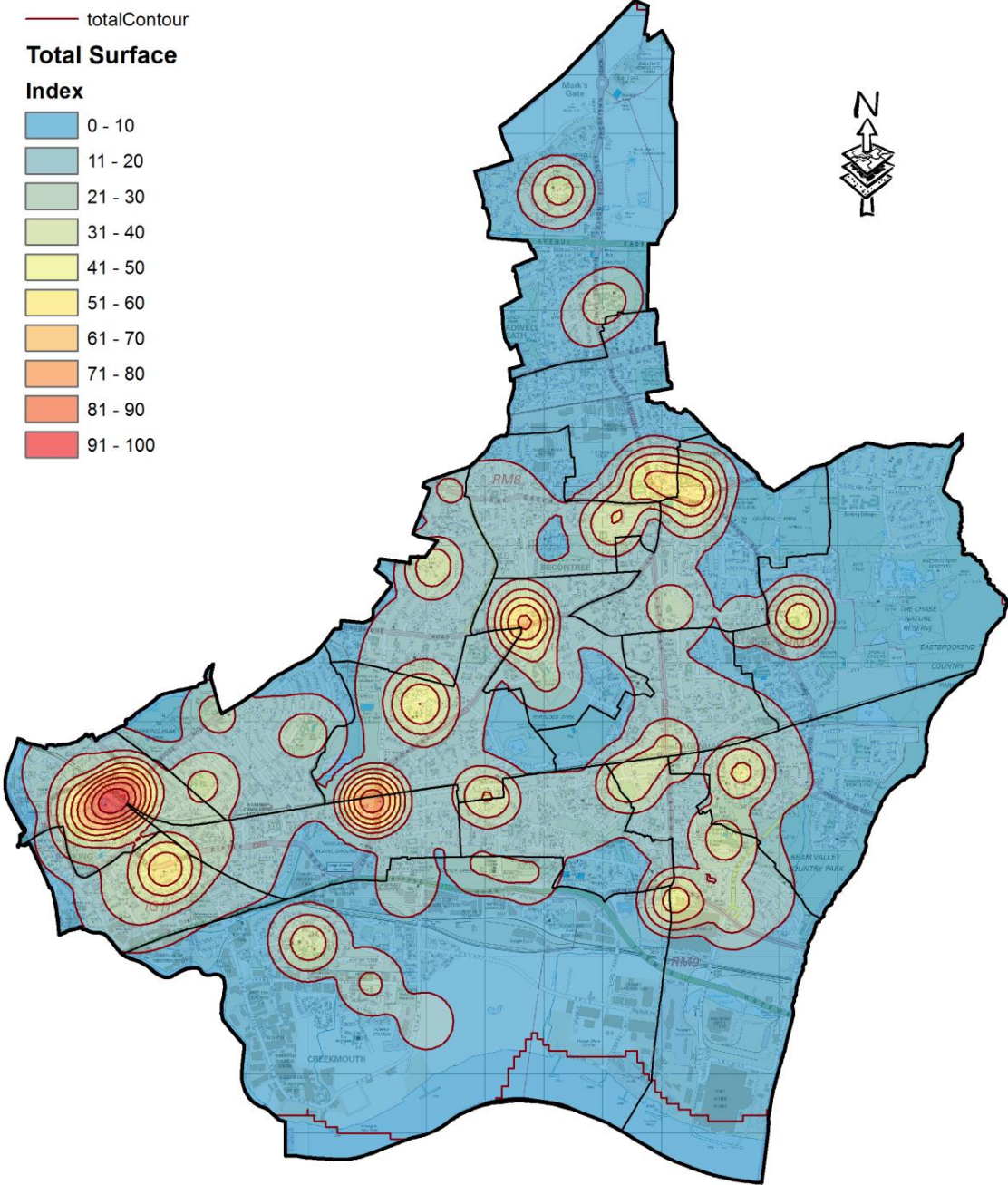
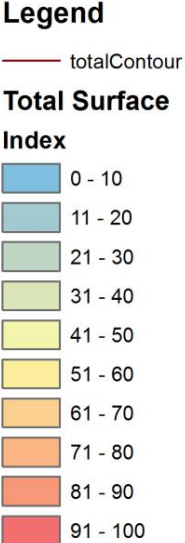
awayFromHomeContour

Away From Home

<VALUE>



Total risk surface



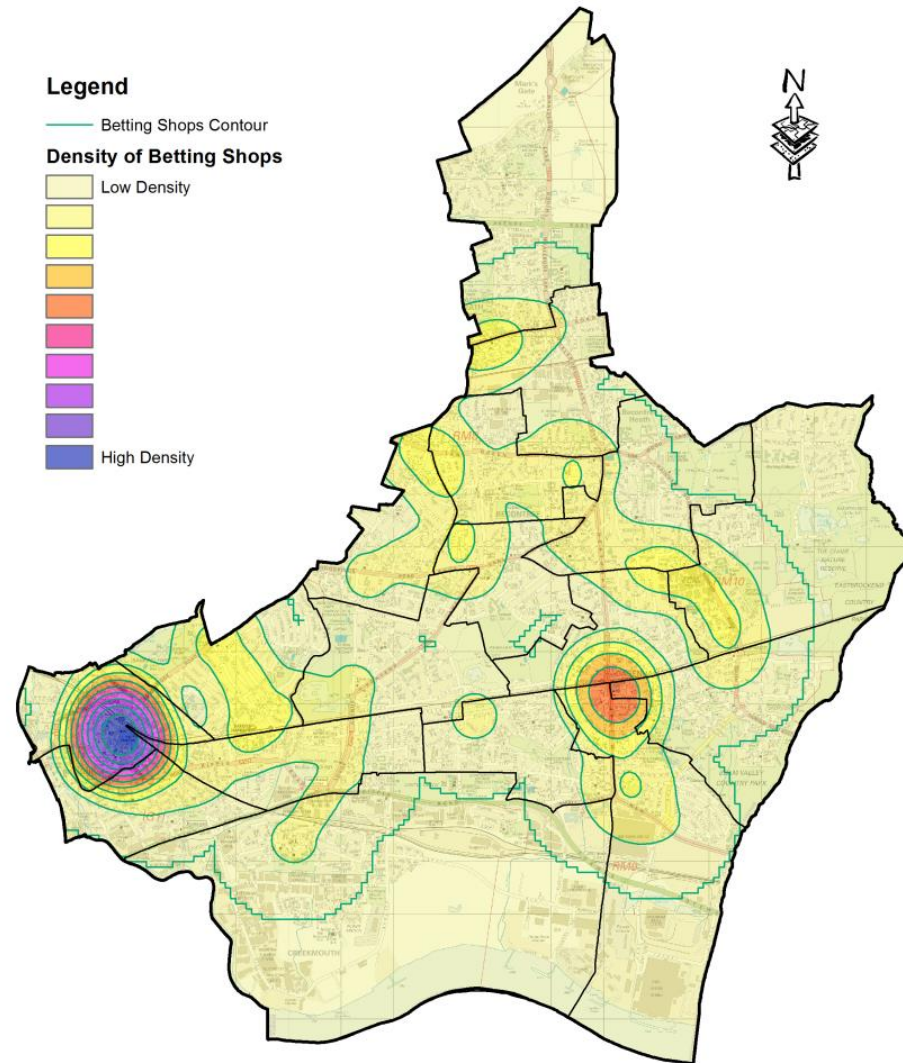
Location of Gambling Establishments

Aim:

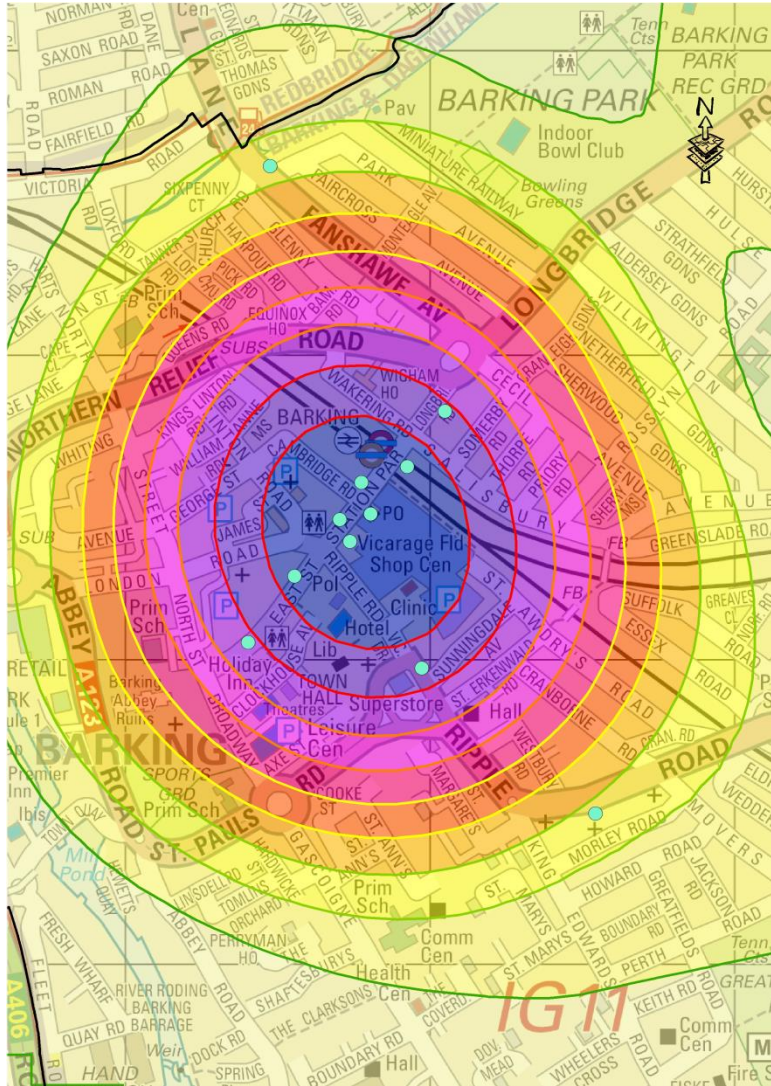
To identify areas where there is a high density of licensed gambling establishments

