

# Meeting of the Council of the London Borough of Barnet

TO BE HELD ON

TUESDAY 28TH JANUARY, 2020 AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

A G E N D A



ASSURANCE GROUP

To view agenda papers go to: <http://barnet.moderngov.co.uk/ieListMeetings.aspx?Committeeld=162>

Agenda and Timetable  
Tuesday 28th January, 2020

<b>Item</b>	<b>Subject</b>	<b>Timing</b>	<b>Page Nos</b>
	<b>Part 1 - Statutory formalities/Announcements (15 minutes)</b>	<b>7:00pm – 7:15pm</b>	
1.	<b>Apologies for absence</b>		
2.	<b>Elect a Member to preside if the Mayor is absent</b>		
3.	<b>Prayer</b>		
4.	<b>Declarations of Interest</b>		
5.	<b>Minutes of the last meeting</b>		5 - 26
6.	<b>Official announcements</b>		
7.	<b>Any business remaining from last meeting</b>		
	<b>Part 2 - Question Time (30 minutes)</b>	<b>7:15pm – 7:45pm</b>	
8.	<b>Questions to the Leader (and Committee Chairmen if he/she has delegated)</b>		To Follow
	<b>Part 3 - Statutory Council Business (60 minutes)</b>	<b>7:45pm – 8:45pm</b>	
9.	<b>Petitions for Debate (20 minutes)</b>		
10.	<b>Reports from the Leader</b>		
11.	<b>Reports from Committees</b>		
11.1	Report of the Constitution and General Purposes Committee - Public Participation		27 - 52
11.2	Report of the Constitution and General Purposes Committee - Pay Policy Statement 2020/21		53 - 70

11.3	Report of the Housing and Growth Committee - Housing Revenue Account (HRA) Business Plan		71 - 100
11.4	Report of the Policy & Resources Committee - London Wide Business Rates Pool		101 - 104
11.5	Report of the Licensing Committee - Cumulative Impact Assessment and Adoption of Cumulative Impact Zone		105 - 140
11.6	Report of the Licensing Committee - Proposed adoption of the Licensing Policy 2020 - 2025		141 - 212
12.	<b>Reports of Officers</b>	<b>7.45pm - 9.30pm</b>	
12.1	Report of the Chief Executive - Appointment of Monitoring Officer		213 - 216
12.2	Report of the Director of Finance & Section 151 Officer - London Boroughs Grants Scheme - Borough Contributions, 2020/21		217 - 224
12.3	Report of the Head of Governance - Civic Link with Morphou, Cyprus		225 - 228
12.4	Report of the Head of Governance - Constitutional and Administrative Matters		229 - 236
13.	<b>Questions to Council Representatives on Outside Bodies</b>		
	<b>Break (15 minutes)</b>	<b>8:45pm – 9:00pm</b>	
	<b>Part 4 – Business for Debate (45 minutes)</b>		
14.	<b>Motions (45 minutes)</b>	<b>9:00pm – 9:45pm</b>	
14.1	Administration Motion in the name of Cllr Helene Richman - Policing in Barnet		237 - 238
14.2	Opposition Motion in the name of Cllr Paul Edwards - Temporary accommodation and non-secure tenants		239 - 240

14.3	Administration Motion in the name of Cllr Daniel Thomas - Barnet's Members of Parliament		241 - 242
14.4	Liberal Democrats motion in the name of Cllr Gabriel Rozenberg - Protect Finchley Central - The Mayor of London cannot act as judge in his own case		243 - 244
15.	<b>Motions for Adjournment</b>		

Andrew Charlwood, Head of Governance  
Building 4, North London Business Park, Oakleigh Road South, N11 1NP

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## Minutes

OF THE MEETING OF THE COUNCIL OF THE LONDON BOROUGH OF BARNET  
held at Hendon Town Hall, The Burroughs, London NW4 4BQ, on 29 October 2019

### AGENDA ITEM 5

#### PRESENT:-

The Worshipful the Mayor (Councillor Caroline Stock)  
The Deputy Mayor (Councillor Lachhya Bahadur Gurung)

#### Councillors:

Golnar Bokaei	Eva Greenspan	Helene Richman
Jess Brayne	Jennifer Grocock	Tim Roberts
Felix Byers	Rohit Grover	Gabriel Rozenberg
Anne Clarke	John Hart	Lisa Rutter
Alison Cornelius	Ross Houston	Shimon Ryde
Pauline Coakley Webb	Anne Hutton	Gill Sargeant
Dean Cohen	Laithe Jajeh	Alan Schneiderman
Melvin Cohen	Kathy Levine	Mark Shooter
Sara Conway	David Longstaff	Elliot Simberg
Jo Cooper	John Marshall	Thomas Smith
Geof Cooke	Kath McGuirk	Stephen Sowerby
Richard Cornelius	Arjun Mittra	Julian Teare
Saira Don	Alison Moore	Daniel Thomas
Val Duschinsky	Ammar Naqvi	Reuben Thompstone
Paul Edwards	Nagus Narenthira	Sarah Wardle
Claire Farrier	Reema Patel	Roberto Weeden-Sanz
Anthony Finn	Wendy Prentice	Laurie Williams
Nizza Fluss	Sachin Rajput	Peter Zinkin
Linda Freedman	Barry Rawlings	Zakia Zubairi
Brian Gordon	Danny Rich	

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Alex Prager and Councillor Charlie O-Macauley.

#### 2. ELECT A MEMBER TO PRESIDE IF THE MAYOR IS ABSENT

The Worshipful the Mayor was present.

#### 3. PRAYER

Rabbi Berger was called upon by the Worshipful the Mayor to speak to Council and say prayers.

**4. DECLARATIONS OF INTEREST**

None.

**5. MINUTES OF THE LAST MEETING**

The minutes of the meeting dated 30<sup>th</sup> July were agreed as a correct record.

**6. OFFICIAL ANNOUNCEMENTS**

The Mayor expressed her sadness at the passing of the Chairman of the Welsh Harp Sailing Association, Mr David Rose, who sat as a member of the Welsh Harp Consultative Committee for many years.

The Mayor expressed her sadness at the passing of Bobbie Cotterill who had been recipient of a Civic Scroll for Outstanding Service to the community this year.

The Mayor reminded councillors that Sunday 10<sup>th</sup> November was Remembrance Sunday and encouraged Councillors to attend Remembrance Services being held in their wards to remember those who gave their lives in both World Wars and subsequent conflicts.

**7. ANY BUSINESS REMAINING FROM LAST MEETING**

None.

**8. QUESTIONS TO THE LEADER (AND COMMITTEE CHAIRMEN IF HE/SHE HAS DELEGATED)**

Answers to the questions submitted were provided as a supplementary paper to the agenda.

Supplementary questions were then asked and answered within the allotted time given for the item.

**9. PETITIONS FOR DEBATE**

None.

**10. REPORTS FROM THE LEADER**

None.

**11. REPORTS FROM COMMITTEES**

**11.1 REFERRAL FROM THE CONSTITUTION & GENERAL PURPOSES COMMITTEE - CONSTITUTION REVIEW**

Councillor Melvin Cohen, Chairman of the Constitution and General Purposes Committee, moved reception and adoption of the recommendations in the report. Debate ensued.

On the recommendations in the report being put to the vote, the recommendations were agreed. Votes were recorded as follows:

For	59
Against	2
Abstain	0
Absent	2
<b>Total</b>	<b>63</b>

**RESOLVED that Council:**

- 1. That Council noted the report of the Constitution & General Purposes Committee held on 7 October 2019 (Annex 1) and the agreed and rejected amendments as detailed in Section 1.2 of the report of officers.**
- 2. That Council approved the Constitution amendments as set out in Appendices A to C.**
- 3. That Council authorised the Monitoring Officer and Chief Legal Advisor to implement these revisions and publish a revised Constitution.**

**12. REPORTS OF OFFICERS**

**12.1 REPORT OF THE HEAD OF GOVERNANCE - AMENDMENTS TO ARTICLE 7 (COMMITTEES, FORUMS, WORKING GROUPS AND PARTNERSHIPS)**

The Head of Governance introduced the report.

Appendix B detailed the changes proposed to Article 7 (Committees, Forums, Working Groups and Partnerships). Appendix D detailed the proposed changes to the Members Allowances Scheme. Council noted that a minor amendment was required to the version included in the agenda and the corrected version had been published as a supplement and circulated to Members.

The report advised the Council that establishment of a Liberal Democrat group had altered the political balance of the Council. A recalculation of political balance was therefore required. Council were informed that the Leader had indicated that the Administration Group wished to merge the Housing Committee and Assets, Regeneration & Growth Committee and create a Housing & Growth Committee. The proportionality report also advised the Council of the requirement to amend the number of seats on some Committees to ensure the Liberal Democrats were given their proportionate seat entitlement. Full details of the changes were set out in the linked report on political proportionality (agenda item 12.2).

The Administration Group had also indicated they wished to amend Council Procedure Rules to vary the rules relating to Questions to the Leader in the Full Council Procedure Rules. Details had been circulated in the supplemental papers for the meeting.

The Leader moved reception and adoption of the recommendations in the report. Debate ensued. During debate on the item, the Members agreed to review the number of Housing & Growth Committee meetings scheduled and consider whether additional meetings would be required to accommodate the workload of the new committee.

On the recommendations in the report being put to the vote, the recommendations were unanimously agreed.

**RESOLVED that Council:**

- 1. Approve the revised Article 7 (Committees, Forums, Working Groups and Partnerships) as set out in Appendix B.**
- 2. Approve the amendments to the Members Allowances Scheme as set in Appendix D.**
- 3. Approved the revised Full Council Procedure Rules as circulated in the supplemental report of the Head of Governance.**

**12.2 REPORT OF THE HEAD OF GOVERNANCE - POLITICAL PROPORTIONALITY**

The Head of Governance introduced the report.

Council noted that the creation of a Liberal Democrat Group required a recalculation of political balance (proportionality) to enable the Group to be given their proportionate seat entitlement on Committees.

Upon the recommendations in the report being put to the vote, the recommendations were unanimously agreed:

**RESOLVED that Council:**

- 1. Council noted the political balance of the Council is:**
  - **37 Members of the Conservative Group;**
  - **24 Members of the Labour Group; and**
  - **2 Members of the Liberal Democrat Group**
- 2. Council agreed the allocation of seats as set out in the tables contained in the Political Balance (Proportionality) report in order to comply with the political balance regulations requiring seats to be allocated proportionately to the political groups on Council.**

**12.3 REPORT OF THE HEAD OF GOVERNANCE - RENEWING THE ARMED FORCES COVENANT**

The Head of Governance introduced the report.

The report provided the Council with an updated Armed Forces Covenant for approval which renewed Barnet's commitment of the Covenant which had originally been agreed in July 2012. Appendix 1 set out the Covenant.

On the recommendations in the report being put to the vote, the recommendations were unanimously agreed:

**RESOLVED that:**

- 1. Council pledges its support for the Armed Forces Covenant by approving Barnet's Armed Forces Covenant as set out in Appendix 1 to the report of officers.**
- 2. Council notes that a signing event will be arranged with partner organisations.**
- 3. Council note that a report will be presented to the Community Leadership and Libraries Committee on delivery of the associated Action Plan.**

**12.4 REPORT OF THE HEAD OF GOVERNANCE - OUTSIDE BODIES AND CALENDAR OF MEETINGS**

The Head of Governance introduced the report.

Appendix A detailed the vacancies to outside bodies that had arisen since the last Council meeting. Appendix B detailed the changes to the current calendar of meetings since the last Council meeting. Appendix Ci and Cii detailed the proposed calendar of meetings for 2020/21. Members and officers had been consulted on the proposed dates and feedback had been taken into account insofar as possible. Appendix D which had been circulated separately detailing appointments to:

1. Housing & Growth Committee
2. Liberal Democrat appointments to committees; and
3. Other changes to committee memberships advised by the Groups.

The Administration Group and Liberal Democrat Group had also indicated the additional appointments as detailed below.

**RESOLVED that:**

- 1. Cllr Stephen Sowerby be appointed as Council representative on the Jesus Hospital Charity.**
- 2. Council note the changes to the current calendar of meetings as set out in Appendix B.**
- 3. Council approve the calendar of meetings 2020/21 as set out in Appendix Ci and Cii.**
- 4. Council approve the appointments to committees as set out in Appendix D.**
- 5. Councillor Daniel Thomas be appointed to the Local Plan Advisory Group.**
- 6. Councillor Laithe Jajeh be appointed to the Barnet Group in place of Councillor Shimon Ryde.**
- 7. Councillor Jess Brayne be appointed to the Local Plan Advisory Group with Councillor Gabriel Rozenberg as substitute.**

**13. QUESTIONS TO COUNCIL REPRESENTATIVES ON OUTSIDE BODIES**

None.

**14. MOTIONS (45 MINUTES)**

**14.1 ADMINISTRATION MOTION IN THE NAME OF COUNCILLOR DANIEL THOMAS - ARMED FORCES COVENANT (AGENDA ITEM 14.2)**

The Leader moved the motion in his name. Councillor Ross Houston moved an amendment in his name. Debate ensued.

The amendment in the name of Councillor Ross Houston was put to the vote. Votes were recorded as follows:

For	61
Against	0
Abstain	0
Absent	2
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Ross Houston was declared CARRIED

The substantive motion as amended by Councillor Ross Houston was put to the vote.

Votes were recorded as follows:

For	61
Against	0
Abstain	0
Absent	2
<b>Total</b>	<b>63</b>

**RESOLVED that:**

**The Council recognises that:**

- 1. Barnet has a historic connection with the Armed Forces, having been home to RAF Hendon and Inglis Barracks, amongst other military premises.**
- 2. Barnet signed the Armed Forces Covenant in 2012.**
- 3. The Armed Forces Community is of great importance to Barnet and it is imperative it is fully integrated, treated fairly with respect and gratitude.**
- 4. ‘Renewing the Covenant in the Capital’ is a project that has been developed to help improve the understanding and delivery of the Armed Forces Covenant across London’s boroughs.**
- 5. The Defence Employer Recognition Scheme encompasses bronze, silver and gold awards for employer organisations that pledge, demonstrate or advocate**

support to defence and the armed forces community, and align their values with the Armed Forces Covenant.

6. **Barnet Council is currently recognised with a Bronze Award.**

**The Council believes that:**

1. **Barnet should continuously support the Armed Forces Community in recognition of their service and many sacrifices. This includes serving men and women and their families, veterans and members of reserve and cadet forces.**
2. **Reiterating the importance of the Covenant will give Barnet the opportunity to demonstrate our commitment to the Armed Forces community; to find better ways to share best practice and to adopt new approaches that will improve the integration and appreciation of the Armed Forces across the borough.**

**The Council resolves to:**

1. **Have the renewed Armed Forces Covenant signed by:**
  - a) **The Mayor and Leader of the Council and Leaders of each other political group.**
  - b) **Representatives from the health, education, employment, housing, multi-faith and voluntary sectors.**
  - c) **Representatives from the emergency services.**
2. **Show our commitment towards supporting the armed forces in Barnet by achieving both Silver and then Gold Award status in the Employer Recognition Scheme.**

Councillor Anthony Finn left the meeting at this point.

14.2 **OPPOSITION MOTION IN THE NAME OF COUNCILLOR JO COOPER - BARNET'S CLIMATE ACTION PLAN (AGENDA ITEM 14.7)**

Councillor Jo Cooper moved the motion in her name. Councillor Alan Schneiderman moved an amendment in his name. Councillor Ross Houston moved an amendment in his name. Debate ensued.

The amendment in the name of Councillor Alan Schneiderman was put to the vote. Votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Alan Schneiderman was declared LOST.

The amendment in the name of Councillor Ross Houston was put to the vote. Votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Ross Houston was declared LOST

The amendment in the name of Councillor Paul Edwards was put to the vote.  
Votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Paul Edwards was declared LOST

The amendment in the name of Councillor Geof Cooke was put to the vote.  
Votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Geof Cooke was declared LOST

The amendment in the name of Councillor Barry Rawlings was put to the vote.  
Votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Barry Rawlings was declared LOST

The amendment in the name of Councillor Anne Clarke was put to the vote.  
Votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>



The amendment in the name of Councillor Anne Clarke was declared LOST

The amendment in the name of Councillor Alison Moore was put to the vote.  
Votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Alison Moore was declared LOST

The motion was put to the vote. Votes were recorded as follows:

For	60
Against	0
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

**RESOLVED that:**

**Council recognises the need to do what it can to tackle climate change, and welcomes action taken so far by the council including:**

- support for London Climate Action Week
- the installation of 110 e-vehicle charging points
- the planting of 4,500 trees over the next five years
- supporting 98 of our schools to encourage sustainable school travel plans and become schools that are active, responsible and safe (STARs)
- efforts to encourage people to increase the number of times they walk to school and work, visit our parks and green spaces, and turn car engines off when stationary
- work to improve Barnet's air quality, including to identify GP practices with high levels of childhood asthma, as well as mapping hospitals admissions for asthma and lung disorders.

Council notes the recent Friends of the Earth report into each local authority's performance on climate change, and their suggested ways to improve action in this area: [https://takeclimateaction.uk/climate-action/how-climate-friendly-your-area-enter-your-postcode-see-results-yourcommunity?\\_ga=2.177262112.488090504.1571358091.412478967.1571358091](https://takeclimateaction.uk/climate-action/how-climate-friendly-your-area-enter-your-postcode-see-results-yourcommunity?_ga=2.177262112.488090504.1571358091.412478967.1571358091)

Council asks each relevant committee to consider the Friends of the Earth report for Barnet and review what more could be done in their remit to tackle climate change.

14.3 **ADMINISTRATION MOTION IN THE NAME OF COUNCILLOR ROBERTO WEEDEN-SANZ - SINGLE-USE PLASTICS IN BARNET (AGENDA ITEM 14.1)**

The amendment in the name of Councillor Alan Schneiderman was put to the vote. Votes were recorded as follows:

For	23
Against	35
Abstain	2
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Alan Schneiderman was declared LOST.

The amendment in the name of Councillor Peter Zinkin was put to the vote. Votes were recorded as follows:

For	37
Against	23
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Peter Zinkin was declared CARRIED.

The substantive motion as amended by Councillor Peter Zinkin was put to the vote. Votes were recorded as follows:

For	60
Against	0
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

**RESOLVED that:**

**Council recognises that:**

1. **Around 150 million tons of new single-use plastic is made each year. In many cases there are practical alternatives available that are either re-usable or sustainable.**
2. **The Ellen MacArthur Foundation has estimated that by weight there could be more plastic in oceans than fish by 2050.**
3. **Single-use plastics litter Barnet parks and streams – damaging our green spaces and wildlife, while adding to costs for our residents.**

**Council notes that:**

1. **Plastics ingested by animals not only kill many animals, but also lead to toxic transfer and contamination of animal and human food chains.**

2. The plastic bag charge, brought in by a Conservative government, has led to an 85% reduction in disposable plastic bag usage in England – with 9 billion fewer bags per year entering landfill or waste treatment.
3. Households in Barnet recycle more than those in more than two thirds of London Boroughs.
4. The government has completed its consultation to introduce a Deposit Return Scheme. Such schemes have successfully reduced single-use waste in countries such as Denmark, Sweden, the Netherlands and Germany.

Council welcomes:

1. The decision of the Environment Committee to join the North London Waste Authority plan to work with its constituent boroughs introduce low-plastic zones.
2. The decision by Policy and Resources Committee to undertake a review of single-use plastic used by the Council and all Council commissioned services.
3. The decision to instruct officers to explore more options to limit the use of single-use plastics, and the damage to the environment that they can cause, across the borough.

Council resolves to:

1. Reduce single-use plastic waste, where feasible and practicable, by:
  - a) Replacing single-use plastics used by the Council and all
  - b) Commissioned services with sustainable or re-usable alternatives.
  - c) Ensuring all future council procurement exercises minimise the use of single-use plastics.
  - d) Encourage and promote community water-refill schemes
  - e) Work with the NLWA to introduce low-plastic zones in Barnet
2. Work with TfL and encourage the Mayor of London to install free water fountains across Barnet's 30 town centres and other high footfall areas.
3. Support the creation of a wide-ranging Deposit Return Scheme.
4. Explore other ways to minimise plastic waste across the borough.

**14.4 OPPOSITION MOTION IN THE NAME OF COUNCILLOR BARRY RAWLINGS - A FULLY FUNDED, PROPER PAY RISE FOR LOCAL GOVERNMENT WORKERS (AGENDA ITEM 14.3)**

The amendment in the name of Councillor Daniel Thomas was put to the vote. Votes were recorded as follows:

For	35
Against	23
Abstain	2
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Daniel Thomas was declared CARRIED.

The amendment in the name of Councillor Ross Houston was put to the vote.  
 Votes were recorded as follows:

For	23
Against	35
Abstain	2
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Ross Houston was declared LOST.

The substantive motion as amended by Councillor Daniel Thomas was put to the vote.  
 Votes were recorded as follows:

For	37
Against	23
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

**RESOLVED that:**

**Council notes:**

1. In response to financial decisions made by the government over the past decade, Barnet Council has been at the forefront of innovating the way that services are delivered.
2. Outsourcing some services has played an important part in making savings for our residents, while ensuring that quality services are still delivered to them.
3. There is a national joint committee tasked with settling the local government pay claim.
4. That the Council seeks to support staff in the delivery of their work wherever and however possible.

**Council believes:**

1. That the work carried out by staff; both directly employed and those working in our outsourced services; is fundamental to the delivery of the Council's services.

2. Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.
3. Our staff help to keep our communities clean, look after those in need, and keep our towns running.

**Council resolves to:**

1. Continue to convey our appreciation for the professionalism of our staff and the providers of our outsourced services.
2. Work with the workforce and relevant unions, as well as the National Joint Committee which sets pay rates across the country, to ensure that there is an appropriate settlement to the local government pay claim.

**14.5 ADMINISTRATION MOTION IN THE NAME OF COUNCILLOR DANIEL THOMAS - BARNET CELEBRATES GIVING TUESDAY 2019 (AGENDA ITEM 14.4)**

The amendment in the name of Councillor Jess Brayne was put to the vote. Votes were recorded as follows:

For	60
Against	0
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Jess Brayne was declared CARRIED.

The substantive motion as amended by Councillor Jess Brayne was put to the vote. Votes were recorded as follows:

For	60
Against	0
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

**RESOLVED that:**

**This council notes that:**

1. Over 1,000 charities operate in Barnet
2. Giving Tuesday is a global generosity movement that has helped millions of people come together to support and champion the causes they believe in and the communities in which they live – raising more than £7.8 million in online donations alone in the UK last year.
3. Charities undertake valuable work every day of the year supporting Barnet residents. Donations are only one of the streams of the income upon which

they rely. Contracts with Barnet Council represent a significant source of funding for the charities with which the council works.

**This Council believes that:**

- 1. The charities which operate in Barnet, enriching the lives of our residents and the borough at large, deserve more recognition and support.**
- 2. Giving Tuesday is a non-prescriptive and non-political campaign that will benefit our community.**
- 3. A close working relationship between the council and charities benefits Barnet residents.**

**This Council resolves to:**

- 1. Develop a programme to publicly support Giving Tuesday 2019 on 3rd December.**
- 2. Work with partners to gain publicity and recognition for Barnet's charities and third sector organisations.**
- 3. Collaborate with charities to develop mutually supportive ways of working, including reviewing the tendering process, length and nature of the contracts that the Council enters into with charities.**

**14.6 OPPOSITION MOTION IN THE NAME OF COUNCILLOR ROSS HOUSTON - BREXIT AND BARNET (AGENDA ITEM 14.5)**

Councillor Gabriel Rozenberg called a point of order and put forward the motion that motion 14.5 on the agenda be debated in accordance with Full Council Procedure Rule 2 which provides that 'If more than two motions are submitted then these can be debated if time allows before 10pm at the end of the agenda and with the agreement of the Council.' The motion was seconded by Councillor Ross Houston.

The motion was put to the vote and the votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The motion was declared LOST.

The amendment in the name of Councillor Daniel Thomas was put to the vote.

A formal division was called in accordance with Council Procedure Rule 14. Votes were individually recorded for all Members.

	<b>For</b>	<b>Against</b>	<b>Not Voting</b>	<b>Absent</b>
Mayor Caroline Stock	✓			
Deputy Mayor Lachhya Gurung	✓			
Golnar Bokaei	✓			
Jess Brayne		✓		
Felix Byers	✓			
Anne Clarke		✓		
Pauline Coakley Webb		✓		
Dean Cohen	✓			
Melvin Cohen	✓			
Geof Cooke		✓		
Jo Cooper		✓		
Sara Conway		✓		
Alison Cornelius	✓			
Richard Cornelius	✓			
Saria Don	✓			
Val Duschinsky	✓			
Paul Edwards		✓		
Claire Farrier		✓		
Anthony Finn				✓
Nizza Fluss	✓			
Linda Freedman	✓			
Brian Gordon	✓			
Eva Greenspan	✓			
Jennifer Grocock	✓			
Rohit Grover	✓			
John Hart	✓			
Ross Houston		✓		
Anne Hutton		✓		
Laithe Jajeh	✓			
Kathy Levine		✓		
David Longstaff	✓			
John Marshall	✓			
Kath McGuirk		✓		
Arjun Mittra		✓		
Alison Moore		✓		
Ammar Naqvi		✓		
Nagas Narenthira		✓		
Charlie O'Macauley				✓
Reema Patel		✓		
Alex Prager				✓
Wendy Prentice	✓			
Sachin Rajput	✓			
Barry Rawlings		✓		
Danny Rich		✓		
Helene Richman	✓			
Tim Roberts		✓		
Gabriel Rozenberg		✓		
Lisa Rutter	✓			
Shimon Ryde	✓			

	For	Against	Not Voting	Absent
Gill Sargeant		✓		
Alan Schneiderman		✓		
Mark Shooter	✓			
Elliot Simberg	✓			
Thomas Smith	✓			
Stephen Sowerby	✓			
Julian Teare	✓			
Daniel Thomas	✓			
Reuben Thompstone	✓			
Sarah Wardle	✓			
Roberto Weeden-Sanz	✓			
Laurie Williams	✓			
Peter Zinkin	✓			
Zakia Zubairi		✓		

For	35
Against	25
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Daniel Thomas was declared CARRIED.

The substantive motion as amended by Councillor Daniel Thomas was put to the vote. Votes were recorded as follows:

For	35
Against	25
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

**RESOLVED that:**

**Council notes:**

**The revisited Brexit agreement. Council notes the decision by Parliament to give the Withdrawal bill a second reading and looks forward to it becoming legislation**

**In the meantime, Council recognises that some of the 40,000 or so EU citizens living in Barnet may need advice and assistance applying for settled status. Around 15,000 in Barnet have already applied for settled status independently.**

**Council therefore agrees to continue providing advice and assistance for settled status to any EU citizens living in Barnet through Citizens Advice Barnet and the Council's registrar service.**

**Council reiterates that there is no great urgency in applying for this status. The deadline for applications is June 2021 if the Withdrawal Agreement passes, and December 2020 if not.**



14.7 **OPPOSITION MOTION IN THE NAME OF COUNCILLOR BARRY RAWLINGS - SUPPORT LONDON'S LIVING WAGE FOR CARE WORKERS (AGENDA ITEM 14.6)**

The amendment in the name of Councillor Sachin Rajput was put to the vote. Votes were recorded as follows:

For	60
Against	0
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Sachin Rajput was declared CARRIED.

The amendment in the name of Councillor Reema Patel was put to the vote. Votes were recorded as follows:

For	23
Against	35
Abstain	2
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Reema Patel was declared LOST.

The substantive motion as amended by Councillor Sachin Rajput was put to the vote. Votes were recorded as follows:

For	35
Against	0
Abstain	25
Absent	3
<b>Total</b>	<b>63</b>

**RESOLVED that:**

**Council believes that care workers provide the most crucial services to our elderly and disabled residents, and they deserve to be paid a living wage.**

**Council notes that some former Fremantle care workers that have been transferred to the Barnet Group may be being paid less than the London Living Wage which is currently £10.55 per hour. The Barnet Group policy is to pay all its workers at least the London Living Wage.**

**Council welcomes the commitment for a feasibility report into the issue to be brought back to the next meeting of Policy & Resources Committee.**

14.8 **OPPOSITION MOTION IN THE NAME OF COUNCILLOR REEMA PATEL - THE RIGHT TO INDEPENDENT LIVING (AGENDA ITEM 14.8)**

The amendment in the name of Councillor Sachin Rajput was put to the vote.

Votes were recorded as follows:

For	35
Against	0
Abstain	25
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Sachin Rajput was declared CARRIED.

The amendment in the name of Councillor Jo Cooper was put to the vote.

Votes were recorded as follows:

For	23
Against	35
Abstain	2
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Jo Cooper was declared LOST.

The amendment in the name of Councillor Paul Edwards was put to the vote.

Votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Paul Edwards was declared LOST.

The substantive motion as amended by Councillor Sachin Rajput was put to the vote.

Votes were recorded as follows:

For	35
Against	23
Abstain	2
Absent	3
<b>Total</b>	<b>63</b>

**RESOLVED that:**

**Council notes extremely low levels of admissions to our care homes, compared with other boroughs in London. Council reaffirms its commitment to the right to independent living for all Barnet's elderly and disabled people.**

**14.9 OPPOSITION MOTION IN THE NAME OF COUNCILLOR ANNE CLARKE - SUPPORTING OUR NURSERIES (AGENDA ITEM 14.9)**

The amendment in the name of Councillor David Longstaff was put to the vote.

Votes were recorded as follows:

For	60
Against	0
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor David Longstaff was declared CARRIED.

The amendment in the name of Councillor Pauline Coakley-Webb was put to the vote. Votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Pauline Coakley-Webb was declared LOST.

The substantive motion as amended by Councillor David Longstaff was put to the vote. Votes were recorded as follows:

For	60
Against	0
Abstain	0
Absent	3
<b>Total</b>	<b>63</b>

**RESOLVED that:**

**Council notes that the council subsidised nurseries have recently raised the issue of budget challenges and further notes the nurseries in question are not in any position to close themselves. Any closure would be a decision of the Council, after consultation, and require the agreement of the Chairman of the Children, Education & Safeguarding Committee. The council has no plans to close any of the four nurseries.**

**Council notes that representatives from the nurseries have already met, in September 2019, with the Leader of the Council, Councillor Thomas, Executive Director of Children's Services, Chris Munday and Service Director of Education and Skills, Ian Harrison, to discuss financial issues. As with any school facing a deficit, the council will work with the school to balance the budget.**

**Council notes that at the last Children, Education & Safeguarding committee meeting, through a Members Item brought by Councillor Clarke, it was agreed to incorporate nurseries' financing into the Annual School Funding report. The next report will be received at the January 2020 Children, Education & Safeguarding meeting.**

**14.10 OPPOSITION MOTION IN THE NAME OF COUNCILLOR PAULINE COAKLEY- WEBB - SUPPORTING PEOPLE WITH ALZHEIMER'S AND DEMENTIA (AGENDA ITEM 14.10)**

The amendment in the name of Councillor Sachin Rajput was put to the vote. Votes were recorded as follows:

For	60
Against	0
Abstain	0
Absent	3
<b>Total</b>	<b>3</b>

The amendment in the name of Councillor Sachin Rajput was declared CARRIED.

The amendment in the name of Councillor Paul Edwards was put to the vote. Votes were recorded as follows:

For	60
Against	0
Abstain	0
Absent	3
<b>Total</b>	<b>3</b>

The amendment in the name of Councillor Paul Edwards was declared CARRIED.

The substantive motion as amended by Councillor Sachin Rajput and Councillor Paul Edwards was put to the vote.

Votes were recorded as follows:

For	60
Against	0
Abstain	0
Absent	3
<b>Total</b>	<b>3</b>

**RESOLVED that:**

**Council notes that Alzheimer's and dementia is affecting more and more of our residents as we support an increasing ageing population.**

**Council believes that carers are usually so busy coping with their caring role that unless we positively promote the benefits to which the person suffering these diseases are entitled to, many will go unnoticed.**

**Council notes that LBB's website could be improved when it comes to the pages relating to both council tax exemptions and blue badge applications for those suffering from Alzheimer's and dementia.**

**Council agrees to add additional precise information both on the relevant council website pages and as an informative article in the next Barnet First magazine.**

**Council therefore instructs officers to amend the web pages on council tax exemption to include specifically that mental health impairment includes dementia and Alzheimer's, and that council tax reductions and exemptions can be backdated to the date of diagnosis.**

**Likewise, in respect of the new blue badge guidelines, which were formally implemented by local authorities on 30<sup>th</sup> August 2019, Council instructs officers to clarify that non-visible hidden conditions includes dementia and Alzheimer's.**

**Council agrees that information on both aspects will be made prominent in the next issue of Barnet First magazine.**

**Council asks that the Adults & Safeguarding Committee is provided with an update on progress against each of these actions at its next meeting.**

**14.11 OPPOSITION MOTION IN THE NAME OF COUNCILLOR JO COOPER - STOP USING HARMFUL HERBICIDES IN BARNET (AGENDA ITEM 14.11)**

The amendment in the name of Councillor Dean Cohen was put to the vote.  
Votes were recorded as follows:

For	35
Against	25
Abstain	0
Absent	2
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Dean Cohen was declared CARRIED.

The amendment in the name of Councillor Alan Schneiderman was put to the vote.  
Votes were recorded as follows:

For	25
Against	35
Abstain	0
Absent	2
<b>Total</b>	<b>63</b>

The amendment in the name of Councillor Alan Schneiderman was declared LOST.

The substantive motion as amended by Councillor Dean Cohen was put to the vote.  
Votes were recorded as follows:

For	35
Against	25
Abstain	0
Absent	2
<b>Total</b>	<b>63</b>

**RESOLVED that:**

**Council notes:**

- 1. This issue was discussed at the Environment Committee in September 2019.**
- 2. The Environment Committee requested that the Executive Director for Environment submit a report to the Committee on the issue.**
- 3. Hackney and Croydon are currently testing non-chemical alternative herbicides.**

**Council resolves:**

- 1. To ensure that a report is prepared to outline the operation of weed control, and to see where non-chemical alternatives can be effectively used.**
- 2. For this report to include how other boroughs, particularly those neighbouring Barnet operate their weed control services.**
- 3. To review the reports from Hackney and Croydon Councils regarding their non-chemical herbicide pilots when they are available.**


**14.12 LIBERAL DEMOCRATS MOTION IN THE NAME OF COUNCILLOR GABRIEL ROZENBERG - STANDING UP FOR NORTH LONDONERS (AGENDA ITEM 14.12)**

The motion in the name of Councillor Gabriel Rozenberg was put to the vote. Votes were recorded as follows:

For	2
Against	35
Abstain	23
Absent	3
<b>Total</b>	<b>63</b>

The motion in the name of Councillor Gabriel Rozenberg was declared LOST.

The meeting finished at 9.07pm

	<p><b>Council</b></p> <p><b>28 January 2020</b></p>
<p style="text-align: center;"><b>Title</b></p>	<p><b>Report of the Constitution &amp; General Purposes Committee – Public Participation</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Chairman of the Constitution and General Purposes Committee</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>Annex 1 – Report to Constitution and General Purposes Committee – 16 January 2020 – Public Participation Changes Review</p> <p>Appendix A – Article 3 (Residents and Public Participation) (Tracked)</p> <p>Appendix B – Article 3 (Residents and Public Participation) (Clean)</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, <a href="mailto:andrew.charlwood@barnet.gov.uk">andrew.charlwood@barnet.gov.uk</a></p>

## Summary

The Constitution and General Purposes Committee at a meeting held on 16 January 2020 considered a report on public participation changes agreed in July 2019. Following debate, the Committee agreed to amend Article 3 to enable residents to submit written comments to committees. Only Full Council may amend the Constitution. Council are therefore recommended to approve the Constitution amendments proposed by the Committee.

## **Recommendations**

- 1. That Council note the report of the Constitution & General Purposes Committee held on 16 January 2020 (Annex 1) and the decisions of the Committee set out in in Section 1.2 below.**
- 2. That Council approve the Constitution amendments as set out in Appendix A.**
- 3. That Council authorise the Monitoring Officer to implement these revisions and publish a revised Constitution.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 As set out in the report attached at Annex 1.
- 1.2 At the Constitution & General Purposes Committee held on 16 January 2020 the Committee made the following decision<sup>1</sup>:

#### **Public Participation Changes Review**

The Head of Governance introduced the report which sought to clarify the process through which the amendments to the Public Participation Rules were approved. Further included in the report at Appendix 1 was a review of the impact the changes.

Councillor Prager, duly seconded by Councillor Richard Cornelius proposed the following:

- That the rule relating to having up to two questions per agenda item, with each question being limited to 100 words is retained, along with the opportunity to ask a supplementary question.
- In addition, a new rule permitting up to two comments per agenda item, with each comment being limited to 100 words is incorporated. The comment(s) would be noted at the meeting.

The Committee confirmed that a resident can only make one comment per agenda item and that there would be a maximum of two comments per agenda item in total.

