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DATE: 6 July 2015

To: Members of the

GENERAL PURPOSES AND LICENSING COMMITTEE

Councillor Tim Stevens J.P. (Chairman)
Councillor Diane Smith (Vice-Chairman)
Councillors Teresa Ball, Kathy Bance MBE, Nicholas Bennett J.P., Alan Collins,
Mary Cooke, Ellie Harmer, David Livett, Russell Mellor, Keith Onslow,
Charles Rideout, Pauline Tunnicliffe, Michael Turner and Stephen Wells

A meeting of the General Purposes and Licensing Committee will be held at Bromley Civic Centre on **TUESDAY 14 JULY 2015 AT 6.30 PM** . (Please note the earlier start time.)

MARK BOWEN
Director of Corporate Services

Copies of the documents referred to below can be obtained from
<http://cds.bromley.gov.uk/>

A G E N D A

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 DECLARATIONS OF INTEREST

3 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

In accordance with the Council's Constitution, questions to this Committee must be received in writing 4 working days before the date of the meeting. Therefore please ensure questions are received by the Democratic Services Team by 5pm on Wednesday 8th July 2015.

4 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 27TH MAY 2015
(Pages 3 - 8)

Items 5 and 6 will be considered in a joint session with the Public Protection and Safety PDS Committee.

5 POLICE PRESENTATION ON INCREASED CRIME AND DISORDER IN THE NIGHT TIME ECONOMY

6 LICENSING ACT 2003: DRAFT LICENSING POLICY 2016 - 2021
(Pages 9 - 68)

- 7 **DRAFT GAMBLING POLICY 2016 - 2019 - GAMBLING ACT 2005**
(Pages 69 - 112)
- 8 **FEEDBACK ON 2015 UK PARLIAMENTARY (GENERAL) ELECTION**
(Pages 113 - 128)
- 9 **SHARED PARENTAL LEAVE POLICY**
(Pages 129 - 134)
- 10 **PENSIONS INVESTMENT SUB-COMMITTEE: MINUTES OF THE MEETING HELD
ON 19TH MAY 2015**
(Pages 135 - 142)
- 11 **APPEALS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 5TH JUNE
2015, EXCLUDING EXEMPT INFORMATION**
(Pages 143 - 144)
- 12 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT
(ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM
OF INFORMATION ACT 2000**

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

<u>Items of Business</u>	<u>Schedule 12A Description</u>
13 APPEALS SUB-COMMITTEE: EXEMPT MINUTES - 5TH JUNE 2015 (Pages 145 - 148)	Information relating to any individual.

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GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of the meeting held at 7.00 pm on 27 May 2015

Present:

Councillor Tim Stevens J.P. (Chairman)

Councillors Teresa Ball, Kathy Bance MBE,
Nicholas Bennett J.P., Alan Collins, Simon Fawthrop,
Ellie Harmer, David Livett, Russell Mellor, Keith Onslow,
Charles Rideout, Michael Turner and Stephen Wells

73 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Mary Cooke, Diane Smith and Pauline Tunnicliffe, who was replaced by Councillor Simon Fawthrop.

74 DECLARATIONS OF INTEREST

There were no declarations of interest.

75 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions had been received.

76 CONFIRMATION OF MINUTES OF THE MEETINGS HELD ON 26TH MARCH AND 13TH MAY 2015

RESOLVED that the minutes of the meetings held on 26th March and 13th May 2015 be confirmed.

77 LICENSING ACT 2003 - DRAFT LICENSING POLICY 2016 to 2021 Report ES15039

This report was withdrawn until the next meeting of the Committee.

78 MODIFICATION OF PRESCRIBED STANDING ORDERS RELATING TO THE DISMISSAL OF STATUTORY OFFICERS Report CSD15066

The Government had made legislative changes which required the Council to amend its standing orders insofar as they related to disciplinary action against, and dismissal of, the Council's Head of Paid Services (Chief

Executive), Monitoring Officer (Director of Corporate Services) and Chief Finance Officer (Director of Finance.)

RESOLVED that Council be recommended that the Standing Orders relating to disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer be modified as set out in Appendix 2 to the report and be incorporated into the Council's Constitution.

79 LOCAL PENSION BOARD - APPOINTMENT OF BOARD MEMBERS
Report FSD15031

At its meeting on 10th February 2015 the Committee had recommended to Council that a Local Pension Board be established as required by the Public Service Pensions Act 2013 and associated regulations. The Committee now considered a report seeking approval for an amendment to the terms of reference of the Board and the appointment of members to the Board.

It was confirmed that the new Board would have no executive powers to manage the pension fund or take decisions about investments; the Board could express views, but could only make challenges where it considered that the Fund was being managed contrary to relevant regulations. Where the Board had concerns there were arrangements in place for these to be considered at various levels as appropriate. If the Board considered that there was a fundamental breach which the Administering Authority did not address it could ultimately report to the Pensions Regulator.

RESOLVED that

(1) Glenn Kelly and Lesley Rickards be formally appointed as the two member representatives to the Local Pension Board for a period of 3 years from 1st July 2015 (paragraph 3.13 in the report);

(2) Pursuant to (3) (ii) below, Brian Toms and Jane Harding be nominated the two employer representatives to be recommended to Council for appointment (paragraph 3.13 in the report);

(3) Council be recommended to

- (i) agree the amendment to the terms of reference as set out in paragraph 3.11 of the report;**
- (ii) approve the revised terms of reference (appendix 1 to the report);**
- (iii) subject to recommendations (i) and (ii), formally appoint Brian Toms and Jane Harding as the two employer representatives to the Local Pension Board for a period of 3 years from 1st July 2015 (paragraph 3.13 in the report);**
- (iv) delegate authority to the Director of Finance in consultation with the Chairman of General Purposes and**

Licensing Committee and the Chairman of Pensions Investment Sub-Committee to make any further required changes to the terms of reference (paragraph 3.14 in the report).

80 APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES
Report CSD15060

The Committee considered the appointment of Council representatives to serve on outside bodies and partnerships. Most of the appointments were for the 2015/16 Council year, but a few were longer term three or four year appointments. A schedule containing the nominations received from party groups was included in the report, and an updated version is attached to these minutes as Appendix 1.

In three cases where there were more nominations than places the Committee decided to appoint the Conservative nominees. Councillor Kathy Bance enquired about this, but the Chairman stated that this was only following usual practice.

RESOLVED that

(1) The following appointments be made in cases where the nominations exceed the required number of representatives –

- (a) Adult Safeguarding Board: Cllrs Robert Evans and Stephen Carr.**
- (b) Affinity Sutton Group: Cllr Chris Pierce.**
- (c) Community Links Bromley: Cllrs Ellie Harmer and Peter Fortune.**

(2) Cllr Judi Ellis be re-appointed to the Oxleas NHS Foundation Trust (three year term.)

(3) The following corrections to the schedule be noted –

- (a) Two appointments (rather than a representative and a deputy) be made to the Bromley Mentoring Initiative Steering Group (Cllrs Kate Lymer and Tim Stevens.)**
- (b) Councillor Richard Williams be appointed to the Crystal Palace Community Development Trust (not Cllr Wilkins).**

(4) The fourth place on the Cray Valley War Memorial Institute Hall should remain vacant.

(5) The remainder of the appointments be approved as set out in the schedule.

81 LOCAL JOINT CONSULTATIVE COMMITTEE: MINUTES OF THE MEETING HELD ON 31ST MARCH 2015

The minutes of the Local Joint consultative Committee meeting held on 31st March 2015 were received.

82 AUDIT SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 1ST APRIL 2015, EXCLUDING EXEMPT INFORMATION

The minutes of the Audit Sub-Committee meeting held on 1st April 2015 (excluding exempt information) were received.

83 INDUSTRIAL RELATIONS SUB-COMMITTEE: MINUTES OF THE MEETING HELD ON 8TH APRIL 2015, EXCLUDING EXEMPT INFORMATION

The minutes of the Industrial Relations Sub-Committee meeting held on 8th April 2015 (excluding exempt information) were received.

84 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the Press and public be excluded during consideration of the item of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters
involving exempt information**

85 LOCAL PENSION BOARD - APPOINTMENT OF BOARD MEMBERS - APPENDIX 2

The Committee noted expressions of interest submitted by potential Board Members.

86 AUDIT SUB-COMMITTEE: EXEMPT MINUTES - 1ST APRIL 2015

The exempt minutes of the Audit Sub-Committee meeting held on 1st April 2015 were received.

**87 INDUSTRIAL RELATIONS SUB-COMMITTEE: EXEMPT
 MINUTES - 8TH APRIL 2015**

The exempt minutes of the Industrial Relations Sub-Committee meeting held on 8th April 2015 were received.

The Meeting ended at 7.16 pm

Chairman

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Report No.
ES 15039

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 14th July 2015

Decision Type: Non-Urgent Non-Executive Non-Key

Title: LICENSING ACT 2003 - DRAFT LICENSING POLICY 2016 TO 2021

Contact Officer: Paul Lehane, Head of Food Safety, Occupational Safety and Licensing
Tel: 020 8313 4216 E-mail: Paul.Lehane@bromley.gov.uk

Chief Officer: Nigel Davies, Executive Director of Environment & Community Services

Ward: (All Wards);

1. Reason for report

To approve the draft Licensing Policy under the Licensing Act 2003 for public consultation as part of the statutory 5 yearly review.

2. **RECOMMENDATION(S)**

Members are asked to

- a. Consider and comment on the draft statement of Licensing Policy
- b. Agree a version for public consultation.

Corporate Policy

1. Policy Status: Existing Policy: Statement of Licensing Policy 2011-2016
 2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Vibrant, Thriving Town Centres:
-

Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Public Protection and Safety Portfolio budget
 4. Total current budget for this head: £2.1m
 5. Source of funding: Existing Revenue Budget 2015/16
-

Staff

1. Number of staff (current and additional):
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): all residents and businesses
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Council is the Licensing Authority under the Licensing Act 2003 and must review, adopt and publish a statement of its Licensing Policy every five years. The current policy ends in January 2016 and a revised draft policy has been prepared for Members to consider for adoption for the next five year period.
- 3.2 The draft policy must be open for public consultation before being considered for adoption by Council on 19 October 2015. It is proposed that comments following a period of consultation will be brought back to this Committee for further consideration on 17 September 2015.
- 3.3 The draft statement of Licensing Policy (Appendix 1) has been revised to reflect the numerous changes in the licensing regime introduced over the last few years.
- 3.4 The most significant changes are highlighted green in the attached copy.
- a. The order of sections has been altered to present a more logical flow thorough the document
 - b. On page 10 and 11 we have proposed revised sections on 'Applications' and 'Licence Conditions'. The main purpose is to ensure applicants give serious consideration to the nature of their operation and to provide a clear description of it which will be used as a condition of licence. This seeks to avoid businesses applying as one type of operation e.g. restaurant but then morphing into another type of operation which may be less desirable for the promotion of the licensing objectives.
 - c. We have included in full the standard mandatory licence conditions on pages 13-16.
 - d. The amended 'consultation' procedure (page 17) has been incorporated to reflect the revised approach agreed by Committee on 10 February 2015 (minute 51).
 - e. We will now routinely anonymise representations (page18)
 - f. We have expanded the guidance to applicants on pages 19-30 on what we suggest as being relevant considerations when making applications and promoting the licensing objectives.
 - g. On page 32 we are proposing that the Council will not grant a licence unless planning permission is in place. This is now possible under the current guidance issued by the Secretary of State.
 - h. A section has been inserted setting out the wider Public Health aspects of alcohol (pages 32-35). Colleagues in Public Health act as a 'Responsible Authority' and must be consulted as part of an application.
 - i. The sections 'Delegation of Functions', 'The role of Ward Councillors' and 'Appendix A Definitions' have been updated.
- 3.5 Cumulative Impact Areas – Bromley and Beckenham Town Centres.

Bromley and Beckenham town centres are covered by 'Cumulative Impact Policies'. These were declared in 2004 and 2007 respectively. The purpose of the areas is to recognise that the number and type of licenced premises are such that they have an

impact on the late night economy and the duty held by both the Council and individual licence holders to promote the 4 licensing objectives. These are

- Prevention of crime & disorder
- Prevention of public nuisance
- Public safety
- Prevention of harm to children

3.6 In these areas Member's approach to decision making is different. There is a presumption of refusal unless an applicant can satisfy the subcommittee that the grant of an application would not adversely affect the promotion of the licensing objectives.

3.7 The draft policy proposes that both these areas remain a core part of the Councils policy. Member's views on this are specifically requested.

4. POLICY IMPLICATIONS

4.1 The Council is required to prepare, consult on and publish a 'Statement of Licensing Policy' under Section 5 Licensing Act 2003 covering a period of 5 years. During this period the policy must be kept under review and revised as necessary. The current policy expires in Jan 2016.

5. LEGAL IMPLICATIONS

5.1 The Council as the Licensing Authority has a duty to promote the 4 Licensing Objectives in its decision making and prepare, consult on and publish a 'Statement of Licensing Policy' for a period of 5 years.

Non-Applicable Sections:	FINANCIAL IMPLICATIONS PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Licensing Act 2003. Guidance issued by the Secretary of State under Section 182. Bromley's statement of licensing policy 2011-2016

London Borough of Bromley

Statement of Licensing Policy 2016 - 2021

Approved by the General Purposes and Licensing Committee on
xxxxxxx
and Council on XXXXXXXX

Effective from 7th January 2016

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Introduction

Bromley Council is the Licensing Authority under the Licensing Act 2003 and is responsible for the administration and enforcement of a range of permissions relating to

- for the sale and/or supply of alcohol,
- the provision of regulated entertainment and
- late night refreshment.

The Licensing Authority has delegated its licensing functions to the General Purposes and Licensing Committee. Members of this Committee will be responsible for the detailed administration of the Council's licensing function assisted by officers. The decision-making arrangements between the Licensing Authority (The Council), the Licensing Committee and officers is set out in this policy statement.

Background

Bromley's Licensing Policy will apply for a maximum period of five (5) years up to January 2021. During this time it will be kept under review and maybe revised in the light of changes due to updated legislation, guidance or circumstance.

Bromley is responsible for over 900 licensed premises and 2000 Personal Licences including:

- Pubs, bars and nightclubs
- Restaurants
- Members Clubs
- Off Licences
- Late night food venues
- Premises offering regulated entertainment

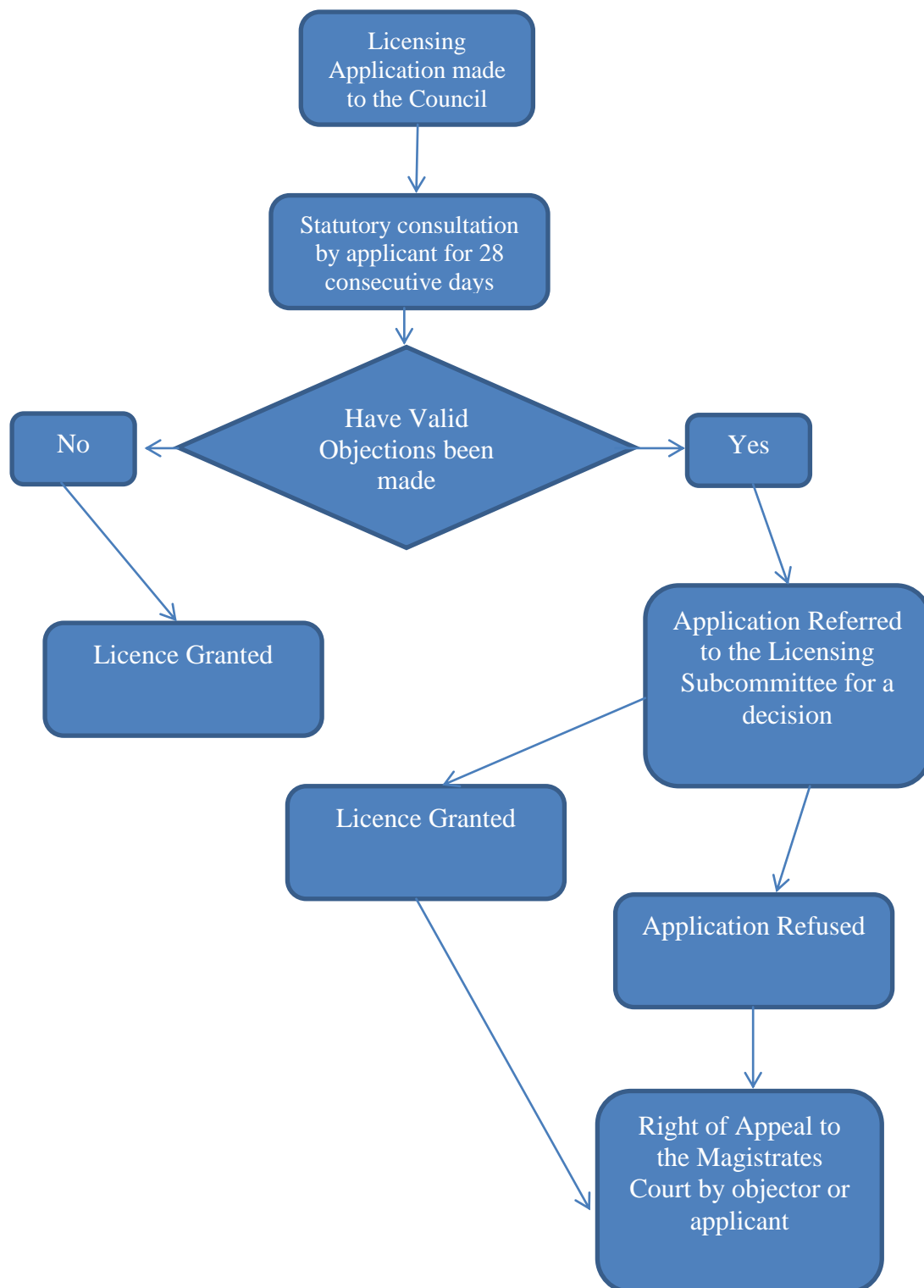
The Licensing Authority has a wide range of responsibilities including helping to develop and promote a strong sustainable local economy. Thriving food, drink and entertainment businesses in the Borough are an important part of that local economy and this policy is critical to their continuing success and for attracting further investment and opportunity to the Borough. Balanced against this is the Council's legal duties and commitment with its partners to reducing crime and disorder and the fear of crime. It is also important to protect and maintain our environment so that residents, visitors and other businesses can enjoy the opportunities for living, visiting and working within the Borough safely and free from nuisance.

Bromley values its younger people and is active in ensuring they are offered a wide range of opportunities and experiences to develop whilst seeking to protect them from harm. For these reasons the Licensing Authority takes its responsibilities under the Licensing Act very seriously and will use all the available powers to promote the four licensing objectives:

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

Through the Licensing Act 2003 the Government has provided opportunities for businesses to develop and flourish in socially responsible ways and has simplified and lightened the administrative burden of licensing. However, the Licensing Act 2003 and more recently the Anti-Social Behaviour Policing and Crime Act 2014 contains strong powers for both the Police and the Licensing Authority. These will be used to their fullest extent where businesses blatantly infringe the law or undermine one or more of the licensing objectives.

Flow chart of the Licensing Process for Premises and Clubs



The Policy Statement

Scope of the Licensing Policy

The Licensing Act 2003 sets out the legal framework for the Licensing Authority to licence the following activities:

- Retail sale of alcohol
 - The supply of alcohol by or on behalf of a club
 - Regulated entertainment
 - Late night refreshment.
- See appendix A for definitions of these activities.

These activities are controlled through a system of:

- Premises licences
- Club premises certificates
- Personal licences
- Temporary event notices.
- Community Ancillary Sellers notice

The Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. The Act also requires the Licensing Authority to prepare and publish a statement of its licensing policy every five years. This statement of licensing policy fulfils this requirement and has been prepared in accordance with the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 (version March 2015).

Consultation

In determining its policy the Licensing Authority has consulted with the following people and organisations:

- Chief Officer of Police for Bromley
- London Fire Brigade
- Chief Planning Officer
- Bromley Safeguarding Children Board
- Health and Safety Executive and Bromley's Health and Safety Enforcement Team
- Public Health Team (Environmental Health and Trading Standards)
- Trading Standards Service (Environmental Health and Trading Standards)
-
- Holders of premises licences
- Sports and Social Clubs (representing club premises certificate holders)
- Residents' Associations,
- Bromley Business Focus
- Chambers of Commerce (being bodies representing businesses)
- Ward Members
- Crime and Disorder Reduction Partnership
- • Transport for London (TfL)
- The London Boroughs of Bexley, Greenwich, Lewisham, Southwark, Lambeth and Croydon
- Sevenoaks District Council and Tandridge District Council
-
- Bromley Arts Council
- Individuals who have requested a copy of the draft policy.