Location of Gambling Establishments

Density of Licenced Gambling Establishments



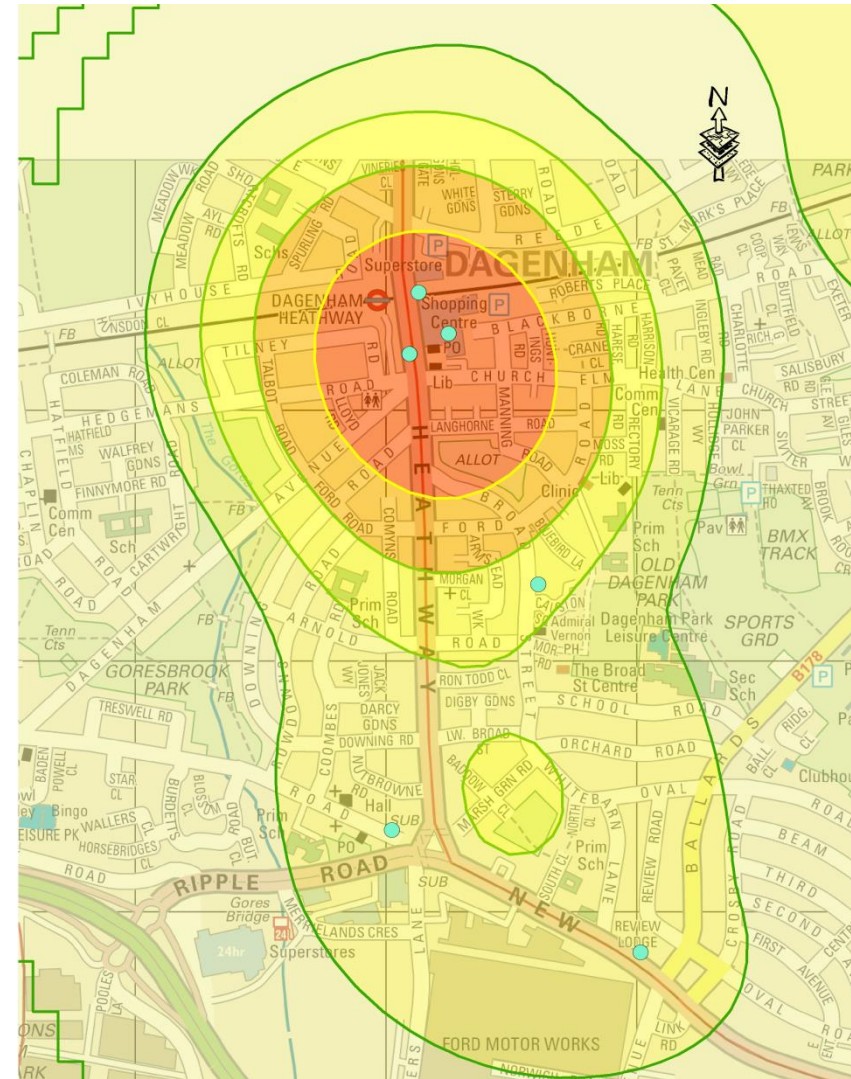
Gambling Establishments: Barking and Heathway



Two hot spots for gambling establishments in Barking and Dagenham.

Barking town centre (left) and the Heathway (right).

These are also the locations of the two shopping centres in the borough and the main shopping parades



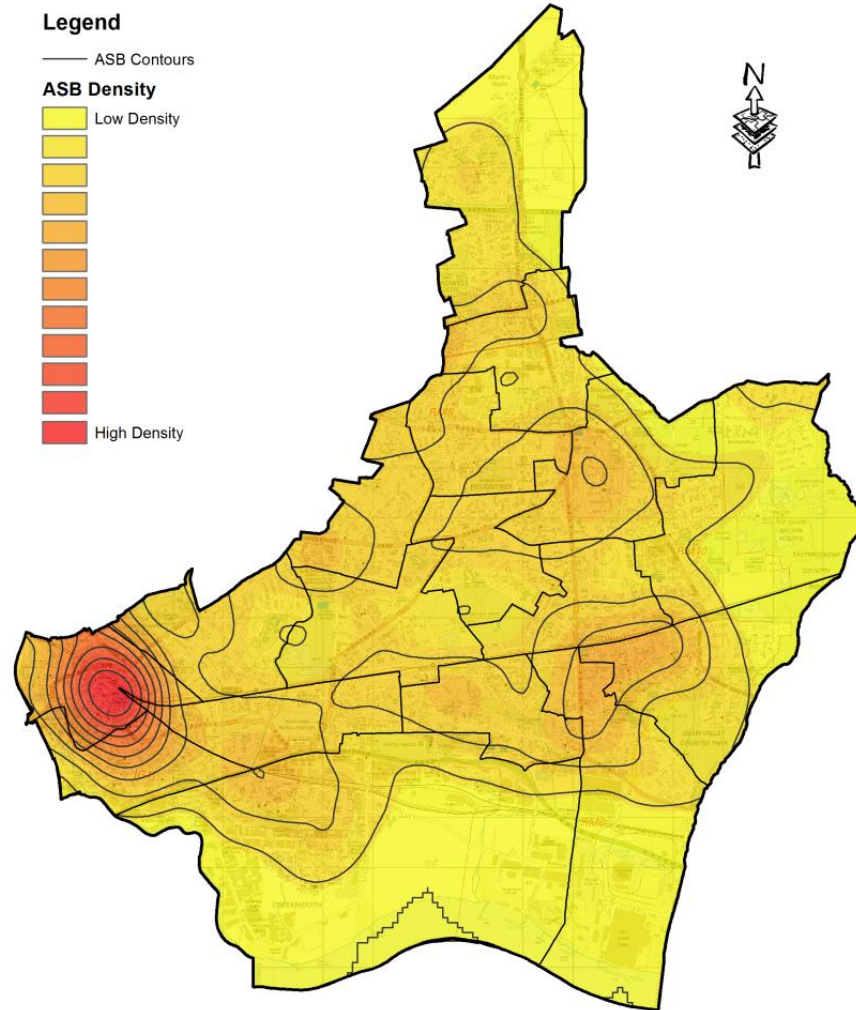
Anti-Social Behaviour (Police Data)

Aim:

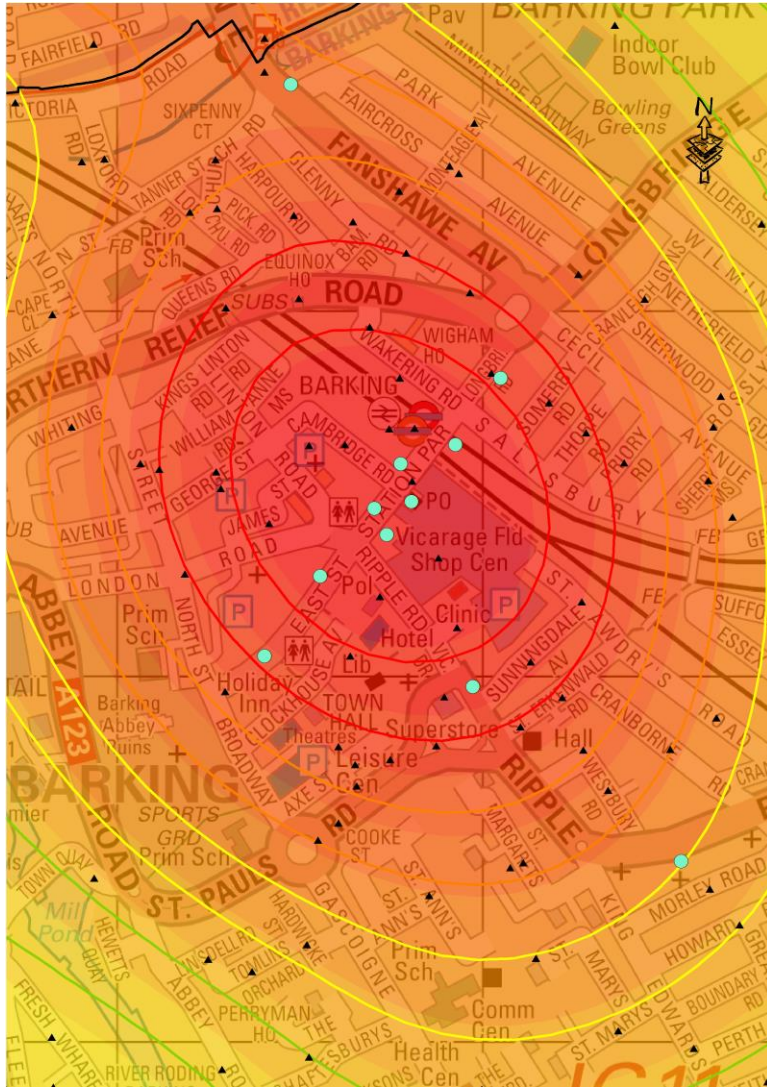
To identify areas of high level of police reported Anti-Social Behaviour (ASB)

Police Recorded Anti-Social Behaviour: April 2013 to March 2016

Density of Anti-Social Behaviour



ASB: Barking against Gambling Establishments



Although Barking town centre is a hot spot for both Anti-Social Behaviour AND betting shops it is not possible to say that the two are related.

