

Public Document Pack



Meeting Location:

Council Chamber, Ealing Town Hall, New Broadway, Ealing W5 2BY

Date and Time:

Tuesday, 25 April 2023 at 7.00 pm

Contact for Enquiries:

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Chief Executive:

Tony Clements

This meeting will be held in public. If you would like attend in person and have any special requirements in order to attend, please email democraticservices@ealing.gov.uk or telephone on 020 8825 6253 at least three clear working days in advance wherever possible.

Committee Membership: Councillors

M Ahmed, S Ahmed, J Anand, P Anand, J Ball, J Blacker, G Busuttil, J Gallant, K Sahota, K Bains, C Anderson, T Sidhu, B Rai, R Dheer, B Mahfouz, C Summers, L Brett, D Crawford, A Young, P Driscoll, V Alexander, Y Gordon, H Haili, M Hamidi, B Hashani, C Hersch, M Iqbal, A Jammu, S Jassal, Y Johnson, H Kaur Dheer, A Kelly, S Khan, I Kingston, P Knewstub, S Kohli, S Kumar, K Dhindsa, T Mahmood, G Malcolm, S Manro, D Martin, J Martin, P Mason, M Midha (Mayor), F Mohamed, K Mohan, G Murtaza, K K Nagpal, K Nagpal, I Nijhar, S Padda, G Quansah, F Conti, A Raza, M Rice, R Baaklini, C Sharma, G Shaw, D Costigan, G Stafford, A Steed, K Crawford, H Tailor (Deputy Mayor), C Tighe, L Wall, R Wall, B Wesson, S Donnelly and A Zissimos

AGENDA

- 1 **Apologies for Absence and Attendance**
- 2 **Declarations of Interest**
- 3 **Majority Group Motion for Debate** (Pages 5 - 6)
- 4 **Minutes of the Meeting held on 8 March 2023** (Pages 7 - 22)

To approve as a correct record the minutes of the meeting held on .
- 5 **Mayor's Announcements**
- 6 **Petitions from Members of the Public**
- 7 **Petitions from Members of the Council**
- 8 **Questions from Members of the Public**

Alexandra Kiss has given notice that she wishes to ask the following question of Councillor Costigan, Deputy Leader and Cabinet Member for Climate Action:

There are a number of roads in Northfields that have been facing traffic issues for decades now and previous measures have proven ineffective, but whilst Montague/Deans has been addressed and Swyncombe in neighbouring Hounslow has seen changes we are being ignored. This is despite the promise to TFL that we would be consulted. Elthorne Park Road and Leighton Road have a long history of being overwhelmed by traffic and it's not purely the volume of traffic but combine this with the hostile environment and it's a major barrier to active travel.

As a resident, we experience (and are forced to live with) the frustration and regular acts of aggression that drivers display whilst using our streets as a cut through. These streets are not designed for such heavy traffic and as a result we witness endless standoffs, the honking of horns and speeding which of course all come with the addition of noise, air pollution and most worryingly, the potential loss of life. The roads here particularly narrow so we have no shield from the pollution.

We regularly get large trucks speeding down Elthorne Park Road, and we've witnessed the width restriction damaged several times by reversing vans while the pavements by the junctions often have drivers reversing back and forth to let incoming traffic through, totally ignoring the safety of pedestrians. As a young parent, I'm constantly running the gauntlet of open aggression and danger when simply walking out of my front door with my child.

In the light of the council's commitment to active travel and clean air, the residents would like to know what the council plans to do to reduce rat running traffic on these roads.

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| 9 | Questions from Members of the Council | (Pages 23 - 24) |
| 10 | Opposition Group Motion for Debate | (Pages 25 - 26) |
| 11 | Standards Committee Annual Review 2022-23 | (Pages 27 - 40) |
| 12 | Motions not for Debate | (Pages 41 - 42) |
| 13 | Statement of Gambling Licensing Policy 2023 | (Pages 43 - 94) |
| 14 | Appointments to Committees and Other Bodies | |
| | Council is asked to note that Councillor Callum Anderson has been appointed by the Leader as a Backbench Aide responsible for Windrush 75. | |
| 15 | Urgent Key Decisions Exempted from Call-in | |

Published: Monday, 17 April 2023

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Majority Group Motion for Debate

This Council recognises the Independent Review of Children's Social Care headed by Josh McCallister published in May 2022 that called on the Government to "make care experience a protected characteristic" and "new legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations."

People with experience of care often face significant barriers that impact them throughout their lives; often facing discrimination and stigma across housing, health, education, relationships, employment and in the criminal justice system.

As corporate parents, we have a collective responsibility for providing the best possible care and safeguarding for the children who experience care provided by us as an authority and should be champions of the children in our care and challenge the negative attitudes and prejudice that exists in all aspects of society.

This council therefore resolves:

- That it recognises that people with experience of care are a group who are likely to face discrimination.
- That it recognises that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration.
- That future decisions, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.
- That this Council will treat experience of care as if it were a Protected Characteristic.
- To formally call upon all other bodies to treat experience of care as a protected characteristic until such time as it may be introduced by legislation.
- For the council to continue proactively seeking out and listening to the voices of people with care experience when developing new policies based on their views.

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Minutes of the meeting of the Council

Date: Wednesday, 8 March 2023

Venue: Council Chamber, Ealing Town Hall, New Broadway, Ealing W5 2BY

Attendees (in person): Councillors

M Midha (Mayor) M Ahmed, S Ahmed, P Anand, J Ball, J Blacker, G Busuttil, J Gallant, K Bains, C Anderson, T Sidhu, B Rai, R Dheer, B Mahfouz, C Summers, L Brett, D Crawford, A Young, P Driscoll, Y Gordon, H Haili, M Hamidi, C Hersch, M Iqbal, S Jassal, Y Johnson, H Kaur Dheer, A Kelly, S Khan, I Kingston, P Knewstub, S Kumar, K Dhindsa, T Mahmood, G Malcolm, S Manro, D Martin, J Martin, P Mason, F Mohamed, K Mohan, G Murtaza, K K Nagpal, K Nagpal, S Padda, G Quansah, F Conti, A Raza, M Rice, R Baaklini, C Sharma, G Shaw, D Costigan, G Stafford, A Steed, K Crawford, H Tailor (Deputy Mayor), L Wall, R Wall, B Wesson and S Donnelly

1 Apologies for Absence and Attendance

Apologies for absence were received from Councillors:

- Nijhar
- Alexander
- Tighe
- Sahota
- Kohli; and
- Zissimos

Councillor Hashani was in attendance virtually.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes of the Meeting held on 13 December 2022

RESOLVED: That the minutes of the meeting held on 13 December 2022 are agreed as a correct record of proceedings.

4 Mayor's Announcements

The Mayor updated Council on important civic announcements. It was noted that:

- Former Mayor and Councillor Norman Pointing had passed away at age 93. The Mayor paid tribute to Norman and passed on condolences to his family. Council observed a minute's silence and Councillors

Young, Johnson and Ball paid tribute to Norman.

- Sangha Day, Purim, Holi and Hola Malhalla had all taken place in close proximity to the Council meeting.
- It was International Women's Day, and the Mayor had attended an event at the University of West London to celebrate women in policing, as well as the Ealing Expo where she met many successful women.
- The Mayor was undertaking a sponsored walk to raise money for her charity on 29 March and invited members to sponsor her.

5 Petitions from Members of the Public

There were no petitions from members of the public.

6 Petitions from Members of the Council

There were no petitions from members of the Council.

7 Questions from Members of the Public

Joe Stean asked the following question of Councillor Deirdre Costigan, Deputy Leader of the Council and Cabinet Member for Climate Action:

Will Ealing council follow in the wake of other councils and support Electronic Vehicle adoption by allowing residents to run a 3cm buried cable channel across the pavement? This will:

- Mitigate health and safety objections
- Avoid utilities as it will only need to be depth of charging cable (3cm)
- Be aesthetically pleasing / consistent with existing channels in Ealing
- And crucially, allow residents to charge from home

Councillor Costigan responded, explaining that there was a limited trial in other local authority areas of this initiative. Ealing would await the results of these trials before committing to any trials locally. The main issue that could be problematic in adopting this approach in Ealing was the scarce pavement space and competition for parking spaces. It was important to emphasise that parking bays were available to all that had parking permits, and not to give the impression of 'ownership' of spaces on the road, particularly if a resident had paid for the installation of a buried cable. The concern was that the impression of 'ownership' could cause conflict with neighbours. For now the Council was concentrating on expanding the network of vehicle charging points around the Borough to increase uptake in electric vehicle ownership. However it was always open to other initiatives to make ownership of electric vehicles more attractive.

8 Questions from Members of the Council

Councillor Brett asked Councillor Manro:

Can the portfolio holder provide an update on how the council is progressing on providing accommodation for homeless households in the borough?

Councillor Manro responded:

There are too many households in Ealing that are currently homeless, we have over 2300 families currently in temporary accommodation. We as the council are doing everything that we can to ensure that everyone in Ealing has somewhere that they can call home. The impact that homelessness can have on a person's life chances is massive and as a council, our goal is to help our residents to thrive and achieve their full potential.

Just recently, the Leader and I went to visit the newly acquired 31 temporary accommodation flats at Aspect House in Acton. That's 31 high quality homes for 31 homeless households, all of whom will now have the opportunity at a fresh start in life. These flats play an important role in ending the council's reliance on B&B accommodation, which isn't appropriate for many of the families who find themselves there.

The council's internal property purchase scheme has helped us purchase over 150 homes, and we expect this number to continue to rise.

The Council has leased modular housing units on four sites in the borough providing over 100 self-contained homes and we are continuing to work on looking at alternative sources to increase the provision of temporary accommodation.

Ealing has one of the highest rates of homelessness prevention in London, helping households at risk of homelessness to either stay where they are through targeted interventions or through finding them alternative accommodation. We know that we have to maintain our focus on this, but we most certainly are proud of our record.

But we can't lose sight of how we house these families into permanent accommodation in the future.

In terms of building new council homes, we have pledged to deliver 4000 genuinely affordable homes up to March 2026. If we are successful, then this would represent a significant increase on the 2700 homes delivered in the four years leading up to March 2022.

The delivery of the 4,000 genuinely affordable homes in the next 3 years will be through a combination of:

- New homes delivered across our estate regeneration plan, which is one of the largest in London
- New Homes delivered by our wholly owned local housing company, Broadway Living
- New homes built by our partner registered providers
- The application of planning policy to deliver affordable homes on private developments

The large majority of these homes will be available for let to people on the Council's housing waiting list.

The Council and Broadway Living together have secured over £143 million in GLA capital grant in the 2018-23 programme for the delivery of affordable homes, which is one of the largest grant allocations made in this funding programme to any Local Authority in London!

The Council and Broadway Living have also together secured £109.5 million for the next GLA capital funding for the next GLA capital funding programme for 21-26, to deliver over 1000 affordable homes, and will contribute to meeting our 4000 homes target.

We are also working hard for residents in the private rented sector, expanding our private rented property licensing scheme from 3 wards to 15, helping to tackle rogue landlords and protect our most vulnerable residents.

We have plenty to be proud of in terms of housing delivery and we plan to keep delivering for all of our residents.

Councillor Hersch asked Councillor Manro:

We have seen that John Lewis are consulting on a development for the Waitrose site that includes very tall towers up to 19 storeys. Was the pre-application advice by the council in line with the new local plan's site specific guidance regarding tall buildings?

Councillor Manro responded:

The proposals for the Waitrose site in West Ealing have been in development since January of 2022 and the process of offering pre application advice is still an on-going process.

The advice that has so far been given to the John Lewis Partnership is in line with the councils Development Management plan from 2013, the 2021 London Plan and Ealing's Tall Building Statement from January of Last year.

The John Lewis Partnership are also fully aware of the new tall building policy and site-specific guidance for the Waitrose site that has emerged from the reg 18 consultation. The recently published draft

new local plan from November last year is very clear on the design principles for the site, where the guidance is for buildings between 7 and 13 storeys.

However, The John Lewis Partnership have so far, despite many discussions with me and officers from our planning department, decided to ignore the advice given to them regarding the heights of the buildings in the proposed development.

There is a legal obligation for us to consider proposals on their merits, and this extends to applications for tall buildings. The Council has been very clear to the John Lewis Partnership on how we approach proposals for tall buildings, they must adhere to 3 clear pieces of guidance:

They must

- Deliver exceptional public benefits
- Be deliverable schemes
- Not cause harm to the local environment

The John Lewis Partnership have also failed to codify a commitment to providing 35% affordable housing and they have indicated that any affordable offer would be much lower than this.