The Head of Governance proposed that to ensure the additional provisions relating to public comments are clear in Article 3 of the Constitution, drafting of the final wording to be reported to Council should be delegated to the Head of Governance in consultation with the Chairman.

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<sup>1</sup> Minute extract is currently draft and pending chairman's and committee approval



**RESOLVED that the Committee:**

- 1. Note the decision-making process for the amendments to public participation as set out in sections 1.1 to 1.4 of the report.**
- 2. Note the impact of the amendments to public participation.**
- 3. Agree to delegate to the Head of Governance, following consultation with the Vice-Chairman, the drafting of the amended wording of Article 3 changes proposed by Councillor Prager.**
- 4. That the following the Vice-Chairman's agreement of the amendments, a revised Article 3 (Public Participation) is reported to Council on 28 January 2020 for approval.**

**2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out in the report attached at Annex 1.

**3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Options were put forward to the Committee and decisions at section 1.2 above reflect the options chosen (as amended by the Committee) for recommendation to Council following discussion and debate.

**4. POST DECISION IMPLEMENTATION**

- 4.1 The Monitoring Officer will make arrangements for any changes agreed to be actioned, together with minor drafting and housekeeping changes. The revised Constitution will be published online.
- 4.2 The Constitution and General Purposes Committee will continue to proactively keep the Constitution under review and may make further recommendations in the next municipal year.

**5. IMPLICATIONS OF DECISION**

**5.1 Corporate Priorities and Performance**

- 5.1.1 As set out in the report attached at Annex 1.

**5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 None.

**5.3 Legal and Constitutional References**

- 5.3.1 Council Constitution, Article 4 states that "The Full Council is a formal meeting of all Councillors and is required by law to take certain important decisions as

set out below. Full Council also approves a number of key plans and strategies, which together form the Policy Framework:....Adopting and changing the Constitution (unless delegated).”

5.3.2 Council Constitution, Article 7 states that the Constitution and General Purposes Committee terms of reference includes to: “Keep under review all aspects of the Council’s Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council.”.

5.3.3 Council Constitution, Article 9 states that “The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available for consultation by Members, staff and the public”.

#### **5.4 Risk Management**

5.4.1 As set out in the report attached at Annex 1.

#### **5.5 Equalities and Diversity**

5.5.1 As set out in the report attached at Annex 1.

#### **5.6 Consultation and Engagement**

5.6.1 As set out in the report attached at Annex 1.

### **6. BACKGROUND PAPERS**

6.1 As set out in the report attached at Annex 1.



## Constitution & General Purposes Committee

**16 January 2020**

<b>Title</b>	<b>Public Participation Changes Review</b>
<b>Report of</b>	Head of Governance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix 1 – Public Participation Data
<b>Officer Contact Details</b>	Andrew Charlwood, Head of Governance, <a href="mailto:andrew.charlwood@barnet.gov.uk">andrew.charlwood@barnet.gov.uk</a> 020 8359 2014 Naomi Kwasa, Governance Officer, <a href="mailto:naomi.kwasa@barnet.gov.uk">naomi.kwasa@barnet.gov.uk</a> , 020 8359 6146

### Summary

At a meeting held on 30 July 2019, Full Council approved revisions to Article 3 (Public Participation) of the Council's Constitution as proposed in a report from the Constitution and General Purposes Committee. Following this Members requested a further report clarifying the process through which these amendments were approved. The following report includes this information as well as a review of the impact of the changes which are detailed in Appendix 1.

## Officers Recommendations

1. That the Constitution and General Purposes Committee note the decision-making process for the amendments to public participation as set out in sections 1.1 to 1.4.
2. That the Constitution and General Purposes Committee review the impact on the amendments to public participation.

### 1. WHY THIS REPORT IS NEEDED

#### Background

- 1.1 At the meeting of the Constitution and General Purposes Committee on 25 June 2019 the Committee considered a report of the Monitoring Officer which set out proposed changes to the rules relating to public participation and resident engagement at committee meetings. Written and verbal public comments and questions were received by a number of residents and Members were given the opportunity to respond. Following discussion and amendment of the report it was resolved that:

#### **1. The Committee agree that Article 3 (Residents and Public Participation) be amended to give effect to the following changes:**

1. *Questions and comments should be amalgamated; it is perfectly possible to raise a comment as part of a question. The number of words for each question/comment should be limited at 100.*
2. *Questions/comments should be raised under the current rules for questions. This means that the council and lead officer would have notice of the question/comment before the meeting and would therefore be in a position to amend the committee report (if necessary) to include a relevant matter raised in the question/comment, if not currently within the committee report.*
3. *Residents may raise one question/comment on an agenda item. The question/comment must relate to the substantive matter to be determined by the committee. No more than two questions from residents will be allowed per agenda item taken in the order of receipt by the Governance Service.*

#### **2. Officers be instructed to prepare revisions to Article 3 for reporting to Full Council.**

- 1.2 Following this, the recommendations proposed by the Committee were reported to Full Council (with the original report included as Annex 1 and the minutes from the meeting included as Annex 1A) on 30 July 2019 to be formally approved.
- 1.3 Within the body of the original report, the recommended approach outlined that public comments would be amalgamated into the provision for public questions. Item 1.7. (1.) in the report to Committee on 25 June 2019 refers – see link at section 6.2 below. In accordance with this wording, the report to Council was amended to refer to Public

Questions only as the report was clear that comments could only be made as part of a question.

- 1.4 Following debate, the recommendations were approved and the following provisions for public questions were agreed:

*“(d) **Public Engagement.** Residents have the right to ask questions and receive answers at committee meetings in accordance with the following rules. Residents can also raise issues at Residents Forum.*

*Residents can participate in Committee meetings as follows:*

- *By asking a public question*
- *By submitting a petition*

### **3.2 Questions to a Committee**

*Questions must specify the item of business on the agenda which they relate to. Committee agendas are usually published on the Council’s website five clear working days prior to the meeting. Residents should state their address when submitting questions. Questions may include a written comment. Each question is limited to 100 words.*

*Questions should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any questions submitted after this time will not be considered.*

*A resident may ask one question per agenda item. A maximum of two questions from residents may be asked per agenda item. These will be accepted in order of receipt. Any additional questions received will be not be accepted.*

*Written responses to public questions will be circulated to the questioner in advance or at the meeting. Residents can ask the committee chairman one supplementary question per question asked at the committee meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the chairman.*

*Residents submitting questions are able to send a substitute to ask their supplementary question if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing.*

### **3.3 Procedure for Questions at Committees**

*At committee meetings a time period of up to 30 minutes is available for public questions in total. Supplementary questions will be asked in order of receipt.”*

## **Review**

- 1.5 At the meeting of the Constitution & General Purposes Committee held on 7 October 2019 the Committee received a public question on the changes to public participation agreed by Full Council on 28 July. The question noted that the report to the Committee in June had referred to public questions and comments, but the version reported to and

agreed by Council in July referred to questions only. It was suggested that the revisions had consequently prevented residents from submitting written comments. Officers responded to the question and advised Members that the wording in the report to the Committee in June had clearly stated that public questions and comments would be amalgamated and that a written comment could be made as part of a question (with a 100-word limit). Comments were therefore allowed, but only as part of a written question. Following discussion, the Committee agreed that a report should be brought to the January 2020 meeting to cover this point and to summarise the impact of the changes to date.

## **Findings**

- 1.6 Appendix 1 shows that there has been a decrease in questions to committees in line with the new limits to the number of questions that can be submitted. Consideration has been given as to whether questions that were not accepted for committees have been submitted via alternative routes, such as Freedom of Information (FOI) requests or direct service requests, instead. Appendix 1 shows that there has not been an increase in the number of FOI requests since the changes were made. There is no evidence to suggest that the number of direct service requests have increased either.
- 1.7 Governance Officer have been asked what impact the changes have had. Other than reducing the overall number of questions as set out in Appendix 1, the following has been reported:
- i) Some residents have sent their questions directly to committee chairmen who have asked that officers respond to the questions verbally when addressing the report in committee; and
  - ii) Residents have sent their questions directly to committee members who have then asked officers to provide written answers to the questions in advance of meetings.
- 1.8 Chief Officers were invited to comment on the changes and the themes emerging are as follows:
- Changes have reduced the volume of work in managing committee agendas/papers
  - Clarification regarding the issue in respect of questions/comments would be helpful as this has been a source of confusion
  - Consideration ought to be given to different ways of engaging residents across the borough
- 1.9 The Committee are requested to note the information set out in this report.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out in section 1 above.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 None.

### **4. POST DECISION IMPLEMENTATION**

4.1 The Constitution and General Purposes Committee will continue to proactively keep the Constitution under review and may make further recommendations in the next municipal year.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

5.1.1 Barnet Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. By keeping the Constitution under review it ensures that the framework in which the Council is governed supports the delivery of corporate priorities and performance.

#### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 None in the context of this report.

#### **5.3 Social Value**

5.3.1 None in the context of this report.

#### **5.4 Legal and Constitutional References**

5.4.1 Council Constitution, Article 7 states that the Constitution and General Purposes Committee terms of reference includes to: "Keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council."

5.4.2 Council Constitution, Article 4 states that "The Full Council is a formal meeting of all Councillors and is required by law to take certain important decisions as set out below. Full Council also approves a number of key plans and strategies, which together form the Policy Framework:...Adopting and changing the Constitution (unless delegated)."

#### **5.5 Risk Management**

5.5.1 In reviewing the revised public participation process and revisions to the Constitution through the Constitution and General Purposes Committee, Members can assess the impact of these changes and whether any risk arise.

## 5.6 **Equalities and Diversity**

5.6.1 The decision-making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

## 5.7 **Corporate Parenting**

5.7.1 None in the context of this report.

## 5.8 **Consultation and Engagement**

5.8.1 None in the context of this report.

## 5.9 **Insight**

5.9.1 None in the context of this report.

## 6. **BACKGROUND PAPERS**

6.1 [Council – Report of the Constitution & General Purposes Committee – Public Participation – 30 July 2019](#)

6.2 [Constitution & General Purposes Committee – Public Participation – 25 June 2019](#)

6.3 [Council Constitution](#)



## Article 3 – Residents and Public Participation

### 3.1 Residents' Rights

Residents have a number of rights. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

- (a) (i) **Petition scheme.** Residents who are concerned about a Council service or a decision that is about to be made may send the Council a petition which shall be considered and responded to in accordance with the Petition Scheme as outlined below.
- (b) **Information.** Residents have the right to:
  - (i) Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private;
  - (ii) See agendas, reports and background papers, except where confidential or exempt information is likely to be disclosed, and any records of decisions made by the Council and its committees; and
  - (iii) Inspect the Council's accounts and make their views known to the external auditor.
- (c) **Treatment.** Residents have the right to:
  - (i) Be treated with understanding and respect;
  - (ii) Have equal opportunity with other residents; and
  - (iii) Receive quality services provided to Best Value principles.
- (d) **Public Engagement.** Residents have the right to ask questions and receive answers at committee meetings in accordance with the following rules. Residents can also raise issues at Residents Forum.

Residents can participate in Committee meetings as follows:

- By asking a public question
- By submitting a petition
- By submitting a public comment

### 3.2 Questions to a Committee

Questions must specify the item of business on the agenda which they relate to. Committee agendas are usually published on the Council's website five clear working days prior to the meeting. Residents should state their address when submitting questions. ~~Questions may include a written comment.~~ Each question is limited to 100 words.

Questions should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any questions submitted after this time will not be considered.

A resident may ask one question per agenda item. A maximum of two questions from residents may be asked per agenda item. These will be accepted in order of receipt. Any additional questions received will be not be accepted.

Written responses to public questions will be circulated to the questioner in advance or at the meeting. Residents can ask the committee chairman one supplementary question per question asked at the committee meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the chairman.

Residents submitting questions are able to send a substitute to ask their supplementary question if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing.

### **3.3 Written Comments to Committees**

Written comments must specify the item of business on the agenda which they relate to. Committee agendas are published on the Council's website five clear working days prior to the meeting. Residents should state their address when submitting comments. Each written comment is limited to 100 words.

Written comments should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any written comments received after this time will not be considered.

A resident may submit one written comment per agenda item. A maximum of two written comments from residents in total may be submitted per agenda item. These will be accepted in order of receipt. Any additional written comments received will not be accepted.

Written comments will be reported to the committee and published alongside the agenda papers for the meeting.

### **3.4 Procedure for Questions at Committees**

At committee meetings a time period of up to 30 minutes is available for public questions in total. Supplementary questions will be asked in order of receipt.

**Public questions or comments are not permitted:**

- If they don't relate to a substantive item on the agenda
- If they are defamatory, abusive or offensive.
- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the Constitution & General Purposes Committee.
- If they would result in the release of confidential information, or which may prejudice enforcement.

- If they relate to a matter where there is a right of appeal against any decision of the Council.
- If they have been submitted by someone who has been deemed to be subject to the Unreasonably Persistent Complainants Policy;
- If they are received from people who are not Barnet residents;
- At the Planning Committee and Area Planning Committees on Town and Country Planning applications (a separate procedure is detailed in section 3.6). Public questions are permitted at the Planning Committee on planning policy matters;
- If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The Chairman of the relevant Committee or Sub-Committee, in consultation with the Head of Governance, shall decide whether any particular question, comment or issue will be permitted.

### 3.5 Issues for Residents Forum

Issues must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place. Residents should state their address when submitting a forum issue.

The Forum Chairman has the discretion to accept issues with less than five days' notice if they deem the matter to be urgent. Responses to urgent matters will be responded to verbally by officers at the Forum meeting.

Councillors, MPs and Assembly Members are not permitted to submit items and questions for Residents Forum, but may be called on to comment on issues. Such comments will be invited entirely at the discretion of the Residents Forum chairman.

The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period. The Six Month Rule means that Residents Forum will not reconsider any issues discussed at a resident's forum or any decision taken by a committee in the six months preceding the date of the forum. An exception is that where the Chairman has agreed that an issue raised at a previous Forum meeting should be reported back with a detailed response in which case the resident who raised the original issue (or their nominated deputy) will be invited to address the Forum for up to 3 minutes. The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.

At Residents Forum issues will be considered in order of receipt. Where a resident has submitted more than one issue, their second item or question will be considered after all other residents have presented their first item. Issues will continue to be determined in this way until all issues have been considered.

The Chairman will determine issues in the following way:

1. Residents will have the opportunity to address the Forum on for up to 3 minutes on the issue they have previously raised

2. Chairman, Chief Officers or other relevant officers may respond to the issues raised
3. Having considered the issues the Chairman can take the following actions:
  - note the issue and take no action
  - instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response and that this response be published in the meeting documents available on the website.
  - instruct that Ward Members are notified of the issue.
  - decide that the issue be referred to the next meeting of an Area Committee for consideration, subject to the issue being within the terms of reference of an Area Committee

When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.

### 3.6 Petitions

Petitions must have a minimum of 25 signatures and be relevant to the functions of the authority. The petition will be presented to the Governance Service who will forthwith present it to the relevant Director and/or the relevant Committee Chairman for information.

Petitions can either be submitted in hard copy to the Head of Governance or by using the authority's e-petitions facility. It is acceptable to combine paper petitions and e-petitions, providing the action the Council is being requested to take in the petitions are the same.

The address of the Head of Governance is as follows:

Head of Governance  
London Borough of Barnet  
2 Bristol Avenue  
Colindale  
London  
NW9 4EW

The authority's e-petition facility can be found here:

<https://barnet.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1>

E-petitions submitted on external websites can be accepted by the council. However, petitions hosted on external websites will need to be submitted by the lead petitioner to the Head of Governance in order for the petition to be accepted.

Petition signatures must be from Barnet residents otherwise they will not count towards the overall signature total. Petitions signatories must provide addresses to enable them to be verified.

A petition will not be accepted if:

- it is vexatious or abusive;
- it relates to any enactment or statutory provision;
- it relates to a safeguarding matter;

- it does not contain the address of signatories;
- it relates to a named individual or could reveal the identity of a person;
- it does not relate to the functions of the council;
- it is not clear what it is asking the council to do;
- it deals with an issue that has previously been resolved;
- it is repetitive, vexatious, or requires action which is unlawful or for which another council procedure is available

The Head of Governance will make a ruling on whether or not to accept a petition, taking into consideration grounds for rejection as laid out above.

On such an occasion where a petition is rejected, the Head of Governance (or his/her representative) will write to the lead petitioner and explain the reasons for rejection.

Petitions relating to planning or licensing applications, appeals or reviews will be treated as letters of representation and will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. For petitions falling within these categories, the reporting procedures below will not apply.

Petitions which have been submitted in response to a consultation process initiated by a specific committee should be reported back to that committee.

Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.

Petitions will be reported as follows:

Signatures	Forum and Procedure
0-24	No action required.
25 – 1,999 Signatures	<p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> <li>• Take no action;</li> <li>• Refer the matter to a chief officer to respond to within 20 working days; or</li> <li>• Refer the matter to the relevant Area</li> </ul>

	Committee (if funding is required)
2,000 – 6,999 Signatures	<p>Where the petition relates to the functions and responsibilities of an Area Committee it will be reported to the relevant Area Committee.</p> <p>Where the petition relates to the matters outside the functions and responsibilities outside of the remit of an Area Committee, the petition will be reported to the relevant Theme Committee.</p> <p>The Lead Petitioner will be given five minutes to present the petition to the committee.</p> <p>Following the presentation the Chairman and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</p> <ul style="list-style-type: none"> <li>• Take no action</li> <li>• Refer the matter to a chief officer to provide a written respond to Lead Petitioner within 20 working days; or</li> <li>• Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised with a recommended course of action</li> </ul>
7,000 plus Signatures	<p>The petition will be considered by Full Council and the following process will be followed:</p> <ul style="list-style-type: none"> <li>• Lead Petitioner is given five minutes to present the petition;</li> <li>• Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item.</li> <li>• The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take</li> </ul>

Petitions are required to be received seven working days before the Residents Forum, relevant committee meeting or Full Council.

Any hard copy petition received will be published on the Council’s website via the Council’s e-petition facility and processed by the Council as documented in this section. Updates or responses to petitions will be published on the e-petitions section of the website once an officer has responded or a Forum, Committee or Full Council has received a petition.

### **3.7 Requests to speak at Planning Committees**

Requests to speak about an application on the planning committee agenda should be submitted to the relevant Planning Case Officer by 10am on the third working day prior to the meeting.

In addition to any Councillor and the Applicant (or their representative) two residents may speak. Such speakers shall be one for and one against the application unless there is no resident wishing to speak for the application in which case two residents may speak against the application, or no resident in objection in which case two residents may speak in support of the application.

At the meeting, each speaker will have a time period of up to 3 minutes to address the committee. Committee members will then have the opportunity to question the speaker.

Where an application being considered by an Area Planning Committee is referred to the Planning Committee for determination, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the Planning Committee.

Speaking rights will also automatically transfer where an application has been deferred or adjourned to a future meeting of planning committee, but only if the speakers have not already addressed the committee on the deferred or adjourned item.

Public speaking arrangements do not apply to an item relating to the making / confirmation of a Tree Preservation Order as this would be contrary to the legislative procedure for making objections and/or representations.

### **3.8 Requests to speak on Assets of Community Value listings**

Requests to speak about an application to list an Asset of Community Value should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting.

In addition to any Councillor, the Asset Owner (or their representative) and a representative from the nominating body, up to two residents may speak. Such speakers shall be one for and one against the listing application unless there is no resident wishing to speak against the listing application in which case two residents may speak in favour of the listing, or no resident in favour in which case two residents may speak against the listing application.

At the meeting, each speaker will have a time period of up to 3 minutes to address the committee or sub-committee. Committee or sub-committee members will then have the opportunity to question the speaker.

### **3.9 Complaints**

Residents have the right to complain to:

- (i) the Council itself under its complaints scheme;



- (ii) the Local Government Ombudsman (after using the Council's own complaints scheme);
- (iii) the Monitoring Officer about a breach of the Members Code of Conduct.

### 3.10 **Disorderly Conduct**

If a member(s) of the public or press (or a Councillor) interrupts the proceedings at any meeting, the Mayor or Chairman may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chairman may order his/her removal from the meeting place. In the event that the meeting is disrupted the Mayor or the Chairman may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.



## Article 3 – Residents and Public Participation

### 3.1 Residents' Rights

Residents have a number of rights. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

- (a) (i) **Petition scheme.** Residents who are concerned about a Council service or a decision that is about to be made may send the Council a petition which shall be considered and responded to in accordance with the Petition Scheme as outlined below.
- (b) **Information.** Residents have the right to:
- (i) Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private;
  - (ii) See agendas, reports and background papers, except where confidential or exempt information is likely to be disclosed, and any records of decisions made by the Council and its committees; and
  - (iii) Inspect the Council's accounts and make their views known to the external auditor.
- (c) **Treatment.** Residents have the right to:
- (i) Be treated with understanding and respect;
  - (ii) Have equal opportunity with other residents; and
  - (iii) Receive quality services provided to Best Value principles.
- (d) **Public Engagement.** Residents have the right to ask questions and receive answers at committee meetings in accordance with the following rules. Residents can also raise issues at Residents Forum.

Residents can participate in Committee meetings as follows:

- By asking a public question
- By submitting a petition
- By submitting a public comment

### 3.2 Questions to a Committee

Questions must specify the item of business on the agenda which they relate to. Committee agendas are usually published on the Council's website five clear working days prior to the meeting. Residents should state their address when submitting questions. Each question is limited to 100 words.

Questions should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any questions submitted after this time will not be considered.

A resident may ask one question per agenda item. A maximum of two questions from residents may be asked per agenda item. These will be accepted in order of receipt. Any additional questions received will be not be accepted.

Written responses to public questions will be circulated to the questioner in advance or at the meeting. Residents can ask the committee chairman one supplementary question per question asked at the committee meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the chairman.

Residents submitting questions are able to send a substitute to ask their supplementary question if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing.

### **3.3 Written Comments to Committees**

Written comments must specify the item of business on the agenda which they relate to. Committee agendas are published on the Council's website five clear working days prior to the meeting. Residents should state their address when submitting comments. Each written comment is limited to 100 words.

Written comments should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any written comments received after this time will not be considered.

A resident may submit one written comment per agenda item. A maximum of two written comments from residents may be submitted per agenda item. These will be accepted in order of receipt. Any additional written comments received will not be accepted.

Written comments will be reported to the committee and published alongside the agenda papers for the meeting.

### **3.4 Procedure for Questions at Committees**

At committee meetings a time period of up to 30 minutes is available for public questions in total. Supplementary questions will be asked in order of receipt.

#### **Public questions or comments are not permitted:**

- If they don't relate to a substantive item on the agenda
- If they are defamatory, abusive or offensive.
- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the Constitution & General Purposes Committee.
- If they would result in the release of confidential information, or which may prejudice enforcement.
- If they relate to a matter where there is a right of appeal against any decision of the Council.

- If they have been submitted by someone who has been deemed to be subject to the Unreasonably Persistent Complainants Policy;
- If they are received from people who are not Barnet residents;
- At the Planning Committee and Area Planning Committees on Town and Country Planning applications (a separate procedure is detailed in section 3.6). Public questions are permitted at the Planning Committee on planning policy matters;
- If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The Chairman of the relevant Committee or Sub-Committee, in consultation with the Head of Governance, shall decide whether any particular question, comment or issue will be permitted.

### **3.5 Issues for Residents Forum**

Issues must be received by the Governance Service by 10am on the fifth working day prior to the meeting for the item to be discussed at the Forum. Written responses to local matters will be provided by 5pm the working day before the Residents Forums take place. Residents should state their address when submitting a forum issue.

The Forum Chairman has the discretion to accept issues with less than five days' notice if they deem the matter to be urgent. Responses to urgent matters will be responded to verbally by officers at the Forum meeting.

Councillors, MPs and Assembly Members are not permitted to submit items and questions for Residents Forum, but may be called on to comment on issues. Such comments will be invited entirely at the discretion of the Residents Forum chairman.

The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period. The Six Month Rule means that Residents Forum will not reconsider any issues discussed at a resident's forum or any decision taken by a committee in the six months preceding the date of the forum. An exception is that where the Chairman has agreed that an issue raised at a previous Forum meeting should be reported back with a detailed response in which case the resident who raised the original issue (or their nominated deputy) will be invited to address the Forum for up to 3 minutes. The Residents Forum may also be a forum for certain consultations from the Council as decided by the Chairman.

At Residents Forum issues will be considered in order of receipt. Where a resident has submitted more than one issue, their second item or question will be considered after all other residents have presented their first item. Issues will continue to be determined in this way until all issues have been considered.

The Chairman will determine issues in the following way:

1. Residents will have the opportunity to address the Forum on for up to 3 minutes on the issue they have previously raised
2. Chairman, Chief Officers or other relevant officers may respond to the issues raised

3. Having considered the issues the Chairman can take the following actions:
  - note the issue and take no action
  - instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response and that this response be published in the meeting documents available on the website.
  - instruct that Ward Members are notified of the issue.
  - decide that the issue be referred to the next meeting of an Area Committee for consideration, subject to the issue being within the terms of reference of an Area Committee

When determining issues in accordance with the options detailed above, the Chairman must give reasons for their decision.

### 3.6 Petitions

Petitions must have a minimum of 25 signatures and be relevant to the functions of the authority. The petition will be presented to the Governance Service who will forthwith present it to the relevant Director and/or the relevant Committee Chairman for information.

Petitions can either be submitted in hard copy to the Head of Governance or by using the authority's e-petitions facility. It is acceptable to combine paper petitions and e-petitions, providing the action the Council is being requested to take in the petitions are the same.

The address of the Head of Governance is as follows:

Head of Governance  
London Borough of Barnet  
2 Bristol Avenue  
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The authority's e-petition facility can be found here:

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E-petitions submitted on external websites can be accepted by the council. However, petitions hosted on external websites will need to be submitted by the lead petitioner to the Head of Governance in order for the petition to be accepted.

Petition signatures must be from Barnet residents otherwise they will not count towards the overall signature total. Petitions signatories must provide addresses to enable them to be verified.

A petition will not be accepted if:

- it is vexatious or abusive;
- it relates to any enactment or statutory provision;
- it relates to a safeguarding matter;
- it does not contain the address of signatories;
- it relates to a named individual or could reveal the identity of a person;

- it does not relate to the functions of the council;
- it is not clear what it is asking the council to do;
- it deals with an issue that has previously been resolved;
- it is repetitive, vexatious, or requires action which is unlawful or for which another council procedure is available

The Head of Governance will make a ruling on whether or not to accept a petition, taking into consideration grounds for rejection as laid out above.

On such an occasion where a petition is rejected, the Head of Governance (or his/her representative) will write to the lead petitioner and explain the reasons for rejection.

Petitions relating to planning or licensing applications, appeals or reviews will be treated as letters of representation and will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. For petitions falling within these categories, the reporting procedures below will not apply.

Petitions which have been submitted in response to a consultation process initiated by a specific committee should be reported back to that committee.

Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.

Petitions will be reported as follows:

Signatures	Forum and Procedure
0-24	No action required.
25 – 1,999 Signatures	<p>The petition will be reported to Residents Forum to which the issue relates. Where the petition relates to a borough-wide issue, the matter will be reported to the Residents Forum for the constituency area in which the lead petitioner resides.</p> <p>The Lead Petitioner will be given three minutes to present the petition to the Forum. Following the presentation the Residents Forum Chairman will decide to:</p> <ul style="list-style-type: none"> <li>• Take no action;</li> <li>• Refer the matter to a chief officer to respond to within 20 working days; or</li> <li>• Refer the matter to the relevant Area Committee (if funding is required)</li> </ul>

<p>2,000 – 6,999 Signatures</p>	<p>Where the petition relates to the functions and responsibilities of an Area Committee it will be reported to the relevant Area Committee.</p> <p>Where the petition relates to the matters outside the functions and responsibilities outside of the remit of an Area Committee, the petition will be reported to the relevant Theme Committee.</p> <p>The Lead Petitioner will be given five minutes to present the petition to the committee.</p> <p>Following the presentation the Chairman and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</p> <ul style="list-style-type: none"> <li>• Take no action</li> <li>• Refer the matter to a chief officer to provide a written respond to Lead Petitioner within 20 working days; or</li> <li>• Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised with a recommended course of action</li> </ul>
<p>7,000 plus Signatures</p>	<p>The petition will be considered by Full Council and the following process will be followed:</p> <ul style="list-style-type: none"> <li>• Lead Petitioner is given five minutes to present the petition;</li> <li>• Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item.</li> <li>• The relevant Committee Chairman will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take</li> </ul>

Petitions are required to be received seven working days before the Residents Forum, relevant committee meeting or Full Council.

Any hard copy petition received will be published on the Council’s website via the Council’s e-petition facility and processed by the Council as documented in this section. Updates or responses to petitions will be published on the e-petitions section of the website once an officer has responded or a Forum, Committee or Full Council has received a petition.

### 3.7 Requests to speak at Planning Committees

Requests to speak about an application on the planning committee agenda should be submitted to the relevant Planning Case Officer by 10am on the third working day prior to the meeting.

In addition to any Councillor and the Applicant (or their representative) two residents may speak. Such speakers shall be one for and one against the application unless there is no resident wishing to speak for the application in which case two residents may speak against the application, or no resident in objection in which case two residents may speak in support of the application.

At the meeting, each speaker will have a time period of up to 3 minutes to address the committee. Committee members will then have the opportunity to question the speaker.

Where an application being considered by an Area Planning Committee is referred to the Planning Committee for determination, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the Planning Committee.

Speaking rights will also automatically transfer where an application has been deferred or adjourned to a future meeting of planning committee, but only if the speakers have not already addressed the committee on the deferred or adjourned item.

Public speaking arrangements do not apply to an item relating to the making / confirmation of a Tree Preservation Order as this would be contrary to the legislative procedure for making objections and/or representations.

### **3.8 Requests to speak on Assets of Community Value listings**

Requests to speak about an application to list an Asset of Community Value should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting.

In addition to any Councillor, the Asset Owner (or their representative) and a representative from the nominating body, up to two residents may speak. Such speakers shall be one for and one against the listing application unless there is no resident wishing to speak against the listing application in which case two residents may speak in favour of the listing, or no resident in favour in which case two residents may speak against the listing application.

At the meeting, each speaker will have a time period of up to 3 minutes to address the committee or sub-committee. Committee or sub-committee members will then have the opportunity to question the speaker.

### **3.9 Complaints**

Residents have the right to complain to:

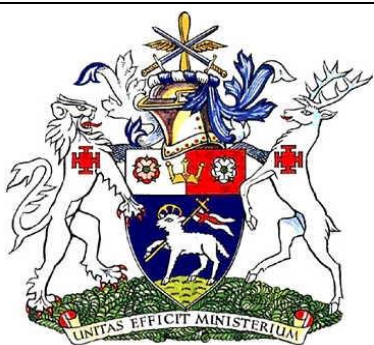
- (i) the Council itself under its complaints scheme;
- (ii) the Local Government Ombudsman (after using the Council's own complaints scheme);

- (iii) the Monitoring Officer about a breach of the Members Code of Conduct.

### 3.10 **Disorderly Conduct**

If a member(s) of the public or press (or a Councillor) interrupts the proceedings at any meeting, the Mayor or Chairman may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chairman may order his/her removal from the meeting place. In the event that the meeting is disrupted the Mayor or the Chairman may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.





**Council**  
**29 January 2020**

<b>Title</b>	<b>Report of the Constitution &amp; General Purposes Committee – Pay Policy Statement 2020/21</b>
<b>Report of</b>	Chairman of the Constitution & General Purposes Committee
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix A – Report of the Constitution and General Purposes Committee Annex A – Pay Policy Statement 2020/21
<b>Officer Contact Details</b>	Jon Bell, Assistant Director – Human Resources and Organisational Development 020 8359 2330 - <a href="mailto:jon.bell@barnet.gov.uk">jon.bell@barnet.gov.uk</a>

### Summary

Local Authorities have a statutory duty to publish a Pay Policy Statement by the 1<sup>st</sup> April each year. This report seeks approval of the Council's Annual Pay Policy Statement (Annex A) which was endorsed by the Constitution & General Purposes Committee on 16 January 2020. Subject to approval by Full Council, it will be published.

### Officer Recommendation

**That Council approves the Annual Pay Policy Statement for the financial year 2020/21 (Annex A).**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 Section 38(1) of the Localism Act 2011 requires local authorities to produce and publish an annual Pay Policy Statement.
- 1.2 On 16 January 2020, the Constitution & General Purposes Committee reviewed the Council's Pay Policy Statement for the financial year 2019/20 and resolved to recommend it for approval by Council.
- 1.3 Council is responsible (in accordance with Constitution Article 4 – Full Council; 4.1 Role and Functions) for the “Approval of annual pay statement”.

## **2. REASONS FOR RECOMMENDATION**

- 2.1 As set out in the report to the Constitution & General Purposes Committee, 16 January 2020.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 As set out in the report to the Constitution & General Purposes Committee, 16 January 2020.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The Pay Policy Statement requires endorsement by Full Council on 28 January 2020 prior to publication.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 As set out in the report to the Constitution & General Purposes Committee, 16 January 2020

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 As set out in the report to the Constitution & General Purposes Committee, 16 January 2020

### **5.3 Social Value**

- 5.3.1 As set out in the report to the Constitution & General Purposes Committee, 16 January 2020

### **5.4 Legal and Constitutional References**

- 5.4.1 As set out in the report to the Constitution & General Purposes Committee, 16 January 2020

### **5.5 Risk Management**

5.5.1 As set out in the report to the Constitution & General Purposes Committee, 16 January 2020

**5.6 Equalities and Diversity**

5.6.1 As set out in the report to the Constitution & General Purposes Committee, 16 January 2020.

**5.7 Consultation and Engagement**

5.7.1 As set out in the report to the Constitution & General Purposes Committee, 16 January 2020.

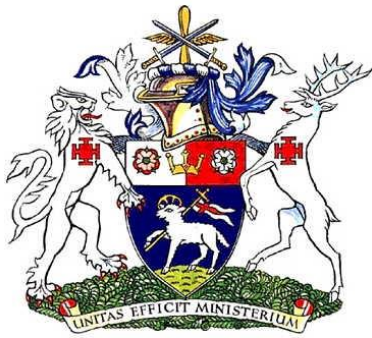
**5.8 Insight**

5.8.1 As set out in the report to the Constitution & General Purposes Committee, 16 January 2020.

**6. BACKGROUND PAPERS**

6.1 None

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## Constitution and General Purposes Committee

**16 January 2020**

<b>Title</b>	<b>Pay Policy Statement</b>
<b>Report of</b>	Assistant Director – Human Resources and Organisational Development
<b>Wards</b>	Not Applicable
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix A – Pay Policy Statement
<b>Officer Contact Details</b>	Jon Bell, Assistant Director – Human Resources and Organisational Development  020 8359 2330 <a href="mailto:jon.bell@barnet.gov.uk">jon.bell@barnet.gov.uk</a>

### Summary

Local Authorities are required to publish a Pay Policy Statement on the 1st April each year or as soon thereafter as is practicable. This report introduces a draft Pay Policy Statement for approval by Full Council on 28th January 2020, prior to its publication.

# Officers Recommendations

**That the Committee recommends that the Council approve the attached Pay Policy Statement (Appendix A) on 28th January 2019.**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 Section 38(1) of the Localism Act 2011 requires local authorities to produce an annual pay policy statement.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 To comply with the Localism Act 2011, associated statutory guidance, the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 issued by the Department for Communities and Local Government in February 2015 and the council's constitution.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The proposal arises from the statutory obligation cited in sections 1.1 and 2.1 and as such alternative options have not been considered in the context of this report.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The Pay Policy Statement requires endorsement by Full Council on 28th January 2020 prior to publication.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 Not applicable

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 The costs of implementing the Pay Policy are provided for within existing approved Budgets.

### **5.3 Social Value**

- 5.3.1 Not applicable

### **5.4 Legal and Constitutional References**

- 5.4.1 Section 38(1) of the Localism Act requires local authorities to produce an annual

pay policy statement. Council Constitution, Article 7 (Committees, Forums, Working Groups and Partnerships) – the terms of reference of the Constitution and General Purposes Committee includes:

- a. To develop the annual pay policy statement for full Council approval and be responsible for the publication of the annual statement
- b. To review annually remuneration, as defined above

## **5.5 Risk Management**

5.5.1 Not applicable

## **5.6 Equalities and Diversity**

5.6.1 Not applicable

## **5.7 Corporate Parenting**

5.7.1 Not applicable

## **5.8 Consultation and Engagement**

5.8.1 Not applicable

## **5.8 Insight**

5.8.1 Not applicable

## **6. BACKGROUND PAPERS**

6.1 None

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**APPENDIX A**

**London Borough of Barnet**  
**Pay Policy Statement 2020/21**

**Published**  
**April 2020**

## 1 Background

### Localism Act 2011 - Openness and accountability in local pay

- 1.1. Section 38(1) of the Localism Act 2011 requires local authorities to produce an annual pay policy statement.
- 1.2. The provisions in the Act do not seek to change the right of each local authority to have autonomy on pay decisions. However, it emphasises the need to deliver value for money for local taxpayers.
- 1.3. This statement will be presented to Full Council for adoption and any further changes during the year will be brought back to Council for approval.
- 1.4. This statement does not cover schools.