Betting shops are generally located in areas where there are shopping parades

Barking town centre, especially around Barking station is a hot spot for various crime types, including ASB

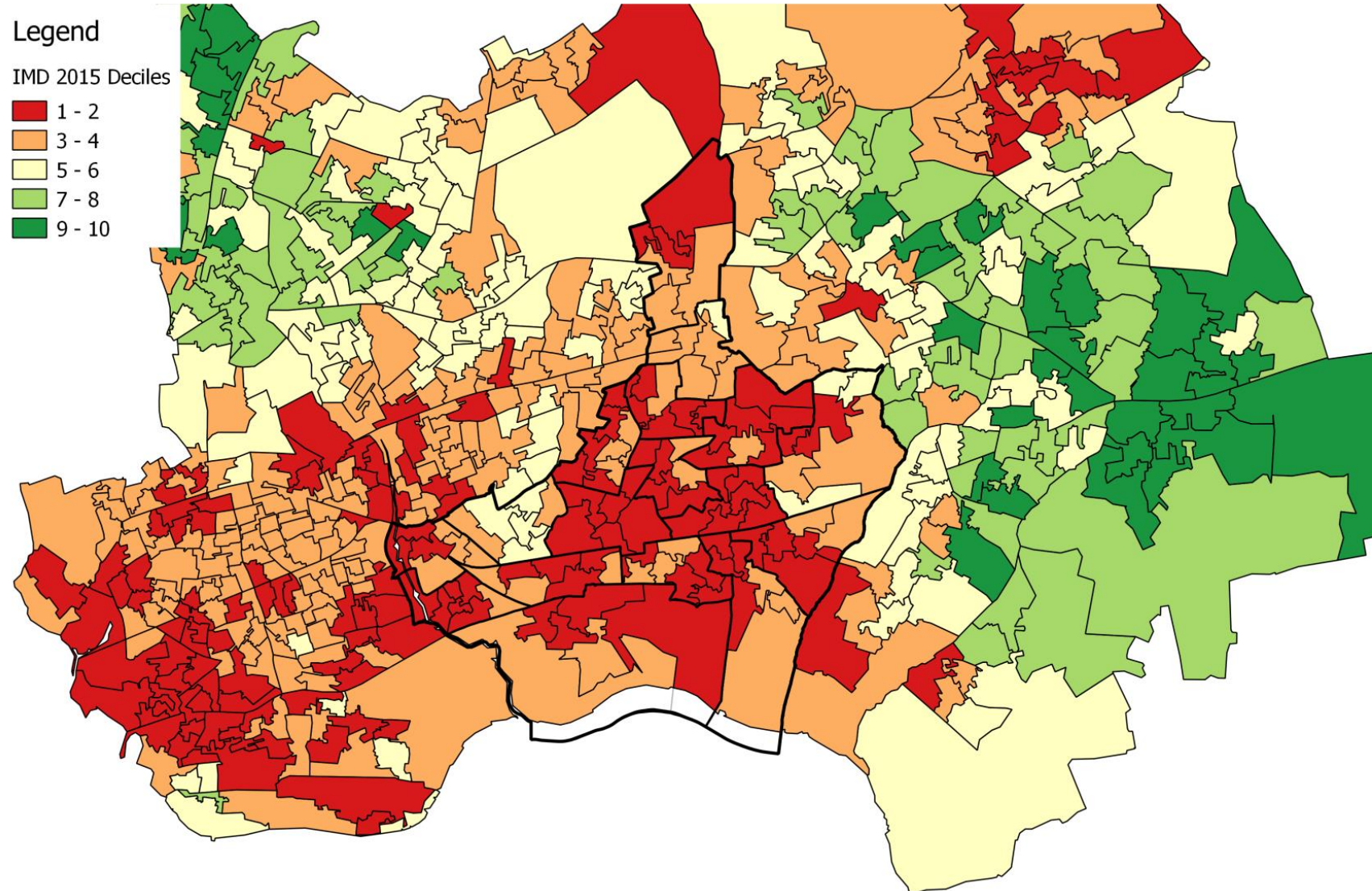
Index of Multiple Deprivation

Aim:

The English Indices of Deprivation 2015 are based on 37 separate indicators, organised across seven distinct domains¹ of deprivation which are combined, using appropriate weights, to calculate the Index of Multiple Deprivation 2015 (IMD 2015).

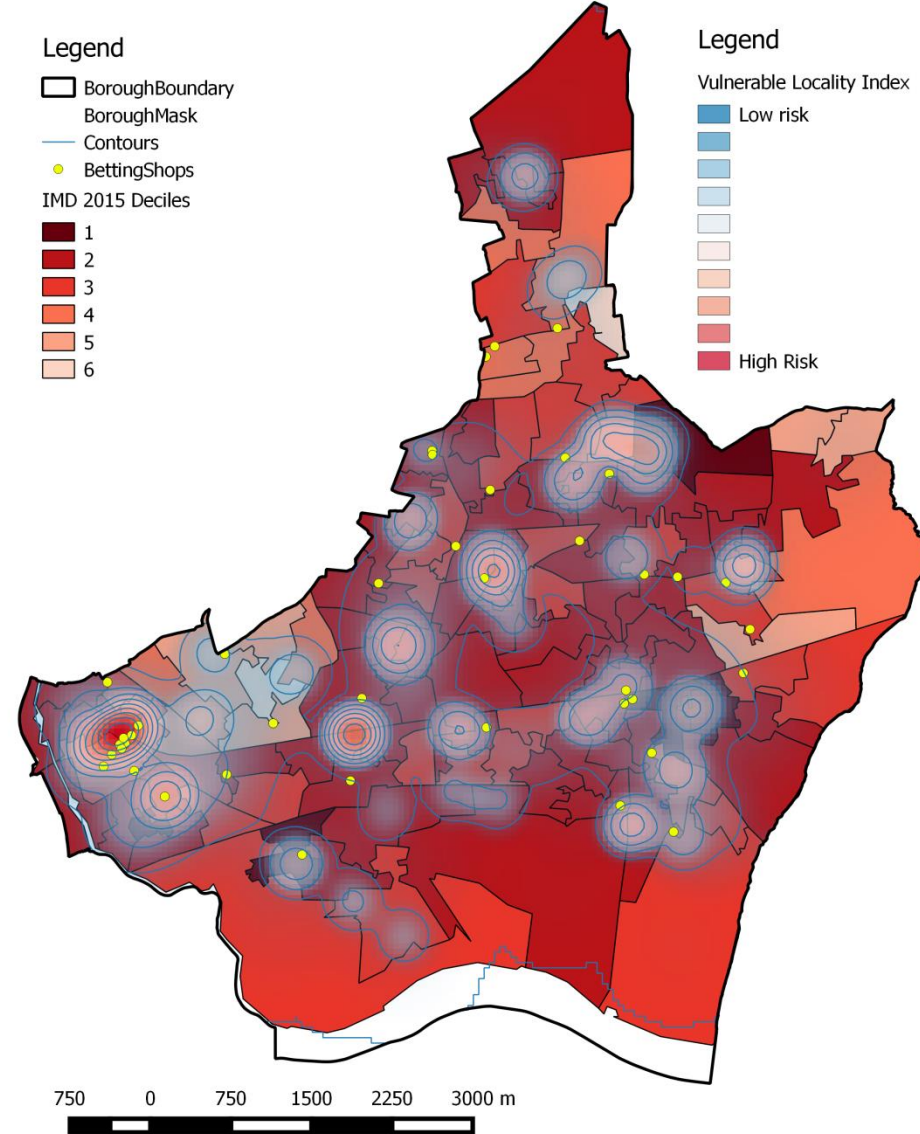
IMD 2015: Barking & Dagenham and surrounding boroughs

2015 IMD deciles



Gambling related harm index compared to deprivation deciles

Gambling: Vulnerable Locality Index
Plus Index of Multiple Deprivation Decile map



Cost to Society

Aim:

To identify the excess fiscal costs incurred by people who are problem gamblers, beyond those that are incurred by otherwise members of the public

Calculating Excess fiscal cost

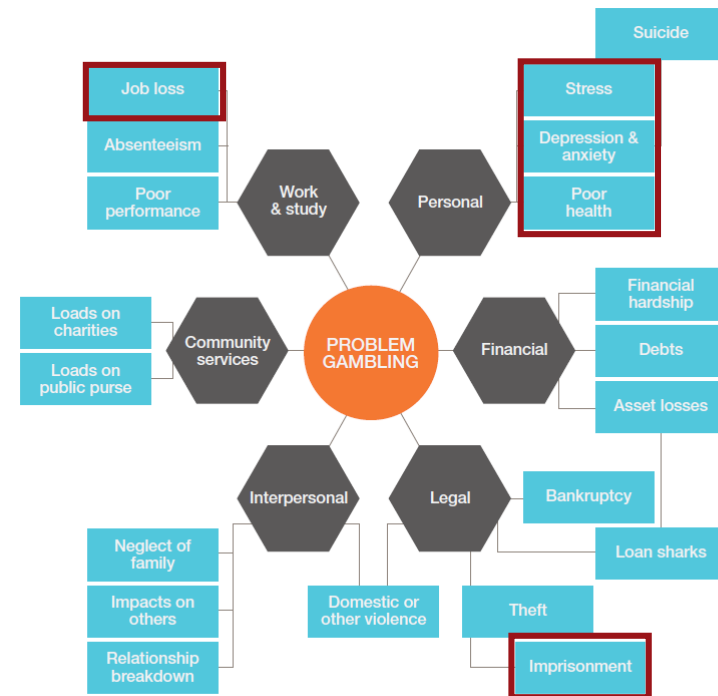
- Costs are not excess fiscal costs caused by problem gamblers. Instead, they should be taken to illustrative estimates for the excess fiscal costs incurred *by people who are problem gamblers*, beyond those that are incurred by otherwise members of the public

- Prevalence of problem Gamblers based on Health Survey for England 2012:

- Lower bound 0.2% **404 individuals**
- Upper bound 0.7% **1,414 individuals**

- Costs**

- Health
- Housing and Homelessness
- Unemployment
- Imprisonment



Source: IPPR adaptation of data from Australian Productivity Commission, Australia's Gambling Industries (APC)

General Medical Services

- Average problem gambler, excess incident of **1.5 GP visits per year** for mental health related consultation (2.4 problem gamblers – 0.9 per person in UK)
- Average length of consultation **11.7 minutes**
- Average cost per minute **£3.36** based on 2015/16 prices*

Total excess fiscal cost incurred on General Medical Services:

Between £30,000 and £81,000 per year
based on HSE 2012 prevalence estimates for LBBD

Hospital

Excess inpatient rate for problem gamblers

0.53 inpatient discharges per month

The cost of finished consulting episodes
£1,842

Total excess fiscal cost incurred on Hospital admissions:

Between £488,000 and £1,337,000 per year
based on HSE 2012 prevalence estimates for LBBD

Statutory Homelessness Applications

- Analysis conducted by shelter, fiscal cost associated with a period of homelessness was **£2,683** per applicant, 2015/16 prices
- Excess number of annual homeless applications of **0.039 per problem gambler household**

Total excess fiscal cost incurred on homelessness:

Between £52,300 and £143,350 per year
based on HSE 2012 prevalence estimates for LBBD

Unemployment

Excess propensity to claim JSA valued at **0.06** when compared to population on the whole

Estimated unit cost of JSA claimant **£2,995**

Total excess fiscal cost incurred on Welfare and unemployment:

Between £89,850 and £246,200 per year
based on HSE 2012 prevalence estimates for LBBD

Imprisonment

Incarceration

The costs associated with a 12-month prison sentence was £34,440 in 2015/16 prices.