My fellow councillors will surely agree that the proposals on offer under the current scheme are disappointing to say the least.

Now if Councillor Hersch would like to tell us all about her magical planning policies that would allow the Lib Dems to see into the future, foresee problems with sites, and advise developers using as yet unwritten planning advice then I would welcome such an elaboration.

In the meantime, Labour will continue to engage with our residents as we did for the local plan. Our consultation on the new local plan involved thousands of resident responses and truly embodies our commitments to working openly, transparently, and inclusively with the residents of Ealing. Getting their input to shape new developments across the borough is key to ensuring that potential developments are providing the social benefits that our residents deserve.

Councillor Young asked Councillor Costigan:

At the last Council meeting, I asked: 'If the recent proposal to pedestrianise Bond Street, High Street and Springbridge Rd were implemented, how would traffic travel from North to South Ealing?' I was told that 'There are no such proposals. Cllr Young should not believe everything he reads on the internet.'

Given that I read these proposals on the Council's website, as part of

the supporting documentation for the New Local Plan, please could the Portfolio Holder tell me which parts of that documentation I should or should not believe?

Councillor Costigan responded:

I did answer this question at the last meeting, so not sure why you are asking it again.

We have no plans to pedestrianise Bond Street.

However we do have plans to roll out more School Streets and Play Streets in the borough, which have been a great success. We will also be spending millions on Northolt and Southall to encourage active travel in these towns.

When we consider transport schemes in the borough we use the transport in Ealing charter to assess schemes. We have an approach with residents, when considering transport schemes, which starts with co-design with residents.

Councillor Hamidi asked Councillor Costigan:

Can the portfolio holder provide an update on how many electric vehicle charging points are in the borough?

Councillor Costigan responded:

I am delighted to update you all on the progress we've made increasing the number of electric vehicles charging points in the borough.

To date we've installed over 450 on-street charging points with a further 44 currently being installed – making up nearly 6% of all charging points in London!

Now considering we were only elected back in May, and I think we're making pretty good speed.

We're still live in consulting with the public with 161 going through the second phase Traffic Management Order consultation and if our consultations indicate support, we will be in a position to install over 670 points!

So at least Ealing Labour are on track to deliver their promises unlike this government, who at their current rate, are on track to miss their target of 300,000 public charging points, by more than 20 years.

Madam mayor I cannot stress that there is no time to lose on charging infrastructure and cleaning up our air from polluting cars that pump

gallons of toxins into our air. But the conservatives are simply asleep at the wheel.

Labour, on the other hand, has a clear plan of action. It will help drive the electric vehicle transition, helping those on low to middle incomes with the upfront costs, and we will accelerate the rollout of charging points to make it easier than ever to own an electric car.

Councillor Gallant asked Councillor Manro:

When was the replacement of Gurnell Leisure Centre first the subject of a Cabinet Report?

Councillor Manro responded:

The replacement of Gurnell Leisure Centre was first considered by Cabinet in March of 2015 (24th).

Now it would be very easy Madam Mayor for me to simply take my seat to such an easy question, that Cllr Gallant could have found of his own accord if he could be bothered to actually read cabinet reports or find out what is happening in the borough. But no, he has choose to spend his oral questions, a time when they can scrutinise and voice the opinions of his residents, to ask an obsolete question.

Now I am sure Cllr Gallant has a detailed supplementary question on Gurnell but I want to take the opportunity here this evening to highlight the great and significant progress that this administration has made towards bringing forward feasible, appropriate and sustainable plans for a brand new, state-of-the-art leisure centre for the borough.

The previous ecoworld scheme that was rejected while I was chair of the planning committee, in fact I might note that 2 members of this cabinet were on the planning committee where the scheme was rejected. We rejected that scheme primarily to protect the openness of the Metropolitan Open Land and because the proposed designs of the development just weren't appropriate for the area.

While it reprovisioned the leisure centre, the inclusion of 6 residential blocks, totalling 600 units, with heights of 12 to 17 storeys just wasn't right for the site. In stark contrast, the new scheme, that we are in the early stages of designing, will comprise of between 200 and 300 homes, around half of what was proposed by ecoworld. We also anticipate that the heights of the buildings would also be significantly scaled back, with heights of between 7 and 10 storeys. This enabling development will not cover the full cost of the leisure centre, which means the council will have to borrow money to allow the scheme to proceed.

We have reached this stage, not only by learning lessons from the

failed ecoworld scheme, but through detailed consultation with our residents. The Gurnell Community Sounding Board has played a pivotal role in the plans so far, and we are committed to continuing to work with the members of the sounding board as the project continues to progress. Our values of openness, transparency and inclusivity are embodied in the work that we are undertaking, and we will continue to work in this way, ensuring that we listen to residents and local stakeholders throughout the process.

We hope to be in a position to submit for planning permission by the end of this year and I am extremely proud of the progress that we have made so far.

While Liz Truss' inflationary crisis has left 100's of leisure centres across the country at threat of closure, Labour in Ealing are committed to providing a financially and environmentally sustainable leisure centre, that will provide the people of this borough with the state-of-the-art leisure facilities that they deserve, for decades to come.

9 2023-24 Budget Strategy and Council Tax Resolution

Councillor Donnelly moved, and Councillor Mason seconded, the Council's Budget Strategy for 2023-24.

Councillor Busuttil moved, and Councillor Malcolm seconded, an amendment to the budget.

Councillors Malcolm, Young, Baaklini, Kamaljit Kaur Nagpal, Malcolm, Kelly, Haili, Gallant, Knewstub, Ball, Bains, Quansah, Stafford, Anderson, Manro, Steed, Mahfouz, Johnson, Conti and Mason responded to the motion and amendment.

Councillor Donnelly summed up the motion and Councillor Busuttil summed up the amendment.

A recorded vote was taken on the amendment, with the voting as follows:

FOR: Councillors

Gallant, Kumar, Conti, Young, Stafford, Ball, Hersch, Malcolm, Steed and Busuttil

AGAINST: Councillors

Shaw, Mason, Costigan, Mahfouz, Manro, Donnelly, Kamaljit Kaur Nagpal, Raza, Blacker, Gordon, Knewstub, R Wall, Kelly, L Wall, Summers, Rice, M Ahmed, Mahmood, Brett, Dheer, Khan, S Ahmed, Sharma, Rai, P Anand, Kaur Dheer, Johnson, Mohan, Iqbal, Murtaza, Sidhu, J Martin, K Crawford, Dhindsa, Anderson, Haili, D Crawford, Jassal, Kingston, Hamidi, Quansah,

Bains, Mohamed, Padda, Kim Nagpal, Driscoll, D Martin, Baaklini, Wesson, Tighe, Tailor and Midha.

ABSTENTIONS:

None

The amendment was duly LOST.

A recorded vote was taken on the original motions and it was

RESOLVED: That Council

- 1) Revenue Budget 2023/24 and Medium-Term Financial Strategy 2023/24 to 2026/27
 - a) Considers and approves the Revenue Budget for 2023/24 as summarised in Appendix 1.
 - b) Considers the advice of the Strategic Director of Corporate Resources (Section 151 Officer) on the levels of reserves and robustness of estimates in setting the budget as required by Section 25 of the Local Government Act 2003 (Appendix 0, section 10).
 - c) Notes the financial risks and pressures set out in the report to Cabinet on 22 February 2023 (Appendix 0, section 4 and section 14).
 - d) Approves the Parking Account 2023/24 (Appendix 0, paragraph 5.12 and Appendix 5).
 - e) Approves the draft Schools budget of £310.595m and agrees that any changes to the budget reasonably required as a result of the final 2023/24 Dedicated Schools Grant (DSG) settlement are delegated for decision to the Strategic Director of Children following consultation with the Strategic Director of Corporate Resources (Section 151 Officer) (Appendix 0, section 6).
 - f) Approves the Strategic Director of Corporate Resources (Section 151 Officer) to agree appropriate actions to comply with the DSG guidance, including agreeing the appropriate Deficit Recovery Plan (Appendix 0, section 6).
- 2) Capital Programme 2023/24 – 2027/28
 - a) Approves the updated profile of the Capital Programme totalling £1,296.633m (before additions and schemes to be decommissioned), as set out in Appendix 0 (section 8), Appendix 6 and Appendix 7.
 - b) Approves the new General Fund capital programme additions totalling £12.850m and schemes to be decommissioned totalling £12.574m (Appendix 0, paragraph 8.3 to 8.4 and Appendix 6).
- 3) Capital Strategy, Treasury Management and Pension Fund

- a) Approves the Treasury Management Strategy including the associated Prudential Indicators and Annual Investment Strategy (Appendix 0, section 9 and Appendix 9).
 - b) Approves the Treasury Management Policy Statement (Appendix 9).
 - c) Notes the Strategic Director of Corporate Resources (Section 151 Officer) will implement the Treasury Management Strategy under existing officer delegated powers (Appendix 9).
 - d) Approves the Minimum Revenue Provision (MRP) policy (Appendix 9).
 - e) Notes that the Council manages the cash on behalf of the Pension Fund and West London Waste Authority in accordance with the Treasury Management Strategy (Appendix 9).
 - f) Approves the Capital Strategy (Appendix 8).
 - g) Approves the Flexible Use of Capital Receipts policy for 2023/24 over the new MTFS period, subject to meeting Department for Levelling Up Housing and Communities (DLUHC) criteria (Annex A of Appendix 8).
 - h) Approves for the Strategic Director of Corporate Resources (Section 151 Officer) to agree commencement of the programme and sub-projects to be funded from the Flexible Use of Capital Receipts following DLUHC criteria being met (Annex A of Appendix 8).
- 4) Council Tax and Business Rates
- a) Approves an increase of 2% for the Social Care Precept and an increase of 2.99% for Council Tax in 2023/24 (Appendix 0, paragraph 5.7.4).
 - b) Notes the Greater London Authority (GLA) Band D precept of £434.14 for 2023/24 (Appendix 0, paragraph 5.6.2).
 - c) Notes that the Strategic Director of Corporate Resources (Section 151 Officer) calculated under delegated authority on 9 January 2023 the amount of 121,612.9 as the Council Tax Base, being the number of properties in Bands A-H in the Borough, expressed as an equivalent number of Band D units for the year 2023/24; in accordance with regulation 3 of the Local Authorities Calculation of Council Tax Base Regulations 1992 as amended made under Section 335 and 344 of the Local Government Finance Act 1992 (Appendix 0, paragraph 5.7.1).
 - d) Notes the forecast Collection Fund position for 2022/23 (Appendix 0, paragraph 5.9).
 - e) Notes the Council's share of the Council Tax and business rates income forecast for 2023/24 as approved by the Strategic Director of Corporate Resources (Section 151 Officer) (Appendix 0, section 5.9 to 5.10 and Appendix 1).
 - f) Approves the continuation of an additional premium on top of standard Council Tax for properties which have been

empty for more than 2 years and agree in principle to commence an additional 100% charge for the properties empty for more than one year from 1 April 2024 (Appendix 0, paragraph 5.7.7).

- g) Approves the revised Local Council Tax Reduction Scheme for the financial year 2023/24 as approved by Cabinet 7 December 2022 (Appendix 0, paragraph 5.7.15 and Appendix 4).

Council Tax Resolution

- 1.1. In respect of the calculation and setting of Council Tax, Council approves:

- 1) the Council Tax requirement for the Council's own purposes for 2023/24 is £171,078,947 [Item R in the formula in Section 31B of Local Government Finance Act 1992, as amended (the "Act")]
- 2) acceptance of the social care precept of 2% on council tax;
- 3) a basic amount of council tax at Band D for Ealing's services for 2023/24 of £1,406.75 - a 2% increase for the social care precept and a 2.99% increase for Ealing's share; and
- 4) an overall Band D council tax of £1,840.88 including the GLA precept.