### Related Remuneration and Transparency Context

- 1.5. The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 issued by the Department for Communities and Local Government in February 2015; and specific guidance relevant to the Localism Act issued by the Department in February 2012 and February 2013.
- 1.6. Part of the Code of Recommended Practice for Local Authorities on Data Transparency includes publishing information relating to senior salaries within a local authority. A full list of all posts that are paid more than £58,200 is published on the Council's website. See <https://barnet.gov.uk/citizen-home/council-and-democracy/finance-and-funding/financial-statements-budgets-and-variance-reports/senior-salaries.html>

## 2. Governance arrangements for pay and conditions of service within London Borough of Barnet

- 2.1. The [Constitution and General Purposes Committee](#) (appointed by [Council](#)) has responsibility for decisions related to the pay and terms and conditions of employment for staff (other than those within the remit of the [Chief Officer Appointment Panel](#)<sup>1</sup>) in accordance with [Article 7 \(Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership\) of the Constitution](#)
- 2.2. Included within its responsibilities, is the duty to develop and publish the annual pay policy statement for approval by Council (being its parent body) which will comprise:
  - the level and elements of remuneration for each Chief Officer
  - relationship between the remuneration of Chief Officers and other employees
  - a description of the relationship between decisions made on the lowest paid and top paid employees in the organisation

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<sup>1</sup> The Chief Officer Appointment Panel deals with chief officer appointments, discipline and capability matters.

- remuneration of the lowest paid (with the definition of the lowest paid and the reasons for adopting that definition)
- in relation to Chief Officers - remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments
- transparency arrangements
- reasons for chosen approach to remuneration levels and how this is to be implemented
- differences of approach to groups of employees and the reasons for them
- pay dispersion
- incremental progression factors
- use of honoraria and ex-gratia payments
- determination of remuneration parameters for officers who have returned to work for a local authority
- appointment and remuneration term.

2.3. In addition the Committee must review remuneration annually and ensure that sufficient flexibility exists within the pay policy to allow responses to unforeseen circumstances without having recourse to revising the policy between annual reviews.

2.4. Council is asked to consider the Constitution and General Purposes Committee's recommendation(s). The Council is ultimately responsible for approval of the annual pay policy statement.

### **3. Remuneration arrangements for all employees**

#### **Introduction**

3.1. This section sets out the remuneration arrangements for London Borough of Barnet employees.

#### **Senior Management**

3.2. The Senior Management Team's pay and reward arrangements include:

- Market based pay structure which links job size to the mid point between Median and Lower Quartile Pay data
- Evaluation of all roles using Hay job evaluation scheme to size the role.
- Pay Grade reflect job sizes and evaluated roles are slotted according to the evaluated job size
- Automatic enrolment into Local Government Pension Scheme (LGPS)
- Base pay linked to the NJC for Local Government Services
- 30 days annual leave
- Sick pay is a maximum of six months at full pay and three months at half pay

#### **Rest of the Council**

3.3. Current arrangements for the remainder of the council's workforce are:

- Base pay negotiated through collective bargaining arrangements administered by the Local Government Association
- Adoption of the National Joint Council (NJC) for Local Government Services (LGS) pay spine

- Evaluation of all roles using systematic job evaluation.
- Roles placed on the pay spine using job evaluation
- Automatic enrolment into Local Government Pension Scheme (LGPS)\*
- Other terms and conditions of employment, such as entitlement to sick pay and annual leave, are governed by the NJC LGS

\* Note that, for a small number of designated roles where recruitment and retention issues exist, employees are offered the option of receiving a higher salary in return for sourcing their own pension provision.

### Pay Scales - Senior Management Team

- 3.4. The Senior Management grade structure and salaries were agreed by General Function Committee on 3rd May 2017. The Constitution and General Purposes Committee (subject to Council approval) sets the pay rates applicable to the grade structure on an annual basis and this pay policy statement is updated. The table below sets out the salaries associated with the pay grades for the Senior Management Team and the Statutory Officer posts. Salaries are reviewed during April each year and an updated pay policy statement is approved and published by the Council as necessary.

Pay Grade	Grade Minimum On 1 April 2020	Grade Maximum On 1 April 2020	Chief Officer and Senior Management Posts
1	£184,788	£195,192	Chief Executive*
2	£154,462	£164,866	Deputy Chief Executive*
3	£132,131	£153,979	Executive Director for Children & Families* (incorporates statutory Director of Children's Services); Executive Director for Adults & Health* (incorporates Statutory Director for Adults and Social Services) Executive Director for Environment*
4	£118,606	£132,131	Director Finance* Director of Assurance* Director of Adults Social Care Director of Growth
5	£108,202	£118,606	Director of Commercial and Customer Services Director of Public Health* Director of Children's Social Care (Early help, Children in need of help & protection) Director of Children's Social Care (Corporate Parenting, Disability and Permanence) Street-Scene Director
6	£88,434	£108,202	Senior Management – mainly Assistant Director posts
7	£75,949	£85,313	
8	£67,626	£75,949	

### \*Chief Officer posts

- 3.5. Each Pay Grade comprises a minimum (entry pay point) and a maximum (fully competent) pay point. The Fully Competent pay point reflects the evaluated level of the job. The Council does not pay beyond the evaluated level of the job and there is no automatic progression within the Grade.
- 3.6. The appropriate pay point at recruitment will normally depend upon the applicant's assessed level of competence.
- 3.7. All Chief Officer appointments (those officers listed in Article 9) will be conducted by the Chief Officer Appointment Panel, which comprises five elected members appointed to the panel by Council. The Panel includes the Leader of the Council, the Deputy Leader of the Council, the Chairman of the Constitution and General Purposes Committee, the Leader of the Opposition and a further member of the opposition group. The post holder's remuneration will be voted on by the Constitution and General Purposes Committee and reported to Council at the earliest opportunity.
- 3.8. In accordance with supplementary guidance issued by the Department for Communities and Local Government, Council have been given the opportunity to vote on Chief Officer Salary packages, salaries at or above £100,000 per annum and any severance packages per individual of £95,000 or more (see section 4 below). Council delegated this function to the Constitution and General Purposes Committee
- 3.9. The Constitution and General Purposes Committee is responsible for the appointment of all chief officers with the exception of the Head of Paid Service (Chief Executive) as Council retains the responsibility to confirm the appointment or dismissal of the Head of Paid Service.

### Pay Scales - Rest of the Council

- 3.10. The council, in accordance with its single status agreement, currently has two broad pay bands in operation for the remainder of the Council as follows:

Pay Band	Relevant employees	Lowest Pay Point on 1 April 2019	Highest Pay Point on 1 April 2019
Hay band M	Senior Managers and some professional staff	£60,291	£66,990
Barnet Broadband	All other employees	£20,103	£66,990

- 3.11. The evaluated grade for a role is normally 4 spinal column points. However the Single Status Agreement allows for some discretion in the number of spinal column points within a grade ranging from single spot grade through to a career grade; this discretion must be in line with the single status agreement.
- 3.12. The pay point on recruitment is normally at the bottom point of the grade for each post unless there is a justifiable reason for doing otherwise. An example

might be that for particular roles there is difficulty in recruitment and retention and to ensure that the successful candidate accepts the job offer a salary above the bottom of the grade is required.

- 3.13. Progression through the grade is assessed through the annual performance review cycle with pay awards being subject to those outlined in Table A below until the top of the pay grade is reached.

**Table A**

<b>Rating</b>	<b>Percentage increase</b>
Development Needs	0%
Satisfactory	0.5%
Good	2.25%
Outstanding	3%

### **Barnet Living Wage**

- 3.14. The Council has developed a fair pay policy to ensure that it applies a minimum wage for Council employees.

***“London Borough of Barnet is a fair pay employer and will apply the principles of a living wage (including taking into account the National Minimum Wage, National Living Wage, London Living Wage and national pay awards in the public sector), subject to affordability.”***

- 3.15. Employees whose pay rate is less than the agreed amount will receive a pay supplement to bring their pay up to an equivalent of the published Barnet Living Wage rate. The minimum rate will be reviewed on an annual basis. The exception to this rule will be apprenticeships where the national apprenticeship rates will apply at a minimum.

### **Other Elements of Remuneration**

#### **Pay Protection**

- 3.16. The Council's Managing Organisational Change Policy is applicable to all employees and sets out the Council's pay protection policy.

### **Recruitment and Retention Premia**

- 3.17. The Council has a recruitment and retention payments policy applicable to all employees which describes when and how the Council may pay beyond the evaluated level of the job. Any market payment will need to be supported by clear market evidence before it can be brought into payment.

#### **Other**

- 3.18. The Council does not pay bonuses or performance related pay to senior managers.
- 3.19. The Council does not offer any benefits in kind.

- 3.20. The Council does not use ex-gratia payments.

#### **Payment for election duties**

- 3.21. The role of Returning Officer is considered to be secondary employment and any Senior Officer undertaking this role will be expected to either take annual leave or special unpaid leave when fulfilling this function.
- 3.22. Any employee who undertakes election duties is paid for this through the Returning Officer. The level of Fees & Charges payable for election duties are set by the Cabinet Office & London Councils.

#### **Pension Arrangements**

- 3.23. The percentage rate of contributions is set according to pension regulations.
- 3.24. Employees of the London Borough of Barnet are automatically enrolled into the LGPS but can opt out if they so wish.
- 3.25. All pension matters are dealt with by LGPS Scheme Rules.

#### **Redundancy Terms**

- 3.26. The Council's Managing Organisational Change Policy is applicable to all employees, including Chief Officers, and Head of Paid Service, and sets out redundancy compensation.
- 3.27. Compensation is calculated as 1x actual salary x number of weeks. Number of weeks is calculated using the statutory matrix of Age and Years of Completed Service. The minimum is 1 week's actual gross pay and the maximum is 30 weeks.
- 3.28. The Council's redundancy terms do not enhance pension entitlements.
- 3.29. The Council as part of its duty to mitigate the consequences of redundancy puts in place appropriate employee support, which includes career advice, workshops and trial periods for employees.

#### **Appointment and Remuneration Terms**

- 3.30. The Council appoints to roles on a variety of terms and the final decision about the appointment and remuneration terms will be a reflection of the requirements of the role; the evaluated level of the role; the longevity of the role; budgetary constraints and broader value for money considerations.

### **4. Severance arrangements**

- 4.1. The Council does not enhance severance packages beyond statutory and contractual entitlements. In practice this means severance package consist of redundancy pay (see 3.26), any holiday pay the employee is contractually entitled to and pension payments that the employee is entitled to in accordance

with the Local Government Pension Scheme (LGPS). In respect of the local government pension scheme this will mean that mandatory and discretionary payments towards premature retirement compensation will be included in the assessment of the severance payments made to an individual.

- 4.2. Where an employee is aged 55 or above and is made redundant then by virtue of the LGPS scheme rules the employee's pension will automatically come into payment. It should be noted that an employer cost, known as 'Pension Strain' will be crystallised and is a cost to be paid by the employer to LGPS.
- 4.3. For the purposes of calculating the component parts of a severance package this will include:
- redundancy pay
  - holiday entitlement earned but not taken
  - 'pension strain' cost payable by the Council to the Pension Scheme.
- 4.4. Council has been given the opportunity to vote on severance packages at or above £95,000 per annum and have delegated this function to the Constitution and General Purposes Committee. The Government has indicated its intention to impose limits on the level of severance pay that public sector employees can receive but as yet legislation has not been passed.

## **5. Relationship between the remuneration of its chief officers, and the remuneration of its employees who are not chief officers**

### **Remuneration of the Lowest Paid**

- 5.1. The definition of the lowest paid is based on the Council's living wage - see section 3.15.

### **Pay Dispersion**

- 5.2. The highest paid role in the Council is the Chief Executive with earnings of £184,788. The median average paid role is £31,103 and this covers a wide range of roles. The ratio between the highest paid in the authority (Chief Executive Officer) and the median average paid role is 1:5.9. The lowest paid role in the Council is £20,103 per annum. The ratio between the highest and lowest paid roles is 1:9.2.
- 5.3. A comparison between the current year and previous year is shown below:

<b>Description</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Highest Paid	£187,613	£181,165	£184,788	£184,788
Median	£28,385	£28,953	£30,930	£31,103
Lowest paid	£17,981	£19,557	£19,749	£20,103
Highest to median ratio	1:6.6	1:6.26	1:5.9	1:5.9



Highest to lowest ratio	1:10.4	1:9.26	1:9.2	1:9.2
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## **Elements of Chief Officer Remuneration**

- 5.4. All Chief Officers receive only base pay. In common with all other roles in the Council if there was clear market evidence that the evaluated level of the job did not reflect the market then a market supplement would be considered. Any market supplement would need to be agreed by the Constitution and General Purposes Committee.

## **6. Gender Pay**

- 6.1 The Council is committed to providing accurate Gender Pay reporting and this will be covered in a later report to Constitution and General Purposes Committee before the end of the financial year (2019/20).

## **7. Staff moving posts within the public sector**

- 7.1. The Council operates a recruitment policy based on merit - in line with Section 7 the Local Government and Housing Act 1989.

- 7.2. Should a successful candidate be in receipt of a severance payment or pension the London Borough of Barnet applies the Rules of the Local Government Pension Scheme and Modification Order to manage the following scenarios, should they occur:

- Where previously employed by the same authority, left with a severance or redundancy payment, and have come back as a Chief Officer
- Are in receipt of a Local Government Pension Scheme or Firefighter pension (whether their previous service was with the same authority or not).

- 7.3. Where the successful candidate was previously employed by the Council then there would normally be a 12 month break before the Council would re-employ either as an employee or under a contract for services

## **8. Publication of and access to information regarding remuneration of Chief Officers**

- 8.1. Remuneration information about Chief Officers is published on the London Borough of Barnet's website which is accessible to all members of the public.


- 8.2. The Council's Annual Accounts set out actual remuneration including all elements of pay for roles paid above £58,200. These accounts are published on the Council's website.

## **9. Amendments to this Pay Policy Statement**

- 9.1. The tables in paragraphs 3.4 and 3.10 do not yet include the recommended NJC Pay Offer for 2020/21.
- 9.2. There is a requirement to keep this Pay Policy Statement as up to date as possible. Therefore, mid-year amendments to the statement will be approved and published by the Council as appropriate.

**January 2020**

DRAFT

	<p><b>Council</b></p> <p><b>28<sup>th</sup> January 2020</b></p>
<p><b>Title</b></p>	<p><b>Report of the Housing and Growth Committee – Housing Revenue Account (HRA) Business Plan</b></p>
<p><b>Report of</b></p>	<p>Chairman of the Housing and Growth Committee</p>
<p><b>Wards</b></p>	<p>All</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Key</b></p>	<p>Yes</p>
<p><b>Enclosures</b></p>	<p>Annex 1 – Report to Housing &amp; Growth Committee – 27 January 2020 Appendix 1 A-E HRA Business Plan</p>
<p><b>Officer Contact Details</b></p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, <a href="mailto:andrew.charlwood@barnet.gov.uk">andrew.charlwood@barnet.gov.uk</a></p>

## Summary

The Housing & Growth Committee at the meeting of 27<sup>th</sup> January 2020 will be asked to agree for the Deputy Chief Executive to proceed with an application for the Secretary of State for Housing, Communities and Local Government for consent to proceed with transferring properties as they become empty from the Housing Revenue account to Opendoor Homes Ltd (a subsidiary of Barnet Homes) provided Full Council give approval to this.

## Recommendation

**That Council approve for the Deputy Chief Executive to proceed with an application to the Secretary of State for Housing, Communities and Local Government for consent to process with transferring empty properties from the Housing Revenue account to Opendoor Homes.**

## **1. WHY THIS REPORT IS NEEDED**

1.1 As set out in the report attached at Appendix 1.

1.2 At the Housing and Growth Committee on 27 January 2020 the Committee will be asked to agree that:

“The Committee agrees that the Deputy Chief Executive may proceed with an application for the Secretary of State for Housing, Communities and Local Government for consent to proceed with transferring empty properties from the Housing Revenue account to Opendoor Homes, provided full Council give approval to this.”

1.3 Subject to the Housing and Growth Committee approving the recommendation, Council are requested to approve the transfer as Council have responsibility for housing land transfers.

## **2. REASONS FOR RECOMMENDATIONS**

2.1 As set out in the report attached at Appendix 1.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 As set out in the report attached at Appendix 1.

## **4. POST DECISION IMPLEMENTATION**

4.1 As set out in the report attached at Appendix 1.

4.2 An application for consent to transfer up to 950 council homes as they become empty to Opendoor Homes will be submitted to the Secretary of State for Housing, Communities and Local Government.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

5.1.1 As set out in the report attached at Appendix 1

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 As set out in the report attached at Appendix 1.

### **5.3 Legal and Constitutional References**

5.3.1 As set out in the report attached at Appendix 1.

5.3.2 Council Constitution, Article 4 reserves certain matters to full Council. These matters include Housing Land Transfer. Section 4.2 (c) includes the following

definition of Housing Land Transfers: “Housing Land Transfer means the approval or adoption of applications to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under the Housing Act 1985.

#### **5.4 Risk Management**

5.4.1 As set out in the report attached at Appendix 1

#### **5.5 Equalities and Diversity**

5.5.1 As set out in the report attached at Appendix 1


#### **5.6 Consultation and Engagement**

5.6.1 As set out in the report attached at Appendix 1

### **6. BACKGROUND PAPERS**

6.1 As set out in the report attached at Appendix 1

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	<h2>Housing and Growth Committee</h2> <p>27 January 2020</p>
<p style="text-align: right;"><b>Title</b></p>	<h3>Housing Revenue Account (HRA) Business Plan</h3>
<p style="text-align: right;"><b>Report of</b></p>	<p>Chairman of Housing and Growth Committee</p>
<p style="text-align: right;"><b>Wards</b></p>	<p>All</p>
<p style="text-align: right;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: right;"><b>Urgent</b></p>	<p>N/a</p>
<p style="text-align: right;"><b>Key</b></p>	<p>Yes</p>
<p style="text-align: right;"><b>Enclosures</b></p>	<p>Appendix 1- Housing Revenue Account Business Plan</p> <p>Annex A – Baseline Model</p> <p>Annex B – Scenario two baseline model</p> <p>Annex C – Proposal HRA Capital programme to 2024</p> <p>Annex D - Trickle Transfer Business Case</p> <p>Annex E – HRA budget</p>
<p style="text-align: right;"><b>Officer Contact Details</b></p>	<p>Stephen McDonald, <a href="mailto:Stephen.mcdonald@barnet.gov.uk">Stephen.mcdonald@barnet.gov.uk</a>, 020 8359 2172</p> <p>Paul Shipway, <a href="mailto:paul.shipway@barnet.gov.uk">paul.shipway@barnet.gov.uk</a>, 020 8359 4924</p>
<h2>Summary</h2>	
<p>The Housing Revenue Account (HRA) is a ring-fenced budget that is used to manage income and costs associated with managing the council’s Housing Stock and related assets including shops and garages on council housing estates. This report provides an update of the 30-year HRA Business Plan since it was last reported to the Housing Committee in January 2019.</p> <p>The report also provides more information about proposals to transfer empty properties from the HRA to TBG Open Door Limited, a registered provider owned by the council’s Arms</p>	

Length Management Organisation Barnet Homes Ltd, and seeks approval to proceed with an application to the Secretary of State for consent for this.

## Officers Recommendations

1. **That the Committee approve the draft Housing Revenue Account Business Plan as attached in Appendix 1.**
2. **That the Committee agrees that the Deputy Chief Executive may proceed with an application for the Secretary of State for Housing, Communities and Local Government for consent to proceed with transferring empty properties from the Housing Revenue account to Opendoor Homes, provided full Council give approval to this.**
3. **That the Committee authorises the Deputy Chief Executive to enter into an agreement with the Greater London Authority to charge London Affordable Rents for the transferred properties.**
4. **That the Committee authorises the Deputy Chief Executive to approve the transfer of up to 950 individual properties from the HRA to Opendoor Homes as they become vacant, subject to obtaining consent from the Secretary of State.**

### 1. WHY THIS REPORT IS NEEDED

- 1.1 The Housing Revenue Account (HRA) is a ring-fenced budget associated with council housing and other assets such as shops, garages and land on council housing estates.
- 1.2 From 2012, a national subsidy system for council housing was replaced with self-financing giving local authorities direct control over the income and expenditure associated with council housing. This settlement saw Barnet move away from having to pay circa. £11m of council rents it collected to the Treasury to a position whereby the HRA is self-sufficient and able to meet the on-going investment needs of council homes.
- 1.3 In addition, the settlement included a debt cap of £240m which provided the council with the opportunity to borrow an additional £38m as a result of headroom generated by differences between the actual HRA debt and the amount assumed in the settlement.
- 1.4 In October 2018, the government removed the debt cap and the HRA is now subject to the prudential borrowing rules that are similar to those for the General Fund.
- 1.5 The removal of the debt cap provides an opportunity to increase the supply of affordable homes in the borough as it means that the council can borrow more to support the acquisition or building of new homes
- 1.6 The 30-year HRA Business Plan, attached at Appendix A, has been updated to set out how the council will manage and maintain the housing stock and priorities for investment going forward, including investment in fire safety improvements and new affordable homes for rent.
- 1.7 The Housing Committee in November 2018 previously agreed in principle to proposals to transfer 950 council homes to Opendoor Homes, and this report provides more detailed



information about this proposal and seeks approval from members to proceed with making an application to the Secretary of State for their consent to do this.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The HRA Business Plan provides an important mechanism for ensuring that the council's housing stock is well managed and maintained, and that investment is made in ensuring the safety of residents.
- 2.2 Following the removal of the HRA borrowing cap, there are new opportunities to increase the supply of affordable housing in the borough.
- 2.3 The transfer of properties from the council to Opendoor Homes will provide financial benefits to the council which can be used to support housing services provided to homeless people.
- 2.4 The transfer of properties from the council to Opendoor Homes will also increase the asset base of the Housing Association, enabling them to build more affordable homes.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The HRA Business Plan has been developed to support the priorities outlined in the Housing Strategy and Housing Committee Commissioning Strategy, and no other options were considered.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Proposals for building additional affordable homes for rent funded through the HRA will be developed as part of the council's development pipeline and be submitted to the Housing & Growth Committee for consideration.
- 4.2 An application for consent to transfer up to 950 council homes to Opendoor Homes will be submitted to the Secretary of State for Housing, Communities and Local Government if approved by full Council.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The council's Corporate Plan Barnet 2024 sets the vision and strategy for the next five years which focuses on three main outcomes:
  - A pleasant, well maintained borough that we protect and invest in
  - Our residents live happy, healthy, independent lives with the most vulnerable protected
  - Safe and strong communities where people get along well

5.1.2 In addition, the council agreed a new Housing Strategy in April 2019 which sets out the plans to meet housing need in the borough with a focus on the following priorities:

- Raising standards in the private rented sector
- Delivering more homes that people can afford
- Safe and Secure Homes
- Promoting independence
- Tackling homelessness and rough sleeping in Barnet

5.1.3 The HRA Business Plan contributes to the Housing Strategy in a number of ways, including:

- Maintaining the quality and safety of the existing supply of council housing
- Investing in the delivery of new affordable homes for rent
- Increasing the supply of housing to help tackle homelessness
- Investing in new homes for vulnerable people, including wheelchair users and older people
- Ensuring that housing services funded through the HRA are efficient and effective

5.1.4 Barnet's Joint Strategic Needs Assessment 2015 to 2020 highlights the fact that there is a long-term shift in housing tenure towards renting and away from owner occupancy (either outright or with a mortgage) reflecting a sustained reduction in housing affordability and an imbalance between housing demand and supply. The HRA Business Plan aims to increase the housing supply including the provision of specialist housing for vulnerable people.

## 5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 The HRA Business Plan seeks to provide assurance there is a viable plan in place for managing and investing the resources available to the council in the form of council rents and income from other HRA assets such as shops and garages.

5.2.2 New affordable homes built or acquired through the HRA will help to reduce costs to the council's general fund by providing an alternative to short term temporary accommodation, which has a net cost to the council of approximately £2,000 a year per unit.

5.2.3 The delivery of extra care housing and wheelchair adapted homes will help the council to meet savings targets for social care budgets by providing a more affordable alternative to residential care as well as delivering a better outcome for vulnerable residents.

5.2.4 The HRA Business Plan is modelled on the assumption that rents for existing council homes will reduce by 1% a year until March 2020 in line with current Government Policy. It also takes account of the recent Government proposal that social rents will be able to increase by up to CPI + 1% a year for five years, starting from 2020/21 (i.e. after the end of the current rent reduction period and from 2025/26 that they will then increase by CPI only. For new council homes, it is assumed that affordable rents of 65% of local market rents or local housing allowance whichever is lower will be charged, in line with the council's rent policy).

5.2.5 The proposal to transfer 950 council properties to Opendoor Homes is expected to have a neutral impact on the HRA Business Plan, as existing debt, management and repair costs will transfer in full to Opendoor Homes.

### **5.3 Social Value**

5.3.1 Social Value considerations will be considered in the individual investment decisions.

### **5.4 Legal and Constitutional References**

5.4.1 The Localism Act 2011 reformed the way that council housing is financed in England and Wales. The national HRA subsidy system ended in April 2012 and was replaced with self-financing.

5.4.2 Article 2 of the council's Constitution defines a 'key decision' as 'one which will result in the council incurring expenditure or savings of £500,000 or more or is significant in terms of its effects on communities living or working in an area comprising two or more Wards'. Key decisions are to be taken by the relevant Committee unless reserved to full Council.

5.4.2 Article 7 of the council's Constitution states the Housing and Growth Committee's functions include Housing Strategy, homelessness, social housing and housing grants, commissioning of environmental health functions for private sector housing and asset management. The Housing and Growth Committee's functions also includes receiving reports on relevant performance information and risk on the services under the remit of the Committee.

5.4.3 The transfer of property held in the Council's Housing Revenue Account requires consent from the Secretary of State for Housing and Local Government under section 32 of the Housing Act 1985. Transfer at under value requires consent from the Secretary of State under section 123 of the Local Government Act 1972. Financial assistance for privately let housing requires the consent of the Secretary of State under section 25 of the Local Government Act 1988; if consent is obtained under this section, it is not necessary to obtain a separate consent under section 32 of the 1985 Act or section 123 of the 1972 Act.

5.4.4 Article 4 of the Council's Constitution reserves to full Council the approval of applying to the Secretary of State for consent to Housing land transfer, which in this article means the disposal of 500 or more properties. It will be necessary to request approval from full Council to the proposed application for consent to the Secretary of State.

5.4.5 Transfer of properties at undervalue is potentially state aid notwithstanding any consent received from the Secretary of State under the statutes mentioned above. This would be unlawful except that the proposals can fall within a permitted exception, and the lawyers dealing are to be instructed to cover this.

### **5.5 Risk Management**

5.5.1 There is a risk that costs assumed in the HRA Business Plan will be higher than anticipated, this will be mitigated through regular monitoring and updating of the plan.

## **5.6 Equalities and Diversity**

- 5.6.1 Under the Equality Act 2010, the council must have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) foster good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.
- 5.6.2 Investment in existing council housing stock will impact positively on existing council tenants who are generally more diverse than the population of the borough as a whole. New family sized housing that is being delivered through the HRA Business Plan will be available to households in need, including homeless applicants who are likely to be more ethnically diverse and younger than existing council tenants. The HRA will also be used to support vulnerable older people and wheelchair users.
- 5.6.3 An equalities impact assessment has been carried out and concluded that the proposal presents no unlawful discrimination as it will apply equally to all individuals. Whilst the trickle transfer of properties is in isolation unlikely to advance equality of opportunity, the wider benefits and outcomes of the proposal are likely to have a positive impact on those with protected characteristics.

## **5.7 Corporate Parenting**

- 5.7.1 In line with Children and Social Work Act 2017, the council has a duty to consider Corporate Parenting Principles in decision-making across the council. The HRA Business Plan proposals will ensure that existing council properties, some of which are used to provide housing for foster parents and care leavers are managed and maintained. In addition, the HRA Business Plan supports an increase in the supply of affordable housing, including larger properties, some of which will provide housing suitable for foster parents and care leavers.

## **5.8 Consultation and Engagement**

- 5.8.1 The council consults with tenants, residents and stakeholders on the Housing Strategy and Commissioning Plan. These documents have informed the HRA Business Plan to ensure that the available resources are used to help the council achieve its housing priorities.

## **5.9 Insight**

- 5.9.1 No specific insight data has been used in the drafting of the HRA Business Plan.

## 6 BACKGROUND PAPERS

6.1 Relevant previous decisions are indicated in the table below.

Meeting	Decision	Link
Housing Committee 14 January 2019	Approval of HRA Business Plan	<a href="http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&amp;MId=9488&amp;Ver=4">http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&amp;MId=9488&amp;Ver=4</a>
Housing Committee 10 October 2018	Approval of draft Housing Strategy and Homelessness and Rough Sleeping Strategy	<a href="http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&amp;MId=9487&amp;Ver=4">http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&amp;MId=9487&amp;Ver=4</a>
Housing Committee 23 October 2017	Approval of HRA Business Plan	<a href="http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&amp;MId=9237&amp;Ver=4">http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&amp;MId=9237&amp;Ver=4</a>
Council 20 October 2015	Approval of Housing Strategy and Business Plan	<a href="http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&amp;MId=8340&amp;Ver=4">http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&amp;MId=8340&amp;Ver=4</a>
Housing Committee 19 October 2015	Approval of HRA Business Plan	<a href="http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&amp;MId=8268&amp;Ver=4">http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=699&amp;MId=8268&amp;Ver=4</a>

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## Appendix 1 - HRA Business Plan – January 2020

### 1. Introduction

The council's Housing Revenue Account (HRA) is funded through rents and service charges received from council tenants and leaseholders, it meets the costs associated with maintaining and managing the council's housing stock and can also be used for funding the development or acquisition of new council homes and other related capital projects.

Since 2012, the HRA has been self-financing, although there have been restrictions on both the amount the HRA can borrow and the rents that can be charged.

The government removed the borrowing cap in October 2018 and borrowing in the HRA is now subject to the similar prudential guidelines as the General Fund, providing opportunities for increasing affordable housing supply supported by the HRA.

The HRA Business Plan has been updated with support from housing consultants Savills and in partnership with Barnet Homes.

### 2. Executive Summary

Good progress has been made since 2015 on delivering the HRA business plan. Headlines include; the completion of 40 new council homes for rent, a 53 unit extra care housing scheme at Ansell Court in Mill Hill and the acquisition of 21 properties in London to let at affordable rents to homeless applicants. Grant has been secured from the Greater London Authority under the Building Council Homes for Londoners Programme to support the building of 87 new council homes in Barnet.

The council and Barnet Homes have always taken fire safety very seriously and ensuring the safety of residents was already a top priority for our investment programme. Following the Grenfell Tower fire in 2017, the council has committed to going beyond its statutory obligations to meet best practise in fire safety measures, and a priority for the HRA business plan going forward will be to deliver this commitment through an investment programme totalling £51.9m.

The council has continued to invest in existing council homes which continue to be maintained to the Decent Homes standard.

Other projects to be supported by the HRA Business Plan include two additional extra care schemes, providing 125 new homes, and a further project to provide an additional 20 council flats by adding a floor to existing buildings.

This updated plan identifies provision for building a further 250 new homes for rent in the borough, and investment of £36 million in properties that continue to be occupied on our regeneration estates at Grahame Park and Dollis Valley.

### 3. National Policy Framework

From 2012 HRAs became self- financing with a restriction placed on their external borrowing. In October 2018, the government removed the debt cap and HRA borrowing is now subject to the similar prudential borrowing guidelines as the General Fund. The removal of the borrowing cap means that council has an opportunity to invest more in increasing the supply of affordable housing, but it needs to ensure it can meet the cost of the borrowing.

The Welfare Reform and Work Act 2016 introduced a 4 year requirement for social landlords to reduce their rents by 1% each year from April 2016. This requirement reduced the revenue available to the HRA. In October 2017, the government announced that it intends to allow registered providers and local authorities to increase rents by the Consumer Price Index (CPI) plus 1% for at least five years from April 2020. The Business Plan assumes that rents will increase by the allowable amount until 2025 and then at CPI from 2025.

The roll out of Universal Credit for new applicants and where there is a change in circumstances for existing claims is now underway in Barnet. The impact of this on rent collection and associated bad debt is being closely monitored.

#### Corporate Priorities

The council's Corporate Plan Barnet 2024 which sets the vision and strategy for the next five years which focuses on three main outcomes:

- A pleasant, well maintained borough that we protect and invest in
- Our residents live happy, healthy, independent lives with the most vulnerable protected
- Safe and strong communities where people get along well

In April 2019 the council agreed a new Housing Strategy which sets out the plans to meet housing need in the borough with a focus on the following priorities:

- Raising standards in the private rented sector
- Delivering more homes that people can afford
- Safe and Secure Homes
- Promoting independence
- Tackling homelessness and rough sleeping in Barnet

The HRA Business Plan compliments the Housing Strategy in a number of ways, including:

- Maintaining the quality and safety of the existing supply of council housing
- Investing in the delivery of new affordable homes for rent
- Increasing the supply of housing to help tackle homelessness



- Investing in new homes for vulnerable people, including wheelchair users and older people
- Ensuring that housing services funded through the HRA are efficient and effective.

#### 4. Maintaining the quality and safety of the existing supply of council housing

The council's housing stock is managed and maintained by Barnet Homes, an Arm's Length Management Organisation (ALMO) which was established in 2004 to improve services and deliver a programme of investment to bring the stock up to the Decent Homes standard.

Barnet Homes completed the Decent Homes programme in 2011, and now have a 30-year asset management strategy in place to deliver the following objectives:

- Ensure properties are maintained in a manner which provides a safe living environment and one that is not detrimental to residents and others health.
- Ensure operators maintaining the buildings can carry out work in a safe manner and without detriment to health.
- Identify the assets to be maintained
- Establish the basis for future investment in the assets
- Establish a basis for possible alternative use of the assets
- Provide an outline vision for new build dwellings
- Establish a mechanism for review of the strategy
- Seek residents' views on the objectives of the strategy to inform the development and updating of the strategy
- Achieve value for money
- Inform the 30-year HRA business plan

To ensure that our investment plans going forward are based on a robust and accurate assessment of the stock, Barnet Homes are in the process of commissioning a stock condition survey to be carried out later this year.

#### Fire safety

Following the Grenfell Tower disaster in June 2017, the council has responded by developing a £51.9 million investment programme to improve fire safety in its housing stock, including the replacement of Aluminium Composite Material (ACM) on blocks at Granville Road (completed 2018), and the installation of sprinklers in high rise blocks.

#### Estate Regeneration

The council recognises that its ambitious programme to regenerate its four largest council estates has taken much longer to deliver than originally envisaged. In view of this, the council will carry out a significant investment in properties at **Grahame Park** over the next 3 years. The council will ensure that homes at Grahame Park programmed to be occupied until 2024 remain compliant with statutory landlord obligations. Properties due to remain occupied beyond 2024 will be improved to meet the Decent Homes standard. These works are summarised below:

Table 1 – Approach to investment in homes at Grahame Park Estate	
Homes to continue in occupation to 2024	Compliance works, Electrical Rising Main, Electrical Testing and Rewires, Fire enhancement works, partial window replacements, ASB works such as external perimeter lighting, entry phones/renewal of entrance doors and HHSRS works.
Homes to continue in occupation beyond 2024	As above and including repair/renewal of bathrooms and kitchens, roof and windows replacement.

The council will continue to explore other options for homes at Grahame Park with a view to accelerating the regeneration of those parts of the estate that are currently outside of plans brought forward by our development partner Notting Hill Genesis.

Significant regeneration has taken place at Dollis Valley. The remaining council homes at **Dollis Valley** are due to be vacated between 2022 and 2025. These properties were built using the large panel system (LPS) method and in view of recent concerns raised about this type of construction and following discussions with Cadent Gas, it is proposed to remove the gas supply from these buildings and replace it with electricity. As running costs associated with the electric systems may be higher than gas the council will compensate residents for any additional cost. A further £0.5m will be made available across the estate to address known issues associated with buildings reaching the end of their useful life including providing additional security.

Marsh Drive is an LPS type building situated on the **West Hendon Estate**. As part of the regeneration scheme underway it was due to be the final block to be vacated by March 2022.

In response to resident requests for improved investment into the block and their individual homes, Barnet Homes is undertaking a wide range of remedial work to improve the safety and built environment of Marsh Drive. However, it became apparent that a number of homes within the block had fallen well below the standard residents should expect. In addition, Cadent have recommended that a range of precautionary measures be put in place within the block to enhance safety to the gas supply.

Given these challenges, a decision has been taken in the best interest of residents to accelerate the decanting of the block with the vacant possession date moving forward to October 2020, and this process is now underway.