Average prison duration 8.3 months,
adjusted cost **£23,318** for any given prison term during a 12-month period

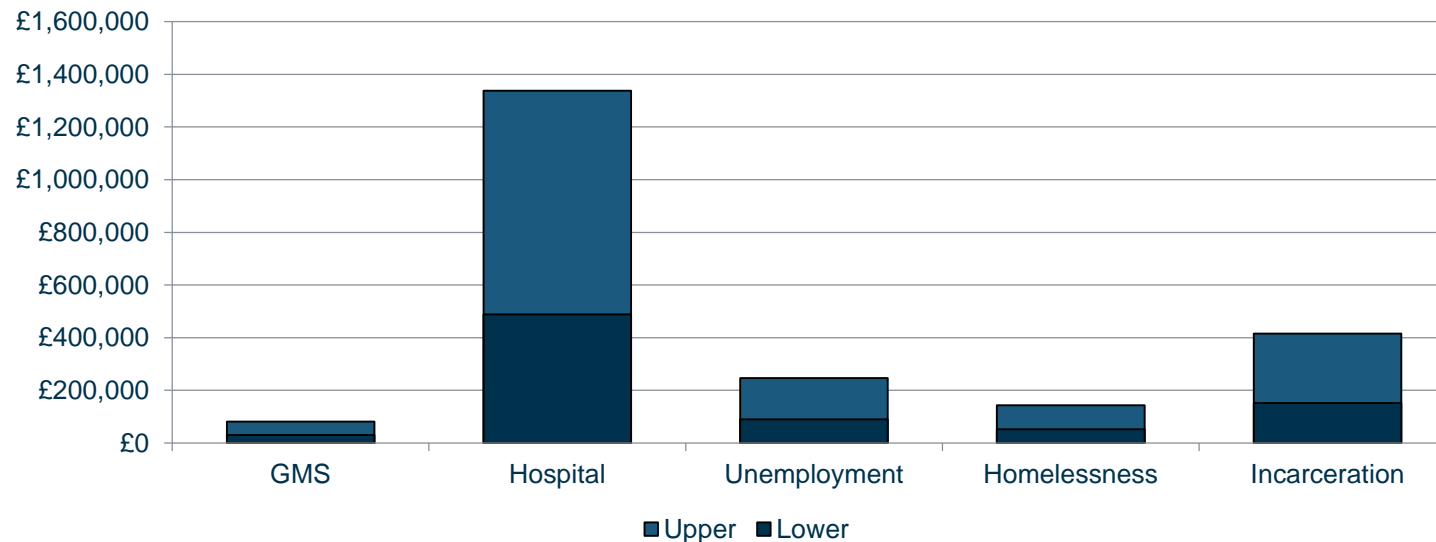
Excess number of annual prison sentences of **0.013 per problem gambler**

Total excess fiscal cost incurred on criminal justice:

Between £151,550 and £415,300 per year
based on HSE 2012 prevalence estimates for LBBDD

Total Excess Costs

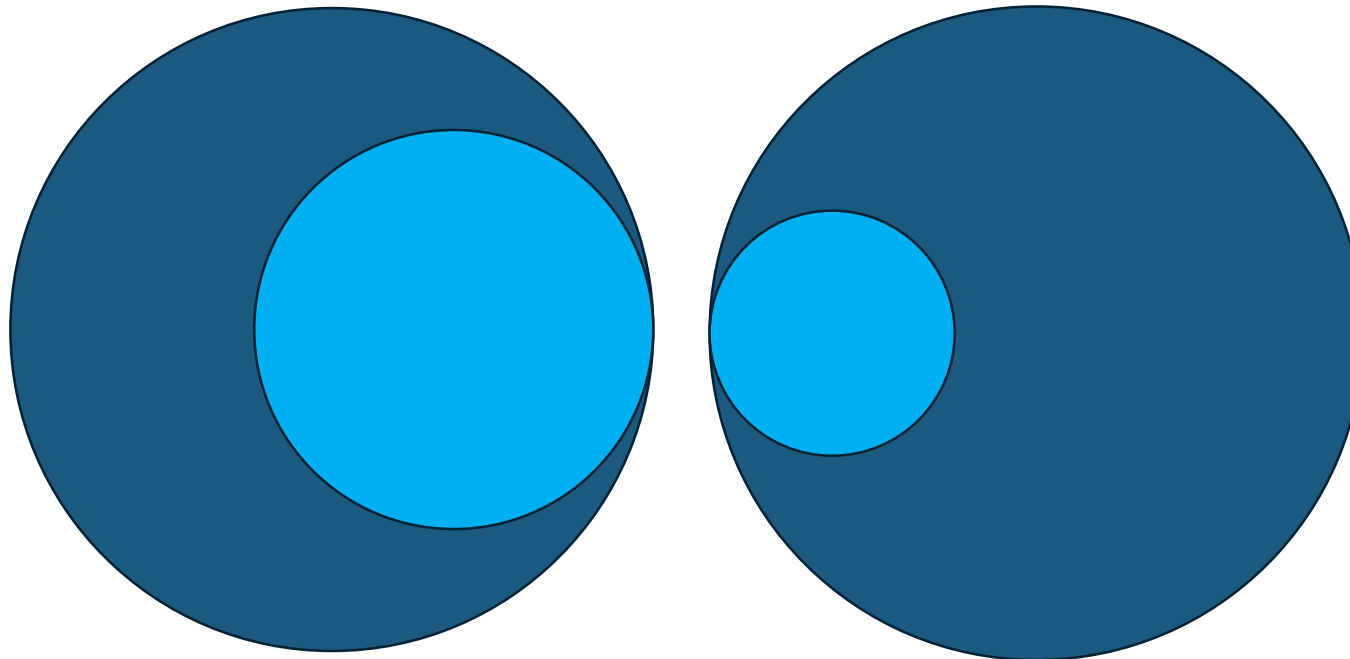
Costs			
Section	Item	Lower	Upper
Health	GMS	£ 30,000	£ 81,000
	Hospital	£ 488,000	£ 1,337,000
Health		£ 518,000	£ 1,418,000
Welfare	Unemployment	£ 89,850	£ 246,200
Housing	Homelessness	£ 52,300	£ 143,350
Criminal Justice	Incarceration	£ 151,550	£ 415,300
Total Costs		£ 811,700	£ 2,222,850



Revenue from Licensed Gambling Establishments

- LBBD business rates gathered from 31 betting shops in
– £312,504

Excess fiscal cost from Gambling compared to business rates generated from licensed gambling establishments in LBBD



References

- “Cards on the Table” – Institute for Public Policy Research, C Thorley, A Stirling and E Huynh, December 2016. Available at: <http://www.ippr.org/publications/cards-on-the-table>
- “Understanding gambling related harm: a proposed definition, conceptual framework, and taxonomy of harms” – BMC Public Health, E Langham, H Thorne, M Browne, P Donaldson, J Rose and M Rockloff, 27 January 2016
- Wardle, H, Gambling and Place Research Hub. (2015). Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review [online]. Available at: http://transact.westminster.gov.uk/docstores/publications_store/licensing/final_phase1_exploring_area-based_vulnerability_and_gambling_related_harm_report_v2.pdf [Accessed 17 Oct. 2016]
- Wardle, H., Astbury, G., Thurstain-Goodwin, M. & Parker, S. (2016). Exploring Area Based Vulnerability to Gambling Related Harm: Developing the Gambling Related Harm Risk Index [online]. Available at: http://transact.westminster.gov.uk/docstores/publications_store/licensing/final_phase2_exploring_area_based_vulnerability_to_gambling_related_harm.pdf [Accessed 17 Oct. 2016]

LBBD Draft Statement of Gambling Licensing Policy – Detailed Responses to the Consultation		
Response from Tim Martin, Transport and Planning Policy		
Section	Text	Licensing Response
All	<p>Many thanks for providing us with the opportunity to comment on the draft policy.</p> <p>The Council doesn't currently have any specific policies regarding gambling/betting offices etc, but as part of the review of the local plan we are exploring whether such policies are needed.</p> <p>Generally speaking, the Council is keen to limit the proliferation of certain uses in our town and district centres, recognising that a range of different uses is needed to ensure vibrant, successful places. Recent changes made to the Use Classes Order means that certain permitted development rights previously enjoyed by Betting Shops/Pay Day loan companies have now been removed meaning that planning permission for change of use is now required. This gives the Council a greater level of control than it had previously, meaning that additional specific policies may not be needed.</p> <p>I trust this is helpful and we look forward to seeing the final adopted policies.</p>	<p>Noted with thanks.</p> <p>Highlighted text will be incorporated into the policy.</p>
Response from Cenred Elworthy, Trading Standards		
Section	Text	Licensing Response
All	<p>Having read the full draft, it is pretty comprehensive and at the moment cannot think of any additions to the vulnerable adult and children aspects.</p> <p>It would be interesting to see if when the impacts are reviewed there is any way of adding a figure of loss through gambling related crime arising out of harm to victims. We have had cases where defendants state their assets have been spent on gambling and of course the suspicion is that gambling has been the drive for the offending.</p>	<p>Noted.</p>