- 1.2. Agrees the calculations as set out in Table 1 below for 2023/24 that has been prepared in accordance with Sections 31A and 31B of the amended Local Government Finance Act (LGFA) 1992:

Table 1: Section 31A (LGFA 1992 - amended) Calculation

(A)	Aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) (a) to (f) of the LGFA 1992 <i>(a) = Council's gross expenditure and transfers to reserves.</i>	£1,104,358,603
(B)	Aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) (a) to (d) of the LGFA 1992 <i>(b) = Council's gross income and transfers from reserves. This includes RSG and surpluses transferred from the Collection Fund.</i>	£933,279,656
(C)	Calculation of the Council Tax requirement under section 31A (4), being the amount by which the sum aggregated at (A) (above) exceeds the aggregate of (B) (above). <i>(c) = Council's council tax requirement.</i>	£171,078,947

- 1.3. Agrees the calculation of the basic amount of Council Tax required is as follows (see Table 2), calculated by dividing the Council Tax requirement by the Council Tax base for 2023/24 (referred to as

Items R and T respectively, in Section 31B of the LGFA 1992 (amended)):

Table 2: Section 31B (LGFA 1992 - amended) Calculation

	Council Tax Requirement (see Table 1 (C))	£171,078,947
(D)	Council tax base for 2022/23	121,612.9
(E)	Tax per Band D Property	£1,406.75

- 1.4. Agrees the calculation made in accordance with Section 36 of the Local Government Finance Act 1992, the following amounts for Ealing's services in 2023/24 (see Table 3). These being the amounts given by multiplying the amount shown as 'Tax per Band D Property' (Table 2 above) by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.
- 1.5. Notes that for 2023/24 the GLA, the major Precepting Authority, has approved the following amounts of precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown in Table 3 below.

Valuation Band	A	B	C	D	E	F	G	H
Banding Factor	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
Ealing's Council Tax	£937.84	£1,094.14	£1,250.45	£1,406.75	£1,719.36	£2,031.97	£2,344.59	£2,813.50
GLA Precept	£289.43	£337.66	£385.90	£434.14	£530.62	£627.09	£723.57	£868.28
2023/24 Total Council Tax	£1,227.27	£1,431.80	£1,636.35	£1,840.89	£2,249.98	£2,659.06	£3,068.16	£3,681.78

Ealing's Council Tax and GLA Precept by band of property

- 1.6. Having calculated the aggregate in each case of the amounts in recommendations 1.5 and 1.6 above, in accordance with Section 30(2) of the Local Government Finance Act 1992, approves the amounts in Table 3 to be set as the amounts of Council Tax for 2023/24 for each of the categories of dwellings, as set out in table above.
- 1.7. Determines that, with reference to principles approved by the

Secretary of State under Section 52ZB and 52ZC of the Local Government Finance Act 1992, the level of Council Tax for Ealing is not excessive and as such no referendum is required (Appendix 0, paragraph 5.7.2).

- 1.8. Determines that, as the billing authority, the Council has not been notified by the GLA that its relevant basic amount of council tax for 2023/24 is excessive and therefore the Council is not required to hold a referendum in accordance with Section 52ZK of the Local Government Finance Act 1992.

Voting:

FOR: Councillors

Shaw, Mason, Costigan, Mahfouz, Manro, Donnelly, Kamaljit Kaur Nagpal, Raza, Blacker, Gordon, Knewstub, R Wall, Kelly, L Wall, Summers, Rice, M Ahmed, Mahmood, Brett, Dheer, Khan, S Ahmed, Sharma, Rai, P Anand, Kaur Dheer, Johnson, Mohan, Iqbal, Murtaza, Sidhu, J Martin, K Crawford, Dhindsa, Anderson, Haili, D Crawford, Jassal, Kingston, Hamidi, Quansah, Bains, Mohamed, Padda, Kim Nagpal, Driscoll, D Martin, Baaklini, Wesson, Tighe, Tailor and Midha.

AGAINST: Councillors

Gallant, Kumar, Conti, Young, Stafford, Ball, Hersch, Malcolm, Steed and Busuttil

ABSTENTIONS:

None

10 2023-24 Members Allowances Scheme

The 2023-24 Members Allowances Scheme was moved by Councillor x and seconded by Councillor x.

RESOLVED: That Council

1. Noted and had regard to the report and recommendations of the London Councils' independent panel, 'The Remuneration of Councillors in London 2022'.
2. Approved the proposed Ealing Members' Allowances Scheme for 2023/24 as set out in Appendix 1 to the report.

11 2023-24 Pay Policy Statement

RESOLVED: That Council

1. Approved the attached Pay Policy Statement (appendix 1) and note the supporting appendices 2, 3, 4 and 5;
2. Approved a policy, for 2023-24, to pay the rLW formerly known as the LLW rate or above to direct employees (whether permanent or fixed term) and to ensure agency workers are paid the rLW. The rLW will be paid for the time periods during which employees are carrying out what might be described as (for example) the normal duties of the post. However, it will not be paid for the time periods on which employees are on a standby shift, or a sleep-in shift, and not carrying out the normal duties of the post;
3. Noted that decisions on pay grades for chief officers will be determined by Chief Officer Panel, in accordance with their existing terms of reference;
4. Commended to Governing Bodies of Schools that they consider paying the rLW rate to schools-based employees (whether permanent or fixed term) and to agency workers working in Schools.

12 Appointments to Committees and Other Bodies

There were no appointments to Committees and other bodies.

13 Urgent Key Decisions Exempted from Call-in

There were no urgent key decisions exempted from call-in.

14 Cabinet Portfolio and Responsibility Update

RESOLVED: That Council noted:

1. Cllr Lauren Wall resigned her position as cabinet portfolio holder for Genuinely Affordable Homes
2. The Leader has updated the responsibilities of the portfolio holder for Genuinely Affordable Homes, in accordance with his powers under Article 7.09 of Part 2 of the constitution. The portfolio responsibilities of that portfolio now comprise the following:
 - The Social Housing Regulator referral and recovery plan
 - Housing asset management,
 - Fire health and safety,
 - HRA including business plan,
 - Housing allocations,
 - Tenancy management including housing hubs,
 - Homelessness & temporary accommodation management,
 - Housing strategy,
 - New housing supply including HRA and Broadway Living,
 - Estate regen / renewal,
 - Temporary accommodation (acquisition)

3. The Leader has appointed the following cabinet members to carry out the respective responsibilities of the portfolio holder for Genuinely Affordable Homes:

Cllr Steve Donnelly – Cabinet Member for Inclusive Economy & Safe, Secure Council Homes

- The Social Housing Regulator referral and recovery plan
- Housing asset management,
- Fire health and safety,
- Housing allocations,
- Tenancy management including housing hubs,
- Homelessness & temporary accommodation management,
- HRA business plan (revenue & non-renewal capital projects)

Cllr Shital Manro – Cabinet Member for Good Growth & New Housing

- Housing strategy and policy
- New housing supply including HRA and Broadway Living,
- Estate regen / renewal,
- Temporary accommodation (acquisition),
- HRA business plan (renewal capital projects).

4. The Leader will put in place longer term arrangements in due course and report these to annual council

Meeting commenced: 7.00 pm

Meeting finished: 9.45 pm

Signed:

Dated: Tuesday, 25 April 2023

M Midha (Mayor)

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ORAL QUESTIONS – 25 April 2023

	From	To Cabinet Member	Question
1.	Cllr Amarjit Jammu (Labour)	Cllr Kamaljit Kaur Nagpal Cabinet Member for a Fairer Start	Can the portfolio holder provide an update on the Council's delivery of an additional 40 new places for children with Special Educational Needs and Disabilities in our schools?
2.	Cllr Athena Zissimos (Liberal Democrat)	Cllr Shital Manro Cabinet Member for Good growth and new homes	Please could you provide a complete list of all disability charities that were consulted about their views in the drawing up of the Draft Local Plan, together with dates, channel of communication and how responses were given and recorded?
3.	Cllr Fabio Conti (Conservative)	Cllr Deirdre Costigan Deputy Leader and Cabinet Member for Climate Action	Savings for next year in the council budget papers seemed to suggest that there may be a reduction in street cleaning in some areas. Could the portfolio holder confirm that there will be NO reduction in street cleaning on any residential street in the borough next year?
4.	Cllr Grace Quansah	Cllr Aysha Raza Cabinet Member for Tackling Inequality	Can the portfolio holder provide an update on the progress that the council has made to meet the demands of the Race Equality commission?
5.	Cllr Julian Gallant	Cllr Deirdre Costigan Deputy Leader and Cabinet Member for Climate Action	The current cost of living pressures are felt by everyone. Does the leader believe that taxing people who can't afford to upgrade their cars, by way of an extended Ultra Low Emission Zone, is the right thing to do at this time?
6.	Cllr Ilayda Nijhar	Cllr Steve Donnelly Cabinet Member for Inclusive Economy	Can the portfolio holder provide an update on the support available from the council during the cost-of-living crisis Including our plans for this year's Household Support Fund?
7.	Cllr Kim Nagpal	Cllr Shital Manro Cabinet Member for Good growth and new homes	Can the portfolio holder provide an update on the council's provision of supported accommodation for some of our most vulnerable residents in the last year?

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Opposition Group Motion for Debate

This Council resolves to reintroduce Ward Forums with devolved budgets by this Autumn. The absence of Ward Forums leaves many residents with the impression that Ealing Council does not want to listen to them.

The Council recognises that the promised, but not delivered, Town Forums would have the disadvantages of the previous Area Committees, and would do little to improve local democracy.

Ward Forums with devolved budgets are a proven, and effective, means of improving resident engagement. They require Ward Councillors to interact with their constituents and to respond to their concerns. They are key to helping those residents who find themselves digitally excluded. With no Ward Forums, there is a democratic deficit. Ealing deserves better.

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**Report for:
INFORMATION**

Item Number:

Contains Confidential or Exempt Information	NO
Title	Annual Review 2022/23
Responsible Officer(s)	Director of Legal and Democratic Services
Author(s)	Helen Harris
Portfolio(s)	Non-executive function
For Consideration By	Full council
Date to be Considered	25 th April 2023
Implementation Date if Not Called In	Not applicable
Affected Wards	None
Keywords/Index	Standards Committee annual review 2022/23

Purpose of Report:

A report summarising the work of the Standards Committee over the past year, including an overview of formal complaints made about councillors

1. Recommendations

It is recommended that full council:

1.1 Notes the work and achievements of the committee and its independent people during the past year, and

1.2 Thanks Ms Oumou Sall and Ms Karen Quayle for their hard work as independent standards people

2 Reason for Decision and Options Considered

2.1 It is good practice for standards committees to produce an annual report on their activities through the year.

2.2 [Chapter 7 of Part 1 of the Localism Act 2011](#) places an obligation on the council to promote and maintain high standards of conduct by Members and co-optees. Although the 2011 Act did not prescribe a form of Code of Conduct, it did require that the council have a Code of Conduct for its councillors and that the Code must cover the following 7 principles:

Selflessness / Integrity / Objectivity / Accountability / Openness / Honesty / Leadership.

2.3 The Localism Act removed the requirement for the council to have a standards committee and for any such standards committee to have an independent chair. It did however introduce the mandatory requirement for the council to have at least one “independent person”, who must be consulted in defined circumstances in relation to standards complaints.

2.4 Ealing’s standards regime is backed up by a [Code of Conduct](#) drawn up following principles set by members. Ealing has a strong culture of compliance, supported by locally delivered training for all our councillors.

2.5 Following the May 2022 local elections, all Ealing councillors undertook formal training on governance issues, including the Code of Conduct for Councillors. One of the sessions was delivered by external specialist trainers, and all councillors were offered the opportunity to attend that session if they wished. Specialist governance training for all councillors accords with best practice and ensures that Ealing’s culture of high ethical standards and excellent behaviour amongst councillors continues. All councillors continue to participate in the training programme drawn up by officers (following consultation with the party whips).

2.6 Members continue to have access to the full range of e-learn modules via the council’s e-Learning platform. In addition, training continues to be delivered by officers and partner organisations, on a range of specialist subjects including equalities.

2.7 The figures in the table below show the number of Ealing Council standards complaints over the last ten years:

Year	Total number of complaints	Complaints dealt with by Standards Committee
2013/14	12	2
2014/15	0	0
2015/16	5	0
2016/17	3	0
2017/18	8	0
2018/19	2	1
2019/20	9	0
2020/21	21	1
2021/22	14	None.
2022/23	6	None so far, although one complaint remains outstanding for resolution.

3 Key Implications

3.1 The Standards Committee now meets once a year, in the absence of complaints requiring committee-level consideration. This arrangement works well and reflects the fact that Ealing councillors, by and large, understand their responsibilities and are complying with them. There is a strong “compliance culture”. Five additional dates were put in the municipal diary at the start of the year for “complaints meetings”, to make it quicker and easier to organise meetings to deal with complaints should these be received and required to be considered at committee level. It is not yet clear whether a meeting of the Standards Assessment Panel will be needed before the end of this current municipal year.