Proper weight will be given to the views of all the persons/bodies consulted before this policy statement takes effect.

Fundamental Principles

This policy statement sets out the Licensing Authority's general approach to administering licensing applications. It provides guidance on the statutory process to be followed and also sets out where we will ask for additional information to help us assess an application and assist Members of a Licensing Sub Committee when they are called to make decisions.

The Licensing Authority acknowledges the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered fairly on its individual merits. Similarly, this policy statement does not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the 2003 Act. Any conditions or restrictions attached to a premises licence or club premises certificate will be focused on matters, which are within the control of individual licensees, and others granted relevant permissions.

The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned.

Late Night Levy and Early Morning Restriction Orders

The Licensing Authority has carefully considered introducing the Late Night Levy and Early Morning Restriction Orders within the borough. Currently this has not been considered necessary to manage Bromley's late night economy. This will continue to be monitored and should circumstances change further consideration will be given to these two measures.

Licensing law is not a mechanism for the general control of nuisance or antisocial behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. Nonetheless, the controls exercised through the provisions of the Act are key aspects to the control of nuisance and antisocial behaviour and will form part of the Council's holistic approach to licensing. In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues arising out of the operation of licensed premises, including:

- The Council's Crime and Disorder Strategy
- Planning controls
- Ongoing measures to create a safe and clean environment in partnership with local businesses, transport operators and other Council Departments
- Designation of parts of the Borough as places where alcohol may not be consumed publicly
- Regular liaison with Borough Police on law enforcement issues regarding disorder and antisocial behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises.

The Council is currently addressing many of these issues through Bromley's Community Safety Strategy, in line with the strategic objectives for crime and disorder reduction within the Borough

Special Policy's on Cumulative Impact

The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider in its Licensing Policy Statement.

Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Representations that an area is at, or is approaching, the point at which it will be subject to cumulative impact may be received from a 'responsible authority', an 'interested party' or from Councillors or officers. Such representations may be made either:

- As a result of ongoing liaison, monitoring and review
- Following representations arising from an application for the grant or variation of a licence, or
- As part of the Licensing Policy review at least every five years.

Where representations are made that an area is already subject to cumulative impact, or that the grant or variation of a further licence will result in cumulative impact, the Licensing Authority will take the following steps in each case:

- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).

Consult those specified in section 5(3) of the 2003 Act,

- Police
- Fire Brigade
- Public Health
- Persons representing holders of premises licences
- Persons representing holders of club premises certificates
- Persons representing Personal Licence holders
- Persons representing businesses.
- Other representatives of businesses and residents.

Subject to the outcome of the consultation, confirm and publish details of the special policy in the licensing policy statement

In any area declared to be subject to a Special Policy of Cumulative Impact it would be the Licensing Authority's intention to refuse to grant new premises/ club licences or variations, unless the application is such that the grant of the licence would have no further detrimental impact on the area and the promotion of the licensing objectives.

This policy applies to all new premises licences and club premises certificates, including but not limited to night clubs, wine bars, pubs, restaurants, take-away premises, supermarkets, shops, theatres and cinemas and leisure services which include licensable activities e.g. sports centres.

Off licences are specifically included in the cumulative impact policy as they can contribute to problems of crime and disorder and nuisance including street drinking, proxy purchasing, underage drinking, dispersal issues, preloading and excessive drinking.

The presumption of refusal does not relieve Responsible Authorities or Interested Parties of the need to make relevant representations. If no representations are received the Licensing Authority must grant the application in terms which are consistent with the operating schedule submitted

When determining whether an area is or should be subject to a Special Policy of Cumulative Impact the Licensing Authority will have regard to the following matters: (The decision as to cumulative impact is not based solely on these matters and it is open to the Licensing Authority to consider any other matters that it feels are relevant)

- The nature of the area
- The number and types of licensed premises in the area
- The capacity of those premises
- The hours of operation of those premises
- The approved operating schedules of the premises
- The history of the premises
- The arrangements for the management of the premises
- The customer profile of the premises
- Recorded crime or disorder in the vicinity
- The views and experiences of those who live or work in the area
- The presence of other high-risk characteristics. such as themed operations or price reductions etc..

Examples of applications that the Licensing Authority may consider as exceptional may include, though are not limited to:

- premises which fit the Vision for the respective town centres
- small premises with a capacity of fifty persons or less who only intend to operate until 2300hrs
- premises which are not alcohol-led such as coffee shops

Examples of factors the Licensing Authority will **not** consider as exceptional include that the :

- premises will be well managed and run
- premises will be constructed to a high standard
- applicant operates similar premises elsewhere without complaint
- similar premises operate in the area

The Licensing Authority will periodically review any areas subject to special policies of cumulative impact to see whether they have had the effect intended, and whether they are still needed.

The Licensing Authority will not use such policies solely as the reason for revoking a licence when representations are received about problems with existing licensed premises, or to refuse material variations to a licence, except where the material variations are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits, to extend the opening and or alcohol sale timings or to change the mode or theme of operation at a premises

The Licensing Authority will publish separate details of any additional areas declared to be subject to a special policy of cumulative impact. The area covered by the special policy and the reasons for considering it to be subject to cumulative impact will be set out.

The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community when considering applications in saturated locations.

It therefore, also recognises that within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

In areas not subject to a special policy of cumulative impact but where representations of cumulative impact are made, the Licensing Authority will consider each application individually.

The following special policies on cumulative impact have been declared:

NO 1 Bromley Town Centre 29th Nov 2004)

NO 2 Beckenham Town Centre 21st February 2007

See Appendix C

The Licensing Authority is committed to the principle of special policies of cumulative impact and that the establishment of these two policies have made a significant contribution to the promotion of the 4 Licensing Objectives in Bromley Town Centre and Beckenham Town Centre.

The Licensing Authority confirms its commitment to make all decisions on applications for new licenses or variations in those areas strictly in accordance with those policies. The Licensing Authority wish to make it clear to all applicants that the presumption of refusal of all new licences and material variations stands except where the applicant satisfies the Licensing Authority that the application can be granted without having a detrimental effect on the promotion of the 4 Licensing Objectives.

Vision of our Town Centres

Members have identified 3 town centres where special consideration will be given to licensing decisions based on this policy. The Councils approach in these areas may be different based on the opinions of Ward Councillors reflecting the views of local residents and businesses.

1. Bromley Town Centre

Bromley Town Councillors wish to see the continuing development of a responsible and flourishing the night time economy in line with the existing profile of businesses pubs, clubs and restaurant's. Notwithstanding the existence of the cumulative Impact policy ward members are supportive of applications for premises that will positively benefit the town

centre including both the Bromley South and North Developments. However where the operation of licences is irresponsible and undermines the promotion of the licensing objectives, especially crime and disorder or public nuisance, and has a negative impact on the local night time economy, Members will support tough enforcement of licence conditions and reviews.

2. Beckenham Town Centre

Beckenham Town Centre is also subject to a cumulative impact policy. Ward Members recognise the improvements brought about to reduce crime and disorder through partnership working and the active support of the larger licenced premises (Operation Triangle 2014/15). Work is in progress to develop an application for a Purple Flag award for Beckenham Town Centre (anticipated submission late 2015).

Consequently Ward Members consider that Beckenham Town Centre is currently operating in a way which promotes the Licensing Objectives however the balance of licence type, timings and diversity is currently optimised for this area and any applications for new licence s or variations will be considered very carefully to ensure the current status quo is not jeopardised.

3. Orpington Town Centre

Orpington Town Centre is not subject to a Cumulative impact policy however the development taking place is designed to promote a “café” type environment with restaurants and cafes being given positive support from the licensing subcommittee to encourage this type of atmosphere and evening economy. Members are not keen to see Orpington develop by way of high density vertical drinking premises or those operating after 23.30.

Premises Licences and Club Premises Certificates

Premises Licences

A premises licence is needed for the

- Retail Sale of alcohol
- Provision of regulated entertainment or
- Sale of hot food and drink to the public between 11pm and 5am.

Club Premises Certificates

Some activities carried out by clubs need to be licensed under the Act but generally clubs are treated differently to proprietary clubs and commercial premises. A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to members. In order to apply for a Club Premises Certificate the club needs to be a ‘Qualifying Club’.

A qualifying club:

- Has members. Membership is not instant. There is a minimum of 2 days between applications for membership and admission. This includes the privileges of membership (i.e. use of facilities and the consumption of alcohol)
- Has at least 25 members

- The club is conducted in good faith and has full accountability to its members
- Where alcohol is purchased and supplied, that it is done so by an elected committee of the club.

This will entitle them to certain benefits:

- No need for Personal Licence Holders on the premises
- No need for Designated Premises Supervisors
- More limited rights of entry for the Police and Authorised Persons (Licensing Officers) as the premises is considered private and not generally open to the public
- To sell hot food and drink between 11pm and 5am to members and guests without the need for a licence.

Applications

The Licensing Authority places great emphasis on fully completed application forms containing **accurate** and transparent descriptions clearly setting out the exact nature of the operation being applied for. Particular emphasis is placed on the detailed completion of the Operating Schedules and General Description of the type and use of the premises.

It is expected that all applications will include the following information under the General Description

- What is the main use of the premises
- What is the Secondary use of the premises
- Is the operation Food or alcohol lead
- Will substantial food be offered or small bar snacks
- What type of entertainment is proposed and who is the target audience entertainment
- What percentage of the public floor area will be used for Vertical Drinking
- What percentage of the public floor area will be used for seating (either fixed and movable)
- Will seating be removed for certain functions / activities
- Whether the customer profile changes throughout the proposed opening hours (e.g A restaurant ceasing food service to move to wine bar drinking / dance premises later in the evening).
- Any theming to the operation

It is the Licensing Authority's intention to apply the information provided as part of the general description as licence conditions.

The Licensing Authority is keen to encourage a balanced, thriving and diverse night time economy within the Borough. To ensure fairness and clarity for all operators, licence conditions will seek to reflect and control the nature of operations based on what is stated in the application form and in the course of any hearing by a Licensing Sub Committee.

The Officers acting on behalf of the Licensing Authority as a 'Responsible Authority' will routinely exercise its discretion to make representations against any application where there is ambiguity or lack of information about what is being applied for.

For example an application for a restaurant will have conditions imposed restricting the sale of alcohol as being ancillary to a substantial meal at all times. Customers must have and continue to consume food if alcohol is to be purchased. A restaurant could not stop or reduce food service and allow alcohol consumption to continue so effectively becoming a wine bar, unless this has been specifically set out in the operating schedule and general

discretion. Descriptions like “casual dining experience” will only be accepted if there is complete transparency as to what this means at all times during licensable hours.

In determining applications for Premises Licences and Club Premises Certificates the Licensing Authority will have regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and any secondary legislation. It is important that applications for Premises Licences and Club Premises Certificates properly address the four licensing objectives.

To prove all statutory requirements have been met the Licensing Authority will request applicants to supply either by a paper copy or electronically

- Original or copy of the full page of the local paper in which the notification has been placed, clearly showing the public notice advert, the identity of the paper, the date and page number.
- A photograph or copy of the completed A4 Blue poster that is displayed at the premises.
- A digital photograph of the premises clearly showing the location(s) of the A4 Blue poster (ideally with a date and time stamp)

Variations (Minor and Full)

Both Premises Licences and Club Certificates may be varied under the Licensing Act 2003. Minor variations generally fall into four categories they are:-

- Minor changes to the structural layout which do not include any of the following:-
 - Increase the capacity for drinking (increasing floor area for drinking etc).
 - Affecting access or egress (blocking fire exits or escape routes).
 - Impeding or removing noise reduction measures at the premises (removing acoustic lobbies etc.).
- Removal of a licensable activity or licence condition,
- Addition of a volunteered condition or conditions.
- Addition of a licensable activity where similar activities already exist.

The above is not an exhaustive list and licensing officers will bring their own experience and knowledge to bear when considering applications.

Note:-

Further explanations on the above can be found in the department of Culture Media and Sport Guidance (Current Edition) issued under section 182 of the Licensing Act 2003

A minor variation is a simplified process with a set statutory fee applicable to all premises and clubs. Decisions on a minor variation are delegated to licensing officers. In the case of a decision by a licensing officer being contested by a ward councillor which cannot be resolved the decision will be deferred to the licensing subcommittee.

There is no requirement to consult all Responsible Authorities on a Minor Variation application, however, licensing officers may consult with any party if there is any doubt about the impact of the variation on the licensing objectives and there is a need to obtain specialist advice.

Specific cases are identified as being excluded from the minor variation process they are :-

- To extend the period of a time limited licence
- To substantially vary the premises
- Specify a person as the Designated Premises Supervisor (DPS)
- Add the supply of alcohol to a licence

- To extend the licensing hours for the sale of alcohol for consumption on or off the premises between 11pm and 07.00am.
- To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.
- Include a condition allowing the supply of alcohol by a 'Management Committee'

The Licensing Authority takes the view that the removal of seating or tables from premises which has the effect of increasing the floor area for vertical drinking is not suitable for the 'Minor variation procedure'. Such applications should be made under the full variation procedure. The Licensing authority will expect applicants to demonstrate how the removal of seating or tables will promote the Licensing Objectives.

In all cases the overall test is whether the proposed variation could impact adversely on the licensing objectives if in any way it does or it does not fall within the scope of the four areas identified then a full variation will be required.

Fees & Charges

Licensing fees and charges are set by Government so they are the same across the Country. Details can be found on the Councils Website (www.bromley.gov.uk) and on the DCMS website (www.dcms.gov.uk).

Once granted a licence does not expire but the licence holder is required to pay an annual charge.

Failure to pay this will result in the Licensing Authority suspending the licence until such time that all outstanding fees are paid

Whilst the annual charge is being paid regularly the licence will remain in force even if the premises are not used for a licensable purpose.

Licence Conditions

General Conditions

Where responsible authorities or interested parties do not raise any representations about an application, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Act.

The Licensing Authority may not impose conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then impose conditions necessary to promote the licensing objectives arising out of the consideration of the representations. To minimise problems and the necessity for hearings, the Licensing Authority would encourage applicants to consult with the 'Responsible Authorities' when preparing their operating schedules.

The Licensing Authority is keen to encourage a balanced, thriving and diverse night time economy within the Borough. To ensure fairness and clarity for all operators, licence conditions will seek to reflect and control the nature of operations based on what is stated in the application form and in the course of any hearing by a Licensing Sub Committee.

The Officers acting on behalf of the Licensing Authority as a 'Responsible Authority' will routinely exercise its discretion to make representations against any application where there is ambiguity or lack of information about what is being applied for.

For example an application for a restaurant will have conditions imposed restricting the sale of alcohol as being ancillary to a substantial meal at all times. Customers must have and continue to consume food if alcohol is to be purchased. A restaurant could not stop or reduce food service and allow alcohol consumption to continue so effectively becoming a wine bar, unless this has been specifically set out in the operating schedule and general description. Descriptions like “casual dining experience” will only be accepted if there is complete transparency as to what this means at all times during licensable hours.

Standard Conditions

The Licensing Authority recognises that it is important to balance any conditions attached to a licence or certificate so as not to be disproportionate or overly burdensome but to achieve the licensing objectives. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises or event. Where appropriate, and necessary for the promotion of the licensing objectives, the Licensing Sub Committee will consider attaching conditions

Mandatory Conditions

The Act requires that certain conditions are applied to premises licenses and club premises certificates where they include:

- The retail sale and club supply of alcohol
- The provision of Door Supervisors
- The showing of films.

The Licensing Authority will apply such conditions as set out in Sections 19, 20 and 21 of the Act.

1. Supply of Alcohol:

(1) No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

(2) Every sale of alcohol under the premises licence must be authorised by a personal licence holder.

2. Irresponsible Promotions:

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

3. Free Potable Water:

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4. Age Verification:

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

5. Minimum Measures:

(1) The responsible person must ensure that —

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— .

(i) beer or cider: ½ pint; .

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .

(iii) still wine in a glass: 125 ml; .

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. Permitted Price:

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from

the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

7. Films:

(1) The admission of children must be restricted in accordance with the recommendations laid down by the British Board of Film Classification.

OR

(2) In circumstances where the licensing authority has reclassified a film. Then access of children should be restricted to meet this reclassification standard.

Note:- "Children" means any person under 18 years of age.

8. Door Supervision:

(1) Any individual employed at the premises as a door supervisor must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

Temporary Events Notices(TENs)

Anyone may give the Licensing Authority a Temporary Event Notice (TEN). This procedure allows people to hold an event involving licensable activities without having to apply for a Premises Licence or Club Premises Certificate. Temporary Event Notices may be obtained for:

- The sale of alcohol
- The provision of regulated entertainment
- The sale of hot food or drink between 11pm and 5am.

The Act provides a system by way of "temporary event notices" for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the licensing authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event.

There are two types of TENs. A standard TEN and a late TEN. All TENs must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act, together with the relevant fee. When a TEN application is made in paper form, the applicant must serve a copy on the Police and the Councils Public Health Nuisance Team (see contact details in appendix B). If a TEN application is made Online the Council will send copies to the Police and Public Health Nuisance Team

A standard TENs must be given with at least 10 clear working days' notice before the event. A late TENs (intended for use ONLY to assist premises users in situations that are outside of their control and not where applicant have simply forgotten to make an application) can be

given no earlier than nine working days but still with a minimum of five clear working days' notice before the event. These legal timescales are not negotiable and no TEN will be processed if an application is made outside these times and the Police and Public Health Nuisance Team. parties have been correctly notified.

The 10 and 5 clear working days' notice periods exclude the day of the application and the day the event starts.

Only the police or the Public Health Nuisance Team may make representations (on grounds relevant to any of the licensing objectives) leading to a Counter Notice being issued which will stop the event taking place. However, the Licensing Authority will refuse application Ten's if the notice given is incorrect or if the limits set out in the Act are exceeded.

The Council will accept all properly made TENs application in keeping with the minimum notice period, however experience has shown that in a significant number of cases this does not provide adequate time for proper consideration to be given by the police and Public Health Nuisance Team. We would therefore ask that applications for TENs be made at least 28 days before the planned event. This will prevent unnecessary representations being made by the Police or Public Health Nuisance Team

Where there is any doubt that the applicant for a TEN has the agreement of the premises owner to use the premises the Council will require evidence of consent.

Many temporary events have the potential to give rise to concerns, particularly around health and safety or protection of children. For this reason applicants should understand that the licensing service may share information on temporary events taking place with other "responsible authorities". This does not provide those responsible authorities with the opportunity to raise representations, but will allow any matter of concern to be followed up under other powers. This action does not, however, absolve any premises user from their own responsibility to ensure that any other necessary consent (including planning permission or temporary structures consent) is obtained or that their event does not give rise to any crime and disorder, public safety, nuisance or harm to children.

.

There are certain limitations to Temporary Event Notices:

- Maximum number of people attending must not exceed 499 at any time
- The event cannot last longer than 168 hours
- No premises can host more than 15 events in a calendar year
- The maximum number of days covered by Temporary Event Notices cannot exceed 21 days in a calendar year
- A personal licence holder can apply for up to 50 temporary events
- Any other person can apply for 5 temporary events
- A personal licence holder can apply for up to 10 late temporary events
- Any other person can apply 2 late temporary events

Consultation

The statutory consultation process is applicable to all applications for new licenses and full variations allowing for representations to be made by various bodies and individuals. Responsibility for undertaking statutory consultation lies with the applicant for Paper applications and in part with the Licensing Authority for electronic applications.

The Licensing Authority expects that the applicant to fully comply with the notification and statutory consultation requirements of both online and hard copy submitted applications. A failure in any part of the consultation process will lead to an application not being valid and could delay the application process.

Special Note

This Licensing Authority in order to satisfy compliance will require some additional information as explained in the application section above

Non Statutory Consultation

The Licensing Authority will undertake additional consultation with Ward Councillors in whose ward the applications sits and any neighbouring Ward Councillors or London Boroughs if the application sits near a ward or borough boundary.