The following table shows the total investment plans for the council's housing stock through to 2025:

Financial £'000	Year	2019.20	2020.21	2021.22	2022.23	2023.24	2024.25	Total
<b>STOCK CAPITAL INVESTMENT</b>								
<b>Major Works</b>		£3,914	£5,470	£7,993	£8,505	£7,062	£8,444	£41,388
<b>Regeneration</b>		£2,304	£525	£787	£644	£274	£217	£4,751
<b>Misc - Repairs</b>		£1,919	£2,315	£2,325	£2,315	£2,315	£2,315	£13,503
<b>M&amp;E/ GAS</b>		£5,954	£5,116	£3,615	£3,940	£2,440	£3,140	£24,205
<b>Voids and Lettings</b>		£3,698	£4,055	£3,905	£3,655	£3,505	£3,605	£22,423
<b>Adaptations (voids)</b>		£115	£460	£460	£460	£ -	£ -	£1,495
<b>Fire safety programme</b>		£8,785	£14,827	£12,893	£4,000	£1,315	£ -	£41,820
<b>Additional Regeneration</b>		£ -	£12,410	£15,195	£8,050	£ -	£ -	£35,655
<b>Totals</b>		<b>£26,689</b>	<b>£45,178</b>	<b>£47,173</b>	<b>£31,569</b>	<b>£16,910</b>	<b>£17,721</b>	<b>£ 185,240</b>

## 5. Investment in the delivery of new affordable homes for rent

### New Build Programme

The council's Housing Strategy 2019-2024 sets out the need for more affordable homes in the borough. In order to deliver on this, local authority land, including land held in the HRA, can be made available to provide sites for new housing, either at affordable rent or for low cost home ownership.

Barnet Homes completed the first tranche of 43 new council homes by Summer 2016 and in Autumn 2018 a GLA grant of £8.7m was secured for a further 87 new homes. Plans for the delivery of these properties are progressing.

Barnet Homes have established a Registered Provider (RP), Opendoor Homes, which is delivering 340 new affordable homes for rent on council land, primarily in the HRA. This approach means that whilst the HRA supports the developments by providing land at nil cost, the development costs of the new homes are funded by a loan to Opendoor Homes from the council. The council retains 100% nomination rights to the properties that are built.

Further work has been carried out on the capacity of HRA sites to deliver additional homes, and several sites have been identified which are expected to provide approximately 250 new council homes for affordable rent over the next five years.

The council will continue to work with OpenDoor Homes, with a focus on mixed tenure developments outside of the HRA. However, the council will consider transferring HRA land to the RP where there is a good case for doing so, for example where the HRA does not have the capacity to fund a development or where it is more suitable for mixed tenure scheme.

### **Acquisitions Programme**

To make effective use of the council's Right- to-Buy receipts, HRA funding has already been used to support the purchase 21 properties across London which have been let at affordable rents via the council's Housing Allocations Scheme.

The removal of the HRA borrowing cap provided scope for increased investment in the acquisition of properties through the HRA, and a further programme to acquire 82 properties, to be let at affordable rents, was agreed in March 2019 and is now underway.

The council's Housing Strategy has identified the need to maintain a supply of larger affordable units and will ensure that some of the units acquired units have three or more bedrooms.

## **6. Increasing the supply of housing to help tackle homelessness**

The delivery of new affordable homes for rent, as described above, will help to reduce homelessness by providing an alternative to expensive temporary accommodation and offer households in this position a better outcome.

At present the average net annual cost of providing temporary accommodation is £2,000 per household, and this cost is set to increase due to continuing inflationary pressures in the housing market associated with population growth and a limited supply of housing.

This means that for every 100 additional new affordable homes built or acquired the council will save at least £0.200m in temporary accommodation costs within in the General Fund.

## **7. Investment in new homes for vulnerable people**

The council has identified a need for additional extra care housing for older people and homes for wheelchair users. As a result, investment is being targeted in two particular areas set out below.

### **Extra Care housing**

As well as providing better outcomes for users, additional supported housing will provide a more cost-effective alternative to expensive residential care. It is estimated

that around 35% of people admitted to residential accommodation by the council would have a better quality of life if there was availability within extra care housing. This equates to approximately 90 households every year.

Each client placed in extra care housing provides a saving of £10,000 a year compared to the cost of residential care. Earlier this year, building work was completed on the first new 53 unit extra care sheltered housing scheme at Ansell Court.

The council and Barnet Homes are progressing plans to provide a further 50 unit extra care scheme at Stag House in Edgware and another 75-unit scheme as part of community led development plans for the Upper and Lower Fosters estate in Hendon. Both schemes will be funded through the HRA and with grant from the GLA.

### **Wheelchair housing**

The council has identified a number people currently in residential care, who would benefit from wheelchair adapted housing. It is estimated that for each person rehoused a saving of up to £50,000 will be generated in the General Fund. Barnet Homes have already built four wheelchair adapted homes as part of the 40 new council homes completed in 2016. Additional wheelchair adapted homes will be provided as part of the on-going programme of building affordable homes described in section six above. This complies with the local plan requirement that at least 10% of new homes should be wheelchair accessible.

## **8. Efficient and Effective Services**

The majority of services funded from the HRA are provided by the council’s ALMO, Barnet Homes, including the management and maintenance of council housing and the provision of housing needs service. which is responsible for the assessment of eligibility for rehousing against the council’s Housing Allocations Scheme.

During 2015, the council reviewed the services provided by Barnet Homes through a series of challenge sessions to ensure that the services were of a satisfactory standard and provided good value for money. This led to the development of a new ten-year management agreement, effective from 1<sup>st</sup> April 2016 and secured deliverable savings worth £2.85 million over the first four years of the agreement. This sum is equivalent to a 10% budget reduction will have a minimal impact on the effectiveness of services, whilst freeing up resources for investment in further new homes.

<b>Savings target</b>	<b>Savings achieved through:</b>
£1.839 million	<ul style="list-style-type: none"> <li>• Management and repairs savings due to forecast stock losses through estate regeneration and Right to Buy sales,</li> </ul>

	<ul style="list-style-type: none"> <li>• Value for money service reviews.</li> </ul>
£0.937 million	<ul style="list-style-type: none"> <li>• Procurement and enhancing the value of existing contract arrangements</li> <li>• Reduced accommodation costs due to less floor space at Barnet House</li> <li>• New ways of working through more effective use of IT.</li> </ul>
£0.77 million	<ul style="list-style-type: none"> <li>• Stopping some of the 'non-essential' works provided by Barnet Homes,</li> <li>• Re-prioritisation of certain types of non-urgent repairs.</li> </ul>
<b>£2.853 million total</b>	

Following a slower reduction in stock than was originally forecast, the total savings amount has subsequently been adjusted to £2.148 million and Barnet Homes is on track to deliver these savings.

Further discussions will be undertaken with Barnet Homes to agree a mechanism that takes account of changes in stock as part of a mid-point review of the management agreement due to commence early in 2020.

### **Trickle Transfer**

The council is also considering supporting Opendoor Homes with a proposal to transfer 950 council homes to them as they become empty through routine causes, such as tenants transferring to more suitable accommodation, properties recovered because of tenancy fraud or anti-social behaviour.

Overtime, this would provide Opendoor Homes with a broader asset base which it could then use to support the development of more affordable homes.

Under the proposal, Opendoor Homes will charge rents set at London Affordable Rent levels, which will enable the payment of a premium back to the council, which would be used to manage the costs associated with homelessness and temporary accommodation. London Affordable rents are set by the Greater London Authority and are approximately 50% of local market rents.

The proposal will require approval by both the GLA and the Secretary of State, and council officers are currently in discussion with both the GLA and the Ministry for Housing and Local Government (MHCLG) about this.

More information about the trickle transfer proposal is attached in appendix D.

## **9. Right to Buy Receipts**

The Right-to-Buy scheme was reinvigorated in 2012 through the introduction of more generous discounts for tenants wishing to buy their council property. As part of this,

local authorities have been permitted to keep a larger proportion of the receipts generated from Right-to-Buy sales on condition that these are spent on providing new affordable homes within 3 years. The council has so far made use of Right-to-Buy receipts to support the building and acquisitions programme described in section six above, including 44 newly built council homes and 20 homes acquired on the open market for affordable rent.

## **10. HRA 30 Year Business Plan**

The council uses a spreadsheet model provided by Savills to project the HRA position over a 30 -year period, considering changes in stock, capital programme requirements, and anticipated policy changes.

A baseline position, shown in Appendix A has been established which takes account of the current capital programme, the loss of stock expected through estate regeneration and sales, and the latest government advice on rent setting. The baseline capital programme also includes: an agreed £52m investment in fire safety, building of 87 new homes supported by the GLA grant and the acquisition of 82 properties for affordable rent.

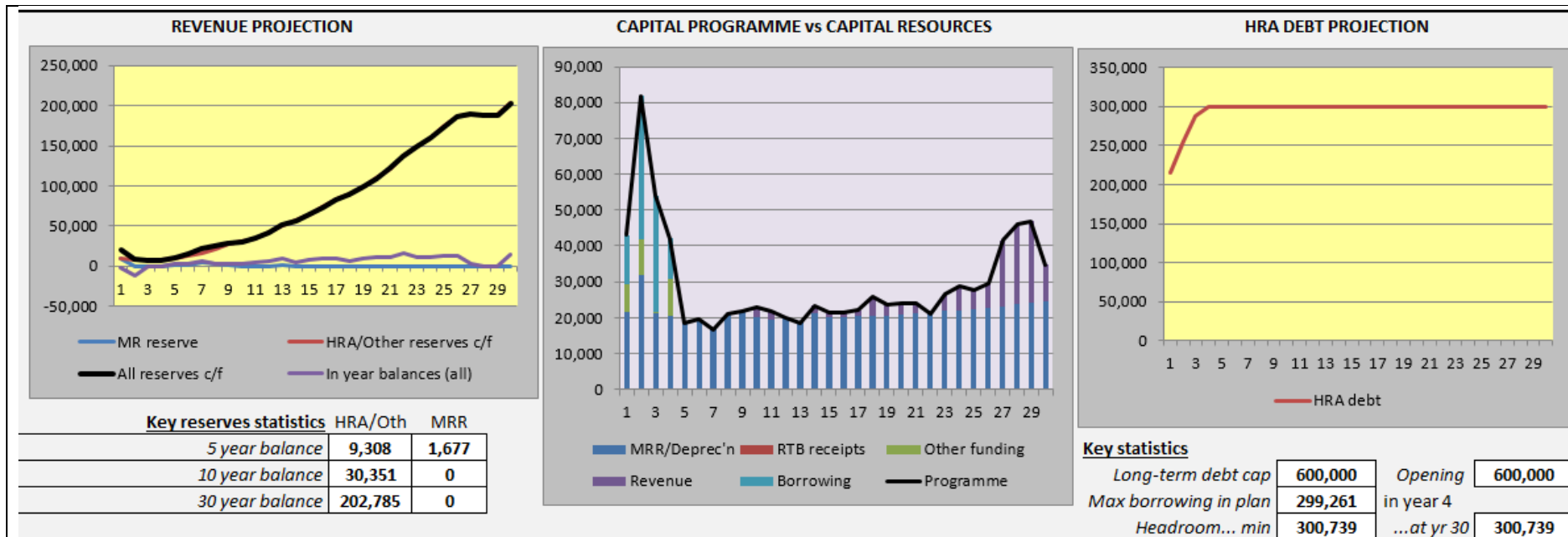
The second scenario at Appendix B sets out how 250 new build properties can be delivered in the next 6 years along with some £35.6m of investment over the next 3 years in homes at Dollis Valley and Grahame Park.

It is recommended that the council proceeds with developing plans for implementation the programme set out at Appendix B. This will see an increase in maximum borrowing from £299 million to £408 million.

The impact of the trickle transfer proposal is expected to be cost neutral, as receipts will be received from Opendoor Homes which will be used to reduce debt and the associated costs in the HRA.

A summary of the proposed Capital programme is included at Appendix C, and the draft HRA budget for 2020/21 is included at Appendix D.

## Annex A - HRA Business Plan – Baseline Model



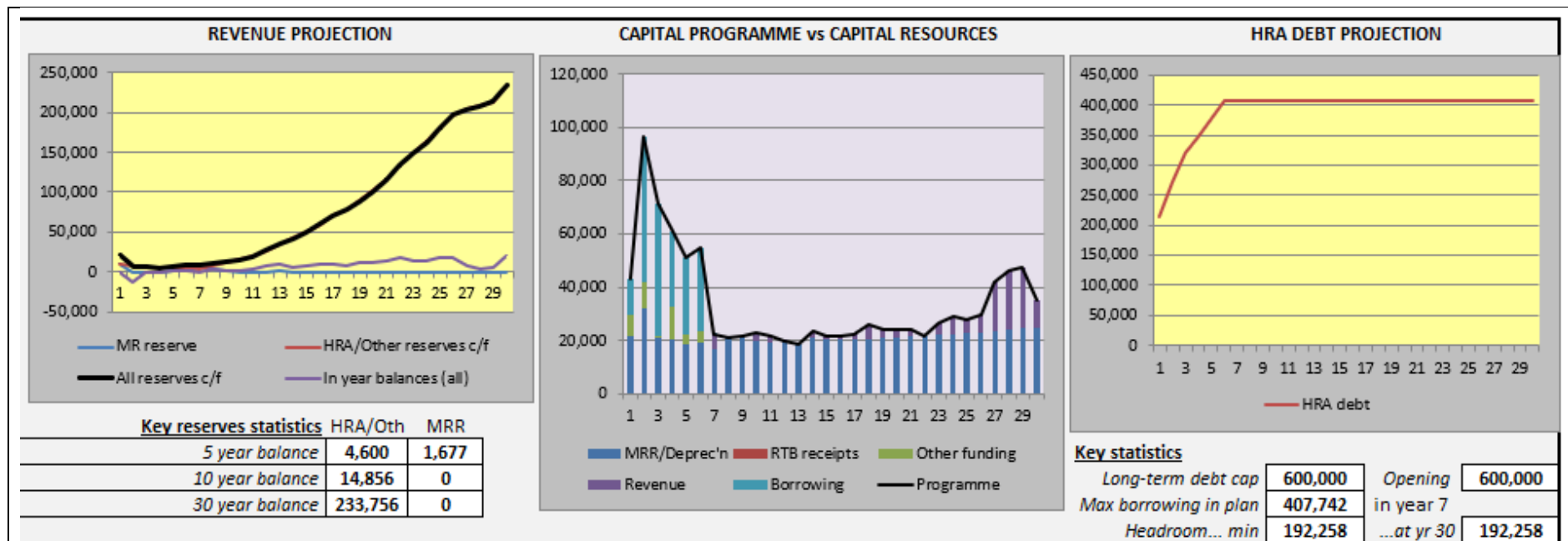
### Assumptions

- Rents -Reduce by 1% per annum until 2019/20, followed by CPI + 1% from 2020/21 to 2024/25 and thereafter CPI only increases
- Cost Inflation -RPI throughout model
- Total fire safety investment £52m from 2017/18
- Additional 87 new affordable homes built for rent delivered through GLA programme
- 82 homes acquired for affordable rent by 2021
- Note that long-term debt cap represents assumed prudential borrowing cap
- Loans are re-financed on maturity

**Base position shows sustainable HRA over 30 life of business plan**



## Annex B- Scenario two – Baseline Model plus acquisitions and additional new build and additional investment at Grahame Park and Dollis Valley



### Assumptions

- Rents -Reduce by 1% per annum until 2019/20, followed by CPI + 1% from 2020/21 to 2024/25 and thereafter CPI only increases
- Cost Inflation -RPI throughout model
- Minimum Balance Required - £3m
- Total fire safety investment £52m
- Additional 87 new affordable homes built for rent delivered through GLA programme
- 82 homes acquired for affordable rent by 2021
- New build programme of 250 homes for affordable rent over 4 years from 2019/20
- Additional £35.6m investment in homes at Grahame Park and Dollis Valley over the next 3 years Note that long-term debt cap represents assumed prudential borrowing cap
- Loans are re-financed on maturity

**Shows sustainable HRA over 30 life of business plan**

## Annex C- Proposed HRA Capital Programme to 2024

Financial Year £'000	2019.20	2020.21	2021.22	2022.23	2023.24	2024.25	Total
<b>STOCK CAPITAL INVESTMENT</b>							
Major Works	£ 3,914	£ 5,470	£ 7,993	£ 8,505	£ 7,062	£ 8,444	£ 41,388
Regeneration	£ 2,304	£ 525	£ 787	£ 644	£ 274	£ 217	£ 4,751
Misc - Repairs	£ 1,919	£ 2,315	£ 2,325	£ 2,315	£ 2,315	£ 2,315	£ 13,503
M&E/ GAS	£ 5,954	£ 5,116	£ 3,615	£ 3,940	£ 2,440	£ 3,140	£ 24,205
Voids and Lettings	£ 3,698	£ 4,055	£ 3,905	£ 3,655	£ 3,505	£ 3,605	£ 22,423
Additional adaptations to voids	£ 115	£ 460	£ 460	£ 460	£ -	£ -	£ 1,495
Fire safety programme	£ 8,785	£ 14,827	£ 12,893	£ 4,000	£ 1,315	£ -	£ 41,820
Regen Stock Additional Investment	£ -	£ 12,410	£ 15,195	£ 8,050	£ -	£ -	£ 35,655
<b>Total Investment in Stock</b>	<b>£ 26,689</b>	<b>£ 45,178</b>	<b>£ 47,173</b>	<b>£ 31,569</b>	<b>£ 16,910</b>	<b>£ 17,721</b>	<b>£ 185,240</b>
<b>INVESTMENT IN NEW SUPPLY</b>							
Ansell Court – Extra Care	£ 805						£ 805
Cheshire House – Extra Care	£ 1,000	£ 5,845	£ 5,845	£ 5,845	£ -	£ -	£ 18,535
Stag House – Extra Care	£ 1,901	£ 5,002	£ 5,002	£ 5,002	£ -	£ -	£ 16,907
Burnt Oak Broadway	£ 559	£ 2,900	£ 1,430	£ -	£ -	£ -	£ 4,889
GLA Funded Programme	£ 1,398	£ 8,615	£ 9,666	£ 7,946	£ -	£ -	£ 27,625
82 Acquisitions for affordable rent	£ 10,000	£ 21,000	£ -	£ -	£ -	£ -	£ 31,000
New Build - 250 units*	£ 1,607	£ 3,942	£ 13,195	£ 30,811	£ 26,118	£ 5,360	£ 81,034
Upper Lower Fosters	£ 400	£ 2,045	£ -	£ -	£ -	£ -	£ 2,445
Dollis Valley Shared Equity	£ -	£ 3,700	£ -	£ -	£ -	£ -	£ 3,700
<b>Total Investment in New Supply</b>	<b>£ 17,915</b>	<b>£ 53,049</b>	<b>£ 35,139</b>	<b>£ 49,604</b>	<b>£ 26,118</b>	<b>£ 5,360</b>	<b>£ 187,185</b>
<b>Total Capital Programme</b>	<b>£ 44,604</b>	<b>£ 98,227</b>	<b>£ 82,312</b>	<b>£ 81,173</b>	<b>£ 43,029</b>	<b>£ 23,081</b>	<b>£ 372,425</b>

\*Subject to capital bids

## **Annex D – Trickle Transfer**

### **Overview**

The council faces significant challenges in meeting the demand for affordable housing in the borough, with more than 2500 households in temporary accommodation. As well as the impact on households, there are significant financial pressures for the council resulting from the use of temporary accommodation.

On the 27 November 2018, the Housing Committee agreed to transfer up to 950 council homes as they become empty to TBG Open Door Limited (Opendoor Homes) who are a registered provider and subsidiary of Barnet Homes. The trickle transfer of stock will enable Opendoor Homes to strengthen their financial resilience which is intended to result in the delivery of more affordable housing being built in Barnet.

In addition, the transfer will deliver financial benefits to the council, in the form of a payment of £2000 per property per annum, which will help the authority to meet the costs associated with homelessness.

The impact of the trickle transfer proposal on the Housing Revenue Account is expected to be cost neutral, as receipts will be received from Opendoor Homes which will be used to reduce debt and the associated costs in the HRA.

The basis of the proposal is that as properties become empty through natural tenancy turnover, they will be considered for transfer to Opendoor Homes at a value that reflects the average debt for properties held in the Housing Revenue Account. The properties will be let to households via the council's Housing Allocations Scheme, and rents will be charged at London Affordable Rent levels which are published by the Greater London Authority.

Tenants will receive an assured tenancy, and OpenDoor Homes has agreed that tenants will be given rights equivalent to those enjoyed by secure council tenants, including the Right to Buy scheme, contractually. This would be subject to any legislative requirements, such as the right to acquire under the Housing & Regeneration Act 2008.

### **New Affordable Homes**

The proposal to transfer 950 council homes to Opendoor Homes is expected to provide enough capacity within to enable Opendoor Homes to build an additional 40 new affordable homes for rent. This number could increase if grant can be secured from the Greater London Authority.

Opendoor Homes have been supported by Savills who are a consultancy with substantial expertise in this area. They have modelled a business plan that demonstrates that the increase in rents combined with the asset value of the stock can create financial capacity that will support the development. In the longer term, the additional asset base that trickle transfer will provide for Opendoor Homes, will enable them to seek finance for building more homes, especially when taken alongside other proposals to increase their stock,

which include their existing build programme, the transfer of the council’s temporary accommodation portfolio, and the acquisition of 500 homes on the open market funded through a loan from the council. These initiatives combined will result in Opendoor Homes owning a stock of more than 2000 homes, ensure that it remains a viable housing association able to help the council meet its’ housing objectives.

### London Affordable Rents

London affordable rents are set by the London Mayor and the Regulator of Social Housing and provide benchmark rents that reflect the formula rent cap figures for social rent and are updated each year by CPI + 1%. The latest rents for 2019/20 published by the Greater London Authority are set out in the following table:

Size	Weekly Rent
Bedsit & one beds	£155.13
Two beds	£164.24
Three beds	£173.37
Four beds	£182.49
Five beds	£191.61
Six or more beds	£200.73

The current average rent for a council home on reletting in Barnet is £107, and whilst the London Affordable Rents will be higher, they will be at levels which are less than 50% of average market rents with the exception of 1 beds, and well within local housing allowance levels as set out in the tables below.

Mean rents in Barnet 2018/19		
	Monthly	Weekly
1 Bed	£ 1,147.00	£ 264.69
2 Bed	£ 1,439.00	£ 332.08
3 Bed	£ 1,894.00	£ 437.08
4 or more beds	£ 3,055.00	£ 705.00
Source: Valuation Office Agency (VOA).		

Local Housing Allowance Rates – Barnet 2019	Broad Market Rental Area		
	Inner N.London	NW London	Outer N.London
One Bedroom Rate:	£ 276.51	£ 203.03	£ 211.84
Two Bedroom Rate:	£ 320.74	£ 257.09	£ 263.00
Three Bedroom Rate:	£ 376.04	£ 321.45	£ 324.57
Four Bedroom Rate:	£ 442.42	£ 385.63	£ 388.65

### Financial model

Opendoor Homes will fund the purchase of properties to be transferred by securing loans on the open market and make a payment to the council of approximately £31,000, which represents the value of the average debt currently held against council homes.

Opendoor Homes will take full responsibility for maintaining and managing the properties, and the management fee paid to Barnet Homes will be reduced to reflect this. For flatted properties, Opendoor Homes will be a leaseholder of the council and will contribute to any major works on the same basis as other leaseholders.

For each property that is transferred, the council will receive an annual payment of £2000, which will be worth £1.9m a year once the target to transfer 950 properties has been achieved.

The annual benefits have been factored into the council's Medium-Term Financial strategy and will help to manage the costs associated with homelessness and the use of temporary accommodation, as follows:

<b>Year</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
In Year	£177,000	£613,000	£365,000	£253,000	£68,000
Cumulative	£177,000	£790,000	£1,155,000	£1,408,000	£1,476,000

The borrowing required for the purchase of the properties from the council will be raised via financial institutions by Opendoor Homes.

The proposal to transfer 950 council properties to Opendoor Homes is expected to have a neutral impact on the HRA Business Plan, as existing debt, management and repair costs will transfer in full to Opendoor Homes.

## **Legal**

Legal advice has been received which confirms that the council will need to apply for consent from the Secretary of State for Housing, Communities and Local Government for permission to transfer the properties because they are housing, because the transfer would be at undervalue and because this amounts to financial assistance. Because the properties are to be transferred at undervalue, the transaction potentially amounts to state aid and it will be necessary to bring it within one of the permitted exceptions to these rules, potentially by ensuring that Opendoor Homes are to provide services of general economic interest. An agreement will also need to be reached with the Greater London Authority on the level of rents to be charged.

## **Risks**

There is a risk that there could be a delay in properties becoming available for letting due to delays in transferring properties from the council to Opendoor Homes. This risk will be mitigated by ensuring that an efficient conveyancing process is developed to minimise the time it takes to transfer the properties. In addition, void works could be carried out by Barnet

Homes during the conveyancing period and the cost of these reimbursed by Opendoor Homes once the property has been transferred.

There is a risk that the Secretary of State will not grant consent to proceed with the transfer of properties to Opendoor Homes. This risk is being mitigated by maintaining a dialogue with officials at the Ministry for Housing, Communities and Local Government.

There is a risk that the Greater London Authority will not agree to the rent levels proposed for the properties that will transfer to Opendoor Homes. This is being mitigated by maintaining a dialogue with officials at the Greater London Authority.

There is a risk that Opendoor Homes will be unable to raise third party funding to support the purchase of this stock. This is currently being mitigated by early engagement with treasury advisors to understand the markets appetite to fund the programme and at what rate.

There is a risk that Opendoor Homes will be unable to repay the loans, and the lender will seek to repossess the property, so that it no longer will be available to the council for nominations. This will be mitigated by attaching conditions to the sale that stipulate that the council will have an option to repurchase the property, and that in any event the property can only be used as social housing and occupied by tenants nominated by the council. A nomination agreement is being prepared.

Opendoor Homes' plan could be impacted by government decisions on rent increases for social housing beyond 2025, as their plan assumes that rents will continue to increase at CPI+1% beyond this. – Opendoor Homes board will undertake a range of sensitivity analysis and scenario planning in respect of this and other financial risks. Options to respond may include re negotiating the terms of the loan with the funder which will have the impact of extending the repayment period. Ultimately, the payment to LBB of £2,000 per home per annum will also have to be continually considered if the viability of the programme funding is at risk.

## **Equalities**

An equalities impact assessment has been carried out and concluded that the proposal presents no unlawful discrimination as it will apply equally to all individuals. Whilst the trickle transfer of properties is in isolation unlikely to advance equality of opportunity, the wider benefits and outcomes of the proposal are likely to have a positive impact on those with protected characteristics.

The proposal is important on grounds unconnected with the potential for differential impact on protected groups. The transfer of the properties will enable Opendoor Homes to strengthen its financial resilience, which will result in the delivery of additional new affordable housing in Barnet; this will have a positive impact upon all groups, and in particular those groups that may be disproportionately affected by this proposal due to their over-representation in social housing.

An increase in the availability of social housing in Barnet will enable the council to meet more housing need by operating a fair, transparent allocations policy based on priority needs. The transfer will also deliver a financial benefit to the council of £2,000 per property transferred per annum, which will help the council to meet the costs associated with homelessness which also disproportionately affects the groups likely to be affected by this proposal.

## Annex E –HRA Budget 2019/20 and 2020/21

<b>HOUSING REVENUE ACCOUNT</b>	<b>2019/20 Budget £'000</b>	<b>2020/21 Budget £'000</b>
<b>Income</b>		
Dwelling rents	(48,608,860)	(50,404,962)
Non-dwelling rents	(1,075,000)	(1,093,275)
Tenants Charges for services and facilities	(3,991,860)	(4,147,518)
Leaseholder Charges for services and facilities	(3,211,572)	(3,266,169)
<b>Total Income</b>	<b>(56,887,292)</b>	<b>(58,911,924)</b>
<b>Expenditure</b>		
Repairs and Maintenance	7,570,000	6,960,886
General	15,982,573	18,208,417
Special	5,897,160	6,119,685
Rent, Rates, Taxes and other charges	80,000	81,360
Depreciation and impairment of fixed assets	22,563,841	21,651,168
Debt Management Expenses	7,570,000	8,253,255
Revenue Contribution to Capital	0	0
Increase in bad debt provision	250,000	257,789
<b>Total Expenditure</b>	<b>59,913,574</b>	<b>61,532,560</b>
<b>Net Cost of HRA Services</b>	<b>3,026,282</b>	<b>2,620,636</b>
Interest and investment income	(94,744)	(80,153)
<b>(Surplus) or deficit</b>	<b>2,931,538</b>	<b>2,540,483</b>



	<p><b>Council</b></p> <p><b>28<sup>th</sup> January 2020</b></p>
<p><b>Title</b></p>	<p><b>Report of the Policy &amp; Resources Committee – London Wide Business Rates Pool</b></p>
<p><b>Report of</b></p>	<p>Chairman of the Policy and Resources Committee</p>
<p><b>Wards</b></p>	<p>All</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Key</b></p>	<p>Yes</p>
<p><b>Enclosures</b></p>	<p>None</p>
<p><b>Officer Contact Details</b></p>	<p>Faith Mwende, Governance Officer, 020 8359 4917, <a href="mailto:faith.mwende@barnet.gov.uk">faith.mwende@barnet.gov.uk</a></p>

## Summary

The Policy and Resources Committee at the meeting held on 6 January 2020 agreed to recommended to Council for Barnet to join London wide business rates pool.

## Recommendations

1. That Council approve joining the London wide Business Rates Pool, as detailed in paragraphs 1.2.28-1.2.30 of the Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report to the Policy & Resources Committee on 6 January 2020, as linked in section 6.1 of this report.
2. That Council delegates responsibility to the Chief Finance Officer (S151) in consultation with the Chairman of Policy and Resources Committee to agree the arrangements for the London wide Business Rates Pool in the form of the Memorandum of Understanding as set out in paragraph 1.2.31 of the same report referred to in recommendation 1 above.

## 1. WHY THIS REPORT IS NEEDED

1.1 As set out in the 6 January 2020 Policy and Resources Committee - Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report.

1.2 At the Policy and Resources Committee held on 6 January 2020 the Committee agreed to:

**“Recommends to Full Council joining the London wide Business Rates Pool as set out in paragraphs 1.2.28-1.2.30.**

*1.2.28 - Non-pilot status pooling will, therefore, represent the best opportunity to maximise growth retained locally. London Councils have modelled the potential benefits of pooling in 2020/21 and it is estimated that Barnet will benefit by an additional £400,000 through being pool members. This has been included within the proposed MTFs. Should the pool not go ahead, this assumed income will need to be removed.*

*1.2.29 - London Councils Leaders Committee agreed on 8 October 2019 to continue with the pool into 2020/21 subject to the Mayor agreeing to forgo the GLA’s share of any net financial benefits. It was also agreed not to continue with the Strategic Investment Pot given the much lower sum of money likely to be involved.*

*1.2.30 - The London pool has been agreed in principle by Leaders’ Committee and the Mayor and will be designated in the provisional settlement.*

**Recommends that Council delegates responsibility to the Chief Finance Officer (S151) in consultation with the Chairman of Policy and Resources Committee to agree the arrangements for the London wide Business Rates Pool in the form of the Memorandum of Understanding as set out in paragraph 1.2.31**

*1.2.31 Each authority will need to take the relevant decisions, through their own constitutional decision-making arrangements. This report includes the required recommendations:*

- To enter the pool (including delegating authority over its administration to the lead authority which, following consideration by the elected officers of London Councils, would be the City of London Corporation for the duration of the pool); and,*
- To agree a Memorandum of Understanding between London authorities for the operation of the pool.”*

## 2. REASONS FOR RECOMMENDATIONS

2.1 As set out in the 6 January 2020 Policy and Resources Committee - Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 As set out in the 6 January 2020 Policy and Resources Committee - Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 As set out the 6 January 2020 Policy and Resources Committee - Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 As set out in the 6 January 2020 Policy and Resources Committee - Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report.

#### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 As set out in the 6 January 2020 Policy and Resources Committee - Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report.

#### **5.3 Legal and Constitutional References**

- 5.3.1 Council Constitution, Article 4 states that “The Full Council is a formal meeting of all Councillors and is required by law to take certain important decisions as set out below:...
- Approving the strategic financing of the council upon recommendations of the Policy and Resources Committee
  - Delegating/receiving functions to/from other councils or their Executives.”

#### **5.4 Risk Management**

- 5.4.1 As set out in the 6 January 2020 Policy and Resources Committee - Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report.

#### **5.5 Equalities and Diversity**

- 5.5.1 As set out in the 6 January 2020 Policy and Resources Committee - Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report.

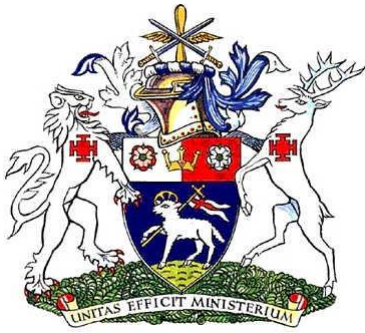
## 5.6 Consultation and Engagement

- 5.6.1 As set out in the 6 January 2020 Policy and Resources Committee - Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report.

## 6. BACKGROUND PAPERS

- 6.1 6 January 2020 Policy and Resources Committee - Business Planning – Medium Term, Financial Strategy 2020-25, Budget Management 2019/20 and Draft Budget for 2020/21 report:

<https://barnet.moderngov.co.uk/documents/s56941/Business%20Planning%20-%20Medium%20Term%20Financial%20Strategy%202020-25%20Budget%20Management%20201920%20and%20Draft%20Bud.pdf>



**Council**  
**28 January 2020**

<b>Title</b>	<b>Report of the Licensing Committee – Cumulative Impact Assessment and Adoption of Cumulative Impact Zone</b>
<b>Report of</b>	Chairman of Licensing Committee
<b>Wards</b>	All
<b>Status</b>	Public
<b>Enclosures</b>	Appendix A – Report submitted to Licensing Committee with its appendices.
<b>Officer Contact Details</b>	Jan Natynczyk – Governance Officer Jan.natynczyk@barnet.gov.uk

## Summary

The Licensing Committee at its meeting on 12 November 2019, recommend that this policy be adopted at the next full meeting of the Council.

## Recommendations

1. That Council considers adopting this policy.

**1. WHY THIS REPORT IS NEEDED**

1.1 As set out in the attached substantive report.

**2. REASONS FOR REFERRAL**

2.1 To request Council to consider adopting this policy.

**3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 As set out in substantive report.

**4. POST DECISION IMPLEMENTATION**

4.1 As set out in substantive report.

**5. IMPLICATIONS OF DECISION**

**5.1 Corporate Priorities and Performance**

5.1.1 As set out in substantive report.

**5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 As set out in substantive report.

**5.3 Legal and Constitutional References**

5.3.1 There is a constitutional requirement for this matter to be referred to Council for adoption.

**5.4 Risk Management**

5.4.1 As set out in substantive report.

**5.5 Equalities and Diversity**

5.5.1 As set out in substantive report.

**5.6 Corporate Parenting**

5.6.1 As set out in substantive report.

**5.7 Consultation and Engagement**


5.7.1 As set out in substantive report.

## **6. BACKGROUND PAPERS**

6.1 None.

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	<h2>Licensing Committee</h2> <h3>11 November 2019</h3>
<b>Title</b>	<b>Cumulative Impact Assessment and Adoption of Cumulative Impact Zone</b>
<b>Report of</b>	Executive Director Environment
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	<b>Appendix 1</b> – Cumulative Impact Assessment <b>Appendix 2</b> – Consultation document <b>Appendix 3</b> – Consultation responses <b>Appendix 4</b> – Summary of responses to the Consultation
<b>Officer Contact Details</b>	Emma Phasey Group Manager, Commercial Premises <a href="mailto:Emma.phasey@barnet.gov.uk">Emma.phasey@barnet.gov.uk</a>

## Summary

This report sets out the cumulative impact assessment completed by officers in accordance with approval given by the Committee. A consultation has been carried out in accordance with statute and the outcome of that consultation is set out in this report. This report recommends that the Committee approves the adoption of a cumulative impact zone in Burnt Oak.