3.2 The following substantive items are on the agenda for the one meeting of the 2022/23 municipal year:

	Name of report	Meeting date
1	Annual review of the whistle blowing policy	Annual meeting 9 th March 2023
2	Overview of the Council's Freedom of Information performance	Annual meeting 9 th March 2023
3	Annual review	Annual meeting 9 th March 2023

3.3 There were six official standards complaints during the year since early March 2022; full details of these are shown in the appendix. Five of the complaints have been fully dealt with; one remains outstanding but will be dealt with shortly.

3.4 There were less delays in dealing with complaints this year than in the previous year, due to a combination of the reduction in numbers and the end of the COVID19 pandemic and the consequently positive impact on officer workloads. The reduction in the number of complaints appears to have been due to the removal of the Law Traffic Neighbourhoods, which had been the key underlying factor behind the spike of complaints in the 19/20 and 21/22 municipal years.

3.5 Two of the complaints in the 21/22 municipal year related to issues on the GLA / London Mayoral elections, which were held in May 2021. It is encouraging to note that the May 2022 local elections did not generate any standards complaints.

3.6 The following trends can be discerned, some of which continued from the previous year:

- Members of the public are increasingly seeking to use the standards regime as a tool to challenge council policies and decisions more generally. This personalisation of disputes is a feature of both local and national politics, and it appears to have been exacerbated by social media.
- The failure or delay by councillors to respond to correspondence or calls. This is a difficult issue, due to the sheer volume of correspondence received by all councillors and the high expectations of those sending that correspondence.

However, it is important that all councillors understand their responsibilities to their constituents.

- A worrying trend for unsubstantiated but very serious allegations against councillors to be made anonymously. In such circumstances, it is difficult to avoid the conclusion that such complaints are malicious. This trend is worrying, particularly in its potential to discourage worthy candidates from standing for public office.

3.7 The role of the standards regime is set out in [section 27\(1\) of the Localism Act 2011](#). Namely, to “*promote and maintain high standards of conduct by members*” in the course of their council work. It would not be appropriate, save in the most extreme of circumstances, for the standards regime to be used as a route to challenge policy decisions taken by the council as a whole; such a challenge would be for the courts to resolve, in the context of a judicial review challenge of the decision in question.

The independent people

3.8 Section 28(7) of [Chapter 7 of Part 1 of the Localism Act 2011](#) requires that the council appoints at least one “independent person”, whose views should be sought and taken into account before the Council (in practice, the council’s Standards Committee) takes a decision in relation to an allegation that it has decided to investigate. The views of the independent person(s) may also be sought by the member or co-optee about whom the complaint has been made.

3.9 Ealing has customarily appointed two independent people.

3.10 Over the past year the Standards Committee received excellent support from Ms Oumou Sall and Ms Karen Quayle in their role as independent members.

4 Financial

The work of the Standards Committee is funded from within the existing resources of the Legal and Democratic Services team.

5. Legal

The standards regime for councillors is governed by [chapter 7 of part 1 of the Localism Act 2011](#), and a number of statutory instruments that have been made under that Act. The provisions of the Code of Conduct must be read in the context of the [Human Rights Act 1998](#).

6. Value For Money

Implicit within the report.

7. Sustainability Impact Appraisal

No issues.

8. Risk Management

A high standard of conduct by informed members is a key component in reducing risk for the council.

9. Community Safety

No issues.

10. Links to the 3 Key Priorities for the Borough

The council's administration has three key priorities for Ealing. They are:

- fighting inequality
- tackling the climate crisis
- creating good jobs.

11. Equalities, Human Rights and Community Cohesion

No issues.

12. Staffing/Workforce and Accommodation implications:

Resources to support the standards work are provided from within the Legal and Democratic Services team.

13. Property and Assets

No issues.

14. Consultation

None required.

16. Appendices

Appendix: details of complaints.

18. Background Information

Localism Act 2011, part 1, chapter 7 (<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7>)
Standards Committee report [19th January 2012](#) on the implications of the Localism 2011 Act
Ealing Council's [Code of Conduct for councillors](#)

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
	Director of Legal and Democratic Services	Author		
External				
	No external parties consulted.			

Report History

Decision type:	Urgency item?
Non-key decision	No
Report no.:	Report author and contact for queries: Helen Harris
	Director of Legal and Democratic Services

Appendix: summary details of complaints

	Complaint	Section of code alleged to be breached	Outcome / current status
1	Complaint that ten councillors were in breach of the Code of Conduct, as hacked the complainant's private data, used that data to take part in legal cases against them, acted as covert human intelligence sources against them, lied about them, and shared their private data with third parties. [25.07.2022: complaint by	3.You must maintain a high standard of conduct and comply with the following general principles of conduct: ... Integrity ... Leadership ... 4.You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the council into disrepute 5.You must treat others with respect. 6.You must not: a. disclose information given to you in confidence by anyone or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature ..	That the complaint <u>not</u> be referred for investigation. Reasons : 1. Despite being asked, the complainant produced no evidence to support the complaint. 2. It is not standard practice to accept a complaint with no evidence whatsoever to support it. However, on this occasion the complaint was accepted because of the very serious nature of the complaints made and

	member of the public]		<p>the complainant's insistence that the evidence to support it existed.</p> <p>Initial enquiries found no indication either that any data is held about the complainant by the complainee councillors or that any such data was ever inappropriately used.</p> <p>3. Enquiries were also made of various council data systems, and none indicated that the complainant was known to Ealing Council, save that the complainant made a data subject access request earlier in 2022.</p> <p>In the light of the findings set out above, no breach of the Councillors' Code of Conduct would appear to have taken place.</p> <p>The independent standards people were not consulted in relation to this complaint, as there was no information to consult with them about.</p>
2	<p>Complaint that Cllr 1, in responding to a question from the complainant at a public meeting:</p> <p>1. Treated the complainant in an aggressive, humiliating, insulting,</p>	<p>3.</p> <p>(a) General Principles: Integrity — you should maintain high standards of conduct at all times; you should not place yourself in situations where your integrity may be questioned; and you should avoid any appearance of improper behaviour</p>	<p>That the complaint <u>not</u> be referred for investigation.</p> <p>Reasons :</p> <p>The information given by the complainant gives a clear indication as to how Cllr 1's remarks at the meeting impacted the complainant, who was clearly upset.</p>

	<p>and patronising manner.</p> <p>2. Failed to give a clear answer to the question, and</p> <p>3. Failed to make the complainant feel safe or comfortable as a resident engaging with the council in a public arena.</p> <p>[28.07.2022: complaint by member of the public]</p>	<p>(b) General Principles:</p> <p>Leadership — you should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence</p> <p>4. You must not conduct yourself in manner which could reasonably be regarded as bringing your office or the council into disrepute</p> <p>5 (1) You must treat others with respect</p> <p>5(2)(b) You must not bully any person</p>	<p>Cllr 1 was robust and highly political in their remarks to the complainant. The nature of Cllr 1's remarks were unusual towards a member of the public but mild by the standard of debate between councillors within a full council meeting. Cllr 1 appeared to treat the complainant more like a councillor from a different political group than a member of the public. However, in all the circumstances, this did not appear to show a lack of respect, bullying behaviour, or such as to bring the council into disrepute.</p> <p>Circumstances that are of particular relevance were:</p> <p>A. That the complainant stood as a party political candidate in recent elections. This fact of the complainant's very recent candidature made it reasonable for Cllr 1 to take a more robust approach with the complainant that they might have chosen for other members of the public.</p> <p>B. That the complainant underlined the political nature of their question by, in their supplementary question, referring to aspects of a political party's Manifesto.</p>
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			<p>C. That Cllr 1 nevertheless remained respectful in their remarks.</p> <p>It was noted that Cllr 1 answered the question put to them and repeated several times the offer to answer separately with the complainant to discuss any concerns about the subject of the public interaction.</p> <p>In all the circumstances Cllr 1's behaviour could not reasonably be said to constitute a breach of the Code of Conduct and the complaint should not therefore be referred for a full investigation.</p> <p>The independent members were consulted.</p>
3	<p>Complaint that Cllrs 2 and 3 were in breach of the Code of Conduct, by not looking after the interests of local people by reason of their role in policy and decision making. The complainant is specifically concerned about air quality in the vicinity of a local railway station and the use of Transport for London funding for traffic projects.</p>	<p>3. You must maintain a high standard of conduct and comply with the following general principles of conduct: ... Integrity ... Objectivity ... Accountability ... Honesty ...</p> <p>4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the council into disrepute</p>	<p>That the complaint <u>not</u> be referred for investigation.</p> <p>Reasons :</p> <p>1. It was clear from the wording of the complaint that the complainant felt very strongly about important issues of air quality in the vicinity of the station and the role of Ealing Council policy and decision making in relation to those issues. However, that is a policy matter and not a matter of compliance by individual councillors with the Code of</p>

	[05.11.2022: complaint by member of the public]		<p>Conduct for Councillors.</p> <p>2. The role of the standards regime is set out in section 27(1) of the Localism Act 2011. Namely, to “<i>promote and maintain high standards of conduct by members</i>” in the course of their council work.</p> <p>It would not be appropriate, save in the most extreme of circumstances, for the standards regime to be used as a route to challenge policy decisions taken by the council as a whole; such a challenge would be for the courts to resolve, in the context of a judicial review challenge of the decision in question.</p> <p>In the light of the information above, no breach of the Councillors’ Code of Conduct would appear to have taken place.</p> <p>Both independent members were consulted. Both agreed that this was not a complaint about behaviour appropriate to be dealt with under the standards regime.</p>
4	Complaint that Cllr 4 acted improperly in relation to their profession.	The Code did not apply, as the complaint related to allegations of behaviour other than in Cllr 4’s capacity as a councillor.	<p>That the complaint <u>not</u> be referred for investigation.</p> <p>Reasons :</p>

	<p>[12.10.2022: complaint by an anonymous person]</p>		<p>1. The law is explicit that the Code of Conduct for Councillors applies only when councillors are acting in the capacity as councillors. (See section 27(2) of the Localism Act 2011):</p> <p>In discharging its duty under subsection, a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.</p> <p>It was clear that the complaint related entirely to Cllr 4's private professional work and not to their work as an Ealing councillor.</p> <p>2. Ealing Council's adopted Standards Procedure makes clear (section 2.2) that:</p> <p>Complainants must give their name. Anonymous complaints will not be accepted although in exceptional circumstances the DLDS may agree to a request that a complainant's name be withheld from the complaine</p> <p>In the circumstances of:</p> <ul style="list-style-type: none"> - the potentially libellous nature of the complaint allegations - the fact that they were entirely unsubstantiated,
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			<p>- that the complaint clearly related to Cllr 4's private profession, and</p> <p>- that the complainant did not give their name or valid contact details</p> <p>the decision was taken to not consult the independent people.</p>
5	<p>Complaint that Cllr 5 responded to the complainant's enquiry email with a holding email but then failed to communicate further, despite chasing.</p> <p>[24.01.2023: complaint by member of the public]</p>	<ul style="list-style-type: none"> - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the council into disrepute - You must treat others with respect - You must maintain a high standard of conduct and comply with the following general principles of conduct: ... Accountability 	<p>That the complaint <u>not</u> be referred for investigation.</p> <p>Reason :</p> <p>Failure to respond to correspondence would <i>not</i> normally amount to a potential breach of the code of conduct, even though failure to respond to correspondence for a significant period of time might be an example of less than ideal behaviour by an elected councillor, if the issue being raised had not already been dealt with elsewhere.</p> <p>In these circumstances, a full investigation would not be appropriate or justified.</p> <p>Both independent members were consulted and both agreed that no breach of the Code appeared to have taken place.</p>
6	<p>Complaint that Cllr 6, in the course of a public meeting, referred to information that was confidential.</p>	<p>6. You must not—</p> <p>(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware,</p>	<p>Complaint is outstanding for a decision by the DLDS on whether to refer it for investigation.</p>

<p>[13.01.2023: complaint by a councillor]</p>	<p>is of a confidential nature, except where—</p> <ul style="list-style-type: none"> (i) you have the consent of a person authorised to give it; (ii) you are required by law to do so; (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or (iv) the disclosure is— <ul style="list-style-type: none"> (aa) reasonable in all the circumstances, (bb) in the public interest; and (cc) made in good faith and in compliance with the reasonable requirements of the council; or <p>(b) prevent another person from gaining access to information to which that person is entitled by law.</p>	<p>Independent members have both been consulted.</p>
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Motions not for Debate – 25 April 2023

1. Voter suppression by the Conservative Government - Moved by Cllr Gary Malcolm, Seconded by Cllr Jon Ball

Ealing Council notes the introduction of Voter Identification for elections from 4th May 2023, which will require voters to present an approved form of Photo ID at a polling station in order to vote. British people have just lost their unobstructed right to vote. This is nothing short of voter suppression by the Conservative Government.