In the case of minor variation the Licensing Authority will exercise its discretion to consult with any of the responsible authorities where in their opinion there could be an impact on the licensing objectives

Making representations about an Application

Representations about an application must be made in writing to the Council's Licensing Team within the statutory time limits given.

Written representations include letters (posted or faxed) and emails. Representations received after the end of the public consultation period cannot legally be accepted.

Representations must contain

- the name, full address & post code, of the person making them.
- The reasons for their representation and
- Which of the 4 Licensing Objectives the representations relate to
 - Crime and disorder
 - Public Nuisance
 - Public safety
 - Protection of children from harm

Representations which do not meet this requirement may be rejected as being irrelevant or frivolous or vexatious.

All valid representations will form part of a committee report that will become a public document. It will be given to the applicant, his agent and another party requesting a copy as well as the Licensing Sub-committee 10 days prior to the hearing. Whilst representations cannot be made to the Licensing Authority anonymously we will in all cases, remove the objectors name and house number and other personal details from individual representations.

Petitions

Petitions may be submitted (see note below) but are not as informative as individual correspondence and as such may be given less weight when considered by a Licensing Sub Committee.

Petitions will only be accepted if on each sheet it clearly shows

- the name and address of the application site ,
- the licensable activities and their hours
- Reasons for the representation and
- which of the 4 Licensing Objectives are relevant

Each petitioner must give their name, full address including post code,

Failure to comply with any of the above requirements could lead to the petition being rejected.

A suggested format for a petition sheet is available on the Bromley Website – www.bromley.gov.uk and is displayed in appendix D

When making a representation the Council asks that a contact phone number and email address are provided. These help the Council to quickly contact respondents if the details of the application are altered as a result of objections or the date of the hearing has to be changed at short notice.

Irrelevant, Vexatious and Frivolous Representations

The Licensing Authority follows the guidance of the Secretary of State concerning the judgments of representation as being irrelevant, vexatious and frivolous. A representation would be 'irrelevant' if it does not relate to the application or to the promotion of the licensing objectives in the context of the application. In considering whether or not a representation is 'vexatious or frivolous' the Licensing Authority must determine whether any ordinary and reasonable person would consider the matter to be vexatious or frivolous. Vexation may arise where, for example, there is a dispute between rival businesses. Frivolous representations would be categorised by a lack of seriousness. Such judgments should be objective and not based on political judgments and as such are best made by officers following enquiries as may be necessary. Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed and that representation will be disregarded.

Repeat Applications

The Licensing Authority will give particular attention to applications which have the effect of replicating to a large extent, the terms of a previous application(s) at the same premises / club which may have been refused or granted subject to conditions. Where representations are made, the Licensing Committee will consider each application on its merits including:

- The applicants' justification or explanation as to the change of circumstances warranting a different decision by the Committee
- The extent to which the terms of the new application overcome previous concerns
- The extent to which the new application (including the operating schedule and any suggested conditions) will promote the Licensing Objectives.

This policy does not apply to applications for:

- Changes to Designated Premises Supervisors
- Changes to the address of someone named on a licence
- Temporary Event Notices and is not designed to inhibit applications to make variations from 'time to time'.

Relevant Considerations under the Licensing Objectives

Crime and Disorder

Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment, can be a source of crime and disorder. The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business. Applicants are recommended to seek advice from the Police Licensing Officer and Licensing Authority Officers prior to making any application as early advice can alleviate representations being made once an application is submitted. Full contact details for both are contained within the Responsible Authorities contact in appendix B.

Applicants should as appropriate take account of local planning and transport policies, and tourism, cultural and crime prevention strategies, when preparing their operating plans and schedules.

When addressing crime and disorder, the applicant should identify any particular issues that are likely to affect adversely the promotion of the crime and disorder objective. They should then include in the operating schedule how they will deal with those matters.

Operating schedules should then show how they will address the issues identified.

All premises

When compiling operating schedules applicants are advised to give consideration to:

- The setting of a safe capacity limit – While often necessary on public safety grounds, this is equally important in order to prevent overcrowding giving rise to risk of crime and disorder
- Use of crime prevention notices – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers
- ☐ Publicising details of the premises operation – Display details of the premises opening and closing times
- Installing CCTV – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a 31 day library of recordings maintained at all times
- Removing low cost high strength alcohol from offer – To help reduce street crime and violence and anti-social behaviour from public drunkenness
- Developing a drugs policy in conjunction with the police – Establish a clear written anti-drugs policy and publicise this to customers
- Preventing counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises

Premises providing alcohol for consumption on the premises

Applicants should give consideration to

- Exercising control over the removal of open drink containers – To prevent the use of containers as weapons in the street

using plastic containers and toughened glass – Consideration should be given to the use of safer alternatives to glass which would inflict less severe injuries if used as weapons. Note: That any glass alternatives used for measuring draft beer and cider must be lawful for trade use under weights and measures legislation.

- Introducing bottle bans – Decant drinks into glasses before being handed across a bar
- Providing seating for customers – sufficient to ensure that the majority of customers do not have to stand
- Ensuring good availability of soft drinks and food
- Employing an appropriate number of SIA registered door supervisors – Valuable for maintaining orderly behaviour in queues; searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures
- Making personal searches by door supervisors a condition of entry – Including the provision of signage and female SIA for personal searches conducted on female customers and performers
- Providing door supervisors with search wands / search arches – Maintained in good working order and used on all occasions
- Providing a drugs and weapons box – Kept under the direct control of premises management with all seized drugs and weapons to be handed over to the police in accordance with the police code of practice
- Installing ID scanning and recording equipment – Requiring all patrons to provide ID and agree to being recorded. Provide notices to this effect in conjunction
- Establishing a last admissions policy – For both admissions and readmissions. Publicise this at the premises
- Establishing a dispersals policy – Helping to reduce the potential for disturbance to local residents
- Co-operating with the police and council on venue hire agreements – Providing good notice (at least one month) of all internal and external promoters engaged at the premises. Also comply with requests from the police not to engage a specific promoter where this is recommended by the police for crime and disorder
- Avoiding certain performances and exhibitions – That no film be exhibited or performance given that is likely to stir up hatred or incite violence against any section of the public on grounds of colour, race or ethnic or national origin, disability religious beliefs, sexual orientation or gender

Designated premises supervisor / personal licence holders and authorisations for the retail sale of alcohol

This authority recognises that neither the Act nor the mandatory conditions outlined elsewhere in this policy require either a designated premises supervisor or any

other personal licence holder to be present on the premises at all times when alcohol is sold or supplied. Nor does the fact that every sale or supply of alcohol must be made under the authority of a personal licence holder mean that only personal licence holders can make such sale or supply or that they must be personally present at every transaction.

However, this authority wishes to emphasise that the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the Licensing Act and conditions attached to the premises licence.

Therefore this authority considers it reasonable to expect that either the designated premises supervisor or another personal licence holder will normally be present at all times that alcohol is either sold or supplied or that proper arrangements are in place for authorisation of staff in their absence and for their monitoring. This authority recognises that there may be occasions when it is not possible for the designated premises supervisor or another personal licence holder to be present but that this should not occur for any extended period and emphasises that there can be no abdication of responsibility in their absence.

This authority expects that authorisations for other staff to supply and sell alcohol made under the authority of the designated premises supervisor and any other personal licence holders are kept up to date (no more than 6 monthly reviewed and resigned) be in a form that can be inspected at any time by an authorised officer of the police or Licensing Authority. for other staff to sell and supply alcohol.

ultimately, it will be a matter for a court to determine on the evidence before whether or not an authorisation has been given within the meaning of the Act , but this authority notes the Secretary of State considers that the following factors should be relevant in considering whether there was real and effective scheme of authorisation:

- a) The person(s) authorised to sell alcohol at any particular premises should be clearly identified
- b) The authorisation should have specified the acts which may be carried out by the person being authorised
- c) There should be an overt act of authorisation, for example a specific written statement given to the individual(s) being authorised
- d) There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis

Crime Prevention

When making decisions about an application the Licensing Sub Committee will have regard to the Borough's Crime Prevention Strategy and any conditions attached to licences or certificates will so far as possible reflect local crime prevention strategies.

Dispersal

The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering any application for the grant or variation of a licence serious consideration will be given to the dispersal arrangements from the premises and the effect that granting the licence might have on the dispersal arrangements of other licensed premises in the area. The Licensing Authority will

pay particular attention to an application which may delay orderly dispersal or is likely to encourage people to remain in the vicinity.

Drugs

The Licensing Authority recognises that drug misuse is not something that is relevant to all licensed premises however it is committed to the reduction and eradication where possible of drugs from licensed premises as part of its role in promoting the Crime and Disorder licensing objective.

If relevant representations are received following an application for the grant or variation of a licence, special conditions may be imposed to support the prevention of the sale, supply and consumption of drugs. Advice on conditions will be sought from the Drug Action Team and / or the Police.

In premises where drugs misuse is problematic and where the Police or others apply for a 'Review' of the licence, the Licensing Authority will consider this as being very serious and will give appropriate consideration to the full range of options available including the suspension and revocation of the licence. The Licensing Authority recognises that each case is individual and will be decided on the facts and its specific merits.

Public Safety

The Licensing Act 2003 Act covers a wide range of premises and activities, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these type of premises presents a mixture of risks to public safety, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

The Licensing Authority will expect operating schedules to satisfactorily address these issues and applicants are advised to seek advice from the Borough's Licensing Officers and the London Fire Brigade contact details can be found in appendix B before preparing their plans and schedules. Where an applicant identifies an issue relating to public safety (including fire safety) that is not covered by existing legislation, the applicant should identify in their operating schedule the steps that they will take to ensure public safety. Where representations are received and upheld at a hearing, the Licensing Authority will consider attaching conditions to licences and permissions to promote safety.

Prevention of Nuisance

Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.

Relevant issues might include

- Preventing noise and vibration escaping from the premises, including music, noise from plant and patrons

- Preventing disturbance by patrons arriving at, gathering outside of, being admitted or re-admitted to or departing from the premises, particularly, but not exclusively between 11pm and 7am hours
- Preventing vehicle queues forming outside of the premises, or where some form of queuing is necessary, the steps to prevent disturbance or obstruction
- Ensuring clear up operations conducted by staff do not cause a nuisance and that staff leave the premises quietly
- Addressing arrangements made for parking by patrons
- Considering whether there is sufficient public transport provision and where licensed taxis or private hire vehicles are likely and any arrangements made to prevent disturbance to local residents
- Controlling disturbance that may be caused by the use of gardens / terraces / external and other open-air areas including the highway, particularly in relation to smoking and the passage of patrons between internal and external areas
- Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation plant, condensers etc.
- Restricting delivery and collection times (waste, equipment and consumables) to between 8am and 8pm hours
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises
- The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours

Management controls should be considered for

- The numbers of persons using any licensed external area at any one time
- The hours of operation of any licensed external area, requiring patrons to return back into the premises at a specific time. In residential areas it is suggested that a closing time of 10pm is appropriate. Any music relayed into the external area should cease earlier
- The numbers of 'smokers' allowed outside of the premises at any one time
- The taking of drinks outside of the premises when patrons step outside to smoke. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises
- Queues of patrons awaiting admission and how these are arranged
- The areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises
- The times within which live music and / or amplified sound may be played in any external area or marquees or relayed by external speakers (where permitted under the terms of the licence). It is suggested that this should not continue beyond 22.00

- The times within which barbecues or other cooking facilities may be provided within any external area
- Terminal hour for last admissions and readmissions to the premises
- The supervision of patrons using any external area so as to prevent nuisance and disturbance
- Arrangements made with local cab companies calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street
- The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving
- The display of notices at exit points asking patrons to 'please leave quietly' and be mindful of local neighbours when leaving the premises
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time
- The clearance of any litter created by the operation of the premises
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods. It is recommended this is prohibited between 10pm and 8am
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance
- Applicants are advised to seek advice from the Council's Environmental Health Officers contact details can be found in appendix B before preparing their plans and operating schedules. Where representations are received and upheld at a hearing the Licensing Authority will consider attaching conditions to licences and permissions to prevent public nuisance.

Smoking and the Use of External Areas

In relation to smoking outside licensed premises, it is expected:

- Suitable receptacles for customers will be provided and maintained to dispose of cigarette litter in areas used, or likely to be used, for smoking
- Licensees will take all reasonable steps to discourage smoking on the public highway close to residential premises, particularly after 10pm. This could include measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors, or imposing a time after which readmissions to the premises will not be permitted
- Garden areas to be cleared at a reasonable time where not doing so could cause nuisance to neighbouring residents.

Where an application includes provision of a smoking shelter then the Licensing Authority expects the shelter to be situated as far as possible from neighbouring residential premises.

Protection of Children from Harm

Access to Licensed Premises

The wide range of premises that require licensing under the Act means that children can be expected to visit many of these, often on their own, for food and/or entertainment. Where no relevant representations are received and an applicant volunteer's prohibitions or restrictions in relation to the admission of children, those will become conditions attached to the licence.

Apart from the specific restrictions set out in the Licensing Act 2003 there is no presumption of permitting or refusing access to licensed premises. Each application and its circumstances will be considered on its own merits.

The Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm. The Licensing Authority will consult the Bromley Safeguarding Children Board on any application that indicates there may be concerns over access for children. The Licensing Authority will judge the merits of each application before deciding whether to impose conditions limiting the access of children.

The following are examples of premises that will raise concern:

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

Examples of entertainment or services of an adult or sexual nature include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language.

The Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations on ages below 18
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.

The Licensing Act 2003 details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Bromley Trading Standards have an agreed protocol with the Police for enforcing age related sales of alcohol. This will continue to be applied.

The Service will also undertake monitoring and test purchasing for compliance with other age related sales and services applicable to the Licensing Act 2003. Consideration will also be

given to initiatives which could assist in the control of alcohol sale to children e.g. Home Office campaigns.

The Licensing Authority is also fully supportive of and actively encourages recognised proof of age schemes and 'Challenge 25' policies in all licensed premises as a means of controlling under age sales.

Children and Cinemas

Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, strong language, scenes of horror, violence or a sexual nature that may be considered unsuitable for children within certain age groups. Where an application for a Premises Licence or Club Premises Certificate includes the showing of films, the Licensing Authority will expect the operating schedule to include arrangements for restricting children from viewing age restricted films classified by the British Board of Film Classification or by the Licensing Authority itself. All Premises Licences and Club Premises Certificates granted for the exhibition of films will contain a condition restricting the admission of children either in accordance with the age classification by a film classification body under Section 4 of the Video Recordings Act 1984 or the Licensing Authority's recommendation. It will be the Licensing Authority's policy to specify that the British Board of Film Classification will be stated on the licence as the film classification body where a film has such a classification, however, where there is no such classification or, under such other circumstances as the Licensing Authority sees fit, its own classification may be imposed.

Children and Entertainment

Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises. Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children. Where representations are made and upheld the Licensing Authority will make full use of Licensing Conditions to secure the protection of children from harm

The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The number of staff required should be assessed by the licensee, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor.

Anyone intending to provide staff for the supervision of activities to under 18's will be required to carry out enhanced criminal record checks on all persons involved servicing such activities. These checks should be entered into a register which should be kept on the premises at all times and made available to the police or authorised Council Officer on request. Staff shall only be appointed who have been subject to a check and are found to be suitable, if in doubt the applicant should liaise directly with the police.

The Council will specifically require the Operating Schedule to address issues relating to children and applicants are advised to contact **Social Care & Health** directly to seek advice prior to submitting their application.

Underage Sales

The Licensing Authority is committed to protecting children from harm and supports / encourages the programme of underage test purchases arranged by the Trading Standards Service and Police.

Where underage sales are found the Licensing Authority supports the use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.

In keeping with the Secretary of State's Guidance (October 2014) and Bromley's own guidance for Members of Licensing sub committees hearing Reviews consideration will be given to the suspension or revocation of a licence bought in respect of under age

Areas identified for special consideration

Micro-Breweries and Micro Pubs

The Licensing authority has identified these type of premises for positive support within the borough.

Micro Pub is defined as:

a small free house which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks'

Micro Brewery is defined as:

a small, usually independent brewery that produces limited quantities of specialized beers, often sold for consumption on the premises

Licensing Hours

Sale of Alcohol for Consumption on the Premises

The Licensing Authority recognises that different licensing hours may be appropriate for the promotion of the licensing objectives in different areas and within any one area. This can avoid large numbers of people leaving premises at the same time, which in turn could reduce disorder and disturbance. It also recognises that there is the opportunity for significant detrimental impact on local residents where licensed premises operate late.

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Where representations are received, the application will be referred to a Licensing Sub Committee in accordance with the scheme of delegation included in this Policy. When hearing an application the Sub Committee will seek assurances from the applicant that the four Licensing Objectives will not be undermined by the grant of the application. Where the Sub Committee upholds representations it may apply licensing conditions and or place limits on the hours of operation.

The Sub Committee will pay particular attention to applications where the operating schedule indicates the sale of alcohol after 11pm Monday to Saturday and after 10.30pm Sunday.

Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries (migration) at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.

Staggered closing hours in designated area will not be set or predetermined however, the Sub Committee will consider every application on its own merits but consideration will also be given to its location and how it may affect the area with its activity, patrons and closing time.

This may result in the imposition of staggered closing times to relive or lessen existing or potential problems.

Sale of Alcohol for Consumption off the Premises–Shops, Stores and Supermarkets –

Where no objections are made to an application the Licensing Authority will licence shops, stores and supermarkets to sell alcohol for consumption off the premises at the times stated in the application. Where objections are made against the grant of a new licence, the Licensing Authority will consider restricting those hours where there are good reasons for doing so and this would promote the licensing objectives.

For example, where shops, stores or supermarkets are known to be the focus of disorder and disturbance or where underage sales have occurred. On an application to 'review' an existing licence where there is evidence that shops, stores and supermarkets are a focus or disturbance because youths congregate there and cause nuisance and engage in antisocial behaviour, the Licensing Authority will consider restricting opening hours as a mechanism of combating such problems and promoting the licensing objectives.

Regulated Entertainment and Late Night Refreshment

Not all regulated entertainment will be associated with the sale of alcohol. There will be times when alcohol is not provided for many reasons or in other circumstances it would be unnecessary or illegal to have alcohol available, for example, events for children. In other circumstances regulated entertainment could finish earlier or later than the sale of alcohol. The provision of Late Night Refreshment covers the supply of hot food or hot drink to members of the public at any time between the hours of 11pm and 5am. This will include the traditional takeaway food premises but will also cover restaurants and mobile vehicles. In each case the hours being sought for regulated entertainment or late night refreshment should be set out in the application and operating schedule. Where objections are received the Licensing Sub Committee will consider the merits of each application in determining the hours of operation taking into account the licensing objectives.

Late Night Refreshment with Alcohol for consumption off the premises

The Licensing Authority is concerned about the potential for crime and disorder and public nuisance from premises that remain open late for the sale of late night refreshment and where alcohol is sold for consumption off the premises.

Where such applications are received the Licensing Authority will consider them very closely and will expect the applicant to satisfy them that the grant of the licence would have no detrimental impact on the promotion of the licensing objectives.

Garages and motorway service areas

Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of derv;
- the sale of motor vehicles; and
- the maintenance of motor vehicles.

It is for the licensing authority to decide, based on the licensing objectives, whether it is

appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.

Entertainment Involving Striptease or Nudity

The Council has adopted the provisions under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009. This legislation established a new extended licensing regime for sex establishments, covering sex shops, sex cinemas and sex entertainment venues.

Any person wishing to operate a lap dancing club or similar in the Bromley area will require to be licensed as a sex entertainments venue under a sex establishments licence, obtained from this authority. Occasional use as a sex establishment are permitted without a licence, but are limited to no more than 12 per year, each of less than 24 hours duration and each at least one month apart.

The Licensing Authority will give particular consideration to the promotion of the four licensing objectives in cases where the application includes entertainment involving full or partial nudity or striptease or any other kind of sex-related entertainment.

The Licensing Authority's policy is that premises providing such entertainment may constitute a public nuisance if they are in or near residential areas. This is particularly the case if the premises are close to schools, community or youth facilities. Such premises may potentially generate particular crime and disorder, public nuisance and safety concerns within the community from lewd acts and disorder. It is the view of the Licensing Authority that where a valid representation is received, an application involving such entertainment will only be granted if it is satisfied, having regard to all the circumstances including the nature and extent of the activities, the location of the premises, and the conditions proposed by the applicant or which might properly be imposed by the authority, that the proposals are compatible with the promotion of the four licensing objectives. In particular, while each application will be considered on its own merits, such applications will not normally be granted where the premises are located:

- Near residential accommodation
- Near places of worship, community facilities or public buildings
- Near schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families
- Within sight of pedestrian routes or bus or railway stations serving the above.