## Officers Recommendations

1. That the Committee notes the Cumulative Impact Assessment.
2. For the proposed Cumulative Impact Zone to be approved by the Committee
3. That the Committee recommend that the Cumulative Impact Zone be adopted at the next full meeting of the Council

## 1. WHY THIS REPORT IS NEEDED

- 1.1 At previous meetings the Licensing Committee approved the investigation of whether or not there was a case for a Cumulative Impact Zone (“CIZ”) within the borough. There was particular concern about the proliferation of licensed premises in Burnt Oak and the high levels of alcohol related nuisance being experienced in the area.
- 1.2 A Cumulative Impact Zone (“CIZ”) may help to limit the number or types of premises licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 1.3 CIZ’s relate to applications for new premises licences, club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area. Temporary event notices are not affected.
- 1.4 While the cumulative impact assessment (CIA) evidence underpinning the publication of a CIZ should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the Licensing Act 2003 (“the Act”). However, licensing applications within the CIZ still need to be determined on a case-by-case basis with a view to what is appropriate for the promotion of the licensing objectives.
- 1.5 There must be a good evidential basis for a decision to adopt a CIZ. Information which licensing authorities may be able to draw on includes:
  - local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - statistics on local anti-social behaviour offences;
  - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
  - environmental health complaints, particularly in relation to litter and noise;
  - complaints recorded by the local authority, which may include complaints raised by local residents or residents’ associations;
  - residents’ questionnaires;
  - evidence from local and parish councillors; and
  - evidence obtained through local consultation
- 1.6 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:
  - trends in licence applications, particularly trends in applications by types of premises and terminal hours;
  - changes in terminal hours of premises; and

- premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.
- 1.7 The draft licensing policy has been amended at Section 5.3 – 5.19 to detail how a CIZ would operate. This section identifies that any CIZ in operation in the Borough will be detailed in Appendix 4 of the licensing policy. If the Committee supports the adoption of the CIZ in the area detailed in this report the map in Appendix 1 would form Appendix 2 of the Licensing Policy.
- 1.8 S.5A(4) allows an assessment, and therefore a CIZ, to apply to all relevant authorisations or only relevant authorisations of a kind described in the assessment. This assessment recommends that the proposed CIZ only applies to the sale of alcohol off the premises.
- 1.9 A consultation was undertaken from 19<sup>th</sup> August 2019 until 11<sup>th</sup> October 2019. Information on this consultation can be found in 5.8. The responses received can be found in Appendix 2.
- 1.10 Following consideration of the Cumulative Impact Assessment and the responses to the consultation (see Appendix 2) it is recommended that the Licensing Committee adopt that proposed policy

## **2 REASONS FOR RECOMMENDATIONS**

- 2.1 A full consultation has been taken in relation to this matter and the adoption of the proposed CIZ is supported by all consultee responses.
- 2.2 Evidence collected as part of the Cumulative Impact Assessment supports the adoption the proposed CIZ.

## **3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Committee could decide not to adopt a Cumulative Impact Zone. This would mean that further premises could apply for a premises licence to include off sales of alcohol and would be dealt with in the usual way and the general presumption would remain that the licence should be granted, subject to consideration of the licensing objectives.

## **4 POST DECISION IMPLEMENTATION**

- 4.1 The Committee is being asked to recommend that the Cumulative Impact Zone be adopted at the next meeting of the full Council to come into effect immediately thereafter.

## **5 IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

5.1.1 This review of licensing issues within Burnt Oak, supports the corporate priority of “Tackling anti-social behaviour and environmental crime“

## **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.

5.2.2 The CIZ will have no further financial implications and will be delivered within existing resources.

## **5.3 Social Value**

- The CIZ will positively impacts on the environment in Burnt Oak and contributes to a vibrant and healthy community by reducing anti-social behaviour within the area.

## **5.4 Legal and Constitutional References**

5.4.1 Section 5A of the Licensing Act 2003 sets out what a licensing authority needs to do in order to consider adopting a CIZ. The licensing authority must publish an assessment document which states it considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts. This assessment should include the evidence for this review. The information can be found in Appendix 1 and if adopted will be added to Appendix 4 of the Licensing Policy.

5.4.2 Before adopting the CIZ the Authority should undertake a consultation with the following information—

- the reasons why it is considering publishing a cumulative impact assessment;
- a general indication of the part or parts of its area which it is considering describing in the assessment;
- whether it considers that the assessment will relate to all relevant authorisations or only to relevant authorisations of a particular kind.

The consultation document used can be found in Appendix 2.

5.4.3 The Authority has to consult with :

- The police
- The fire and rescue authority for that area,
- Public health
- Representatives of holders of premises licences issued by that

- authority,
- Representatives of holders of club premises certificates issued by that authority,
- Representatives of holders of personal licences issued by that authority,
- Businesses and residents in its area.

This consultation has been undertaken.

5.4.4 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council's Constitution states that the Licensing Committee is responsible for, "*all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.*"

## **5.5 Risk Management**

5.5.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised.

## **5.6 Equalities and Diversity**

5.6.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

5.6.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority's policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

## **5.7 Corporate Parenting**

5.7.1 Not relevant to this report.

## **5.8 Consultation and Engagement**

5.8.1 The consultation document was sent to the all responsible authorities. It was also sent to councillors.

5.8.2 The consultation was also be published on London Borough of Barnet's online website and on the Engage Barnet portal.

5.8.3 Licensed businesses affected by this were written to and a selection were visited to discuss this in more detail.

5.8.2 All replies received have been taken into account.

## 5.9 Insight

5.9.1 Not relevant to this report.

## 6 BACKGROUND PAPERS

Statutory Guidance issued under section 182 Licensing Act 2003 (April 2018)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

London Borough of Barnet Licensing Policy, Section 6.

Evaluation of Islington Council CIZ

<https://sphr.nihr.ac.uk/research/cumulative-impact-zone-policy/>

PSPO details for Burnt Oak

<https://www.barnet.gov.uk/pspo>

Community Alcohol Partnership

<https://www.communityalcoholpartnerships.co.uk/about>

## Appendix 1 – Cumulative Impact Assessment

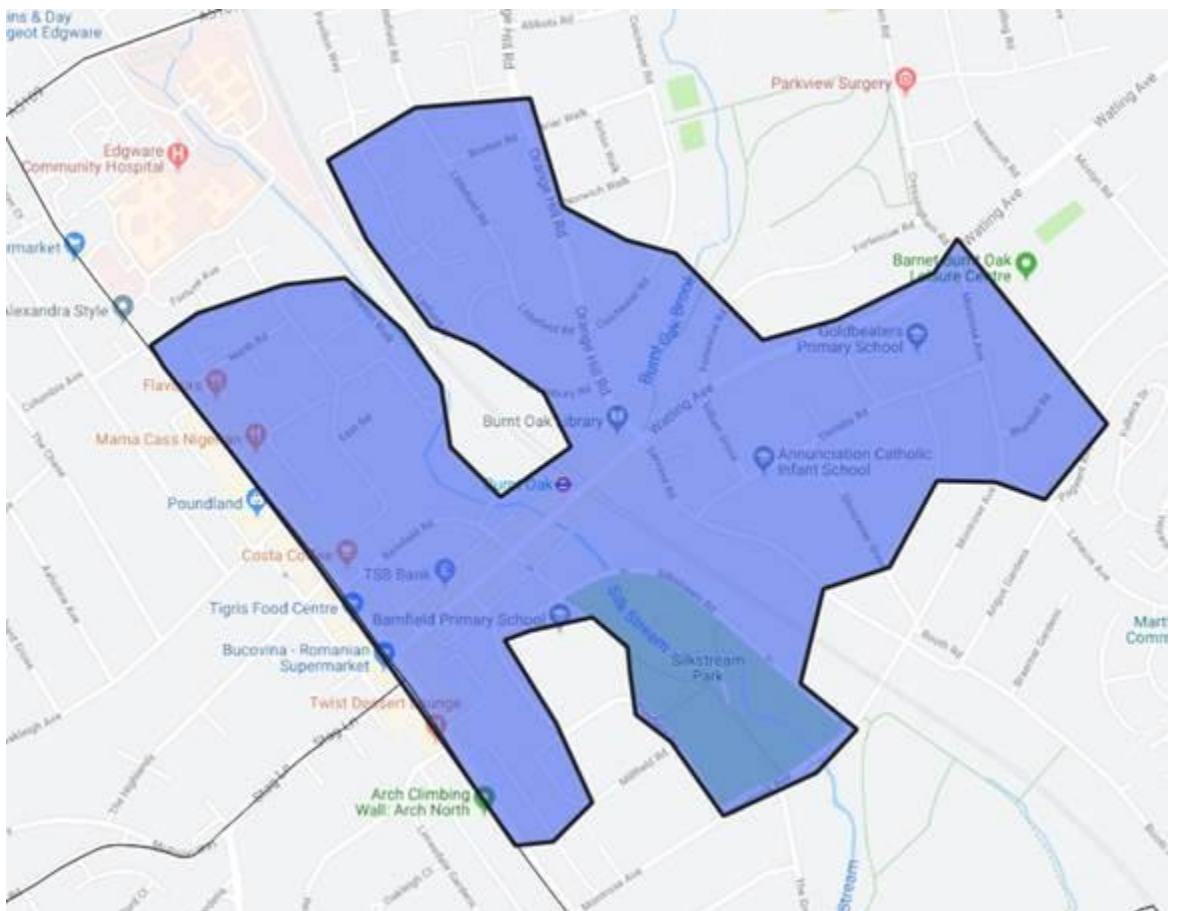
Note: if approved this appendix will form appendix 4 of the Licensing Policy

- A. Statement of Adoption
- B. Area
- C. Date of Adoption
- D. Evidence for Assessment
  - a. A Report for Safer Communities Partnership Board: Substance misuse prevalence, trends, preventative interventions and local opportunities
  - b. Alcohol misuse impact in Burnt Oak Report
  - c. Public Health Assessment October 2019

### A: Statement of Adoption

The licensing authority considers that the number of relevant authorisations in respect of premises in the area outlined below are is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.

### B: Area – Burnt Oak



### C. Date of adoption



Date of Adoption: TBC

Date of review by: TBC (Three years from adoption)

## **D: Evidence for assessment**

### **1. A Report for Safer Communities Partnership Board: Substance misuse prevalence, trends, preventative interventions and local opportunities**

**Louisa Songer - Public Health Strategist  
October 2018  
Executive Summary**

#### **Local Prevalence Data**

The rate of opiate users in Barnet is lower than London and England, but the age profile follows a similar pattern to elsewhere in the country. The prevalence of opiate use in Barnet is highest in people aged 35-64 which is reflective of an aging heroin using population and fewer younger people commencing heroin use. Younger substance users are showing a preference to other substances such as cocaine, ecstasy and cannabis. In London and England, the largest cohort of opiate users is those aged 25-35. As the Barnet opiate using cohort ages, we can expect the group to become more complex and develop a need for wider health and social care services.

Similarly, it is estimated that there are fewer opiate and crack users in Barnet than elsewhere in the country. However, Barnet follows a different age pattern. The most noticeable difference is in the younger age group 15-24 year olds. Barnet's prevalence of opiate and cocaine users in this group is higher than London and England, indicating there is possibly a group of young crack users not accessing services.

There is a large gap between the number of people accessing substance misuse treatment (for opiates, other drugs and alcohol) and prevalence estimates, indicating that there is substantial unmet need in the community. It is estimated that 61% of opiate users in Barnet are not accessing local treatment services and 88% of dependent drinkers are not accessing treatment services.

#### **Substance Misuse Trends – Adults**

A snapshot taken in the last quarter showed that of the 652 people in treatment, primary opiate users account for 58% of people in treatment. This is followed by alcohol users, forming 24% of the treatment population, crack and cocaine 13% and the remaining 5% other drugs. This is a similar picture nationally.

People accessing substance misuse treatment services in Barnet reported higher levels of mental health conditions than other areas, lower misuse of



“over the counter”/prescription medication, and are more likely to be economically inactive.

A greater focus is needed on older adults and other drug users to understand the needs of this group.

Understanding the relationship between substance misuse, mental health and domestic abuse is a corporate priority. A deep dive has been completed locally to explore the relationship between the areas. Recommendations have been made to a) Addressing ineffective referral pathways, learning lessons from audit and case review b) improving the identification and management of domestic abuse in Mental Health and Substance Misuse settings by embedding best practice through evidence based commissioning and c) improve holistic, multi-agency working in Family Services to ensure parents have access to the right support at the right time

### **Substance Misuse Trends – Young People**

The picture is very different to that of the adults service. Primary cannabis users account for 78.5% of people in treatment. This is followed by alcohol users, forming 9.2% of the treatment population. This reflects a total 65 young people in treatment. Unlike the adult population, young people in treatment are more likely to report benzodiazepine, hallucinogen and ecstasy use. Whilst opiate and cocaine use is less common than in adults, there are some young people using these substances. This is a similar picture nationally.

### **Risk Groups**

Recent evidence has been published demonstrating the effectiveness of interventions that aim to delay the onset of, and reduce the harms of drug and alcohol misuse. There are specific groups who are more at risk of developing substance misuse issues. These include people with a family history of substance misuse, people with lower socio-economic status, people with mental health conditions, people who have been sexually assaulted or exploited, people who are not in employment, education or training, people in contact with the criminal justice system and homeless people.

### **The costs of substance misuse**

A Cabinet Office estimate placed the economic costs of alcohol in England at around

£21 billion in 2012, equivalent to 1.3% GDP. This estimate included costs relating to alcohol-related health disorders and disease, crime and anti-social behaviour, loss of productivity in the workplace and problems for those who misuse alcohol and their families, including domestic violence. Similarly, drug misuse also impacts all those around the user and the wider society. The Home Office estimated in 2010 to 2011 that the cost of illicit drug use in the UK was £10.7 billion per year.

28% of costs relate to deaths linked to illicit substances. Deaths involving opioids (such as heroin) account for the majority of drug poisoning deaths. Heroin related deaths in England and Wales have more than doubled since 2012 to the highest number since records began 20 years ago. In Barnet the rate of drug related deaths has remained steady.

### **Prevention Opportunities**

Some of the key ways we can impact alcohol related harm (including crime and disorder) centre on affecting national policy and regulation, for example considering options around taxation and price regulation and regulating marketing. Having said that, there is much that can be done at a local level, particularly when considering options for regulating the availability of alcohol. There are also intervention that can be conducted in the immediate drinking environment that have a great impact.

It is also essential, particularly when looking at preventing substance misuse more widely, to consider specific interventions that should be delivered with those particular risk groups and in particular settings. For example, offering information, advice and awareness raising in settings such as primary care, mental health services, sexual health services, health visiting, midwifery, criminal justice services, A&E, hostels, nightclubs, festivals and gyms (to target people using image and performance enhancing drugs) .

Screening, identification and brief advice should be delivered at opportunistic and routine appointments with statutory and other services such as those listed above, and skills training for vulnerable children and young people should be upscaled to help vulnerable young people develop appropriate skills such as conflict resolution and managing stress

### **Key recommendations for the board to consider – Putting the evidence into practice**

Partners must work collaboratively on local opportunities for improving outcomes. There are local structures and processes currently in place support a reduction in drug and alcohol-related harm however there is much work to be done to ensure these structures and processes are effective.

1. **Leadership, vision & governance:** The Health and Wellbeing Board and Community Safety Partnership Board should articulate a clear and shared ambition for reducing alcohol harm, demonstrated by strong oversight of the local substance misuse strategy and implementation plan. They should also ensure strategic join up, and ensure common purpose reflected in strategy and commissioning.
2. **Planning and commissioning services:** The partnership must be up to date with the needs of the local substance misusing population and in a position to address the needs of all at risk groups, including offenders, homeless people and those with complex needs. More must be understood about the new and

emerging groups such as club-drug users and older adults. There must also be an updated plan for preventing and reducing alcohol related harm.

3. **Data and Intelligence:** Routine, co-ordinated data sharing across local alcohol partners should be used to inform strategic planning and operational service delivery and relevant indicators of alcohol related harm should also be reflected in KPI dashboards across partnership boards.
4. **Alcohol Licensing:** Influencing local licencing policy is one of the most effective ways to prevent alcohol related harm. It is recommended that there should be improved recognition of alcohol-related harm in the local licensing policy with a commitment to use local crime, health and social care data to inform policy and planning.

The full report can be found here:

[http://barnet.moderngov.co.uk/documents/s49121/e\\_item8\\_Barnet%20Public%20Health%20Update.pdf](http://barnet.moderngov.co.uk/documents/s49121/e_item8_Barnet%20Public%20Health%20Update.pdf)

## **B. Alcohol misuse impact in Burnt Oak Report**

In the last 12 months Burnt Oak has the second highest rate of alcohol related ASB related calls to the police and the highest alcohol related violent crimes in Barnet borough. In both cases rates are significantly higher in Burnt Oak than the Barnet borough average. Alcohol related ambulance callouts and violence against person crime peak from around 2200 hours to after midnight. A correlation to Burnt Oak night time economy.

Alcohol related anti-social behaviour peak days are Friday, Saturday and Sunday Underage drinking cases have reduced across the borough by 50% in Qtr 4 compared to the previous 3 months. No report of underage drinking reported from Burnt Oak in a space of 6-month to date.

Alcohol related ambulance callouts, alcohol related crimes and alcohol related anti-social behaviour hotspots are in close proximity to licensed premises.

The London Ambulance Service attendances to alcohol related illness, alcohol related violent crime and alcohol related ASB hotspot is Watling Avenue and its surrounding streets.

### **Impact of Burnt Oak crime and disorder on emergency services**

For the purpose of this topic, Crime and ASB related incidents in Burnt Oak have been grouped into quarters (Dec 2017-Feb 2018 = Q1, Mar – May = Q2, Jun – Aug = Q3 and Sep -Nov = Q4).

#### **Metropolitan Police**

- Anti-social behaviour in Burnt Oak has reduced by 4% in Qtr4 compared to the previous 3 months.
- However, crimes in general in Burnt Oak have increased by 8% compared to the previous 3 months.
- Burnt Oak is in the worst 10 of crime rate per 1000 population in the borough.
- Violence Against the Person is the top for alcohol related crimes in the last 12 months in Burnt Oak.
- During the last 12 months, Burnt Oak accounted for 6% of the total number of ASB related calls to the police
- The total number of ASB related calls where alcohol is one of the contributing factors is higher by 3 incidents in Q4 compared to the previous 3 months – Q3. This translates as 33% increase.
- During Q4 of 2018, 5% of the total number of crimes in Barnet borough and 5% of the total number of emergency calls to police were accounted in Burnt Oak.

#### **London Ambulance Service (LAS)**

- Burnt Oak is the second highest ward for calls to the London Ambulance Service (2,354 calls between Jan and Oct 2018), but the fifth largest in the number of alcohol related calls.

#### **London Borough of Barnet Noise Team**

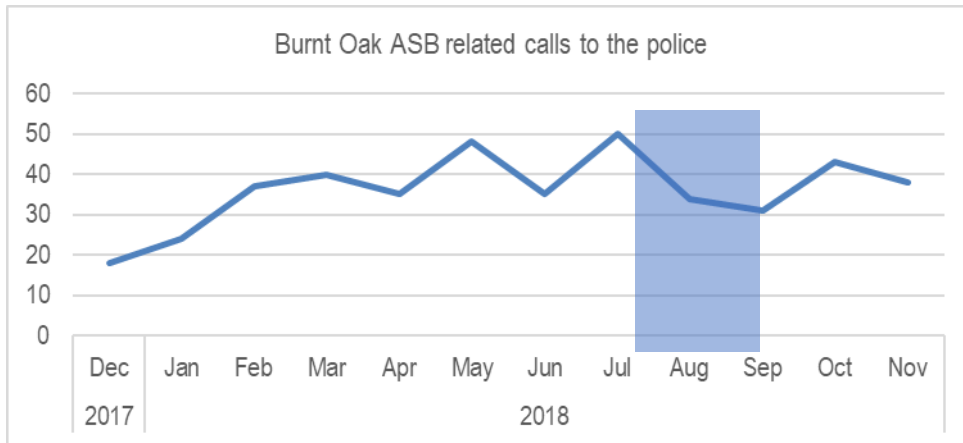
- During the last 12 months, Burnt Oak Commercial noise related nuisance cases (Commercial Alarm, Construction, Deliveries or Collections, Loud Music Commercial) are the lowest compared to the rest of the borough.

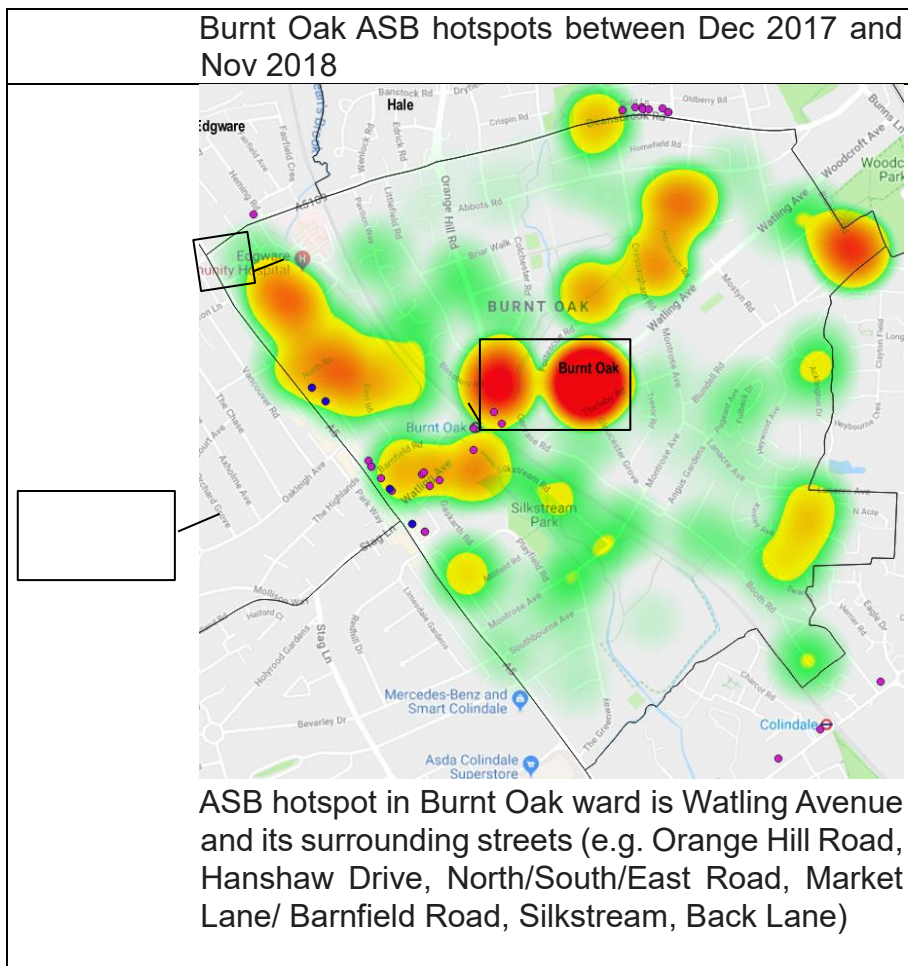
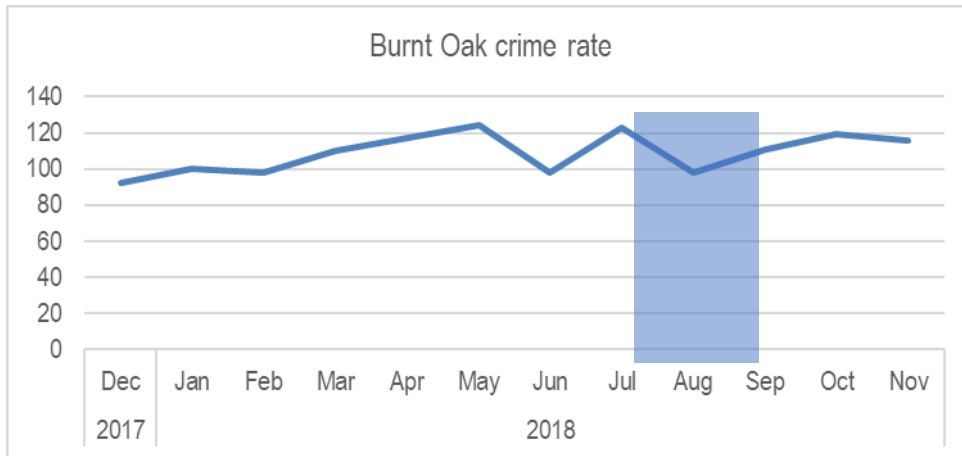
- Commercial noise related nuisance cases have significantly reduced in Burnt Oak due to none being reported in Q4, compared to 2 cases reported in Q3

### Street drinking

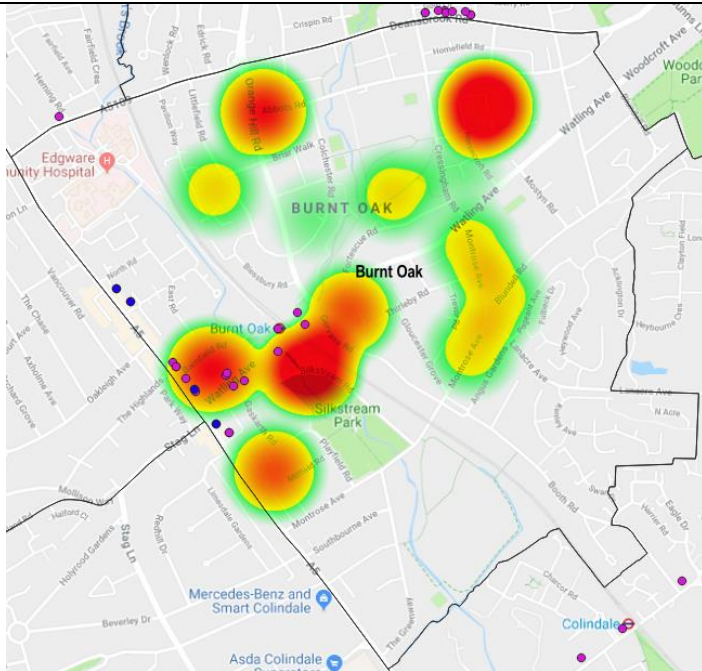
- Street drinking activities have significantly reduced in Burnt Oak, due to no report of street drinking in Q4 compared to 5 incidents reported in Q3.

### Data:





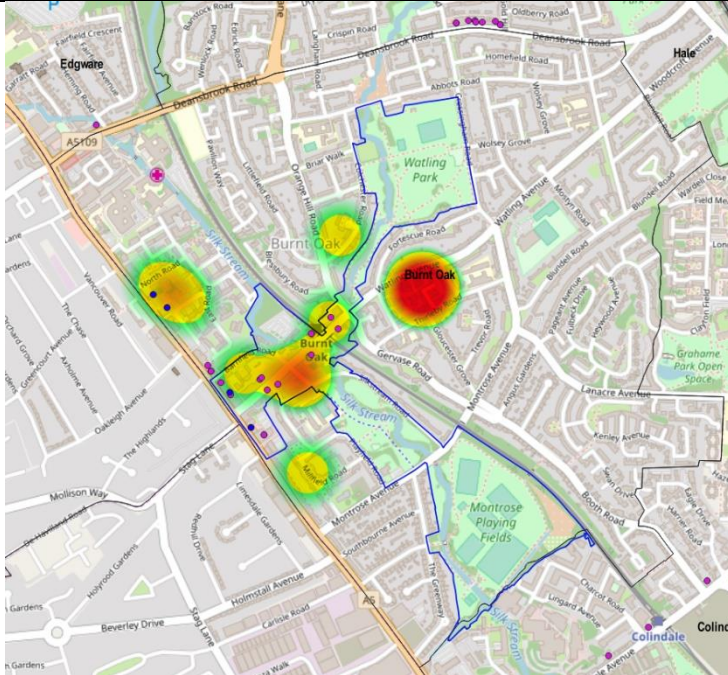
## 12-month alcohol related violent crimes in Burnt Oak



The violent crimes hotspot where victim and/or suspect had been drinking prior to the offence are in close proximity to licensed premises, especially off licence premises.



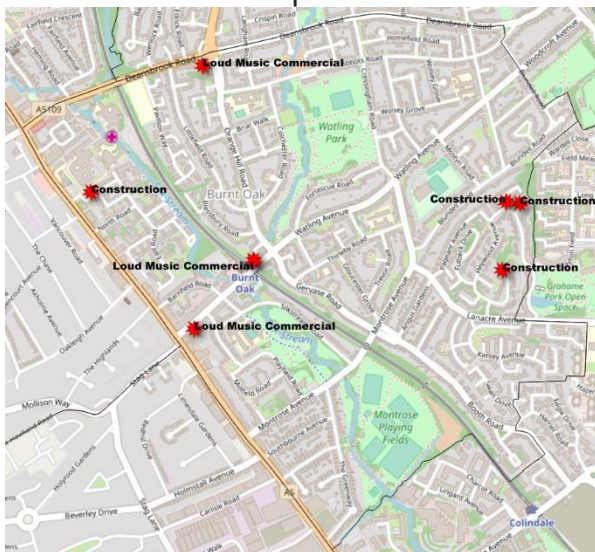
**Q4 Alcohol related ASB overlaid on Burnt Oak PSPO**



Alcohol related calls to the police are still noticeable within the perimeters of Burnt Oak PSPO boundary, however these incidents have significantly reduced compared to the previous 3 months.

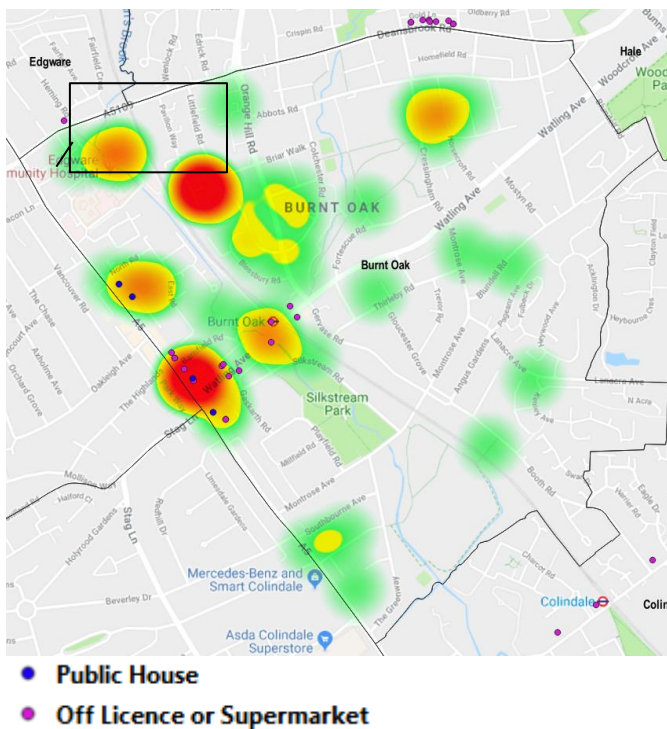
**12 months Commercial noise nuisance (Dec 2017 and Nov 2018)**

Commercial noise nuisance is not a major concern in Burnt Oak. 8 incidents in the last 12 months and were isolated. No repeat venue or offender found.





## 12 months Alcohol related incident attendances by London Ambulance Service (Jan-Oct 2018)



Watling Avenue and its surrounding streets (e.g. Market Lane/ Barnfield Road, Silkstream, Back Lane) and in and around Orange Hill Road are the hotspots. Licensed establishments are common in Watling Avenue.

### Exploring ways to improve the services we provide

#### Current action

The council and Burnt Oak SNT have worked together in obtaining evidence of ASB in order to obtain the legal requirement and funding for a gating order to be put into place so the two public stairwells in Watling Avenue which were the location for the highest amount of ASB could be closed off.

#### Operational Partnership

**This is already an ongoing partnership operation by Barnet Council (Community Safety, Regulatory Service) working with Burnt Oak SNT, NSL (enforcement agency) Westminster Drugs.**

#### **d. Public Health Assessment October 2019**

Public Health have reviewed the evidence supplied as part of the consultation and the map of the proposed CIZ. Public Health would like to suggest that in addition to the introduction of a CIZ, consideration is given to other interventions, such as a forum for Responsible Authorities to meet and discuss licensing issues, increased provision of outreach work from substance misuse services across Barnet and work with retailers within the proposed CIZ area. This should assist in ensuring that residents in Barnet see a reduction in alcohol related issues.

Public Health would also like to add to the evidence base in relation to the need for a CIZ in Burnt Oak. The information below on alcohol in Barnet and especially ambulance call outs data, could add weight to the arguments in favour of a CIZ in Burnt Oak.

For additional background data relating to alcohol use in Barnet overall, please see <https://www.barnet.gov.uk/health-and-wellbeing/health-and-wellbeing-key-documents/barnet-substance-misuse-needs-assessments>

Figure 1 below is taken from Public Health England's (PHEs), Local Alcohol Profile for England. This provides information on a range of indicators relating to alcohol and there is a comparison between Barnet and the England average. Figure 1 shows that Barnet is significantly better across all indicators than the average for England but this does not mean that Barnet has no issues with alcohol. For example, 1,068 years of life were lost due to alcohol in 2017 in Barnet and there were 1,576 admissions for alcohol related conditions (narrow measure see below) and 6,182 admission episodes for alcohol related conditions (broad measure see below).

### Figure 1: Barnet local alcohol profile indicators

\* a note is attached to the value, hover over to see more details

Compared with benchmark: ● Better ● Similar ● Worse ○ Not compared

Recent trends: - Could not be calculated ↑ Increasing / Getting worse ↑ Increasing / Getting better ↓ Decreasing / Getting worse ↓ Decreasing / Getting better → No significant change ↑ Increasing ↓ Decreasing



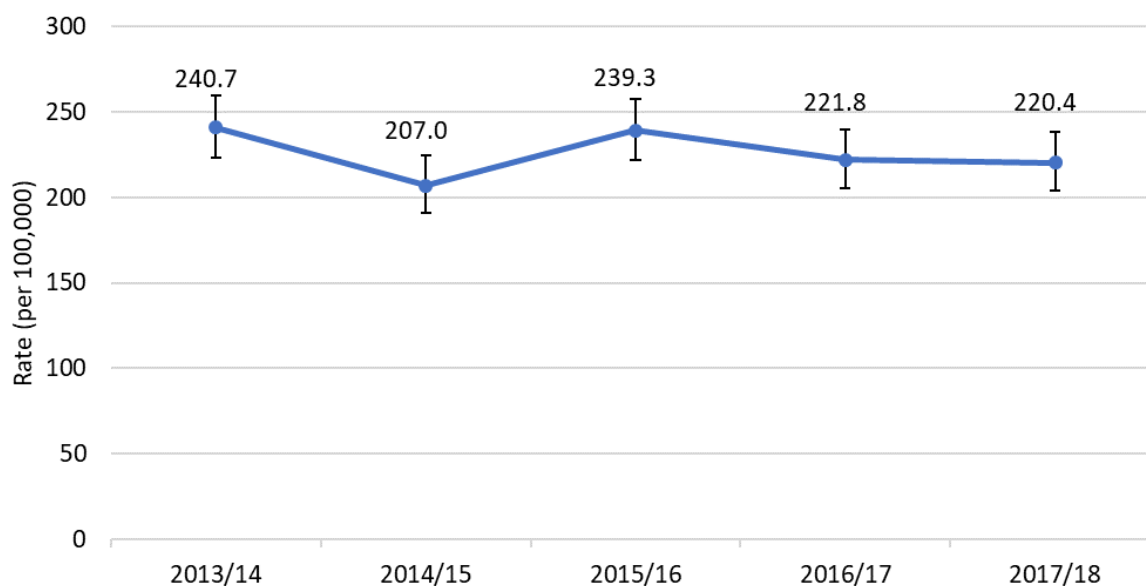
[Export table as CSV file](#)

Indicator	Period	Barnet		Region England			England		Best
		Recent Trend	Count	Value	Value	Value	Worst	Range	
1.02 - Years of life lost due to alcohol-related conditions (Persons)	2017	-	1,068	317	455	626	1,495		317
1.02 - Years of life lost due to alcohol-related conditions (Male)	2017	-	829	496	655	898	2,249		459
1.02 - Years of life lost due to alcohol-related conditions (Female)	2017	-	238	142	259	358	765		142
2.01 - Alcohol-specific mortality (Persons)	2015 - 17	-	40	4.0	7.9	10.6	30.1		4.0
2.01 - Alcohol-specific mortality (Male)	2015 - 17	-	31	6.5	11.7	14.5	39.8		6.3
2.01 - Alcohol-specific mortality (Female)	2015 - 17	-	9	*	4.3	7.0	20.7		3.3
3.01 - Mortality from chronic liver disease (Persons)	2015 - 17	-	53	5.5	9.5	12.2	33.9		5.5
3.01 - Mortality from chronic liver disease (Male)	2015 - 17	-	35	7.7	13.6	16.0	45.4		7.4
3.01 - Mortality from chronic liver disease (Female)	2015 - 17	-	18	3.4	5.8	8.6	22.6		3.4
4.01 - Alcohol-related mortality (Persons)	2017	-	93	29.3	38.5	46.2	84.6		28.8
4.01 - Alcohol-related mortality (Male)	2017	-	62	43.3	56.2	66.5	123.8		41.5
4.01 - Alcohol-related mortality (Female)	2017	-	31	17.6	23.6	28.8	48.6		17.6
10.01 - Admission episodes for alcohol-related conditions (Narrow) (Persons)	2017/18	-	1,576	466	533	632	1,097		394
10.01 - Admission episodes for alcohol-related conditions (Narrow) (Male)	2017/18	-	990	627	704	809	1,390		472
10.01 - Admission episodes for alcohol-related conditions (Narrow) (Female)	2017/18	-	586	327	381	473	824		256
9.01 - Admission episodes for alcohol-related conditions (Broad) (Persons)	2017/18	-	6,182	1,949	2324	2224	3,430		1,412
9.01 - Admission episodes for alcohol-related conditions (Broad) (Male)	2017/18	-	4,090	2,844	3288	3051	4,833		1,864
9.01 - Admission episodes for alcohol-related conditions (Broad) (Female)	2017/18	-	2,092	1,209	1517	1513	2,403		910
6.02 - Admission episodes for alcohol-specific conditions (Persons)	2017/18	-	1,348	403	544	570	1,486		311
6.02 - Admission episodes for alcohol-specific conditions (Male)	2017/18	-	999	635	828	791	2,143		287
6.02 - Admission episodes for alcohol-specific conditions (Female)	2017/18	-	349	191	283	361	892		131

## Alcohol-related ambulance callout data

Ambulance service data can provide a sense of the scale of alcohol issues in a local area. The data below was obtained from the Safe Stats website and population data was gained from the Greater London Authority (GLA) and the Office of National Statistics (ONS). Figure 2 below provides information relating to alcohol related ambulance call outs for adults in Barnet between the years of 2013 to 2018. It shows that the rate per 100,000 in Barnet fluctuates but overall it has remained similar as the confidence intervals surrounding the actual figures overlap across all years.