Ealing Council further notes that there is little evidence that voter fraud is a systematic issue in UK elections and about 7.5% of voters do not currently hold an acceptable form of ID.

Ealing Council is deeply concerned that the requirement to provide Photo ID will present a significant barrier for thousands of residents in Ealing to exercise their right to vote – and these barriers will disproportionately effect those from minority ethnic, low income, disabled, LGBT+, elderly and young voter groups.

Ealing Council instructs the Chief Executive to write to the Cabinet Office to express the Council's complete opposition about the damaging effect on democracy that mandatory Voter ID will have in UK elections and to demand that this section of the new legislation is repealed immediately.

2. NAO report on fraud and corruption - Moved by Cllr Andrew Steed, Seconded by Cllr Connie Hersch

Ealing Council notes the National Audit Office report 'Tackling fraud and corruption against government' which showed an increasing amount of fraud and corruption and that our government is failing to make the best use of tax payers' monies.

Ealing Council also notes that in 2020-21 there was up to £58.8 billion of fraud and error in government spending and income unrelated to the pandemic.

Ealing Council further also notes that the report stated that 'However, outside of tax and welfare, government still lacks robust assessments of where and what its fraud risks are.'

Ealing Council agrees that some of this lost money could have gone into helping local authorities like Ealing help vulnerable residents.

3. Warren Farm - Moved by Cllr Athena Zissimos, Seconded by Cllr Connie Hersch

Ealing Council welcomes the fact that the Warren Farm Nature Reserve petition has already gained over 20,000 signatures. Warren Farm is a successfully self-rewilded area which provides a habitat for 20 endangered species including the ground nesting Skylark and vulnerable plant and insect species facing extinction such as Copse Bindweed.

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Report for:

ACTION

Item Number:

Contains Confidential or Exempt Information	No
Title	Statement of Gambling Licensing Policy Renewal
Responsible Officer(s)	Darren Henaghan, Strategic Director, Housing & Environment
Author(s)	Izabela Gregory Regulatory Services Operations Manager (Acting)
Portfolio(s)	Decent Living Incomes, Councillor Bassam Mahfouz
For Consideration By	Full Council
Date to be Considered	25 April 2023
Implementation Date if Not Called In	Not Applicable
Affected Wards	All
Keywords/Index	Licensing, gambling, policy,

PURPOSE OF REPORT

As a licensing authority under the Gambling Act 2005 the Council has a statutory duty to prepare and publish a statement of gambling licensing policy every three years.

This report asks the Full Council to approve the revised Statement of Gambling Licensing Policy.

1. Recommendations

Members are asked to:

- 1.1. Approve the Council's revised Statement of Gambling Licensing Policy, included in Appendix 1.

2. Reason for decision and options considered

- 2.1. The Gambling Act 2005 (the Act) requires that the Council as a Licensing Authority makes a statement of gambling licensing policy at least every three years. The Council's existing policy has been in force since 27 July 2020.

- 2.2. The published statement must have regard to and be consistent with the three objectives laid down in the Act which in short are:

- Preventing gambling from being a source of crime and disorder;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from harm or exploitation.

- 2.3. When preparing the statement, licensing authorities are required to adhere to regulations and have regard to the Gambling Commission's Guidance.

- 2.4. The statement must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act.

- 2.5. The current licensing policies related to the Licensing Act 2003, Sex Establishment Licensing and Gambling Act 2005 are all contained in one document. To facilitate the review and refresh of the Gambling Licensing Policy, without the need to change the other policies, the Licensing Committee agreed that this single document was to be separated into its constituent parts. No operational or functional policy change results, this is simply a clerical action to enable changes to discrete parts of policy to be carried out as prescribed by the statutory provisions which differ for these three policies.

- 2.6. In line with the regulations and the Gambling Commission's guidance, the Council's Statement of Gambling Licensing Policy was developed, prepared, and consulted upon with due regard to the requirements.

- 2.7. The Gambling Commission recommends that licensing authorities complete local area profiles as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to local landscape. There has been no local area profile completed as part of this review (or previous reviews). It is recognised that such reports can provide

many benefits for the licensing authority and the operators, therefore a comprehensive local area profiling to align with the review of the overarching Licensing Act 2003 Policy is scheduled for 2024/2025.

2.8. The consultation on the revised statement included statutory consultees and those required by the legislation.

2.9. Two representations were made, and relevant amendments were agreed by the Licensing Committee on 28 March 2023.

3. Key implications

3.1. If there is no policy in place any decision made by the Licensing Committee in respect of gambling licence may not be valid and will be open to legal challenge.

3.2. Failure to have a policy is not only unlawful but could leave the Council open to criticism from central government and ultimately the Council could face judicial review through the courts.

3.3. The revised Policy will be advertised in accordance with guidance and including being made available at reasonable times for inspection by members of the public.

4. Financial

4.1. No financial implications are anticipated. The actions required to publish a new statement of gambling licensing policy can be delivered within existing resources.

5. Legal

5.1. Section 349 of the Act requires the Council as a Licensing Authority to prepare and publish a statement of policy every three years.

5.2. Section 349(3) of the Act requires the Council to consult widely on any proposed policy. The consultation described in section 15 meets this requirement.

5.3. Section 153 of the Act requires the Council as Licensing Authority to have regard to codes of practice issued by the Gambling Commission.

5.4. The Act and the regulations also prescribe that the Council must publish the revised statement for at least four weeks prior to it coming into effect and advertise the fact that the revised statement is to be published.

6. Value for Money

Not applicable.

7. Sustainability Impact Appraisal

Not applicable.

8. Risk Management

None.

9. Community Safety

9.1. The Council's licensing policies detail how the Council's objectives in relation to Community Safety are promoted by the licensing regimes contained within the policy.

10. Links to the 3 Key Priorities for the Borough

10.1. The Council's licensing policy details how the licensing regime ensures that licensed businesses in Ealing comply with the minimum statutory and legal standards of operation. This encourages reputable businesses, discourages disreputable businesses and business practices thereby fighting inequality and creating good jobs.

11. Equalities, Human Rights and Community Cohesion

Not applicable.

12. Staffing/Workforce and Accommodation implications:

None anticipated.

13. Property and Assets

No property implications arising from this report.

14. Any other implications:

No other implications arising from this report.

15. Consultation

15.1. A public consultation as prescribed under the Gambling Act 2005 and

in detail via the Gambling Commission’s “Guidance to Licensing Authorities (01 April 2021)” was undertaken between 14 November 2022 and 26 December 2022.

15.2. As part of the consultation process, a mailshot and consultation email with the draft policy was sent to relevant persons. In summary, the Council consulted with:

- Police
- Responsible Authorities
- Neighbouring Councils
- Members of Parliament & Ward Councillors
- Gambling business located within the borough
- Bodies representing the interests of those carrying on gambling businesses within the borough
- National organisations
- Residents Associations

15.3. The consultation was also advertised on Ealing’s social media platforms and in December’s business newsletter.

15.4. Two representations were received: one from market provider of slots and gaming entertainment and one on behalf of Residents’ Association. The Licensing Committee reviewed these representations on 31 January 2023 and recommended appropriate changes. Final version of the Policy, attached as Appendix 1 was then reviewed and agreed by the Licensing Committee on the 28 March 2023.

15.5. Consultation responses were published on 22 February 2023.

16. Timetable for Implementation

Activity	Timescale
Full Council consider and agree publishing Statement of Gambling Licensing Policy	25 April 2023
Statement of Gambling Licensing Policy published. *The statement must be published for a period of at least 4 weeks before the date in which it will come into effect	*By 29 June 2023
Effective operational date of the Gambling Policy 2023	By 27 July 2023

17. Appendices

- **Appendix 1:** Council Statement of Gambling Licensing Policy 2023.

18. Background Information

- Gambling Act 2005 - <https://www.legislation.gov.uk/ukpga/2005/19/contents>
- Gambling Commission Code of Practice - <https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/online>
- Gambling Commission – Guidance to Licensing Authorities (01 April 2021) - <https://www.gamblingcommission.gov.uk/print/guidance-to-licensing-authorities>

Background Information

Copies of all reports and decisions underpinning this report are available for inspection on the Council's website.

Consultation

Name of Consultee	Post held and Department	Date sent to consultee	Date received from consultee	Comments appear in report paragraph:
Internal				
Darren Henaghan	Strategic Director of Housing and Environment	6/4/2023		
Justin Morley	Head of Legal Services (Litigation)	6/4/2023	12/4/2023	Throughout
Emily Hill	Chief Finance Officer	6/4/2023		
Councillor Bassam Mahfouz	Leader for Decent Living Incomes	6/4/2023		

Report History

Decision type:		Urgency item?
Key decision		No
Report no.:	Report author and contact for queries: Izabela Gregory, Regulatory Operations Manager (Acting) piterai@ealing.gov.uk	

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Policy Statement Gambling Licensing 2023

Draft – to come into force in 2023 if approved

LONDON BOROUGH OF EALING

1. Introduction

1.1 The Council is the Licensing Authority under the Gambling Act 2005 “the Act”. The Council is responsible for granting premises licences in the London Borough of Ealing in respect of: -

Casino premises.

Bingo premises.

Betting premises, including tracks.

Adult Gaming Centres.

Family Entertainment Centres.

1.2 The Gambling Act 2005 requires the Council to prepare and publish a “Statement of Licensing Policy” that sets out the principles the Council proposes to apply in exercising its licensing functions when dealing with applications for Premises Licences, as required by the Act. The geographical area to which this policy statement applies, is shown in Appendix 1.

1.3 This Policy Statement takes effect on XX XXX 2023. This Licensing Authority will update and publish a new Licensing Policy whenever necessary but, in any case, within 3 years of the date of this Policy, and will fully consult with partners, trade associations and residents’ groups as appropriate at that time, any representations received will be considered at that time.

1.4 However, where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.

1.5 In producing the final Policy Statement the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Gambling (Licensing and Advertising) Act 2014, the Guidance to Licensing Authorities issued by the Gambling Commission, and any codes of practice and any responses from those consulted on the Policy Statement.

1.6 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The council will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.

1.7 The council acknowledges that it may need to depart from this Policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.

1.8 At the time of preparation of this revision of Statement of Policy (November 2022), there were:

Betting shops: 51

Adult Gaming Centres: 10

Bingo: 2

Notifications of automatic entitlement for gaming machines: 69

Alcohol licensed gaming machine permits: 20

Family entertainment centre permits: 0

Club machine permits: 13

Club gaming permits: 2

Small society lotteries: 47

1.9 The map with the locations of the above is shown in Appendix 2.

Licensing objectives

1.10 In exercising most of their functions under the Gambling Act 2005 “the Act” the licensing authority must have regard to 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: and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling;

1.11 It should be noted that the Gambling commission has stated, “The requirement in relation to children is explicitly to protect them from being harmed or exploited from gambling”

1.12 This licensing authority is aware that, as per section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority’s statement of licensing policy

The Local Risk Profile and Risk Assessments by Operators – Licensing Conditions and Codes of Practice 2015 (LCCP) (version update 7 May 2019)

1.13 The Gambling Commission released the LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the [Gambling Commission website](#).

1.14 The code requires operators:

- To supervise customers effectively on gambling premises and identifies customers who are at risk of gambling related harm.
- With effect from 6 April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where

they live and work.

- To have a range of measures with regard to marketing to ensure social responsibility that is transparent and not misleading. With effect from 6 April 2016 to produce a risk assessment on individual premises, and
- Have policies and procedures and control measures in place to mitigate local risks to the licensing objectives

Risk Assessments

1.15 Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The LCCP strongly encourages all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

1.16 Operators are expected by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for a new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

1.17 Any failure to provide a competent risk assessment will be considered by the Council in determining the application, and such inferences will be made about potential harm to the licensing objectives as appear appropriate.

1.18 The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the Borough's local risk profile and the following matters to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of

underage gambling (the information on the number of individuals and instances where for example self-excluded persons were able to gamble, can allow the business to identify areas where their procedures can be improved)

- Gaming trends that may correlate with benefit payments.
- Arrangement for localised exchange of information regarding self- exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall.
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment, and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- The ethnicity, age, economic makeup of the local community

1.19 The risk assessment should cover the risks and character of the local area, the gambling operation, and the design of the premises.