It is expected that applicants will indicate in their operating schedules what measures they propose to have in place to ensure the good management of the premises. Conditions should be provided in the operating schedule prohibiting the participation of customers in the performance.

The Licensing Authority expects the following conditions to apply:

- The maintenance of a minimum distance of one metre between performer and customers during the performance
- The provision of CCTV and the maintenance of a library of recordings
- A code of conduct for dancers shall be in place including appropriate disciplinary procedures for failure to comply with the code

- Rules of conduct for customers shall be in place, including appropriate procedures for breach of these rules
- The provision of Security Industry Authority registered supervisors and security staff.
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work
- There will be no advertisements for striptease displayed on the outside of the premises,
- When striptease is being provided on the premises notices will be displayed on the premises stating 'Only people over 18 will be allowed on the premises'
- The striptease entertainment will not be able to be viewed from the street.

Applicants must also note that as part of the process of ensuring that applications that include entertainment entailing nudity or striptease receive proper consideration, the application form and all public notices in respect of such applications must clearly state the details of the proposed entertainment. The nature of the proposed entertainment will be clearly stated in the consultation letter sent by the Licensing Authority to Ward Councillors .

Personal Licences

To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.

Holders of a 'Personal Licence' must hold a recognised licensing qualification, details of the current list of approved training qualifications and providers can be found on the .gov.uk website , be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with endorsed photographs of the holder are needed as part of an application for a Personal Licence.

In some premises there may be more than one person holding a 'Personal Licence' and it is important that one person is named as being in control, this person is called the 'Designated Premises Supervisor'. The name of the 'Designated Premises Supervisor' will be stated on every Premises Licence granted by the Licensing Authority.

There is one exemption from the need for a personal licence holder and "Designated Premise Supervisor" in line with the mandatory requirements of the Licensing Act 2003 section 19(2) and 19(3). That is in the case where a community premises (church and village halls etc.) has applied for and been granted an application to disapply these mandatory conditions.

Note:-

Further information on this can be found in the Department of Media Culture and Sports guidance issued under section 182 of the Licensing Act 2003.

In determining applications for personal licences the Licensing Authority will have regard to the guidelines issued by the Secretary of State under section 182 of the Licensing Act 2003 and any secondary legislation. The promotion of the four licensing objectives applies to the consideration of applications for personal licences equally as it does to applications for premises licences.

Criminal Records

The Licensing Authority will require applicants for personal licences to produce a certificate detailing any current criminal convictions (this must be of an approved type and must have been issued less than one calendar month prior to the application, details of the approved type of certificate can be found on the .gov.uk website)

Applicants for Personal Licences are requested to send a copy of their application form and certificate of current criminal record to the Metropolitan Police (For address see appendix B). All applicants will also be required to make a clear statement as to whether or not they have been convicted outside England and Wales of any relevant offences or foreign equivalents. When considering applications for personal licences the Licensing Authority will have due regard to any previous unspent convictions for relevant offences.

Where unspent convictions for relevant offences exist the Licensing Authority will liaise closely with the Police. Where Police object to the grant of a personal licence on the grounds of previous criminal records, the applicant will be given the opportunity to have his or her application heard by the Licensing Sub Committee as soon as possible. Under the Human Rights Act 1998 each applicant has the right to a fair hearing and the Licensing Authority will judge each application individually

Integrating Strategies and Avoiding Duplication

Many people and organisations are involved with, or affected by, the ways in which licensed premises are operated. Most are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Amongst the various stakeholders there will be a wide range of strategies that relate to, or are influenced by, the exercise of the Council's licensing function.

The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes. Some regulations, however, do not cover the unique circumstances of some entertainment. The Licensing Authority will consider attaching conditions to Premises Licences and Club Premises Certificates where these are necessary for the promotion of the licensing objectives are not already provided for in any other legislation, are not contained within the applicant's operating schedule and if there are relevant representations.

Planning and Building Control

There should be a clear separation of the planning and building control functions and the licensing regimes. Licensing applications should not be a re-run of the planning application process. The Licensing Authority **will not grant** an application for a new Premises Licence or Club Premises Certificate unless it is satisfied that all relevant planning permissions are in place where necessary.

This condition will not apply to an application for a provisional statement under section 29 of the Licensing Act 2003.. When considering representations to the granting of a new Premises Licence or Club Premises Certificate or a variation of an existing licence or certificate, which is not subject to any planning conditions, the Licensing Sub Committee may request information as to any planning conditions attached to similar premises in the locality. The Sub Committee may consider the reason for the implication of such conditions and consider those in relation to the application being determined.

Alcohol and Public Health

Introduction

Alcohol plays a significant part in the social lives of many people and while the majority of people are able to enjoy a few drinks without suffering long term health problems, it remains a concern that over a quarter (63,029) of the Bromley population over 16 are drinking above the levels recommended by the Department of Health.

A large number of people do not know how much they drink. Weekly sales of alcohol are twice as much as the population estimate they drink. This suggests we underestimate what we drink by a huge 50%. There is a need to develop an approach in Bromley which gives people the tools to understand and reduce their alcohol consumption.

The Annual Public Health Report 2014 and the Alcohol Needs Assessment 2014 have presented a strong evidence base for more development in approaches to designing prevention services to address problem drinking and promoting safe, sensible drinking as the social norm in Bromley.

What are the dangers of drinking too much alcohol?

Alcohol related harms are broad ranging and can be associated with even moderate levels of drinking. Health-related problems include: hypertension, cardiovascular disease, cancer, liver disease, mental illness, accidents in the home and on the road, violence and premature death.

In most cases the relationship between alcohol and health is simple: the more you drink the greater the risk of harm. But harm is not limited to health. Alcohol misuse and dependency can affect work productivity, resulting in poor performance, disciplinary procedures and eventually dismissal, which in turn can result in financial difficulties for the individual and their family. It invariably affects relationships, creating barriers between the drinker and their partner and children, and sometimes verbal and physical abuse.

Children and young people can do little to protect themselves from the effects of parental drinking and can suffer emotional distress, neglect or physical injury. Nationally, in around half of all violent crimes, victims believed their attackers had been drinking. Alcohol is also a common feature of domestic and sexual violence. High levels of alcohol consumption are associated with increased risk taking generally, particularly among young people, including unsafe sex and drink driving.

Alcohol Consumption in Bromley

Obtaining reliable information about drinking behaviour is difficult, and social surveys consistently record lower levels of consumption than would be expected from the data on alcohol sales. However, a range of data sources which are available locally were extracted and analysed to understand patterns and trends in alcohol consumption in the Bromley population.

An estimated 73.6% of all drinkers over sixteen in Bromley are in the lower risk category and drinking within the recommended levels, compared to 73.4% for London. There are 19.5% of drinkers at increasing risk, and a further 6.9% at higher risk, which was similar to the London average.

Age-specific alcohol consumption has been estimated for adults aged 16-74 years old in Bromley using a nationally developed model. The North West Public Health Observatory used data from the general household survey to estimate the levels at which people are drinking. This report for Bromley demonstrated that:

- More men are drinking at hazardous and harmful levels than women at every age.
- The proportion of men drinking at harmful levels between the ages of 16 and 75 years is three to four times that for women.
- When the proportions are applied to Bromley, there are 22,164 men and 7,771 women who could be consuming 40g (5 units) of alcohol or more per day. That is around 30,000 people drinking alcohol at harmful or hazardous levels in Bromley.
With the exception of those who do not drink all the other groups are at increasing risk of alcohol related harm. The risk increases with increasing levels of consumption. The majority of the Bromley population drink at the lower levels of risk.
- Most young people in Bromley are drinking alcohol at low levels but some young people are drinking at hazardous and harmful levels.
- Alcohol-specific hospital admission rates for the under 18 age group in Bromley has been gradually increasing.
- The mortality rate from alcohol related causes in Bromley has risen for women whilst remaining level for men.

Because the reasons that people drink are varied, a combination of interventions are needed to reduce alcohol related harm, at both population and individual levels.

Global and National Policies exist to reduce alcohol related harm, including Department of Health Guidance, NICE Guidance and a government strategy on Alcohol.

Population level approaches

Population approaches are important because they can help reduce the aggregate level of alcohol consumed and therefore lower the whole population's risk of alcohol related harm.

Population approaches can help by creating an environment that supports lower risk drinking. *Examples of population approaches* include those that seek to control the availability of alcohol through pricing, licensing controls, and preventing under age sales.

International evidence suggests that making it less easy to buy alcohol, (by reducing the number of outlets selling it in a given area and the days and hours when it can be sold), is an effective way of reducing alcohol related harm. The research base also supports the use of local crime and related trauma data to map the extent of alcohol related problems before developing or reviewing a licensing policy. If an area is saturated with licensed premises, and the evidence suggests that additional premises may affect the licensing objectives, then adoption of a cumulative impact policy should be used and, if necessary, the number of new licensed premises in a given area should be limited.

In addition, effective interventions on preventing under age sales, sales to people who are intoxicated or proxy sales (that is, illegal purchases for someone who is under-age or intoxicated) have been effective in reducing harm, in particular to young people. Ensuring that action is taken against premises that regularly sell alcohol to people who are under age, intoxicated or making illegal purchases for others is important in reducing harm. NICE and other studies support undertaking test purchases (using mystery shoppers) to ensure compliance with the law on under age sales.

What are the tools that assist people in understanding when they are drinking too much and what they can do to cut down?

- NHS professionals should routinely carry out screening of alcohol use and non-NHS professionals should focus on groups that may be at an increased risk and who have alcohol related problems.
- Once screening has been carried out and harmful or hazardous drinking has been identified people should be offered a session of structured brief advice on alcohol.
- All professionals with a safeguarding responsibility for children and young people should use their professional judgement to routinely assess children they think are drinking alcohol.
- School based interventions on alcohol, are also recommended for children who drink alcohol in order to reduce harm and prevent setting a harmful drinking pattern for life. Supporting people in understanding how much alcohol they are drinking is key to promoting sensible drinking as the social norm.

References

Bromley Annual Public Health Report (2014) Alcohol? Bromley Public Health Department

Bromley Alcohol Needs Assessment (2014) Bromley Public Health Department

ONS, Alcohol statistics for England, 2013.

NICE guidelines (PH24) Alcohol-use Disorders: preventing harmful drinking (2010)

Public Health England, Local Alcohol Profiles for England, Bromley Figures, 2014.

In NICE guidance⁵, 'increasing risk' equates with 'hazardous drinking' and 'higher risk' equates with 'harmful drinking'.

Binge drinking

The definition of binge drinking used by the NHS and the Office for National Statistics (ONS) is drinking more than double the lower risk guidelines for alcohol in one session. Binge drinking for men, therefore, is drinking more than 8 units of alcohol – or about three pints of strong beer. For women, it's drinking more than 6 units of alcohol, equivalent to two large glasses of wine.⁶

Dependence

Drinkers can also be classified by their addiction to alcohol, known as dependence. Alcohol dependence is characterised by craving, tolerance, a preoccupation with alcohol and continued drinking despite harmful consequences (for example, liver disease or depression caused by drinking). Someone who is alcohol-dependent may persist in drinking, despite harmful consequences. They will also give alcohol a higher priority than other activities and obligations.

☐ **Mild dependence:**

May crave an alcoholic drink when it is not available or find it difficult to stop drinking.

☐ **Moderate dependence:**

Likely to have increased tolerance of alcohol, suffer withdrawal symptoms, and have lost some degree of control over their drinking.

☐ **Severe dependence:**

May have withdrawal fits (delirium tremens: e.g. confusion or hallucinations usually starting between two or three days after the last drink); may drink to escape from or avoid these symptoms.

RISK			Men	Women
1	Lower risk This level of drinking means that in most circumstances you have a low risk of causing yourself future harm.	Sensible drinking Drinking within the recommended limits.	No more than 3-4 units a day on a regular* basis.	No more than 2-3 units a day on a regular* basis.
2	Increasing risk Drinking at a level that increases the risk of damaging your health and could lead to serious medical conditions.	Hazardous drinking A pattern of alcohol consumption that increases risk of harm.	More than 3-4 units a day on a regular* basis.	More than 2-3 units a day on a regular* basis.
3	Higher risk This level of drinking has the greatest risk of health problems.	Harmful drinking A pattern of alcohol consumption that is causing mental and physical damage.	More than 50 units per week (or more than 8 units per day) on a regular* basis.	More than 35 units per week (or more than 6 units per day) on a regular* basis.

Cultural Strategies

The Licensing Authority wishes to encourage the provision of a culturally diverse range of regulated entertainment within the Borough, particularly live music and dance,. Where there is evidence that licensing's deterring this, the Licensing Committee will review this policy with a view to improving the situation.

Racial Equality

The Licensing Authority recognises its responsibilities under the Race Relations Act 1976 (as amended) to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between different racial groups and will seek to satisfy this in effecting this Policy Statement.

People with Disabilities

The Licensing Authority seeks to encourage people with disabilities to partake in the provision and use of licensed premises and activities. Premises Licence holders and Clubs are reminded of the duties imposed by the Disability Discrimination Act 1995, which requires that any person providing a service to the public must make reasonable adjustments to enable disabled people to access the service. It is the policy of Government that facilities for people and performers with disabilities should be provided at places of entertainment and they encourage premises Licence Holders and Club Premises Certificate holders to provide facilities enabling their admission. In support of these aims the Licensing Authority will not attach conditions to a licence or certificate that conflict with or duplicates these requirements. Access to buildings and their facilities is also a matter addressed in building regulations and planned alterations affecting access may involve the need to apply for building regulation approval.

The Equality Act 2010 has introduced protection from three new forms of disability discrimination:

- direct discrimination because of disability in relation to goods, facilities and services
- indirect disability discrimination, and
- discrimination arising from disability.

Businesses also have an obligation to make reasonable adjustments to help disabled individuals access their goods, facilities and services.

It is important that appropriate steps are taken to ensure legislative requirements in respect of health and safety are fully met, including in respect of all disabled people (including staff and performers). However, licensing authorities and other responsible authorities should avoid imposing inappropriate conditions which may actively deter operators from admitting or employing disabled people.

CENSORSHIP

THE PERFORMANCE OF PLAYS

The Licensing Authority will not attach conditions to a premises licence or club premises certificate which attempts to censor or modify the content of plays in anyway

FILMS

In general, other than in the context of film classification for film exhibitions, the licensing authority will not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment.

This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

Enforcement

Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. We will support businesses to comply with the law but view offences and breaches of licence conditions seriously.

The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this. The Licensing Authority will work closely with the Police to establish protocols to ensure an efficient deployment of Police and Licensing Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that High-risk premises receive the highest priority.

The enforcement action will be:

- Targeted toward those premises presenting the highest risk
- Proportional, to the nature and seriousness of the risk those premises present
- Consistent, so that we take similar approaches in similar situations
- Transparent, so those who are subject to enforcement action know what to expect
- Accountable, so that we take responsibility for our actions.

The Licensing Authority has instructed its officers to adopt a zero tolerance approach to offences and breaches of licence conditions. In practice this means that licensing officers will investigate significant complaints alleging breaches of the Act or licence conditions and act on all sources of reliable intelligence (including local residents and businesses) with a view to establishing if offences have been committed.

Such matters may include:

- Unauthorised licensable activities or breach of licence conditions
- Allowing disorderly conduct on licensed premises
- Sale of alcohol to children and the consumption of alcohol by children
- Sale of alcohol to a person who is drunk

Where licensing officers have such evidence they have a range of enforcement options including:

- Offering advice /guidance (verbal or written)
- Informal written warnings
- Formal cautions
- Prosecutions
- Review of Premises Licences where there are problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm
- Closure of premises that are experiencing or are likely to experience crime and disorder or public nuisance.

The Licensing Authority encourages a graduated approach to enforcement as set out in the Environmental Health & Trading Standards generic enforcement policy however in the cases of offences relating to :-

1. The deliberate and persistent provision of unlicensed activities especially the sale of alcohol
2. The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives(crime and disorder, public safety, public nuisance or protection of children from harm)
3. Persistent underage sales
4. The use of licensed premises in connection with organised criminal activity
5. Allowing disorderly conduct on licensed premises
6. Delivering alcohol to children
7. Allowing the sale of alcohol to children
8. Sending a child to obtain alcohol

It is the expectation that Formal Action (including Fixed Penalty Notices, Formal Cautions, Use of closure Notices , Reviews and / or Prosecution) will be the preferred approach.

Where Members of the Licensing sub-committee are required to hear an application to 'Review' a licence they will be guided by the decision of the High Court in *Bassetlaw District Council v Worksop Magistrates Court* 2008 EWHC 3530 (Admin), that deterrence is an appropriate consideration when dealing with Reviews where that has been activity in connection with criminal activity.

Appeals against Licensing Sub Committee decisions

Following the determination of an application by a Licensing Sub Committee the applicant or any objector has the right to appeal against the decision to Bromley Magistrates Court within 21 days.

Where the appeal is brought by an applicant it will be the Licensing Authority's usual policy to defend the Sub Committee's decision. This is because the applicant is asking the Court to grant more than the Council deemed appropriate for the promotion of the licensing objectives.

Where an appeal is lodged by an objector following a Sub Committee hearing, the Licensing Authority will always be a "respondent" along with the licence holder. In such cases the Licensing Authority may choose not to be legally represented at the hearing of the appeal at the Magistrates Court. The licence holder as co-respondent may appoint legal representation. A licensing officer will attend court to assist the licence holder and court.

The reason for this is that if an objector's appeal were to be upheld by the Court it would not prejudice the Licensing Authority's decision as to what was appropriate for the promotion of the licensing objectives. It also retains the licence holders right to defend the Licensing Authority's original decision.

The Court makes a charge to lodge an appeal (currently£400) but the appellant may be liable to pay the legal costs of the respondent if the appeal is unsuccessful.(Further details can be obtained from Bromley Magistrates Court See appendix F for contact details).

Where an appeal to the Magistrates Court is not brought by an objector following a Licensing Sub Committee decision and problems relating to the promotion of the Licensing Objectives do subsequently arise residents can seek a formal Review of the licence. Anyone wish to consider this is advised to contact the Licensing Team for further advice. (See Appendix C for contact details).

Administration, Exercise and Delegation of Functions

The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a General Purposes and Licensing Committee to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub Committees to deal with them. Many of the decisions and functions are purely administrative in nature and the grant of non-contentious applications (including for example, those licences and certificates where no representations have been made) has been delegated to Licensing Authority Officers. The table overleaf sets out the agreed delegation of decisions and functions to the General Purposes and Licensing Committee, Sub Committees and officers. This form of delegation is without prejudice to officers referring an application to a Sub Committee, , if considered appropriate in the circumstances of any particular case. The Licensing Authority's General Purposes and Licensing Committee have approved its own rules relating to the conduct of hearings by the Licensing Subcommittees under Licensing Act 2003 sec 9(3). A copy is available on request.

Delegation of Functions I

Table: Recommended Delegation of Functions

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

The Role of Ward Councillors

Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations as an interested party in their own right

For example, ward councillors may apply for a review of a licence if problems at a specific premise which justify intervention are brought to their attention.

Ward Councillors are informed of all new applications and any application to vary a licence in their ward. Individual Councillors may publicise an application locally in addition to the statutory publication carried out by the applicant

Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. Details on how to contact Ward Councillors may be obtained from the Council's Website or by telephoning 0300 303 8672 .

If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.

Ward Councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if

- They have made a personal representation
- They have made a representation on behalf of local residents or businesses as 'community advocates'
- They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.

Appendix A

Definitions

In this Policy certain words or terms are used which have a specific meaning in the Licensing Act 2003. The following definitions are provided to help you understand them.

For full details see section 190 to 194 and Schedule 1 and 2 of the Licensing Act 2003 which is available free at www.opsi.gov.uk

A premises licence authorises the use of any premises for licensable activities. Licensable activities are defined in section 1 of the 2003 Act, and a fuller description of certain activities is set out in Schedules 1 and 2 to the 2003 Act.

Licensable Activities

- The sale by retail of alcohol
- The supply of alcohol by clubs
- The provision of regulated entertainment
- The provision of late night refreshment.

