

**Notice of Meeting of the**

**ASSEMBLY**

**to be held on Wednesday, 20 November 2019  
commencing at 7:00 pm in the  
Council Chamber, Town Hall, Barking**



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

Date of publication: 12 November 2019

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Chief Executive

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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.

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## **AGENDA**

**1. Apologies for Absence**

**2. Declaration of Members' Interests**

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

**3. Minutes - To confirm as correct the minutes of the meeting held on 11 September 2019 (Pages 3 - 9)**

**4. Death of former Councillor Mohammed Fani (Page 11)**

**5. Appointments**

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

**6. Treasury Management 2019/20 Mid-Year Review (Pages 13 - 33)**

**7. Adoption of Sex Establishment Licensing Policy 2019 - 2022 (Pages 35 - 99)**

**8. Local Safeguarding Adults Board Annual Report 2018/19 (Pages 101 - 137)**

**9. Motions**

No motions were received

**10. Questions With Notice**

**11. Any other public items which the Chair decides are urgent**

**12. 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.***

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

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Our Vision for Barking and Dagenham

## **ONE BOROUGH; ONE COMMUNITY; NO-ONE LEFT BEHIND**

Our Priorities

### **A New Kind of Council**

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

### **Empowering People**

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

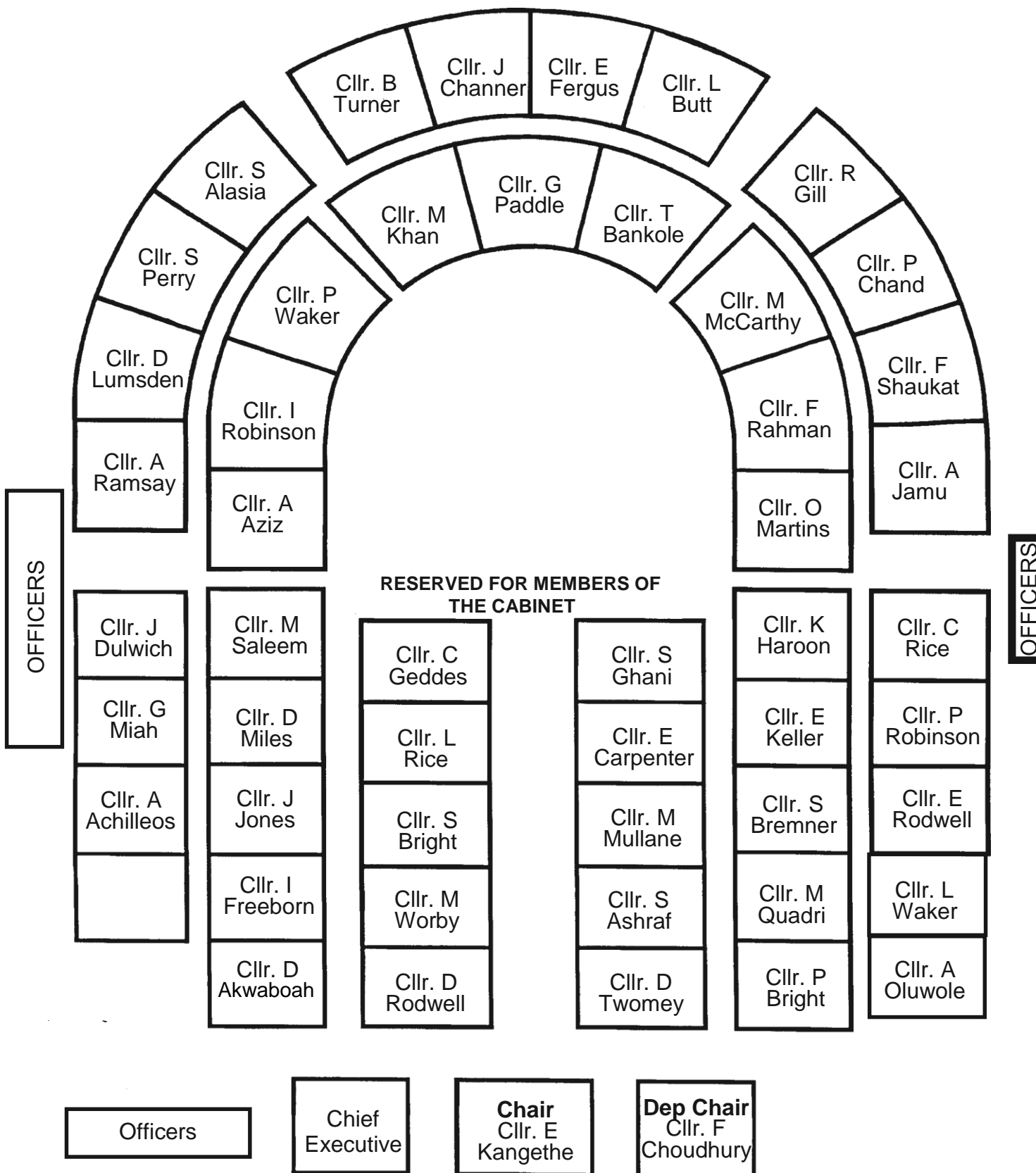
### **Inclusive Growth**

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

### **Citizenship and Participation**

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

# BARKING TOWN HALL COUNCIL CHAMBER



**SEATING PLAN FOR THE ASSEMBLY**

## MINUTES OF ASSEMBLY

Wednesday, 11 September 2019  
(7:00 - 7:58 pm)

### PRESENT

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

Cllr Andrew Achilleos	Cllr Dorothy Akwaboah	Cllr Sanchia Alasia
Cllr Saima Ashraf	Cllr Abdul Aziz	Cllr Toni Bankole
Cllr Simon Bremner	Cllr Princess Bright	Cllr Sade Bright
Cllr Laila M. Butt	Cllr Evelyn Carpenter	Cllr Peter Chand
Cllr Josie Channer	Cllr John Dulwich	Cllr Edna Fergus
Cllr Irma Freeborn	Cllr Cameron Geddes	Cllr Syed Ghani
Cllr Kashif Haroon	Cllr Amardeep Singh Jamu	Cllr Eileen Keller
Cllr Donna Lumsden	Cllr Olawale Martins	Cllr Mick McCarthy
Cllr Giasuddin Miah	Cllr Dave Miles	Cllr Margaret Mullane
Cllr Adegboyega Oluwole	Cllr Glenda Paddle	Cllr Simon Perry
Cllr Moin Quadri	Cllr Foyzur Rahman	Cllr Tony Ramsay
Cllr Chris Rice	Cllr Lynda Rice	Cllr Ingrid Robinson
Cllr Paul Robinson	Cllr Darren Rodwell	Cllr Emily Rodwell
Cllr Muhammad Saleem	Cllr Faraaz Shaukat	Cllr Phil Waker
Cllr Maureen Worby		

### APOLOGIES FOR ABSENCE

Cllr Rocky Gill	Cllr Jane Jones	Cllr Mohammed Khan
Cllr Bill Turner	Cllr Dominic Twomey	Cllr Lee Waker

#### 22. Declaration of Members' Interests

There were no declarations of interest.

#### 23. Learning Disability Week

The Cabinet Member for Social Care and Health Integration welcomed the Learning Disability Choir to the meeting and invited the group to lead the signing of 'This is Me', which they had performed as part of the celebrations of the recent Learning Disability Week. The Cabinet Member also praised the Makaton Choir from Heathlands, who were unable to be present at the meeting but were shown on video taking part in the performance during Learning Disability Week.

#### 24. Minutes (24 July 2019)

The minutes of the meeting held on 24 July 2019 were confirmed as correct.

## 25. Minutes of Sub-Committees

The Assembly received and noted the minutes of the JNC Appointments, Salaries and Structures Panel held on 13 August 2019.

## 26. Leader's Statement

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

- Domestic Violence – The Council’s campaign to tackle the growing problem in the Borough of domestic violence and promote greater gender equality took another step forward last month with the joint launch of the DV Partnership by the Cabinet Member for Social Care and Health Integration and the Chief Executive of Refuge. This was intended to send a strong message to the local community that giving your partner “a slap” is not right and will not be tolerated.

In response to comments the Leader confirmed that he was writing a letter to Government disapproving and seeking the revoking of the Knighthood to Geoffrey Boycott, given his previous DV conviction in 1998 against a former partner. Members added that this was an indictment of the whole honours system.

- Housing – According to the latest report in Evening Standard, Barking & Dagenham is the only London Borough to buck the trend in falling house prices since the EU Referendum in 2016 which in part is due to the work of the Council in attracting new investment to the Borough. It is also a reflection on how the borough is responding to the Brexit uncertainty. Aside of home ownership this Borough now have over 800 affordable properties for rent.

It was noted that Council officials have recently contacted the producers of the recent C4 TV series by George Clarke calling on the government to build 100,000 new Council homes with a view to highlighting the work in this Borough.

- Government Spending Review – The 1-year spending review announced by the Chancellor last week reflects this Government’s continuing mismanagement of the public finances which is making a hard situation even tougher for local government, which has had an unprecedented loss of funding with this Council’s budget reduced by two-thirds since 2010. This is at the same time as a growing demand for social care and homelessness services, adding pressure to already stretched services.
- Samuel Garside fire – Since reporting to the last meeting work has been underway to repair the block and the residents’ insurers have agreed to continue to underwrite their stay in temporary accommodation until their homes are put right. The Leader announced that he had called for the Council to instigate an independent review of what had happened since the fire in June so as to campaign for the Government to ensure that the right powers were in place so that all buildings below 18 metres in height were



deemed safe, be they residential, hospitals, schools etc.

- GCSE and A level results – Noted another successful set of GCSE exam results, with three in five pupils achieving the national standard and continued success at A levels with the number of young people being accepted to top universities and employers on the rise.
- Real funding for Police Officers – Following the Prime Minister’s recent announcement of 20,000 new Police Officers and given the need for improved police visibility, the Leader has written to the Assistant Met Police Commissioner calling for more officers for the Borough.

## 27. Appointments

There were none to report.

## 28. Polling Districts and Polling Places Review 2019

The Director of Law & Governance (DL&G) presented a report from the Chief Executive, in his capacity as Acting Returning Officer, on the outcome of a statutory review of Polling Districts (areas within ward boundaries) and associated Polling Places (stations).

It was noted that, with regard to the type of buildings used as polling stations, every effort had been made to reduce the reliance on school buildings to avoid disruption to pupils. However, given the lack of suitable alternative premises in some polling districts it was still necessary to use some school sites.

The proposals had been the subject of a public consultation which ran between 8 April and 28 June 2019 and the views of those with an expertise in access to premises and facilities for people with disabilities were sought as part of that process. Appendix A to the report set out the details of the proposals together with a summary of representations made on a ward-by-ward basis.

The DL&G explained that there are no changes to the existing arrangements in 13 of the 17 wards, with those wards directly affected being Abbey, Goresbrook, Longbridge and Thames. It was noted that a number of the changes in those wards had already been implemented since the last review in 2014.

The Assembly **agreed** to:

- (i) Approve for publication the final proposals arising from the review of polling districts and associated polling places as detailed in Appendix A, and in so doing allowing for public representations objecting to any of the proposals with reasons to the Electoral Commission within a six-week period. The EC will then consider any representations and where appropriate will direct the Council to consider alterations to polling places that they deem necessary under the review, and
- (ii) Authorise the Chief Executive in his capacity as the ARO to agree any permanent or temporary arrangements that are deemed appropriate until the commencement of the next statutory review in respect of alternative

polling stations and/or reconfiguration of polling districts, subject to consultation with relevant ward councillors.

## **29. Motions**

There were none.

## **30. Questions With Notice**

### **Question 1**

#### **From Councillor Dulwich**

“What has the Council been able to do to prepare for Brexit”?

#### **Response from the Deputy Leader and Cabinet Member for Community Leadership and Engagement.**

We are a borough with rapid population change, acute deprivation and inequality of outcomes compared to the rest of London, meaning that any negative economic outcome as a result of Brexit is likely to have a significant impact, especially leaving without a deal. This is something this Council takes very seriously. To combat this the Council has continued to seek to attract new investment for the Borough. Furthermore, the Council’s current capital programme does not include any existing scheme in receipt of EU funding.

The Council has been preparing for all eventualities. We have been working in close partnership with other London Councils. We have also created a risk log which has sought to prepare for every eventuality and lists various areas of concern including with suppliers and contractors and which officers have been monitoring over the past months. The main areas of risk around which we have been taking mitigating actions include dealing with shortages of food and fuel, doubling our efforts on wider community engagement and participation, and ensuring our workforce including social care workers, many of which are EU nationals, have been provided with information and support on applying for settled status in the UK so as to minimise possible disruption.

### **Question 2 from Councillor P Bright**

“Can the Cabinet Member for Educational Attainment & School Improvement update the Assembly on this year’s GCSE and A level results in the Borough”?

#### **Response from Cabinet Member for Educational Attainment & School Improvement.**

The Cabinet Member for Educational Attainment & School Improvement reminded the Assembly that our schools are not just exam factories. They are inclusive places where students of all abilities & backgrounds attend & learn together, offering a rich curriculum with nationally revered cultural education as well as health programmes.

Turning to this year's results the exam specifications at GCSE and A level are still relatively new. They are tougher and mainly based on final exams with little coursework. A full report submitted would be presented to Cabinet in November 2019 once the Council had national comparative information on exam results.

Early results for Barking and Dagenham schools show a solid improvement on the headline measure of grades 9-5 as well as 9-4 in English and Mathematics which on the whole comparable with national averages. There had been some outstanding results across the various schools, the highlights including six students having achieved a 'clean sweep' of seven grade 9's and several students gaining six grade 9's.

The new A level exams have proved challenging both locally and nationally and with some falls on the headline indicators, so there had been a more mixed picture this year. Despite this challenging context Headteachers had reported that most students had achieved the grades to go on to their intended destinations, with increasing success for our students in gaining entry to the more competitive universities. The Cabinet Member summarised a number of successes across the various borough schools.

### **Question 3 from Councillor Perry**

"What developments have we seen since the announcement that Barking & Dagenham is the preferred option for the three markets of London"?

### **Response from Cabinet Member for Regeneration and Social Housing.**

Following recent misinformation on the reporting of the preferred location, the good news is that it has now been confirmed that the three markets will occupy the site of the former power station site at Dagenham Dock. Since the announcement the City of London (CoL) had been working with the Council and Be First on a number of work strands. Good progress is being made on a Memorandum of Understanding between all parties to ensure a shared vision for the markets' location and its delivery. This is very important seeing as the host borough the Council would want to secure the maximum benefits whilst seeking to minimise the disruption to residents.

Pre-planning applications meetings are underway with the objective of an outline planning application being submitted next Spring. As part of this process more stakeholder consultation is being planned. CoL are carrying out initial research into the feasibility of removing redundant powerlines as well as drawing up an approach to the remediation of the former power station site.

The public consultation which closed on 6 August has 252 responses which were largely positive, albeit not surprisingly many had concerns about increased traffic on the local road network especially the A13. CoL favour maximising the use of the River Thames as a transport solution. The Council already had ambitious plans to improve the particular section of the A13, and it was hoped this project would provide the impetus with the appropriate agencies.

Work is also looking at the scope for a Food College to benefit local students to

obtain the appropriate qualifications so as to secure good jobs on the food industry.

A further briefing will come before members in a few months at which amongst other things the design of the buildings will be discussed, there being a desire of both the Council and CoL to achieve an iconic design that everybody can be proud of.

#### **Question 4 from Councillor Oluwole**

“Since its’ opening in May as the first Youth Zone in London, how successful has the Future Youth Zone been in engaging young people from across the Borough”?

#### **Response from the Leader of the Council**

Since April, when His Royal Highness Prince Harry, officially opened the Future Youth Zone 4,500 young people have taken out membership with more than 1,600 visits a week. On average young people from the borough had made over 20,000 visits, of which nearly 20% received free school meals.

A vital role of the Youth Zone is to raise civic pride and encourage young people to give something back to the community, on top of providing a safe and vibrant place to go to outside of home and school.

This is the very first Youth Zone in London, and yet another reason for Barking & Dagenham being on the map for new innovative thinking and good practice. So far, there had been visits from the Mayor of London, the former Home Secretary (now Chancellor) and the current Home Secretary, as well as a host of other people who want to see for themselves the work the Youth Zone is doing. The Leader had written to both the Chancellor and the Home Secretary calling on the Government to support a Youth Zone model and a national network across the rest of the country. It was no coincidence that the Chancellor name dropped Future Youth Zone in his speech on the Spending Review last week.

The Leader took the opportunity to announce today that the Council had already starting to invest time and effort (but not Council monies) in developing a second Youth Zone in the Borough, giving young people the best start in life to become the leaders of tomorrow.

**Supplementary question** - Councillor Oluwole asked that as a Champion of good health would the Leader in collaboration with the Cabinet Member for Educational Attainment & School Improvement approach CUC London to include sports science courses.

The Leader stated that the Youth Zone was only one element of a whole educational package which when taken together would provide the Borough’s young people the best facilities possible. The Council had invested £m’s in our Schools, the family of which needs to remain together and managed in such a way that it maximises young peoples’ learning opportunities together with CUC London, with whom the Council had been in regular contact. The University continued to look at the best provision of courses which included providing bespoke programmes for young teachers and social workers as well as working with the

NHS and doctors. This would also include sports science courses.

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## ASSEMBLY

20 November 2019

<b>Title:</b> Death of former Councillor Mohammed Abdul Rehman Fani	
<b>Report of the Chief Executive</b>	
<b>Open</b>	<b>For Information</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
<b>Report Author:</b> John Dawe, Democratic Services Officer	<b>Contact Details:</b> Tel: 020 8227 2135 Email: <a href="mailto:john.dawe@lbbd.gov.uk">john.dawe@lbbd.gov.uk</a>
<b>Accountable Strategic Leadership Director:</b> Fiona Taylor, Director of Law and Governance	
<b>Summary:</b>	
<p>The Assembly is asked to note with deep regret that former Councillor Mohammed Fani passed away on 13 September 2019. He was 80 years of age. The burial service to which all members were invited to attend took place on 14 September at the Chigwell Gardens of Peace Cemetery.</p> <p>Mr Fani was first elected to the Council in 1989 representing the Abbey ward which he continued to represent until his retirement in 2010. He served as Deputy Chair of both the Planning Committee between 2001 and 2007 and the former Safer and Stronger Community Select Committee between 2009 and 2010. During his time on the Council he also served as a member on various committees including the Health Scrutiny Committee, Licensing and Regulatory Committee, Employee Joint Consultative Committee, the Employee Joint Health, Safety and Wellbeing Committee and the Children's Services and Health and Adult Services Select Committees.</p> <p>In 2010, Mr Fani was made an Honorary Freeman of the Borough in recognition of his outstanding service to the community including his 20 years as a councillor for the Abbey ward.</p>	
<b>Recommendation</b>	
The Assembly is asked to stand for a minute's silence as a mark of respect.	

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## ASSEMBLY

20 November 2019

<b>Title:</b> Treasury Management 2019/20 Mid-Year Review	
<b>Report of the Cabinet Member for Finance, Performance and Core Services</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> Yes
<b>Report Author:</b> David Dickinson, Investment Fund Manager	<b>Contact Details:</b> Tel: 020 8227 2722 E-mail: <a href="mailto:david.dickinson@lbbd.gov.uk">david.dickinson@lbbd.gov.uk</a>
<b>Accountable Director:</b> Helen Seechurn, Interim Director of Finance	
<b>Accountable Strategic Director:</b> Claire Symonds, Chief Operating Officer	
<p><b>Summary</b></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 2019/20 on 28 February 2019, which incorporated the Prudential Indicators. This report updates Members on treasury management activities in the current year.</p> <p>The Cabinet was due to consider this report at its meeting on 12 November 2019 (the date of publication of this Assembly agenda). Any issues arising from the Cabinet meeting will be reported at the Assembly meeting.</p>	
<p><b>Recommendation(s)</b></p> <p>The Assembly is recommended to:</p> <ul style="list-style-type: none"> <li>(i) Approve the revised 2019/20 Minimum Revenue Provision at Appendix 1 to the report;</li> <li>(ii) Note the Treasury Management Strategy Statement Mid-Year Review 2019/20;</li> <li>(iii) Note that in the first half of the 2019/20 financial year the Council complied with all 2019/20 treasury management indicators;</li> <li>(iv) Note the value of the treasury investments as at 30 September 2019 totalled £330.7m;</li> <li>(iv) Note the value of the commercial and residential loans lent by the Council as at 31 March 2019 totalled £76.6m;</li> </ul>	

- (v) Note the value of long term borrowing as at 30 September 2019 totalled £785.3m. This is split with £275.9m of Housing Revenue Account (HRA) borrowing and £509.4m of General Fund borrowing. This comprised market, Public Works Loan Board (PWLB), Local Authority and European Investment Bank (EIB) loans;
- (vi) Note the value of short term borrowing as at 30 September 2019 totalled £130.0m; and
- (vi) Note the increase in the interest rates offered on new PWLB loans by 1.0% on top of existing loans terms of 0.8%, which equates to a margin of 1.8% above the relevant gilt yield.

**Reason(s)**

To accord with the requirements of the Local Government Act 2003.

**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 (IAS).
- 1.4 In accordance with the Chartered Institute of Public Finance Accountancy's (CIPFA) Code of Practice for Treasury Management, there should be a review of that strategy at least half yearly. The principal requirements of the Code include:
  - 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. Introduction and Background;
2. Economic Update and Interest Rate Forecast;
3. Council's Cash Position as at 30 September 2019;
4. Interest Budget Position as at 30 September 2019;
5. Debt Position at 30 September 2019;
6. Investment Portfolio as at 30 September 2019;
7. Investment Strategy Performance and Benchmarking;
8. Commercial and Reside Loans;
9. IAS Income Forecast;
10. Minimum Revenue Provision (MRP) Review; and
11. The Council's Capital Position (Prudential Indicators).

## 2. Economic Update and Interest Rate Forecast

2.1 **UK.** After low annual growth of 1.4% in 2018, growth in Q1 was unexpectedly strong at 0.5%. However, this was boosted by stock building ahead of a March Brexit deadline so Q2 was expected to be negative and was at -0.2%, with annual growth of 1.3%

2.2 **The Monetary Policy Committee (MPC)** raised the Bank Rate from 0.5% to 0.75% in August 2018 but there have been no subsequent increases in Bank Rate

and it is unlikely that there will be further action from the MPC until the uncertainties over Brexit clear. If there were a no deal exit, it is likely that the Bank Rate would be cut in order to support growth. Nevertheless, the MPC does have concerns over the trend in wage inflation which peaked at a new post financial crisis high of 3.9% in June before edging back to 3.8% in July, (excluding bonuses). Growth in employment fell to only 31,000 in the three months to July, well below the 2018 average, while the unemployment rate remained at 3.8 percent, its lowest rate since 1975.

2.3 **CPI** inflation fell to 1.7% in August and is likely to remain close to 2% over the next two years. If there was a no deal Brexit though, it could rise towards 4%, primarily as a result of imported inflation on the back of a weakening pound. The rise in wage inflation and fall in CPI inflation is good news for consumers as their spending power is improving in this scenario as the difference between the two figures is now around 2.1%, i.e. a real term increase. Given the UK economy is very much services sector driven, an increase in household spending power is likely to feed through into providing some support to the overall rate of economic growth in the coming months.

2.4 **USA.** President Trump's massive easing of fiscal policy in 2018 fuelled a (temporary) boost in consumption in 2018 which generated an upturn in the rate of growth to 2.9% for 2018, just below his target of 3%. Growth in quarter 1 of 2019 was a strong 3.1% but growth fell back to 2.0% in quarter 2. The strong growth in employment numbers during 2018 has reversed into a falling trend during 2019, indicating that the economy is cooling, while inflationary pressures are also weakening. After the Fed increased rates by 0.25% in December 2018 to between 2.25% and 2.50%, it has taken decisive action to reverse monetary

policy by cutting rates by 0.25% in each of July and September in order to counter the downturn in the outlook for US and world growth. There are expectations that it could cut again in December.

- 2.5 **Eurozone.** The annual rate of growth for 2018 was 1.8% but is expected to fall to possibly around half that rate in 2019. The European Central Bank (ECB) ended its programme of quantitative easing purchases of debt in December 2018, which meant that the central banks in the US, UK and EU had all ended the phase of post financial crisis expansion of liquidity supporting world financial markets by purchases of debt.
- 2.6 **China.** Economic growth has been weakening over successive years, despite repeated rounds of central bank stimulus; medium term risks are increasing. The trade war with the US does not currently appear to be having a significant impact on growth. Major progress still needs to be made to eliminate excess industrial capacity and to switch investment from property construction and infrastructure to consumer goods production. It also needs to address the level of non-performing loans in the banking and credit systems.
- 2.7 **World Growth.** The trade war between the US and China on tariffs is a major concern to financial markets and is depressing worldwide growth, as any downturn in China will spill over into impacting countries supplying raw materials to China. Concerns are focused on the synchronised general weakening of growth in the major economies of the world compounded by fears that there could even be a recession looming up in the US, though this is probably overblown. These concerns have resulted in government bond yields in the developed world falling significantly during 2019. If there were a major worldwide downturn in growth, central banks in most of the major economies will have limited ammunition available, in terms of monetary policy measures, when rates are already very low in most countries, (apart from the US), and there are concerns about how much distortion of financial markets has already occurred with the current levels of quantitative easing purchases of debt by central banks.
- 2.8 **Interest Rate Forecast.** The Council's treasury advisor, Link Asset Services, has provided the following forecast:

Link Asset Services Interest Rate View											
	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22
Bank Rate View	0.75	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.00	1.25
3 Month LIBID	0.70	0.70	0.70	0.70	0.80	0.90	1.00	1.00	1.00	1.10	1.20
6 Month LIBID	0.80	0.80	0.80	0.80	0.90	1.00	1.10	1.10	1.20	1.30	1.40
12 Month LIBID	1.00	1.00	1.00	1.00	1.10	1.20	1.30	1.30	1.40	1.50	1.60
5yr PWLB Rate	1.20	1.30	1.50	1.60	1.70	1.70	1.80	1.90	2.00	2.00	2.10
10yr PWLB Rate	1.50	1.60	1.80	1.90	2.00	2.00	2.10	2.20	2.30	2.30	2.40
25yr PWLB Rate	2.10	2.30	2.40	2.50	2.60	2.70	2.70	2.80	2.90	3.00	3.00
50yr PWLB Rate	2.00	2.20	2.30	2.40	2.50	2.60	2.60	2.70	2.80	2.90	2.90

After the August 2018 increase in Bank Rate to 0.75%, the first above 0.5% since the financial crash, the MPC has put any further action on hold, probably until such time as the fog of Brexit might clear and there is some degree of certainty of what the UK will be heading into. The above forecast, and other comments in this report, are based on a central assumption that there will be some form of muddle through agreement on a reasonable form of Brexit. Bank Rate forecasts will have to change if this assumption does not materialise e.g. a no deal Brexit on 31 October could well prompt the MPC to do an immediate cut of 0.5% in Bank Rate back to 0.25%. All other forecasts for investment and borrowing rates would also have to change.