**Figure 2: Alcohol-related ambulance callouts for Barnet adults, 2013/14–2017/18<sup>1</sup>**

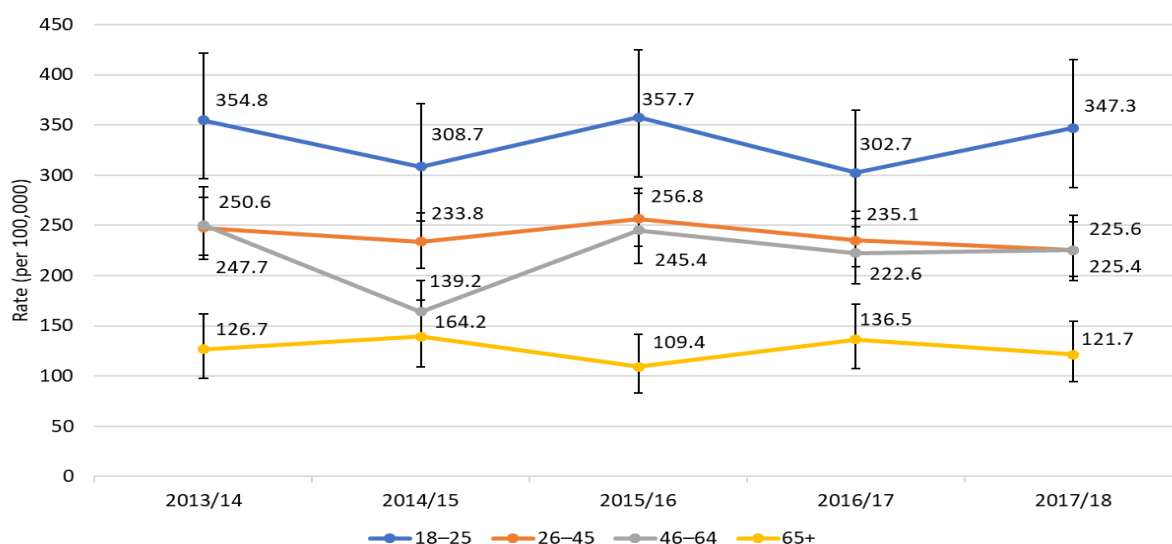


Looking at the rate per 100,000 of alcohol related ambulance call outs for Barnet residents by age ranges produced Figure 3 below. The Figure appears to show that the highest rate of ambulance call outs between 2013/14 and 2017/18 was in the 18-25-year-old groups, but during 2014/15 and 2016/17 this conclusion is questionable, due to the confidence intervals overlapping with the 26-45-year-old age group. In addition, the confidence intervals around the rate for 26-45-year olds

<sup>1</sup> Greater London Authority (Safestats), Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables)

between 2013/14 and 2017/18 crosses the rate for 46-64-year olds across all years, apart from during the years of 2014/15. Due to the number of confidence intervals that overlap in Figure 3 below, it is difficult to draw any firm conclusions from this data.

**Figure 3: Alcohol-related ambulance callouts for Barnet adults, by age, 2013/14–2017/18<sup>2</sup>**

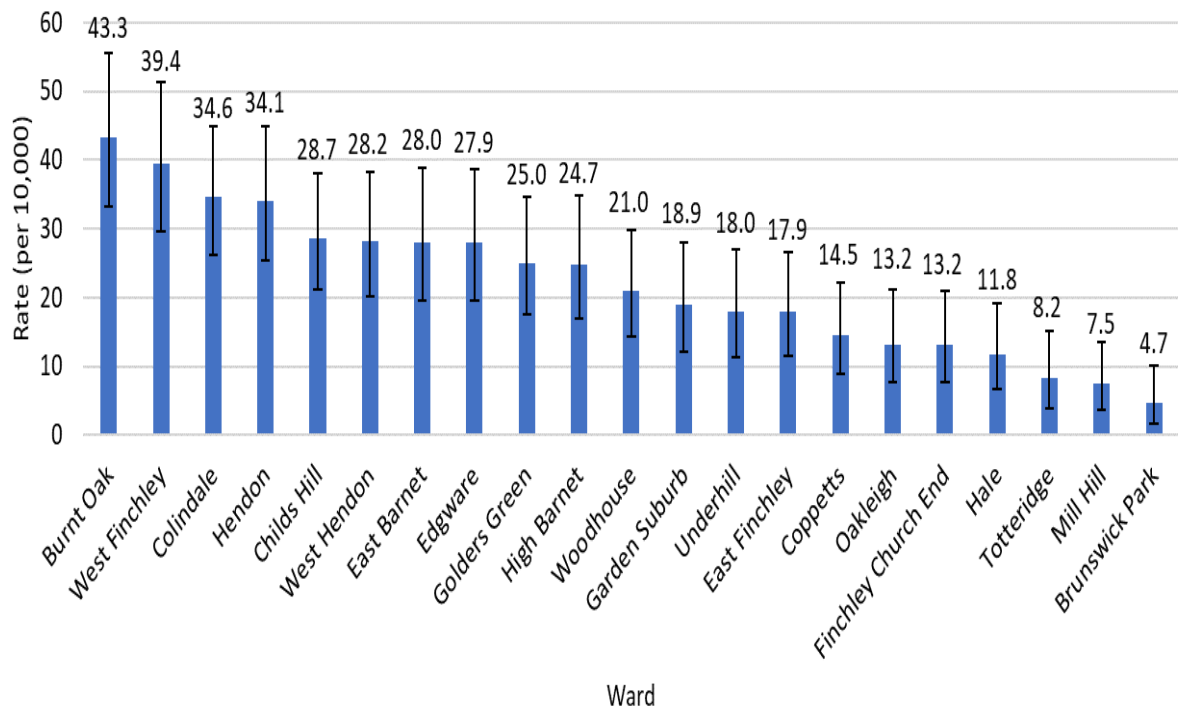


In the final Figure in this section, the ward location of the Barnet call outs during the years of 2017/18 was plotted as a rate per 100,000. The highest rates of ambulance call outs appear to be in Burnt Oak ward, however, when consideration is given to the confidence interval surrounding this rate, this conclusion cannot be made due to overlaps with the confidence interval around the second highest ward of West Finchley. There is also overlap in the confidence intervals around the rates for Burnt Oak, West Finchley and the third highest ward rate for Colindale. The wards with the lowest rates are listed in this Figure as Totteridge, Mill Hill and Brunswick Park, again due to overlapping confidence intervals, this should be viewed with caution. Please note that data on ambulance call out rates, could be a reflection of a number of issues not related to alcohol consumption by residents

<sup>2</sup> Source: Greater London Authority (Safestats), Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables)

who live in these wards. For example, the location of on trade licensed premises could influence the data.

**Figure 4: Alcohol-related ambulance call outs for Barnet adults, by ward, 2017/18**



Although the figures relating to alcohol harm in Barnet appear to not be significantly increasing there is still evidence that alcohol related health harms are not reducing either. The area of Burnt Oak, where the CIZ is proposed appears to have the highest numbers of ambulance related call outs in Barnet (although not statistically significant) and Public Health are supportive of the introduction of a CIZ for this reason.

<sup>3</sup> Source: Greater London Authority (Safestats), Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables)

## Appendix 2 Consultation Document

### CIZ Consultation document – Burnt Oak

In early 2019 a comprehensive review of the London Borough of Barnet's policies was undertaken on initiatives related to Licensing Act 2003 ("the Act") that could positively impact on alcohol-related harm and anti-social behaviour. Burnt Oak Ward was identified as an alcohol related violence/crime hotspot. Following the review, the Licensing Committee determined there was evidence to support the consideration of a Cumulative Impact Zone.(CIZ)

A CIZ is used where the Licensing Authority recognises that there is such a cumulative effect from the number of licensed premises in an area which is contributing to alcohol related harm. In these circumstances, the Licensing Authority considers that the imposition of conditions alone is unlikely to address the apparent problems and therefore designates an area or zone whereby there will be a presumption that new premises licence or club premises certificate applications, or applications to materially vary a premises licence, will be refused.

CIZs can help to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

CIZs affect applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in the specified area. Temporary event notices are not affected.

While the evidence underpinning the publication of a cumulative impact assessment (CIA) should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the Act. Each decision in an area still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives.

There must be a good evidential basis for a decision to publish a CIA. Information which licensing authorities may be able to draw on includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;



- evidence from local and parish councillors; and
- evidence obtained through local consultation

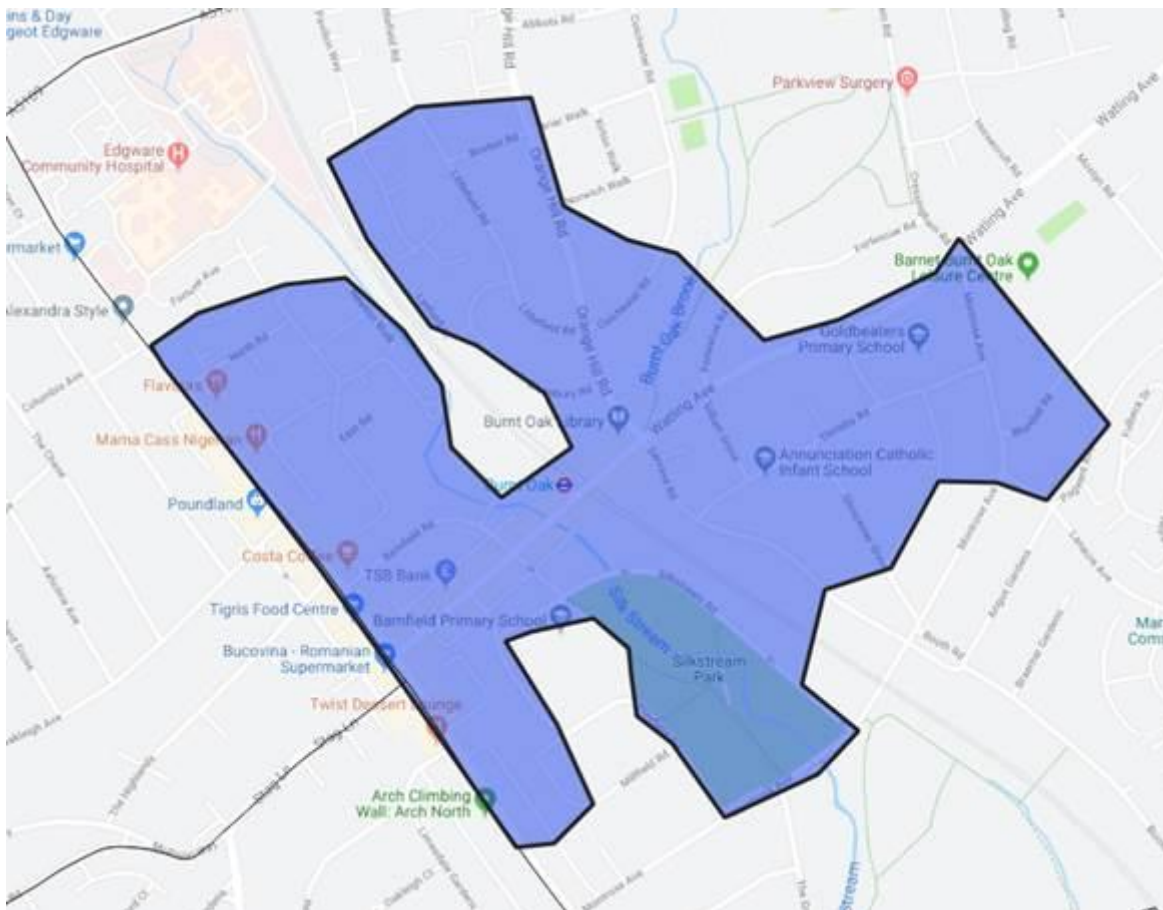
The evidence to support this consultation can be found below. This evidence must justify that it is likely that granting further premises licences and/or club premises certificates in that area, would be inconsistent with the authority’s duty to promote the licensing objectives.

**Evidence to support consideration on the Cumulative Impact Zone**

(The consultation document contained the evidence in Appendix 1 Section D related to the Alcohol misuse impact in Burnt Oak Report)

**Area proposed for CIZ**

The area that the CIZ is proposed can be found here:



**Appendix 3 – Consultation responses**



<b>Consultee</b>	<b>Support/Does not support</b>	<b>Further Comments</b>
<b>Responsible Authority - Police</b>	<b>Support</b>	<b>N/A</b>
<b>Licensed premises in Burnt Oak</b>	<b>Support</b>	<b>Feels that LBB and the police have made a positive impact on Burnt oak</b>
<b>Licensed premises in Burnt Oak</b>	<b>Support</b>	<b>Feels they are a responsible retailer and this will protect the area from irresponsible retailers.</b>
<b>Licensed premises in Burnt Oak</b>	<b>Support</b>	<b>N/A</b>
<b>Licensed premises in Burnt Oak</b>	<b>Support</b>	<b>N/A</b>
<b>Responsible Authority - Licensing</b>	<b>Support</b>	<b>N/A</b>
<b>Responsible Authority – Public Health</b>	<b>Support</b>	<b>See below. This has been incorporated into the assessment document that will be published as part of the licensing Policy</b>

Consultation response from Public Health to the proposed Cumulative Impact Zone in Burnt Oak by Linda Somerville

October 2019

The Public Health team welcome the proposed Cumulative Impact Zone in Burnt Oak. Any intervention to reduce anti-social behaviour and improve the area for local residents should be supported. Although the Cumulative Impact Zone (CIZ) may not initially impact on the number of licensed premises in the area (due to the CIZ only applying to new licensing applications), Public Health feel that in the medium to longer term the CIZ will be beneficial to the Burnt Oak area.

Public Health have reviewed the evidence supplied as part of the consultation and the map of the proposed CIZ. Public Health would like to suggest that in addition to the introduction of a CIZ, consideration is given to other interventions, such as a forum for Responsible Authorities to meet and discuss licensing issues, increased provision of outreach work from substance misuse services across Barnet and work with retailers within the proposed CIZ area. This should assist in ensuring that residents in Barnet see a reduction in alcohol related issues.

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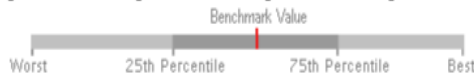
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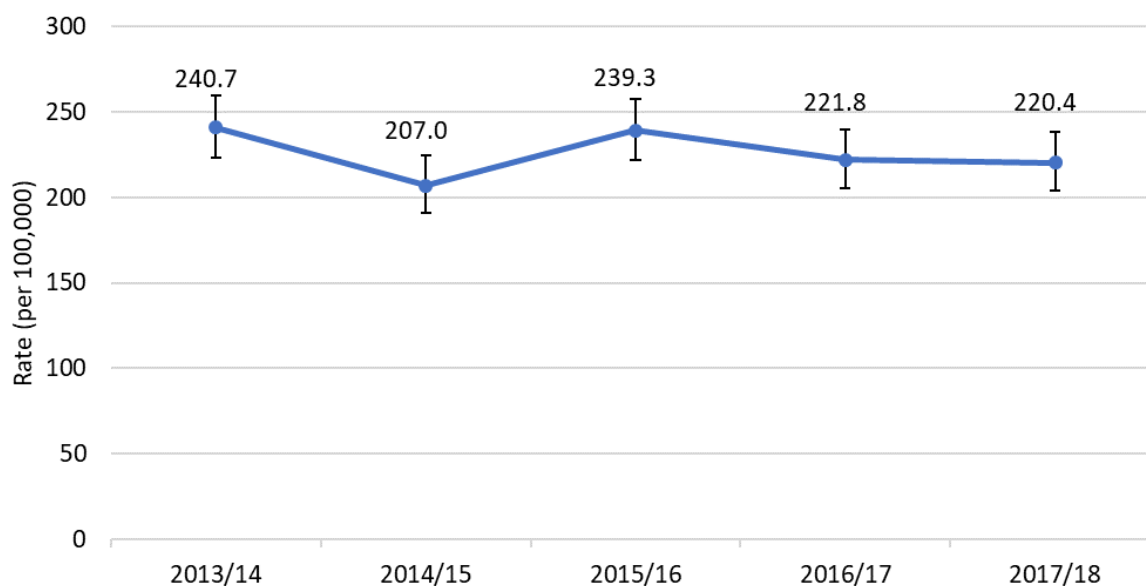
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10.01 - Admission episodes for alcohol-related conditions (Narrow) (Persons)	2017/18	-	1,576	466	533	632	1,097		394
10.01 - Admission episodes for alcohol-related conditions (Narrow) (Male)	2017/18	-	990	627	704	809	1,390		472
10.01 - Admission episodes for alcohol-related conditions (Narrow) (Female)	2017/18	-	586	327	381	473	824		256
9.01 - Admission episodes for alcohol-related conditions (Broad) (Persons)	2017/18	-	6,182	1,949	2324	2224	3,430		1,412
9.01 - Admission episodes for alcohol-related conditions (Broad) (Male)	2017/18	-	4,090	2,844	3288	3051	4,833		1,864
9.01 - Admission episodes for alcohol-related conditions (Broad) (Female)	2017/18	-	2,092	1,209	1517	1513	2,403		910
6.02 - Admission episodes for alcohol-specific conditions (Persons)	2017/18	-	1,348	403	544	570	1,486		311
6.02 - Admission episodes for alcohol-specific conditions (Male)	2017/18	-	999	635	828	791	2,143		287
6.02 - Admission episodes for alcohol-specific conditions (Female)	2017/18	-	349	191	283	361	892		131

## Alcohol-related ambulance callout data

Ambulance service data can provide a sense of the scale of alcohol issues in a local area. The data below was obtained from the Safe Stats website and population data was gained from the Greater London Authority (GLA) and the Office of National Statistics (ONS). Figure 2 below provides information relating to alcohol related ambulance call outs for adults in Barnet between the years of 2013 to 2018. It shows that the rate per 100,000 in Barnet fluctuates but overall it has remained similar as the confidence intervals surrounding the actual figures overlap across all years.

**Figure 2: Alcohol-related ambulance callouts for Barnet adults, 2013/14–2017/18<sup>4</sup>**

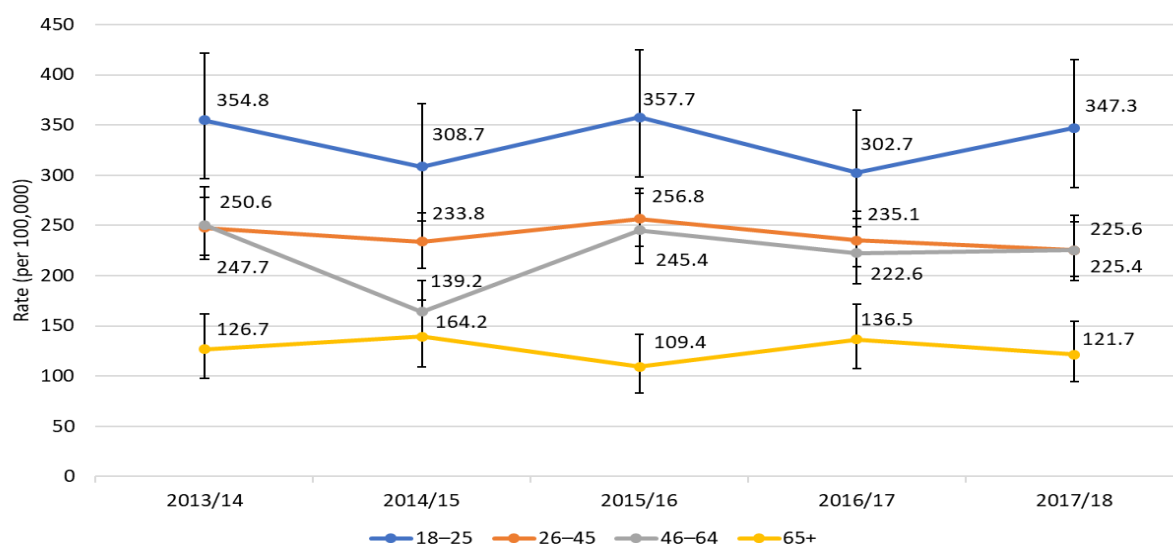


Looking at the rate per 100,000 of alcohol related ambulance call outs for Barnet residents by age ranges produced Figure 3 below. The Figure appears to show that the highest rate of ambulance call outs between 2013/14 and 2017/18 was in the 18-25-year-old groups, but during 2014/15 and 2016/17 this conclusion is questionable, due to the confidence intervals overlapping with the 26-45-year-old age group. In addition, the confidence intervals around the rate for 26-45-year olds

<sup>4</sup> Greater London Authority (Safestats), Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables)

between 2013/14 and 2017/18 crosses the rate for 46-64-year olds across all years, apart from during the years of 2014/15. Due to the number of confidence intervals that overlap in Figure 3 below, it is difficult to draw any firm conclusions from this data.

**Figure 3: Alcohol-related ambulance callouts for Barnet adults, by age, 2013/14–2017/18<sup>5</sup>**

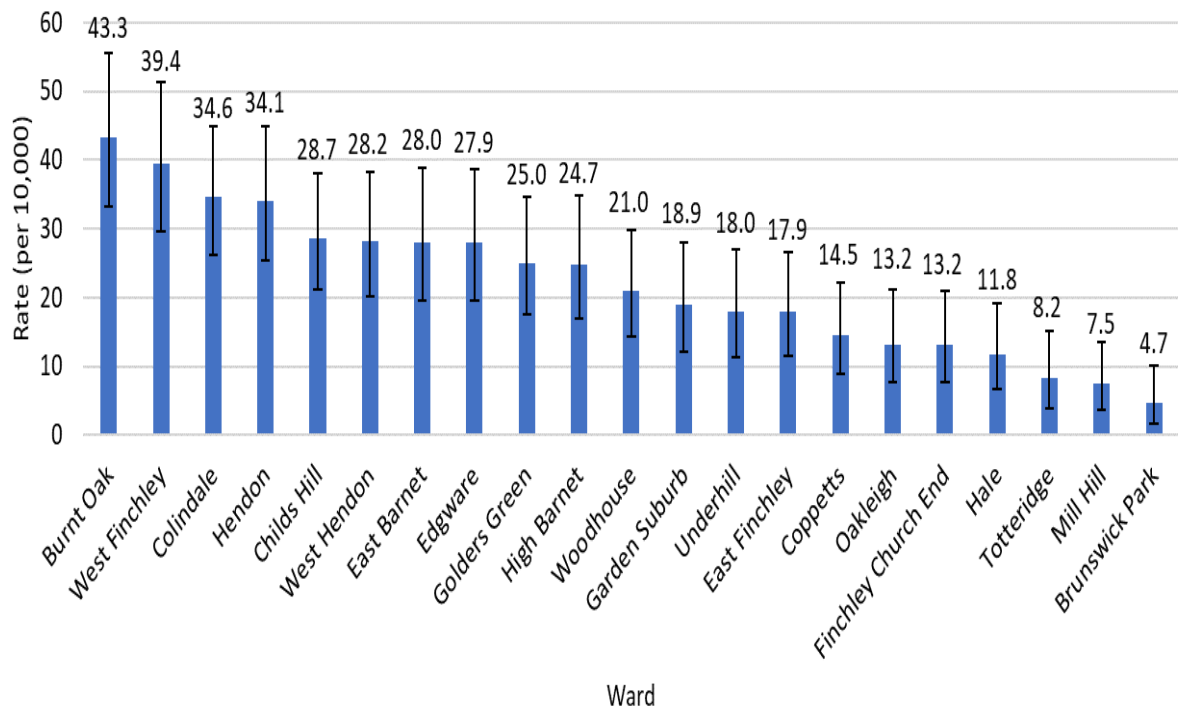


In the final Figure in this section, the ward location of the Barnet call outs during the years of 2017/18 was plotted as a rate per 100,000. The highest rates of ambulance call outs appear to be in Burnt Oak ward, however, when consideration is given to the confidence interval surrounding this rate, this conclusion cannot be made due to overlaps with the confidence interval around the second highest ward of West Finchley. There is also overlap in the confidence intervals around the rates for Burnt Oak, West Finchley and the third highest ward rate for Colindale. The wards with the lowest rates are listed in this Figure as Totteridge, Mill Hill and Brunswick Park, again due to overlapping confidence intervals, this should be viewed with caution. Please note that data on ambulance call out rates, could be a reflection of a number of issues not related to alcohol consumption by residents

<sup>5</sup> Source: Greater London Authority (Safestats), Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables)

who live in these wards. For example, the location of on trade licensed premises could influence the data.

**Figure 4: Alcohol-related ambulance call outs for Barnet adults, by ward, 2017/18**



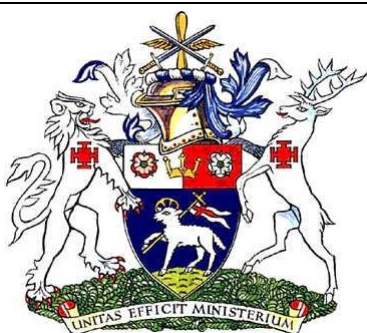
Although the figures relating to alcohol harm in Barnet appear to not be significantly increasing there is still evidence that alcohol related health harms are not reducing either. The area of Burnt Oak, where the CIZ is proposed appears to have the highest numbers of ambulance related call outs in Barnet (although not statistically significant) and Public Health are supportive of the introduction of a CIZ for this reason.

<sup>6</sup> Source: Greater London Authority (Safestats), Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables)



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**Council**  
**28 January 2020**

<b>Title</b>	<b>Report of the Licensing Committee – Proposed adoption of the Licensing Policy 2020-2025</b>
<b>Report of</b>	Chairman of Licensing Committee
<b>Wards</b>	All
<b>Status</b>	Public
<b>Enclosures</b>	Annex A – Report of the Licensing Committee - Proposed adoption of the Licensing Policy 2020-2025 Appendix 1 - Licensing Policy Appendix 2 - Consultation responses
<b>Officer Contact Details</b>	Jan Natynczyk – Governance Officer Jan.natynczyk@barnet.gov.uk

### Summary

The Licensing Committee at its meeting on 12 November 2019, recommend that this policy be adopted at the next full meeting of the Council.

### Recommendations

1. That Council consider adopting this policy.

**1. WHY THIS REPORT IS NEEDED**

1.1 As set out in the attached substantive report.

**2. REASONS FOR REFERRAL**

2.1 To request Council to consider adopting this policy.

**3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 As set out in substantive report.

**4. POST DECISION IMPLEMENTATION**

4.1 As set out in substantive report.

**5. IMPLICATIONS OF DECISION**

**5.1 Corporate Priorities and Performance**

5.1.1 As set out in substantive report.

**5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 As set out in substantive report.

**5.3 Legal and Constitutional References**

5.3.1 There is a constitutional requirement for this matter to be referred to Council for adoption.

**5.4 Risk Management**

5.4.1 As set out in substantive report.

**5.5 Equalities and Diversity**

5.5.1 As set out in substantive report.

**5.6 Corporate Parenting**

5.6.1 As set out in substantive report.

**5.7 Consultation and Engagement**

5.7.1 As set out in substantive report.

## **6. BACKGROUND PAPERS**

6.1 None.

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## Licensing Committee

11 November 2019

<b>Title</b>	<b>Proposed adoption of the Licensing Policy 2020-2025</b>
<b>Report of</b>	Commissioning Director for Environment
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	<b>Annex 1 – Proposed revised policy</b> <b>Appendix 2 – Summary of responses to the Consultation</b>
<b>Officer Contact Details</b>	Emma Phasey Group Manager, Commercial Premises <a href="mailto:Emma.phasey@barnet.gov.uk">Emma.phasey@barnet.gov.uk</a>

### Summary

The Licensing Act 2003 places a responsibility on all licensing authorities to publish a licensing policy every 5 years. The Council, being a licensing authority, has a current policy which came into effect from January 2015. This report relates to the outcome of the recent consultation in relation to a new policy to take effect in January 2020.

### Officers Recommendations

1. For the proposed policy in Appendix 1 to be approved by the Committee
2. That the Committee recommend that this policy be adopted at the next full meeting of the Council

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 Pursuant to the Licensing Act 2003 ('the Act'), the Council is the licensing authority with responsibility for issuing licences under the Act for licensable activities in the Borough.
- 1.2 In accordance with the Act, the Council must prepare, consult on and publish a Licensing Policy which it proposes to have regard to when exercising relevant functions.
- 1.3 The proposed new policy is attached at Appendix 1. This policy must be reviewed at least every 5 years. The policy was last reviewed in January 2015 therefore it must be reviewed before January 2020.
- 1.4 A consultation was undertaken on whether to adopt the Council's draft statement of licensing policy from 19<sup>th</sup> August 2019 until 11<sup>th</sup> October 2019. Information on this consultation can be found in paragraph 5.8. Two responses were received and can be found in Appendix 2. Amendments have been made to the draft policy as a result of the responses received. This is outlined in Appendix 2.
- 1.5 Following consideration of the responses in Appendix 2 it is recommended that the Licensing Committee adopt that proposed licensing policy.
- 1.6 This policy must be kept under review by the licensing authority and may be changed at any time after adoption (after further consultation), and must be renewed at intervals of not less than five years.

## **2 REASONS FOR RECOMMENDATIONS**

- 2.1 The local authority is required, under the Licensing Act 2003, to prepare and publish a statement of policy in relation to the exercise of its functions under the Act. This policy must be reviewed at least every 5 years therefore the policy must be reviewed before January 2020.

## **3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Committee could consider not consulting on the proposed policy, however the legislation states that the policy must be reviewed and consulted on before the 5 year period ends. This is January 2020 therefore there is no legal alternative.

## **4 POST DECISION IMPLEMENTATION**

- 4.1 The Committee are being asked to recommend that the Policy be adopted at the next meeting of the full Council to come into effect in January 2020.

## **5 IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 This review of licensing policy supports the corporate priority of “Safe and strong communities where people get along”.
- 5.1.2 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within the corporate plan. In particular it promotes delivering “quality services and striving to continually improve the standard of services”

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Administration and enforcement of the Licensing Act will be carried out by the Licensing team, together with support from Legal Services and from Governance Services. The cost of the administration and enforcement of the legislation will be offset by income received within this service. There are no further cost implications in reviewing the licensing policy.
- 5.2.2 Fees are kept under constant review to ensure that they accurately reflect recovery of costs incurred in administration of the licence process and compliance checks.

### **5.3 Social Value**

- 5.3.1 The Licensing policy supports all three pillars of social value. It helps support the local economy and economic growth by encouraging well run, compliant businesses to the Borough. By strongly upholding the licensing objectives the policy positively impacts on the environment and contributes to a vibrant and healthy community.

### **5.4 Legal and Constitutional References**

- 5.4.1 Pursuant to s.5 of the Licensing Act 2003, the licensing authority is required to determine its licensing policy in regard to the exercise of its licensing functions and publish the policy every 5 years from the date of publication of the previous licensing policy.
- 5.4.2 Before publishing the policy, the licensing authority must consult the following:
  - (a) The chief officer of Police for the Barnet area
  - (b) The fire and rescue authority
  - (c) Barnet’s Director of Public Health
  - (d) Licence holders of premises licences
  - (e) Holders of club premises certificates
  - (f) Personal licence holders and
  - (g) Businesses and residents within the London Borough of Barnet

- 5.4.3 Under the Licensing Act there are four statutory objectives to be met through licensing:
- (1) Protection Children from harm
  - (2) Prevention of nuisance
  - (3) Public Safety
  - (4) Prevention of crime and disorder

A good policy ensures that these objectives are promoted by the London Borough of Barnet.

- 5.4.4 Section 5A of the Licensing Act 2003 states the Council as the licensing authority may publish a Cumulative Impact Assessment (“CIA”) and sets out the information required by that section. This may allow the licensing authority to help to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licenced premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 5.4.5 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council’s Constitution states that the Licensing Committee is responsible for, “all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.”
- 5.4.6 Article 2 of the Council’s Constitution defines a key decision as one which will result in the Council incurring expenditure or savings of £500,000 or more, or is significant in terms of its effects on communities living or working in an area comprising two or more Wards.

## **5.5 Risk Management**

- 5.5.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised.

## **5.6 Equalities and Diversity**

- 5.6.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
- 5.6.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority’s policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

## **5.7 Corporate Parenting**



5.7.1 Not relevant to this report.

## **5.8 Consultation and Engagement**

5.8.1 The consultation document was sent to the all responsible authorities. It was also sent to councillors.

5.8.2 The consultation was also be published on London Borough of Barnet's online website and on the Engage Barnet portal.

5.8.3 A selection of licence holders were contacted in writing in relation to the proposed changes

5.8.4 All replies received have been taken into account

## **5.9 Insight**

5.9.1 Not relevant to this report.

## **6 BACKGROUND PAPERS**

Statutory Guidance issued under section 182 Licensing Act 2003 (April 2018)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

Licensing Act 2003

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**STATEMENT OF  
LICENSING POLICY  
LONDON BOROUGH OF BARNET**

**January 2020**

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## 1. Introduction

- 1.1 The London Borough of Barnet covers an area of 8,675 hectares and has a population of approximately 400,600, which is the largest of all the London Boroughs.
- 1.2 Within Barnet there is considerable variation in the size of wards, so it is useful to look at the population density of each ward to gain a deeper understanding of the distribution of population within the borough. In 2018, Colindale is projected to be the most densely populated borough with 10,215 residents per km<sup>2</sup>, which is considerably higher than the average population density of the borough (5,574 residents per km<sup>2</sup>). In contrast, both Totteridge and High Barnet have population densities of less than 2,000 residents per km<sup>2</sup>. With the exception of Garden Suburb, the wards with the highest population densities are concentrated in the south of the borough and those with the lower population densities tend to be in the north of Barnet
- 1.3 The Borough is mainly urban in character, being made up of a number of separate retail and commercial centres each surrounded by residential accommodation. However 28% of the borough is greenbelt with over 200 parks and greenspaces.
- 1.4 The Barnet Corporate plan 2019-2024 sets out the vision for the next 5 years. The 3 outcomes identified for the borough focus on place, people and communities. These are:
  - a pleasant, well maintained borough that we protect and invest in
  - our residents live happy, healthy, independent lives with the most vulnerable protected
  - safe and strong communities where people get along well
- 1.5 The Licensing Policy under the Licensing Act 2003 has a role to play in promoting these outcomes and ensuring, where applicable, that it is achieved, subject to the requirements of the legislation and statutory guidance.
- 1.6 The London Borough of Barnet supports a diverse and vibrant daytime, evening and night economies all complementing and benefitting from each other.
- 1.7 Local licensed premises need to operate and flourish within the requirements of relevant licensing legislation, statutory guidance and the local licensing policy but effective management and partnership working with other businesses, regulators and other relevant stakeholders should ensure this is achieved. Barnet has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces.

- 1.8 London is a 24 hour City. The Mayor of London has published the document entitled 'A Vision for London as a 24 Hour City' (available from London.gov.uk), which sets out the Mayor's desire to see creativity and talent flourish and which also acknowledges the economic benefits that a vibrant and diverse night time economy can bring. Encouraging and permitting such an economy needs to be balanced against the needs and rights of residents and other businesses and to ensure that where premises provide licensable activities, this is done in a way that promotes the four licensing objectives in the Act. **The London Borough of Barnet will ensure that premises are well managed to ensure compliance with the licensing objectives and that there is no increased noise, crime, anti-social behaviour, and to reduce any potential negative effects on the health and wellbeing of Londoners.**
- 1.9 Licensing is a balance and requires consideration of all these various, sometimes conflicting, needs.
- 1.10 For the purposes of this 'Statement of Licensing Policy', the licensing authority under the Licensing Act 2003 (the Act) is the London Borough of Barnet.
- 1.11 The Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 1.12 The London Borough of Barnet has produced this Licensing Policy Statement in accordance with the provisions of the Licensing Act 2003 and the guidance issued under Section 182 of the Act by the Home Office.
- 1.13 The aim of this licensing policy is to set out how the Licensing Authority, will seek to meet the four licensing objectives and has been devised based on best practice.
- 1.14 This policy succeeds Licensing Authority Policy statement dated January 2015 and whilst subject to on-going review will be in force for a period of 5 years from January 2020.