Regulated entertainment

Schedule 1 to the 2003 Act sets out what activities are to be treated as the provision of regulated entertainment and those that are not and are therefore exempt from the regulated entertainment aspects of the licensing regime, including incidental music – (Chapter 15 of the current Home Office Guidance) sets out the types of entertainment regulated by the 2003 Act.

Types of regulated entertainment

Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime.

The descriptions of entertainment activities licensable under the 2003 Act are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music;
- any playing of recorded music;

a performance of dance; and

entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

take place in the presence of a public audience, or

where that activity takes place in private, be the subject of a charge made with a view to profit.

Authorised persons

The first group –“authorised persons”– are bodies empowered by the 2003 Act to carry out inspection and enforcement roles. The police are not included because they are separately empowered by the 2003 Act to carry out their duties.

For all premises, the authorised persons include:

- officers of the licensing authority;
- fire inspectors;
- inspectors with responsibility in the licensing authority's area for the enforcement of the Health and Safety at Work etc Act 1974 etc; and
- officers of the local authority exercising environmental health functions.

Local authority officers will most commonly have responsibility for the enforcement of health and safety legislation, but the Health and Safety Executive is responsible for certain premises. In relation to vessels, authorised persons also include an inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995. These would normally be officers acting on behalf of the Maritime and Coastguard Agency. The Secretary of State may prescribe other authorised persons by means of regulations, but has not currently prescribed any additional bodies. If any are prescribed, details will be made available on the GOV.UK website.

Responsible Authorities

For all premises, responsible authorities include:

- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;

- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority's Director of Public Health (DPH) in England³ and Local Health Boards (in Wales); and
- the local weights and measures authority (trading standards).
- The licensing authority

Other persons

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious

Risky drinking behaviours

There are many terms currently in use for classifying different types of drinking behaviour. The main terms are used to classify drinking either in terms of the risk of harm, or the pattern of consumption. There is a further categorisation of people who drink at hazardous levels and have become dependent on alcohol.

The WHO⁴ and NICE refer to sensible, hazardous and harmful levels of drinking.

☐ **Sensible drinking:**

Those who are drinking within the recommended limits

☐ **Hazardous drinking:**

A pattern of alcohol consumption that increases someone's risk of harm. Some would limit this definition to the physical or mental health consequences (as in harmful use). Others would include the social consequences.

☐ **Harmful drinking**

A pattern of alcohol consumption that is causing mental or physical damage.

The Department of Health has recently introduced the terms 'lower risk', 'increasing risk' and 'higher risk' based on units of alcohol. This classification complements the medically defined terms hazardous and harmful.

☐ **Lower-risk drinking:**

Regularly consuming 21 units per week or less (adult men) or 14 units per week or less (adult women). It is also known as 'sensible' or 'responsible' drinking.

☐ **Increasing-risk drinking:**

Regularly consuming over 50 alcohol units per week (adult men) or over 35 units per week (adult women).

☐ **Higher-risk drinking:**

Regularly consuming over 50 alcohol units per week (adult men) or over 35 units per week (adult women).

Appendix B

Responsible Authorities Contact List

Licensing Act 2003

Who do I have to send a copy of an application to?

When you make an application for a licence you have to send copies of your application to various people and organisations. This list gives you the names and addresses of those people.

At the Council

The Licensing Team	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	licensing@bromley.gov.uk 020 8313 4218 020 8461 7956/7546
Public Health Complaints Team	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	ehs.customer@bromley.gov.uk 020 8313 4800
Health and Safety Team (unless the premises are visited by HSE, see below)	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	health.safety@bromley.gov.uk 020 8313 4800
Chief Inspector of Weights and Measures	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	trading.standards@bromley.gov.uk 020 8313 4800
Planning Department	Planning Enforcement North Block, Civic Centre, Stockwell Close, BR1 3UH	planning@bromley.gov.uk

Bromley Safe Guarding Children Board	Room B40A St. Blaise, Civic Centre, Stockwell Close, BR1 3UH	bscb@bromley.gov.uk 020 8461 7816
Public Health	The Director of Public Health Bromley Civic Centre, Stockwell Bldg, Stockwell Close, Bromley Kent BR1 3UH	

Others

Metropolitan Police	Metropolitan Police Service Bromley Borough Police Station, High Street, BR1 1ER	licensing.py@met.police.uk 020 8284 9988
London Fire Brigade	Documents Management 169 Union Street London SE1 0LL	FSR-AdminSupport@london-fire.gov.uk Telephone: 020 8555 1200 Ext. 37630
HSE Only if the premises are visited by the HSE and not the Council	HSE Rose Court 2 Southwark Bridge London, SE1	licensing.applications@hse.gsi.gov.uk

In any case such certificate or search results shall be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority.

Appendix C

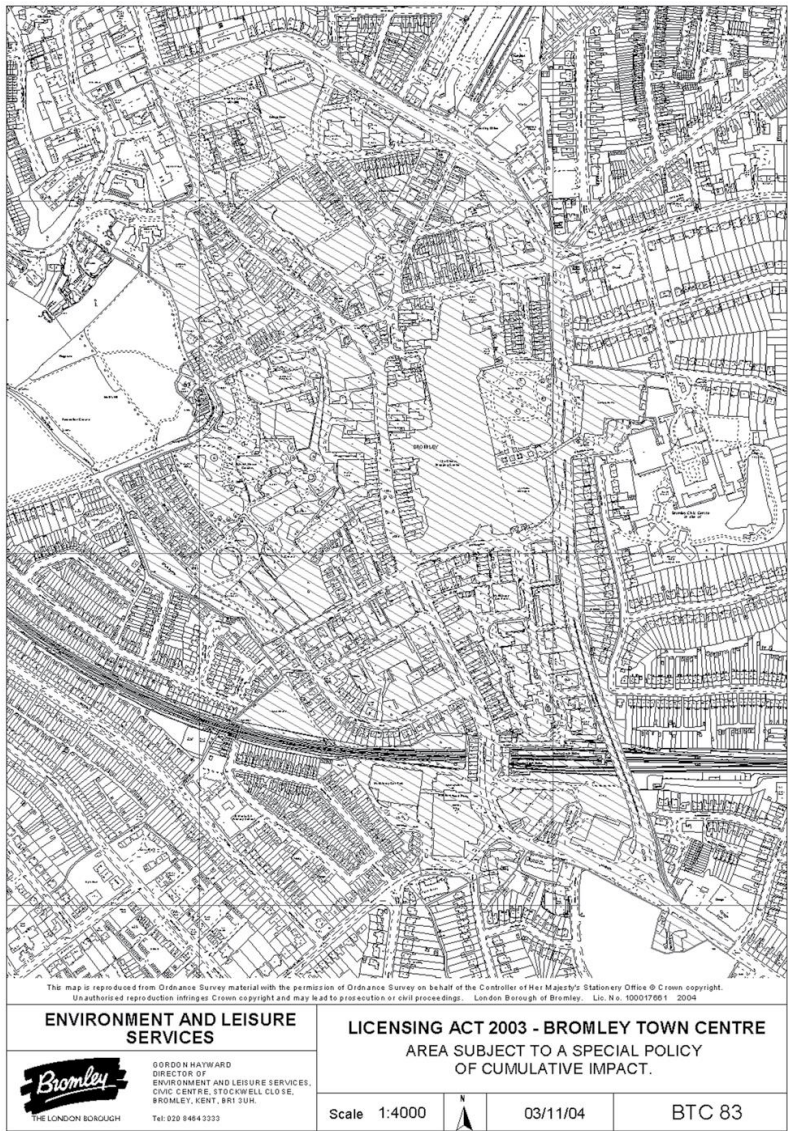
Declaration of Bromley and Beckenham Town Centres as being subject to a Special Policy of Cumulative Impact

On the 29 November 2004 the Licensing Authority considered a recommendation from the General Purposes and Licensing Committee (Report refES04313) that Bromley Town Centre as defined in the attached map ref BTC 83 should be subject to a Special Policy of Cumulative Impact. On the 21 February 2007 the Licensing Authority considered a recommendation from the General Purposes and Licensing committee (Report refACS07005) that Beckenham Town Centre as defined in the attached map ref Acs 07005 should be subject to a Special Policy of Cumulative Impact. The Licensing Authority is satisfied that within both of these areas the promotion of the four Licensing Objectives is being undermined by the presence of a significant number of licensed premises.

What is the effect of a Special Policy of Cumulative Impact

In an area subject to 'cumulative impact' the Licensing Authority will refuse to grant new Premises Licences, Club Premises Certificates or material variations to existing licenses where it receives relevant representations about cumulative impact on the licensing objectives which it concludes after hearing those representations should lead to a refusal. The Licensing Authority cannot refuse an application unless it receives valid objections from local residents, businesses or organisations. If no objections are made, an application will be granted.

Map of Bromley Town Centre



Map of Beckenham Town Centre



D: Contact Details

Licensing Team

Paul Lehane....Manager Food, Safety & Licensing .	020 8313 4216
Steve Phillips...Team Lead Licensing Officer	020 8313 4659
David Candeland...Licensing Officer.....	020 8313 4210
Laurie Grasty.....Licensing Officer.....	020 8313 4734
Paul Double.....Licensing Admin Officer.....	020 8313 4218
Esther Devarajulu. Licensing Admin Officer.....	020 8461 7546
Tracy Jones Licensing Admin Officer	020 8313 4701
Sandy Gillah Licensing Admin Officer	020 8461 7956

E.mail address - licensing@bromley.gov.uk

Planning

General Enquiries.....020 461 7763

Bromley Police Licensing Team

PC J Booth.....Police (Licensing).....020 8284 9988

London Fire Brigade

General Enquiries.....020 8555 1200 x 37630

Inland Revenue

South London Area.....0845 302 1455

Bromley Magistrates Court

The Court House1 London RoadBromleyBR1 1BY 020 8325 4000

Appendix E

Licensing Act 2003 Suggested Petition Format

Lead Petitioner contact details

Name	
Address	
Home Tel	
Work Tel	
Mobile Tel	
Email	
Signature	

Details of application

Name of Business	
Address of site	
Licensable Activity	Proposed Hours of operation
Retail sale of alcohol	
Regulated Entertainment	
Late Night Refreshment	
Indoor Sport	

We the undersigned petition Bromley Council as the Licensing Authority to

--

The completed petition should be sent to the Licensing Team Public Protection L.B.
Bromley Civic Centre Stockwell Close Bromley BR1 3UH. Email
licensing@bromley.gov.uk . Tel 020 8313 4218.

Page ____ of ____

Name of Business	
Address of site	
Licensable Activity	Proposed Hours of operation
Retail sale of alcohol	
Regulated Entertainment	
Late Night Refreshment	
Indoor Sport	

Name	Address including post code	Signature

Which Licensing objective do your representations relate to (Please tick)

- | | |
|---------------------|-------------------------------------|
| 1. Crime & Disorder | 2. Public Nuisance |
| 3. Public Safety | 4. Protection of Children from harm |

Reasons for your objection :-

Name	Address including post code	Signature

Which Licensing Objective do your representations relate to (Please tick)

- | | |
|---------------------|-------------------------------------|
| 1. Crime & Disorder | 2. Public Nuisance |
| 3. Public Safety | 4. Protection of Children from harm |

Reasons for your objection :-

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Report No.
ES15055

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: General Purposes & Licensing

Date: 14 July 2015

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **DRAFT GAMBLING POLICY 2016-2019 - GAMBLING ACT 2005**

Contact Officer: Paul Lehane, Head of Food, Safety & Licensing
Tel: 020 83134216 E-mail: paul.lehane@bromley.gov.uk

Chief Officer: Executive Director of Environment and Community Services

Ward: All

1. Reason for report

To seek Members agreement to undertake public consultation on the draft Gambling Policy for 2016-2019.

2. **RECOMMENDATION(S)**

Members are asked to

- a. **Agree that draft gambling policy attached to this report be subject to public consultation until 30 August 2015**
- b. **Receive feedback from the consultation at the next meeting on 17 September 2015**

Corporate Policy

1. Policy Status: Existing policy. Statement of Gambling Policy 2013-2016
 2. BBB Priority: Safer Bromley. Children and Young People, Excellent Council, Quality Environment Vibrant, Thriving Town Centres
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Public Protection & Safety Portfolio Budget
 4. Total current budget for this head: £2.277m
 5. Source of funding: Existing revenue budgets 2015/16
-

Staff

1. Number of staff (current and additional): 51 ftes
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 150 licensed premises and all residents and businesses living and trading in the vicinity of licensed premises
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Council is the 'Licensing Authority' under the Gambling Act 2005 (Section 349) and must prepare and publish a statement of its licensing policy for periods of three years. The policy must be reviewed from time to time and before each three year period. The current policy was reviewed by Members of GP&L on 26 September 2012 and adopted by Council on 12 November and come in effect on 6 January 2013.
- 3.2 The current policy is now due for review and a working draft is attached (Appendix 1). It has been revised to meet the current guidance, licence conditions & code of practice from the Gambling Commission. These include
- a. We will exchange information with the Gambling Commission, Police, Customs and Excise, Gambling Appeal Tribunal, National Lotteries Commission and Secretary of State.
 - b. We will ask for Information from Operators and Premises Licence Holders, including their risk assessments and details of underage sales test purchases undertaken on their behalf.
 - c. Local Area Profiles. The Licensing Team have been in communication with relevant local representative organisations to find out if there is any evidence that Local Area Profiles are necessary. They have received comments that one may be necessary in Penge but are working with a number of local people to establish an evidence base for this. If the case is established then a local area profile can be developed at any stage and added to the Gambling Policy.
- 3.3 The revised policy is now ready for statutory public consultation and comments can be made until 30 August 2015. Details of any representations will be reported to GP&L on 17 September 2015.

4. POLICY IMPLICATIONS

- 4.1 The Council is obliged to adopt and publish a Statement of its Gambling Policy. It is also under a duty to keep the policy under review and to revise it when appropriate. Before adopting a revised policy there needs to be a process of public consultation including specified bodies.

5. LEGAL IMPLICATIONS

- 5.1 See Policy implications

Non-Applicable Sections:	Financial and Personnel Implications
Background Documents: (Access via Contact Officer)	Gambling Act 2005. Guidance issued by the Gambling Commission 4 th Edition. Bromley's Gambling Policy 2013-2016

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LONDON BOROUGH OF BROMLEY
GAMBLING ACT 2005
DRAFT STATEMENT OF GAMBLING POLICY
2016 – 2019

Statement of Policy - Gambling Act 2005
Contents

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- A.1. Summary of the Gambling Act
- A.2. Introduction
- A.3. Declaration
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- A.5. Responsible Authorities
- A.6. Interested parties

- A.7. Exchange of information
- A.7.1. Information from Operators and Premises Licence Holders
- A. 8. Inspection and Enforcement
- A. 9. Licensing Authority functions

Part B - Premises licences

- B.1. General Principles
- B.2. Definition of premises
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- B.6. Licensing objectives
- B.7. Conditions
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- B.9. Adult Gaming Centres
- B.10. Licensed Family Entertainment Centres
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- B.12. Bingo
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Part C - Permits / Temporary and Occasional Use Notices

- C.1. Unlicensed Family Entertainment Centre gaming machine permits
- C.2. (Alcohol) Licensed premises gaming machine permits
- C.2.1. Automatic Entitlement
- C.2.2. More than two machines
- C.3. Prize Gaming Permits
- C.4. Club Gaming and Club Machines Permits
- C.5. Temporary Use Notices
- C.6. Occasional Use Notices

Appendices

- Appendix A - Map of London Borough of Bromley
- Appendix B - Responsible Authorities details

PART A - GENERAL

A.1. Summary of the Gambling Act 2005

The Gambling Act 2005 establishes a system of licences and permits for a wide range of gambling activities.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

For the purposes of the Gambling Act 2005 the London Borough of Bromley is the Licensing Authority.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives which are:

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

The licensing authority will make decisions about premises licences, permits and temporary use notices with reference to the following documents and guidance:

- The relevant guidance issued by the Gambling Commission
- The relevant Licence Conditions and Code of Practice issued by the Gambling Commission
- that are reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises and travelling fairs.

The council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

A.2. Introduction

The London Borough of Bromley is situated on the borders of South East London and Kent. Geographically it is the largest of the London boroughs with an area of approximately 58 Sq miles. The borough has a population of approximately 300,000.

The central and northern parts of the borough are urban and densely populated with the main residential centres being:

- Penge/Anerley
- Beckenham
- West Wickham
- Bromley
- Chislehurst / Mottingham
- Orpington / Farnborough
- St Paul's Cray / St Mary Cray

The Southern part of the Borough is rural with Biggin Hill as its main residential and commercial centre. See Map of Borough in **Appendix A**

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions.

This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

The licensing authority is consulting widely upon this statement before finalising and publishing.

A list of those persons consulted is provided below. It should be noted that unsolicited comments may be received from other persons.

List of persons this authority consulted:

- All Councillors
- The Metropolitan Police – Bromley Police Station
- The London Fire Brigade
- Planning Department of the London Borough of Bromley
- Public Health Complaints Team
- The Director for Children's Services
- All known premises with AWP Machines
- All known operators of licensed Betting Offices
- All known operators of licensed bingo halls
- All known registered Society Lotteries
- All known Residents Associations
- All known faith groups
- Other adjoining Councils
- Federation of Small Businesses

The consultation took place between XXXXXX and the XXXXXX

The full list of comments made and the consideration of those comments is available by request from the:

Licensing Team
Community Safety and Public Protection
Civic Centre
Stockwell Close
Bromley BR1 3UH

Tel 020 8313 4218 or via the council's website at: www.bromley.gov.uk

The policy will go to Full Council on the XXXXXX and will then be published on the council's website at: www.bromley.gov.uk.

Copies of the policy will be posted to all those who were initially consulted and anyone who responded to the consultation process.

Should you have any comments regarding this policy statement please send them via e-mail or letter to the following contact:

Paul Lehane

Manager Food, Safety and Licensing
 Community Safety and Public Protection
 Civic Centre
 Stockwell Close
 Bromley BR1 3UH
 Tel: 020 8313 4216
 e-mail: paul.lehane@bromley.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

A.3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

A.4. Licensing Authority Delegation under the Gambling Act

X depicts the lowest levels to which decisions can be made

Matter to be dealt with	Full Council	Licensing Sub-Committee	Officers
Final approval of the Licensing Authority Policy Statement	X		
Gambling Policy not to permit casinos	X		
Fee setting (Where appropriate)		X If delegated by full council	
Applications for new grant or variation of a premises licences where representations have been received and not withdrawn.		X	
Applications for new grant or variation of a premises licences where no representations have been made, or where any representations made have been withdrawn.			X

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

A.5. Responsible Authorities

When an application is received for a premises licence or permit, there will be a requirement to consult with a number of responsible authorities. It will be the responsibility of the applicant to send copies of their applications to the authorities listed below:

- London Borough of Bromley Licensing Authority
- The Gambling Commission
- The Metropolitan Police: Bromley Police Station
- The London Fire Brigade
- Planning Department of the London Borough of Bromley
- Public Health Complaints Team
- London Borough of Bromley Child Protection Team known as Bromley Safe Guarding Children Board
- HM Commissioners of Customs and Excise

The contact details of all the Responsible Authorities under the Gambling Act 2005 are set out in **Appendix B** of this policy and are also available via the Council's website at: www.bromley.gov.uk

Each responsible authority will consider an application and may make representations to the licensing authority in accordance with the 3 licensing objectives.

A.6. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Gambling Act 2005. An Interested Person is someone, who in the opinion of the licensing authority:

- Lives sufficiently close to the premises to be affected by the authorised activities taking place.
- Has a business interest that might be affected.
- Represent a person of the above.

We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. We will not apply a rigid rule to our decision-making.
- We will also consider the Gambling Commission's Guidance that "has

business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- Interested Parties will include trade associations and trade unions, and residents and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Other than these however, we will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter, email or fax from one of these persons requesting the representation is sufficient.

A.7. Exchange of Information

We are required to ensure that we exchange information in accordance with the Act (without contravening the Data Protection Act 1998) with the following bodies:

- The Gambling Commission
- The Metropolitan Police
- HM Commissioners of Customs and Excise
- Gambling Appeal Tribunal
- National Lotteries Commission
- Secretary of State

A.7.1. Information from Operators and Premises Licence Holders

We require operators/ premises licence holders to supply information to the licensing authority where relevant to the licensing objectives, LCCP and SRP this will include the following on at least an annual bases

- Premises and local area risk assessment
- How many test purchase activities have been undertaken
- How many incidents of gambling refusals due to
 - Underage
 - Excessive gambling where staff intervention has occurred
- How many self-excluded gamblers have registered at the premises

Information required as it occurs (notification via email, letter or phone)

- Incidents of failed age test purchases
- Incidents of crime and disorder (which required police notification or involvement)

8. Inspection and Enforcement

Our main aim is to ensure compliance with Premises Licences and other permissions that we authorise..