## **2.9 PWLB Rate Increase**

On the 9<sup>th</sup> of October 2019 HM Treasury announced that they would increase the interest rates offered on new Public Works Loan Board (PWLB) loans by 1.0% on top of existing loans terms of 0.8%, which equates to a margin of 1.8% above the relevant gilt yield.

Over the past few years the Council has predominantly used the PWLB to cover its longer-term borrowing requirements. The increase in the PWLB margin means that there are likely to be other funding options that will be comparatively cheaper, including borrowing from financial institutions and even issuing a bond. The Council has already completed the borrowing it was looking to do for 2019/20 but officers will work to ensure other funding options are available to fund the Council's IAS.

## **3. Council's Cash Position as at 30 September 2019**

### **3.1 Council Cash Position**

Table 1 details the Council's mid-year treasury position. Overall the Council's borrowing has increased since 31 March 2019 due to an increase in short-term borrowing and an increase of £60m of long-term debt from the PWLB. The average cost of General Fund debt is 1.99% for a total of £639.4m of borrowing.

Investment balances remain elevated at £330.7m with an average return of 1.57%. Commercial Loans to subsidiaries and to Reside total £76.6m.

**Table 1: Council's Treasury Position at 30 September 2019**

	Principal Outstanding £000s	Rate of Return	Average Life (yrs)
<b>Housing Revenue Account Fixed Rate Borrowing</b>			
PWLB	265,912	3.50%	36.31
Market Loans	10,000	3.98%	58.70
<b>Total Housing Revenue Account Debt</b>	<b>275,912</b>	<b>3.51%</b>	<b>37.12</b>
<b>General Fund Fixed Rate Borrowing</b>			
PWLB	390,700	2.17%	27.21
Market Loans	118,669	2.74%	30.70
Short Term Borrowing	130,000	0.77%	0.21
<b>Total General Fund Debt</b>	<b>639,369</b>	<b>1.99%</b>	<b>22.25</b>
Banks and Financial Institutions	(115,018)	1.20%	0.85
Local Authorities	(215,697)	1.66%	0.99
<b>Total Investment Income</b>	<b>(330,715)</b>	<b>1.57%</b>	<b>0.94</b>
<b>Commercial and Reside Loans</b>	<b>(76,636)</b>		

3.2 Overall the Council has a significant level of cash available to fund its IAS. Cash levels will be monitored, and additional borrowing taken as and when required.

#### 4. Interest Budget Position as at 30 September 2019

4.1 The funding of the IAS will require a significant amount of borrowing. Pressure on the net interest budget could be from a:

- i. Delay in developments becoming operational, which delays interest receivable;
- ii. Significant increase in borrowing requiring more interest payable than forecast; and
- iii. A significant drop in treasury returns either through lower returns or lower investible cash balances.

4.2 Table 2 below provides the latest interest receivable and payable budgets for the Council. The current interest forecast is for a small overspend in the interest payable budget. This overspend is as a result of treasury borrowing more during the year but at a much lower rate than forecast. There is a small overachievement forecast for interest receivable as the amount invested is forecast to be higher than originally forecast but the average rate is likely to be the same as the forecast.

4.3 For 2020/21 to 2022/23 the interest forecast is for the interest payable to be lower as average borrowing rates are forecast to be lower and borrowing rates are locked in through increasing the borrowing in 2019/20. However, the interest receivable is also likely to be lower as a result of delays in the IAS and also from lower rates available for treasury investments.

**Table 2: General Fund (GF) Interest Budget Forecast 2019/20 to 2022/23**

Interest Budget	2019/20	2020/21	2021/22	2022/23
	Forecast	Forecast	Forecast	Forecast
	£'000s	£'000s	£'000s	£'000s
GF Interest Payable Budget	12,500	15,600	21,071	24,513
GF Interest Payable Forecast	12,588	14,384	16,474	18,784
<b>Surplus / (Deficit)</b>	<b>(88)</b>	<b>1,216</b>	<b>4,597</b>	<b>5,729</b>
GF Interest Receivable Budget	(7,674)	(8,374)	(13,395)	(16,387)
GF Interest Receivable Forecast	(7,789)	(7,213)	(8,701)	(10,883)
<b>Surplus / (Deficit)</b>	<b>115</b>	<b>(1,161)</b>	<b>(4,694)</b>	<b>(5,504)</b>
<b>Net Interest Budget</b>	<b>4,826</b>	<b>7,226</b>	<b>7,676</b>	<b>8,126</b>
<b>Net Interest Forecast</b>	<b>4,799</b>	<b>7,170</b>	<b>7,772</b>	<b>7,901</b>
<b>Net Surplus / (Deficit)</b>	<b>27</b>	<b>56</b>	<b>(96)</b>	<b>225</b>

4.4 As outlined in section 2.9, the increase in the PWLB rate will mean that future borrowing will likely be made from other financial institutions or from the Council either issuing a bond. A summary of the borrowing options will be included as part of the Treasury Management Strategy Review, that will be taken to Members in February 2020.

4.5 Any borrowing decisions will be based on ensuring that the debt repayment is included as an element of the borrowing, that borrowing rates will be fixed and that the rate is competitive.

## 5. Debt Position at 30 September 2019

5.1 For the first half of the financial year, the treasury section has borrowed £60.0m from the PWLB to fund the IAS at a rate of 1.53% and for an average duration of 23.3 years. Details of the loans are below:

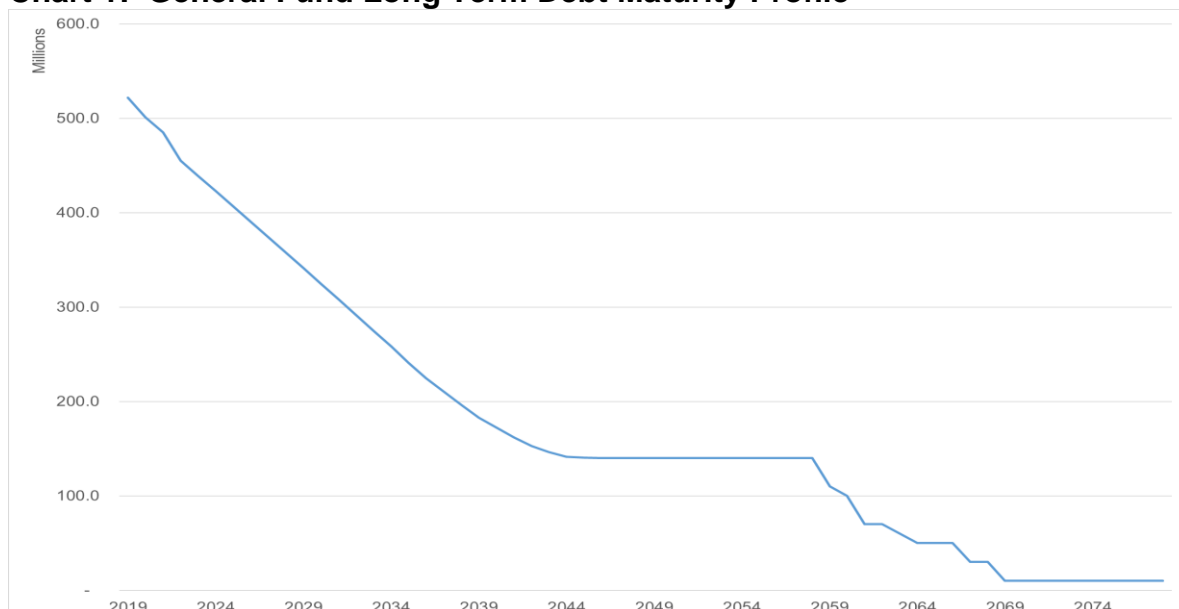
**Table 3: Long Term Loans borrowed 1 April to 30 September 2019**

Repayment Type	Counterparty	Start Date	End Date	Amount £000s	Rate %
EIP	PWLB	04/06/2019	04/06/2046	20,000	1.97
EIP	PWLB	08/08/2019	08/08/2039	20,000	1.39
EIP	PWLB	05/09/2019	05/09/2042	20,000	1.23
<b>Total Borrowed:</b>				<b>60,000</b>	<b>1.53</b>

5.2 The total general fund borrowing is £639.4m, with £275.9m of HRA borrowing. The total borrowing as at 30 September 2019 is £915.3m.

5.3 Although the size of the Council's overall borrowing is significant, Members are asked to note that the EIB borrowing of £89m is an annuity repayment, which means that over the 30-year duration of the loan, a proportion of the loan will be repaid each year. In addition, £200m of the long-term borrowing is Equal Instalment Payments (EIP), which involves the repayment of an equal amount of the debt each year for the duration of the loan. As a result, the Council has a loan repayment profile that is similar to its forecast property debt repayment schedule. The Council's current GF long term borrowing repayment schedule is outlined in Chart 1 below:

**Chart 1: General Fund Long Term Debt Maturity Profile**



#### 5.4 Debt Repayment and Rescheduling

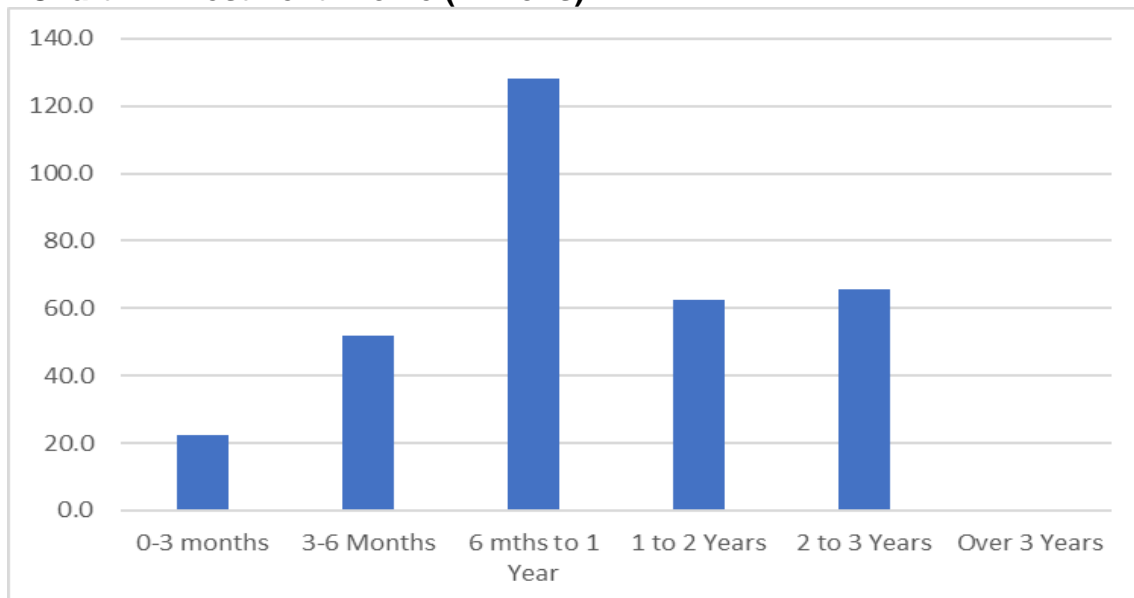
Debt rescheduling opportunities are limited in the current economic climate and no debt rescheduling were undertaken during the first six months of the financial year. Debt repayment for several equal instalment payments loans we made during the same period. It must be noted that although a significant amount has been borrowed, ensuring low cost of carry and debt repayment, is at the forefront of any borrowing decisions.

#### 6. **Investment Portfolio as at 30 September 2019**

- 6.1 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.
- 6.2 As at 30 September 2019 the Council held £330.7m in cash, with £215.7m invested with Local Authorities and £115.0m held in deposits with banks.
- 6.3 The Council's investment maturity profile in Chart 2 below shows that, as at 30 September 2019, 6.8% of the Council's investments had a maturity of 3 months or less, with 61.2% 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.



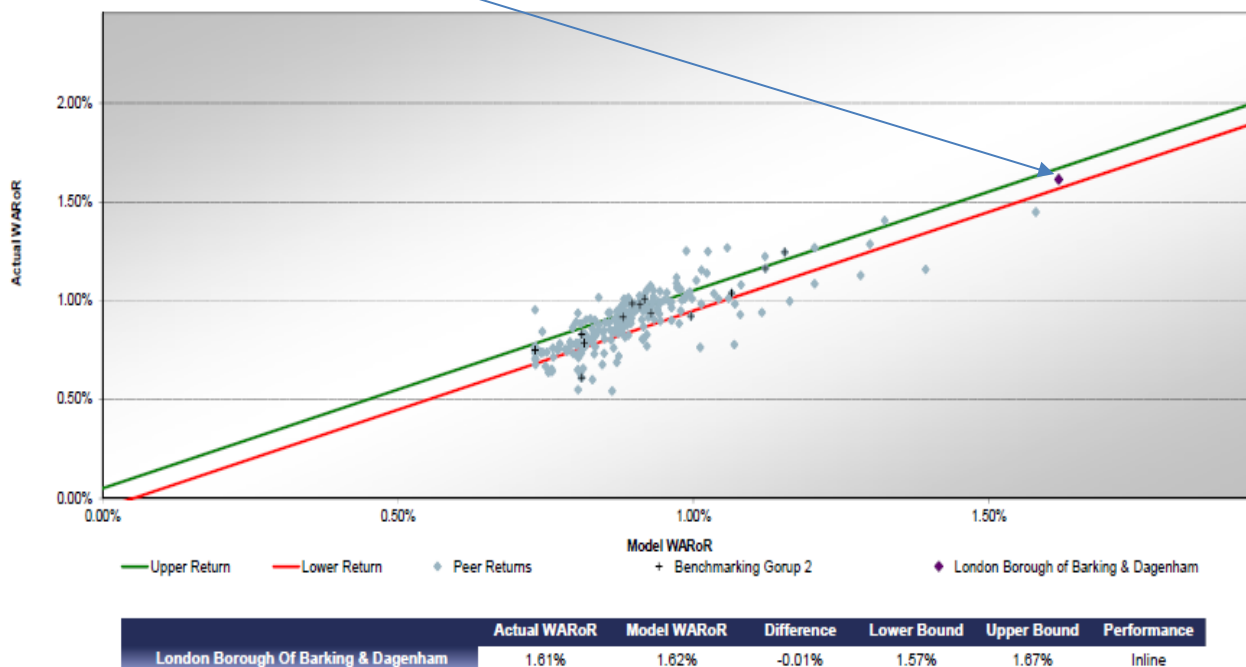
**Chart 2: Investment Profile (Millions)**



## **7. Investment Strategy Performance and Benchmarking**

- 7.1 Although yields have reduced to historically low levels over the first half of the financial year, several opportunistic investments have resulted in a stable average rate of return of **1.61%** for the first six months of the year. The rate at 30 September 2019 is **1.57%** indicating that the returns for the second part of the financial year will be similar to those achieved in the first half.
- 7.2 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.
- 7.3 The treasury strategy, which excludes direct property investments such as through Reside, continues to significantly outperform its peer group, with a return of 1.61% against an average of 0.98% for London Local Authorities and 0.90% for the total comparable population of 168 authorities. This is highlighted in chart 3 below, where the Council significantly outperforms the other authorities and is within the upper and lower bandings based on the duration taken.

**Chart 3: Population Returns against Model Returns**



7.4 One of the reasons for the Council’s outperformance is that its investments are, on average, for a longer duration. The main drivers behind this strategy is to minimise the cost of borrowing and also to match the funding of the Council’s IAS, which requires more cash in 2019/20 and onwards when a large part of the construction payments will be made.

## 8. Commercial and Reside Loans

8.1 In addition to its treasury investments, the Council has several loans to its subsidiary companies and also residential property loans to Reside. These loans all have an agreed loan and a commercial interest repayment schedule agreed. As at 31 March 2019 the Council’s commercial loans and loans to Reside totalled £76.6m and are summarised in table 4 below:

**Table 4: Commercial and Reside Loans as at 31 March 2019**

Reside Company	Loan Type	Value £000s
Be First Ltd	Commercial Loan	4,260
Dagenham and Redbridge Loan	Commercial Loan	115
B&D Energy Limited	Commercial Loan	284
B&D Trading Partnerships	Commercial Loan	21,836
Barking Riverside Limited	Commercial Loan	5,732
B&D Reside Roding	Reside Loan	561
B&D Reside Regeneration	Reside Loan	9,461
B&D Reside Weavers LLP	Reside Loan	34,388
<b>Total</b>		<b>76,636</b>

## 9. IAS Income Forecast

- 9.1 The current forecast for the IAS net income is for an underperformance of £1.074m as outlined in table 5 below. The underperformance is predominantly from lower than originally forecast income from Commercial Loans, from delays in getting schemes to the operational phase and the use of some of the returns to fund the Reside management structure.

**Table 5: IAS Income Forecast as at 30 September 2019**

<b>IAS 2019/20 Net Income</b>	<b>2019/20</b>
<b>Budget</b>	<b>£000s</b>
Original MTFs Savings Target	3,733
Add £600k Saving for Abbey MRP	600
<b>Total Target</b>	<b>4,333</b>
Total Reside Schemes	1,882
Commercial property and Loans	1,377
<b>Total Commercial</b>	<b>3,259</b>
<b>Surplus / (Deficit)</b>	<b>(1,074)</b>

- 9.2 Although the forecast for 2019/20 is an underachievement against the IAS budget, a reserve has been established from the prior year's outperformance which will allow this underperformance to be covered.
- 9.3 Work continues between the Council, Be First and Reside to improve the time it takes to deliver residential and commercial schemes and to ensure that operational schemes are managed efficiently and effectively. Be First continues to seek other regeneration and investment options and there is the potential for these to improve the return during 2019/20.

## 10. Minimum Revenue Provision (MRP) Review

- 10.1 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 MRP which it considers to be prudent". MRP is a charge to revenue in relation to capital expenditure financed from borrowing, often referred as a provision for the repayment of debt.
- 10.2 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.
- 10.3 In February 2018 the Ministry of Housing, Communities and Local Government (MHCLG) published revised Guidance on Local Government and Investments and Statutory Guidance on MRP.
- 10.4 The definition of prudent MRP has been changed to "put aside revenue over time to cover the capital financing requirement". It cannot be a negative charge and can only be zero if the CFR is nil or negative. Guidance on asset lives has been updated,

applying to any calculation using asset lives. Any change in MRP policy cannot create an overpayment; the new policy must be applied to the outstanding CFR going forward.

10.5 A review of MRP was completed in 2018 and a further review has now been completed into options available to change the way MRP is calculated on historical MRP provisions.

10.6 The proposed revised MRP will see historical MRP balances, as at 31 March 2019, which have been calculated using a straight-line method, changed to an annuity method. This will reduce the early years of the MRP provision but will increase the MRP provision for latter years.

10.7 Appendix 1 includes the revised MRP, with the amended sections highlighted.

## 11. The Council's Capital Position (Prudential Indicators)

### 11.1 Prudential Indicator for Capital Expenditure

Table 6 shows the changes to the original capital expenditure budgets. Table 6 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 CFR, although this will be reduced by revenue charges for the repayment of debt (MRP). 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 is mainly due to the addition to the capital programme of the Investment and Acquisition Strategy.

**Table 6: Revised Estimate to Capital Programme as at 30 September 2019**

<b>Capital Expenditure by Service</b>	<b>Feb 2019 Revised Budget £000</b>	<b>Sep 2019 Forecast £000</b>
Care & Support	2,241	2,241
Community Solutions	210	210
Core	3,392	3,392
Educations Youth & Childcare	45,591	46,003
Enforcement	2,116	2,116
Culture Heritage & Recreation	10,675	8,926
Investment & Acquisitions Strategy	124,000	122,513
My Place	7,185	7,185
Public Realm	7,572	7,572
SDI Commissioning	-	-
Asset Management	37,600	37,892
New Build Schemes	20,000	13,072
Transformation	10,995	5,389
<b>General Fund Capital Spend</b>	<b>271,577</b>	<b>256,511</b>
HRA Budget	69,100	62,464

Estates Renewals (HRA)	11,500	11,500
<b>Approved Capital Programme</b>	<b>340,677</b>	<b>318,975</b>
<b>Financed by:</b>		
Capital Grants	38,415	41,796
Section 106	-	-
Revenue Contributions	990	400
Capital Receipts	25,698	28,930
HRA Contributions	79,804	73,964
<b>Sub-Total</b>	<b>144,907</b>	<b>145,090</b>
<b>Net financing need for the year</b>	<b>195,770</b>	<b>173,885</b>

## 11.2 Prudential Indicator – CFR

Table 7 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 7: Revised Capital Financing Requirement as at 30 September 2019**

	<b>2019/20 Original Revised Estimate £000s</b>	<b>2019/20 Updated Estimate £000s</b>
<b>Prudential Indicator – Capital Financing Requirement</b>		
CFR – General Fund	335,872	315,474
Reside Operational Schemes	194,504	194,504
Investment & Acquisitions Strategy	124,000	122,513
CFR – Housing	278,472	278,472
<b>Total CFR</b>	<b>932,848</b>	<b>910,963</b>
<b>Net movement in CFR</b>	<b>195,770</b>	<b>173,885</b>
<b>Long Term HRA Debt</b>		
	275,912	275,912
<b>Long Term General Fund Debt</b>		
	472,922	509,369
<b>Short Term General Fund Debt</b>		
	120,000	70,000
Other long-term liabilities		
	51,891	51,891
<b>Total debt 31 March 2020</b>	<b>920,725</b>	<b>907,172</b>
<b>Operational Boundary</b>	<b>1,002,000</b>	<b>1,002,000</b>
<b>Authorised Limit</b>	<b>1,102,000</b>	<b>1,102,000</b>

### 11.3 Treasury Indicators: Limits to Borrowing Activity

There are three 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:

<b>Interest rate exposures</b>	<b>2019/20</b>	<b>2019/20</b>	<b>2020/21</b>
	<b>Upper</b>	<b>Upper</b>	<b>Upper</b>
<b>Limits on fixed interest rates based on net debt</b>	100%	100%	100%
<b>Limits on variable interest rates based on net debt</b>	70%	70%	70%
<b>Limits on fixed interest rates:</b>			
• <b>Debt only</b>	100%	100%	100%
• <b>Investments only</b>	90%	90%	90%
<b>Limits on variable interest rates</b>			
• <b>Debt only</b>	70%	70%	70%
• <b>Investments only</b>	80%	80%	80%

<b>Maturity structure of fixed interest rate borrowing 2019/20</b>		
	<b>Lower</b>	<b>Upper</b>
<b>Under 12 months</b>	0%	40%
<b>12 months to 2 years</b>	0%	60%
<b>2 years to 5 years</b>	0%	70%
<b>5 years to 10 years</b>	0%	70%
<b>10 years and above</b>	0%	100%

<b>Maturity structure of variable interest rate borrowing 2019/20</b>		
	<b>Lower</b>	<b>Upper</b>
<b>Under 12 months</b>	0%	40%
<b>12 months to 2 years</b>	0%	40%
<b>2 years to 5 years</b>	0%	70%
<b>5 years to 10 years</b>	0%	70%
<b>10 years and above</b>	0%	80%

## **12. Consultation**

- 12.1 The Chief Operating Officer, in her role as statutory chief finance officer, has been informed of the approach, data and commentary in this report.

## **13. Financial Implications**

Implications completed by Katherine Heffernan, Head of Service, Finance

- 13.1 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.

## **14. Legal Implications**

Implications completed by Dr. Paul Feild, Senior Governance Lawyer

- 14.1 The Local Government Act 2003 (the "Act") requires the Council to set out its 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.
- 14.2 The Council also has to 'have regard to' the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities when carrying out its functions under the Act.
- 14.3 The Assembly agreed the Treasury Management Strategy Statement for 2019/20 on 28 February 2019. This report is a midyear review of the strategy's application and there are no further legal implications to highlight.

## **15. Options Appraisal**

- 15.1 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).

## **16. Other Implications**

- 16.1 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 2019/20 Review
- Appendix 2: Investments as at 30th September 2019

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## **Appendix 1: Revised Minimum Revenue Provision Policy Statement**

### **Background**

1. Minimum Revenue Provision (MRP) is 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 has previously been made in instalments over the life of the asset, with the calculation method and the rate or the period of amortisation determined by the COO.
14. From 1 April 2019 MRP for capital expenditure incurred from 1 April 2008 will be calculated using the annuity method. All balances as at 31 March 2019 will be carried at the same value and the same remaining life of the asset but a revised MRP calculation will be completed using the annuity method of MRP for 2019/20 and onwards. Currently the annuity method is used for the Investment and Acquisitions assets and it not proposed to amend this method, which is outlined in section 19 to 23 of this MRP statement.
15. 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.
16. 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.

17. 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.
18. 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**

19. 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.
20. MRP using the annuity method will be charged over a period of 50 years for each scheme. An MRP period of 25 years will be used for modular / prefabricated properties. 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.
21. For each IAS scheme a set two-year stabilisation period will be used, although this can be extended, with the agreement of the COO, to three years in cases where there are significant pressures on a scheme's cashflow. A stabilisation period for each scheme is required to:
  - allow sufficient funds to cover any additional costs;
  - allow the property to be fully let; and
  - cover any initial letting and management costs.
22. 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*".
23. 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**

24. 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.