2. Consultation

2.1 Ealing Council consulted widely upon this statement before finalising and publishing. List of persons this authority consulted:

- The Chief Officer of Police / Borough Commander
- One or more persons, who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area.
- All gambling Act 2005 Licence/ Permit/ Registration holders
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005:
- Various resident groups/ forums and other organisations, including:
Gambling Commission / Ward councillors / Fire & Rescue Service / Local Planning Authority team / OPDC / Environmental Health Team / Local Public Health team / Local ASB/Pollution control team / Local Safeguarding Children Board /Department for Culture Media and Sport / Neighbouring Local Authorities / Health and Wellbeing

Board / Ealing Advice / British Retail Consortium / UK Hospitality / Ealing Samaritans / Ealing Drug and Alcohol Action Team / Ealing Mind / National Association of Citizen Advice Bureau / Gamblers Anonymous / Alcoholics Anonymous / Association of British Bookmakers / British Amusement Catering Trade Association (BACTA) / British Casino Association / Casino Operators Association / The Association of Licensed Multiple Retailers / Responsibility in Gambling Trust / Remote Gambling Association

- All residents and businesses within the Ealing Council's area (through the Council website, social media, and business communication newsletters)

2.2 The consultation took place between 14th of November 2022 and 26th of December 2022 and followed the Gambling Commission's guidance to Licensing Authorities (September 2015, updated September 2016).

2.3 The Gambling Authority Summary of Delegation of Decisions and Functions is presented in Appendix 3. The policy was approved at a meeting of the full Council on 25th of April 2023 and was published via the London Borough of Ealing website. Copies were placed in the public libraries of the area as well as being available at our offices in Perceval House.

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

2.5 In preparing this statement of principles the licensing authority declares that it has had regard to the licensing objectives of the Act, the Guidance issued by the Licensing commission, and any responses from those consulted on the statement.

Responsible Authorities

2.6 The licensing authority is required to state the principles it will apply in

exercising its powers under s 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

2.7 The Council has designated the Local Safeguarding Children Board as the competent authority dealing with all matters relating to the protection of children from harm. The Board comprises the Council's children's service and statutory and voluntary partners and will have jurisdiction throughout the Borough rather than any particular vested interest group.

Interested Parties

2.8 Interested parties can make representations concerning an application or apply for a review of an existing. These parties are defined in the Gambling Act 2005 as follows:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities of the business,
- Has business interests that might be affected by the authorised activities, or
- Represents persons who satisfy a) or b) above

2.9 The licensing authority is required to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:

- Each case will be judged on its merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of consideration provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.17. It 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.

2.10 The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' association as interested parties. This authority will not however generally view these bodies as interested parties unless they have a member who can be classified as an interested party under the provisions of the Act i.e., lives sufficiently close to the premises to be likely affected by the activities being applied for.

2.11 Any association, union or trade group may be requested by the licensing authority to furnish proof of their status as an organisation by providing evidence as to management structure, funding, extent of membership, statement of principles, rules book, minutes of meetings, etc.

2.12 A Member of Parliament or a Ward Councillor can be an interested party. No specific evidence of being asked to represent an interested person will be required if the councillor/MP represents the ward likely to be affected. Other than these however, this authority will generally require written evidence that a person/body (e.g., an advocate/relative) 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorized activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons is deemed sufficient.

2.13 If individuals wish to approach councillors to ask them to represent their views, then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts, then please contact the licensing authority.

2.14 Ward Councillors are also governed by the protocol for Sub-Committee Hearings and by the Members Code of Conduct for Hearings. These establish under what circumstances Members are entitled to be heard at Sub-Committee hearings. In general, the licensing authority will consider amongst other things, the size of the business, the nature of the activities taking place, the distance of the premises from

the objector and the specific interest of the objector. These matters are not exhaustive and are examples of some considerations only.

3 Exchange of Information

3.1 The licensing authority is required to include in its statement the principle to be applied in exercising its functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, the functions under section 350 of the Act with respect to the exchange of information between it and other persons listed in schedule 6 to the Act.

3.2 In respect of exchange of information, the principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the Data Protection Act 2018 and General Data Protection Regulations 2018 will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

3.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

4 Licensing Objectives

4.1 Premises licences granted must be reasonably consistent with the licensing objectives. Regarding these objectives, this licensing authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

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

4.2 The licensing authority is aware that the Gambling Commission takes a lead role in preventing gambling from being a source of crime. The Gambling commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) to make that distinction.

4.3 The Licensing Authority will construe "disorder" as activity that is more serious and disruptive than mere nuisance. This will be a matter of fact and extent in each case.

- This objective is to prevent gambling being "associated" with crime or disorder. Where betting office users are congregating outside premises and behaving in a disorderly manner, conditions may be imposed to mitigate any risks should the licensee not take reasonable steps to prevent such behaviour occurring. For example: Barring access to the premises for those engaging in the behaviour
- Ensuring there is adequate surveillance of the outside from within
- Installing CCTV to discourage criminal or disorderly behaviour
- Establishing Betwatch schemes so that banned from one means banned from all
- Assisting in the removal of street furniture such as benches which encourage loitering.

Ensuring that gambling is conducted in a fair and open way

4.4 This licensing authority has noted that the Gambling Commission state that it

generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section (see section 2.15).

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

4.5 This licensing authority has noted the Gambling Commissions Guidance 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.)

4.6 The licensing authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at premises, regarding this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

4.7 The licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

4.8 The Licensing Authority will consider whether in any instance, specific measures will be needed to address such issues in any gaming premises. An example would be adequate supervision of gaming machines at licensed Family Entertainment Centres. These considerations will be particularly relevant on some tracks (where children will be permitted in the betting areas on race-days) and in a regional casino, where children will be permitted in non-gambling areas. Adherence to any Code of Practice relating to casinos issued by the Commission under S.176 Gambling Act 2005 will be a condition of the premises licence.

4.9 In the absence of a legal definition for "vulnerable persons" the licensing authority will assume the group to include people who gamble more than they want to, those who gamble beyond their means and people who cannot make informed or balanced decisions about gambling due to a mental impairment,

alcohol, or drugs. This licensing authority will consider this licensing objective on a case-by-case basis.

5. The Gambling Operation

5.1 In assessing the risk factors associated with a gambling operation the assessor should consider the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

5.2 The assessment must include, but not be limited to, a documented assessment of at least the following factors:

- How the gambling operation will relate to how the operator conducts its business.
- What gambling products it provides in the premises.
- The facilities to enable gambling within the premises.
- The staffing levels within the premises.
- The level and requirement for staff training.
- Whether loyalty or account cards are used or not.
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP;
- The security and crime prevention arrangements it has in place in place.
- How it advertises locally and on the premises.
- The marketing material within the premises.
- The display and provision of information, etc

The Design of the Premises

5.3 The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and an assessment must be carried out to include, but not be limited to, a documented assessment of at least the following factors with regards to design and layout:

- The premises may have several support pillars which the assessor identifies as obstructing the view of the gaming machines gaming machines from the cashier counter
- The assessor may identify that the design of the entrance to the casino is not sufficiently covered by CCTV to enable the identification of offenders.
- If a premises has a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.

5.4 These identified risk factors must be documented.

6. Licensing authority functions

6.1 The Licensing Authorities are required under the Act 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 some 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 1.14 above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

6.2 It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Premises Licences

6.3 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions. Licensing authorities can exclude default conditions and attach others, where it is

believed to be appropriate.

6.4 When making decisions on applications regard will be had to any relevant guidance or code of practice issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the authority's statement of policy.

6.5 It is appreciated that as per the Gambling Commission's guidance moral objections to gambling are not a valid reason to reject applications for premises licences (except regarding any 'no casino' resolution.).

General Principles

6.6 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions. Licensing authorities can exclude default conditions and attach others, where it is believed to be appropriate.

6.7 When making decisions on applications regard will be had to any relevant guidance or code of practice issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the authority's statement of policy.

6.8 It is appreciated that as per the Gambling Commission's guidance moral objections to gambling are not a valid reason to reject applications for premises licences (except regarding any 'no casino' resolution.)

Definition of “premises”

In the Act “premises” is defined as including “any place” (S353). Section 152 prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track, or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub- divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

- Note will be taken of the Gambling Commission Guidance when considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non- gambling) purposes. There should be specific issues that the authority should consider, for example, whether children can gain access, compatibility of the two establishments and ability to comply with requirements of the Act.

The Guidance gives a list of factors, which the authority should be aware of

- Do the premises have a separate registration for business rates?
- Is premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public highway?
- Can the premises only be accessed from any other gambling premises

6.9 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

6.10 It should be noted that whilst an application can be made, applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to “the premises” are to the premises in which gambling may now take place. Thus, a licence to use premises for gambling will only be issued in relation to premises that

are ready to be used for gambling. It is a question of fact and degree whether premises are finished whilst considering issuing the premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location

6.11 The licensing authority is aware that demand issues cannot be considered regarding the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's guidance particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. For example, scrutiny will be applied where a gambling premises is located close to a school or a treatment centre for gambling addiction. In any event, each case will be decided on its merits.

6.12 Should any specific policy be adapted with regards to gambling premises, this statement will be updated as necessary to reflect any potential impact. 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 to show how potential concerns can be overcome.

Duplication with other regulatory regimes

6.13 The licensing authority 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. Such considerations are subject to different legal and administrative systems. It will though, listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise. The grant of a gambling premises licence does not preclude any appropriate enforcement action arising from planning or building legislation.

7. Conditions

7.1 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.

7.2 Conditions will be imposed to mitigate any risks that have a negative social impact by those premises operating or wishing to locate in high-risk areas or local areas of deprivation. In such areas, gambling premises will have a higher impact on the licensing objectives. They will need to mitigate their presence and take extra measures to minimise their local stress, such as:

- No single working where operators are not in control of the inside of their premises and where those customers spill outside onto the pavement causing anti- social behaviour.

Reporting of all criminal offences and disorder to the Licensing Police and the Licensing Authority. This would include instances where gaming machines have been damaged by customers. Apart from having internal procedures which would include the recording of such instances they must also be reported. If it is found that licensees are not reporting to the Authorities, then their premises licence could be reviewed.

7.3 Decisions on individual conditions will be made on a case-by-case basis, although there will be several measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. The licence authority will also expect the licence applicant to offer his/her own suggestions as to a way in which the licensing objectives can be effectively met.

7.4 The 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 to pursue the licensing objectives. These matters are in accordance with the Gambling Commission Guidance.

7.5 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted.

- All such machines are 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 are admitted to the area where the 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.

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

7.7 It is noted that there are conditions, which the Licensing Authority cannot attach to premises licences, which are:

- Where it makes it impossible to comply with an operating licence condition
- Where it relates to gaming machine categories, numbers, or method of operation.
- Which provide that membership of a club or body be required
- Which relate to stakes, fees, winning or prizes.

Adult Gaming Centres

7.8 The licensing authority 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 that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

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

7.9 The list is not mandatory or exhaustive and is merely indicative of example measures.

7.10 The Licensing Authority will also seek to protect vulnerable persons by considering the use of self-barring schemes; the provision of leaflets and other advisory information/ help line numbers for organisations such as GamCare.

Licensed) Family Entertainment Centres

7.11 The licensing authority 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. Appropriate 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
- Measures/training for staff on how to deal with suspected truant school children on the premises

7.12 The list is not mandatory or exhaustive and is merely indicative of example measures.

7.13 The licensing authority will, as per the Gambling Commission Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Casinos

7.14 The Licensing Authority resolved on the 11th of December 2012 not to issue casino premises licences pursuant to section 166 of the Act.

7.15 Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority no applications for casino premises will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

Bingo

7.16 This licensing authority notes the Gambling Commissions Guidance at paragraph 18.4 and will need to be satisfied that bingo can be played in any bingo premises for which they issue a premises licence. This is particularly relevant where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

7.17 The Licensing Authority recognise that where children are allowed access to premises offering bingo, they must not participate in any bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

7.18 Where category C or above machines are available in premises to which children are admitted the Licensing Authority may impose the conditions to ensure that:

- There is complete physical separation of the areas containing higher category machines- to be accessed via a designated entrance
- Adult only access to such areas
- Appropriate area supervision
- Machines to be fully visible to the licence holder's staff
- Signage indicating exclusion of under 18s to be prominently displayed at the entrance and inside the area.
- Proof of age schemes
- CCTV
- Staff levels / competence and training

Betting Premises

7.19 Betting premises can provide a limited number of gaming machines as well as some betting machines. The Licensing Authority will not normally use its powers to restrict the number of betting machines unless there are good reasons to do so. If that is the case, the Licensing Authority will, as per the Gambling Commission Guidance, consider amongst other things when considering the number/nature/circumstances of betting machines an operator wants to offer.