In accordance with our functions under the Gambling Act 2005 we will endeavour to be:

- **Proportionate:** and will only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** we should be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** our rules and standards must be joined up and implemented fairly;
- **Transparent:** we should be open, and keep regulations simple and user friendly; and,
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

Where inspections are undertaken the licensing authority will endeavour to be consistent with the guidance given by the Gambling Commission and where appropriate will have regard to the inspection templates they have produced. We will endeavour to avoid duplication with other regulatory regimes.

Enforcement

Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2005 Act. We will support businesses to comply with the law but view offences and breaches of licence conditions seriously.

The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this. The Licensing Authority will work closely with the Police to establish protocols to ensure an efficient deployment of Police and Licensing Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that High-risk premises receive the highest priority.

The enforcement action will be:

- Targeted toward those premises presenting the highest risk
- Proportional, to the nature and seriousness of the risk those premises present
- Consistent, so that we take similar approaches in similar situations
- Transparent, so those who are subject to enforcement action know what to expect
- Accountable, so that we take responsibility for our actions.

The Licensing Authority has instructed its officers to adopt a zero tolerance approach to offences and breaches of licence conditions. In practice this means that licensing officers will investigate significant complaints alleging breaches of the Act or licence conditions and act on all sources of reliable intelligence (including local residents and businesses) with a view to establishing if offences have been committed.

Such matters may include:

- Unauthorised licensable activities or breach of licence conditions
- Allowing disorderly conduct on licensed premises
- Allowing illegal Gambling to occur
- Allowing children to gamble or have access to age restricted premises or locations
- Allowing a person to gamble who is knowingly drunk

Where licensing officers have such evidence they have a range of enforcement options including:

- Offering advice /guidance (verbal or written)
- Informal written warnings
- Formal cautions
- Prosecutions
- Review of Premises Licences
- Closure of premises that are experiencing or are likely to experience crime and disorder or public nuisance.

The Licensing Authority encourages a graduated approach to enforcement as set out in the Environmental Health & Trading Standards generic enforcement policy however in the cases of offences relating to :-

1. The deliberate and persistent provision of unlicensed activities
2. The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives
3. Persistent underage gambling or access
4. The use of licensed premises in connection with organised criminal activity
5. Allowing disorderly conduct on licensed premises

A.9. Licensing Authority functions

We are required to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that the licensing authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

Part B

PREMISES LICENCES

B.1. General Principles

The licensing authority is responsible for administering applications for premises licences and permits. The premises licences will be subject to the requirements of the Act and its regulations.

The licensing authority may issue specific mandatory and default conditions, but it will also have the discretion to exclude default conditions and attach others, where it believes it to be appropriate.

Decisions about premises will be made:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission;
- That are reasonably consistent with the licensing objectives
- In accordance with the authority's statement of licensing policy.

Moral objections or demand for gambling are not a valid reason to reject applications for premises licences.

B.2. Definition of premises

Premises are defined in the Act as “any place”.

A premise can only hold one premises licence. A building can hold a number of premises licences if it contains a number of distinct premises within it. The question of whether different parts of the premises are separate will be considered at the time of application however the Gambling Commission does not believe that buildings that have been made temporarily or artificially separate are able to be considered as different premises.

We will ensure that when considering applications for multiple licences in a building that those areas that are used for non-gambling purposes are kept separate from the gambling areas. In particular we will be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

We will also ensure that applications where access to the licensed premises is through other premises are carefully considered. We will be looking at the issues of whether children can gain access; compatibility of the two establishments; and

ability to comply with the requirements of the Act. We want to ensure that the combination of the premises within the building will not allow an arrangement that would otherwise be prohibited under the Act.

An applicant for a premises licence may not obtain a full premises licence until the premises is constructed. We will ensure that the premises are sufficiently complete to enable a full inspection to be carried out by us and other responsible authorities where necessary.

B.3. Location of premises

When considering applications this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area.

The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.

From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of

gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.

In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertakes a local risk assessment when applying for a new premises licence.

The council will expect the local risk assessment to consider as a minimum:

- The specifics of any "Local Area Profile" so specified for the area of the premises
- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- A detailed scale plan showing the layout of the premises showing sight lines so that staff have an unobstructed view of all persons using the premises
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

B.4. Local Area Profiles

Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council has published XXXXXXXXXXXX xxxxx Local Area Profiles

These profiles which are compiled through the ???????????? and approved by the Licensing Committee can be obtained on the L B Bromley Web site

The local Area Profiles should be given careful consideration when making an application.

Applicants may be asked to attend a meeting with licensing officers to discuss the measures suggested in the guidance and how they might be relevant to their application. The Local Area Profiles will be presented to any subsequent Licensing subcommittee when they determine an application that has received representations.

The council recognises that it cannot insist that applicants address the local area profiles when completing their risk assessments. However an applicant who decides to disregard the guidance may face additional representations and the expense of a hearing as a result

B.5. Duplication with other regulatory regimes

We will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

B.6. Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives.

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

We acknowledge that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.

If during the course of considering a premises licence application or at any other

time, we have cause to question the suitability of the applicant to hold an operating licence, we will contact the Gambling Commission as soon as possible.

We will pay particular attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of organised crime we will consider carefully whether it is a suitable location or whether conditions may be applied such as the provision of door supervisors.

We recognise that in the case of gambling premises, disorder is intended to mean activity that is more serious and disruptive than just nuisance. Factors to consider when determining whether a disturbance is serious enough to constitute disorder would include whether police assistance is required and how threatening the behaviour is to those who could see or hear it.

If the disorder is serious or persistent and the operator could do more to prevent it, then we will contact the Gambling Commission so that it can consider the continuing suitability of the operator to hold an operators licence.

2. Ensuring that gambling is conducted in a fair and open way

We have noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.

3. Protecting children and other vulnerable persons from being harmed or exploited by gambling

We have noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). We will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

“Vulnerable persons”

Is considered by the gambling commission to include “people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” We will consider this licensing objective on a case-by-case basis.

The Department of Health document “No Secrets” offers a definition of a vulnerable adult as a person:

“who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

Should a more practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

B.7. Conditions

In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Licensing Conditions and Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gambling responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion
- Employment of children and young persons

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures we will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. We will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the

licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

We will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults (over 18) are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

It is noted that there are conditions that the licensing authority cannot attach to premises licences

- Any condition on the premises licence that makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winnings or prizes.

B.8. Door Supervisors –

There is no requirement for SIA registered Door Supervisors for casinos or bingo premises. For all other premises where the Gambling Act applies there may be a need for SIA registration and this should be considered on an individual basis. This will be consistent with the Gambling Act Guidance to Local Authorities.

The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises

becoming a source of crime.

It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority.

Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal record (CRB) check on potential staff and for such personnel to have attended industry recognised training

B.9. Adult Gaming Centres

Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many city centres.

Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises

We will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

B.10. (Licensed) Family Entertainment Centres

We will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.

Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located

Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
- only adults are admitted to the area where the machines (category C) are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises.

The licensing authority will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises
- proof of age schemes
- CCTV
- supervision of entrances
- supervision of machine areas
- a reduction in the number of betting machines (betting premises)
- the manning of premises
- specific opening hours
- a requirement that children must be accompanied by an adult
- enhanced CRB checks of the applicant and/or staff
- support to persons with gambling addiction
- policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half terms and summer holidays
- policies to address the problems associated with truant children who may attempt to gain access to premises and gamble

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff needs to be CRB checked.

The licensing authority will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

This list is not mandatory, nor exhaustive, and is merely indicative of example

measures.

B.11. Casinos

This licensing authority has resolved not to issue casino premises licenses under Section 166 of the Gambling Act 2005 (Resolution made at the meeting of the Full Council on the 6th November 2006).

B.12. Bingo premises

Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:

- cash bingo, where the stakes paid make up the cash prizes that are won
- prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

The game and rules of bingo have evolved to the point where, despite the absence of any formal industry standard, the way in which bingo is played is broadly similar throughout Great Britain. Bingo is equal chance gaming. The Commission has published its view of what bingo is and how it differs from other forms of gambling. This can be found in the advice note [What Constitutes Bingo](#). This advice was developed with the support of key stakeholders from the Bingo industry.

In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act

This licensing authority notes that the Gambling Commission's Guidance states:

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.

- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Please note: Further guidance will be issued by the Gambling Commission concerning this and it will be incorporated into the policy when available.

B.13. Betting premises

We will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

B.13.1. Betting machines in betting premises

The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons.

Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues..

B.14. Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalizer” or “tote”), and also general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track

just on race days to provide betting for the races taking place on that track. There can also be 'off-course' betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.

If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.

Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence

Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.

The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

B.15. Travelling Fairs

A fair is defined in section 286 of the Act. A travelling fair must "wholly or principally" provide amusements. These criteria will have to be met before the licensing authority decides whether, category D machines and/or equal chance prize gaming without a permit are made available for use at travelling fairs. We will bear in mind the statutory requirement that the facilities for gambling shall

amount to no more than an ancillary amusement. There is a 27-day maximum period that any land can be used by any travelling fair per calendar year.

We will work with neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

B.16. Provisional Statements

We have noted the Guidance for the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which is in the authority’s opinion reflect a change in the operator’s circumstances.

We have also noted the Gambling Commission’s Guidance that “A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.”

B.17. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant licensing conditions and code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission

- Reasonably consistent with the licensing objectives
- In accordance with the authority's statement of licensing policy

We as the licensing authority can also initiate a review of a licence based on any reason we think appropriate.

PART C

Permits, Temporary & Occasional Use Notices

C.1. Unlicensed Family Entertainment Centre gaming machine permits

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues."

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (FEC), and if the chief officer of police has been consulted on the application.

The licensing authorities require applicants for a permit to demonstrate the following:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this section have been addressed through the application.

Applicants only need to address the issues when making their initial applications and not at renewal time.

C.2. (Alcohol) Licensed premises gaming machine permits

C.2.1 Automatic Entitlement

S.282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.

If the person ceases to be the holder of the relevant alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence would also need to apply under s.282(2).

This is not an authorisation procedure. Licensing authorities have no discretion to consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.

The licensing authority can remove the automatic authorisation in respect of any particular premises if

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

C.2.2 More than two machines

If a premise has more than 2 machines, then an application must be made for a permit and the licensing authority must consider the following:

- the licensing objectives
- any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005,
- and “*such matters as they think relevant.*”

We consider that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy the authority that there will be no access may include

- the adult machines being in sight of the bar
- or in the sight of staff who will monitor that the machines are not being

used by those under 18.

- Notices and signage are appropriately positioned

As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.

Conditions (other than these) cannot be attached. It should also be noted that the holder of a permit must comply with any Licence Conditions and Code of Practice issued by the Gambling Commission about the location and operation of the machine.

C.3. Prize Gaming Permits –

Prize gaming; S.288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

Prize gaming without a prize gaming permit . Some operators have an entitlement to permit prize gaming with certain restrictions they are;

- Casinos
- Bingo operators
- Adult gaming centres
- Licensed family entertainment centres
- Travelling fairs

The licensing authority expects the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in

Regulations;

- and that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize);
- Participation in the gaming must not entitle the player to take part in any other gambling.

C.4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.

The Club Gaming Permit will

- Enable the premises to provide gaming machines (3 machines of categories B4, C or D),
- Equal chance gaming and games of chance as set out in forthcoming regulations.

A Club Gaming machines permit will:

- Enable the premises to provide gaming machines (3 machines of categories B4, C or D).

Commercial clubs may apply for a 'club machine permit' only.

Gambling Commission Guidance states:

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968.

A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.”

Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.

These measures may include:

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant’s premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

There is also a ‘fast-track’ procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission’s Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

C.5. Temporary Use Notices

The definition of Temporary Use Notices is found within part 9 of the Act. It allows the use of premises for gambling where there is no premises licence but the applicant holds the relevant operators licence.

Examples of premises that might be suitable for Temporary Use Notices are hotels, conference centres and sporting venues etc.

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed previously. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.

Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.

A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take

place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.

The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

C.6. Occasional Use Notices

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice. **Small society lottery registrations**

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Bromley and want to run such lottery.

A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

To be ‘non-commercial’ a society must be established and conducted:

- for charitable purposes,

- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council. Or the Gambling Commission via their website.

Appendix A

Map of London Borough of Bromley Boundary



Appendix B

Contact details for “Responsible Authorities”

The Licensing Team	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	licensing@bromley.gov.uk 020 8313 4218 020 8461 7956/7546
Public Health Complaints Team	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	ehs.customer@bromley.gov.uk 020 8313 4800
Health and Safety Team (unless the premises are visited by HSE, see below)	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	health.safety@bromley.gov.uk 020 8313 4800
Chief Inspector of Weights and Measures	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	trading.standards@bromley.gov.uk 020 8313 4800
Planning Department	Planning Enforcement North Block, Civic Centre, Stockwell Close, BR1 3UH	planning@bromley.gov.uk

Bromley Safe Guarding Children Board	Room B40A St. Blaise, Civic Centre, Stockwell Close, BR1 3UH	bscb@bromley.gov.uk 020 8461 7816
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Others

Metropolitan Police	Metropolitan Police Service Bromley Borough Police Station, High Street, BR1 1ER	licensing.py@met.police.uk 020 8284 9988
London Fire Brigade	Documents Management 169 Union Street London SE1 0LL	FSR-AdminSupport@london-fire.gov.uk Telephone: 020 8555 1200 Ext. 37630
HSE Only if the premises are visited by the HSE and not the Council	HSE Rose Court 2 Southwark Bridge London, SE1	licensing.applications@hse.gsi.gov.uk
Gambling Commission Victoria Square House adixon@gamblingcommission.gov.uk Victoria Square Birmingham B2 4BP		
HM Revenue and Customs NRU Port Cullis Hse 21 India St nrubetting&gaming@hmrc.gsi.gov.uk Glasgow G2 4P2		

Report No.
DCS15092

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: GENERAL PURPOSES & LICENSING COMMITTEE

Date: 14 July 2015

Decision Type: Non-Urgent Non-Executive Non-Key

Title: FEEDBACK ON 2015 UK PARLIAMENTARY (GENERAL) ELECTION

Contact Officer: Carol Ling, Electoral Services Manager
Tel: 020 8313 4367 E-mail: carol.ling@bromley.gov.uk
Mark Bowen, Director of Corporate Services
Tel: 020 8313 43553 E-mail: mark.bowenf@bromley.gov.uk

Chief Officer: Doug Patterson, Chief Executive and Returning Officer

Ward: List wards here

1. Reason for report

To advise Members on the key issues relating to the UK Parliamentary (General) Election held on Thursday 7 May 2015 and to give Members the opportunity to give comments on the electoral arrangements.

2. RECOMMENDATION(S)

Members note the contents of the report and consider if there is any feedback they want to give the Returning Officer for him to take into account when making arrangements for future elections.

Corporate Policy

1. Policy Status: N/A.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Conducting Elections
 4. Total current budget for this head: £N/A
 5. Source of funding: The Cabinet Office funds UK Parliamentary (General) Elections
-

Staff

1. Number of staff (current and additional): 7 full time staff, 5 casual staff and approximately 1,250 temporary staff (recruited by the Returning Officer) for staffing Polling Stations, opening and checking Postal Votes and staffing the Count
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement. The Council is required to designate one of its officers as Electoral Registration Officer under Section 8 of the Representation of the People Act 1983. The Electoral Registration Officer also acts as Acting Returning Officer for Parliamentary Elections (Section 28 of the 1983 Act). The Acting Returning Officer is personally liable for the conduct of these Elections,
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): c238,000 registered electors, candidates, agents and staff
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Introduction

- 3.1 Following the introduction of the Fixed Term Parliament Act 2011, the UK Parliamentary (General) Election date was fixed for Thursday 7 May 2015.
- 3.2 The administration of this election was the responsibility of the Acting Returning Officer (currently the Chief Executive). His duties as an Acting Returning Officer are separate from his duties as a local government officer. He is not responsible to the Council but is directly accountable to the courts as an independent statutory office holder.
- 3.3 The Acting Returning Officer was responsible for running the General election in the three constituencies of Beckenham, Bromley and Chislehurst and Orpington in the London Borough of Bromley.
- 3.4 However, the three wards of Clock House, Crystal Palace and Penge and Cator wards form part of the Lewisham West and Penge constituency and were under the responsibility of the London Borough of Lewisham. It was agreed that Lewisham were responsible for the nomination process, printing of the ballot papers and counting the votes; and the Acting Returning Officer was responsible for the issue of the poll cards, the issue, receipt and verifying of the postal votes and the setting up and staffing of the polling stations in these three wards.
- 3.5 The writs requiring the General election to be run were received at the end of March 2015 and the Notices of Election were published in each constituency triggering the start of the statutory timetable (now extended to twenty five working days).

Registering to Vote

- 3.6 This election was the first major electoral event since the introduction of Individual Electoral Registration in June 2014. Whilst no elector was removed from the register before the election because of this change, there were some electors (approximately 650) who lost their entitlement to vote by post or proxy because they had failed to register individually.
- 3.7 Individual Electoral Registration – and online registration in particular – brings greater opportunities to engage local residents in the democratic process and to boost the levels of registration among under- registered groups.
- 3.8 The Electoral Commission undertook an extensive public awareness campaign around registering to vote. Unfortunately however this caused some confusion with many local residents applying to register to vote even though they were already registered, whilst some local residents looking to register for the first time failed to complete the process and had no entitlement at all. These were problems common to all returning officers across the UK.
- 3.9 The cut-off date for registering to vote at this election was Monday 20 April 2015 (12 working days before the election) and then there was a further week to verify that the person was entitled to be on the register. These dates are governed by legislation and in common with the majority of the election timetable, the Acting Returning Officer had no discretion to extend the dates and deadlines.
- 3.10 At previous elections held in Bromley, it was usual to receive a couple of thousand registration applications in the lead up to the registration deadline. This year, over 18,500 applications were received in the period 11 March 2015 and the deadline of 20 April 2015. In many cases people used the online registration and if their national insurance number matched Department for

Work and Pension (DWP) records, registration was automatic. However, a significant number filled in paper forms that the election team had to process manually. Furthermore, many of the applications (especially those applying on line) were found to be duplicates i.e. the elector was already registered. This had a huge impact on the election team but all applications were processed by the deadline.

Nominations and Candidates

3.11 Nominations were accepted by the Acting Returning Officer (for the constituencies of Beckenham, Bromley and Chislehurst and Orpington) from the 1 April 2015 to 4pm on 9 April 2015.

3.12 In total fifteen valid nominations were accepted. Each constituency had a candidate from the:

- Conservative Party
- Green Party
- Labour Party
- Liberal Democrats
- UK Independence Party (UKIP)

3.13 No nomination papers were rejected by the Acting Returning Officer at this election.

Ballot Papers

3.14 Following the close of nominations, data was sent to the printers and the ballot papers were printed (starting with the postal ballot papers).

3.15 This year there were a number of instances across England and Wales where there were mistakes/printing errors on the ballot papers.

3.16 There was also considerable confusion across England and Wales concerning the late change to and approval by the Electoral Commission to the new emblems for the Liberal Democrats and Green Party (used on the ballot papers).

3.17 It is therefore pleasing to be able to report that the ballot papers for the three constituencies in Bromley were correctly printed and there were no issues in this regard. The print company appointed by the Acting Returning Officer did a very good job overall, met all the deadlines, and delivered all ballot papers for polling day in good time, which enabled the preparation of ballot boxes to go smoothly.

Postal Voting

3.18 The total number of postal votes continues to rise in Bromley with just under 35,000 postal ballots being issued at this election.

3.19 The deadline for new postal applications was 5pm on Tuesday 21 April 2015 (11 working days before the elections) with some 4,903 applications being received between 11 March 2015 and 21 April 2015. Generally the elections team coped well with the volume of requests, turning around paper applications in good time.