## Appendix 2: Investments as at 30th September 2018

Counterparty	Start Date	End Date	Amount £000s	Rate (%)
Lloyds Deposit Account	N/A	N/A	5,000.00	1.33
BARCLAYS BANK PLC	N/A	N/A	9.31	0.60
RBS	N/A	N/A	8.79	0.21
Goldman Sachs International	02/11/2018	01/11/2019	10,000.00	1.05
Rugby BC	16/11/2018	15/11/2019	5,000.00	0.97
Borough of Poole	18/11/2016	18/11/2019	7,500.00	1.25
Lloyds Bank Plc	05/02/2019	21/02/2020	10,000.00	1.18
Lloyds Bank Plc	16/03/2017	16/03/2020	5,000.00	0.05
LBBD Pension Fund	03/04/2018	31/03/2020	30,000.00	4.10
LBBD Pension Fund	10/07/2019	31/03/2020	1,965.00	0.65
Lloyds Bank Plc	01/04/2019	01/04/2020	10,000.00	1.25
Northamptonshire County Council	04/04/2018	03/04/2020	5,000.00	1.10
Plymouth CC	03/04/2018	03/04/2020	5,000.00	1.40
Lloyds Bank Plc	05/04/2017	06/04/2020	5,000.00	1.15
Cambridgeshire CC	04/04/2018	06/04/2020	5,000.00	1.35
Plymouth CC	09/04/2018	09/04/2020	5,000.00	1.40
Lancashire County Council	25/04/2018	24/04/2020	10,000.00	1.50
Dudley Metropolitan BC	27/04/2018	27/04/2020	5,000.00	1.30
Lloyds Bank Plc	15/06/2017	15/06/2020	5,000.00	0.90
Lloyds Bank Plc	30/06/2017	30/06/2020	5,000.00	1.10
Lloyds Bank Plc	04/07/2019	06/07/2020	10,000.00	1.25
Lloyds Bank Plc	14/07/2017	14/07/2020	10,000.00	1.09
Lloyds Bank Plc	07/08/2019	07/08/2020	10,000.00	1.10
Warrington Borough Council	08/09/2017	08/09/2020	20,000.00	0.92
Lloyds Bank Plc	19/09/2017	18/09/2020	5,000.00	1.14
Barnsley MBC	21/09/2017	21/09/2020	3,000.00	0.94
Lancashire County Council	01/11/2017	21/09/2020	5,000.00	1.00
Lancashire County Council	24/09/2018	24/09/2020	5,000.00	1.35
Northumberland County Council	28/04/2017	28/10/2020	10,000.00	1.04
Doncaster MBC	06/11/2017	06/11/2020	5,000.00	1.10
Lancashire County Council	15/11/2018	16/11/2020	10,000.00	1.45
Lancashire County Council	23/11/2018	23/11/2020	10,000.00	1.35
Lancashire County Council	27/11/2017	27/11/2020	5,000.00	1.16
Lloyds Bank Plc	05/12/2017	07/12/2020	5,000.00	1.24
Lloyds Bank Plc	19/12/2017	21/12/2020	4,500.00	1.16
Darlington BC	20/12/2018	21/12/2020	5,000.00	1.45
LB Newham	12/01/2018	12/01/2021	8,000.00	1.20
Cambridgeshire CC	06/04/2018	06/04/2021	10,000.00	1.50
Medway Council	16/10/2018	16/04/2021	10,000.00	1.50
South Ayrshire Council	22/10/2018	22/04/2021	5,000.00	1.55
LB Croydon	24/04/2018	23/04/2021	10,000.00	1.40
Wokingham BC	30/01/2019	30/07/2021	10,000.00	1.55
Sedgemoor DC	20/08/2019	20/08/2021	5,000.00	1.08
Lloyds Bank Plc	31/08/2018	31/08/2021	10,000.00	1.48
Lloyds Bank Plc	18/04/2019	19/04/2022	5,500.00	1.59
Southwood Primary	28/04/2017	28/04/2022	74.49	3.50
Grafton Primary School	03/03/2016	03/03/2026	78.72	4.50
Gascoigne Primary School	03/03/2016	03/03/2036	78.94	4.50
			<b>330,715.25</b>	

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## ASSEMBLY

20 November 2019

<b>Title:</b> Sex Establishment Licensing Policy 2019 - 2022	
<b>Report of the Cabinet Member for Enforcement and Community Safety</b>	
<b>Open Report</b>	<b>For decision</b>
<b>Wards Affected:</b> None	<b>Key Decision:</b> No
<b>Report Author:</b> Theo Lamptey, Service Manager, Public Protection	<b>Contact Details:</b> Tel: 020 8227 5655 E-mail: <a href="mailto:theo.lamptey@lbbd.gov.uk">theo.lamptey@lbbd.gov.uk</a>
<b>Accountable Director:</b> Andy Opie, Operational Director for Enforcement and Community Safety	
<b>Accountable Strategic Leadership Director:</b> Fiona Taylor, Director of Law and Governance	
<p><b>Summary</b></p> <p>The Council currently acts as the local licensing authority for sex establishments under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Greater London Council (General Powers) Act 1986. The present local licensing regime covers sex shops, sex cinemas and sex encounter establishments.</p> <p>Adoptive provisions established under Section 27 of the Policing and Crime Act 2009 extended the potential scope of the Act to also include sex entertainment venues. To date, these provisions have not been adopted locally.</p> <p>While enquiries to the Authority concerning the licensing of such venues have been few in recent years, it is considered prudent, in the light of the ongoing regeneration of the borough, to now adopt these provisions. This will help to ensure that any future proposal to establish a sex entertainment venue within the borough may receive full and proper consideration and, in the event of any licence being granted, to enable such premises to be properly regulated.</p> <p>Any decision to adopt the amended provisions is required by law to be subject of public consultation. Public consultation on both the adoption of the amended provisions and, also, on the content of a draft revised, supportive sex establishments licensing policy has been carried out over the summer months.</p> <p>The consultation responses have now been collated and considered. This report summarises and presents those consultation responses and asks Assembly to adopt the amended provisions and the revised policy document accordingly.</p> <p>Full copies of the report on the consultation responses; the draft revised sex establishments licensing policy and associated standard licensing terms, conditions and restrictions, are appended for information.</p>	

<p>This report was considered and endorsed by the Cabinet at its meeting on 15 October 2019.</p>
<p><b>Recommendation(s)</b></p> <p>The Assembly is recommended to:</p> <p>(i) Adopt the provisions contained in Section 27 of the Policing and Crime Act 2009 extending the local sex establishments licensing regime to also include sex entertainment venues; and</p> <p>(ii) Adopt the Sex Establishment Licensing Policy 2019 as set out at Appendix 2 to the report, including the associated Standard Licensing Terms, Conditions and Restrictions for Sex Establishments as set out at Appendix 3 to the report.</p>
<p><b>Reason(s)</b></p> <p>The adoption of the amended licensing provisions and the revised licensing policy will best place the Council to give proper consideration to any future proposal to establish a sex entertainment venue within the borough and to properly regulate any venue that might be granted a licence.</p> <p>Such a step would support the Council’s visions and priorities in empowering people; and promoting both inclusive growth and citizenship and participation.</p>

## 1. Introduction and background

- 1.1 Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 established a national regime for the licensing of sex establishments, under adoptive provisions covering:
- Sex shops; and
  - Sex cinemas.
- 1.2 This Authority adopted the provisions of the Act on 27 October 1982.
- 1.3 The scope of the Act was broadened in those areas of Greater London where the Act applied, through adoptive provisions contained in the Greater London Council (General Powers) Act 1986. This added an additional category of ‘sex encounter establishments.
- 1.4 In 2008, this Council adopted a Sex Establishments Licensing Policy together with standard conditions applicable to all categories of licensed sex establishment. The policy is intended to set out the Council’s approach to licensing; how licence applications will be determined; the Council’s expectations of any licensed operator; and make clear the terms, conditions and restrictions under which any licensed premises may operate.
- 1.5 In order for the Council to properly fulfil its licensing functions and responsibilities and ensure proper protections are afforded to the local community, the Council must be able to deploy the full range of regulatory powers available to it.



- 1.6 Section 27 of the Policing and Crime Act 2009 then sought to further extend the scope of the Act. Its primary effect was to remove 'loopholes' in the licensing of sex establishments that existed by way of the alcohol and entertainment licensing regime established under the Licensing Act 2003 by replacing the category of 'sex encounter establishments' under Schedule 3 with a new category of 'sex entertainment venues'. Local licensing authorities that adopt these provisions are able to additionally regulate lap dancing and similar venues. Note: 'Sexual entertainment venue' means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer, such as lap dancing and striptease venues. 'Relevant entertainment' is defined as any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably be assumed to be provided solely or principally for purpose of sexually stimulating any member of the audience whether by verbal or other means.
- 1.7 This Authority has not adopted the provisions of Section 27 to date. Enquiries to this Authority around sex establishments in recent years have been few. However, it is considered prudent, in the light of the ongoing regeneration of the borough, to now adopt these provisions so as to ensure that the Council is able to make use of all the regulatory powers available to it and be able to afford proper protections to local residents; responsible business operators; and premises users.
- 1.8 Without this adoption taking place, the Council's sex establishment licensing powers are limited mainly to sex cinemas and sex shops. The only licensing control that can be been exerted are lap dancing and similar venues, through alcohol and music and dancing licensing legislation, which means that many of the real issues relating to such venues will not be matters of consideration.
- 1.9 It is important therefore that the new licensing provisions are adopted, and that the Council's sex establishments licensing policy is updated to be able to consider the new category of venues.
- 1.10 In order to pursue the adoption of the Section 27 provisions, the Council is required by law to firstly conduct public consultation on the matter. A public consultation exercise was carried out through the Summer of 2019 accordingly.
- 1.11 The consultation considered not only the adoption of the amended provisions but also the adoption of a supporting revised sex establishments licensing policy that considered the broadened remit of the licensing regime.
- 1.12 The consultation responses have been collated and considered. A summary of the consultation responses has been prepared and a copy is provided at Appendix 1 to this report. Some 'headlines' are provided in this report.
- 1.13 A copy of the revised draft policy document is provided at Appendix 2. A brief outline of the draft policy is provided in this report with some of the most important matters dealt with in more detail. Appendix 3 provides the associated revised standard licence terms, conditions and restrictions.

## 2. Proposals and Options

### The response to the public consultation

- 2.1 The public consultation exercise ran through June to August 2019. At the heart of the consultation an online questionnaire providing multiple-choice answers was made available. The consultation sought views on whether the Council should use available adoptive provisions to extend the current sex establishment licensing regime to also include sex entertainment venues and, subject to this, on the content of a supportive draft revised sex establishment licensing policy.
- 2.2 Some 136 responses were received in total. Respondents were asked to select from multiple choice answers to the questions asked. Many respondents provided further additional comments.
- 2.3 The consultation response provided strong support for a local licensing scheme for sex entertainment venues.
- 91.9% of respondents supported the proposal;
  - 92.6% of respondents believe that the Council should be able to determine the matters to be taken into account when determining licence applications;
  - 91.9% of respondents believe the Council should be able to determine the locations that are suitable for a licence to be granted;
  - 95.5% of respondents believe that the Council should be able to determine the terms, conditions and restrictions under which any licensed premises might operate;
  - 75% of respondents did not agree that applications should be considered upon their own merits;
  - 80.5% of respondents believe that no area of the borough is suitable for a licensed sex entertainment venue to operate; and
  - 72.1% of respondents support a licensing establishing 'nil' as the appropriate number for local licensed sex establishments (a 'nil' policy).
- 2.4 When questioned about whether any area of the borough is suitable for a sex entertainment venue, 19 respondents provided views. These offered a number of different locations without any degree of strong support being demonstrated for any particular location.
- 2.5 Views were also sought on the draft revised sex establishments licensing policy and licence conditions:
- 91% of respondents considered the policy and conditions to be clear and easy to understand;
  - 73% of respondents considered the policy and conditions to be fair and reasonable;
  - 76% of respondents considered the policy and conditions to be proportionate;
  - 77% of respondents supported the proposed approach to determining licence applications;
  - 73% of respondents believe that the policy and conditions give appropriate consideration to equality issues; and
  - 43.1% of respondents consider the standard conditions to be appropriate.

- 2.6 Respondents were asked what they considered to be the most important issues to be taken into account when deciding whether a sex establishment licence should be granted. In total 103 respondents offered their views. Around 100 different issues were raised in response.
- 2.7 The most common issue raised was that of location. Particular concern was shown around the proximity of venues to residential accommodation and schools.
- 2.8 Other matters commonly raised were
- Impact on local residents;
  - Impact on image of the borough / local area;
  - Crime and anti-social behaviour;
  - Security and safety;
  - Exploitation of workers;
  - Operating hours;
  - Noise nuisance; and
  - Parking.
- 2.9 Around 20% of those who commented emphasised that they do not believe any licences should be granted.
- 2.10 A further 49 additional comments were given at the end of the questionnaire. Again, many different matters were raised. Most commonly (circa 40%) respondents emphasised their opposition to the grant of any licences.

### **3. The draft revised sex establishment licensing policy**

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 enables a local licensing authority to:
- Grant, transfer and renew a licence to any applicant, on such terms, conditions and restrictions as may be so specified;
  - Establish a licensing policy, as long as this does not prevent any individual application from being considered on its own merits;
  - Determine the number of sex establishments that are considered appropriate in a relevant locality (and that number may be nil);
  - Determine where the grant or renewal of a licence would be inappropriate having regard to
    - The character of the locality;
    - The use to which any premises in the locality are put; and
    - The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
  - Revoke licences; and
  - Carry out enforcement actions.
- 3.2 The draft policy not only provides for the inclusion of the new category of sex entertainment venues but represents a thorough rewrite to bring the Council up to date with latest local authority approach on licensing. It does not change existing licensing process and practice, but it does clarify how licence applications will now be determined.

- 3.3 It will continue to protect the right of any person to make a representation against an application and it establishes that applications for licences will continue to be considered on their own merits but against a new policy stance that the Council does not consider any area of the borough to be suitable location for sex establishments. A 'nil' policy. This is supported by new 'policy presumptions' setting out criteria or situations where sex establishment licences will not be granted (e.g. near schools, places of worship, hospitals and medical facilities etc).
- 3.4 The draft policy also establishes that any application made will be subject of very thorough consideration and that a very broad and diverse range of issues are relevant matters for consideration. These range from the days, times and hours of operation; to the premise's external appearance and advertising; the location; protections afforded to customers, staff and performers; potential for anti-social behaviour and crime and disorder and more. It places particular focus on matters such as preventing sexual exploitation and protection of children and young adults.
- 3.5 It also incorporates a newly revised set of standard terms, conditions and restrictions to be attached to any licence application that might be granted. These are broken down into a general section applying to all sex establishments and with new specific additional conditions which relate to sex shops, sex cinemas and sex entertainment venues.
- 3.6 The section on sex entertainment venues is especially detailed and gives particular attention to matters such as a code of conduct for both customers and performers; performers welfare; use of booths and more. The draft policy also includes a more detailed section on the council's approach to enforcement.
- 3.7 The draft policy has been compiled having regard to the content of the Act. It comprises of five main sections, with further information provided in appendices, as follows:

#### Section One – Introduction

- 3.8 Section One sets out the Council's Vision and Priorities.

#### Section Two - Purpose and Scope of the Policy

- 3.9 The aim of the policy is:

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

- 3.10 The scope of the policy applies to all categories of sex establishment.

#### Section Three – Procedure and Principles

- 3.11 This section explains the processes around licence applications; public consultation; objections; and public hearings.

#### Section Four – Licensing Decisions and Conditions

- 3.12 This section deals with the decision-making process. It sets out the reasons for refusal, as established by statute, and details the range of matters that this Authority will take into account when determining licence applications. In particular:

#### Numbers of premises that are appropriate for a locality

- 3.13 Section 12(3)(c) of Schedule 3 of the Act establishes that one reason for refusal of a licence is that ‘the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality’. The appropriate number may be set at nil.
- 3.14 ‘Locality’ is not defined within the Act. For the purpose of this draft policy, ‘locality’ has been interpreted as being the ward in which the premises that is subject of the application is situated, although a different view may be taken following representations raised in individual cases (for example, where a premises subject of an application borders another ward).
- 3.15 While the policy acknowledges that every application for a licence is required by law to be considered upon its own merits, it proposes, that having had regard to the considerations set out in the policy document (including the responses to the public consultation) that no ‘locality’ within the borough is identified as being appropriate for sex establishments. The appropriate number for each locality (or ward) is thereby set as nil.

#### The character of the locality and the use to which any premises in the vicinity are put

- 3.16 Section 12(3)(d) of Schedule 3 of the Act establishes that a reason for refusal is that ‘the grant or renewal of the licence would be inappropriate for that locality, having regard –
- To the character of the locality; or
  - To the use to which any premises in the vicinity are put; or
  - To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 3.17 For the purposes of consultation, the draft policy takes the position that there should be a general policy presumption against permitting further licensed sex related activities either adjacent to or in the vicinity of premises in the following defined categories, irrespective of location:
- Schools and other facilities used primarily by children and young persons, including playgroups and playgrounds;
  - Facilities used primarily by vulnerable adults and adult social care facilities;
  - Facilities used primarily by women;
  - Places of worship;

- Hospitals and medical facilities;
- Community facilities or public buildings;
- Community leisure facilities and open spaces;
- Cultural facilities, including cinemas, theatres and galleries;
- Residential accommodation; and
- Another licensed sex establishment.

#### Section Five – Enforcement.

3.18 This section details the Council’s and partner services approach to enforcement. It is prepared to be consistent with the Council’s Enforcement Policy which sets out the principles for effective enforcement.

#### **4. Consultation**

4.1 The public consultation took place over 10 weeks between 17 June and 24 August 2019. It comprised of:

- Direct notifications sent to:
  - Interested partner services;
  - Local licence holders and trade representative groups;
  - Representatives of local resident and known local interest groups;
  - Ward councillors; and
  - Neighbouring licensing authorities.
- An online questionnaire made available through the resident’s engagement forum, together with a copy of the policy and supporting information;
- Awareness raising through use of: Social media; and
- An article in the Council’s e-newsletter.

4.2 All responses have been collated and considered in preparation of this report.

4.3 This report was considered and endorsed by the Cabinet at its meeting on 15 October 2019.

#### **5. Timetable for progression**

5.1 Any decision to adopt the provisions of Section 27 of the Policing and Crime Act 2009 must be taken by the Assembly.

#### **6. Legal Implications**

Implications completed by Dr Paul Feild, Senior Corporate Governance Lawyer

6.1 As outlined in the body of this report, the 2009 Act inserted a new category of “sex establishment” called a “sexual entertainment venue” into Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 bringing the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the Local Government (Miscellaneous Provisions) 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas

6.2 The report explained the need for the Council to prepare for such applications as may be made by having a Policy. By having a comprehensive policy which has

been open to proper consultation the Council as a licensing authority is enabled to set clear operating criteria in terms of what will be permissible and what will not with emphasis against such establishments being within the vicinity of other identified premises such as for example, but not limited to schools and other facilities used primarily by children and young persons, furthermore it will enable standard conditions to be understood by all.

- 6.3 As mentioned in the body of this report as a licensing body and local authority the Council is subject to the Public Sector Equality duty and this must inform the policy and licensing of the activities. Furthermore, such arrangements must be open to review for effectiveness over time.
- 6.4 After the Consultation response has been considered, the final policy will need to be approved by the Assembly

## 7. Financial Implications

Implications completed by Katherine Heffernan, Finance Group Manager

- 7.1 This report seeks approval to regulate licensing decisions and ensures an adopted policy will ensure consistency in licensing practices and processes.
- 7.2 There are no direct financial implications arising from the implementation of this draft policy.

## 8. Other Implications

- 8.1 **Risk Management** – The adoption of a sex establishments licensing policy will both support good decision making and strengthen the Council’s position in the case of any relevant future decision being appealed.
- 8.2 **Corporate Policy and Customer Impact** – The draft policy acknowledges and supports the broader Council vision and priorities. It provides for openness in decision-making and benefits all interested parties by making the licensing process clear and transparent.
- 8.3 **Safeguarding Children** – A primary concern in the preparation of this policy has been around safeguarding and the prevention of child sexual exploitation. It has been compiled with the assistance of the Child protection team.
- 8.4 **Health Issues** - Although public health is not a specific licensing objective, the draft policy recognises the broad range of relevant issues that must come into consideration when determining licence applications and controlling licensed premises. The draft policy intends to ensure that adequate protections are provided for vulnerable persons.
- 8.5 **Crime and Disorder Issues** – Similarly, the draft policy recognises that crime and disorder issue are also relevant and takes these into account. The development of the policy is being carried out in conjunction with expert responsible authorities.

8.6 **Property / Asset Issues** - None directly. Any licensable activity provided on Council owned or operated 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:** None

**List of appendices:**

- Appendix 1 – Summary of consultation responses
- Appendix 2 - Draft Sex Establishment Policy
- Appendix 3 – Standard Licence terms, conditions and restrictions

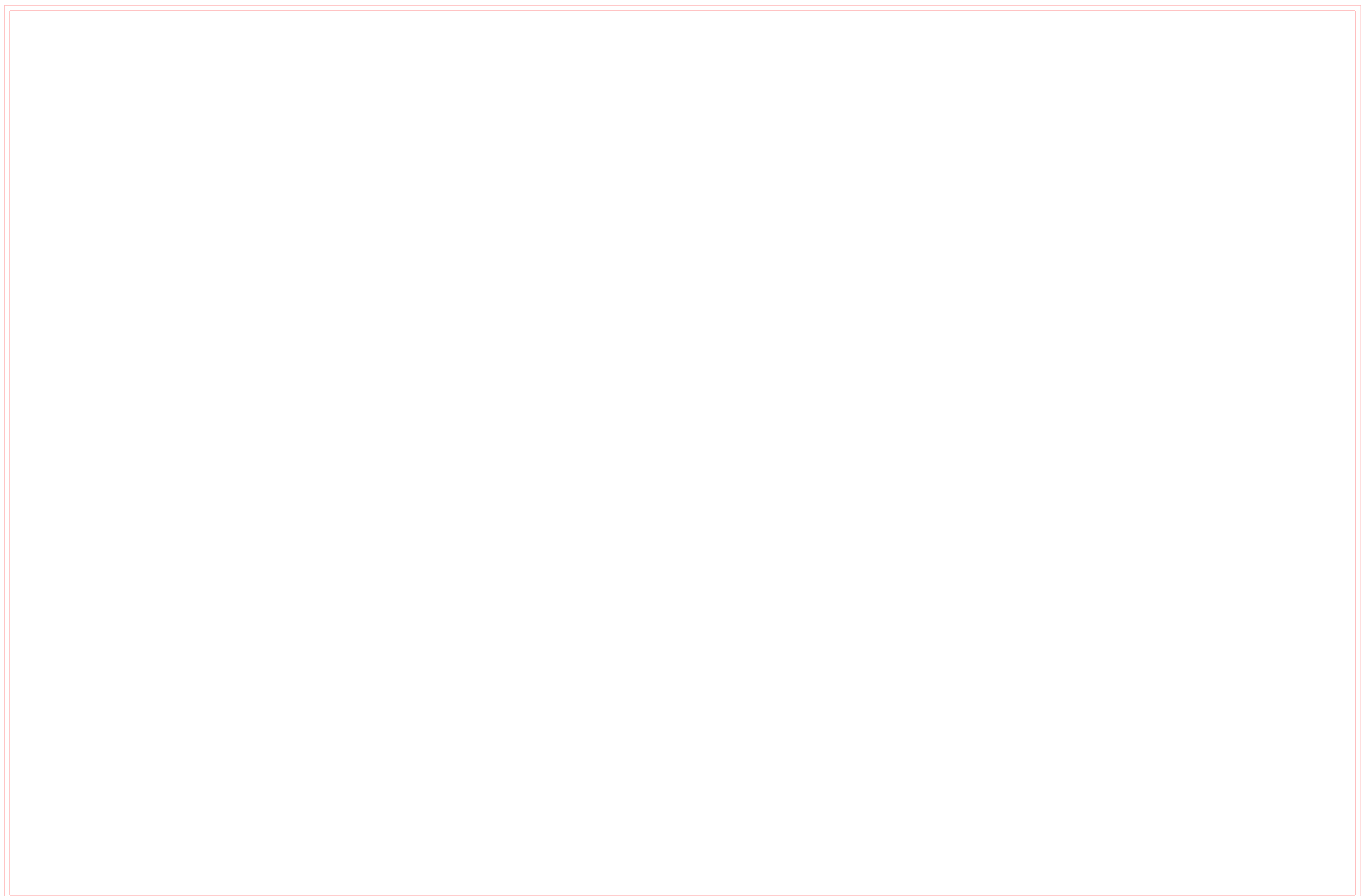


# Survey Report

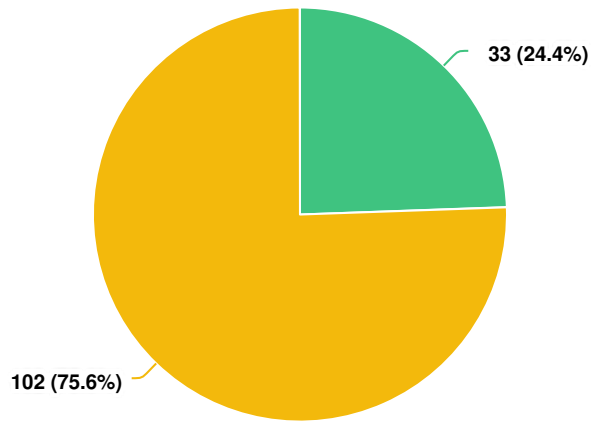
August 2019

# Sex Establishment Policy Consultation Questions

PROJECT: Sex Establishment Policy



**Q1** | Should the policy set no limits on the number of sexual entertainment venues, but allow any application to be determined on...

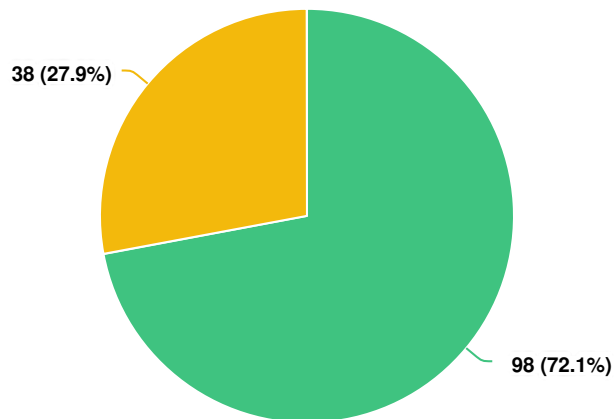


**Question options**

● Yes ● No

*Optional question (135 responses, 1 skipped)*

**Q2** | The Council can set the number of sexual entertainment venues it will grant licences to as nil. Do you think this is appro...