	<p>My directly related comments on the draft would be:</p> <p>Para 93: “However, any suspicion raised that gambling is not being conducted in a fair and open way will be brought to the attention of the Commission for appropriate action.” Could also include reference to suspicions being referred to Trading Standards to consider potential offences under fair trading legislation.”</p> <p>Page 44. The responsible authority contact details for the Police need updating as the two Officers have moved on.</p>	<p>Noted and will reference.</p> <p>Noted. All contact details and other references will be subject of further check before final version is published.</p>
<p>Response from Fiona Wright, Consultant in Public Health Medicine (Full copy of response attached at Appendix B1)</p>		
Section	Text	Licensing response
<p>Section 4</p>	<p>Public health support for the policy</p> <p>The context above briefly describes the evidence of gambling as a public health issue, makes reference to the major challenges to health and its wider determinants in Barking and Dagenham and outlines the strategic importance given to addressing these poor health and social outcomes in our borough.</p> <p>The Gambling Act (2005) (“the Act”) changed the legislation in relation to Gambling and came into force in 2007. ¹ Public health has worked closely with other colleagues in the council and partners across London to develop the response as outlined in this draft policy. Public health is fully supportive of the draft policy. Key messages from the public health perspective are:</p> <ul style="list-style-type: none"> • This policy addresses an issue of local public health importance and inequalities for Barking and Dagenham • This policy is in line with the strategic priorities for us a council (Borough Manifesto), our partners (Joint Health and Wellbeing 	<p>Noted with thanks</p>

	<p>Strategy) and based on evidence of poor health and social outcomes within our Joint Strategic Needs Assessment</p> <ul style="list-style-type: none"> • This policy draws on national and international evidence and best practice • The Gambling Related Harm: Vulnerable Locality Index is based upon a robust methodology and was developed jointly with the public health team to support the formulation of the local gambling policy • Public health supports Section 3 of this policy outlining the considerations the Authority will go through in determining gambling premises licenses and Section 4 including the promotion of industry good practice. 	
<p>Section 5</p>	<p>Partnership and additional recommendations</p> <p>Further to the provisions in this policy it is suggested that LBBDD recommends working with local operators to follow best practice. Examples would include:</p> <ul style="list-style-type: none"> • A Borough-wide self-exclusion policy across all premises licensed for gambling. • Operator risk assessments should include provision for staff training in recognising problem gambling. • Operators should consider providing healthy lifestyle information in their premises e.g. leaflets regarding alcohol consumption and local smoking cessation services and local support for mental health problems and debt advice. 	<p>Each of the points raised here are worthwhile proposals but several matters are already subject of Commission Licence Conditions and Codes of Practice. For instance,</p> <ul style="list-style-type: none"> • All companies that offer gambling in licensed premises (arcades, bookmakers, bingo and casinos) must be part of a national multi-operator self-exclusion scheme. This allows an individual to make a single request to self-exclude from all premises offering the same type of gambling (for example, betting shops) in your area, rather than the customer needing to exclude from each operator individually. • Social responsibility code requirements on customer interaction compel all companies to have policies and procedures in place which deal with the identification, reporting of,

	<ul style="list-style-type: none"> • Operators should reduce advertising at least in line with the Senet set of Commitments. • Finally, since gambling is increasingly recognised as involving public health concerns. The Authority should continue to work with Public Health at strategy setting and policy reviews to ensure that the health of Barking and Dagenham’s residents is promoted within the context of licensed gambling establishments. 	<p>and responsible interaction with persons displaying signs of problem gambling. This includes staff training and individual staff responsibility.</p> <ul style="list-style-type: none"> • Under LCCP Ordinary Code 5.1.6 (Compliance with advertising codes) requires that the advertising of gambling products and services should be undertaken in a socially responsible manner and companies should comply with the UK Advertising Codes issued by the Committees of Advertising Practice (CAP) and administered by the Advertising Standards Authority (ASA) <p>While this level of governance is recognised, inspections of licensed premises will aim to ensure that all operators comply with these requirements.</p> <p>Beyond this, this Authority values its relationship with Public Health colleagues and will be very happy to work together generally with Public Health</p> <ul style="list-style-type: none"> • to promote the placement of relevant healthy lifestyle information within licensed gambling premises operating in the borough • at strategy setting and policy reviews to ensure that the health of Barking and Dagenham’s residents is promoted within the context of licensed gambling establishments
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Response to Public Consultation Received from the Association of British Bookmakers – Comments (Full copy of response attached at Appendix B2)

Paragraph	Text	Licensing Response
Paragraph 6-8	The ABB recognises the importance of the gambling policy statement in focusing on the local environment and	The Authority is pleased that the ABB generally recognises the importance of the gambling policy;

	<p>welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.</p> <p>Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.</p> <p>Any consideration of gambling licensing at the local level should also be considered within the wider context.</p> <ul style="list-style-type: none"> • the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of September 2016 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded. • recent planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission. • successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling. 	<p>the need for it to reflect the local area; and how the policy can enable operators to take an informed approach to risk-assessment.</p> <p>The Authority is equally keen to ensure that the statutory requirements placed on operators and local authorities under the 2005 Act remain clear.</p> <p>The Authority is aware of the existence and application of the mandatory conditions. The Authority is also aware that it is prohibited from placing a condition on a premises licence which makes it impossible to comply with an operating licence condition.</p> <p>The Authority is aware of the 'aim to permit' structure but would argue that this should not be read as a requirement to grant every application for a licence made to it. Each authority has the discretion to grant or refuse applications.</p> <p>The Authority also believes that it is very important that the key protections offered for the community are maintained and this is one of the primary intentions of this policy.</p> <p>The contextual information provided by the ABB is interesting and is noted among other relevant contextual information provided by other bodies. However, it should be recognised that the noted overall decline in betting shops is reflection of the national and not local position, where figures have remained stable. Additionally, according to the Health Survey for England 2015 the proportion of problem gamblers in England is 0.9%, previously (2012) 0.6% (an increase)</p>
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<p>Paragraph 9</p>	<p>Working in partnership with local authorities The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.</p>	<p>The Authority is committed to partnership working together with all responsible authorities. The Authority is glad that the ABB has taken the opportunity to respond to this consultation and is interested in the response made.</p>
<p>Paragraphs 10-13</p>	<p>LGA – ABB Betting Partnership Framework</p> <p>In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.</p> <p>Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the <i>"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."</i></p> <p>The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise</p>	<p>The partnership agreement is noted and welcomed, as is the national multi-operator self-exclusion scheme.</p>

	<p>awareness of the scheme, which is widely promoted within betting shops.</p> <p>The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as <i>"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."</i></p>	
Paragraphs 14-15	<p>Primary Authority Partnerships in place between the ABB and local authorities</p> <p>All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.</p> <p>For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.</p>	The primary authority arrangements held by ABB members are understood and noted. The Authority will refer to these where applicable.
Paragraphs 16-18	<p>Local area risk assessments</p> <p>Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to</p>	The Authority notes the ABB's support for the implementation of risk-assessments.

	<p>complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.</p> <p>The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.</p> <p>This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers’ player history data to allow earlier intervention with any customers whose data displays known ‘markers of harm’.</p>	
<p>Paragraphs 19-23</p>	<p>Best practice</p> <p>The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.</p>	<p>This Authority does not intend to prescribe the form of an operator’s risk assessment, only to provide information which helps operators to understand relevant local contextual information and address the concerns highlighted.</p>

	<p>Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.</p> <p>The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.</p> <p>The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.</p> <p>The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.</p>	
<p>Paragraphs 24-25</p>	<p>Concerns around increases in the regulatory burden on operators</p> <p>The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set</p>	<p>This Authority does not wish to add to the regulatory burden and does not expect operator risk-assessments to be reviewed with unnecessary frequency. As per Commission guidance, it is anticipated that relevant local risk-assessments will be reviewed,</p>

	<p>out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.</p> <p>Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.</p>	<p>however, upon the introduction of the Council's new licensing policy and local area profile and, thereafter, when there is significant change in circumstances either locally or at a premises to address.</p>
<p>Paragraphs 26-28</p>	<p>Employing additional licence conditions</p> <p>It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.</p> <p>The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative</p>	<p>The Authority is aware of the mandatory conditions; the conditions set in the Commission's Licence Conditions and Codes of Practice and the principles set out by the Commission that local licensing authorities need to abide by when considering additional licence conditions. The Authority will comply with all of this.</p> <p>However, there may be cases where the 'standard' conditions are not sufficient to address a specific situation adequately and, in such circumstances, additional conditions or, indeed, higher standards may be necessary.</p> <p>For instance, the Authority is aware of the general approach to 'Think 21' and would accept that in many cases this approach is appropriate and acceptable. However, this Council's general approach to age-restricted products is to rely on 'Challenge</p>

	<p>age verification policy should not be imposed.</p> <p>The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities</p>	<p>25' which is increasingly accepted as the 'industry standard' in many fields, including other areas of licensing, for instance, alcohol. The Authority may wish to apply this standard where appropriate having given consideration to the case in question.</p>
<p>Paragraph 29</p>	<p>Other concerns</p> <p>Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.</p>	<p>The local area profile is intended as an appendix to the main policy. This approach is taken so that the profile may be reviewed as necessary without requiring review of the full policy if this is not necessary. As such the profile will be available together with the main policy document.</p>
<p>Paragraphs 30-56</p>	<p>Considerations specific to the Draft Statement of Gambling Policy 2017-2020</p> <p>The purpose of a Statement of Gambling Licensing Policy is defined by s349 Gambling Act 2005. Its purpose is to detail the principles that the Licensing Authority proposes to apply in exercising its function under the Gambling Act 2005. The draft Statement of Gambling Licensing Policy goes beyond this. It is too long, too prescriptive, introduces extra layers of bureaucracy and appears to trespass into areas that are nothing to do with it.</p> <p>Good examples of this are found at paragraphs 99 and 103. These paragraphs require that an applicant for a premises licence furnishes the Licensing Authority with details of its policies and procedures to demonstrate social responsibility and to prevent gambling by underage persons and vulnerable adults. All of this documentation will have already been scrutinized by the Gambling</p>	<p>Under the Act the Authority has a primary responsibility for the third licensing objective dealing with the protection of children and vulnerable adults and, an interest, in the first licensing objective regarding the prevention of crime. If the Authority is to take steps that properly promote the licensing objectives then it is helpful to understand the relevant policies and procedures of the company involved with the application.</p> <p>This is not to make judgement as to whether the policies and procedures adequately address the requirements of the national standards set by the Commission but will enable consideration to be given as to whether the local situation is adequately addressed.</p>