3.20 Most residents applying for postal votes close to the deadline (and who indicated that they were going away before the election) were advised that they may not receive them until the end of April beginning of May. The elections team explained the risks of not receiving/returning a postal vote in time and that it may be more effective for them to appoint a proxy. However, it is for the voter to decide how he wants to vote.

- 3.21 The issuing of the postal votes went smoothly with the first mail out (the bulk of the postal votes - some 31,300 packs) being sent out from the printers by first class post on Wednesday 22 April 2015. This included all those electors with permanent postal votes and those who applied up to the beginning of April 2015.
- 3.22 However, residents who applied in the last couple of weeks up to the deadline, did not receive their postal votes until closer to polling day, in the second mail out at the end of April 2015. This is because although the election team sent the data to the printers the day after the deadline, it took around 3 or 4 working days to print, issue and check these postal votes before they could be sent out on 28/29 April 2015.
- 3.23 Most residents received their postal votes the day after they were posted. There were, however, eighty three (83) reported cases of non-arrival in Bromley (mainly concentrated in two areas) and in these instances replacement postal votes were issued to the electors.
- 3.24 This issue was taken up at the time with the Royal Mail and an investigation requested.
- 3.25 The table below shows the (high) take up and return of postal votes:

Constituency	Issued	Received	%
Beckenham	10,787	9,621	89.19%
Bromley & Chislehurst	9,804	8,572	87.43%
Orpington	10,310	9,168	88.92%
Lewisham (3 wards)	3,739	3,279	87.70%
TOTALS	34,640	30,640	88.45%

- 3.26 There is now a requirement to check the personal identifiers (signature and date of birth) on every returned postal vote against those held on file from the original applications. This is a huge logistical process (with the Acting Returning Officer acquiring suitable accommodation for over two weeks and appointing some eighty (80) staff for each opening sessions) and is totally dependent on IT.
- 3.27 Four scheduled postal vote opening sessions took place in the Great Hall at the Civic Centre before polling day, with a further two scheduled sessions on polling day, one at 1.30pm and the other at 8.30pm. Over 2,500 postal votes were received back on polling day.
- 3.28 Some 30,500 personal identifiers were checked during these sessions with about 400 postal votes being rejected because the personal identifiers could not be verified (the Acting Returning Officer has now contacted the electors of these rejected votes so as to ensure that their details are updated in time for the next election) .
- 3.29 Once the personal identifiers were verified, the postal ballot papers were placed in ballot boxes, sealed and taken to the counting of the votes.

Proxy Voting

- 3.30 The total number of proxy votes substantially increased at these elections with over 900 being registered on polling day.
- 3.31 The deadline for new proxy applications was 5pm on Tuesday 28 April 2015 (6 working days before the elections). Some 844 applications were received between 11 March 2015 and 28 April 2015.
- 3.32 Following recent legislative changes there is now provision for an elector to apply for an emergency proxy vote on the grounds that they have a medical emergency or if they are called away unexpectedly for work reasons after 5pm on Tuesday 28 April and up until 5pm on the day of poll. Calls relating to emergency proxies were high with 67 emergency proxies being registered in Bromley at this election with many applying on polling day.

Polling Places/Stations

- 3.33 A Review of Polling Districts and Places was undertaken last year and following consultation, the Returning Officer's final recommendations were agreed by this Committee on 13 November 2014.
- 3.34 Subsequent changes were made to the polling places/stations used at these elections:
- Southborough Lane Baptist Church was used in place of Southborough Primary School in the Bromley Common & Keston Ward (Polling District BC4)
 - Orpington Sea Cadets was used in place of the Portakabin at Our Lady of the Crays Church in the Cray Valley East ward (Polling District CE6)
 - There were also a number of changes to the room/hall used within the polling place (especially with schools where we had worked with Head teachers so that they could keep the school open on polling day.).
- 3.35 In these instances a 'note' was put on the poll card to draw the change to the attention of the voter prior to polling day.
- 3.36 There were a couple of issues that arose on polling day around the suitability/accessibility of one or two of the polling places/stations (see below). The elections team is in the process of reviewing the suitability of all Polling Places/Stations used in the Borough and will ensure that any issues are addressed before the next scheduled (GLA) election in 2016

Polling Day

- 3.37 Polling day itself generally ran remarkably smoothly. All equipment was delivered to the polling places the day before polling day, and all polling stations were fully staffed and opened on time to receive voters for the 7.00am start.
- 3.38 There were a few issues during polling with the impact of the new (Individual Electoral) registration system, the messaging on the Government's website and the emergency proxy process, but generally polling went smoothly in most polling stations. However, due to the unprecedented number of phone calls made to the electoral helpline, neither the Customer Contact Centre nor the Lync phone system (in the Electoral Office) could deal with the number of calls received and unfortunately some callers were unable to get through. These arrangements will be reviewed before the next election in May 2016.

- 3.39 There were also a few isolated issues around the suitability and accessibility of the polling stations at the following polling places : - La Fontaine Academy, Red Hill Primary School, Darrick Wood Infant School , Edgebury Primary School and Melvin Hall . The Acting Returning Officer and his staff dealt with these issues so far as they were able on the day as soon as they were brought to his attention.
- 3.40 A review of all polling places/stations is now being undertaken and these specific issues will be addressed so far as practicable before the next election in May 2016.
- 3.41 Polling finished at 10.00pm and there were no reported queues at any of the 185 polling stations in Bromley.

Tellers

- 3.42 Following last year's elections, and as agreed with this Committee, the Acting Returning Officer ensured that all Polling Staff were briefed about the role of tellers. They were also given posters (explaining the role of tellers, as endorsed by the Electoral Commission). These posters were either handed to the tellers or displayed close by to where they were positioned.
- 3.43 Overall, everything passed off very smoothly on polling day. There was one specific issue raised by a resident on the morning of poll about the behaviour of a teller at a polling station in the Orpington constituency, but no other issues were raised by tellers, local political parties, polling staff or residents with the Acting Returning Officer or the Electoral Office during polling day.
- 3.44 However there were a couple of issues concerning tellers reported after the election, namely: (1) the number of tellers present and their conduct (obstructing the entrance) at a polling station in the Orpington constituency and (2) a hundred or so poll cards being found (with a tellers pad) in the ladies toilets at a polling station in the Bromley and Chislehurst constituency. The elections team have looked into both issues and appropriate action taken.
- 3.45 It was also reported by one of the local political parties after the election, that that one of the Acting Returning Officer's Polling Staff was not co-operating with the tellers but this was resolved on the day.
- 3.46 The Acting Returning Officer will continue to ensure that specific training is given on the tellers' role at the next elections in 2016.

The Counting of the Votes

- 3.47 The Acting Returning Officer has overall personal responsibility to conduct a well-run count process so as to ensure an accurate result in which voters, candidates and political parties have confidence.
- 3.48 The law requires that the Acting Returning Officer must take reasonable steps to begin counting the votes (Stage 2 – see below) in a General election as soon as practicable and within four hours of the close of poll.
- 3.49 The count process took place in a large marquee at the back of the Old Palace at the Civic Centre, with an annexe being used to provide a rest area for candidates, agents and guests (with a television & light refreshments), and for the declarations. Following a few issues last year (providing valuable lessons around the quality of the flooring and the dismantling of the marquee) a different contractor was appointed this time. Feedback received about the arrangements has been overwhelmingly positive this year.

- 3.50 The marquee was spacious with plenty of circulation space for each of the three (separate) constituency counts (at ward level), the transportation of ballot boxes worked well and all the proceedings were open and accessible to all entitled to attend.
- 3.51 The Great Hall was used for the opening of the postal votes received at the polling stations and during the day, and the Council Chamber and the Committee rooms were used in support of the elections
- 3.52 Shortly after close of poll at 10pm, Presiding Officers returned their sealed ballot boxes and election materials from their polling stations back to the Civic Centre (the sealed ballot boxes and some election materials for the three wards in the Lewisham West and Penge constituency were collected by Lewisham and taken away to be included in the counting of votes in London Borough of Lewisham under the responsibility of their Acting Returning Officer).
- 3.53 Under the election rules the total number of ballot papers in each ballot box is verified with the number on the ballot paper account submitted by the Presiding Officer at each polling station (or by the Supervisor in charge of the postal vote session) (known as Stage 1). This stage is critical in ensuring the accuracy of the result as it means that when the votes are counted (known as Stage 2) the count total can be compared to the verification total to identify any discrepancies. In most cases any discrepancies are of little importance because of the size of majorities, but where there are only a few votes between candidates any discrepancy takes on a much greater significance.
- 3.54 The count process for these elections was quite straightforward with verification (Stage1) being concluded and the counting of votes (Stage2) being started for all three constituencies before 2am on the Friday morning. The counts proved largely uneventful with the result of the Beckenham constituency being declared first , followed by Bromley & Chislehurst and then Orpington.
- 3.55 As indicated above, the count process for these elections was undertaken within each constituency at ward level, with the results from each ward being aggregated to achieve an overall result for that constituency. The appendix attached shows the results at ward level for each constituency. (Please note that the ward figures are slightly distorted as the postal votes could only be identified at constituency level, and so verified postal ballot boxes were 'allocated' to a ward – and did not specifically relate to that ward).
- 3.56 The Acting Returning Officer considers that the count process was extremely successful. There was minimal time when staff were sitting around doing nothing, the verification of the postal votes was concluded early with the Last Postal Vote Ballot Boxes being brought in before midnight, staff were well trained, and the counts were well organised and completed relatively quickly.

Appointment, Training and Payment of Staff

- 3.57 The Acting Returning Office made some 1,250 appointments to support these elections. Whilst many individuals fulfilled different roles, over 800 individuals were appointed.
- 3.58 The table below shows the breakdown of the staff resource:

RESOURCE	(%)
<u>Employment:</u>	
Internal (Council employee)	27%
External	73%
<u>Gender:</u>	
Male	33%
Female	67%

Age:	
Teens	2%
Twenties	8%
Thirties	7%
Forties	15%
Fifties	29%
Sixties	28%
Seventies and above	11%

3.59 The Acting Returning Officer strongly believes that the training of election staff was an important function for the successful delivery of these elections:

- All polling staff attended a 2 hour training session at the Civic Centre prior to polling day
- Count staff at all levels were provided with detailed instructions on the process, with Senior Count Staff attending a training session shortly before polling day.
- All staff helping at the opening of postal votes received a training session at the beginning of the first opening session
- Specific training was provided for the polling station inspectors, Customer Contact Centre staff and support staff

3.60 Last year, following the change in the (tax) law, requiring the Acting Returning Officer to operate standard Pay As You Earn and report it to Her Majesty's Revenue Customs in real time, we entered into a three year contract with an external payroll company that specialises in election payments. Because of some concerns that were expressed last year, a significant amount of time had been invested in making sure that all staff were fully aware of the payment process this year, and that staff data was entered into the election management system accurately.

3.61 This process has worked extremely well this year. All staff were paid within a few weeks and the volume of complaints about errors (particularly relating to taxation) were minimal and certainly much lower than experienced in the past.

3.62 The majority of staff who work at polling stations are not council employees. Whilst the consent of their manager is required there isn't a consistent approach across the council on whether staff are required to take a day's leave to work as polling station staff.

3.63 The payment for work at polling stations was originally intended as a payment for the hours between opening and close of poll which were outside of the normal working day when the majority of such staff were local government employees. Given the change in balance of staff and given that non-council employees who are in employment will invariably take a day off work or similar then it may be a fairer approach to require all Council employees to do the same.

Post Count Issues

3.64 Although for the politicians, the announcement of the results pretty much ends the electoral process, for the elections team there is still much to do. Deposits have to be returned (either to the candidate or the Cabinet Office), election materials sorted, cleared up and stored away (as provided in the election rules), staff, polling stations and suppliers have to be paid, returns completed for the Electoral Commission and Government departments, and accounts prepared.

Conclusion

- 3.65 Overall considering the high level of interest in this General election, the higher turnouts (especially with the postal votes) and the challenges that all elections teams faced (especially around Individual Electoral Registration), everything passed off very smoothly.
- 3.66 There were a couple of issues that arose and were dealt with at the time but as always, some learning points have been identified and these will be taken forward in time for the GLA elections in May 2016

4. POLICY IMPLICATIONS

None directly arising from this report

5. FINANCIAL IMPLICATIONS

The budget for the General election was £517,895 funded from a grant from the Cabinet Office. Expenditure will be contained within budget.

6. LEGAL IMPLICATIONS

The Council is required to designate one of its officers as Electoral Registration Officer under Section 8 of the 1983 Act. The Electoral Registration Officer also acts as Acting Returning Officer for Parliamentary Elections (Section 28 of the 1983 Act). The Acting Returning Officer was personally liable for the conduct of these Elections.

7. PERSONNEL IMPLICATIONS

Some Council employees are recruited by the Acting Returning Officer to help with various duties concerning the conduct of these elections. However, a large number of staff are recruited from other sources.

The Acting Returning Officer has a statutory right under section 25 of the Representation of the People Act 1983 to require the Council to provide as many staff as is required for election purposes.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]

APPENDIX

Parliamentary (General) Election - Thursday 7 May 2015

Beckenham Constituency

Party	Name of Candidate	Total	Bromley Common	Copers Cope	Hayes & Coney Hall	Kelsey & Eden Park	Shortlands	West Wickham
LAB	AHMAD Marina	9,484	1,465	1,819	1,475	1,957	1,196	1,572
UKIP	BRYANT Rob	6,108	1,282	676	1,403	949	708	1,090
GREEN	FABRICANT Ruth	1,878	291	344	333	336	253	321
LIB DEM	PRASHAR Anuja	3,378	429	635	505	570	633	606
CON	STEWART Bob	27,955	4,417	4,320	5,136	4,633	4,248	5,201
SUB TOTAL		48,803	7,884	7,794	8,852	8,445	7,038	8,790
Rejected Votes								
A - want of an official mark		0	0	0	0	0	0	0
B - voting for more than one candidate		26	3	3	4	8	3	5
C - mark by which voter could be identified		0	0	0	0	0	0	0
D - being unmarked or wholly void for uncertainty		93	5	24	14	11	15	24
E - rejected in part		0	0	0	0	0	0	0
Total of Votes at Stage 2		48,922	7,892	7,821	8,870	8,464	7,056	8,819

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APPENDIX

Parliamentary (General) Election - Thursday 7 May 2015

Bromley and Chislehurst Constituency

Party	Name of Candidate	Total	Bickley	Bromley Town	Chislehurst	Cray Valley West	Mottingham	Plaistow
LAB	COURTNEIDGE John Lindsay	9,779	1,180	2,080	1,295	1,715	1,500	2,009
UKIP	JENNER Emmett	6,285	900	839	930	1,610	973	1,033
CON	NEILL Robert James MacGillivray	23,343	4,867	4,010	4,869	3,086	2,736	3,775
GREEN	ROBERTSON Roisin Therese Siobhan	1,823	215	436	292	236	253	391
LIB DEM	WEBBER Sam Dunning	2,836	452	676	516	344	303	545
	SUB TOTAL	44,066	7,614	8,041	7,902	6,991	5,765	7,753
	Rejected Votes							
	A - want of an official mark	0						
	B - voting for more than one candidate	45	5	5	12	16	6	1
	C - mark by which voter could be identified	0						
	D - being unmarked or wholly void for uncertainty	86	20	15	13		11	27
	E - rejected in part	0						
	Total of Votes at Stage 2	44,197	7,639	8,061	7,927	7,007	5,782	7,781

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APPENDIX

Parliamentary (General) Election - Thursday 7 May 2015

Orpington Constituency

Party	Name of Candidate	Total	Biggin Hill	Chelsfield	Cray Valley East	Darwin	Farnborough	Orpington	Petts Wood
LIB DEM	BROOKS Peter Richard	3,330	280	562	368	260	568	689	603
LAB	DE GRUNCHY Nigel Ronald Anthony	7,645	687	1,471	1,404	525	1,200	1,344	1,014
GREEN	GALLOWAY Tamara Eileen	1,732	162	220	262	139	258	301	390
CON	JOHNSON Joseph Edmund	28,152	3,435	4,657	2,946	2,649	4,997	4,227	5,241
UKIP	RAMADI Idham	8,173	1,340	1,262	1,352	842	1,115	1,348	914
	SUB TOTAL	49,032	5,904	8,172	6,332	4,415	8,138	7,909	8,162
	Rejected Votes								
	A - want of an official mark	0							
	B - voting for more than one candidate	19	1	4	2	1	3	3	5
	C - mark by which voter could be identified	0							
	D - being unmarked or wholly void for uncertainty	75	7	10	7	3	14	19	15
	E - rejected in part	0							
	Total of Votes at Stage 2	49,126	5,912	8,186	6,341	4,419	8,155	7,931	8,182

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Report No.

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENCING COMMITTEE

Date: 14 JULY 2015

Decision Type: Urgent Non-Executive Non-Key

Title: SHARED PARENTAL LEAVE POLICY

Contact Officer: Angela Huggett , Head of HR Strategy and Education
Tel: 020 8313 4029 E-mail: angela.huggett@bromley.gov.uk

Chief Officer: Charles Obazuaye, Director of Human Resources

Ward: N/A Boroughwide

1. Reason for report

- 1.1 The Shared Parental Leave Regulations are a new legal entitlement for eligible parents of babies that were due, or children placed for adoption, on or after the 5th April 2015. The Regulations provide an opportunity for parents to take advantage of additional flexibility in the way they choose to care for a new arrival to the family. All eligible employees have a statutory right to take Shared Parental Leave (SPL). In addition, subject to meeting specific eligibility criteria, there may be an entitlement to some Shared Parental Pay (ShPP).
- 1.2 This report provides details of the Regulations and seeks Members approval of a Council Policy to ensure that the Council discharges its statutory duties as an employer and that applications for SPL and ShPP are processed consistently and equitably.
-

2. **RECOMMENDATION(S)**

- 2.1 **That Members agree the Shared Parental Leave policy in respect of all staff employed by the Council and Local Authority including those staff in Community and Voluntary Controlled maintained schools.**

Corporate Policy

1. Policy Status: New policy.
 2. BBB Priority: Excellent Council.
-

Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding: N/A
-

Staff

1. Number of staff (current and additional): The policy will affect all staff employed by the Council
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory requirement. The Shared Parental Leave Regulations came into force in December 2014.
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 The Shared Parental Leave Regulations are a new legal entitlement for eligible parents of babies that were due, or children placed for adoption, on or after the 5th April 2015. The Regulations provide an opportunity for parents to take advantage of additional flexibility in the way they choose to care for a new arrival to the family. All eligible employees have a statutory right to take Shared Parental Leave (SPL). In addition, subject to meeting specific eligibility criteria, there may be an entitlement to some Shared Parental Pay (ShPP).
- 3.2 In order to ensure that requests for Shared Parental Leave are managed fairly and consistently Human Resources has developed a draft Council Policy and accompanying Guidance for managers and staff (Appendix A). The Policy details the statutory entitlements for staff and the guidance provides practical support and advice to managers in dealing with requests for SPL. A separate process document also assists staff in determining whether they are eligible for SPL and what action they need to take to make a formal request for SPL. The Council's proposed position is similar to the position already adopted by other local authorities.
- #### 3.3 Entitlement SPL and ShPP
- 3.4 SPL can only be used by two people:
- The mother/adopter **and**
 - **One** of the following:
 - The father of the child (in the case of birth) **or**
 - The spouse, civil partner or partner of the child's mother/adopter.
 - Both parents must share the main responsibility for the care of the child at the time of birth or in the case of adoption the time of the placement.
 - Employee's seeking to take SPL must satisfy specific eligibility criteria and their partner must meet the separate "employment and earnings test".
- 3.5 Following a mandatory two week period of maternity/adoption leave a mother can curtail her leave and her spouse or partner can exercise their right to share the remaining leave entitlement and where eligible statutory maternity pay.
- 3.6 Employees can notify their entitlement to apply for shared parental leave in two ways either as a continuous period of leave or discontinuous. An employer has the right to refuse a discontinuous period of leave but requests for continuous periods of leave must be granted. Managers will make decisions regarding granting requests for leave taking into account the individual's wishes and the needs of the service. Before refusing an application for leave managers will need to consult with Human Resources to ensure that the grounds for refusal are not discriminatory.
- 3.7 Whilst on SPL all terms and conditions of employment remain unaffected and annual leave continues to accrue. Individuals returning from a period of SPL have the right to return to a post on no less favourable terms and conditions that they were employed on before commencing SPL.