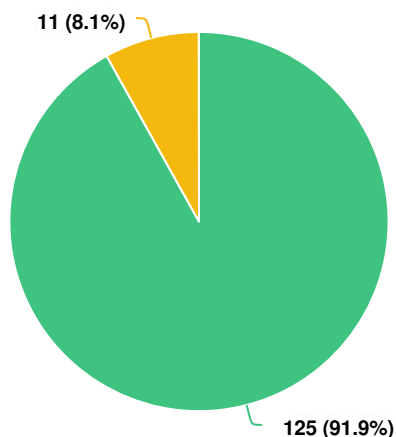


**Question options**

● Yes ● No

*Optional question (136 responses, 0 skipped)*

**Q3** | Should a licence be required to operate a sex entertainment venue in Barking and Dagenham?

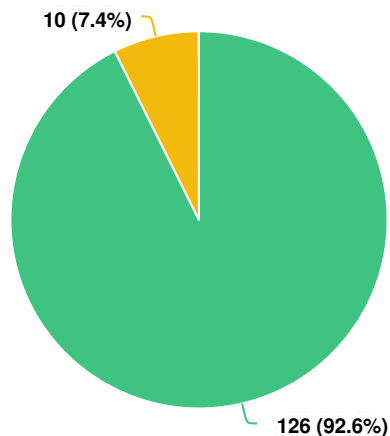


**Question options**

- Yes
- No

Optional question (136 responses, 0 skipped)

**Q4** | Should the Council be able to determine the matters to take into account (such as location and nature of surrounding area) ...

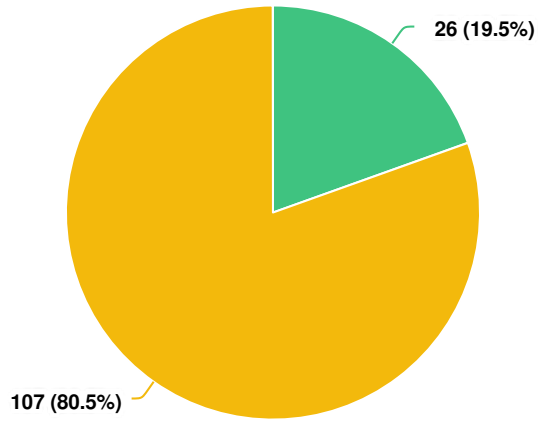


**Question options**

- Yes
- No

Optional question (136 responses, 0 skipped)

**Q5** | Is there any area in the borough where you think a sexual entertainment venue could be situated?



**Question options**

- Yes
- No

*Optional question (133 responses, 3 skipped)*

**Q6** Please state

Anonymous 7/17/2019 01:53 PM	Chadwell heath near tollgate where the old pub use to be
Anonymous 7/17/2019 02:26 PM	Chequers lane
Anonymous 7/17/2019 03:17 PM	Wantz Road estate
Anonymous 7/17/2019 06:38 PM	I do not agree for it to be in built up area or near schools
Anonymous 7/17/2019 08:23 PM	Industrial areas - minimum 1/2 mile from any residential housing.
Anonymous 7/18/2019 08:27 AM	Barking Town centre
Anonymous 7/18/2019 09:53 AM	barking cntre
Anonymous 7/18/2019 06:22 PM	Any commercial area
Anonymous 7/19/2019 04:16 PM	Bamber house bin shed
Anonymous 7/19/2019 04:58 PM	Dagenham Leisue Park/Vue cinema area
Anonymous 7/19/2019 05:06 PM	Town centres or industrial areas as opposed to residential neighbourhoods
Anonymous 7/19/2019 05:43 PM	Anywhere away from homes and schools
Anonymous 7/20/2019 07:27 AM	A13 corridor
Anonymous 7/20/2019 01:53 PM	As long as there are appropriate protections for near schools, residential areas and places that generally attract anti-social behaviour, and with appropriate licence conditions, no where should be specifically ruled out.
Anonymous 7/22/2019 07:45 AM	Somewhere in the centre of town
Anonymous 7/22/2019 10:04 AM	Dagenham - PArsløes Avenue, Fanshawe, Lodge Avenue
Anonymous	Dagenham dock

7/22/2019 03:39 PM

Anonymous

Chequers Lane

7/22/2019 11:52 PM

Anonymous

For sex entertainment, In the industrial areas along the river roding and around DagenhamDock. Foe sex shops, where no entertainment happens, on every parade of shops! why is the borough being so puritanical?

7/23/2019 10:24 AM

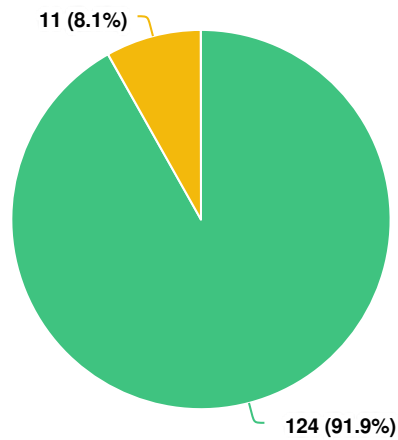
Anonymous

Not known of any areas as my geographical knowlege of borough is limited but i am of the view it is better that there is one that is known and can be monitored

8/19/2019 11:20 AM

**Optional question** (20 responses, 116 skipped)

**Q7** | Is it important that the Council can decide the locations where it would not be appropriate to grant a licence?

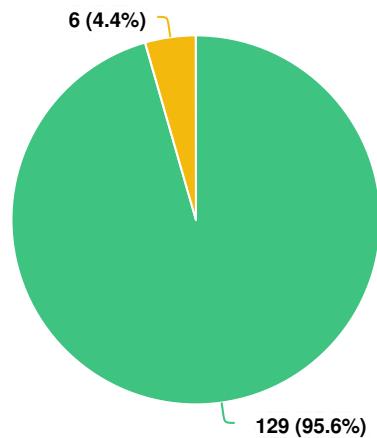


**Question options**

- Yes
- No

Optional question (135 responses, 1 skipped)

**Q8** | Should the Council be able to set the terms, conditions and restrictions of any licence granted?

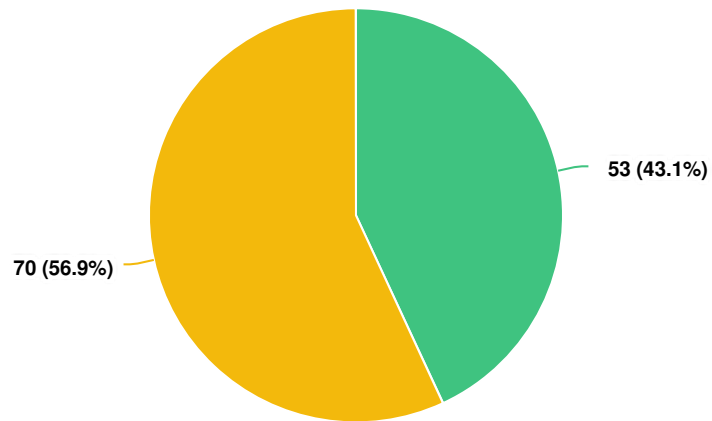


**Question options**

- Yes
- No

Optional question (135 responses, 1 skipped)

**Q9** Do you think the proposed standard conditions are appropriate?



**Question options**

- Yes
- No

*Optional question (123 responses, 13 skipped)*



**Q10 | What do you believe are the most important issues to consider when deciding whether a sex entertainment venue licence should be granted?**

- Anonymous  
7/08/2019 10:56 AM  
noise and opening hours. traffic of visitors. parking.
- Anonymous  
7/17/2019 01:48 PM  
There shouldn't be any
- Anonymous  
7/17/2019 01:53 PM  
Opening Hours of the business, is it near schools and are there alot of houses nearby.
- Anonymous  
7/17/2019 02:26 PM  
Must be located in non residential street. And not near schools.
- Anonymous  
7/17/2019 03:17 PM  
Client type, sexual services offered, enforcement, location, vested interest of individuals involved, affected residents should have the final say... currently I would not trust the council to decide as everything they seem to decide lately is solely for the benefit of the council not the residents I.e. the 100 road CPZ Parking. Closure times. Opening hours. No adverts.
- Anonymous  
7/17/2019 03:20 PM
- Anonymous  
7/17/2019 05:08 PM  
How this would impact the local area and what image this promotes to people from outside of Barking.
- Anonymous  
7/17/2019 05:13 PM  
All I want to say is this is I dont agree with this being done b&d should not allow these to operate in our local area
- Anonymous  
7/17/2019 05:53 PM  
Location, age restrictions, security
- Anonymous  
7/17/2019 06:10 PM  
No matter what restrictions or terms the council put in place these will always be broken and the rules bent, allowing exploitation and harm.
- Anonymous  
7/17/2019 06:25 PM  
That it should be away from any schools , main shopping etc
- Anonymous  
7/17/2019 06:28 PM  
Venues should not be allowed in a residential area. There is enough going on in b and d without this.
- Anonymous  
7/17/2019 06:38 PM  
That all workers in that industry should be tested for STI and that they are protecting themselves Also security is a key factor for the working girls or men,
- Anonymous  
7/17/2019 08:23 PM  
Safety of staff. Minimum distance from residential areas of half a mile. Transport links. Parking. Integrity and accountability of owner - DBS checked.
- Anonymous  
7/17/2019 10:56 PM  
Where they are and not to be to many
- Anonymous  
There are so many schools in barking and dagenham, we have enough knife

7/18/2019 12:08 AM

crime going on without a sex entertainment venue being here, there is enough drunks as it is, and drugs in the area are at a high so how about we tackle all that before you even consider a sex entertainment shop, I think its absurd

Anonymous

Human traffic (sex workers )migrants from Eastern Europe.

7/18/2019 07:48 AM

Anonymous

Are all the girls legal, sex trafficking is happening all the time we hear in news, this will not help

7/18/2019 08:37 AM

Anonymous

Near to schools Detrimental effect on the neighbourhood Impressions of the borough Anti social behaviour

7/18/2019 09:11 AM

Anonymous

We shouldn't encourage publicised sex entertainment and I'm afraid by granting licenses, this would just bring the wrong crowd into the borough and wouldn't tackle the issue of sex trafficking.

7/18/2019 09:21 AM

Anonymous

Deprivation if local area, proximity of schools, number of young people

7/18/2019 09:48 AM

Anonymous

Impact on local communities. Safety and Security. Perception of the Borough more widely.

7/18/2019 11:09 AM

Anonymous

If you want to protect women and the vulnerable particularly eastern European women that maybe trafficked across the continent to work in the sex industry then go ahead you will be actively supporting modern slavery. We have no decent shops, barking town centre has no cinema, barking has no A&E hospital all you're bothered about is something that you can licence to make money off of. There is no where in Barking and Dagenham where this will be applicable to set up a lap dancing club. This will bring even more and unsavoury men to the local area. And yes it is only men that would be going to these so-called gentlemen's clubs. If you give any such a venue a licence then you actually have all your priorities wrong. I will make sure all my neighbours know about this.

7/18/2019 11:28 AM

Anonymous

Location and the impact on the community

7/18/2019 11:54 AM

Anonymous

It should NOT be allowed in the first place.

7/18/2019 02:38 PM

Anonymous

where they are based not near residential areas after all we are having an increased amount of issues as it is and do not want any other unwelcome problems in the area

7/18/2019 02:54 PM

Anonymous

Not in a residential area

7/18/2019 06:22 PM

Anonymous

Protection of dancers.

7/19/2019 08:49 AM

Anonymous

An SEV should be considered in exactly the same way as any other night-time entertainment venue, with claims by feminist groups being treated with a

7/19/2019 10:03 AM

Anonymous

7/19/2019 04:11 PM

great deal of scepticism. Such claims have been proven to be based on false data and on amateurish research that has since been debunked.  
The safety of those involved and those around it would be a paramount consideration. The tone of the establishment would be important too.

Anonymous

7/19/2019 04:15 PM

Not near schools. LBBB is trying to promote itself as a family friendly area- having sex entertainment does not fit into this. LBBB would be better off putting the pressure on NELFT to commission school nurses t be able to provide contraceptive services to students in educational settings.

Anonymous

7/19/2019 04:16 PM

Area should not be not residential or close to schools. Unless it is Bamber House bin shed

Anonymous

7/19/2019 04:32 PM

I don't think these entertainment venues are good at all, the council should not be entertaining such ideas.

Anonymous

7/19/2019 04:33 PM

I don't believe the area should consider, or does it need such establishments. You should consider: \* Wishes of local residents (especially those with Children) \* The proposed area should be NON-RESIDENTIAL \* Hours of opening \* Noise pollution \* Issues with cleaning caused by the establishments \* Emergency services requirements and any drain on these services. \* Any issues caused on the local infrastructure (Parking, Roads etc)

Anonymous

7/19/2019 04:35 PM

Should be in a town centre or high street with high footfall and not in a residential street. Licensing hours should not be during the day.

Anonymous

7/19/2019 04:38 PM

The locations Licence shouldn't be granted near schools, Religious places, libraries, youth zone or community centres, near vulnerable centres / hostels and residential areas.

Anonymous

7/19/2019 04:41 PM

This borough has enough crime and anti social behaviour - sec entertainment venues would bring further anti social behaviour to an area overcrowded with families - no licenses or permits of any kind should be granted to Barking and Dagenham regardless of any conditions no mater how strict - the borough should be concentrating on family orientated facilities and not be known for this - we have enough of prostitution and brothels here as it is

Anonymous

7/19/2019 04:41 PM

The area has enough problems it doesn't need further sleezy degrading places where local vulnerable people will be used and abused

Anonymous

7/19/2019 04:42 PM

Location

Anonymous

7/19/2019 04:44 PM

I dont think licences should be granted. The borough claims to be pro-women, has signed a gender charter, and is carrying out work to try and prevent violence against women and girls. These type of venue exploit vunerable women (regardless of what people might say) and will set the borough back in its work of empowering.

Anonymous

7/19/2019 04:50 PM

Location away from family home schools or business which could have a negative impact from having such establishment near their vicinity

Anonymous

7/19/2019 04:57 PM

Where the premises is situated

Anonymous

7/19/2019 04:58 PM

Location, quality, standards, well managed, more fun not sleezy

Anonymous

7/19/2019 04:58 PM

It should not be granted on the basis that it is unlikely to be a key priority for any resident of this borough and there are bigger things to worry about. The only people that are most going to benefit are the owners of these establishments and it sends out the wrong message to the community as you could argue that we would be encouraging and supporting the exploitation of vulnerable people if we were to grant a license to operate such a business.

Anonymous

7/19/2019 04:59 PM

That any daughters,sisters or wives do not have to walk past these entertainment venues to be harrassed, hounded by groups of men who think it is funny to walk up to women and pass seedy comments. It is bad enough to feel uncomfortable walking out of Barking station any time of day. There is no security, no police around, nothing. Oh accept transport police trying to catch ticket evaders.

Anonymous

7/19/2019 05:05 PM

Safety of residents especially younger residents is paramount and the reputation of the borough and the principles we stand for. Also the types of people which will be attracted to the borough if these licences are allowed.

Anonymous

7/19/2019 05:06 PM

Is the licensee a fit and proper person to hold the licence eg free from a criminal record

Anonymous

7/19/2019 05:12 PM

exploitation of young females being coerced/forced to participate - how can this be governed? It's a seedy world that should not be encouraged

Anonymous

7/19/2019 05:24 PM

Effect on local residents

Anonymous

7/19/2019 05:24 PM

Are there schools, and children in the immediate surrounding area. What benefit and value will an establishment like this bring to Barking and Dagenham?

Anonymous

7/19/2019 05:43 PM

Location. Signage and advertising. Parking control. hours of trade. Checks on the workers welfare and standard of the establishment.

Anonymous

7/19/2019 05:44 PM

Proximity to schools, nurseries, places of worship and residential houses

Anonymous

7/19/2019 06:28 PM

Location away from towns

Anonymous

7/19/2019 06:58 PM

The most important is that it isn't near residential homes or where families with children live. Also people who use the sex entertainment facilities should have to use a bank card so should any foul play occur the police have information to go on. The establishment and its sex workers/dancers should also be taxed, using bank cards would be able to stop "cash in hand" transactions and tax dodging

Anonymous

7/19/2019 07:08 PM

There should be no sex entertainment in this borough at all. Do not make this borough into soho.

Anonymous

7/19/2019 08:05 PM

A sex establishment should not be considered in any circumstances as far as I am concerned

Anonymous

7/19/2019 08:24 PM

The neighbourhood and surrounding stores and businesses. Whether schools are nearby and people walking home from school and work. Would such a venue create late night noise and disruption and would it create more mess within the neighbourhood.

Anonymous

7/19/2019 08:26 PM

Closeness to schools and places of worship

Anonymous

7/19/2019 08:44 PM

Whether the owners of the establishment are responsible and follow set guidelines. I would prefer if no such establishments were allowed to be set up in the borough.

Anonymous

7/19/2019 08:56 PM

The affect on people in the surrounding area.

Anonymous

7/19/2019 08:58 PM

Views of the local and people residing in the area. How are these establishments controlled and regulated - could it create more crime, discourage people from moving into the area. I for one would not like to have these kind of establishments in the area - enough reason for wanting to move away!

Anonymous

7/19/2019 09:02 PM

Check no. Of Young's residents in the area and check the drug situation locally. No one wants to live where's there drugs and this kind of shit going on.

Anonymous

7/19/2019 09:05 PM

The affect on the immediate community. How will it be policed. CCTV to monitor external behaviours and the potential for it to become a trouble hotspot.

Anonymous

7/19/2019 09:13 PM

I do not think such a venue would be appropriate for the Borough - organised crime, these days of the overseas variety, seems to follow closely on the heels of such establishments

Anonymous

7/19/2019 09:40 PM

Men sexually exploiting women.

Anonymous

7/19/2019 09:47 PM

I don't think there should be any licences at all. If Barking wants to grow up it needs to not be a sex shop hub.

Anonymous

7/19/2019 10:30 PM

Barking is going through a regeneration at the moment with a lot of new homes being built and therefore new tenants/owners. This will include many families and couples planning on having children. I think it is vital that the Council focuses on family values for the future and to make Barking a safe place to live. There are plenty of sex entertainment venues in other parts of London, we don't need any more, and I truly believe that the Council should not allow these establishments in Barking. Please let's start planning for a safe future in Barking!

Anonymous

7/19/2019 10:41 PM

Sex establishments are a scourge. Please do not introduce this antisocial practice into the area.

Anonymous

7/19/2019 10:56 PM

Noise, houses or other public places near by, parking

Anonymous

7/19/2019 11:13 PM

The type of people it will attract to the borough.

Anonymous 7/19/2019 11:16 PM	Should not be any venue for sex entertainment as it's destroy family values, break up marriage, destroy everyone
Anonymous 7/19/2019 11:19 PM	What the local residents think is the most important thing. I don't think that this is the sort of establishment we want in Barking and Dagenham.
Anonymous 7/20/2019 07:27 AM	Location
Anonymous 7/20/2019 07:43 AM	Liberty, freedom of choice. Freedom to work.
Anonymous 7/20/2019 09:31 AM	Location, away from residential areas
Anonymous 7/20/2019 10:05 AM	moral impact in areas populated by families perverts approaching women trying to solicit, women and children should be able to feel safe
Anonymous 7/20/2019 01:53 PM	That it doesn't attract anti social behaviour eg late night noise, loitering and public drinking.
Anonymous 7/20/2019 01:56 PM	Not appropriate near built up residential areas , schools or other areas where there may be young children
Anonymous 7/20/2019 07:49 PM	No No No!!!!'
Anonymous 7/21/2019 11:03 AM	This is not something that will benefit the local community We have so many schools and nurseries etc this means sex venues will be in close proximity and this is not appropriate
Anonymous 7/21/2019 11:24 AM	Consideration of local residents and impact on family life. Consideration of the impact on increase in criminality, potential drug dealing and drug use. Consideration on anti social behaviour e.g. noise and vomiting
Anonymous 7/21/2019 01:47 PM	They should not be granted as there is no where that I can think of that does not have homes within a close vicinity. Even the industrial estates have housing near by. I do not agree with places like this being anywhere near families. When you say lap dancing this has been proven over the years to lead to prostitution. If you are going to have a club like this then you may as well have a legalised brothel where girls are not forced/trafficked to do this type of work. They could have regular sexual disease screening and obtain certificates stating they are free from transmittable infections. I believe they do this in other countries. When I think of this sort of a club it just makes me think of sexually frustrated men who may have had one to many to drink. This is why I feel there is no appropriate place for such a club locally.
Anonymous 7/21/2019 09:19 PM	Kind of material shown - effect on those partaking. How to protect consumers from harm
Anonymous 7/21/2019 09:23 PM	there are issues of child sexual exploitation in the area. these venues would need to be kept away from schools and hotspots for child sexual exploitation.

Anonymous

7/22/2019 07:45 AM

The locality and effect it will have on the area.

Anonymous

7/22/2019 09:35 AM

Exploitation of all staff involved - especially dancers.

Anonymous

7/22/2019 10:04 AM

Secret access, near a Police station or hotspot for any safety concerns and away from a School

Anonymous

7/22/2019 12:10 PM

I think it's a disgrace that this topic is even being considered. Why on earth would we require a sex entertainment business in Barking or any other place come to that. Is no consideration being given to children and older people who live in Barking and the surrounding area.

Anonymous

7/22/2019 03:39 PM

Nowhere near where children would go. Not in any town centre. It should be a in a totally remote location so no one should have to walk past it. They should not be advertising at all.

Anonymous

7/22/2019 04:14 PM

that we do not endanger children as this has the potential to remove the seriousness of crimes like child sex exploitation or even rape under the disguise of entertainment

Anonymous

7/22/2019 04:42 PM

The location and the impact that this can have on young and vulnerable people and how this can cause a rise in anti social behaviour if not properly managed and how this can impact the moral standard of young people location, timing, parking, exploitation of workers

Anonymous

7/22/2019 08:52 PM

Local area, noise nuisance and opening hour's

Anonymous

7/22/2019 11:52 PM

Anonymous

7/23/2019 09:23 AM

As dancers are self employed licensing creates a framework of expectations they will look for when choosing where to work. A gold standard will become the norm. Dancers welcome this. As do club owners. Workers in any industry naturally welcome regulations designed to bring up the standards of any working environment. These venues are no different. Having a gold standard imposed means workers get real value when renting their work space and the public can be reassured venues they visit are a safe environment not a shady back shop. Win - win really.

Anonymous

7/23/2019 10:24 AM

For sex entertainment: I think that the timings are the key, a sex entertainment establishment could be near a school, if its not open anywhere near school opening times. So the usual rules about noise and neighbourhood respect by patrons are the key factor. As to sex shops, there is sufficient Laws to protect children and the uninterested public from offence. There is an Anne Summers shop in the Liberty shopping centre in Romford !!!! get out of the Victorian era!

Anonymous

7/23/2019 10:31 AM

never

Anonymous

7/23/2019 03:54 PM

Do not allow them in the borough, full stop. Let's bring the standard of the borough up, not drag it down to gutter level.

Anonymous

7/23/2019 07:30 PM

There should not be anywhere in the borough

Anonymous

7/24/2019 09:45 AM

The impact on local residents and the surrounding area.

Anonymous

7/24/2019 02:14 PM

There are enough establishments within London. There is no need for these types of places in Ibbd.

Anonymous

7/30/2019 01:44 PM

I don't favour running any sex related business in my borough. This would make the borough an inappropriate place to live in and raise my kids. If someone want to enjoy such business, have it in some isolated area.

Anonymous

7/31/2019 12:33 PM

not in my borough

Anonymous

8/03/2019 09:34 AM

Location / crime rate in that particular area / level of similar venues in the area I.e clubs and bars

Batemanjh

8/12/2019 02:52 PM

Nearby schools churches and pre school venues

Anonymous

8/19/2019 11:20 AM

Safety of workers Facilities Location Hours of business

Anonymous

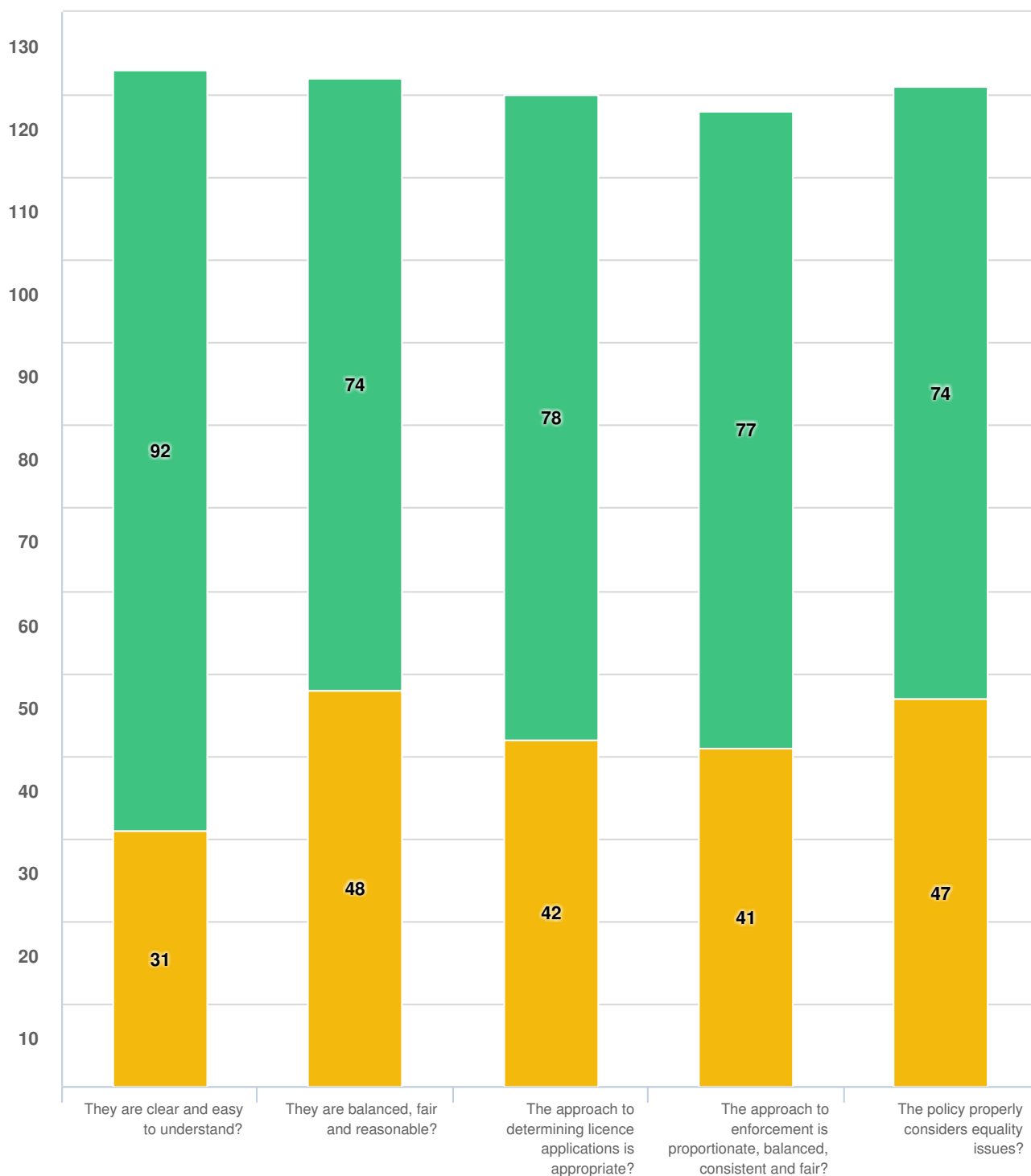
8/19/2019 12:12 PM

i think its should not be granted at all, the borough is already faced with alot of crimes. this will add more crime to the borough!