## **2. Scope**

- 2.1 The sale and supply of alcohol, the provision of regulated entertainment, and of late night refreshment play a key role in our economy and society and are activities which takes place throughout the Borough. How the Licensing Authority deals with this issue will impact on many residents and businesses.
- 2.2 The licensing policy will form an important part of the development strategy for the Borough and will work in connection with:
- The London Borough of Barnet Enforcement and Prosecution Policy

- The Human Rights Act 1998
- Crime and Disorder Act 1998
- Equality Act 2010 and other anti-discrimination legislation,
- Guidance issued by the Home Office on behalf of the Secretary of State under section 182 Licensing Act 2003
- Police Reform and Social Responsibilities Act 2011,
- Live Music Act 2012

\*The above is not an exhaustive list.

2.3 The licensing policy has 3 main purposes:

- To inform licence applicants of the parameters under which the Licensing Authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within an area<sup>1</sup>.
- To inform residents and business of the parameters under which the Licensing Authority will make licence decisions and therefore how their needs will be addressed.
- To assist the elected Members on the licensing Committee in relation to the powers of the Licensing Authority and the limits of those powers, and to provide them with parameters under which to make decisions.

2.4 The Licensing Authority is empowered under the Act to grant, review, vary, suspend or refuse premises licences, club premises certificates, personal licences and deal with temporary event notices in the Borough. The licensable activities dealt with by the licensing authority and set out in the act are as follows:

- The sale by retail of alcohol for consumption on or off the premises
- Supply of alcohol to club members
- Provision of “regulated entertainment” – to the public, to club members or with a view to profit. This includes the;
  - Performance of a play
  - Exhibition of a film
  - Indoor sporting events
  - Boxing or wrestling entertainment
  - Performance of live music
  - Playing recorded music
  - Performance of dance
- The provision of late night refreshment being the supply of hot food and/or drink from any premises between 11pm and 5am.

2.5 The Act divides licences into premises licences for the building and personal licences for each licensee.

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<sup>1</sup> Each case will be examined on its individual merits.

### **3. Development of this policy**

- 3.1 There are a number of groups who have a stake in licensing, including providers, customers, residents and regulators, all who have views and concerns that require consideration as part of the licensing function. Before publishing this licensing statement, the Licensing Authority consulted widely, including with the chief borough police officer, the chief officer of the London fire brigade and bodies representing local holders of premises licences, club premises certificates, personal licences and businesses and residents in the borough.
- 3.2 The Licensing Authority has given proper weight to the views of all the persons/bodies consulted before publishing this finalised licensing statement.

### **4. Fundamental Principles**

- 4.1 The Licensing Authority will carry out its various licensing functions ensuring it promotes the four licensing objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance, and
  - The protection of children from harm
- 4.2 The Licensing Authority is not expected to act as a responsible authority on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so.
- 4.3 However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as a responsible authority.
- 4.4 Any responsible authority may make representations with regard to any of the licensing objectives where it has evidence to support the same. It is also reasonable for the licensing authority to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority.

For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.



- 4.5 In determining a licence application the overriding principle will be that each application will be determined on its individual merits.
- 4.6 Nothing in the Licensing Policy will:
- Undermine the rights of any person to apply the Act for a variety of permissions and have the application considered on its individual merits.
  - Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 4.7 The decision taken by the Licensing Authority will be focused on matters that are within the control of the individual licensees and others granted relevant permissions in accordance with the legislation and Statutory Guidance. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. The Licensing Authority will focus on the direct impact of activities taking place at the licensed premises on both adults and children living in, working in or visiting the area concerned.
- 4.8 In taking its decisions, the Licensing Authority will take into account that licensing law is not the primary mechanism for the control of anti-social behaviour once individuals are beyond the direct control of the premises concerned. Nonetheless, licensing law will be part of a holistic approach to the management of the evening and night-time economy in town and city centres
- 4.9 Licence conditions imposed will be relevant to the individual application and appropriate to meet the licensing objectives. Licence conditions will not be imposed where other regulatory regimes, such as fire safety legislation, provide sufficient protection for patrons and other members of the public.
- 4.10 Individual applicants are expected to address the licensing objectives in their Operating Schedule within the context of the nature of the location, type of premises, regulated activities to be provided, operational procedures and the needs of the local community.
- 4.11 Where an application is made for a new or transfer and/or variation of a licence, in respect of premises that have closed and that closure was to a relevant extent as a consequence of crime and disorder and/or nuisance issues at the premises, the Licensing Authority would expect the applicant to make clear in their Operating Schedule how they will ensure the crime and disorder and public nuisance objectives will be met, bearing in mind any previous crime and disorder/nuisance concerns there may have been.
- 4.12 The Licensing Authority recommends that all applicants carry out sufficient risk assessments for the activities on their premises, and that the findings are put into practice. The Licensing Authority encourages applicants to carry out an assessment of the likely impact of the activities to be carried on at the premises, with a view to identifying any control measures that may be appropriate.

- 4.13 The Licensing Authority encourages applicants to send risk assessments as well as any other supporting documentation with the application.
- 4.14 Appropriate weight is given to all relevant representations made to the Licensing Authority. This does not include those representations which are considered to be frivolous, vexatious or repetitious, which will be disregarded.

## **5. Approach to licensing applications**

- 5.1 When exercising its licensing functions the Licensing Authority will not be influenced by the question of need. The question of whether or not there is a need for any particular premises is a commercial matter which is not relevant to the Licensing Authority's considerations. The issue of need may be a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 5.2 However, the Licensing Authority recognises that a significant number and type of licensed premises in a particular area may lead to problems of crime, disorder and nuisance and notes that in accordance with the Statutory Guidance to the Act, their cumulative impact on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider.

For example, national analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions. For more information please see Appendix 3.

### **Cumulative Impact Assessment and Cumulative Impact Zones**

- 5.3 A Cumulative impact Assessment (CIA) may help to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 5.4 CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area. Temporary event notices are not affected.
- 5.5 While the evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the Act. Each decision in an area still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives.
- 5.6 There must be a good evidential basis for a decision to publish a CIA. Information which licensing authorities may be able to draw on includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local and parish councillors; and
- evidence obtained through local consultation

5.7 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises;
- premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

5.8 Where the Licensing Authority recognises that there is such a cumulative effect it will consider adopting a specific Cumulative Impact Zone (CIZ) for that area, if this is shown to be necessary. In these circumstances, the Licensing Authority may consider that the imposition of conditions is unlikely to address the apparent problems and may consider the adoption of a CIZ whereby there will be a presumption that new premises licence or club premises certificate applications, or applications to materially vary a premises licence, will be refused, (although also see paragraph 5.12) . A material variation may be, for example, an increase in permitted hours or to add a licensable activity onto a premises licence.

5.9 Based on the Statutory Guidance to the Act, in deciding whether to adopt such a Policy in an area, the Licensing Authority will consider the following:

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
- Statistics on local anti-social behaviour offences
- The density and number of current premises selling alcohol
- Alcohol use and misuse in the local population
- Alcohol specific hospital admissions for under 18's
- Ambulance incidents and dispatches
- Statistics on alcohol related emergency attendances and hospital admissions
- Complaints recorded by the local authority
- Evidence from local councillors and Police

- Evidence obtained through local consultation.
- 5.10 The location of the current Cumulative Impact Zones adopted by the London Borough of Barnet can be found in Appendix 4 of this policy.
- 5.11 The effect of a Cumulative Impact Zone for the areas listed in Appendix 4 is that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, or on a material variation to an existing such premises licence there will be a presumption under the special policy that the application will be refused.
- 5.12 The Cumulative Impact Zone is intended to be strict, and will only be overridden in genuinely exceptional circumstances. A 'rebuttal presumption' will be applied to every application in a CIZ unless it can be demonstrated that the granting will not negatively impact on the cumulative impact. The Licensing Authority will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to the CIZ. Applications in an area covered by a CIZ should consider any potential cumulative impact issues when setting out the steps they propose to take to promote the licensing objectives.
- 5.13 It is not possible to give a full list of examples of when the Licensing Authority may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the policy.
- 5.14 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.
- 5.15 The Licensing Authority will review the special policies regularly to see whether they have had the effect intended and whether they are still needed or whether they need expanding.
- 5.16 The Licensing Authority will not use these policies solely:
- As the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
  - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for an extension in permitted hours or to add a licensable activity.
- 5.17 The Licensing Authority recognises though that where no relevant representations are made in relation to an application in a cumulative impact area, the application must be granted in terms consistent with the applicants operating schedule.

- 5.18 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 5.19 It therefore also recognises that, within the Cumulative Impact Policy areas, it may be able to approve licences that are unlikely to add significantly to the existing problems, and will consider the circumstances of each individual application on its merits.

## **6. Public safety**

- 6.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.
- 6.2 The Act covers a wide range of premises that require licensing including: cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants, members clubs, fast food outlets and other entertainment venues. Each type of these premises present mixtures of risks with are common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted so as to safeguard occupants by minimising these risks.
- 6.3 The Licensing Authority will expect Operating Schedules to satisfactorily address public safety issues and applicants are advised to seek appropriate Health and Safety advice and consult the London Fire and Emergency Planning Authority before preparing their plans and schedules.
- 6.4 The following examples of influencing factors are given to assist applicants when addressing the issue of public safety during the preparation of their Operating Schedule:
- the number of people attending the premises
  - the condition, design and layout of the premises, including the means of escape in case of fire
  - the nature of the activities to be provided, in particular the sale of alcohol and including whether those activities are of a temporary or permanent nature
  - the hours of operation and hours of opening if different
  - customer profile (i.e. age, mobility)
  - the use of special effects such as strobe lighting, lasers, pyrotechnics, smoke machines, foam machines etc

- 6.5 Applicants are reminded that any performers are also members of the public and as such their safety should be specifically addressed in operating schedules.
- 6.6 Where door supervision is in operation, supervisors must be registered with the Security Industry Authority. The Licensing Authority strongly recommends that a record of SIA registered staff on duty in this capacity is maintained on the premises and that an incident report book is maintained. Both of these records should be available for inspection at all reasonable times by authorised officers of the Council or a Police Officer.
- 6.7 Public safety will be promoted by the effective management and operation of the licensed activities, these should be reflected in the operating schedule of the licence application. The issues addressed could include, where relevant:
- Effective and responsible management of premises
  - Provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event, i.e. number of door supervisors within nationally accepted standards (and having SIA accreditation where necessary)
  - Appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
  - Suitable customer-care policies for assisting lone customers taken ill or injured etc. at the premises
  - Provision of effective CCTV in and around premises
  - Provision of toughened or plastic glasses
  - Implementation of crowd management measures
  - Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety codes and standard.

## **7. Protection of children from harm**

- 7.1 The wide range of premises that require licensing means that children can be expected to visit them, often on their own to buy food and/or avail of the entertainment.
- 7.2 Although the 2003 Act details certain age and/or time limitations on the admission of accompanied or unaccompanied children to certain types of licensed premises, the Council recognises that additional limitations may have to be considered where it appears necessary to protect them from physical, moral or psychological harm.
- 7.3 While no policy can anticipate every situation, the following are examples of premises that will raise concern:
- Any licence holder or employee has been convicted of serving alcohol to minors or the premises have a reputation for underage drinking.

- Premises where there is evidence of an association with drug taking or drug dealing.
- Gambling takes place on the premises, except for the provision of a small number of cash prize machines. (The Licensing Authority expects all premises which have gambling on the premises to have read its policy on Gambling licensing in relation to this exemption for small cash prize machines)
- Whenever entertainment or services of an adult nature or sexual nature are provided.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

7.4 It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature and the Council acknowledges that any such proposal will require careful discussion with the applicant and responsible authorities. However, as a guide (notwithstanding the implications of the re classification of lap dancing type venues brought about by section 27 of the Policing and Crime Act 2009), the provision of topless bar staff, striptease, lap table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language would be included in any such considerations.

7.5 Where it is considered that the protection of children from harm requires conditions to limit their access to any premises, the Licensing Authority will consider options such as:

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

7.6 Protection from harm issues may be addressed by the following examples of good practice being included in the operating schedule, where appropriate:

- Effective and responsible management of premises
- Provision of a sufficient level of adult supervision
- Appropriate instruction and training for staff in the prevention of underage sales, including acceptance of accredited 'proof of age' identification, such as a photo card driving licence, a passport, a citizens card, a validate card or a scheme which carries the PASS hologram logo
- Keeping a 'refusal' book
- Methods employed for the prevention of unlawful supply, consumption, and use of alcohol, drugs and other products
- A notice giving details of any restrictions relating to access by children is displayed.

- The provision of unbreakable drinking “glasses” for children (especially relevant for premises with play areas and/or including outdoor areas).
- The provision of suitable safe child seating (stable high chairs with straps in dining areas etc.)
- Provision for child friendly facilities (low urinals, smaller w.c; low wash basins and provision of nappy changing facilities etc.)
- Arrangements for the inspection of play areas and/or equipment on licensed premises.
- Any instructions to be issued to staff about action to be taken in the event of concerns for the welfare of children in the care of intoxicated parents on licensed premises.
- Any other relevant issues relating to protecting children from harm.

7.7 As an important element in the protection of children from harm, the Council recognises the need for alcoholic drinks to be named, packaged and promoted in such a manner as not to appeal to or attract those under 18 years old.

7.8 The Council therefore commends the Portman Group’s ‘Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks’ to licensees and expects that they will act on any Retailer Alert Bulletins issued under that Code.

### **Showing of Films, Videos etc**

7.9 In accordance with Section 20 of the Act where the exhibition of films is permitted, the specified classification body will normally be the British Board of Film Classifications and the Licensing Authority will require age restrictions to be strictly complied with in accordance with their recommendations.

7.10 Applicants should make it clear in their Operating Schedule what steps will be taken to ensure that only children of the appropriate age are admitted to exhibitions.

### **Children and Public Entertainment**

7.10 Many children go to see and/or take part in an entertainment arranged especially for them (e.g. children’s film shows, dance productions) and additional arrangements are required to safeguard them while they are at the premises.

7.11 Where a regulated entertainment is specially presented for children, the Licensing Authority will require their safety to be specifically addressed in the Operating Schedule, including where appropriate:

- Numbers and locations of supervising adults. Supervising adults should remain in the area(s) occupied by children, in the vicinity of each exit. The minimum number of attendants on duty should be a minimum of one member of staff per 50 children;
- Supervision of other areas of the premises during performances;



- Arrangements for entry and departure from the premises;
- Whether supervising adults employed or deployed by the organiser will be required to provide a current (less than 3 years old) disclosure from the Criminal Records Bureau and to renew this every 3 years.

## **8. Prevention of crime & disorder**

- 8.1 The London Borough of Barnet is committed to reducing crime and disorder in the Borough and creating an environment where people feel safe.
- 8.2 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the Borough. The Licensing Authority also has responsibilities under the Anti-Social Behaviour Act 2003.
- 8.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and/or refreshment, can be a source of crime and disorder problems or may attract people who may cause such problems.
- 8.4 The Licensing Authority will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 8.5 The Licensing Authority recommends that for certain events, a comprehensive risk assessment is undertaken by premises licence applicants & holders to ensure that crime and disorder and public safety matters are identified and addressed. For larger public events, including those in open spaces and for premises that wish to stage promotions or events, the Licensing Authority recommends that licence applicants and holders address Risk Assessment and post event debrief processes in their application Operating Schedule/event planning. Applicants and premises licence holders are recommended to engage the services of suitably trained individuals or companies to assist them in this risk assessment process. In addition, they may seek guidance and advice from the Licensing Authority or the Metropolitan Police, though neither body is able to actually undertake such risk assessments for applicants/licence holders. It is their responsibility.
- 8.6 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises including (but not limited to):
- Planning controls
  - On-going measures to create a safe and clean environment in partnership with local businesses, transport operators and other Licensing Authority departments.

- Regular liaison with the Borough Police on enforcement issues, including (but not limited to): fixed penalty notices, prosecution of selling alcohol to those underage, confiscation of alcohol from adults and children
- The power of the Police to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or excessive noise from the premises.
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate.
- Designation if necessary of parts of the Borough as designated public place order which provides police with greater powers to prevent people drinking alcohol within this zone.

\*The London Borough of Barnet has designated public place orders in relation to drinking alcohol in a number of areas. For a current list of these areas please see:

<https://www.barnet.gov.uk/pspo>

8.7 In considering all licence applications, the Licensing Authority will consider the adequacy of measures proposed in the operating schedule to deal with the potential for crime and public disorder having regard to all the circumstances of the case.

8.8 The Licensing Authority will expect to see these issues addressed, where appropriate, by good management practices. Examples of ways to address this include:

- Effective and responsible management and supervision of the premises, including associated open areas, appropriate storage of alcohol, discouraging loitering/consuming alcohol outside the premises, ensuring opening hours are adhered to
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder
- Measures to prevent crime and disorder and anti-social behaviour have been taken, such as the use of CCTV or the employment of registered door supervisors
- Measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures,
- Crime prevention design, including appropriate lighting of exterior areas
- The amount of seating that is provided and seat/table ratio to drinking area.
- Door supervision, including screening for weapons and drugs.
- Other measures to control violent, drunken or abusive behaviour, including exclusion of trouble makers and refusal to sell to those who are or appear to be drunk or under age and in appropriate circumstances, the use of toughened and/or polycarbonate glasses and the refusal to supply drinks over the counter in glass bottles.
- Methods to discourage drinking in public places in the vicinity of the premises.

- In premises seeking to sell alcohol for consumption off the premises, whether displayed stock will be in the view of staff at all times and/or covered by CCTV and whether spirits will be kept behind the counter.
- Methods to discourage and prevent, in so far as possible, the handling and distribution of stolen, counterfeit or other illegal goods by customers and staff.
- Whether radio or other means of communication will be used.
  - How the management of the premises will avoid irresponsible drinks promotions.
  - Any other relevant issues relating to the prevention of crime and disorder

8.9 In addition to the statutory requirements for plans, applicants should indicate on the plan provided to the Licensing Authority the proposed locations for the display and storage of any alcohol and the locations where sales and/or consumption will take place.

8.10 In order to avoid disruption to businesses during the absence of the Designated Premises Supervisor, the Licensing Authority strongly recommends that a minimum of one additional member of staff should hold a personal licence. It is considered good practice for personal licence holders who authorise others to sell alcohol to formalise the authorisation process and the Licensing Authority encourages such authorities to be written in clear and unambiguous terms.

8.11 The Licensing Authority strongly encourages Designated Premises Supervisors and others connected with the retail sale of alcohol to attend meetings supported by the Licensing Authority and/or the Borough Police aimed at the reduction of crime and disorder. An example of this would be the Pubwatch Scheme(s).

8.12 In addition to the above, recent times have seen a significant increase in terrorist attacks and the threat from terrorist attacks. Licensed premises, licensed open spaces and public events, where large numbers of people may gather can unfortunately be a target for terrorist activity. Licence/certificate applicants and holders and people submitting temporary event notices are therefore recommended to ensure they have assessed, planned and initiated suitable control measures to counter and mitigate against such a terrorist attack. To assist, licence applicants/holders and persons submitting temporary event notices are recommended to acquaint themselves with the content of the following documents:

Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs, produced by ACPO, Police Scotland & NaCTSO

Protecting Crowded Places: Design and Technical Issues, produced by the Home Office

8.13 The Metropolitan Police will be able to provide further assistance and guidance with regard to these specific documents and counter terrorism measures

## 9. Public Nuisance

- 9.1 In addition to the requirements of the Licensing Authority to promote the licensing objectives, the London Borough of Barnet also has a duty under the Environmental Protection Act 1990 to do all it reasonably can to prevent nuisance, including noise.
- 9.2 Where appropriate, the Licensing Authority will attach conditions to licences and permissions to deter and prevent nuisance. Such conditions will so far as possible reflect local strategies.
- 9.3 For all licence applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance having regard to all circumstances of the case, and will particularly consider the following:
- The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include sound proofing, air conditioning, acoustic lobbies and sound limitation.
  - The steps the applicant has taken or proposes to take to prevent disturbance created by patrons arriving or leaving the premises.
- 9.4 The means by which nuisance will be prevented by the effective management and operation of the licensed activities. The issues addressed could include, where relevant:
- Noise emanating from the premises included extended areas such as beer garden and smoking areas, including whether noise suppression and/or cut-off devices will be used.
  - The times of operation of outside areas where persons congregate for periods of time, such as beer gardens
  - Noise, anti-social behaviour and other disturbances caused by persons leaving the premises.
  - Urination in public places in the vicinity of the premises (including the adequacy of lavatories provided at the premises).
  - Congregation of persons from the premises whether consuming alcohol or not
  - Noise from vehicles driven by, delivering or collecting customers.
  - Where more than one licensable activity is permitted whether different times of finishing will apply (e.g. serving alcohol ceases at a specific period before musical entertainment finishes).
  - Whether there will be a drinking up time before the premises close.
  - Whether there will be a terminal hour or specific period before closure after which there will be no further admissions or readmissions to the premises.
  - Litter.
  - Light pollution.
  - Any proposed fireworks.
  - Whether the arrangements to dispose of refuse from the premises is conducted at a reasonable hour.
  - Any other relevant issues relating to nuisance.

## **10 Health Considerations of Licensing**

10.1 Health bodies are now responsible authorities as identified by the Act and as such are notified of all new premises applications to which they can make representations. Their representations must however still be relevant to the existing statutory licensing objectives.

## **11 Live Music, Dancing & Theatre**

11.1 The Licensing Authority wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community particularly for children.

11.2 When considering applications for such events and the imposition of conditions on licences, the Licensing Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives. The Licensing Authority would wish to avoid, so far as possible, measures which deter live music, dancing and theatre.

11.3 The Licensing Authority draws all applicant's attention to the Schedule 1 of the Act dealing with regulated entertainment, as amended by the Live Music Act 2012 and other similar deregulations to the provision of regulated entertainment.

11.4 Where applicants are minded to consider restricting the timings of live or recorded music in an attempt to satisfy responsible authority concerns, the Licensing Authority recommends that they also consider conditions in relation to the application of the deregulation. This is applicable when the application is requesting the sale of alcohol on the licence and would be entitled to utilise the deregulations mentioned above. In such circumstances, it is advisable that the applicant speaks to the Noise Nuisance department prior to submitting their application.

## **12. Representations**

12.1 A person can make a representation in support of or against an application. Representations should be made in writing to the Licensing Authority. The interested party must ensure they include their name, address and contact details. Please be aware that the Act requires all parties that wish to make a representation in respect of an application ensure that their name and addresses are included in the representation to make it valid.

12.2 The name and address is required so that the Licensing Authority and the applicant or their representation can validate that the person making the representation is

- qualified to do so in terms of living or working in the vicinity of the premises concerned.
- 12.3 In exceptional cases an interested party can request the Licensing Authority to withhold their details, in any event the original letter must contain the information required.
- 12.4 All representations will be available in the public domain and some will be contained in reports that will be able to be viewed on the website.
- 12.5 All representations must be about the likely effect of granting the licence or certificate on the promotion of at **least one** of the four licensing objectives. It would be wise, therefore, to explicitly link any representation to one or more of the objectives.
- 12.6 It will also assist if the representations are specific to the premises and evidence based. Interested parties may, therefore wish to talk to the relevant responsible authority beforehand, or document problems themselves by, for example, keeping a diary or photographic evidence of any incidents.
- 12.7 The Licensing Authority will need to be satisfied that there is an evidential and causal link between the representations made, and the effect on the licensing objectives.
- 12.8 In addition, the Licensing Authority can only consider representations that are not “vexatious” or “frivolous”. Whether representations are frivolous or vexatious will be for the Licensing Authority to determine. For example, the Licensing Authority might find the representations were vexatious if they arise because of disputes between rival businesses or they might be frivolous representations if they plainly lacked seriousness.
- 12.9 It is also important that an applicant is able to respond to a representation, for example, if they believe that it is not a “relevant” representation. If interested parties are concerned about possible intimidation, they could consider asking the appropriate responsible authority to make a representation on their behalf.
- 12.10 If no relevant representations are made, the licence or variation must be granted, therefore interested party representations are very important.
- 12.11 It may be beneficial for those wishing to make a representation to get the backing of other people living, or businesses operating in the vicinity of the premises.
- 12.13 If any party is considering raising a petition, it is important to ensure that the Licensing Authority can determine whether all the signatories are within the ‘vicinity’ of the premises. So, including addresses and indicating clearly what representation(s) they are all making is essential.
- 12.14 If interested parties want to ask another person, such as an MP or local Councillor to represent them, it is advisable to make such a request in writing so that the individual can demonstrate he or she was asked.

12.15 Representees should address how they would like the situation to be rectified. The Licensing Authority often has to balance conflicting needs when determine licensing applications, it is beneficial for representees to outline what they feel would resolve or reduce their concerns.

### **13. Temporary Event Notices (“TEN”)**

13.1 Whilst the Act requires 10 working days’ notice to be given of the temporary event (exclusive of the day which the event is to start and the day on which the notice is given), it is advisable that applicants contact the Licensing Authority at an early stage before a formal application is made. This is particularly important for large events and will enable responsible authorities to consider proposals. Early consideration will allow issues and the licensing objectives to be addressed and may avoid objections from the police and/or the Environmental Health Department.

13.2 Applicants should be aware that the serving on the Licensing Authority of a TEN does not remove their obligations under other legislation. Where appropriate, permissions should be sought from the appropriate body. The Licensing Authority expects that applicants understand their obligations in respect of:

- Planning permissions
- Health and safety
- Noise pollution
- The erection of temporary structures
- Road closures
- The use of pyrotechnics
- Anti-social behaviour

13.4 Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.

13.5 Applicants should be aware that a limit of 499 people at any one time applies to temporary events and failure to comply with this limit may lead to prosecution. Organisers should be aware this is the total number of persons, not customers, therefore staff should be included in this number.

13.6 Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.

13.7 The attention of applicant is drawn to the Licensing Authorities need to be provided with adequate information on the TEN. The applicant should make clear:

- The nature of the event
- If the event involves live or DJ music
- whether it is open to the public or section of the public

The applicant should also ensure all fields on the application form are completed, including their national insurance number.

If a TEN is submitted without the required information it will be refused as invalid. In these circumstances any fee submitted is non-refundable.

## Late Temporary Events Notices

13.8 Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. For the Licensing Authority to be able to accept the application, the applicant should confirm that they are submitting a late TEN. Failure to do so will deem the TEN invalid. In these circumstances any fee submitted is non-refundable.

## 14. Integrating strategies & avoiding duplication

14.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of the existing legislation and other mechanisms to deal with any environmental or other impacts on the leisure economy such as:

- Planning controls
- Positive measures to create a safe and clean town centre environment
- Powers of the Licensing Authority to designate public places where the consumption of alcohol is not permitted
- Police enforcement of disorder and anti-social behaviour
- Prosecuting of personal licence holders and staff selling alcohol to those underage.
- Police and the Licensing Authority's powers to close down instantly any licence premises on the ground of disorder or likely to cause disorder or excessive noise emanating from the premises
- Environmental Protection Act 1990
- Children Act 1989
- Health and Safety at Work Act 1974 etc.
- Powers of the police/local residents/businesses ability to seek a review of a licence.

14.2 The Licensing Authority recognises that there should be a clear separation of the planning and licensing regimes in respect of applications to avoid duplication or a re-run of the planning application process but also recognises that some factors affecting the planning decision may also affect the decision of the Licensing Committee.

14.3 The Licensing Authority expects all applicants to ensure that they have both the relevant Licensing and Planning consents in place in relation to their business prior to commencing to trading.



14.4 There may be circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant MUST observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

## **15. Enforcement.**

15.1 The Licensing Authority supports partnership with other responsible authorities and regulatory bodies in respect of enforcing the provisions of the Act. This will be reflected in the nature and the extent of the working arrangements agreed between those bodies and the Licensing Authority, and on the need for efficient deployment of staff and avoidance of duplication of role. In particular, special arrangements will be maintained with the Police and other responsible authorities to achieve those ends.

15.2 The Licensing Authority will adopt enforcement regimes that will take account of the entire range of business activities and of individuals that require licensing under the Act, with emphasis on the continued promotion of the licensing objectives. This will include both permanent business premises and premises used for temporary events. The Licensing Authority will make appropriate arrangements to monitor premises with a view to implementing targeted and proportionate enforcement action to achieve these objectives. Unlicensed activities and non-compliance with conditions will not be tolerated at ANY premises.

15.3 Routine enforcement activity undertaken by the Licensing Authority will be targeted to ensure that high risk and/or poorly run premises, receive a high level of intervention, and that lower risk and/or well-run premises, receive a lower level of intervention. Complaint led enforcement will be subject to normal service response standards by the licensing team. The frequency of inspections will be based on a risk-rating system for the relevant licensed premises, dependent on business type and characteristics, the activities taking place and on historic data held by the Licensing Authority. Inspection frequency will be subject to review and possible amendments following the outcome of any inspection by the Licensing Authority and/or following investigation of a complaint received.

15.4 Enforcement action will be taken in accordance with the principles of the Regulators' Code in addition to the Code for Crown Prosecutors and Attorney Generals Guidelines.

15.5 The Licensing Authority has enforcement protocols with the police and will develop them with the other responsible authorities to provide for the most effective methods of monitoring and enforcing compliance with licensing requirements.

## **16. Administration, delegation & exercise of functions**

- 16.1 The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 16.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Licensing Authority has delegated certain decisions and functions to its Licensing Committee, Sub-Committees and officers.
- 16.3 The grant of non-contentious applications, including for an example, those licenses and certificates where no representations have been made, has been delegated to Licensing Authority officers.
- 16.4 The table in Appendix 1 sets out agreed delegation of decisions and functions to the Licensing Committee, Sub Committee and officers. This form of delegation is without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to the Licensing Committee, if considered appropriate in the circumstances of any particular case.
- 16.5 The Licensing Authority will maintain a Licensing Register containing the information required by statute and keep it available for inspection.

## **17. Licence suspensions**

- 17.1 This is a power introduced in to the Act as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This power of suspension has been given to local authorities in relation to non-payment of annual fees for a premises licence/club premises certificate.
- 17.2 A single request for payment will be sent and the Licensing Authority will then take measures to suspend the licence if payment is not received within 21 days.
- 17.3 The regulations state that the premises licence holder will be given notice of a suspension at least 2 working days before the suspension is to take place. The Licensing Authority must then suspend the premises licences/club premises certificate should the outstanding annual fees remain unpaid.
- 17.4 The licence will be reinstated once full payment of all outstanding annual fees have been received.

## Appendix 1 –Table of Delegated Functions

Matter to be dealt with	Licensing Committee	Licensing Sub - Committee	Officers
Application for a personal licence			All cases
Application for a personal licence with unspent relevant convictions		If a Police objection notice is received	
Application for a premises licence/club premises certificate		If a valid representation is made	If no valid representations are made
Application for a provisional statement		If a valid representation is made	If no valid representations are made
Application to vary a premises licence/club premises certificate		If a valid representation is made	If no valid representations are made
Application to vary a designated premises supervisor		If a Police representation is received	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer a premises licence		If a Police representation is received	All other cases
Application for interim Authorities		If a Police representation is received	All other cases
Application to review a premises licence/club premises certificate		All Cases	
Decision on whether a representation is irrelevant, frivolous, vexatious etc.			All cases
Decision to make objection when local authority is consultee and not the relevant authority considering the application		All Cases	
Determination of an objection to a temporary		All Cases	

event notice			
Decision on whether a minor variation application is valid, the need to go out to consultation and determination			All cases
Power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA2003) for non payment of annual fees			All Cases
Determination of application to vary a premises licence at community premises to include alternative licence condition		If a Police objection is received	All other cases
Power to specify the date on which suspension takes effect. This must be at least 2 working days after the day the Authority gives notice			All Cases
Fulfil the function of the responsible authority for the Licensing Authority under the Licensing Act 2003			All Cases

## **Appendix 2 – List of responsible authorities**

The contact details for responsible authorities that must be notified when applications are made for certain licences under the Licensing Act 2003 are listed below:

### **Application to Vary a Premises Licence / Club premises Certificate**

- Licensing Authority
- Police
- Health and Safety Team
- Nuisance Team
- Planning
- Safeguarding Children Board
- Fire Authority
- Trading standards
- Primary Care Trust
- Secretary of State - Home Office Immigration Enforcement

### **New Premises Licence / Club Premises Certificate**

- Licensing Authority
- Police
- Health and Safety Team
- Nuisance Team
- Planning
- Safeguarding Children Board
- Fire Authority
- Trading standards
- Primary Care Trust
- Secretary of State - Home Office Immigration Enforcement

### **Provisional Statement**

- Licensing Authority
- Police
- Health and Safety Team
- Nuisance Team
- Planning
- Safeguarding Children Board
- Fire Authority
- Trading standards
- Primary Care Trust
- Secretary of State - Home Office Immigration Enforcement

### **New Personal Licence**

- Licensing Authority only

### **Interim Authority Notice**

- Licensing Authority

- Police
- Designated premises supervisor
- Secretary of State - Home Office Immigration Enforcement

**Application for a review of a Premises licence (s51) / Club Premises Certificate (s87)**

- Licensing Authority
- Police
- Health and Safety Team
- Nuisance Team
- Planning
- Safeguarding Children Board
- Fire Authority
- Trading standards
- Primary Care Trust
- Secretary of State - Home Office Immigration Enforcement
- Premises licence holder/club in whose name the application was made

**Transfer of Premises Licence**

- Licensing Authority
- Police
- Secretary of State - Home Office Immigration Enforcement

**Interim Authority Notice**

- Licensing Authority
- Police
- Designated premises supervisor
- Secretary of State - Home Office Immigration Enforcement

More information including up to date contact details can be found here:

<https://www.barnet.gov.uk/licences-permits-and-registrations/beer-entertainment-late-night-refreshment-licences/premises>

## Appendix 3 – Information on Alcohol Harm in Barnet

Alcohol plays an important and positive role in social and family life and contributes to both employment and economic development in Barnet. These positive benefits of alcohol should be balanced with the negative impact that excessive alcohol use can have, including detrimental effects on health and wellbeing.

### Drinking levels

The Chief Medical Officer's guidelines<sup>2</sup> for both men and women are that:

- To keep health risks from alcohol to a low level it is safest not to drink more than 14 units a week on a regular basis
- If you regularly drink as much as 14 units per week, it is best to spread your drinking evenly over 3 or more days. If you have one or two heavy drinking episodes a week, you increase your risks of death from long term illness and from accidents and injuries.
- The risk of developing a range of health problems (including cancers of the mouth, throat and breast) increases the more you drink on a regular basis.
- If you wish to cut down the amount you drink, a good way to help achieve this is to have several drink-free days each week.

Regularly drinking more alcohol than the recommended daily limit can damage health. Excessive alcohol consumption is associated with over 60 medical disorders. For instance, alcohol has been identified as a causative factor in the following conditions:

- Mouth, throat, stomach, bowel, liver and breast cancer
- Cirrhosis of the liver
- Heart disease
- Depression
- Stroke
- Pancreatitis
- Liver disease

Barnet currently experiences less alcohol related problems than regional and national averages, however this does not mean that there are no alcohol related problems in Barnet as:

- 64,036 (21%) of residents are consuming alcohol at amounts that represents a level of increasing and/or higher risk to their health (based on a population size of 304,937)<sup>3</sup>.
  - 1,348 hospital admissions by Barnet residents were caused specifically by alcohol in 2017/18.

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<sup>2</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/602132/Communicating\\_2016\\_CMO\\_guidelines\\_Mar\\_17.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/602132/Communicating_2016_CMO_guidelines_Mar_17.pdf)

<sup>3</sup> Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables), NHS Digital (Health Survey for England 2017: Adult health related behaviours)

- 6,182 hospital admissions by Barnet residents were caused by conditions relating to alcohol in 2017/18.
- Three Public Spaces Protection Orders (PSPOs) are in place in Burnt Oak, Edgware Town Centre and Childs Hill, with additional PSPO's being consulted upon, which aim to prevent anti-social behaviour related to alcohol use in public places.

Alcohol is estimated to have contributed to 133 deaths in Barnet (this includes deaths in which alcohol is wholly responsible and those where it has played a lesser role) and during 2015-17, 40 people died directly because of alcohol consumption in the borough.

Given the issues relating to alcohol-related harm in Barnet, a proactive and collaborative approach is required to reduce the detrimental health impacts of alcohol.