- 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 machines by children and young persons (illegal) or by vulnerable persons.

7.20 The licensing authority 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 that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Shop Front display and visibility
- Door supervisors
- Supervision of entrances
- Location of entry
- Notices/signage
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Specific opening hours

The list is not mandatory or exhaustive and is merely indicative of example measures.

Tracks

7.21 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission Guidance, this licence authority will especially consider the impact upon the third licensing objective (i.e., the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

7.22 The authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing or horse racing takes place, but they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.23 This authority may consider measures to meet the licensing objectives such as:

- Exclusion of children from track areas
- 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 leaflets/helpline numbers for organisations such as GamCare

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

7.25 In determining an application for approval of on-course betting facilities, the Licensing Authority expects the applicant to:

- Provide a detailed plan of the exact location(s) on the site where betting is to take place (including temporary structures)
- In the case of dog tracks and horse racecourses to indicate the location of fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facility (including gaming machines)
- Indicate all measures for administering betting, including whether specified areas have been set-aside for such purposes.
- Indicate all measures that will be adopted to prevent children and young persons from accessing any gaming machines other than category D that may be present

7.26 The Licensing Authority will expect track operators to take responsibility for prominently displaying the rules near all betting areas and/or that other measures are used to make them available to the public. There is also an expectation that track operators will have a demonstrable monitoring system to ensure that only holders of valid betting operators' licences can access the site.

Travelling Fairs

7.27 Travelling Fairs do not require any permit to provide gaming machines but must comply with the legal requirements on the way the machine operates. An unlimited number of category D machines and/or equal chance prize gaming can be provided without a permit, but gambling facilities must not amount to more than an ancillary amusement at the fair

7.28 The Licensing Authority will judge whether the travelling fair meets the statutory definition. The Licensing Authority will liaise with neighbouring authorities under circumstances where there are joint concerns or where boundary issues are involved.

Vessels and Vehicles

7.29 The Licensing Authority will have jurisdiction over gambling conducted on vessels in all inland waterways at permanent moorings.

7.30 In the case of a vessel seeking a premises licence the Licensing Authority will restrict its interests to the promotion of the Licensing Objectives. Operational safety will be the subject of certification by the relevant authority e.g. Navigation Authority. The relevant Licensing Authority for pleasure boats is the one having jurisdiction for the area in which a vessel is usually moored or berthed.

Provisional statements

7.31 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence.

7.32 Responsible authorities and interested parties may make representations and there are rights of appeal.

7.33 The applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

7.34 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 considered 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 in terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by the objectors at the provisional statement stage, or
- Which in the authority's opinion reflect a change in the operator's circumstances, or
- Where the premises have not been constructed in accordance with the plan

submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns with the applicant before making a decision.

Reviews

7.35 Requests for review of a premises licence can be made by Interested Parties, or their appointed representatives, or by Responsible Authorities, however, it is for the licensing authority to decide whether the review is to be carried out. This will be based on whether the request is relevant to issues listed below as well as to consideration as to whether the request is frivolous, vexatious, or irrelevant, or is substantially the same as previous representations or requests for review.

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the gambling Licensing Objectives
- In accordance with the authority's Statement of Licensing Policy for Gambling
- The licensing authority can also initiate a review of a licence based on any reason, which it thinks is appropriate.

Permits / Temporary & Occasional Use Notices Permits

7.36 The Act introduces a range of permits for gambling, which are granted by licensing authorities. Forms of authorisations other than premises licences are as follows:

- Unlicensed Family Entertainment Centres
- Gaming Machines on alcohol-licensed premises
- Club Gaming Machines
- Club Gaming
- Prize Gaming

7.37 The licensing authority may only grant or reject an application for a permit. No

conditions may be attached to a permit

Unlicensed Family Entertainment Centres gaming machine permits (Statement of Principles on Permits – Schedule 10 Para 7)

7.38 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. The applicant must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use. Any number of category D machines can be provided under this permit. Restrictions imposed under the requirements of other legislation e.g., fire safety is not a matter for the Licensing Authority.

7.39 Applicants will be expected to demonstrate:

- A full understanding of the maximum permissible stakes and prizes
- That the applicant has no relevant convictions (see Schedule 7 of the Act)
- That staff are fully trained in understanding maximum stake and prizes

7.40 The Licensing Authority expects 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 Criminal Records Bureau checks for staff, and training for staff on dealing with very young unsupervised children or dealing with children causing perceived problems on or around the premises. The authority is not limited to these considerations and will determine each application on its merit

7.41 Regarding renewals of these permits, a Licensing Authority may only refuse an application for renewal on grounds that:

- A local authority officer has been refused access to the premises without reasonable excuse or,
- Renewal would not be reasonably consistent with pursuit of the Licensing Objectives.

(Alcohol) Licensed Premises Gaming machines permit (schedule 13 paragraph 4 (1))

7.42 Section 282 of the Act provides an automatic entitlement to the holder of an on-licensed premises, to make available two gaming machines (of category C or D) for use in alcohol licensed premises. Any provision of a code of practice made under S.24 of the Act concerning the location and operation of a machine, must however be complied with.

7.43 The Licensing Authority can however remove the automatic authorisation by virtue of an order (under S.284) 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
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises

7.44 The licensing authority will when considering an application for a permit for more than two machines, have regard to the licensing objectives, relevant guidance issued by the Gambling Commission and such matters as the licensing authority deems relevant. Each application will be judged on its merits but measures to protect children and vulnerable persons from harm or exploitation will be paramount. For example, measures to prevent access to adult only gaming machines, might include siting them where they can be readily observed from the bar and providing good warning signs or notices.

7.45 Should the holder of an alcohol licensed premises gaming permit apply for a premises licence for their non-alcohol areas, such application would be dealt with as an Adult Entertainment Centre premises licence.

Prize Gaming Permits (statement of principles on permits – schedule 14 paragraph 8 (3))

7.46 The licensing authority will expect the applicant to set out the types of gaming on offer and 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
- Clear policies that outline the steps to be taken to protect children from harm

7.47 The licensing authority in considering an application for a permit does not need (but may choose) to have regard to the licensing objectives but in any event will have regard to any guidance issued by the Gambling Commission. It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but the licensing authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees (set by regulation) 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 must not exceed the amount set out in regulations (if a prize money), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling

7.48 The licensing authority will not refuse an application unless the applicant has been given notification of the intention to refuse with accompanying reasons and given them an opportunity to make representations orally or in writing or both.

7.49 Each application will be determined on its merits, but the licensing authority will expect the applicant to demonstrate the measures to be taken to protect children and vulnerable persons from being harmed in light of the types of gaming being offered.

7.50 The grounds for decision making as regards renewals are the same as for initial applications.

Club Gaming and Club Gaming Permits

7.51 Members Clubs and Miners' Welfare Institutes (but not commercial clubs) may apply for a:

- Club Gaming Permit – to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance
- Club Gaming Machines Permit – as per gaming machines in part a) above.

7.52 Before granting a permit, the licensing authority must be satisfied that applicants fulfil the statutory criteria for members clubs contained in sections 266 and 267 Act. A permit may be granted provided the majority of members are over 18.

7.53 The Licensing Authority may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the permit
- The applicants' 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 10 years; or
- An objection has been lodged by the Commission or the police

7.54 The Licensing Authority recognises that a "fast-track" procedure applies to premises already holding a Club Premises Certificate under the Licensing Act 2003. Under such circumstances the only grounds on which to refuse a permit is as follows:

- That the club is established primarily for gaming, other than gaming prescribed under Schedule 12.
- That in addition to the prescribed gaming, other gaming facilities exist; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- The procedure for renewal is the same as for an application.

Temporary Use Notices (TUN)

7.55 This allows the use of premises 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 may be suitable for a TUN, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

7.56 A TUN may only be granted to a person or company holding a relevant operating licence, i.e., a non-remote casino operating licence.

7.57 The licensing authority will give careful consideration to applications, which involve what appears to be a “set of premises” as opposed to an individual premise. This will be a matter of fact as to how individual buildings may be sub- divided, occupied and managed and the applicant must provide detailed information as to their use and interest in a particular premises or part thereof.

7.58 The licensing authority can issue a TUN in respect of “any part” of a set of premises but there is a statutory maximum of 21 days applying to a set of premises, which must not be exceeded in a 12-month period.

7.59 This new proviso is to try and ensure that regular gambling does not take place in a “set of premises” via temporary permission status, by deriving more than the 21- day maximum period, which applies to a single premise. Guidance cites a large exhibition centre as possibly falling within the definition of a set of premises.

7.60 If no objections are made within 14 days of the notice date, the licensing

authority will endorse the notice as valid and return it to the applicant.

Occasional Use Notices

7.61 The licensing authority has very little discretion as regards these notices aside from insuring 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.

Registration of Small Society Lotteries

7.62 A lottery is unlawful unless it is licensed by the Gambling Commission, is part of a National Lottery or is an exempt lottery by virtue of their proceeds being below a specified level. In such latter instance a society must register with the licensing authority.

7.63 A society must be non-commercial and will be deemed so if it is established and conducted:

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

NB 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 sale tickets in a calendar year is £250,000 or less.

7.64 Exempt lotteries include small society lotteries and:

- Incidental non-commercial lotteries-promoted wholly for purposes other than private gain, and which are incidental to non-commercial events E.g., charity fund raising events.
- Private lotteries which may be:
 - Private society lotteries

- Work lotteries
- Residents' lotteries
- Customer lotteries

7.65 The licensing authority will refuse applications for registration if in the previous 5 years either an operating licence made by the applicant for registration has been revoked, or an application for an operating licence made by the applicant has been refused.

The licensing authority may refuse an application for registration if they think that:

- The applicant is not a non-commercial society
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- Information relating to the application is false or misleading.

7.66 The licensing authority expects applicants to set out the purposes for which the society is established and to declare themselves a bona fide non-commercial society with no relevant convictions. The licensing authority reserves the right, notwithstanding any declaration made, to make further enquiries about an applicant, deemed necessary considering known individual circumstances or facts

7.67 If the licensing authority is minded to refuse registration or revoke the registered status of a society, it will afford the society concerned the opportunity to make a representation, having provided the society with reasons and evidence to that effect.

7.68 Societies must take appropriate steps when employing external lottery managers to ensure that the individual holds an operators' licence issued by the Commission. Licensing authorities will require assurance on this point.

8. Enforcement and compliance

8.1 The licensing authority is required to state the principles to be applied by the licensing authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

8.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to licensing authorities and the Regulators' Code, which provides a clear, flexible, and principles-based framework for how regulators should engage with those they regulate. The authority will ensure that it operates in accordance with the principles below:

- Regulators should carry out their activities in a way that supports those they regulate to comply.
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
- Regulators should base their regulatory activities on risk.
- Regulators should share information about compliance and risk.
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
- Regulators should ensure that their approach to their regulatory activities is transparent.

In line with the above, the Local Authority will ensure that all actions are:

- Proportionate: the licensing authority will only intervene where necessary, avoiding unnecessary burdens and enabling economic growth for compliant businesses. The authority will continue to invest in their officers to ensure necessary knowledge and proportionate and effective approach.
- Accountable: all decisions will be justified and be subject to public scrutiny. There are established complaint and appeal procedures in place and the authority will follow all mechanisms to ensure adequate engagement with those that are regulated or impacted by the actions taken by the authority. The officers will clearly explain the non-compliance found, be open to a dialogue (where appropriate) and provide clear,

impartial, and timely information.

- Consistent: rules and standards will be joined up and implemented fairly.
- Transparent: the authority will seek to be transparent, keep regulation open, simple and user friendly.
- Targeted: regulation will be focused on the problem and minimise side effects.

8.3 As per the Gambling Commission Guidance to Local Authorities this licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

8.4 The licensing authority will seek to address complaints about licensed premises or activities, relating to the licensing objectives. Other types of complaint should be directed to the appropriate enforcing authority e.g., Council's Noise and Nuisance Team for any concerns of excess noise emanating from the premises. Complainants are however encouraged to approach business proprietors at first instance to raise concerns and seek local resolutions. The Council's Licensing Team will also assist either party in facilitating mediation.