**Optional question** (106 responses, 30 skipped)



**Q11** Having read the draft policy and conditions, do you think that:



**Question options**

- Yes
- No

*Optional question (123 responses, 13 skipped)*

**Q12 | Please provide any further comments below.**

Anonymous

7/17/2019 03:17 PM

What equality issues?

Anonymous

7/17/2019 05:08 PM

The draft policy and conditions seems to be too lenient

Anonymous

7/17/2019 05:13 PM

I dont agree with such a thing being operated in our area

Anonymous

7/17/2019 06:10 PM

The council will have no control over these places no matter what is put in place.

Anonymous

7/17/2019 06:28 PM

Totally against it.

Anonymous

7/17/2019 06:38 PM

I think that this is a great idea many European country's are doing the same and Barking and Dagenham should be to

Anonymous

7/18/2019 12:08 AM

This entertainment will only bring more drunks drugs and violence to an area where we have enough crime already thats only getting worse

Anonymous

7/18/2019 09:11 AM

Regeneration is going to make the borough a place people want to live and work in Bringing in the sex industry will drag the borough down and encourage the negative aspects of society into the borough

Anonymous

7/18/2019 09:21 AM

I am not in agreement with point 46 regarding the council taking the position that there should be a policy presumption against permitting licensed sex establishments either adjacent to or in the vicinity of premises in the following categories, regardless of location. As a resident of Barking, there is no guarantee with this approach that a license would be refused near my flat as I live in the Town Centre which is a mix of residential and commercial units so potentially a license could be granted to one of these sexual entertainment premises.

Anonymous

7/18/2019 11:09 AM

The policy doesn't specify enforcement details i.e. how checks and measure will be carried out; how frequently etc. There is also no system for ensuring communities are regularly consulted to ensure there are no issue/compliance of the venue with regards to conditions. Its too vague in my opinion

Anonymous

7/18/2019 11:28 AM

You mention the word "him" under the section management and conduct when you refer to the licensee. You are assuming that a man would be the licensee. You do realise this is 2019.

Anonymous

7/18/2019 02:38 PM

Barking and Dagenham is becoming a derelict, dirty, and an undesirable area to live in and this would only enphersize the state the area is becoming.

Anonymous

7/19/2019 08:49 AM

The equality issue was to protect employment for women, not to deny women opportunities.

Anonymous

I as a resident would not like such venues in my borough.

7/19/2019 04:32 PM

Anonymous

7/19/2019 04:33 PM

I don't believe the radius on 250M to be far enough. That's 22-24 secs in Usain Bolt language!

Anonymous

7/19/2019 04:35 PM

Ensure the entertainers are protected/safeguarded. Unless it's right next door to a church/mosque try not to cave in to religious zealots. Good luck.

Anonymous

7/19/2019 04:41 PM

Please instead of thinking about money generated think about the family values and morals and refuse any application for an adult entertainment venue - you cannot cope with the illegal ones here as it is you have brothers operating in many of your pubs ie the thatched house and nothing is done about it

Anonymous

7/19/2019 04:41 PM

Zero tolerance on such establishments locally

Anonymous

7/19/2019 04:58 PM

I think some licenses (ie sexual entertainment venues) should not be appropriate at all. The code of conduct for dancers seem unrealistic when you consider what actually goes on in a venue of this type and it would be difficult to enforce if the management team and security of these establishments say one thing and do another as has been the case with similar establishments in the past despite having a transparent code of conduct in place.

Anonymous

7/19/2019 04:59 PM

Question 1 - Didn't make any sense. The answer could have been yes and no. Stop confusing people with jumbled questions. If you want honest answers ask straight forward questions.

Anonymous

7/19/2019 05:05 PM

Barking & Dagenham borough has one of the highest rates of young children and many residential areas I do not feel such establishments would be appropriate in this borough.

Anonymous

7/19/2019 05:12 PM

It's just sick that in this day and age the council is even considering such establishments

Anonymous

7/19/2019 05:24 PM

Despite the safeguards in the policy I wouldn't want this on my doorstep!

Anonymous

7/19/2019 05:24 PM

I want to reiterate, when considering an establishment like this in Barking and Dagenham, what value or benefit does it bring if any? Would it not be better to start thinking of establishments that benefit the wider community?

Anonymous

7/19/2019 05:42 PM

There should not be any in barking and Dagenham! There is not suitable area to have one for such venue, we have big problems with underage drinking as a result of licences given to corner shops and gambling in the borough (licensing spot checks, once year if your lucky) why would you add this to the list.

Anonymous

7/19/2019 05:44 PM

I feel we haven't got the environment for this kind of business in Dagenham and would not support activities such as in Ilford Lane, Ilford.

Anonymous

7/19/2019 06:28 PM

I don't think we need this sort of establishment in the Burrough

Anonymous

Strongly recommend do not make this borough into soho. There should be

7/19/2019 07:08 PM

NO sex entertainment at all.

Anonymous

7/19/2019 08:44 PM

As I said I would prefer that the borough did not allow such establishments to be set up in the first place.

Anonymous

7/19/2019 08:45 PM

I think, in general, the draft policy is rather too restrictive and fussy.

Anonymous

7/19/2019 09:05 PM

I am assuming that any alcohol license for a sex establishment would need to be applied for separately?

Anonymous

7/19/2019 09:40 PM

Sex establishments are a blot on society and do nothing but harm.

Anonymous

7/19/2019 09:47 PM

I think it's highly likely that the women in these establishments are from underprivileged backgrounds - probably trafficked - and that this type of business should not be encouraged

Anonymous

7/19/2019 10:30 PM

We should be focusing on more positive venues for Barking, not sex establishments, there are already plenty of them here and in other parts of London. I would like to see the Council planning on more positive and safer things for children and families to do in the future.

Anonymous

7/19/2019 11:13 PM

I think it would be a grave mistake to allow this in the borough. We need to encourage more up market places in the borough not sleazy sex clubs to lower the tone even further.

Anonymous

7/19/2019 11:16 PM

If we destroy family values then what is the purpose of welfare society? What is the point of having children, getting married etc.?

Anonymous

7/19/2019 11:19 PM

We should not have any such establishments in Barking. There's already enough illegal prostitution happening around the train station and in the gambling arcades. The area needs cleaning up, not making worse. Please do not encourage this behaviour.

Anonymous

7/20/2019 07:43 AM

Nil policy is unfair!

Anonymous

7/20/2019 08:42 AM

If the town is mostly residential, that should be taken into account in determining individual applications. There is no need for a nil policy.

Anonymous

7/20/2019 10:05 AM

Barking area is multi cultural. Issues of a sexual nature have been shown previously to cause misunderstandings and offence in mixed communities leading to very serious backlash.

Anonymous

7/20/2019 07:49 PM

No to sex entertaining in Barking and Dagenham.

Anonymous

7/21/2019 11:24 AM

The proposals need to more clearly assess the benefit of granting no licenses at all and the potential negative impact to a locality due to opening sex establishments.

Anonymous

7/21/2019 01:47 PM

Did not read all of the policy but enough to get an understanding of it.

Anonymous

7/22/2019 09:35 AM

The policy is not succinct. The policy requires establishments to set their own anti exploitation policies and staff welfare policies. This is not strict enough.

Anonymous

7/23/2019 09:23 AM

These ought to be imposed by the Council or Government.

licensing is important to improve standards of clubs for their majority female workers - it's important we respect this and don't just shut them down completely. For failing to mainstream and license these clubs will result in underground, unsafe institutions that put sex workers into even greater dangers such as trafficking.

Anonymous

7/23/2019 10:24 AM

This consultation and the proposed policy, is probably worded that with all the restrictions, that when they are plotted onto a map of the borough, that no area is considered suitable, and therefore fudging the issue, by putting too many restrictions in the policy which look benign, when added up, actually prevent any sex establishments from opening, which is obviously the Councils opening position. I would say that this policy is loaded in favour of the Councils position and not open and fair.

Anonymous

7/24/2019 02:14 PM

There is no standard policy for this type of establishment. Asb and nuisance are bedfellows to these places. Better to keep lbbd positive.

Anonymous

7/30/2019 01:44 PM

Having an objective question on few areas of implications is not fair. It is just like another referendum which doesn't explain what implications if I select yes and what if I select no.

Anonymous

7/31/2019 12:33 PM

do you want to be a borough that promotes sexual exploitation regardless of licence or not, this consultation is a joke, come on, there is freedom and then there is just ridiculousness

Anonymous

8/19/2019 12:12 PM

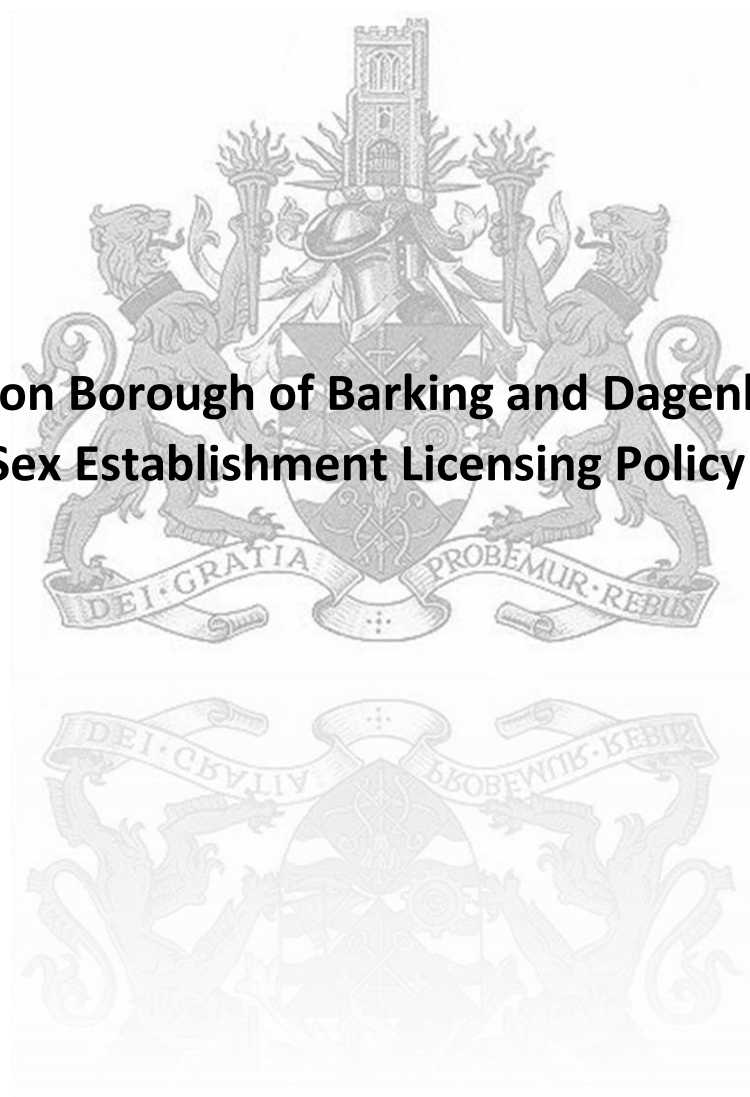
there should be no sex licence in LBBB

**Optional question** (50 responses, 86 skipped)

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**London Government (Miscellaneous Provisions) Act 1982  
as amended by the Policing and Crime Act 2009**

**London Borough of Barking and Dagenham  
Sex Establishment Licensing Policy**



## Legal Notes

The provision to adopt local authority licensing of sex establishments, defined as sex shops and sex cinemas, was created under Part II of the Local Government (Miscellaneous Provisions) Act 1982<sup>1</sup> (the Act) and the basis of such licensing regimes prescribed in Schedule 3 to the Act.

On 27 October 1982 this Council passed a resolution under Section 2 of the Act adopting Schedule 3 within the London Borough of Barking and Dagenham.

Section 27 of the Policing and Crime Act 2009<sup>2</sup> amended the definition of sex establishment in the 1982 Act to include sex entertainment venues.

This Council's first Sex Establishments Licensing Policy was produced in 2008. This revision has been prepared to reflect the inclusion of sex entertainment venues within the licensing regime.

This policy has been compiled with regard to the Act, secondary legislation and the Home Office Guidance, "Sex Entertainment Venues", issued to local licensing authorities in England and Wales.

Nothing in this policy is intended to prevent any individual application from being considered on its individual merits at the time the application is made.

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/1982/30/part/II>

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2009/26/contents>





## Executive Summary

This policy is divided into five sections.

**Section 1** - provides demographic information about the borough and sets out this Council's vision and priorities.

**Section 2** - sets out the purpose of the policy and describes the categories of premises and the licences covered by the Act.

The function of the policy is to describe the Council's role as licensing authority and inform prospective applicants how their applications will be considered. The policy deals with the grant, renewal, variation and transfer of licences in respect of sex shops, sex cinemas and sex entertainment venues.

**Section 3** - deals with procedure and matters of general principle.

The grant or otherwise of sex establishment licences will be determined by sub-committee of the Council's Licensing Regulatory Board at a public hearing where applicants and objections will be heard. No licence will be granted for a period greater than one year.

**Section 4** – sets out how licence applications will be determined.

Every application for a licence will be subject to detailed consideration of all relevant issues. Mandatory grounds for the refusal of a licence are provided by the Act but this Council also adopts a presumption against the grant of a licence in a number of specified circumstances. Whilst any application will be considered on its merits, the Council has determined that the appropriate number of sex establishments within any locality in the borough is nil.

**Section 5** - explains this Council's approach to regulation and enforcement.

The Council seeks to ensure that all of its enforcement activities are undertaken in a clear, fair, consistent and transparent manner. We support responsible business operators and take effective actions against irresponsible operators. We aim to ensure that all licensed premises are well managed, providing a safe environment for staff, clientele and the local community.

## Contents

Section 1 – Introduction	
• Vision and priorities	06
Section 2 – Purpose and Scope of this Policy	
• The purpose of this policy	07
• The scope of this policy	07
• Definitions	08
• Premises providing occasional striptease	08
Section 3 – Procedure and Principles	08
• The Licensing and Regulatory Board	09
• European Convention on Human Rights	09
• Equality duty	09
• Applications for licences	10
• Guidance on the licensing process	10
• Public hearing of applications	11
• Duration of licence	11
• Waivers	11
Section 4 – Licensing Decisions and Conditions	
• Statutory reasons for refusal of licences	12
• Appropriate numbers of licensed premises	13
• Assessment of ‘relevant locality	13
• Presumption against grant of licences in specified circumstances	13
• Other considerations	14
• Licence conditions	15
• Protection of children and young people	15
• Sexual exploitation	16
• Prevention of crime and disorder / anti-social behaviour	16
• Variation of a licence	16
• Revocation of a licence	17
• Cancellation of a licence	17
• Appeals	17
Section 5 – Enforcement	18

## Section 1 – Introduction

### Vision and priorities

1. Our vision for the borough is “One Borough; One Community; No-one left behind”.
2. The Council’s Corporate Plan sets out how we will deliver this vision by working across four themes:
  - A new kind of council
    - Build a well-run organisation
    - Ensure relentlessly reliable services
    - Develop place-based partnerships
  - Empowering people
    - Enable greater independence and protect the most vulnerable
    - Strengthen our services for all
    - Intervene earlier
  - Inclusive growth
    - Develop our aspirational and affordable housing offer
    - Shape great places and strong communities through regeneration
    - Encourage enterprise and enable employment
  - Citizenship and participation
    - Harness culture and increase opportunity
    - Encourage civic pride and social responsibility
    - Strengthen partnerships, participation and a place-based approach

## Section 2 – Purpose and Scope of this Policy

### The purpose of the policy

3. The purpose of this policy is –
  - To set out the powers and responsibilities of the Council as licensing authority
  - To inform sex establishment licence applicants how the Council will make licensing decisions
  - To set out how this Council intends to support responsible operators and take effective actions against irresponsible operators
  - To inform local residents, business and licensed premises users, about the protections afforded to the local community

### The scope of the policy

4. Under the Local Government (Miscellaneous Provisions) Act 1982 as amended by s27 of the Policing and Crime Act 2009 the Council is responsible for determining sex establishment licences within its area.
5. This policy is concerned with the grant, renewal, variation, and transfer of sex establishment licences.
6. Licensable sex establishments fall into one of three categories:
  - sex shops
  - sex cinemas
  - sex entertainment venues

### Definitions

7. Sex shops may sell, hire, exchange, lend, display or demonstrate sex articles or other things that are intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.
8. Sex cinemas may show films that are primarily for the portrayal of sexual activity or acts of force or restraint which are associated with sexual activity with the intention of sexually stimulating customers.
9. Sex entertainment venues may provide sexual entertainment (e.g. lap dancing, peep show, live sex show, strip show, etc.) to a live audience for the financial gain of the organiser or the entertainer.

### Premises Providing Occasional Striptease

10. The Licensing Act 2003 allows for limited, occasional striptease and/or similar performances to be given under a premises licence authorising alcohol on sales without the need for a sex entertainment venue licence.
11. Any person providing striptease or similar performances under a licence issued under the Licensing Act 2003 will have appropriate conditions attached to that licence.

### Section 3 – Procedure and Principles

12. This policy should be read in conjunction with the Council's statutory Statement of Licensing Policy<sup>3</sup> made under the Licensing Act 2003. In cases where a premise may

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<sup>3</sup> <https://www.lbbd.gov.uk/sites/default/files/attachments/Licensing-Act-2003-Policy-2017-22.pdf>

be licensed under, and regulated by, both Acts, the licensing objectives under the 2003 Act will apply, namely:

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

13. Notwithstanding any presumptions indicated below, nothing in this Policy is intended to undermine the right of any individual to make an application in accordance with the 1982 Act and to have that application considered on its individual merits.
14. The Council may make exceptions to its policy where it is appropriate to do so and will give reasons for any such exception.

### **The Licensing and Regulatory Board**

15. The Council's Licensing and Regulatory Board will form Licensing sub-committees to perform all functions relating to licensing.
16. The Council will annually appoint 10 members to sit on the Licensing and Regulatory Board. From this overall membership, any 3 members may sit as a licensing sub-committee to determine applications. Only councillors who have received relevant licensing training will take part in decisions on licensing matters.
17. Members of the Licensing and Regulatory Board will not take part in any licensing decisions concerning premises in which they have an interest. A member of the Licensing and Regulatory Board may not hear an application that is in their own ward, but they may observe the meeting as a member of the public.
18. All decisions in respect of applications for sex establishment licences will be made by the Licensing Sub-Committee, although Licensing Officers may determine that an objection received is frivolous or vexatious and may not refer it for the sub-committee's consideration.

### **European Convention on Human Rights**

19. When determining any licence application, the Sub-Committee will have regard to relevant Convention rights, including:
  - Article 1, Protocol 1 concerning a person's entitlement to the peaceful enjoyment of his/her property.
  - Article 6 concerning the right to a fair and public hearing

- Article 8 concerning the right to respect for private and family life
- Article 10 concerning the right to freedom of expression

### Equality Duty

20. In taking licensing decisions, the Sub-Committee will also be mindful of the Council's public sector equality duty under the Equality Act 2010<sup>4</sup>.
21. Decisions will be taken with due regard to the need to:
  - Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
  - Advance equality of opportunity between people who share a protected characteristic and those who do not
  - Foster good relations between people who share a protected characteristic and those who do not

### Applications for licences

22. The Council may grant to any applicant, and from time to time renew, a licence for the use of any premises, vehicle, vessel, or stall specified for a sex establishment, on such terms and conditions and subject to such restrictions as may be specified.
23. Any application for the grant, renewal or transfer of a sex establishments licence must be made either in writing or electronically, on the form provided by the Council.
24. The application form must be fully completed, signed and dated by the applicant or their representative, and submitted together with the appropriate fee and all other required documentation to the Council's Licensing Team. No application will be deemed complete or be processed until all information requested is received in full.
25. Applicants for a sex establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than 7 days after the date the application is made.
26. Where the application relates to premises, a notice must also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice must be displayed for a period of 21 days beginning the date the applications is made.

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<sup>4</sup> <http://www.legislation.gov.uk/ukpga/2010/15/contents>

27. A notice of the application will also be placed on the Council's website.
28. Any person may object to the grant or renewal of a sex establishment licence.

**Guidance on the licensing process**

29. This policy document does not intend to set out the steps of the licensing process. Detailed information on the licensing process is provided in the Council's separate ['Guidance Note for Applicants and Objectors under the Local Government \(Miscellaneous Provisions\) Act 1982'](#).



### Public hearing of applications

35. All applications for the grant, renewal or transfer of sex establishment licences will be determined by a sub-committee of the Licensing Regulatory Board at a public hearing if the application is opposed.
31. All applicants will be required to appear before the sub-committee when their application is heard.
32. Whilst the Act does not make provision for objectors to be heard in person, the Council is under a duty to consider any objections made within 28 days of the application and has deemed that registered objectors will be given the opportunity to appear before and be heard at the licence determination hearing. The Council reserves the right to hear late objections provided that the applicant is given the opportunity to respond to them.
33. Where the Council refuses the grant, renewal or transfer of a licence, a written statement of the reasons for the decision will be provided to the applicant or holder of the licence, if required, within 7 days.

### Duration of licence

34. Unless previously cancelled or revoked, any licence issued shall remain in force for one year or for such shorter period specified in the licence.

### Waivers

35. Although the Council is permitted to waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate, the Council does not consider it would be appropriate to waive the requirement to hold a sex establishment licence in respect of sex shops and sex cinemas, except in the most exceptional circumstances.
36. The Council does not consider it would ever be appropriate to waive the requirement to hold a sex establishment licence in respect of sexual entertainment venues.

## Section 4 – Licensing Decisions and Conditions

### Statutory reasons for refusal of licences

37. Mandatory grounds for refusal are set out in Section 12 of Schedule 3 to the 1982 Act. Any refusal of an application must be in reference to one or more of the stated grounds.
38. A licence may not be granted to —
- (a) a person under the age of 18; or
  - (b) a person who has had a previous licence revoked; or
  - (c) a person who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date of the application; or
  - (d) a body corporate which is not incorporated in the United Kingdom; or
  - (e) a person who has, within a period of 12 months immediately preceding the date of the application, been refused the grant or renewal of a licence for the premises in respect of which the application is made, unless the refusal has been reversed on appeal.
39. An application for the grant or renewal of a licence may also be refused where —
- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - (b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
  - (c) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the Council considers to be appropriate for that locality;
  - (d) the grant or renewal of the licence would be inappropriate, having regard to
    - (i) the character of the relevant locality; or
    - (ii) the use to which any premises in the vicinity are put; or
    - (iii) the layout, character or condition of the premises in respect of which the application is made.
40. Similarly, an application for the transfer of a licence may be refused on either or both of grounds (a) and (b) above.

### Appropriate numbers of licensed sex establishments

41. The Council is permitted under s12(4) to determine that the appropriate number of sex establishments in any relevant locality is nil.
42. Barking and Dagenham is highly residential and has a young and growing population. No area of the borough has a recent association with the provision of sexual entertainment. In that context the Council considers it inappropriate to allow the introduction of sex entertainment venues in any locality because of the impact that they and their customers may have on the locality.
43. Accordingly, the appropriate number of licensed sex establishments of any category in any area of the borough is determined to be nil.
44. The Council will continue to consider applications and to consider each application upon its own individual merits, but it is expected that this policy will be strictly applied and licences will therefore only be granted in exceptional circumstances. The ability of an applicant to demonstrate that they are of good character and could provide a high standard of management will not alone constitute exceptional circumstances.

### Assessment of 'relevant locality'

45. In general, this Council will treat the ward in which the premises that is subject of the application is situated as the relevant locality, although a different view may be taken following representations raised in individual cases (for example, where a premises subject of an application borders another ward).

### Presumptions against the grant of licences in specified circumstances

46. This Council takes the position that there should be a policy presumption against permitting licensed sex establishments either adjacent to or in the vicinity of premises in the following categories, regardless of location:
  - Schools and other facilities used primarily by children and young persons, including playgroups and playgrounds
  - Facilities used primarily by vulnerable adults and adult social care facilities
  - Facilities used primarily by women
  - Places of worship
  - Hospitals and medical facilities
  - Community facilities or public buildings
  - Community leisure facilities and open spaces

- Cultural facilities, including cinemas, theatres and galleries
- Residential accommodation
- Another licensed sex establishment

47. The meaning of “in the vicinity” will be determined on the circumstances of each case, however for the purposes of general guidance a radius of 250 metres will be considered.

### **Other considerations**

48. In all cases, there are further issues that this Council considers to be relevant and will take into account when determining applications for sex establishment licences, namely:

- The position of the premises in respect of popular access routes to the categories of premises identified above
- The nature of any logo for the sex establishment
- The nature of any external images, advertisements or displays
- Whether advertising positioned inside the sex establishment could be viewed from outside of the premises
- Whether the name of the sex establishment clearly indicates the nature of the activities that would take place upon the premises
- The operating hours of the premises and their relationship to the operating hours of nearby premises
- The scheme of management
- Proposed front of house controls and security arrangements, both external and internal
- Queueing arrangements for customers wishing to gain admission
- Age verification procedures to prevent admission of under-age persons
- The layout and condition of the premises
- Arrangements for ensuring the safety of customers, staff and performers on the premises
- Whether planning consent has been obtained for the proposed use
- Whether there are any planned developments in the area that may render the locality unsuitable for a sex establishment
- The potential for local crime and disorder and/or anti-social behavior that may arise from the operation of the premises
- Whether the applicant has had any relevant enforcement action taken against them by the Police or any other regulatory body
- Whether the applicant can comply with the relevant standard conditions for the category of sex establishment

- Accessibility to the premises for disabled persons

### **Licence conditions**

49. Where the Council decides to grant a licence it will do so subject to standard conditions. It may also impose specific conditions and/or restrictions applicable to an individual licence.
50. This Council has prescribed standard conditions applicable to all sex establishments and additional standard conditions applicable accordingly if the premises is a sex shop, a sex cinema or a sex entertainment venue
51. The relevant standard licence conditions will be attached to every licence granted, renewed or transferred by the Council unless expressly excluded.
52. The standard licence conditions are detailed in full in the separate document “Sex Establishments – Standard Licensing Conditions”<sup>5</sup>.