	<p>Commission upon application for an operating licence. There is no need for the Licensing Authority to review this, indeed, it does not have the same expertise as the Gambling Commission and should not therefore be commenting upon it.</p> <p>If an applicant is required to furnish the licensing authority with details of policies and procedures that are acceptable to the Gambling Commission, and the Licensing Authority then determines for whatever reason that they are not suitable then is it expected that an applicant would need to go beyond what is required by the Gambling Commission? It is respectfully submitted that the Licensing Authority channels its attention to its own functions and does not introduce additional layers of bureaucracy especially in areas where it has little or no expertise.</p> <p>The executive summary indicates that “<i>it is understood that as many as 600,000 individuals nationally face deep personal consequences from their relationship with gambling.</i>” This is unsubstantiated with no provenance or foot note to indicate where these figures came from. The executive summary indicates that the figures may be from the Health Survey for England 2012 but that document indicates that around 0.6% of the population in England are identified as problem gamblers. This would not account for 600,000 persons unless the population is 100 million. Problem gambling is defined within the Health Survey as involving gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits. It is unclear where the figures given came from or upon which survey they are based. The executive summary should be redrafted to either attribute where the figures come from or be amended in order that the correct figures are produced.</p> <p>The draft Statement of Gambling Licensing Policy introduces a new section 3 – Local Area Profile. Unfortunately, this is not contained</p>	<p>This section has now been updated as new figures have been received but we are not just talking about problem gamblers, we must also consider family, friends and other people who will be affected by problem gamblers</p> <p>The Health Survey for England 2015 now shows 0.9% prevalence and the Gambling Commission’s 2017 Assessment of National Gambling Behaviour put this figure at 0.8%.</p> <p>Steps will be taken to ensure that when it is published all portions of the policy documentation may be widely and readily accessible.</p>
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	<p>within the policy itself and instead a link is provided within the policy. This link cannot be accessed without an “Office 365” account. The Local Area Profile must be accessible and should be included as an annex to the gambling policy.</p> <p>We have, however, reviewed the document entitled “Gambling Related Harm” which appears on your website and which, we assume, is the document to which there is a link that is inaccessible.</p> <p>This document indicates that the hotspots for gambling premises are in Barking town centre and the Heathway. Thereafter it states that Barking town centre has the highest density of anti-social behaviour and makes the point that it is impossible to say that the two are related.</p> <p>There is then a document entitled “Gambling Related Harm Index Compared to Deprivation Deciles.” The link between gambling related harm and deprivation, however, is not established by this document. The document merely shows the proximity of betting offices to the areas of deprivation. There is no link between the two whatsoever. This document should therefore be retitled as it is wholly misleading.</p> <p>The whole document is deeply flawed and makes, at best, tenuous links about gambling and societal problems. At worst, it is misleading. The document picks and chooses its statistics. For example, the final slide is headed “revenue from licensed gambling establishments” and indicates simply that LBBD collects £312,504 from business rates from the 31 betting offices in the Borough. It takes no account of the income generated within the Borough, the salaries paid to staff or the income generated for the Borough by virtue of people travelling to use these establishments.</p>	<p>References to the document entitled ‘Gambling Related Harm Risk Index’ are noted.</p> <p>The analysis of direct costs to LBBD from betting shops and excess fiscal costs incurred by people who are problem gamblers were considered potentially an interesting contextual piece of work and should not be considered evidence to say that gambling is costing the Authority £x or that Authority could save £x</p>
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	<p>References to this document should be removed from the draft statement of principles.</p> <p>Paragraph 42 causes the ABB significant concern. This paragraph indicates that the Authority considers that it is necessary to limit facilities for gambling in certain areas. This statement is in direct contradiction of the requirement to aim to permit the use of premises for gambling. The authority appears to have made a determination that persons in deprived areas are either automatically vulnerable or more likely to be involved with gambling related crime.</p> <p>We respectfully submitted that paragraph 42 simply be deleted and replaced with a statement that all applications will be considered upon their own merits and in accordance with s153 Gambling Act 2005.</p> <p>In addition, it is suggested that paragraph 44 be redrafted. The final bullet point refers to issues of anti-social behaviour and street related disorder. These are not issues that can be taken into account when considering whether or not an application is reasonably consistent with the licensing objectives. The Gambling Commission Guidance is clear that issues of nuisance and low level anti-social behaviour are irrelevant considerations as far as that determination is concerned.</p> <p>The paragraphs beyond the heading “How applications for premises licences will be assessed” also need to be redrafted. Paragraph 47 should make it clear that the Licensing Authority will aim</p>	<p>On the references to Paragraph 42, it remains the case that all applications will be considered upon their own merits with all relevant information taken into account. This is stated within the policy. The relevant information should, however, include the contextual information provided by the Index / local area profile. The Authority has concerns which are shown by the recent public consultation to be shared by a large percentage of those who have responded to the consultation and the Authority consequently has a position, which is stated in the policy. However, the Authority remains aware of the current legal framework to the Act and intends to comply with the position at that point in time. With the increasing pressure on the Government around gambling related harm the Authority anticipates that there will be changes to associated law and process in time and wants the policy to be best placed to react to changing circumstance as this may occur.</p> <p>On the reference to Paragraph 44 the Authority acknowledges that ‘nuisance’ is not intended to be a specific consideration under the first licensing objective but does consider that the degree of local street based anti-social behaviour and crime are relevant considerations when determining a specific premises licence.</p> <p>On the reference to Paragraph 47 a similar statement is already included in Paragraph 16 under the heading ‘local authority discretion’. However, this will be</p>
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	<p>to permit the use of premises subject to any application being in accordance with the relevant LCCP, Gambling Commission Guidance, insofar as it is reasonably consistent with the licensing objectives and finally in accordance with the Licensing Authority's Statement of Principles.</p> <p>Thereafter, the licensing policy suggests both that an applicant is required to "promote the licensing objectives" and should submit "operating schedules" to demonstrate mitigation of the risks raised within the local area profile. There is no duty upon an applicant to promote the licensing objectives and this bullet point should therefore be deleted. The requirement to submit an operating schedule is a requirement under Licensing Act 2003 and is not replicated within Gambling Act 2005. The only requirement here is to submit a local area profile. The bullet points need to be amended to reflect this.</p> <p>Paragraph 49 then contains a list of matters that the authority will take into account. This list needs to be redrafted. The reference to "levels of deprivation" in the local area needs to be deleted as the relative affluence of an area can have no bearing on whether or not a premise will operate in a fashion that is reasonably consistent with the licensing objectives unless the Licensing Authority has predetermined that persons on specified levels of income are automatically vulnerable or more likely to be involved with gambling related crime. We doubt that this is the case.</p> <p>The paragraphs with regard to conditions (51 to 53) need to be amended to make it clear that all licences are subject to the mandatory and default conditions and that these conditions are usually sufficient to ensure operation that is consistent with the licensing objectives. The draft Statement of Gambling Licensing Policy would be assisted if this were made clear and thereafter there was an indication that additional conditions will</p>	<p>re-iterated here in the final version of the policy</p> <p>The response then goes on to set out that 'operating schedules' are a requirement of the Licensing Act 2003 and not the Gambling Act 2005 which is acknowledged. However, while the phraseology may be open to question, the principle remains that the Authority asks the applicants to consider and set out how it intends to address the local concerns raised by the local policy. The licensing application form makes no other provision for this.</p> <p>On Paragraph 49 it is considered that this information provides context to the application which, taken into account with all other relevant matters, can help inform the final decision. The bullet point will be clarified.</p> <p>On Paragraphs 51-53, Paragraph 53 of the policy already makes clear that 'where its discretion has been engaged through the representations process' Clarification will be added however.</p>
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	<p>only be considered in the event of representations and there is evidence to demonstrate that the mandatory and default conditions need to be supplemented.</p> <p>Section 4 deals with premises licences and paragraph 59 appears to indicate that a plan to scale of 1:100 must be submitted unless otherwise agreed with the licensing authority. There is no requirement in the legislation for a plan to be at 1:100 or indeed to agree the scale with the Licensing Authority. The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 simply require that a scale plan is submitted. In the circumstances paragraph 59 should be amended at least to indicate a scale of 1:100 is preferred by the Licensing Authority.</p> <p>Paragraphs 105 and 106 come under the heading "Location". It would be of assistance if the draft Statement of Gambling Licensing Policy would recognise that betting offices have always been situated in areas of high population. Therefore, these are all areas where there are large numbers of children and the Licensing Authority should recognise that operators, historically, have always been very successful with policies and procedures to ensure that those who should not be permitted to enter betting offices or bet do not do so.</p> <p>The bullet points at paragraph 106 should be amended. There is an indication that the authority would give careful consideration to any application in respect of premises that are in close proximity to faith premises and places of worship. The Gambling Commission Guidance is clear that moral issues are not relevant considerations when considering an application for a premises licence and it is difficult to see how the proximity of a church/place of worship could render operation that was inconsistent with the licensing objectives.</p>	<p>On Paragraph 59 this can Paragraph can be clarified to show that 1:100 is the preferred scale for premises plans.</p> <p>The comments on Paragraphs 105 and 106 are noted and some appropriate acknowledgement that many premises are established and have operated for a number of years can be considered. Paragraph 106 is not meant to enable moral issues to be considered. It references the fact that faith premises and places of worship may be frequented by children and vulnerable people.</p>
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	<p>In addition, the bullet point that refers to anti-social behaviour is irrelevant for the purposes of the consideration of an application for a new premises licence.</p> <p>Paragraph 109 is a further example of the Draft Statement of Principles requiring more than is required by the Gambling Commission. Again, this is territory into which the licensing authority should not trespass. Paragraph 109 recommends that the age verification scheme operated should be based on the principle of Challenge 25. The Ordinary Code Provisions require that licensees should put into effect procedures that require their staff to check the age of any customer who appears to them to be under the age of 21. The majority of betting office operators operate the industry standard Think 21 scheme to comply with this provision. Whilst the Licensing Authority may have a preference, in the absence of evidence to the contrary, the Licensing Authority should not require that operators change age verification schemes that have been successfully operated for many years.</p> <p>Paragraph 118 refers to fixed odds betting terminals (FOBT's) within betting offices. There is a little commentary indicating that in relation to FOBTs, considerable sums of money may be spent in a short period of time. This is of course, no different to any other betting activity or indeed activity in any other gambling establishment and there is no need for this comment which should be deleted. There is a sentence, however, that <u>needs</u> to be deleted. That sentence reads <i>"in the light of this, the authority must be satisfied that the primary use of the premises is to operate as a betting premises."</i> This has been subject of much debate but has finally been settled by the case of <i>Luxury Leisure V The Gambling Commission</i> – May 2014 in which it was held that condition 16 (Primary Gambling Activity) does not require a contest between over the counter betting and the use of machines. There must simply be sufficient facilities for betting if gaming machines are to be</p>	<p>Comments on Paragraph 109 have been dealt with previously.</p> <p>On Paragraph 118 it is recognised that the concept of 'primary gambling activity' has been removed from the Gambling Commission Guidance. This does not take away from the fact that a licensed betting shop must have adequate betting facility to be licensed as such and qualify for the installation of FOBTs. This section will be reworded.</p>
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	<p>utilised. The relative use of those machines against over the counter betting is not a relevant consideration.</p> <p>Paragraph 121 indicates that the Authority is unlikely to exclude the default hours unless it is satisfied that robust measures will be in place to protect the vulnerable. The Licensing Authority cannot pre-judge an application and must take each application on its merits. In order to refuse an application to exclude the default conditions there would need to be evidence that to do so would render operation inconsistent with the licensing objectives. In the circumstances, this paragraph should be amended to reflect this, concentrating as ever on the “aim to permit” principle.</p> <p>We understand that since 2014 there has been no overall change in betting office numbers within the Borough, two have opened and two have closed. Nationally, numbers are declining. The Draft Statement of Gambling Principles includes measures which are completely disproportionate in terms of dealing with the few new applications within the Borough.</p>	<p>On Paragraph 121 intention to operate outside of the default hours requires special consideration and it is right that robust measures should be in place to ensure the premises can operate safely to a later hour. Cases will be considered upon their individual merits.</p>
<p>Paragraphs 57-59</p>	<p>Conclusion</p> <p>The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable. Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.</p> <p>We would encourage local authorities to engage with us as we continue to develop both these codes of practice,</p>	<p>The Authority supports partnership working and will always work together with responsible operators to achieve best management practice.</p>