8.5 Licensing is not the primary mechanism for controlling anti- social behaviour away from premises and beyond the direct control of operators. However, it remains a key aspect of such control and licensing is part of the holistic approach to the management of the evening and night- time economy in town and city centres.

8.6 The licensing authority supports a partnership approach with other regulatory bodies in respect of enforcing the provisions of the Act. This will be reflected in the nature and extent of the working arrangements agreed between those bodies and the licensing authority, and on the need for the efficient deployment of staff and avoidance of duplication of role. Special arrangements will be maintained with the Police to achieve those ends.

8.7 This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- The Licensing objectives
- Relevant Codes of Practice

- Guidance issued by the Gambling Commission, in particular at part 36
- The Principles set out in this Statement of licensing policy

8.8 The main enforcement and compliance role for this licence authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the gambling commission.

8.9 In considering enforcement action the licensing authority will bear in mind the Human Rights Act 1998 whose provisions include:

- Article 1, Protocol 1 - the right to peaceful enjoyment of possessions. (A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest.)
- Article 6 – the right to a fair hearing
- Article 8 – the right to respect for private and family life. (Removal or restriction of a licence may affect a person's private life.)
- Article 10 – right to freedom of expression

8.10 Bearing in mind the principles of transparency, this licensing authority's enforcement policy is available on request to the licensing department.

Enforcement officers and authorised persons

8.11 S.303 of the Act enables the Commission to designate employees of the Commission and to appoint persons other than employees as enforcement officers for the purpose of the Act. Such persons are deemed to be authorised if:

- the premises are wholly or partly situated in the authority's area; and
- the officer is designated by the authority as an authorised person for the purposes of s.304.

8.12 These authorised persons will exercise their inspection powers in accordance with the principles set out in the Licensing Authority's policy statement.

Powers of entry

8.13 The Act states that authorised persons, constables and enforcement officers may: undertake activities for the purpose of assessing compliance with provisions made under the Act or to assess whether an offence is being committed under the Act; enter premises if they reasonably suspect that facilities for gambling are being, are about to be, or have been provided on the premises. This would include a private club but does not apply if the suspected gambling is private or non-commercial gaming or betting (s.307).

8.14 Where an application for a club gaming permit or club machine permit has been made, enforcement officers or the police may also enter a members' club, a commercial club or miners' welfare institute under for matters connected with consideration of the application, to determine whether gaming is taking place or is about to take place on the premises; and such gaming meets the requirements for exempt gaming in section 269 of the Act, a club gaming permit or a club machine permit.

8.15 Only police officers and enforcement officers can enter the premises that have been granted a permit to determine if the activities are in accordance with that permit (and not primarily because they suspect a crime is taking place/has taken place). Under s.318 of the Act a constable, enforcement officer or authorised person can only enter a dwelling under a warrant issued by a justice of the peace. In all circumstances, only a police officer or enforcement officer can seize evidence..

Enforcement Operations and Prosecutions

8.16 The Council will take formal enforcement action against those providing or facilitating illegal gambling in one premises. But the Commission will generally take the lead in prosecuting the offence of providing facilities for widespread and organised gambling.

8.17 Where there is a Primary Authority scheme in place, the council will seek

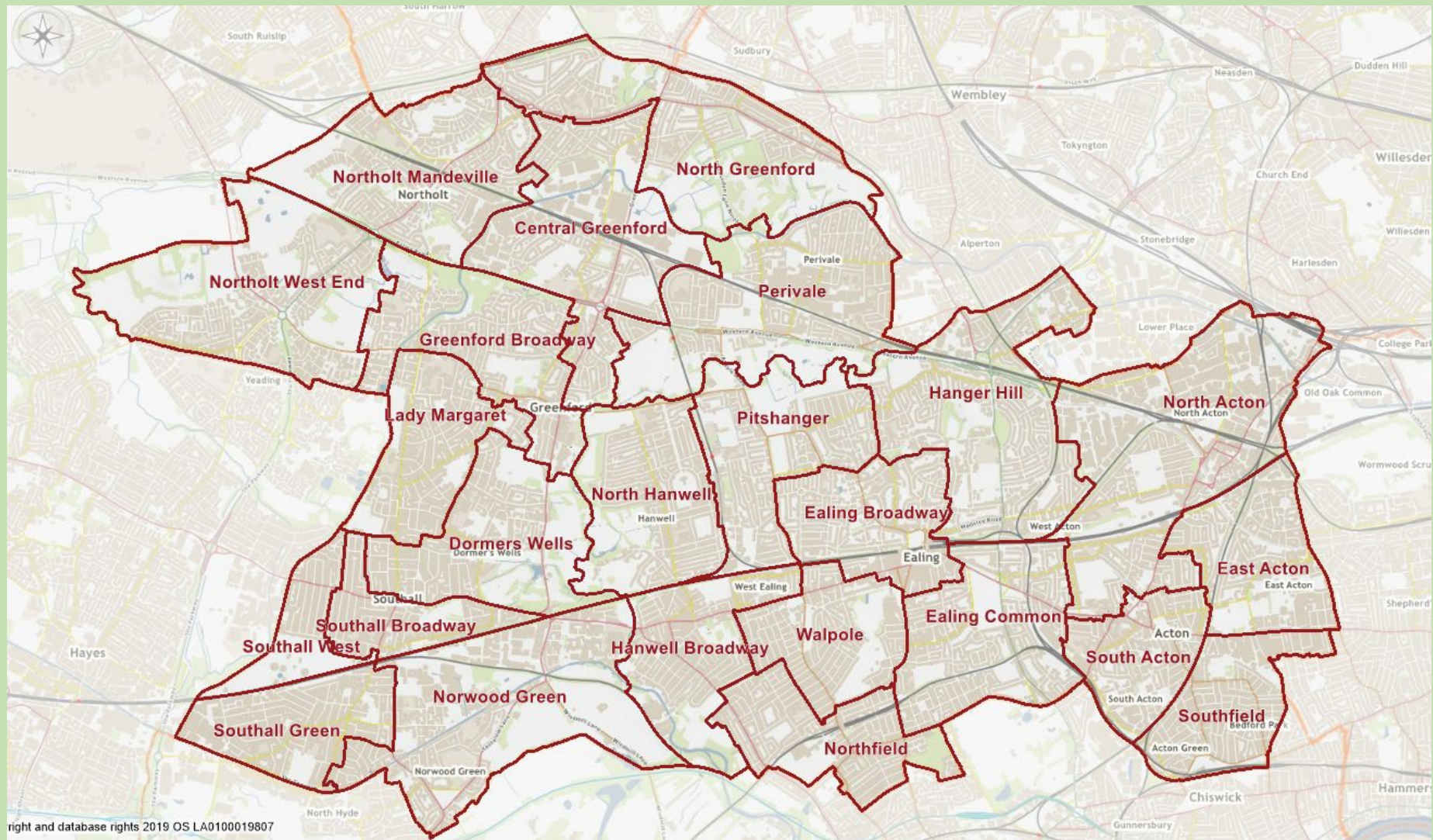
guidance from the Primary Authority before taking any enforcement action.

8.18 From time to time this authority will carry out test purchasing in partnership with the police to detect whether children and young persons are accessing adult only gambling premises or are engaged in gambling intended for adults.

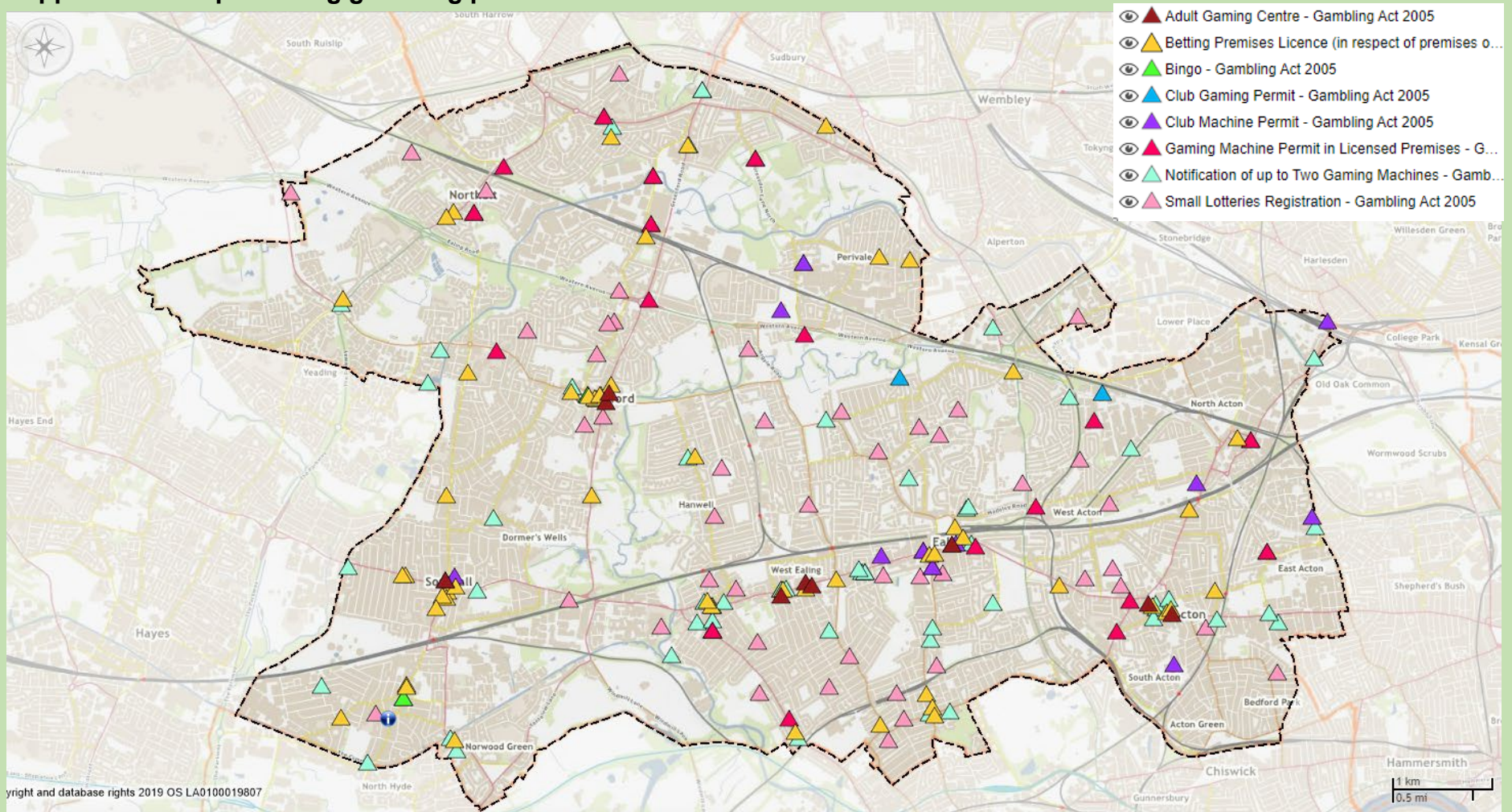
8.19 The Act gives licensing authorities in England and Wales, the police and the Commission the power to prosecute the offence of using premises for gambling without the requisite permissions. In exceptional circumstances, such as repeated deliberate breaches of premises licence conditions, licensed operators or permit holders may be prosecuted without any prior regulatory action, such as warnings, suspension or revocation of licence or removal of permit. Most prosecutions will be against those illegally providing gambling without a licence or permit.

8.20 There is a distinction between those who conduct gambling operations under a licence or permit but breach the conditions of that, and those who seek to profit from providing facilities for gambling without a licence or permit. While both situations result in unlawful gambling, the latter situation is generally considered by the Council and the Commission to be more serious.

Appendix 1: Geographical area of London Borough of Ealing.



Appendix 2: Map showing gambling premises.



Appendix 3: Gambling Authority Summary of Delegation of Decisions and Functions

Table 1 Gambling authority summary of delegation of decisions and functions

Matter to be dealt with	Full council	Sub-Committee and Licensing Committee	Officers
Final approval of three-year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting		X (if delegated by Full Council)	
Applications for new premises licences or a variation to an existing one		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application of a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of premises licence		X	
Application for club gaming/ gaming machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of a club gaming/ gaming machine permits		X	
Application for other permits			X
Cancellation of licensed premises gaming making permits			X
Consideration of Temporary Use Notice			X
Decision to give a counter notice to a Temporary Use Notice		X	

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