### **Protection of Children and Young People**

53. No person under the age of 18 years may be admitted to any sex establishment while the premises is in use under its licence. No person under the age of 18 years may be employed at any sex establishment.
54. To ensure that no child or young person is exposed to any licensable activity, it is important that a rigorous age verification scheme is established. This Council promotes the principles of ‘Challenge 25’.
55. Anyone who appears to be under 25 years of age will be asked for ID and admission will be refused to any person appearing under 25 years of age who cannot provide valid ID establishing they are over 18. Notices to this effect must be displayed in a clear and prominent position at the premises. Valid ID would comprise a photo driving licence, passport or other approved photographic ID bearing the PASS hologram.
56. No licensable activity or related material may be visible from the street and passersby may not be subject to touting.

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<sup>5</sup> <https://www.lbbd.gov.uk/sex-establishment-licence>

### **Sexual Exploitation**

57. To help prevent the exploitation of any person at any time, no dancer or performer employed at a sex entertainment venue may be under 18 years of age; and no performer or dancer may be permitted to perform under the influence of alcohol or drugs. The licence holder will be required to undertake reasonable checks to ensure that all dancers or performers are eligible to work in the UK and obtain a certified photocopy of the passport of each performer together with their personal details.
58. Performers and dancers must be subject to a Code of Conduct and allied disciplinary procedure for failure to comply with the Code (which must not include monetary fines).
59. A Customers' Code of Conduct must also be devised, together with a means of ensuring that it is communicated to all customers on or soon after entering the premise. Repeated or serious failure to comply should result in the ejection, and potentially barring, of the customer from the premises.
60. Performers and dancers must be provided with adequate changing and sanitary accommodation, and there must be an appropriate welfare policy.

### **Prevention of Crime and Disorder and / or Anti-Social Behaviour**

61. The Council will seek to ensure that no licensed premises contributes to levels of local crime and disorder or anti-social behavior.
62. Accordingly, the Council will expect high standards of management at all times.
63. The Council will expect the premises management to maintain a good working relationship with the police and the Licensing Team.
64. The Council will require all licensed premises to have good CCTV coverage. All sex entertainment venues must have adequate door supervision (registered with the Security Industry Authority) and good internal security and monitoring arrangements.

### **Variation of licences**

65. The holder of a sex establishment licence may apply at any time to the Council for a variation of any term, condition or restriction.

66. Where such application is made the Council may
- Make the variation specified in the application; or
  - Make such variations as it thinks fit (including variations other than those specified in the application); or
  - Refuse the application.

### **Revocation of licences**

67. The Council may, after giving the holder of a licence an opportunity of appearing before and being heard by them, at any time revoke the licence on any of the grounds specified above for the refusal of a licence.
68. Where a licence is revoked, the Council will provide a statement in writing of the reasons for the decision within 7 days of the revocation.
69. Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in the borough for a period of 12 months from the date of revocation.

### **Cancellation of licence**

70. In the event of the death of the holder of a licence, that licence shall be deemed to have been granted to his personal representatives and shall, unless previously revoked, remain in force until the end of the period of 3 months beginning with the death. The licence shall then expire, unless extended by the Council upon application by the representatives.
71. The Council may extend the licence upon application, if it is satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.
72. The Council may, at the written request of the holder of a licence, cancel the licence.

### **Appeals**

73. Where this Council refuses an application for the grant, renewal or transfer of a sex establishment licence the applicant may appeal the decision in a magistrates' court, unless the application was refused for the reasons given below, in which case the only means of challenge is by way of judicial review.
- That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

- That the grant or renewal of the licence would be inappropriate, having regard to
  - the character of the relevant locality; or
  - the use to which any premises in the vicinity are put; or
  - the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

## Section Five – Enforcement

74. The Council's enforcement services aim to safeguard the local community and environment and provide a level playing field on which businesses can trade fairly.
75. Council officers are subject to the provisions of the Regulators' Code<sup>6</sup>, which is designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open, transparent, and consistent manner.
76. Our resources will be 'intelligence led' and directed to where they are needed most. Responsible business operators, with proven operating history, can expect a light touch enforcement approach, enabling resources to be directed to supporting new operators and dealing with irresponsible and illegal operations.
77. The 1982 Act empowers both police constables and authorised Council officers to take enforcement actions.
78. Licensed premises may be subject to 'during performance' or 'during operation' visits conducted on a risk-assessed basis, having regard to the premises previous operating history and regulator confidence in management.
79. Where it is necessary to take enforcement action officers will:
  - be clear about the issue(s) that have made enforcement action necessary
  - for action short of licence revocation and/or prosecution, provide a clear explanation as to what remedial action is necessary and a reasonable timescale for completion
  - advise the licensee of any right of appeal
80. The Council and partner agencies recognise the interests of both citizens and businesses and will work together to assist licence holders to comply with the law and the licensing objectives.

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<sup>6</sup> <https://www.gov.uk/government/publications/regulators-code>

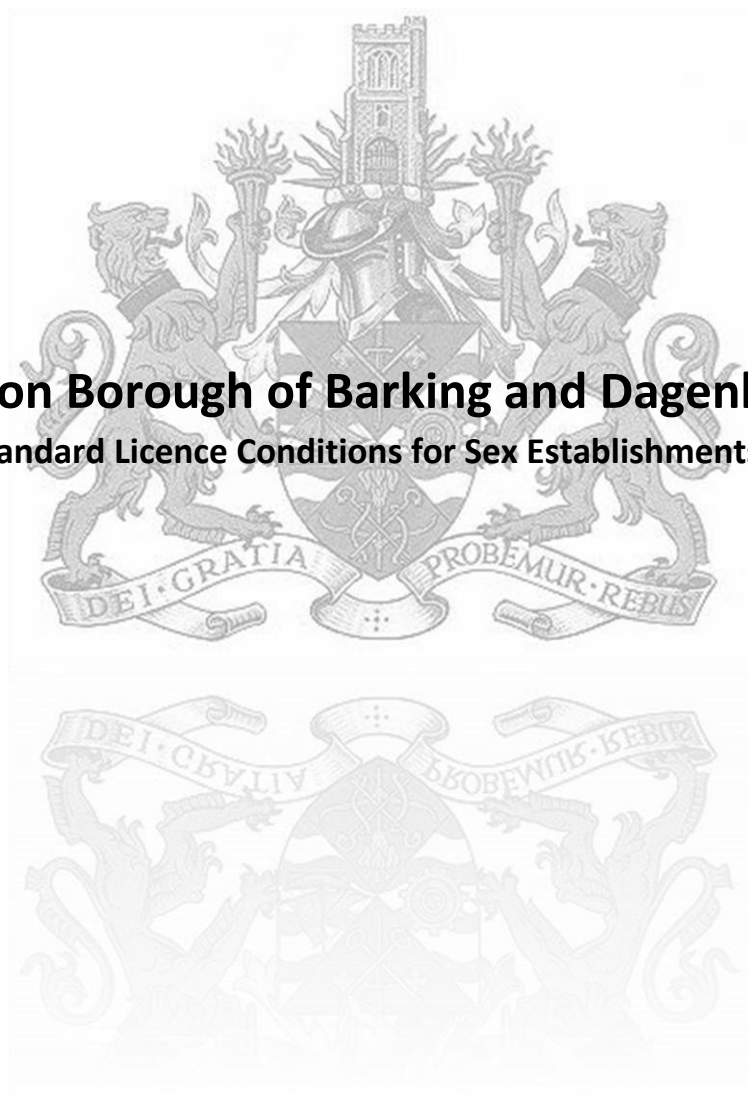


81. The Council has set clear standards of service and performance that the public and businesses can expect. We have an Enforcement Policy, which sets out our principles for effective enforcement.

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**London Government (Miscellaneous Provisions) Act 1982  
as amended by the Policing and Crime Act 2009**

**London Borough of Barking and Dagenham  
Standard Licence Conditions for Sex Establishments**



**Section A** – General conditions applicable to all premises

**Section B** – Additional conditions applicable only to sex shops

**Section C** – Additional conditions applicable only to sex entertainment venues

**Section D** – Additional conditions applicable only to sex cinemas

### **Special Licence Conditions**

In the event of any conflict between these standard conditions and any special conditions applied to a licence in respect of any sex establishment, the special conditions shall prevail.

### **Section A - General Conditions (applicable to all categories of sex establishment)**

1. The business shall be carried on only in the name, style and title and at the address specified in the licence.
2. All documents, notices and advertisements issued by or on behalf of the business shall bear the name, style or title and address specified in the licence together with an indication that the business is licensed by the Council.

### **Management and conduct**

3. The licensee, or a responsible person nominated by him for the purpose of managing the sex establishment in his absence, and of whom details have been supplied to and approved by the Council, shall be in charge of and upon the licensed premises during the whole time that they are open to the public.
4. A daily register shall be maintained upon the premises in which shall be recorded the name and address of all persons employed at the establishment. The register is to be completed each day the premises are open for business and is to be kept available for inspection by the Police and authorised officers of the Council and shall be retained for six months after completion.
5. The licensee shall not without the express written consent of the Council employ any person in the conduct of the business, who has previously been refused a licence by the Council or other licensing authority, or had a licence revoked.
6. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of any written request by the Council.

7. The licence holder shall retain control over all portions of the premises as defined on the approved premises plan, and shall not let, licence or part with possession of any part of the licensed premises.
8. The public shall not be permitted to have access to any part or parts of the licensed premises other than those which have been approved by the Council, as per the plan submitted to the Council at the time the licence was granted.
9. No change of use of any portion of the licensed premises from that approved by the Council shall be made until the Council's consent in writing has been obtained. No person under the age of eighteen shall be admitted to the licensed premises while the sex establishment licence is being used and prominent notices shall be displayed at each entrance to the premises to that effect.
10. No person aged under eighteen shall be employed to work at the licensed premises in any capacity, nor allowed to work in the premises on a self-employed basis.
11. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their profession.
12. No access shall be permitted through the licensed premises to any other premises adjoining or adjacent except in the case of emergency.
13. The premises layout shall allow all public parts of the premises to be easily supervised by premises management, staff and door supervisors at all times, save for public toilet areas which shall be checked at least at hourly intervals to ensure such areas are not being used for any improper purposes and are in a clean and useable condition.
14. No alterations or additions, either internal or external, and whether permanent or temporary, shall be made to the structure, lighting or layout of the licensed premises except with the prior written approval of the Council.
15. The external doors to the licensed premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
16. The licence holder shall ensure that the sex establishment licence or a certified copy shall, at all times, be prominently exhibited at the premises in a position where it can be clearly seen by customers. For the purposes of this section, a certified copy of the

licence shall be a copy certified as a true copy by the holder of the licence or his solicitor and appropriately signed and dated with the date the copy was certified.

### Touting for Business

17. There shall be no touting for business for the premises by way of flyer; persons holding advertising boards; branded vehicles or personal solicitation.
18. The windows and openings of the licensed premises shall be of material or covered with material which will render the interior of the premises invisible to any person passing.
19. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited in a manner that makes it visible from outside of the premises except:
  - Any notice required to be displayed by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
  - The name of the premises as specified in the sex establishment licence
  - The hours of opening of the premises
  - Notice of any admission charge to the premises
  - Or where the Council has given its prior consent in writing that such display or advertisement may be used.

Note: The Council shall not permit the display of any form of imagery or photographs that it believes might be construed as offensive to public decency.

### CCTV Conditions

20. A CCTV system shall be installed and working to the satisfaction of the Police and the Council. The system shall cover the whole of the parts of the premises to which the public have access, except for individual toilet cubicles. This shall include external areas of the premises including the area immediately outside any entrance to, or exit from, the premises.
21. CCTV monitors covering the premises shall be available in the foyer or reception area of the premises where they can immediately be viewed by Police and Council officers during an inspection of the premises. This condition does not prevent further monitors being located in other parts of the premises.
22. Notices shall be displayed at the entrance to the premises, and in prominent positions throughout the licensed premises, advising that CCTV is in operation.
23. The CCTV shall record continuously the entire time that any member of the public is present on the licensed sex establishment.

24. Recordings shall be of a sufficient quality to clearly identify persons on the recordings.
25. Recordings shall be retained for a minimum period of 31 days.
26. Copies of the recordings shall be made available to the Police and the Council on request.
27. Any defect in the operation of the CCTV system shall be notified immediately to the Police Licensing Team and the Council in writing and by telephone, and the licence holder shall ensure that repairs to the CCTV system are effected as soon as reasonably practicable.
28. Where any part of the CCTV system is non-operational, the licence holder shall comply with any direction from the Metropolitan Police or the Council not to use certain parts of the licensed premises for the purposes of the sex establishment licence.

**Section B - Additional Conditions applicable only to Sex Shops**

29. No sex articles shall be displayed in such a manner that they can be seen by persons outside the sex establishment.
30. The licensee shall ensure that no employee or any other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.
31. Any change of staff employed at the licensed premises shall be notified in writing to the Council within 14 days of the change.
32. All sex articles and other things displayed within the licensed premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged (inclusive of VAT).
33. All goods offered for sale, hire, exchange or loan shall be available for inspection prior to supply and a notice to this effect is to be prominently displayed within the premises.

**Section C - Additional Conditions applicable only to Sexual Entertainment Venues**

34. The layout of the premises shall be such that performers cannot be seen from outside the premises.
35. Performers may not stand in any lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.
36. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public and being used for the purposes of providing relevant entertainment.
37. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises, so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises, or otherwise by persons using the venue.
38. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
39. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency.

Door supervisors registered with the Security Industry Authority shall be provided at the premises in sufficient numbers to ensure that:

- a. Each entrance and exit at the premises used by the public are manned by at least two door supervisors
- b. All public areas of the premises are continually monitored to ensure the Dancers and Customers Codes of Conduct and any licence conditions are being complied with.
- c. Persons breaching the Customers Code of Conduct or otherwise behaving in a disorderly manner can be safely ejected from the premises

**Requirements for a Code of Conduct for Performers**

40. There shall be a Code of Conduct for performers in place at the venue that has been agreed in writing by the licence holder, the Council and the Metropolitan Police.
41. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Sexual Entertainment Venues - Code of Conduct for Performers".



42. No change shall be made to this Code of Conduct without the prior written consent of the Council and the Metropolitan Police.
43. The Performers Code of Conduct must state that performers who do not comply with the Code of Conduct will face disciplinary proceedings.
44. The licence holder shall require all dancers to sign an acknowledgement that they have received a copy of the Performer's Code of Conduct, have read and understood its contents and will comply with the Code of Conduct at all times while they are working at the premises.
45. The licence holder shall retain original records showing that each performer has signed to acknowledge receipt of the Performer's Code of Conduct and Disciplinary Procedure as described above.
46. A copy of the sections of the Performer's Code of Conduct relevant to customers shall be prominently displayed in each area of the premises to which the public have access, including toilet areas, and in any area used as a changing/dressing room for performers.
47. The premises management and staff (including security staff) shall be aware of the content of the Dancer's Code of Conduct and shall ensure it is complied with.

### Requirements for a Code of Conduct for Customers

48. There shall be a Code of Conduct for Customers in place at the venue that has been agreed in writing by the licence holder, the Council and the Metropolitan Police.
49. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Sex Entertainment Venues - Code of Conduct for Customers".
50. The Code of Conduct for Customers shall be displayed in prominent positions throughout the premises where it is visible to all customers.
51. No change shall be made to the Customers Code of Conduct without the prior written consent of the Council and the Metropolitan Police.
52. The Customer's Code of Conduct must state that customers who do not comply with the Code of Conduct will be ejected from the premises.
53. The premises management and staff (including security staff) shall be aware of the content of the Customer's Code of Conduct and shall ensure it is complied with.
54. Any breach the Customers Code of Conduct shall be recorded in the incident log.

55. Where management is made aware of a customer repeatedly breaching the Customers Code of Conduct, they shall eject that customer from the premises.

### Disciplinary Procedure

56. A disciplinary procedure shall be in place to deal with performers who breach the Performer's Code of Conduct. The disciplinary procedure shall be detailed in writing and a copy of it provided to each performer who works at the premises.
57. The licence holder shall require all performers to sign an acknowledgement that they have been provided with a copy of the Disciplinary Procedure and have read and understood its contents.
58. The Disciplinary Procedure shall not include provision to fine performers or otherwise impose pecuniary penalties. Action taken may include verbal or written warnings, suspension of the performer's right to perform at the premises, or revocation of the performer's right to perform at the premises.

### Sexual Entertainment Venues - Code of Conduct for Performers

59. The Performer's Code of Conduct shall include the following conditions as a minimum:
- Performers may not intentionally touch a customer during a performance.
  - Performers may not permit a customer to touch them during a performance.
  - Performers may not straddle the customer.
  - If a customer attempts to touch or speak to a performer inappropriately, the performer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer persists in inappropriate behaviour, the performer shall stop the performance and inform premises management immediately.
  - Performers may not intentionally touch the genitals, anus or breasts of another performer, nor knowingly permit another performer to touch their genitals, anus or breasts.
  - Performers shall not solicit for gratuities or payment for sexual favours.
  - Performers shall not engage in any act of prostitution, i.e. the receiving of gratuities or payment for sexual favours.
  - Performers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina.
  - Performers may not touch their own breasts, anus or genitals with their fingers, lips or tongue.
  - Performers may not be in the company of a customer unless it is in an area of the premises that is open to the public.
  - Performers shall not perform if under the influence of alcohol or drugs.

- If a customer engages in acts of masturbation or other sexual behaviour, the performer shall cease the performance immediately and inform the premises management.
- Performers shall use the dressing room facilities provided for their exclusive use to change for their performance.
- Performers shall only use the smoking area provided specifically for their use.
- Performers shall only use the sanitary facilities specifically provided for their use.
- Performers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire, e.g. outerwear consisting of coat or top and skirt or trousers, so lingerie or other performance costume is not visible.
- All performers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the performer subject to the Disciplinary Procedure.

### Sex Entertainment Venues - Code of Conduct for Customers

60. The Customers Code of Conduct shall include the following conditions as a minimum:
- Customers may not touch performers during a performance.
  - Customers may not make lewd or offensive remarks to performers.
  - Customers may not harass or intimidate performers.
  - Customers may not ask performers to perform any sexual favour.
  - Customers may not perform acts of masturbation or indulge in other sexual behaviour.
  - Any customer failing to adhere to the Customers Code of Conduct will be ejected from the premises.

### Private Booths

61. Private booths shall not be provided at the licensed premises. Where private performances are given in areas of the premises such area shall not have a door or other similar enclosure. The area shall be constantly monitored by CCTV, and access to the area shall be adequately supervised.

### Performers' Private Work Areas

62. A designated dressing room area shall be provided for performer's exclusive use. Such dressing room shall be secured so as not to be accessible to members of the public and shall be suitable to enable performers to change privately.
63. Performers shall be provided with their own adequate sanitary facilities separate from those used by customers.
64. A secure external area shall be provided where required for performers to smoke without coming into contact with customers.

Performers' Welfare Policy

65. The licence holder shall have a Performers' Welfare Policy in place at the premises.
66. The Policy shall, as a minimum, state that
- Any performer concerned about the behaviour of a customer shall report the incident immediately to the Duty Manager who shall take immediate action to resolve the matter
  - Staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the Code of Conduct for Customers or is otherwise causing alarm or distress to a performer
  - Any customer behaving inappropriately will be ejected from the venue
  - Performers shall be provided with free drinking water on request

General Provisions

67. The licence holder shall obtain a photocopy of the passport of each performer that works at the premises and shall certify the copy as being a true copy by signing and dating the photocopy together with their name and job title.
68. The licence holder shall undertake reasonable checks to ensure each performer is eligible to work in the United Kingdom and shall not allow dancers ineligible to work in the UK to work at the premises.
69. The licence holder shall maintain written records of all performers working at the premises. The records shall show the performer's full name, home address, date of birth and a certified photocopy of their passport and the date the performer was provided with the Performers' Code of Conduct and Disciplinary Procedure. Such records shall be kept on the licensed premises and produced for inspection by Police and authorised Council officers on request. Any instances of the performer breaching the Performers' Code of Conduct shall be recorded on their record, to include the date and time of the incident and details of the breach that occurred.
70. Performers under the age of eighteen shall not be permitted to work at the premises.
71. Performers shall not be permitted to perform if they are clearly under the influence of alcohol or drugs.
72. The licence holder shall ensure that an incident log is maintained at the premises. The incident log shall, as a minimum, contain a record of:
- Any person ejected from the premises
  - Any refused admissions
  - Any refused sales
  - Any inappropriate behaviour by guests

- Any failure in the CCTV system
  - Any incidents of crime or disorder
  - Any seizure made of drugs or offensive weapons
  - Any complaints made by the public, guests or performers
73. The record shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved/name of performer where appropriate and brief details of the incident and any action taken by the staff.
74. The incident log shall be completed as soon as reasonably practicable after any incident.
75. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in the case of any of the circumstances described above.
76. The licence holder shall ensure the incident log is checked periodically and at least at monthly intervals to ensure that staff are completing the incident log.
77. The incident log shall be made available for inspection to Police or authorised Council officers on request.

### **Section D - Additional Conditions applicable only to Sex Cinemas**

78. No film shall be exhibited unless
- It has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council, or
  - The film has been passed by the Council as U, PG, 12, 15, 18 or RESTRICTED (18) with the London Borough of Barking and Dagenham being the name of the Council.
79. If the licence holder is notified by the Council in writing that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.
80. Not less than 28 days' notice in writing shall be given to the Council of any proposal to exhibit any film which has not been classified as specified above. Such a film may only be exhibited if consent has been obtained from the Council in writing and in accordance with the terms of any such written consent.

81. When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme.
82. If the Council does not agree with the category of any film as passed by the British Board of Film Classification, it may alter the category or prohibit the showing of the film.
83. On notice of alteration of category being given by the Council to the licence holder, the film shall thereafter be treated as being in the altered category and the conditions applicable to the exhibition of films in the altered category shall be observed.
84. Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer, of the statement approved by the Board indicating the category of the film.
85. For a film passed by the Council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them. The notices shall state without the addition of any other words:

**LONDON BOROUGH OF BARKING AND DAGENHAM**

*(Here insert title of film)*

has been passed by the London Borough of Barking and Dagenham as  
*(here insert the definition of the category and the category assigned)*

86. Where a trailer is to be exhibited advertising a film passed by the Council, the notice shall state:

**LONDON BOROUGH OF BARKING AND DAGENHAM**

\*.....trailer advertising +.....film

*(\*Here insert the category of the trailer)*

*(+Here insert the category of the film)*

87. Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film exhibited, or to be exhibited at the *premises*, shall indicate clearly the category of the film.
88. The licence holder shall ensure that an incident log is maintained at the premises. The log shall, as a minimum, give details of:
  - Any person ejected from the premises
  - Any refused admissions
  - Any refused sales
  - Any inappropriate behaviour by guests

- Any failure in the CCTV system
  - Any incidents of crime or disorder
  - Any complaints made by the public or guests
89. The record shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved where appropriate and brief details of the incident and any action taken by the staff.
90. The incident log shall be completed as soon as reasonably practicable after any incident.
91. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in the case of any of the circumstances described above.
92. The licence holder shall ensure the incident log is checked periodically and at least on intervals of one month apart to ensure that staff are completing the incident log.
93. The incident log shall be made available for inspection to Police or authorised council Officer.

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## ASSEMBLY

20 November 2019

<b>Title:</b> Barking and Dagenham Safeguarding Adult Board Annual Report 2018/19	
<b>Report of the Cabinet Member for Health and Social Care Integration</b>	
<b>Open Report</b>	<b>For Information</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> No
<b>Report Author:</b> Chris Bush, Commissioning Director, Children's and Adults' Care & Support	<b>Contact Details:</b> Tel: 020 8227 3188 E-mail: <a href="mailto:Christopher.bush@lbbd.gov.uk">Christopher.bush@lbbd.gov.uk</a>
<b>Accountable Director:</b> Chris Bush, Commissioning Director, Children's and Adults' Care & Support	
<b>Accountable Strategic Director:</b> Elaine Allegretti, Strategic Director for People and Resilience	
<p><b>Summary:</b> Under Schedule 2 of the Care Act 2014, Safeguarding Adult Boards (SABs) are required to publish an Annual Report, detailing their work over the preceding year. The attached Annual Report (Appendix 1) describes the work and priorities of the Barking and Dagenham Safeguarding Adults Board (SAB) from April 2018 to March 2019. It sets out how the Board has worked to improve the protection of vulnerable adults across Barking and Dagenham along with its achievements in 2018/19 and key priorities for the future.</p> <p>The annual reports contain contributions from a range of organisations who are involved in safeguarding vulnerable adults in Barking and Dagenham. Joint working has been effective over the past year, and the membership of the Board has strengthened. The statutory partners have provided financial resources to support the SAB a to fulfil their functions.</p> <p>The Annual Report was agreed by the Safeguarding Adults Board at its meeting on 10 July 2019 and was presented and discussed at the Health &amp; Wellbeing Board on 10 September 2019.</p> <p>The Assembly is invited to note the report and draw out any issues that Members would like the Safeguarding Adults Board to consider as part of its routine business or the Strategic Plan.</p>	
<p><b>Recommendation</b> The Assembly is recommended to:</p> <ul style="list-style-type: none"> <li>(i) Note the contents of Annual Report of the Safeguarding Adults Board for 2018/19;</li> <li>(ii) Add further comments to shape the work of the Board and the priorities of the SAB through its Strategic Plan.</li> </ul>	

## Reason(s)

Safeguarding vulnerable adults from abuse is one of the most important statutory duties that falls upon the Council. Collaborating with partners in the health sector and the Police is mandated by the Care Act, and together with other important partners, the Safeguarding Adults Board is the mechanism for discharging that duty. It is important that all Members of the Council are aware of the work of the Council in improving the systems to safeguard adults and have the opportunity to shape that work.