	which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.	
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Gambling Act 2005 – Summary of comments made by Counsel in consideration of the LBB Draft Statement of Gambling Licensing Policy, in the light of the content of the response received from the Association of British Bookmakers (ABB), and of amendments made to the policy				
Amend No	Section	Original text	Counsel Comment	Response and / or amended version
1	Executive summary - Third paragraph	It is understood that as many as 600,000 individuals nationally face deep personal consequences from their relationship with gambling. While a thriving gambling industry may be good for the economy, the success of the industry cannot be at the expense of families affected by problem gambling.	This figure is the subject of some comment – I have no idea of its provenance but since it has been challenged it would be sensible to attribute it.	This section amended following receipt of new figures, as follows However, the Assessment of National Gambling Behaviour published by the Gambling Commission in August 2017 and prepared by NatCen Social Research states that 1.4% of gamblers were classed as ‘problem gamblers’ (0.8% of the population), with 6.4% at risk (3.9% of the population). Gambling Commission Executive Tim Miller is quoted as stating that “Whilst overall problem gambling rates in Britain have remained statistically stable, our research suggests that in excess of two million people are at-risk or classed as problem gamblers, with very many more impacted by the wider consequences of gambling-related harm.” While a thriving gambling industry may be good for the economy, the success of the industry cannot be at the expense of families affected by problem gambling.

2	Executive summary - Fourth paragraph	Gambling related harm is recognised as a 'co-morbidity' (i.e. one of a range of conditions existing in an individual that exacerbates pre-existing conditions and contributes toward a reduced life expectancy). It is usually observed in people who suffer from poor mental health; stress or anxiety; substance misuse; and financial difficulties.	I would be happier with 'often' here	Gambling related harm is recognised as a 'co-morbidity' (i.e. one of a range of conditions existing in an individual that exacerbates pre-existing conditions and contributes toward a reduced life expectancy). It is often observed in people who suffer from poor mental health; stress or anxiety; substance misuse; and financial difficulties.
3	Section 12 – The aim of the policy	<p>First bullet point</p> <ul style="list-style-type: none"> • To reinforce to elected members on the Licensing and Regulatory Board, the powers available to the local authority as licensing authority 	I might put this bullet a bit further down the list – the next bullet ought to be the first. I might even put it last in the list.	Bullet point relocated to last of 5.
4	Section 26 - Consideration of planning permission and building regulations	This Authority does expect, however, applications for premises licences to be made for premises either with relevant planning permission in place or for applications for the relevant consents to be made concurrently	I think this is ok, but I just wonder what would happen if it was not complied with – i.e. if an applicant without planning permission applied for a licence and did not also apply for planning permission – perhaps because he intended to do so only if the licence was granted. I don't think there is any power in those circumstances to reject the application. If that's right, what is the purpose of this paragraph?	While Counsel's comments are noted, it remains the position that this Authority would wish an application for relevant planning permission to be made firstly, albeit there is no power to insist upon this.

5	Section 27 – Human Rights Act 1998	Human Rights Act 1998	Is this section even necessary I wonder?	This section is included as helpful context
6	Section 37 – The local area profile	As has been recognised by the Responsible Gaming Strategy Board, there is evidence that some groups in the population may be more vulnerable to gambling related harm. This not only applies to people on low incomes but also people who are less able to make reasoned decisions because of poor mental health or addiction, and some BME groups . Children and young people may be particularly susceptible, as their youth and inexperience may make them more inclined to risk-taking behaviour and less able to manage the consequences of those decisions.	I’ve no doubt this is true but I wonder if it might just be re-drafted so that these are a different category of group – all the others are examples of groups with impaired capacity of some sort – whether through low income, mental health, addiction, or age – whereas BME groups are qualitatively different and (I suspect) the manifestation of statistical phenomena rather than inherent vulnerability. This probably ought to be made clear. Distinction understood and section has been redrafted	As has been recognised by the Responsible Gaming Strategy Board, there is evidence that some groups in the population may be more vulnerable to gambling related harm. This not only applies to people on low incomes but also people who are less able to make reasoned decisions because of poor mental health or addiction. Children and young people may be particularly susceptible, as their youth and inexperience may make them more inclined to risk-taking behaviour and less able to manage the consequences of those decisions. Statistics indicate that some BME groups may also be vulnerable
7	Section 38 – The local area profile	To help support applicants and licence holders to better understand their local environment, an analysis of gambling related harm has been prepared as a ‘local area profile’. This can be viewed by visiting - https://lbbd.sharepoint.com/sites/IntTp/HE/Pages/GamblingRelatedHarm.aspx . By drawing on relevant and reliable published socio-economic and public health data sets together with local	Presumably this will be an appendix in hard copy, ultimately. I cannot really comment on whether it is a robust document. The representations made by Gosschalks clearly suggest otherwise but this kind of statistical analysis is always open to criticism. I assume	The document is appended in hard copy. All information was sourced from reliable publicly available data sets by the analysts

		police data concerning anti-social behaviour, the local area profile uses special analysis techniques to provide a model of area-based vulnerability to gambling related harm across the borough.	LBBB is happy with its contents and findings, such as they are.	
8	Section 42 – The local area profile	This position gives rise to serious concerns around the impact that further growth in the local gambling opportunity may have in the most vulnerable and ‘at risk’ areas of the borough. Because of this, this Authority considers that it is necessary to limit facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk. It is this Authority’s position that all areas shown within the local area profile as being at high overall risk of gambling related harm are inappropriate for further gambling establishments. Operators are asked not to consider locating new premises or relocating existing premises within these areas would be consistent with the licensing objectives.	I have tweaked this to give a bit more of a nod to the ‘aim to permit’ approach, and to match a bit more clearly the fact that we can’t really ‘limit’ numbers because each application is to be judged on its own merits. Amended version shown as highlighted	This position gives rise to serious concerns around the impact that further growth in the local gambling opportunity may have in the most vulnerable and ‘at risk’ areas of the borough. Because of this, <i>and in line with the duty to aim to permit gambling insofar as it is reasonably consistent with the pursuit of the licensing objectives (and in particular the objective of protecting children and other vulnerable people from harm)</i> this Authority considers that it is necessary to <i>seek to strictly control the number of</i> facilities for gambling in areas where its most vulnerable residents may be placed at increasing risk. It is this Authority’s position that all areas shown within the local area profile as being at high overall risk of gambling related harm are <i>generally considered</i> inappropriate for further gambling establishments, <i>which would tend to raise the risk of gambling related harm to vulnerable people</i>

				living in those areas. Operators are asked to consider very carefully whether seeking to locate new premises or relocating existing premises within these areas would be consistent with the licensing objectives.
9	Section 43 – Local area profile	Elsewhere, operators should consider, having regard to the individual mapping provided, each of the specific characteristics of their local area. Each premises’ specific risk-assessment should recognise these and provide appropriate proactive mitigation or control measures.		Wherever the facilities are proposed, operators should consider, having regard to the individual mapping provided, each of the specific characteristics of their local area. Each premises’ specific risk-assessment should recognise these and provide appropriate proactive mitigation or control measures.
10	Section 44 – Local area profile	Sixth bullet point <ul style="list-style-type: none"> Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, or other street related disorder. 	This comes under attack but I don’t see the point really – this is obviously potentially relevant to a local risk assessment given its close connection with ‘crime’.	No change made given Counsel’s comments.
11	Section 47 – How applications for premises licences will be assessed	While it will continue to be the case that each application will be considered upon its own merits with all relevant matters –taken into account, this Authority will expect that each applicant for a licence will:	Insert ‘including the requirement to ‘aim to permit gambling’ where to do so is reasonably consistent with e.g. the licensing objectives – see paragraph 16 above ‘	While it will continue to be the case that each application will be considered upon its own merits with all relevant matters – including the requirement to ‘aim to permit gambling’ where to do so is reasonably consistent with e.g.