3.8 Consultation

- 3.9 The draft policy and guidance and process documents were issued to Trade Union and Departmental representatives for a formal period of consultation which commenced on the 19th May 2015 and concluded on the 19th June 2015. During the consultation period 2 consultation meetings were held.
UNITE, UNISON and NASUWT attended and one departmental representative.

Detailed in the table below is a summary of the issues raised and management's response.

Issue Raised	Management Response
Ensuring that Trade Unions are briefed on the application of the policy as well as managers	Information will be disseminated to managers by means of managers brief. Trade Unions will be provided with the final policy and may seek clarity on its application as required. Departmental Representatives will be able to access a copy of the policy on One Bromley and will be able to seek clarity on its application through Human Resources.
Staff's entitlement to SPL to be publicised	The policy will be made available on One Bromley and consideration given to sending a separate communication to all staff by means of email.
Consideration of the legal implications of paying a higher rate of maternity pay compared to SPL and the equality implications of this if both partners employed by the same employer	<p>It is for employers to decide whether or not to enhance contractual pay to employees on shared parental leave, where they already pay enhanced maternity pay. There is no statutory provision requiring them to do so. However, when making such a decision, it is important to avoid any discrimination.</p> <p>The Council already operates an enhanced maternity pay scheme. If an employer pays enhanced pay to employees on maternity leave, but not to employees on shared parental leave, there is a risk of sex discrimination claims from male employees who take shared parental leave who consider that they are being treated less favourably than female employees on maternity leave. However, it may be possible to defend a sex discrimination claim on the ground that a male employee on shared parental leave is treated no less favourably than a female employee on shared parental leave.</p> <p>It is not yet known how tribunals and courts will approach the question of who is the correct comparator in such a case (i.e. whether the comparator should be an employee on</p>

	<p>maternity leave or a female employee on shared parental leave). There is also a question over whether or not a policy of enhancing only maternity pay might be allowed under provisions allowing "special treatment afforded to a woman in connection with pregnancy or childbirth" (s.13(6)(b) of the Equality Act 2010).</p> <p>Employers that seek to defend an indirect sex discrimination claim by justifying a policy of enhancing maternity pay but not shared parental pay will need evidence to show that the policy is a proportionate means of achieving a legitimate aim. In the employment tribunal case of <i>Shuter v Ford Motor Company Ltd ET/3203504/2013</i>, the employer was able to justify its policy of enhancing maternity pay but not additional paternity pay, as it had clear evidence that the aim of the policy was to attract and retain female employees, and that female representation in the workforce had improved.</p> <p>A policy of enhancing maternity pay, but not shared parental pay, would deter female employees from curtailing their maternity leave and opting to take shared parental leave, as they would be giving up their entitlement to enhanced pay. There could be a risk of a claim from an employee who considers that she has been subjected to a detriment for choosing to take shared parental leave. Case law will be required before the likelihood of such a claim succeeding can be judged.</p> <p>If consideration was given to enhancing pay to employees on shared parental leave account would need to be taken of the fact that shared parental leave can be taken in discontinuous periods. The Council would have to decide whether, for example, it will enhance pay for all periods of shared parental leave, for only the first period taken by an employee or for only a certain number of weeks. It would also need to consider whether or not an employee who has already benefited from enhanced maternity pay will be entitled to a further period of enhanced pay if she swaps to shared parental leave.</p> <p>The draft policy is consistent with ACAS guidance and is based on statutory entitlement only. In the event that case law requires a</p>
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	review of this position a further report will be brought to Members for their consideration.
Use of data obtained from other sources and data protection	The Council will ensure that it complies with the requirements of the data protection act and will only request and retain information that is relevant and necessary to determine entitlement to SPL and ShPP.

3.10 Fraudulent Claims

Human Resources will administer SPL including where appropriate obtaining evidence of eligibility to SPL from a spouses/partner's employer and proof of birth of the child. The policy details the action that the Council will take in the event that it is discovered that a fraudulent claim for either SPL or ShPP has been made which will involve notifying HMRC and where appropriate may give rise to disciplinary action.

4 FINANCIAL IMPLICATIONS

- 4.1 ShPP will be paid at the statutory rate only. It is difficult to quantify how many staff will apply for SPL and ShPP however at the time of preparing this report no formal notifications had been received. In the past 12 months 56 staff have taken maternity leave (excluding school based staff), at a cost of £285,488.86.
- 4.2 This was made up of £211,398.66 statutory maternity pay costs, and £74,090.20 enhanced maternity pay costs. The statutory element is funded 92% by government, so the total cost to the Council was £91,002.10 over the last 12 months. These costs were charged to the relevant revenue budgets for managers to contain within their approved budget.
- 4.3 Shared Parental Pay would also be funded 92% by government, and it is proposed that the remaining 8% would be charged to revenue budgets the same as with maternity pay.

5 LEGAL AND PERSONNEL IMPLICATIONS

- 5.1 SPL Parental Leave is a statutory entitlement and therefore the Council has no discretion other than to grant SPL and ShPP where eligibility criteria is met.
- 5.2 The Council already operates a range of flexible working practices and other special leave provisions including maternity, paternity and adoption. This policy will therefore sit alongside these other policies and is consistent with the Council's REAL Leadership values.
- 5.3 Human Resources will monitor the application of the policy to ensure that it does not impact adversely and unlawfully on any part of the Council's workforce, continues to reflect statutory requirements and meets business needs.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	N/A

PENSIONS INVESTMENT SUB-COMMITTEE

Minutes of the meeting held at 7.30 pm on 19 May 2015

Present:

Councillor Teresa Ball (Chairman)
Councillor Keith Onslow (Vice-Chairman)
Councillors Eric Bosshard, David Livett, Russell Mellor and
Richard Williams, Simon Fawthrop

Also Present:

Peter Turner (Director of Finance)
Tracey Person (Chief Accountant)
Alick Stevenson (Financial Advisor)

33 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Mr Martin Reeves, and Tracey Pearson attended as substitute.

34 DECLARATIONS OF INTEREST

Councillor Russell Mellor declared a personal interest by virtue of receiving a pension from the Local Government Pension Scheme (LGPS).

Councillors Eric Bosshard and Simon Fawthrop declared interests as former Members of the LGPS.

The Chairman declared an interest by virtue of her husband working for JP Morgan.

35 CONFIRMATION OF MINUTES OF THE MEETING HELD ON 24TH FEBRUARY 2015, EXCLUDING THOSE CONTAINING EXEMPT INFORMATION

The minutes of the meeting held on the 24th February were agreed.

The Director of Finance (henceforward referred to as "Director"), updated the Committee concerning the London Collective Investment Vehicle (CIV). It was noted that LBB were currently still not a member of the CIV. The CIV is awaiting regulation by the FCA (Financial Conduct Authority). Individual councils have contributed £75k to date as part of joining the CIV and it is expected that the cost of joining the CIV (if LBB did decide to join) could be offset by reduced fund managers' fees, but this was currently unclear.

It is anticipated that a formal FCA regulation will be finalised this summer, and the Committee would be updated in due course.

The Director referred to the matter of **Pensions Freedom** that had been part of the recent budget, explaining that the impact of this was that individuals now had the right to transfer to private pension schemes, and this had raised some concerns. It was noted that this applied to the LBB pension scheme, but did not apply to NHS schemes.

The Director referred to the previous consultation paper on the issue of “**Active**” v “**Passive**” investments and this matter was not progressed further by the Government prior to the elections. The Committee would be kept informed of developments.

The Director gave the Committee an update on the “Parallel Fund”. It was noted that this was a long term investment, and the allocated investment was £2.7m. The returns had been good so far, and it was hoped that this trend would continue.

Tracey Pearson (Chief Accountant) updated the Committee concerning the **Local Pensions Board**. The Committee were informed that the establishment of the LPB had been agreed at the meeting in February 2015. There had not been a good response to the canvassing for Board Members, and there had been only four responses; there had been no responses for Employer representatives. The matter was being raised at the GP&L meeting on the 27th May 2015, where a change to the terms of reference would be sought. Meetings had taken place with three of the four proposed members, and LBB would be meeting with the fourth person on the 8th June 2015. The GP&L Committee would be asked to agree changes to the Terms of Reference, and to agree the nominations for the Board.

Members referred to potential issues of non-attendance at meetings and the importance of appointed members of the Local Pension Board ensuring they attend the meetings.

A Member asked if the nominees were of sufficient calibre. Ms Pearson responded that it was difficult to find sufficient numbers of people that were interested. It was noted that the four candidates were of varying backgrounds and experience, and it was anticipated that each would bring different qualities and experience to the Board. It was important to note that the LPB had to be established within statutory deadlines.

A Member enquired if the PISC had the power to veto nominees if required; the answer to this was no—the power of veto rested with the GP&L Committee.

RESOLVED:

(1) that the minutes of the meeting held on the 24th February 2015 be agreed

(2) that the matters relating to the general update from the Director be noted and further updates will be provided at future meetings

36 QUESTIONS BY MEMBERS OF THE PUBLIC ATTENDING THE MEETING

No questions were received.

37 PENSION FUND PERFORMANCE Q4 2014/15

Report FSD15028

The report was brought to the attention of the Committee to provide an update concerning the investment performance of Bromley's Pension Fund in the 4th quarter of 2014/15.

It was noted by LBB's Financial Advisor that the Fund had performed very well, and that the rate of return over the last twelve months had increased by 18.5%. It was noted that over the three year period from 01/04/2012 to 31/03/15 the Fund's ranking was 7 which was very good, and this was a strong performance. It was further pointed out to the Committee that the Fund had maintained a ranking of 8 over the last 10 years which was excellent. The Financial Advisor stated that this showed the importance of picking good fund managers and asset allocations. The Financial Advisor (FA) commended the Fund to Councillors.

The Chairman directed the attention of Members to section 3.8 of the report, and the associated appendix. This dealt with the issue of early retirements, and the subsequent cost to the Fund. The Chairman expressed concern that the actuary had increased his assumed figure for early retirements from £82k to £1.m. The Chairman wondered if there was a way to reduce this assumed figure.

There was general concern amongst Members concerning the level of early retirements, and it was felt that this was a matter that should be referred to the GP&L Committee.

A Member expressed the view that the Diversified Growth Fund (DGF) was not performing as well as Global Equities, and felt that these investments were in low asset classes and exposed to currency risk. He regarded these products as unsuitable for a pension fund.

The Director of Finance felt that the DGF was less volatile and safer than equities, and suggested that this was a matter that should be raised with the fund managers.

It was noted that in terms of Fixed Income, Baillie Gifford managed assets of £50.4m, whilst Fidelity held fixed income assets of £65.7m; the total value of the Pension Fund as at 30/04/2015 was £731.5m.

The Financial Advisor stated that the DGF enabled managers to invest across a broader range of asset classes, without requiring separate mandates. He reminded the Committee that the DGF had been successful for the last twelve years and was a useful tool in the portfolio; he also reminded the Committee that the DGF only comprised 10% of total allocations. He described it as being able to gain equity like returns but with half the risk of equities. The FA also expressed the view that the DGF would not fall as quicker as equities in periods of market volatility.

A Member expressed the view that as the number of LBB employees fell, so the demand for cash on the Fund was proportionately increasing. This being the case, he expressed the view that the Fund should be managed to generate as much as cash as possible now as an investment for the future, and this may necessitate a requirement to invest in differing products.

RESOLVED:

(1) that the report on Pension Fund Performance Q4 2014/15 be noted

(2) that the GP&L Committee review the existing arrangements for ill health retirement

(2) that the programme for Fund Manager attendance as set out in paragraph 3.9 of the report be agreed

38 PENSION FUND - INVESTMENT REPORT

Mr Kenneth Barker attended from Baillie Gifford to provide a Pension Fund update, with specific reference to Fixed Income and the Diversified Growth Fund.

Mr Barker commenced with a general economic overview and stated that most asset classes had delivered good returns over the quarter. There had been a mixed bag of economic news, headlined by the collapse in the oil price and deflation. Quantitative Easing (QE) had been introduced in the Eurozone, and there had been big moves in foreign exchange rates during the quarter, with the dollar strong against most currencies. Corresponding to a decline in inflation, bond yields had fallen to record low levels.

Mr Barker informed the Committee that the return on the DGF (net of fees) to 31/03/15 was +7.9%, and over the past five years was +6.5% on an annualised basis. Volatility over the past five years was 4.4% per annum, and the return on the fund (net of fees) over the last quarter was 3.2%.

It was the case that in the first quarter of 2015, the best performers in the DGF were listed equities, active currency, high yield credit and absolute return.

Mr Barker stated that there had been a degree of volatility in the last quarter connected to a weakening of the Euro, and that funds were not hedged in the Equity portfolio.

Mr Barker informed the Committee that Baillie Gifford were looking with interest at countries like India which had good reform agendas and strong economic growth. A Member enquired if that meant that the Fund was exposed to currency volatility with respect to the Rupee. The answer to this was yes, currency was taken into account but not hedged. Mr Barker continued by explaining that recent USA gains had been partly via currency, and that it took around three to five years for currency to stabilise; it was also the case that the FTSE market was globalised.

A Member asked what sort of returns were coming from the Emerging Markets (EM). Mr Barker answered that currently the returns were good-around 7%. It was also the case that trends were favourable for EM as these countries did not have a debt problem. Countries that were previously regarded as "safe" were now vulnerable because of debt problems. It was the case that EM countries were in a crisis in the 90's, but their fiscal situations had now stabilised.

Mr Barker explained about asset classes and local currency bonds. He explained that hard currency was measured in dollars, and the other option was to use local currency bonds which were bonds issued against the local currency of the issuing country. He felt that it was better in these cases to go down the local currency route, as banks liked to issue bonds and to lend based on their own currency. It would be expected that the currency would appreciate, and that subsequent industrial output would improve economic productivity. Some profits would be lost to inflation, and it was important to actively manage these positions.

It was noted that local currency bonds could be hedged as the issues were clearer.

The Chairman thanked Mr Barker for his informative and thorough presentation.

Mr Paul Harris and Mr Rob Marsden attended the Committee as the representatives from Fidelity. They attended to provide an update on the current Fixed Income Fund that they were managing for LBB which was the Fidelity Institutional UK Aggregate Bond Fund, and also to provide more

information to the Committee with respect to the Fixed Income Diversified Alpha Fund (FIDA). It had been recommended at the last Committee meeting that funds be transferred from the Aggregate Bond Fund to the FIDA Fund, but this had been put on hold pending tonight's update. The current value of the Aggregate Bond Fund as at 31/03/2015 was £66.6m.

Mr Marsden outlined the strategy of the FIDA fund, and explained that it employed an absolute return strategy that was not restrained by traditional benchmark bound performance objectives; investors were offered returns relative to cash. He described the Fund as blending a global macroeconomic outlook with Fidelity's bottom up approach to investing. He felt that the Fund offered a best ideas approach and offered attractive risk adjusted returns.

Mr Marsden stated that the main benefits of the FIDA Fund were:

- Low volatility and attractive risk adjusted returns
- Diversification
- Strong capital preservation
- Liquidity management focus

A Member enquired what sort of liquidity existed in the FIDA Fund, and the response to this was that there was daily liquidity.

The Chairman asked how the Fund performed during the recent period of bond volatility. Mr Marsden responded that the portfolio had to be rebalanced—the Fund took a hit but was resilient.

A Member enquired if the FIDA Fund was an investment in Derivatives. Mr Marsden answered that the Fund invested in "money market instruments", and that these were AAA credit rated instruments. These were short term bonds used as collateral against Derivatives. A member enquired what sort of risk was attached to these bonds, and the response was that they were high quality instruments. The member also asked why bonds were used and not cash as collateral. Mr Paul Harris commented that the Fund used Bonds with equal and opposite views, and that in effect there was an overall zero risk balance because Fidelity would be running a neutral position. He added that it was not possible to get returns without some risk.

The Director of Finance asked how the "absolute return" aspect of the FIDA Fund differed from the Aggregate Bond Fund. The response to this was that the FIDA Fund was driven by both long and short ideas, rather than by the market. It was also the case that the Fund was market neutral. The Director enquired what the fees were for managing the Fund, and the answer was that the fee was 0.4%, but Fidelity offered flexibility on this. The Director also asked how confident Fidelity were with the target return of 1.5 to 3% over cash. Mr Marsden responded that it was expected that the market would start to ride on fundamentals after exposure to QE, and Fidelity were confident of hitting this target.

The Chairman asked for any other comments on the quarterly report. Mr Marsden responded that the last quarter was routine, and that the portfolio had performed well.

The Chairman thanked Mr Marsden and Mr Harris for their detailed and informative presentations.

RESOLVED that the presentations from Fidelity and Baillie Gifford be noted.

39 REVISED INVESTMENT STRATEGY - PHASE 3

Report FSD15029

It had previously been agreed that 20% of the Pension Fund be allocated to Fixed Income. Fixed Income assets provide cash for the pension fund which is required for cash to pay pension liabilities, but they have a lower return than global equities. At the meeting of the PISC in February 2015, consideration was given to allocating a pot of money from the current fixed income fund managed by Fidelity (UK Aggregate Bond Fund) into a new fixed income fund called the FIDA Fund. FIDA is an abbreviation for Fixed Income Diversified Alpha Fund. The decision on this was deferred in February to tonight's meeting, to give the Committee further time for consideration of this matter, and to speak to the Fidelity Fund Manager directly.

There was discussion amongst committee members concerning the correct balance between equities and fixed income. Some Members felt that a 20% allocation to fixed income was too high, and that the Fund should invest more in equities—others felt that 20% was fine, and that it may not be a good idea to have too much exposure in equities. It was a problem of balance.

The Committee discussed the two decisions that they were required to make on the night.

The first decision that the committee were asked to consider was to agree to invest £6m in the FIDA Fund, the money for this to be transferred from Fidelity's existing UK Aggregate Bond Fund.

The other decision that the Committee were asked to consider was invest £3m in Baillie Gifford's Global Credit Fund, and £3m in Baillie Gifford's Emerging Market Bond Funds—this money (total £6m) to be transferred from the existing Baillie Gifford Sterling Aggregate Bond Fund.

There was some discussion amongst Members concerning the role and recommendations of the Actuary. It was noted that the Fund had to be fully funded, and that if Actuarial advice was not followed, then in some cases this may be queried by external audit. It was noted however, that although the Actuary may have recommended a 20% allocation to Fixed Income, he had obviously not specifically recommended the FIDA Fund.

LBB's financial advisor commented that it may be prudent for Members to take a vote. However, he cautioned against an overweight equity position. He referred Members to page 23 of the agenda where there was a table showing Fund Value as at 31st March 2015. The percentage of the Fund currently allocated to global equities was 74%, and so it would not be wise to further extend this overweight position. This would naturally have the converse effect on fixed income which would then be proportionally underweight.

RESOLVED:

- (1) that the Revised Investment Strategy Phase 3 report be noted**
- (2) the proposal to invest £6m in Fidelity's FIDA Fund was rejected**
- (3) it was agreed to invest £6m, split equally between Baillie Gifford's Global Credit and Emerging Market Bond Funds—the money for this to be transferred from Baillie Gifford's Sterling Aggregate Bond Fund**
- (4) that the Director, in consultation with the Chairman and Vice Chairman, arrange the transfer of £6m from Fidelity to one of the global equities fund.**

40 IMPACT OF EXCHANGE RATES

Report FSD15030

It had been agreed at the last meeting of the Committee that the Pension Fund's financial advisor draft a report to the Committee on the effect that exchange rates have on transactions and profits.

The report recommended that no further action with respect to currency hedging was required.

The Chairman and Committee Members thanked the financial advisor for a clear and well-presented report.

RESOLVED that the report on the impact of exchange rates be noted

The Meeting ended at 10.00 pm

Chairman

APPEALS SUB-COMMITTEE

Minutes of the meeting held at 10.30 am on 5 June 2015

Present:

Councillor Judi Ellis (Chairman)
Councillor Nicholas Bennett J.P.
Councillor Michael Turner

1 APPOINTMENT OF CHAIRMAN

Cllr Ellis was appointed as Chairman for the Panel.

2 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND FREEDOM OF INFORMATION ACT 2000

RESOLVED that the press and public be excluded during consideration of the item of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summary
refers to matters
involving exempt information**

5 THIRD STAGE APPEAL AGAINST A DOMICILIARY CARE ASSESSED CHARGE

The Sub-Committee considered a third stage appeal against a domiciliary care assessed charge.

The Meeting ended at 12.00 pm

Chairman

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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