### 1. Introduction to the Safeguarding Adults Board

1.1 It is a requirement set out in the Care Act 2014 that organisations work together to promote the safeguarding of vulnerable adults within their communities. For Barking & Dagenham, the Safeguarding Adults Board has established a vision that:

*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.*

1.2 The Care Act 2014 identifies six key principles that should underpin all safeguarding work. These are accountability, empowerment, protection, prevention, proportionality and partnership.

1.3 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.

1.4 The Safeguarding Adults Board is made up of three statutory partners who are the Local Authority, the Police and the Clinical Commissioning Group (CCG). The Barking and Dagenham Safeguarding Adults Board also includes representation from other key local partner organisations and these are Barking Havering Redbridge University Trust (BHRUT), North East London Foundation Trust (NELFT), the London Fire Brigade, the Probation Service, the chairs of the SAB's Committees and other officer advisors.

1.5 The Cabinet Member for Social Care & Health Integration attends meetings of the Safeguarding Adults Board.

1.6 The objectives of the SAB are to:

- Ensure that local safeguarding arrangements are in place as defined by the Care Act 2014;
- Embed good safeguarding practices, that puts people at the centre of its duties;
- Work in partnership with other agencies to prevent abuse and neglect where possible;

- Ensure that services and individuals respond quickly and responsibly when abuse or neglect has occurred;
- Continually improve safeguarding practices and enhance the quality of life of adults in the local area.

1.7 All Safeguarding Adult Boards are required to produce an Annual Report. The Annual Report attached has been produced with contributions from all partners of the Board. In particular, chapter 6 sets out in detail how partners have supported the work of the Board and implemented developments and improvements across multi agency safeguarding practice.

## **2. Highlights of the 2018/19 Annual Report**

2.1 The Annual Report includes a foreword by the Independent Chair of the Board, information about the Board structure and its committees, safeguarding data, the activity of the Board and of its partner agencies, quality assurance information, a statement from Healthwatch and a chapter around the Board's priorities for the coming year.

2.2 Key achievements of the Board in 2018/19 include the work of the two Committees. The Performance and Assurance Committee, which is chaired by the London Borough of Barking and Dagenham, has worked to improve the quality and timeliness of data and reporting from all partners, including indications of trends, robustness of assurance and analytical reporting to the Board. The Safeguarding Adults Review (SAR) Committee, which is chaired by a senior NHS CCG officer, has put in place a new process for reviewing significant cases across the partnership and ensuring opportunities for wider learning from local and national cases. It is worth noting that no SARs have been commissioned in 2018/19 but the Safeguarding Adult Review Committee continues to look at learning from other local, national and regional cases where relevant to Barking and Dagenham.

2.3 The Board completed an all-organisations self-assessment, assurance and Board peer challenge exercise in May/June 2018, with a plan to repeat this before the end of 2019.

2.4 The Board has also embarked on work and plans around improving opportunities for community engagement and listening to the service user voice. Plans will continue into 2019/20 and community engagement features in the SAB's Strategic Plan.

2.5 There has been extensive work around the review of the Board's priorities and the production of a new three-year SAB Strategic Plan.

## **3. Recommendations**

3.1 The Assembly is recommended to note the Safeguarding Adults Board Annual Report and to provide feedback for the SAB to consider as it develops further its strategic plan for 2019/20 and 2020/21.

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

### **List of appendices:**

**Appendix 1:** Barking and Dagenham Safeguarding Adults Board Annual Report 2018/19

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# Barking and Dagenham Safeguarding Adults Board Annual Report 2018 – 19



# Contents 1

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1.	Independent Chair’s Foreword and Overview.....	3
2.	What is Safeguarding Adults.....	7
3.	The SAB’s Vision.....	8
4.	The Board and Committees.....	9
5.	Safeguarding in Numbers.....	12
6.	The SAB’s Partners.....	14
7.	Quality of Care.....	26
8.	Partnership Priorities for 2019/20.....	31
9.	Healthwatch.....	32
10.	Further Information About Safeguarding.....	33

# Independent Chair's Foreword and Overview 2

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This is the Annual Review report of Barking and Dagenham's Safeguarding Adults Board (SAB) for the year April 2018 to March 2019. However in practice, given that the report was agreed at the quarterly meeting of the SAB on 10 July 2019, it includes matters up to July 2019. This enables important inclusion of the Board's continuing and new ambitions and priorities for the whole of 2019/20 until March 2020 (see Chapter 8).

The report covers the first full year of my term as Independent Chair (begun in September 2017) during which time we have strengthened the Board by including in full membership of all seven key statutory organisations serving the borough - Barking and Dagenham Council with its wide range of functions and political leadership, NHS Clinical Commissioning Group, Metropolitan Police, Fire Service, Barking, Havering and Redbridge and North East London NHS Trusts, and Probation Service.

I have been personally very appreciative of the excellent willingness and commitment to the Board's work from senior and very busy colleagues of all organisations so as to enable the SAB to be an effective check on all multi-agency safeguarding practice, management, communication, information sharing, performance measurement, quality assurance and organisational governance. The SAB has operated in relation to individual cases and individual partners 'without fear or favour', challenging and seeking out assurance on varied matters of question, responsibility and action.

As I said last year in the Annual Report, the SAB has the responsibility\* to give confidence (i) to the Barking and Dagenham public, (ii) to those people who represent their interests, and (iii) to the leadership of organisations, that the borough's Safeguarding Adults Board is properly committed to and capable of discharging its responsibilities in the way in which everyone has a right to expect. I hope that the following pages satisfy those challenges without being too lengthy and detailed.

(\* the Safeguarding Adults Board has three core statutory responsibilities under the Care Act 2014 – to produce this Annual Report, to have a Strategic Plan – see Chapter 8, and to undertake Safeguarding Adults Reviews when they are warranted.)

The scale of the challenges for safeguarding adults continue to be considerable. People in the borough who are in some way more vulnerable than others (e.g. frailty, disability, illness, limited language, culture or being of a minority in some other respect); are therefore at a higher risk of harm, abuse or neglect by some other more powerful person or body. The data around safeguarding concerns can be seen in this report at chapter 5.

Protection arrangements need to be alert, available, appropriate, responsive and personal ('making safeguarding personal'). They also need to be responsive to newer and expanding areas of abuse, such as modern slavery, human trafficking, multiple forms of exploitation and domestic abuse, financial and cyber abuse. All of these impact most harshly on people who are less able to resist threats because of their mental capacity, mental health, homelessness and other less robust lifestyles. Notwithstanding, any one of us is potentially vulnerable to becoming a victim of harm by those who neglect or by the failure of a service that may cause us harm.

People in Barking and Dagenham may also become more vulnerable as services, staff and partnerships working in different agencies become more stretched with reduced funding and resources, delays in service and practitioner staff who have too much expected of them in the time they have available. Offering people individualised advice, advocacy, support or care takes time and skill. It is vital that the SAB holds a realistic overview of what is needed, what can be done and how well things are done, holding to account and reporting in a public document such as this.

During the year I am pleased to report that we have:

- Put in place two strong Board committees with delegated responsibilities for (i) Performance and Quality Assurance (chaired by a senior Council officer) and (ii) Safeguarding Adults Reviews (chaired by a senior NHS CCG officer). The former has improved markedly the quality and timeliness of data from all partners, indications of trends and robustness of assurance.
- Given time and thought to ways the Board can most effectively take forward its responsibilities for (iii) Learning and Development and (iv) Community engagement and listening to service user voices. These continue with active plans into 2019/20.
- Completed an all-organisations self-assessment, assurance and Board peer challenge exercise in May/June 2018, with a plan to repeat this in the early months of 2020, next time jointly with Havering SAB. Where possible the Independent Chairs and Board Managers across Barking and Dagenham, Havering and Redbridge are increasingly working together on those matters which lend themselves to tri-



borough common (or near common) approaches. Nevertheless, it is important to emphasise that the Barking and Dagenham SAB continues to have the sole statutory responsibility and public accountability for what happens in and to people in this borough.

- At a personal level, in my 'independent' role I have been able to visit services and talk with people, especially across the Council and NHS organisations serving Barking and Dagenham, and to witness good practice, innovative thinking, high levels of professionalism and huge personal commitment. Personal and inter-organisational relations are generally good in the borough. All partners recognise that there is more for them to do, alone and with others.

Chapter 8 of this report demonstrates how the SAB is thinking ahead not just to the improvements and developments needed in 2019/20 but also to its longer-term ambitions and priorities for the whole of the three year period to March 2020.

Readers will note repetition, rightly, of a few core headlines:

1. Robust processes for responding to concerns and enquiries and communicating with others about them, wherever they emerge.
2. Making Safeguarding Personal (literally).
3. Ensuring close links with child safeguarding, domestic violence, community safety, health and well-being partnership working, both at individual case and multi-agency organisational levels.
4. Meaningful engagement, listening to, learning from and adapting because of voices from beyond senior levels of the statutory organisations – service users/patients/victims/carers, practitioner staff, local community organisations representing minority perspectives and others.
5. Keeping the SAB 'real' and grounded in the reality of people's lives and their worries in Barking and Dagenham.

I hope that it will be apparent from the above paragraphs that the Barking and Dagenham Safeguarding Adults Board has a clear sense of its short term and longer-term priorities, that partners are committed to these, but that there is much to do. Resource and staffing pressures on all partners, practitioners and managers are immense. Nowhere is there any complacency.

I am particularly grateful for the support to the Board and myself from Joanne Kitching, the SAB Business Manager and to the 'lead people' from Council, three NHS organisations, Police, Fire and Probation personally - thank you.

To people and organisations more widely, I hope that this Annual Report offers reasonable assurance that the SAB is resolved and determined that people should be protected from harm and abuse in Barking and Dagenham and that the SAB will be as effective as we can be in our duties, responsibilities and priorities.

**Brian Parrott**

**Independent Chair**

**Barking and Dagenham Safeguarding Adults Board**

# What is Safeguarding?

## 3

The Care Act 2014 statutory guidance defines adult safeguarding as:

‘Protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult’s wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.’

The Care Act 2014 came into force on 1<sup>st</sup> 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, NHS Clinical Commissioning Groups and the Police are all statutory partners of the Safeguarding Adults Board (SAB) and other important partners are also involved in various different ways.

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



# The SAB's Vision

# 3

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.

It may be suspected that someone is at risk of harm because:

- there a general concern about someone's **well being**
- a person sees or hears something which could put **someone at risk**
- a person tells you or someone else that something has happened or is happening to them which could put **them or others at risk**.

# The Board and Committees 4

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

- The Local Authority
- The Borough Police
- The NHS Clinical Commissioning Group.

During the latter part of 2017/18, following the appointment of the new SAB Independent Chair from September 2017, a number of changes began to be made to Board arrangements.

The SAB now has two committees, which are chaired by different partner organisations:

- The Performance and Assurance Committee (chaired by the London Borough of Barking and Dagenham)
- The Safeguarding Adult Review Committee (chaired by the Clinical Commissioning Group)

Other members of the Board include:

- the Council Cabinet Member for Social Care and Health Integration
- the two Chairs of the Committees
- a representative from North East London Foundation Trust (NELFT)
- a representative from Barking, Havering, Redbridge University Hospitals (BHRUT)
- a representative from the London Fire Service
- a representative from the London Probation Service
- officer advisers.

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

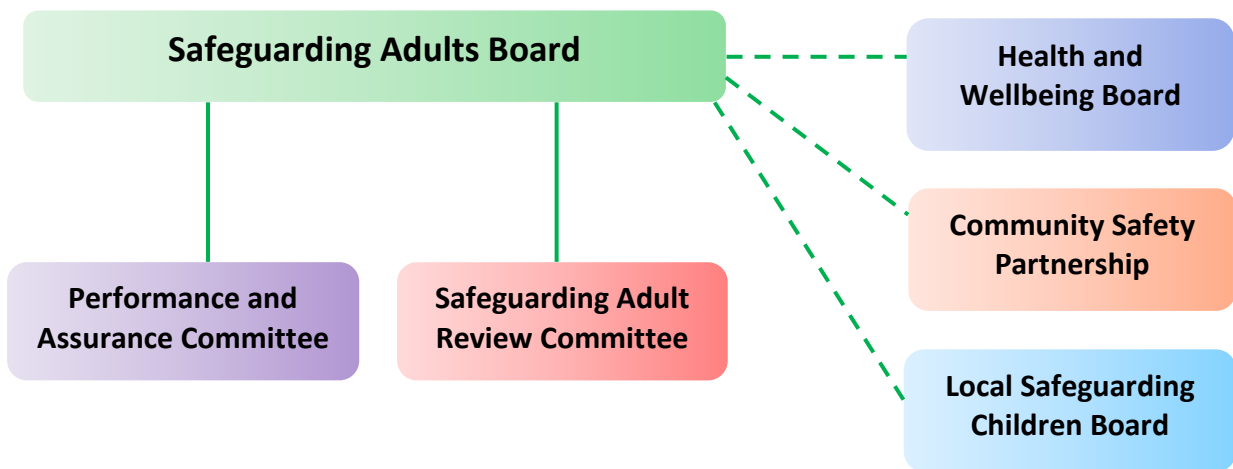
The Chair of each of the two committees is responsible for:

- Developing a work programme which will be incorporated into the SAB strategic plan and monitored by the SAB.
- 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.

During the year the Independent Chair met regularly with the Barking and Dagenham Safeguarding Children Board Independent Chair. This allows for opportunities to consider safeguarding adults and children at risk, and the issues affecting both areas.

The Independent Chair attended the Health and Wellbeing Board to allow for further consideration and debate regarding the issues of safeguarding within the agenda. The Independent Chair also met quarterly for a Council corporate safeguarding 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 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.

The Board is supported by the Council Cabinet 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.



## The SAB's Statutory Responsibilities

The SAB must publish an Annual Report each year as well as having strategic plan. This Annual Report of the Barking and Dagenham SAB looks back on the work undertaken by the SAB and its committees, throughout 2018/19 and provides an account of the work of the partnership including achievements, challenges and priorities for the coming year.

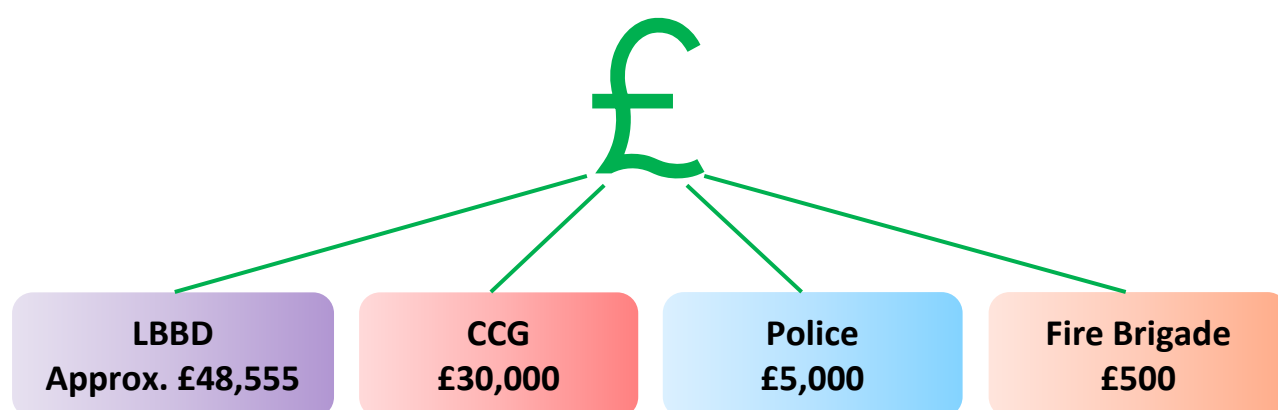
In addition, the SAB has a statutory duty to carry out Safeguarding Adult Reviews (SARs) where an adult in the local authority area:

- 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. No SARs were commissioned in 2017/18.

## Financial Contributions and Expenditure

Statutory partners make financial contributions to the Safeguarding Adults Board. For 2018/19 the partner contributions to the SAB were as follows:



The following table shows a breakdown of the expenditure for 2018/19. This includes staffing costs for the SAB Independent Chair and the Board Business Manager and administration costs.

Expenditure	Cost
Safeguarding Adult Reviews (SARs) – no reviews were commissioned in 2018/19	0
Support services costs, including staffing (SAB Independent Chair and the Board Business Manager) and support budgets	Approx. £82,631
Board Administration Costs	Approx. £927
<b>Total</b>	<b>£83,555</b>

# Safeguarding in Numbers 5



1483 safeguarding concerns were raised to LBBD



340 safeguarding enquiries commenced and 388 concluded during the year



This is a reduction of 9% compared to last year



37% of safeguarding enquires were about neglect and acts of omission which is lower than last year.



65% of risks were investigated in the person's own home.

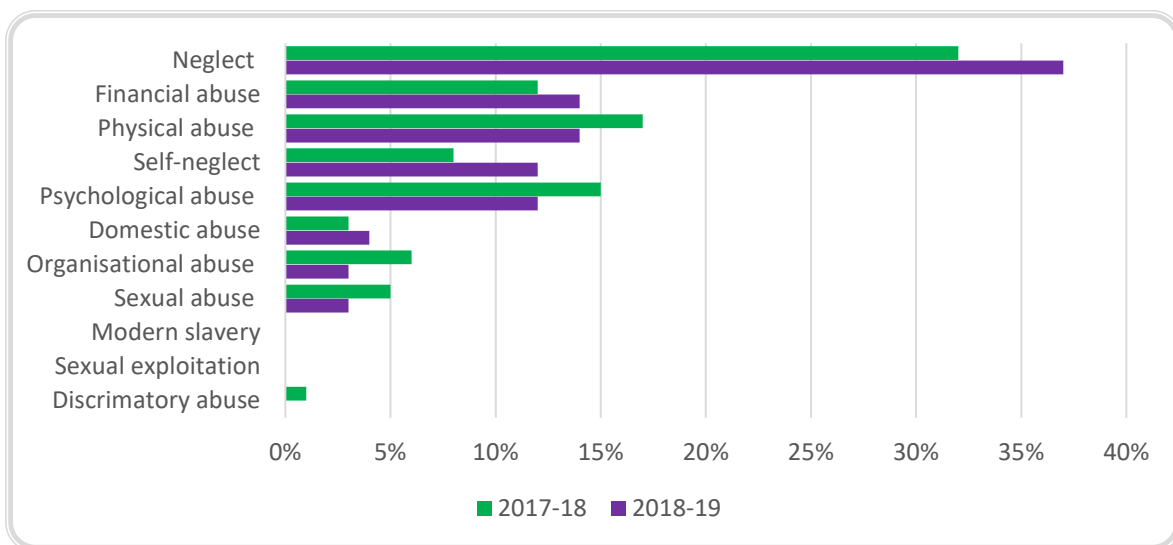


In 97% of cases action was taken and the risk was reduced. This is the same as last year.



No Safeguarding Adult Reviews were undertaken in 2018/19

## Safeguarding Enquiries (Section 42) by type of risk





## Safeguarding Performance 2018/19

During 2018/19 1,483 concerns were raised to the Council, which represented a 9% reduction on the previous year. There had been a year on year rise in referrals from 2012/2013 which indicated that professionals and the public found it easier to report abuse. Given the recent decline in referrals the SAB will continue to monitor referral rates to be reassured that cases of abuse are being identified and reported appropriately.

Of the concerns raised during the year, 396 led to further investigation through enquiries, compared with 462 in the year before. This is a proportionate reduction in the level of enquiries given the reduced number of referrals. Enquiries also reduced when measured on a per-head basis (266 per 100,000 people compared with 311 in 2017/18).

Neglect, physical abuse and financial abuse remained the most common referral reasons, however it is worth noting that the recorded levels of both neglect and self-neglect in the borough increased and appear to remain above the rates of similar boroughs.

As in previous years, the most commonly reported location of abuse was the adult at risk's own home. We continue to show differences to similar boroughs, with higher levels of concerns arising in people's own homes and lower levels in care homes. When comparing our own figures year on year we observed an increase in the level of concerns arising in other locations, including unknown locations, from 4% to 9%. Further investigation is being undertaken to determine whether this a recording issue or a genuine trend.

During 2018/19, 70% of Section 42 enquiries led to risk being identified and in 97% of cases that risk was either reduced or removed completely. This increased from 90% in 2017/18. It should be noted that it is unlikely that risk would be reduced or removed in 100% of cases as individuals can exercise the choice to manage and mitigate risk themselves.

The work undertaken by the SAB and partners in respect of mental capacity assessment continued to have an impact. During 2018/19 it was recorded in 22% cases that the adult at risk lacked capacity and remained steady compared with the year before (21%). All adults who lacked capacity had the support of an advocate or family in the enquiry process (2018/19), an increase from 88% in the year before.

The number of Deprivation of Liberty Safeguards applications processed increased by 21% to 770, continuing the year-on-year rise in numbers. The pressure on this system is recognised nationally and reflected locally in the fact that only 7% of standard applications were completed within timescale.

# The SAB's Partners

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## London Borough of Barking and Dagenham

### Developments and Improvements in Safeguarding Adults Practice

2018/19 was a year of consolidation and stabilisation within Adults' Care and Support following the 2017/18 year which saw the former Intake Service and the multi-agency safeguarding hub transferring to Community Solutions and mental health social work coming back into the Local Authority. Processes within each area have been reviewed to ensure that safeguarding remains robust.

A new Principal Social Worker (PSW) started in the Autumn and has been working with consultant social workers to improve and audit safeguarding practice across the workforce. With the implementation of Liquid Logic, the PSW has also been working with all social workers and relevant Community Solutions Officers to improve recording practices and this will continue into 2019/20.

### Contribution to Multi-agency Safeguarding Practice and Partnership Working Arrangements

Although there were no active Safeguarding Adult Reviews (SAR), 2018/19 saw the implementation of many of the actions resulting from the modern slavery SAR published in February 2018. The local authority led the multi-agency learning event in May 2018 which included mental capacity assessment and awareness raising around modern slavery and human trafficking, developed the modern slavery pathway with agreement from the SAB and conducted a pre-Assembly briefing to Members on modern slavery. Social workers have also received training around modern slavery and the new pathway and an internal campaign has been conducted to encourage whistleblowing.

2018/19 was also a year of strengthening relationships. The Quality Assurance team have embedded the Quality Assurance Policy and an 'improvement culture' with providers in Barking and Dagenham and monthly internal intelligence sharing meetings are working well and have encouraged collaborative working. Providers come to the team for advice and expertise and the team have had notable success in supporting and empowering providers to improve, with a number of providers moving from suspension to 'green' (performing well) within a short timeframe. This improvement work has extended beyond Borough boundaries, with joint work taking place between Commissioning, Operations, Quality Assurance, Care Quality Commission (CQC) and Newham and Redbridge Local Authorities. The Principal Social Worker is working with social work teams and the Quality

Assurance team to embed joint working practices around safeguarding enquiries and this will continue into 2019/20.

### **Objectives and Ambitions for 2019/20**

Our main ambition for 2019/20 is to review the way that we provide our social work. We will be moving away from a static model of social work driven by care management, to a relationship and strengths-based model. This will have a positive impact on safeguarding practice (within the remit of the London Multi-Agency Adult Safeguarding Policy and Procedures) and strengthening our approach to Making Safeguarding Personal in particular. As stated above, we will also be introducing a more robust audit regime, ensuring that our safeguarding practice and business processes are compliant and efficient with appropriate escalation.

2019/20 will also see us taking a proactive approach to our safeguarding practice through our work with external experts. We have initiated a diagnostic review of the use of restraint with children and vulnerable adults across Barking and Dagenham to develop solutions and frameworks needed to better manage the use of restraint across Care and Support. We have committed to a London ADASS peer review, focusing on safeguarding practice, in November 2019 to celebrate our successes, but also for our future learning and development. Additionally, we will be co-producing the next phase of our Disabilities Service with staff, partners, service users and stakeholders following a number of recommendations that have been made by SCIE, our staff and managers.

We will be moving the responsibility for our service users with dementia and memory related conditions from Integrated Care to our Mental Health Service. This move took place in April 2019 and will improve working, partnership and safeguarding practices. As a result of this move, the Mental Health Service will take the lead on embedding the Liberty Protection Safeguards when they replace the current Deprivation of Liberty Safeguards system later in 2019/20.

Finally, with regards to our quality assurance ambitions for 2019/20 for safeguarding and in line with the SAR, we are looking to introduce spot checks with regards to exploitation and modern slavery.

## The Metropolitan Police

### Developments and Improvements in Safeguarding Adults Practice

In the last year the Metropolitan Police has established a tri-borough model of local policing. East Area Borough Command Unit (BCU) was one of two introduced to test and develop the concept. It has now been adopted as the force model and the remainder of the MPS will now adopt the same model across eleven other BCUs.

In relation to Safeguarding, East Area has developed significant practices in regard to offender management, court orders and Clare's Law disclosures. It brings together previously separate facets of policing including specialist domestic abuse, serious sexual and child offence investigators under one local command and sees safeguarding become an integral part of local policing.

### Objectives and Ambitions for 2019/20

Two years on from inception the merged BCU, Safeguarding has evolved into a nationally recognised area of good practice and even though the whole organisation is at the beginning of a journey, we are proud but not complacent of our achievements. The next calendar year will see a focus on our first response police officers, to provide them with the skills and knowledge to investigate thoroughly all but the high risk of domestic crime – by far the biggest volume of vulnerability crime in the local police area.

### Contribution to Multi-agency Safeguarding Practice and Partnership Working Arrangements

The Met in implementing the BCU design is fully committed to multi-agency safeguarding. The three MASH teams can support each other at times of high demand. In addition, new emerging threats of Child Sexual Exploitation (CSE) and County Lines is addressed by specialist referral desks.

The use of control orders to protect the vulnerable, e.g. domestic violence protection orders, has seen a big increase as the creation of a specialist safeguarding team for the BCU better identifies risk and maximises opportunities to keep people safe. The East Area BCU has issued more control orders in the past twelve months than the rest of the whole of the MPS combined. Often these orders are followed by multi-agency strategy discussions to create an effective safety plan for the future.

## Barking and Dagenham NHS Clinical Commissioning Group (CCG)

### **Developments and Improvements in Safeguarding Adults Practice**

The CCG has continued to maintain a high focus on Adult Safeguarding work within Barking and Dagenham. The Adult Designated Nurse for Safeguarding role has been further embedded within the local health economy into its third year as a key member of the local safeguarding workforce. This has led to stronger safeguarding links with provider organisations and their related workforces and in turn a positive impact on the adult safeguarding agenda of providers. During 2018/19 there has been a higher level of scrutiny around the NHS's role within local safeguarding practices, including the monitoring of health related actions resulting from a Safeguarding Adult Reviews (SARs) and Domestic Homicide Reviews (DHR). The CCG has strengthened the impact of adult safeguarding across Barking and Dagenham by developing and reviewing adult safeguarding policies and procedures as well as the Adult Safeguarding Standards used as part of the NHS Standard Contract for provider organisations.