				<i>the licensing objectives – see paragraph 16 above</i> - taken into account, this Authority will expect that each applicant for a licence will:
12	Section 49 - Factors it is likely the local authority will take into account in determining applications	In considering applications for new licences; variations to existing licences and licence reviews, this Authority will take into account the following matters: <ul style="list-style-type: none"> • The type of premises • The location of the premises • The proposed or current hours of operation of the premises • The configuration and layout of the premises • The levels and types of crime in the local area and the levels of deprivation 	Amend text of introductory paragraph and fifth bullet point as highlighted	In considering applications for new licences; variations to existing licences and licence reviews, this Authority will be likely to take into account some or all of the following matters: <ul style="list-style-type: none"> • The type of premises • The location of the premises • The proposed or current hours of operation of the premises • The configuration and layout of the premises • The nature of the local area, and the implications for the risk of gambling related harm, including where appropriate the recorded levels and types of crime and/or the levels of deprivation
13	Section 51 - Conditions	Where there are risks associated with a specific premises or class of premises, the licensing authority may consider it necessary to attach conditions.	Amend as highlighted	All licences granted are subject to the mandatory and default conditions provided for by law. Where there are risks associated with a specific premises or class of

				premises, the licensing authority may consider it necessary to attach additional conditions
14	Section 53 - Conditions	Where its discretion has been engaged through the representations process, this Authority will impose conditions where it considers that it is necessary to do so in order to address relevant local circumstances. Conditions imposed by this Authority will be proportionate to the circumstances they are seeking to address. In particular, conditions will be:	Counsel comment - This language is a bit reminiscent of the LA03 approach, which is not quite the same – but I think you are talking about hearings here, and one can only impose additional conditions if it holds a hearing, so on balance this does not need to be altered.	No change.
15	Section 59 - Applications	<ul style="list-style-type: none"> The prescribed documents, namely a plan of the premises (at 1:100 scale, unless otherwise agreed with the Authority) 	Amend bullet point as highlighted	<ul style="list-style-type: none"> The prescribed documents, namely a plan of the premises (ideally at 1:100 scale, unless otherwise agreed with the Authority)
16	Section 71 – Interested parties	This Authority will only consider ‘relevant’ representations, i.e. representations that relate to the licensing objectives or to issues that are raised within this statement of policy. Any representation that is considered to be ‘frivolous’ or ‘vexatious’ may be disregarded. Relevant considerations in interpreting these phrases may include:	This phrase does not come from the Act – and is reminiscent of the LA03 language - but it must be right that representations should be relevant in order to be taken into account.	No change

17	Section 80 - Provisional statements and applications for premises licences requiring works or right to occupy	However, this Authority understands that, as the Court has held in the case of the Queen (on the application of) Betting Services Ltd Vs Southend on Sea Borough Council, operators may apply for a full premises licence in respect of premises which have still to be constructed or altered and licensing authorities are required to determine such applications on their merits. In such cases, this Authority will consider such applications in two stages:	I think it helps make the policy a bit more future-proof not to specify the case. Reference to case law deleted accordingly.	However, case law provides that operators may apply for a full premises licence in respect of premises which have still to be constructed or altered and licensing authorities are required to determine such applications on their merits. In such cases, this Authority will consider such applications in two stages:
18	Section 89 - The first licensing objective	Licensees will be expected to demonstrate that they have given careful and adequate consideration to this objective. Where representations are received to premises licence applications under the crime and disorder licensing objective, this Authority will also give appropriate consideration to issues such as:	I'm not sure this is quite right – you don't need a representation in order to consider these factors per se. The discretion arises regardless of whether a representation is made. Section amended as highlighted	Licensees will be expected to demonstrate that they have given careful and adequate consideration to this objective. <i>In considering whether to grant a premises licence</i> , this Authority will also give appropriate consideration to issues such as:
19	Section 95 – The third licensing objective	Licensees and applicants will be expected to demonstrate that they have given careful and appropriate consideration to measures intended to protect children. Where representations are received to the third licensing objective, this Authority will give appropriate consideration to issues such as:	Amend as highlighted	Licensees and applicants will be expected to demonstrate that they have given careful and appropriate consideration to measures intended to protect children. <i>In considering whether to grant a premises licence</i> , this Authority will give appropriate consideration to issues such as:
20	Section 103 – Protecting	In order that this Authority may make a proper informed judgement as to the	There is a valid point here – why should LBBB want to scrutinise	This request is included within the policy in order that the Authority has

	vulnerable adults	effectiveness of these policies and procedures, it is requested that copies of the relevant documentation are submitted for consideration as part of any application for a new or varied premises licences. These will be considered upon their individual merits.	paperwork that has already been 'passed' as acceptable by the Commission? That said I don't think what is said here is unlawful.	full information to consider when determining applications for licences.
21	Section 105 - Location	Location of the premises has already been raised within this policy under the first licensing objective. However, location carries broader considerations that can potentially impact on each of the licensing objectives and beyond.	Add 'That said this Authority recognises that betting shops have always been situated in areas of high population, where there are likely to be high numbers of children nearby, and this is not of itself a problem where appropriate steps have been taken to minimise the risk of children being attracted to gambling.'	Location of the premises has already been raised within this policy under the first licensing objective. However, location carries broader considerations that can potentially impact on each of the licensing objectives and beyond. <i>That said this Authority recognises that betting shops have always been situated in areas of high population, where there are likely to be high numbers of children nearby, and this is not of itself a problem where appropriate steps have been taken to minimise the risk of children being attracted to gambling.</i>
22	Section 106 - Location	This Authority will give careful consideration to any application in respect of premises that are located in close proximity to..... Bullet points 8 and 9	Presumably this is the point, rather than moral considerations? Amended as highlighted	<ul style="list-style-type: none"> Faith premises and places of public worship (including churches, temples, mosques and other), <i>which may tend to be frequented by children and/or vulnerable people.</i>

		<ul style="list-style-type: none"> • Faith premises and places of public worship (including churches, temples, mosques and other) • Areas that are prone to issues of youths participating in anti-social behaviour, activities such as graffiti / tagging, underage drinking etc. 		<ul style="list-style-type: none"> • Areas that are prone to issues of youths congregating, including (but not limited to) for the purposes of participating in anti-social behaviour, activities such as graffiti / tagging, underage drinking etc.
23	Section 109 – Challenge 25	All premises should operate a proof of age compliance scheme. This Authority recommends that any proof of age scheme should be based on the principles of ‘Challenge 25’ and should involve	I think this is fine, and your call. So long as the policy permits of an exception to this on proper evidence – i.e. challenge 21 having been operated successfully for many years – there is no issue.	No change
24	Section 118 - Betting	This Authority has particular concerns over the use of the B2 Fixed Odds Betting Terminals (FOBTs) within betting shops. While it is appreciated that it is permissible for a betting operator to provide solely FOBTs as their allocation of gaming machines, the high prize, high stake gaming provided enables considerable sums of money to be spent in a very short period of time. In the light of this, this Authority must be satisfied that the primary use of the premises is to operate as a betting shop. An applicant will be expected to	Amend as highlighted	This Authority has particular concerns over the use of the B2 Fixed Odds Betting Terminals (FOBTs) within betting shops. While it is appreciated that it is permissible for a betting operator to provide solely FOBTs as their allocation of gaming machines, the high prize, high stake gaming provided enables considerable sums of money to be spent in a very short period of time, which increases the risk of gambling related harm . An applicant will in each case be expected to

		demonstrate that they can offer sufficient facilities for betting.		demonstrate that they can offer sufficient facilities for betting.
25	Section 121 - Betting	Licensed betting premises are only permitted to offer gambling facilities between 0700 and 2200 hours, unless the local authority has agreed an extension of operating hours. This Authority is also concerned that longer operating hours may attract the more vulnerable, such as those who may be intoxicated or have gambling addictions. Consequently, this Authority is unlikely to grant any extension of operating hours unless it is satisfied that robust measures will be in place to protect the vulnerable.	This is totally fine and permits of an 'each application on its merits' approach.	No change
26	Section 137 – Premises licence reviews	Requests for a review of a premises licence may be made by an interested party or a responsible authority, in which circumstances it is for this Authority to decide whether to carry out a review. In addition, s.200 of the Act provides that licensing authorities may initiate a review in relation to a particular premises licence or a class of premises licence.	Do you want to include a bit about the principles on which it will decide whether to grant or reject an application for a review here? Additional text added	By virtue of s.198, an application may, but need not, be rejected if the licensing authority thinks that the grounds on which the review is sought: <ul style="list-style-type: none"> • Are not relevant to the principles that must be applied by the licensing authority in accordance with s.153, namely the licensing objectives, the Commission's codes of practice and this Guidance, or the licensing authority's statement of policy • Are frivolous • Are vexatious

				<ul style="list-style-type: none"> • ‘Will certainly not’ cause the licensing authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence • Are substantially the same as the grounds cited in a previous application relating to the same premises • Are substantially the same as representations made at the time the application for a premises licence was considered.
27	Section 144 – Unlicensed family entertainment centres	This Authority may only grant a permit if satisfied that the premises will be used as an uFEC and if the chief officer of the police has been consulted on the application. The permit cannot, for example, be used for an entire shopping centre.	Where does this wording come from? I don’t recognise it.	The wording comes from the Gambling Commission information sheets on uFECs and gaming machine provision. The wording will be clarified in the final policy document.