### **Contribution to Multi-agency Safeguarding Practice and Partnership Working Arrangements**

Throughout 2018/19 the CCG has continued to make significant contributions to multi-agency safeguarding practice and partnership working arrangements. This has included attendance at all SAB Meetings, chairing of the Safeguarding Adult Review Committee and comparison and analysis and provision or narrative of provider data for inclusion within the performance dashboard. As well as this input, the Adult Designated Nurse for Safeguarding participated in the work of the SAB Committees, in addition to chairing the local Quality Surveillance Group (QSG) Meeting. The purpose of the Local Quality Surveillance Group is to retain oversight of the Local Nursing Home Strategy and to monitor and review the progress and impact the work is having on quality of care for care home residents. The group meets quarterly and is chaired by the Adult Designated Nurse for Safeguarding. The group is attended by representatives from the London Borough of Barking & Dagenham, Barking and Dagenham Healthwatch, the CCG, the Care Quality Commission (CQC), the London Borough of Havering, Havering Healthwatch, the London Borough of Redbridge, Redbridge Healthwatch, the London Ambulance Service, North East London Commissioning Support Unity (NEL CSU) and Outer North East London (ONEL). It has provided opportunities to discuss case studies which have involved adults receiving care and share learning.

The CCG has worked closely with local authority colleagues in the conducting of quality assurance and safeguarding visits to care homes with nursing providers. The CCG has also successfully delivered the Local Area Contact (LAC) provision for the Learning Disability Mortality Review (LeDeR) Programme.

### **Objectives and Ambitions for 2019/20**

- Ensuring that internal CCG Adult Safeguarding level 1 training compliance levels reflect those as required of commissioned services at 90% at Prevent training at 85%.
- Ensure GP training is rolled out across the three boroughs in the areas of the safeguarding adults, mental capacity and deprivation of liberty safeguards, Prevent, modern slavery and domestic violence.
- Scoping the potential Court of Protection community deprivation of liberty cases that the CCG commissions care for and to follow up any work as necessary.
- Develop a robust monitoring system for care homes with nursing and ensure that the Local Quality Surveillance Group oversees the quality of these in 2019/20.
- Work collaboratively with key stakeholders and commissioned services to reduce the number of community acquired pressure ulcers.
- Working with contemporary safeguarding challenges e.g. domestic abuse, online threats, homelessness, suicide and social isolation.
- Improving transitions from children's services to adulthood.

## **Barking Havering and Redbridge University Hospital Trust (BHRUT)**

### **Developments and Improvements in Safeguarding Adults Practice**

BHRUT have continued to develop safeguarding adults' practice by responding to learning from safeguarding adult concerns and Safeguarding Adult Reviews.

Areas of improvement during 2018/19 have included updating the Trust's Safeguarding Adult Concern form to prompt referral to the London Fire Brigade if self-neglect and/or hoarding has been recognised. The Mental Capacity Assessment form has been simplified to aid completion and monthly workshops which use innovative training videos (role play) to assist staff in the practical application of mental capacity assessment have been created. A mental capacity act newsletter is produced quarterly to provide accessible information to all Trust staff. A patient information leaflet has been developed to support service users to understand the adult safeguarding process and to encourage Making Safeguarding Personal.

### **Contribution to Multi-agency Safeguarding Practice and Partnership Working Arrangements**

The Director of Nursing, Safeguarding and Harm Free Care represents the Trust at the Barking and Dagenham Safeguarding Adults Board (SAB) whilst members of the safeguarding adults team attend the SAB committees and contribute to Safeguarding Adult Reviews as appropriate. The BHRUT Safeguarding Adults team work collaboratively with the multi-agency partnership to safeguard adults at risk through appropriate information sharing and timely responses to abuse or neglect.

### **Objectives and Ambitions for 2019/20**

BHRUT will continue to fulfil the commitments set out in the Trust's Safeguarding Strategy. Key objectives identified for the year ahead are to develop a 'pocket-sized' Safeguarding Staff Handbook, introduce Safeguarding Drop-in sessions as a forum for staff to discuss and reflect on safeguarding incidents and cases and strengthen the safeguarding adults trigger checklist, completed by Emergency Department staff, in response to contextual safeguarding.



## North East London Foundation Trust (NELFT)

### Developments and Improvements in Safeguarding Adults Practice

The NELFT Safeguarding Strategy 2018 - 2021 was approved and adopted in December 2018 and replaces the previously separate adult and children safeguarding strategies.

The Safeguarding Standard Operating Procedures (SOP) have been reviewed to reflect the 'Think Family' ethos. The updated safeguarding intranet page was relaunched in 2018. This provides clear, user friendly pages enabling staff to source local information more efficiently.

To further strengthen governance and communication, the Safeguarding Team has representation at the Local Leadership Teams and the Community of Practice (COP) steering groups. COPs are communities of clinicians and managers who inform, shape and lead on the development of best practice. They provide strategic direction and quality improvement in clinical delivery across NELFT.

The NELFT Safeguarding Team completed range of audits in 2018/19. Good practice identified included timeliness and quality of advice given by the safeguarding team; 100% compliance in gaining consent within the MSP objectives and an increase in the appropriate use of raising safeguarding concerns to the local authority.

Improvements include embedding tools such as child sexual exploitation (CSE), female genital mutilation (FGM) and Safe Lives DASH Risk Assessment (domestic abuse). This has been strengthened within safeguarding training and reiterated through safeguarding supervisor's networks and link practitioner forums.

The bi-annual adult safeguarding practitioners' forums were well received and focused on domestic abuse, managing homelessness and modern slavery.

The Safeguarding Team has worked with the human resources team and reviewed the Managing Safeguarding Allegations Against Staff Policy to ensure it is compliant with best practice.

### Contribution to Multi-agency Safeguarding Practice and Partnership Working Arrangements

NELFT continues to prioritise partnership working at both strategic and operational levels. This includes contributing towards safeguarding learning and development within the multi-agency partnership.



The SAB is regularly attended by the NELFT Integrated Care Director for Barking and Dagenham. Key pieces of work are further supported by the NELFT Safeguarding team. Key learning from serious incidents are shared via the SAR panel arrangements and discussed and shared to explore learning opportunities.

All staff are cognisant with the Trust's obligation to provide information to the local authority to support safeguarding enquiries in line with the Multi Agency Safeguarding Policy and Procedures and the Care Act 2014. NELFT practitioners attend safeguarding meetings as required by the section 42 safeguarding process.

The NELFT safeguarding team meet regularly with the CCG designated safeguarding professionals to review the safeguarding strategy, safeguarding risks and any learning and action plans from Safeguarding Adult Review, Domestic Homicide Reviews and Serious Case Reviews.

#### **Objectives and Ambitions for 2019/20**

- To review and update the NELFT domestic abuse guidance and procedures.
- To support implementation of the Liberty Protection Safeguards.
- The Safeguarding Team will be working with CCG safeguarding leads to review the NELFT Safeguarding Training Strategy.

## The Fire Service

### Developments and Improvements in Safeguarding Adults Practice

During 2018/19 the Fire Brigade reviewed the internal Safeguarding Adults Policy and updated this in line with the London Multi Agency Adult Safeguarding Policy and Procedures, to incorporate the particulars of the Care Act 2014. This has been published and is available to all staff via the internal intranet. The related Hoarding Policy has been revised to signpost the issue (hoarding) as requiring a 'self-neglect' referral to Adult Social Care.

In addition, as part of the implementation of the recommendations from the Mayor's Office for Policing and Crime (MOPAC) and London Fire Brigade review into adult safeguarding (2018) we have started revising our safeguarding referral process. We plan to upskill a larger cadre of individuals with the necessary knowledge and understanding to review and action referrals, a change intended to lead to greater efficiency.

Work is underway to better coordinate our involvement in Safeguarding Adult Reviews (SARs) from a centralised perspective. Using a SAR from Haringey (published February 2019) we are trialling a new approach whereby, alongside the local Borough Commander, a member of the central safeguarding team is engaged in the process from the start of the SAR through to the execution of the recommendations. This change is intended to provide greater support to the local Borough Commanders, improve resilience in this risk-critical area of work and allow for improved information sharing across the Brigade – something that the previous local-level approach did not provide.

### Contribution to Multi-agency Safeguarding Practice and Partnership Working Arrangements

The London Fire Brigade contributes to the SAB's development of information sharing and referrals pathways to ensure a multi-agency approach to Londoners' safety and wellbeing. The vast majority of Borough Commanders are non-statutory members of their local Safeguarding Adults Boards. In addition, Borough Commanders and Station Managers across London chair and/or participate in a range of subgroups concerning single-issue safeguarding concerns (i.e. hoarding panels) or specific at-risk individuals (such as high risk panels). Furthermore, the London Fire Brigade has voluntarily contributed £1000 to help each Board meet its priorities.

The organisation is also represented at several London-wide forums, such as the London Safeguarding Adults Board, the London Safeguarding Adults Professionals Steering Group and the London Safeguarding Adults Network. One of the key achievements of these groups was the updating of the Pan-London Multi Agency Adult Safeguarding Policy and

Procedures. As well as contributing to the public consultation relating to this update, the London Fire Brigade supported the lengthy process through active board participation and close collaboration.

On a national level London Fire Brigade is represented on both the NFCC Safeguarding Working Group and the Hoarding Subgroup. These groups were bedded in during 2018/19 and, as a regular contributor, have helped to shape their respective work plans for the year ahead.

### **Objectives and Ambitions for 2019/20**

- Training - we will review the completion rates of our online training programme to ensure all members of staff have received this input. We are also scoping options to build upon our basic training provision, with a view to providing additional input for those staff members with greater responsibility for adult safeguarding.
- Internal Communications – we are looking to improve internal awareness of safeguarding issues and have committed to creating a dedicated area on our intranet site to help achieve this. We are also working closely with our Communications Team to create a series of short engaging ‘talking heads’ clips on key/ topical themes which to be posted on this area.
- Safeguarding Adult Reviews - an experienced member of the central safeguarding team is currently undertaking training to fulfil the role of SAR Champion. We will use this individual’s enhanced understanding of the SAR system to develop a more coordinated and consistent approach internally to learning from SARs. We will also use a new, dedicated safeguarding area on our intranet to help disseminate the learning from SARs and highlight best practice.
- Collaboration – following the successful integration of our Hoarding Information Sharing Agreement with the London Ambulance Service we are planning to extend this partnership arrangement to include the Metropolitan Police Service. This has been agreed in principle and we are aiming to embed this practice during 2019/20.

## The Probation Service

### Developments and Improvements in Safeguarding Adults Practice

The National Probation Service (NPS) London Division has reviewed and relaunched the monthly case audit procedures and use of the LiPAD tool. The LiPAD tool provides a more robust audit tool that will include specific focus upon safeguarding adults practice. The tool will be completed online, presenting opportunities to extract results and data to better identify trends, examples of outstanding practice and areas in need of development.

All operational staff have an appraisal objective directly linked to continuous professional development and a minimum requirement to attend safeguarding training and one external training event.

Focus has been placed upon ensuring a clear line of accountability from the Probation Officer managing the case, to the Line Manager (SPO) supervising the Probation Officer. The SPO receives regular supervision from their Line Manager (ACO), who also receives supervision. Regular staff appraisals and the reflective practice supervision model which will be introduced early 2019, will ensure that there is a more robust framework for staff supervision and accountability. This new framework includes staff observations in practice and development of practice within supervision.

### Contribution to Multi-agency Safeguarding Practice and Partnership Working Arrangements

MAPPA arrangements within the borough are in place and a strong engagement/representation from all agencies has been sustained over the past 12 months. Level 2 meetings are currently co-chaired by a Senior Probation Officer and Level 3 meetings are chaired the NPS Head of Service for Barking and Dagenham.

Barking and Dagenham Offender Management Unit have an identified Safeguarding Adults SPOC (Probation Officer), as well as designated MARAC representative. A Victim Liaison Officer is also attached to the borough and located within the Offender Management Unit.

There are opportunities for greater collaboration between the National Probation Service and partner agencies to consider pre-release activity and the resettlement of an offender, following release from prison in circumstances where the offender may present vulnerabilities or be returning to reside with an adult who presents vulnerability and need.

The NPS London division are currently engaged with MOPAC and Victim Support to review the opportunities to better identify and engage with those adults who are assessed to pose a high risk of harm to others, but are also present as a victim or at risk from others.

NPS London will continue to focus upon youth to adult transition, with focus upon developing meaningful interventions and support to reduce risk and ensure effective rehabilitation within the community.

### **Objectives and Ambitions for 2019/20**

- Improve the services provided to ex-military personnel among the caseload supervised by NPS London.
- NPS London to develop relationships locally with care leaving teams to ensure that appropriate resources are made available too young adults to support transition, rehabilitation and risk management.
- Develop a consistent and proactive response to engage with victims in London and increase the internal and external profile of the Victim Contact Scheme.
- Support review of the victim's Strategy and VCOP.
- Increasing the understanding of working with transgender offenders and ensuring all staff have attended formal training.
- Implementation of the LiPAD tool, with specific focus upon ensuring that all risks relating to safeguarding have been identified and appropriately recorded and actioned.

## The Adult Social Care Provider Market

The Council's Quality Assurance (QA) team is continuing to work closely with the new area team at the Care Quality Commission (CQC). The focus on building good working relations has resulted in better information sharing to improve quality and standards in the provider care market. The CQC and the Quality Assurance Team have shared consistent views about the performance of local social care providers over the course of the last year. The risk-based approach to assessing provider performance, and planning appropriate interventions, has continued to ensure that providers are more robustly monitored and by using improvement plans are moving more swiftly away from needing escalated oversight. During 2018/19 ten local social care providers were rated by the CQC as 'requires improvement' and out of a total of 109 operating in the borough. No providers were rated as 'inadequate'. Eight out of our ten residential and nursing homes are now rated 'Good' and the Quality Assurance team have been mentioned positively within the published reports. The Quality Assurance team have supported providers on improvement plans to make positive changes. Our BRAG system has been used proactively and we have closed two providers who were unable to make significant improvements in their services despite support from the QA team.

Quantitative and qualitative data is used to assess providers. Information on the number of safeguarding alerts, complaints and calls to the London Ambulance Service are used and performance monitoring data is shared between the Quality Assurance Team with and the Commissioning Team. The Quality Assurance team attend the Local Quality Surveillance Group meeting along with BHRUT, CCG, CQC along with other health professionals including the London Ambulance Service. This gives professionals the opportunity to share information across neighbouring boroughs and discuss how working together to undertake joint visits and support local providers across the local sub regional footprint.

Service user feedback is gathered regularly via telephone surveys undertaken by a volunteer and quality assurance staff and through visits with service users and also family members. This is used to assess satisfaction with services and to highlight any issues with the relevant professionals, service or provider. Feedback is provided to commissioners to help shape and plan services. Complaints and Members' enquiries are shared with the Quality Assurance team to allow the opportunity for investigation and feedback.

The three main commissioning areas for vulnerable adults include older people, mental health and learning disabilities. Commissioners have been working with community groups, service users and their families to develop a range of principles to ensure the voice of the

community is heard within commissioning practice. The central thread of this is for services be delivered as close to home as possible so that service users are supported by family, friends and local networks.

Commissioners continue to work in partnership with local providers of services to older people, including but not limited to residential and nursing homes and providers of domiciliary care, in an effort to maximise the quality of services available. There are quarterly provider forums for both service types and providers are actively encouraged to help shape the agenda for the meetings so that they are useful and provide a valuable source of information. Recently the forum for residential and nursing care providers has been merged with the multi-disciplinary educational forum and case review meeting which is chaired by one of the borough's GPs. Merging these meetings means that the provider forums now include the participation from a number of clinical partners including GPs, Dietitians and Medicines Management Teams which gives vital support to providers which they may not always readily have access to. Over the coming summer Adults' Commissioning will be undertaking a tender exercise to establish a refreshed framework for all home care services. The current contracts for these services are due to come to an end in January 2020 and it is planned that the tender exercise to replace these contracts will begin in July 2019. The Commissioning team are also working to produce information and advice packs for service users to help them navigate the adult social care system. The packs will contain information on a wide range of subjects including the assessment process, services, safeguarding, end of life care and the financial assessment process.

For mental health and learning disability, commissioners have developed a supported living framework, which includes residential services and floating support providers. While this meets the majority of adult social care need, further work is required to develop a forensic offer for those with mental health diagnosis who have been in contact with the criminal justice system. Commissioners have also identified a need for specialist floating support for service users with a learning disability who present with behaviours that challenge and for those with a dual diagnosis (mental health / learning disabilities) who require specialist floating support to maintain their tenancies. To this end we will continue to engage with the provider market to ensure that the market can meet our needs and will have service user involvement throughout the process.

## **Barking Havering and Redbridge University Hospitals NHS Trust (BHRUT) CQC Inspection**

Between the 13 January and 21 February 2018, the Care Quality Commission (CQC) carried out unannounced inspections of the Trust's emergency and urgent care, medical care (including older peoples care) and surgery at both Queen's Hospital and King George Hospital and maternity services at Queen's Hospital. The CQC inspected these services previously between 2015 and 2016 and they had been rated as 'requires improvement'. The CQC returned to inspect these services to both evaluate the Trust improvement action plan as well as follow up concerns that had been raised to them through their intelligence monitoring.

For the purpose of this report only the CQC findings pertaining directly/indirectly to safeguarding processes are identified.

### **Is the Service Safe?**

- Safeguarding of both adults and children was well managed in the Urgent and Emergency Services.
- Nursing staff compliance for completion of mandatory training and safeguarding training was good in Medical Care (including Older People's Care) at Queen's Hospital.
- Staff demonstrated appropriate knowledge and understanding of safeguarding procedures and how to escalate concerns. A dedicated safeguarding lead provided support with assessments and referrals on demand.
- A multi-disciplinary harm-free care and safeguarding team had been formed to sustain the Trust's momentum in improving the patient safety culture.
- There were clearly defined and embedded systems, processes and standard operating procedures to keep people safe and safeguarded from abuse in the Surgical Division across both sites.
- Staff were aware of their responsibilities in relation to protecting adults and children from abuse and harm. The maternity service had a named safeguarding midwife and designated specialist midwives for teenage pregnancy, perinatal mental health and substance misuse.

### **Areas for Improvement**

The key actions to be delivered included:

- Emergency Department staff should have sufficient training in mental health including triage of mental health patients, observations and record keeping in line with NICE guidance and that all relevant Trust policies reflect the needs of mental health patients in the Emergency Department.



- Develop a policy and consistent monitoring system for instances of restraint, tranquilisation and patients brought into the Emergency Department under section 136 of the Mental Health Act.
- All staff must meet the level of safeguarding training required for their role, as set out in the intercollegiate documents.
- All staff must receive training or training updates in a timely way in the Mental Capacity Act (2005) and the Deprivation of Liberty Safeguards.
- All staff must be made aware of the actions they are required to take to ensure they act within the principles of the Mental Capacity Act (2005) and Deprivation of Liberty Safeguards.
- Staff are not meeting the 90% compliance rate for training in Mental Capacity Act and Deprivation of Liberty Safeguards. Midwives spoken to had limited confidence in applying the knowledge and training in everyday practice.

An overarching action plan was developed to address the areas of improvement. Progress on the delivery of the actions within agreed timeframes has been monitored by the Trust's Safeguarding Operational Group with exceptions reported to the Safeguarding Strategic and Assurance Group. As of end of March 2019, all areas for improvement have been actioned.

### **Barking and Dagenham Primary Care Providers**

Out of thirty-five GP practices in the borough thirty have been rated as good. This is a vast improvement on Care Quality Commission practice (CQC) ratings from 2017 and means the quality of GP services across Barking and Dagenham have improved greatly with support from NHS England, Barking and Dagenham CCG and the CQC.

Four practices have been rated as requires improvement and one has been rated as inadequate and been placed in special measures. Practices rated as inadequate are re-inspected by the CQC after six months and can access support packages to help them improve their service offer. Equally those rated as requires improvement are supported to improve by the CCG primary care support staff. Common areas of development included safeguarding, education and training, practice policy updates and communication.

### **North East London Foundation Trust (NELFT) CQC Inspection**

NELFT was inspected in October and November 2017 and was rated as 'good' for being effective, caring, responsive and well led. It was rated as 'requires improvement' for being safe.

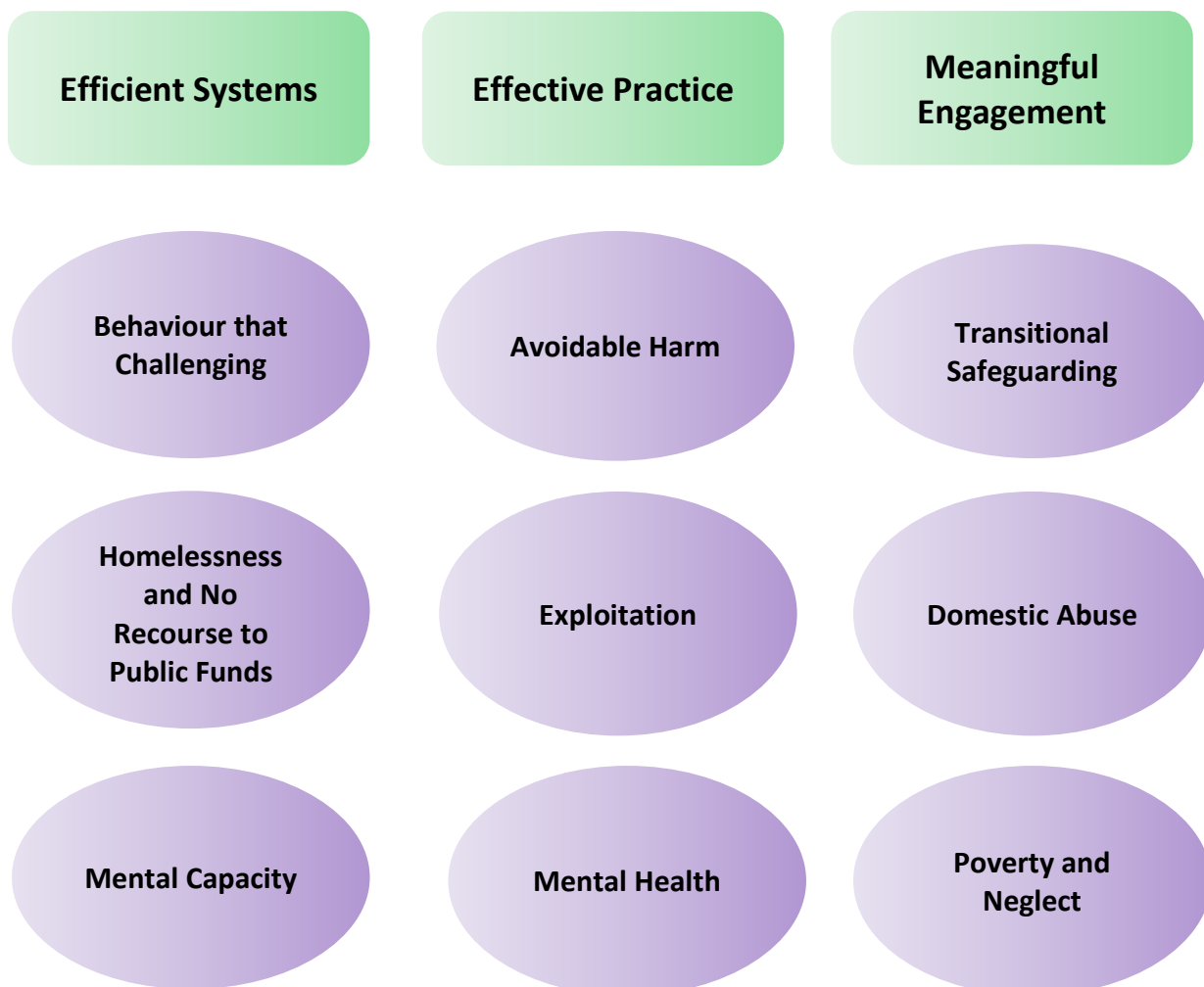
A robust action plan was implemented to address the areas identified. This action plan has been monitored at the monthly quality senior leadership team and progress reported to Trust Board. The CQC will be re-inspecting NELFT during 2019 and the outcome of this inspection and any recommendations will be reported to partners when available.

# Partnership Priorities 2019/20

8

The Board regularly considers the work of the SAB in light of the changing context of health and social care nationally and locally and of other 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.

The Safeguarding Adult Board has agreed that there are three distinct headings under which the partnership needs to focus on in its forward strategy. In addition to these are the priorities for 2019/20 which are set out below. These are incorporated into the SAB's strategic plan and committee work plans.



Healthwatch is the independent champion for people using local health and social care services. We listen to what people like about services and what they think could be improved.



We share their views with those with the power to make change happen, including Healthwatch England, the national body, to help improve the quality of services across the country. We also provide people with information about health and social care services available locally.

When engaging with the public, Healthwatch ask specific questions regarding the area of service we are inquiring about. During the past year, in response to public request, Healthwatch looked at access to local GP services and mental health in young people. People don't generally talk to Healthwatch about safeguarding matters and no safeguarding issues were raised to, or observed by, the team during the year. However, some areas of services where standards are observed to be compromised, may lead to preventable safeguarding concerns if they are not addressed by those services. In addition to recommendations to numerous other services, Healthwatch made recommendations for improvements to patient experience to nine GP practices in the borough as a result of Enter and Views between April 2018 and March 2019.

Healthwatch is part of the quality surveillance group. As a result, we are appraised of the work that health and care monitoring teams, working with CQC inspectors and the local authority, perform to scrutinise services and act on safeguarding concerns. This provides us with insight and opportunity to raise issues about services with officers who have the legal powers to investigate safeguarding issues that are raised through their processes and impose remedial actions to prevent safeguarding events occurring. Healthwatch are happy to share relevant insights with the Safeguarding Adult Board.

# Safeguarding Information 10

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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 Triage, Community Solutions**

020 8227 2915

[intaketeam@lbbd.gov.uk](mailto:intaketeam@lbbd.gov.uk)

[safeguardingAdults@lbbd.gov.uk](mailto:safeguardingAdults@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.

**Out of Hours Emergency Social Work  
Duty Team**

020 8594 8356

[adult.edt@nhs.net](mailto:adult.edt@nhs.net)



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