## AVAILABILITY OF ALCOHOL

There is national and international evidence that availability of alcohol is linked to increasing alcohol consumption and alcohol related harm<sup>4</sup>. Reducing the density of licensed premises and reducing permitted hours of sale can reduce violence and other alcohol-related harm. Evidence indicates that increasing numbers of outlets or extended hours of sale potentially increases the competitive pressures on existing outlets, which may result in price reductions that tend to lead to increased levels of consumption<sup>5</sup>. This is supported by an evidence review completed by Public Health England (PHE) in 2016 which suggested that a higher density of off-premises alcohol outlets may be associated with increases in deaths, rates of admission to hospital because of assault or alcohol-related disease, and domestic violence. Higher density of other types of licensed premises may also be associated with increases in admission to hospital because of assault or alcohol-related disease.

A study from Scotland<sup>6</sup> identified that alcohol-related hospitalisations of those under the legal minimum drinking age were also related to off-site outlet densities. The study suggested the local impact of off-license sales of alcohol is much higher as people tend to use off licenses that are close to the place they consume alcohol, such as home. This emphasises the importance of addressing off-license sales in harm reduction and licensing work.

Research studies have looked at the impact of changing licensing hours on alcohol related hospital admissions. For instance, a retrospective analysis<sup>7</sup> of admissions to St Thomas' Hospital in London showed a 5.1% increase in alcohol-related attendances, 0.9% increase in alcohol related assault, 2.5% increase in alcohol related injury and 1.9% increase in alcohol-related admissions.

## BINGE DRINKING AND PRELOADING

4

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733108/alcohol\\_public\\_health\\_burden\\_evidence\\_review\\_update\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733108/alcohol_public_health_burden_evidence_review_update_2018.pdf)

<sup>5</sup> Popova S, Giesbrecht N, Bekmuradov D, and Patra J. Hours and Days of Sale and Density of Alcohol Outlets: Impacts on Alcohol Consumption and Damage: A Systematic Review. *Alcohol & Alcoholism* 2009;44(5):500–516

<sup>6</sup> Richardson, EA., Hill, SE, Michell, R, Pearce, J and Shortt, NK. Is local alcohol outlet density related to alcohol-related morbidity and mortality in Scottish cities? *Health and Place*, 2015; 33, 172- 180

<sup>7</sup> Newton A, Sarker SJ, Pahal GS, van den Bergh E, Young C. Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emerg Med J.* 2007.;24(8):532–4



It is not only the amount of alcohol consumed that increases the risk of harm, but also the amount consumed in one sitting. Binge drinking, which refers to a pattern of drinking in which a person consumes a lot of alcohol in one sitting (defined as drinking more than 6 units), can cause acute intoxication and lead to acute, short-term problems. Short term risks are the immediate risks of harm, injury and accident (sometimes fatal) linked to drinking a large amount of alcohol on one occasion, which often leads to drunkenness. They include head injuries, fractures and other injuries, facial injuries and scarring, alcohol poisoning and accidents.

The risks of injury to a person who has been drinking recently have been found to rise between two and five times when 5-7 units are drunk in a 3-6-hour period<sup>8</sup>.

Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident. People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar. More people are now drinking at home, and over 70% of all alcohol in England is now purchased through the off trade<sup>9</sup>. For instance, it was estimated in 2012 that 6.4 litres of alcohol per person were consumed off-trade compared to 3.2 litres on-trade. This highlights the importance of considering the impact of the off-licence trade within local licensing policy.

Later closing hours of licensed premises and cheap off-licensed alcohol create problems for the on-trade sector because customers can attend premises intoxicated from drinking at home. It is against the law to serve alcohol to those who are intoxicated, but research in the UK shows this law is routinely broken. A study conducted in Liverpool in 2013 found that 84% of alcohol purchase attempts by pseudo-intoxicated actors in pubs, bars and nightclubs were successful (i.e. alcohol was sold to the actor)<sup>10</sup>.

Multi-component programmes are the best approach to addressing issues relating to preloading. These aim to reduce alcohol-related harm in drinking environments by co-ordinating and strengthening local preventative activity. If effective, they can help reduce costs to health services, criminal justice agencies and other public services. These typically include efforts to mobilise communities, such as media campaigns and community forums, supporting and working with licensed premises such as server training and voluntary schemes to avoid easy access to cheap alcohol from off-licences (such as through reduced the strength campaigns and not selling single cans and bottles) and increased enforcement activity, such as targeted visits and training.

## **STREET DRINKING**

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<sup>8</sup> Hughes K, Anderson Z, Morleo M, Bellis MA. Alcohol, nightlife and violence: the relative contributions of drinking before and during nights out to negative health and criminal justice outcomes. *Addiction*. 2008 Jan;103(1):60-5.

<sup>9</sup> Health Committee - The Government's Alcohol Strategy. Written evidence from the Association of Licensed Multiple Retailers (GAS 65). May 2012.

<sup>10</sup> Hughes, K, Bellis, MA, Leckenby, N, Quigg, Z, Hardcastle, K, Sharples, O, Llewellyn, D (2014) Does legislation to prevent alcohol sales to drunk individuals work? Measuring the propensity for night-time sales to drunks in a UK city. *JECH Online First*

Street drinkers (including those who are homeless and those who are vulnerably housed) are likely to be a subset of a wider group of change resistant drinkers who are particularly vulnerable. Their drinking is likely to be having a significant impact on their health as well as causing a range of problems in the local community. A small number of street drinkers can incur significant costs: crime and anti-social behaviour on the street but also associated costs such as hospital visits, repeated 999 calls and the opportunity costs of resources used to target their needs. Alcohol Concern's Blue Light<sup>11</sup> project estimated that the average annual cost of a high risk, change resistant drinker is around £35,000 including health, criminal justice and anti-social behaviour costs.

Street drinkers depend on a local supply of alcohol. They tend not to buy large quantities for fear that it will be confiscated, or that they will be targeted by other drinkers. Therefore, most need to be near. According to ThamesReach<sup>12</sup>, which works with rough sleepers in London, "super-strength drinks have become one of the biggest causes of premature death of homeless people in the UK", with their data indicating that super-strength drinks are doing more damage than both heroin and crack cocaine, with 78% of the deaths in ThamesReach hostels are attributed to high strength alcohol.

In guidance from Police and Crime Commissioners<sup>13</sup> it is suggested that a multi-component approach is needed to tackle street drinking, which includes a multi-agency group, alcohol services which provide outreach and supports change resistant drinkers and appropriate legal powers aimed at individuals. This needs to be supported by a retail environment which discourages street drinking. Initiatives designed to tackle the problems associated with street drinking have removed the sale of low-priced, high strength alcohol products, through voluntary agreements with local retailers. Such schemes have resulted in a reduction in crime and anti-social behaviour.

Cumulative Impact Zones can also support areas particularly affected by street drinking<sup>14</sup>. Using policies not 'aimed' at the night-time economy but instead targeting off-licences and late-night refreshment in areas with significant health inequality and many hostels. This can include can marking initiatives to identify where cans used by street drinkers came from and having targeted patrols from the police in areas where there are concerns. Such measures can have a significant impact on alcohol related crime and anti-social behaviour.

## **Alcohol related violence**

Studies have shown that intoxication can lead to violent behaviour in those predisposed to aggression and it has been suggested that consumption leads to weakened inhibitions and relaxed normative behaviour (i.e. perceived allowance of aggression). This can result in an increased risk of alcohol-related violence inside and around drinking premises. For example, Livingston et al<sup>15</sup> found that all types of license were

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<sup>11</sup> Alcohol Concern. Alcohol Concern's Blue Light Project Working with change resistant drinkers, 2014

<sup>12</sup> Thames Reach. Calls for high-strength cider duty increase. Available from: < <http://www.thamesreach.org.uk/news-and-views/calls-for-high-strength-cider-duty-increase/>, 2017

<sup>13</sup> National Consortium of Police and Crime Commissioners (2016) Tackling Street Drinking: Guidance on Best Practice. <http://www.apccs.police.uk/wp-content/uploads/2013/11/Tackling-Street-Drinking-PCC-Guidance-on-Best-Practice.pdf>

<sup>14</sup> Livingston M, Chikritzhs T, Room R. Changing the density of alcohol outlets to reduce alcohol-related problems. *Drug Alcohol Rev.* 2007;26(5):557-66

<sup>15</sup> Ibid

significantly associated with admissions to hospitals because of assault. The largest effect size was for off-licences (0.54), with smaller effect sizes for general (0.13) and on-premises licences (0.06).

Glassing related violence is another important issue that can be addressed through licensing. A “glassing” is a physical attack using glassware as a weapon. These attacks especially affect bars and clubs, where glassware is the principal weapon in licensed premises related violence. It is estimated that 80,000 glass and bottle attacks occur in the UK each year, accounting for 4% of violent crime<sup>16</sup>. These attacks, fuelled by alcohol, put a huge strain on NHS resources.

Research undertaken by the University of Bristol estimated that bar glassware accounted for 10% of assault injuries in A&E departments<sup>17</sup>. The Licensing Act 2003 enables licensing authorities to require glassware to be replaced by safer alternatives in individual licensed premises where a problem has been identified and representations have been made. The impact of such action has been found to be positive. For instance, in Lancashire, a study into the differences between annealed glass, and polycarbonates found that there were no glass breakages in the venues with polycarbonates<sup>18</sup>. Surveys suggest that patrons were happy to use polycarbonates, and that this did not affect sales in licensed premise. Glasgow City Council in addition, banned glassware from all venues holding an Entertainment Licence within the city’s centre during the hours after midnight. Drinks had to be served in toughened glass or other recognised safety products. No conventional glass bottles, whether open or sealed could be given to customers. Overall patrons responded positively, with people feeling safer in these venues, and venues that took up plastic were found to incur less injury risk<sup>19</sup>.

## Children and alcohol

Chief Medical Office guidelines<sup>20</sup> state that an alcohol-free childhood is the healthiest and best option. However, if children drink alcohol underage, it should not be until at least the age of 15 years. If young people aged 15 to 17 years consume alcohol, it should always be with the guidance of a parent or carer or in a supervised environment. Parents and young people should be aware that drinking, even at age 15 or older, can be hazardous to health and that not drinking is the healthiest option for young people.

If someone is under 18, it’s against the law:

- to sell them alcohol
- For them to buy or try to buy alcohol
- For an adult to buy or try to buy alcohol for them

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<sup>16</sup> Kershaw C, Nicholas S, Walker A. (2008) Crime in England and Wales 2007/08. Findings from the British Crime Survey and police recorded crime. London, Home Office

<sup>17</sup> DH. Safe. Sensible. Social. The next steps in the National Alcohol Strategy.

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/@dh/@en/documents/digitalasset/dh\\_075219.pdf](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_075219.pdf), 2007

<sup>18</sup> Anderson Z, Whelan G., Hughes K, Bellis M. Evaluation of the Lancashire polycarbonate glass pilot project. Lancashire Constabulary. Liverpool JMU Centre for Public Health, 2009

<sup>19</sup> A Forsyth. Banning glassware from nightclubs in Glasgow (Scotland): Observed impacts, compliance and patron’s views. Alcohol & Alcoholism, 2017; Vol. 43, No.1 p 111-117.

<sup>20</sup> Chief Medical Office. UK Chief Medical Officers’ Low Risk Drinking Guidelines 2016, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/545937/UK\\_CMOs\\_report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/545937/UK_CMOs_report.pdf) (accessed May 2017), 2016

- For them to drink alcohol in licensed premises (e.g. a pub or restaurant)

In a survey of Young People completed by the Office of National Statistics (ONS) in 2016, it was concluded that 44% of 11 to 15-year-old school pupils have had an alcoholic drink<sup>21</sup>. National data suggests a steady decline in the proportion of young people who had drunk alcohol. In Barnet, a crude estimate of the Estimate of the number of 11-15-year olds who drank alcohol within the past week is 2,434 children<sup>22</sup>.

Consideration also needs to be given to the harm alcohol causes to people other than the person who is drinking, sometimes referred to as 'social harm' or 'passive drinking'. Children of parents misusing alcohol may experience severe emotional distress, physical abuse and violence as well as a general lack of care, support and protection.

Children and young people experience significant harm because of alcohol. The number of young people (under 18 years) admitted to hospital in Barnet because of alcohol between 2015/16 and 2016/17 was 55 – there would have been more who were taken to A&E but not admitted.

## **BEST PRACTICE**

Barnet strongly promotes working in partnership with licensed premises and the adoption of high standards of management at all premises. We recognise that many licensees are supportive of the need to address the harms issues relating to excessive alcohol use and suggest the following actions should be considered:

- Restrict "special offers" like: cheap shots; 'Happy Hours' and Buy One Get One Free. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour.
- Align pricing with Alcohol by Volume (ABV) where possible, and ensure that non-alcoholic drinks are kept much cheaper.
- Increase seating for customers to reduce more intensive drinking.
- Reduce the volume of music as loud music can increase alcohol consumption.
- Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks.
- Make food available in late night venues.
- Start the sale of alcohol later in the day and not align it purely with opening hours.

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<sup>21</sup> <https://digital.nhs.uk/data-and-information/publications/statistical/smoking-drinking-and-drug-use-among-young-people-in-england/2016>

<sup>22</sup> <https://www.barnet.gov.uk/health-and-wellbeing/health-and-wellbeing-key-documents/barnet-substance-misuse-needs-assessments>

- No advertisements for alcohol in the shop windows or on the shop floor.
- Storing alcohol behind the shop counter.
- Cans of alcohol should not be sold singly.
- No beer or cider over 5.5% ABV should be sold.
- No alcopops should be sold where they could attract under age purchasers.

## Appendix 4 – Cumulative Impact Zones

The following areas are designated as CIZ's in Barnet.

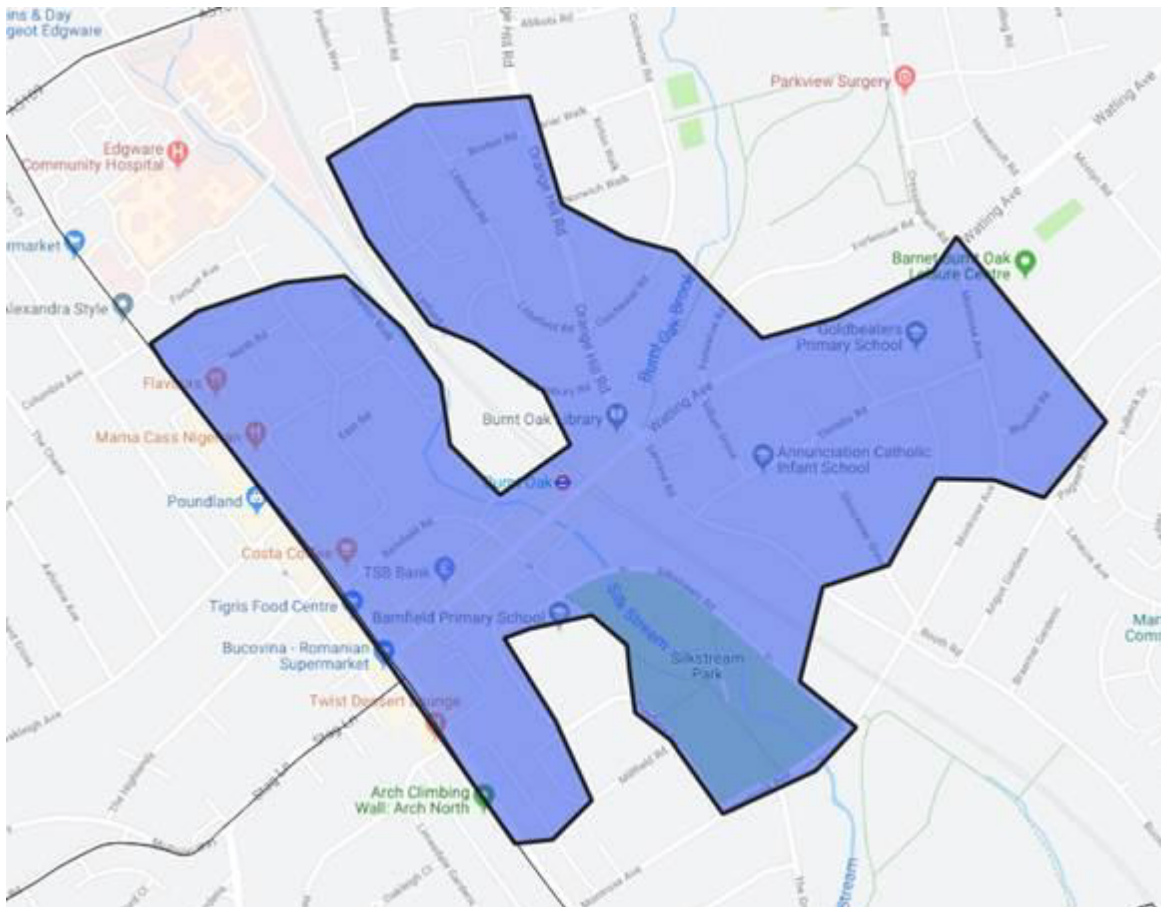
### 1. BURNT OAK

#### Appendix 4 – Cumulative Impact Zones

- A. Statement of Adoption
- B. Area
- C. Date of Adoption
- D. Evidence for Assessment
  - a. A Report for Safer Communities Partnership Board: Substance misuse prevalence, trends, preventative interventions and local opportunities
  - b. Alcohol misuse impact in Burnt Oak Report
  - c. Public Health Assessment October 2019

The licensing authority considers that the number of relevant authorisations in respect of premises in the area outlined below are is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.

Area - BURNT OAK



C. Date of adoption:

Date of Adoption: TBC

Date of review by: TBC (Three years from adoption)

D.Evidence for assessment.

**1. A Report for Safer Communities Partnership Board:  
Substance misuse prevalence, trends, preventative interventions and local opportunities**

**Louisa Songer - Public Health Strategist  
October 2018**

**Executive Summary**

**Local Prevalence Data**

The rate of opiate users in Barnet is lower than London and England, but the age profile follows a similar pattern to elsewhere in the country. The prevalence of opiate use in Barnet is highest in people aged 35-64 which is reflective of an aging heroin using population and fewer younger people commencing heroin use. Younger substance users are showing a preference to other substances such as cocaine, ecstasy and cannabis. In London and England, the largest cohort of opiate users is those aged 25-35. As the Barnet opiate using cohort ages, we can expect the group to become more complex and develop a need for wider health and social care services.

Similarly, it is estimated that there are fewer opiate and crack users in Barnet than elsewhere in the country. However, Barnet follows a different age pattern. The most noticeable difference is in the younger age group 15-24 year olds. Barnet's prevalence of opiate and cocaine users in this group is higher than London and England, indicating there is possibly a group of young crack users not accessing services.

There is a large gap between the number of people accessing substance misuse treatment (for opiates, other drugs and alcohol) and prevalence estimates, indicating that there is substantial unmet need in the community. It is estimated that 61% of opiate users in Barnet are not accessing local treatment services and 88% of dependent drinkers are not accessing treatment services.

### **Substance Misuse Trends – Adults**

A snapshot taken in the last quarter showed that of the 652 people in treatment, primary opiate users account for 58% of people in treatment. This is followed by alcohol users, forming 24% of the treatment population, crack and cocaine 13% and the remaining 5% other drugs. This is a similar picture nationally.

People accessing substance misuse treatment services in Barnet reported higher levels of mental health conditions than other areas, lower misuse of “over the counter”/prescription medication, and are more likely to be economically inactive.

A greater focus is needed on older adults and other drug users to understand the needs of this group.

Understanding the relationship between substance misuse, mental health and domestic abuse is a corporate priority. A deep dive has been completed locally to explore the relationship between the areas. Recommendations have been made to a) Addressing ineffective referral pathways, learning lessons from audit and case review b) improving the identification and management of domestic abuse in Mental Health and Substance Misuse settings by embedding best practice through evidence based commissioning and c) improve holistic, multi-agency working in Family Services to ensure parents have access to the right support at the right time

### **Substance Misuse Trends – Young People**

The picture is very different to that of the adults service. Primary cannabis users account for 78.5% of people in treatment. This is followed by alcohol users, forming 9.2% of the treatment population. This reflects a total 65 young people in treatment. Unlike the adult population, young people in treatment are more likely to report benzodiazepine, hallucinogen and ecstasy use. Whilst opiate and cocaine use is less common than in adults, there are some young people using these substances. This is a similar picture nationally.

### **Risk Groups**

Recent evidence has been published demonstrating the effectiveness of interventions that aim to delay the onset of, and reduce the harms of drug and alcohol misuse. There are specific groups who are more at risk of developing substance misuse issues. These include people with a family history of substance misuse, people with lower socio-economic status, people with mental health conditions, people who have been sexually assaulted or exploited, people who are not in employment, education or training, people in contact with the criminal justice system and homeless people.

### **The costs of substance misuse**

A Cabinet Office estimate placed the economic costs of alcohol in England at around £21 billion in 2012, equivalent to 1.3% GDP. This estimate included costs relating to alcohol-related health disorders and disease, crime and anti-social behaviour, loss of productivity in the workplace and problems for those who misuse alcohol and their families, including domestic violence. Similarly, drug misuse also impacts all those around the user and the wider society. The Home Office estimated in 2010 to 2011 that the cost of illicit drug use in the UK was £10.7 billion per year.



28% of costs relate to deaths linked to illicit substances. Deaths involving opioids (such as heroin) account for the majority of drug poisoning deaths. Heroin related deaths in England and Wales have more than doubled since 2012 to the highest number since records began 20 years ago. In Barnet the rate of drug related deaths has remained steady.

### **Prevention Opportunities**

Some of the key ways we can impact alcohol related harm (including crime and disorder) centre on affecting national policy and regulation, for example considering options around taxation and price regulation and regulating marketing. Having said that, there is much that can be done at a local level, particularly when considering options for regulating the availability of alcohol. There are also intervention that can be conducted in the immediate drinking environment that have a great impact.

It is also essential, particularly when looking at preventing substance misuse more widely, to consider specific interventions that should be delivered with those particular risk groups and in particular settings. For example, offering information, advice and awareness raising in settings such as primary care, mental health services, sexual health services, health visiting, midwifery, criminal justice services, A&E, hostels, nightclubs, festivals and gyms (to target people using image and performance enhancing drugs) .

Screening, identification and brief advice should be delivered at opportunistic and routine appointments with statutory and other services such as those listed above, and skills training for vulnerable children and young people should be upscaled to help vulnerable young people develop appropriate skills such as conflict resolution and managing stress

### **Key recommendations for the board to consider – Putting the evidence into practice**

Partners must work collaboratively on local opportunities for improving outcomes. There are local structures and processes currently in place support a reduction in drug and alcohol-related harm however there is much work to be done to ensure these structures and processes are effective.

1. **Leadership, vision & governance:** The Health and Wellbeing Board and Community Safety Partnership Board should articulate a clear and shared ambition for reducing alcohol harm, demonstrated by strong oversight of the local substance misuse strategy and implementation plan. They should also ensure strategic join up, and ensure common purpose reflected in strategy and commissioning.
2. **Planning and commissioning services:** The partnership must be up to date with the needs of the local substance misusing population and in a position to address the needs of all at risk groups, including offenders, homeless people and those with complex needs. More must be understood about the new and emerging groups such as club-drug users and older adults. There must also be an updated plan for preventing and reducing alcohol related harm.
3. **Data and Intelligence:** Routine, co-ordinated data sharing across local alcohol partners should be used to inform strategic planning and operational service

delivery and relevant indicators of alcohol related harm should also be reflected in KPI dashboards across partnership boards.

**4. Alcohol Licensing:** Influencing local licencing policy is one of the most effective ways to prevent alcohol related harm. It is recommended that there should be improved recognition of alcohol-related harm in the local licensing policy with a commitment to use local crime, health and social care data to inform policy and planning.

The full report can be found here:

[http://barnet.moderngov.co.uk/documents/s49121/e\\_item8\\_Barnet%20Public%20Health%20Update.pdf](http://barnet.moderngov.co.uk/documents/s49121/e_item8_Barnet%20Public%20Health%20Update.pdf)

## **B. Alcohol misuse impact in Burnt Oak Report**

In the last 12 months Burnt Oak has the second highest rate of alcohol related ASB related calls to the police and the highest alcohol related violent crimes in Barnet borough.

In both cases rates are significantly higher in Burnt Oak than the Barnet borough average.

Alcohol related ambulance callouts and violence against person crime peak from around 2200 hours to after midnight. A correlation to Burnt Oak night time economy.

Alcohol related anti-social behaviour peak days are Friday, Saturday and Sunday

Underage drinking cases have reduced across the borough by 50% in Qtr 4 compared to the previous 3 months. No report of underage drinking reported from Burnt Oak in a space of 6-month to date.

Alcohol related ambulance callouts, alcohol related crimes and alcohol related anti-social behaviour hotspots are in close proximity to licensed premises.

The London Ambulance Service attendances to alcohol related illness, alcohol related violent crime and alcohol related ASB hotspot is Watling Avenue and its surrounding streets.

### **Impact of Burnt Oak crime and disorder on emergency services**

For the purpose of this topic, Crime and ASB related incidents in Burnt Oak have been grouped into quarters (Dec 2017-Feb 2018 = Q1, Mar – May = Q2, Jun – Aug = Q3 and Sep -Nov = Q4).

#### **Metropolitan Police**

- Anti-social behaviour in Burnt Oak has reduced by 4% in Qrt4 compared to the previous 3 months.
- However, crimes in general in Burnt Oak have increased by 8% compared to the previous 3 months.
- Burnt Oak is in the worst 10 of crime rate per 1000 population in the borough.
- Violence Against the Person is the top for alcohol related crimes in the last 12 months in Burnt Oak.
- During the last 12 months, Burnt Oak accounted for 6% of the total number of ASB related calls to the police
- The total number of ASB related calls where alcohol is one of the contributing factors is higher by 3 incidents in Q4 compared to the previous 3 months – Q3. This translates as 33% increase.

- During Q4 of 2018, 5% of the total number of crimes in Barnet borough and 5% of the total number of emergency calls to police were accounted in Burnt Oak.

### London Ambulance Service (LAS)

- Burnt Oak is the second highest ward for calls to the London Ambulance Service (2,354 calls between Jan and Oct 2018), but the fifth largest in the number of alcohol related calls.

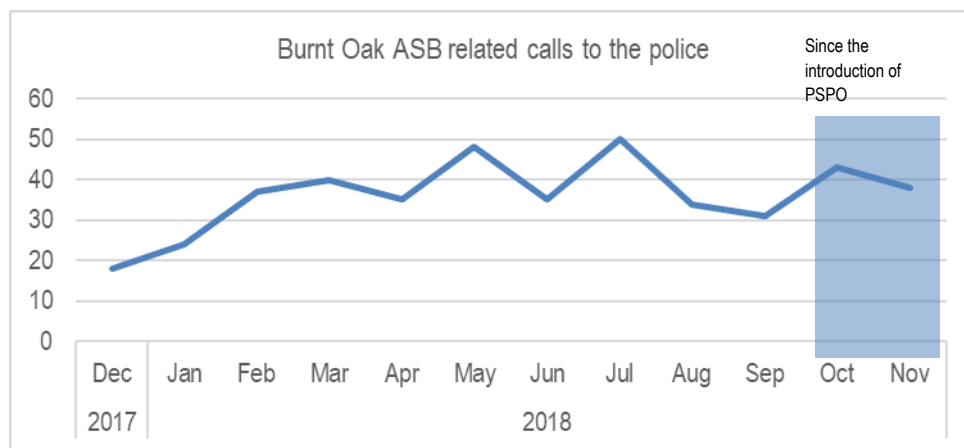
### London Borough of Barnet Noise Team

- During the last 12 months, Burnt Oak Commercial noise related nuisance cases (Commercial Alarm, Construction, Deliveries or Collections, Loud Music Commercial) are the lowest compared to the rest of the borough.
- Commercial noise related nuisance cases have significantly reduced in Burnt Oak due to none being reported in Q4, compared to 2 cases reported in Q3

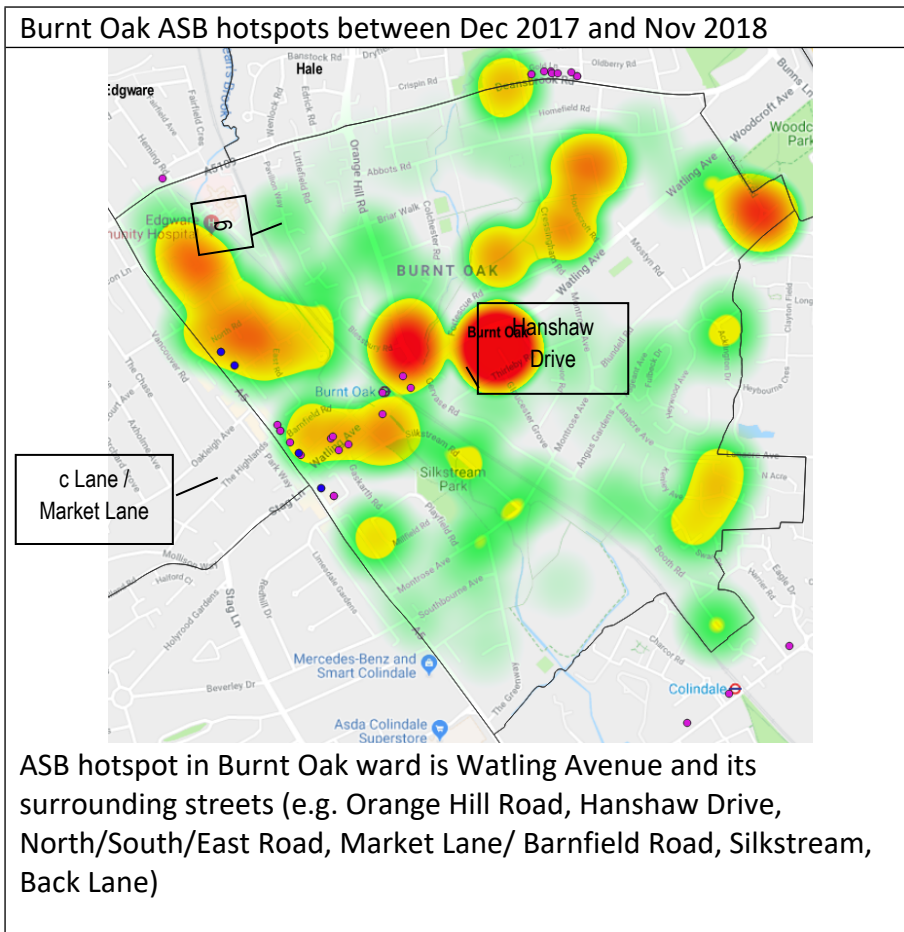
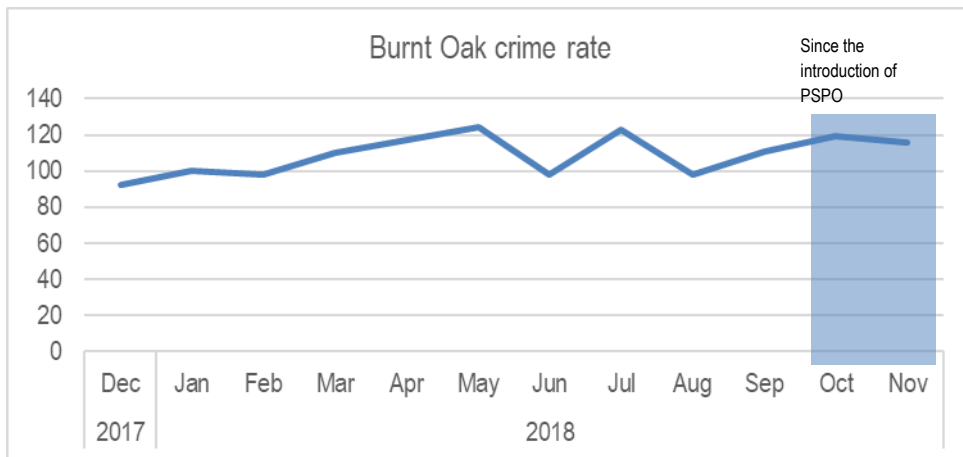
### Street drinking

- Street drinking activities have significantly reduced in Burnt Oak, due to no report of street drinking in Q4 compared to 5 incidents reported in Q3.

### Data:



Since the introduction of PSPO

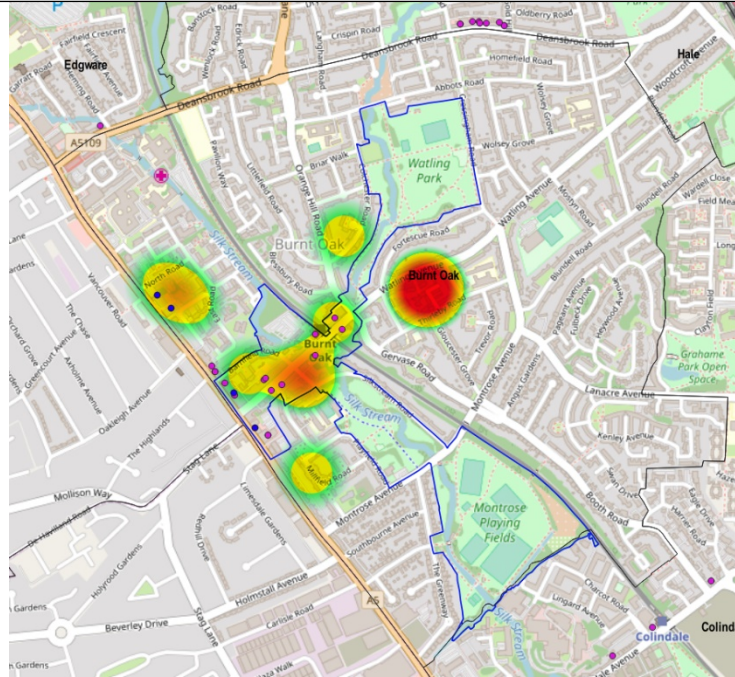


## 12-month alcohol related violent crimes in Burnt Oak



The violent crimes hotspot where victim and/or suspect had been drinking prior to the offence are in close proximity to licensed premises, especially off licence premises.

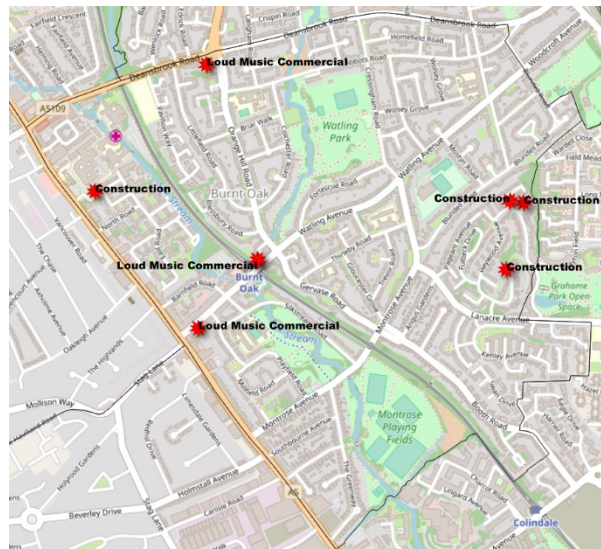
**Q4 Alcohol related ASB overlaid on Burnt Oak PSPO**



Alcohol related calls to the police are still noticeable within the perimeters of Burnt Oak PSPO boundary, however these incidents have significantly reduced compared to the previous 3 months.

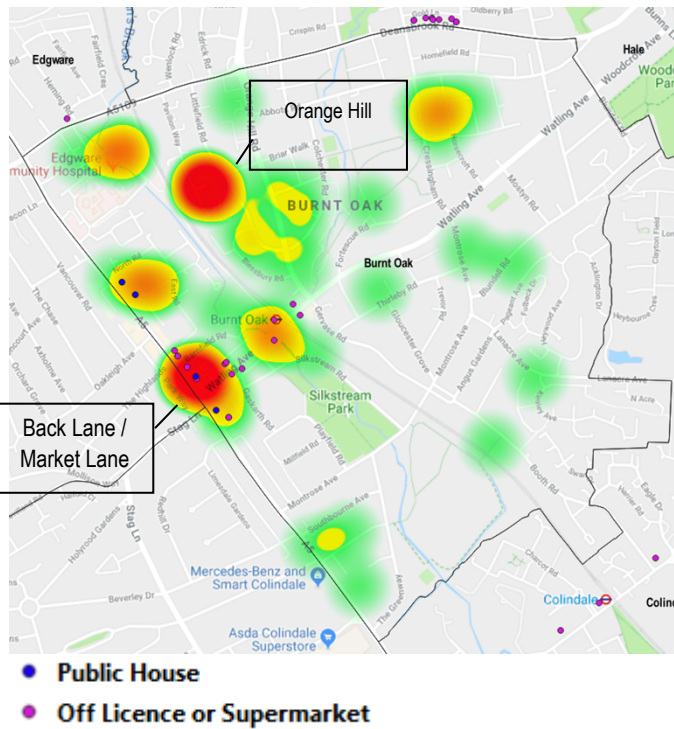
**12 months Commercial noise nuisance (Dec 2017 and Nov 2018)**

Commercial noise nuisance is not a major concern in Burnt Oak. 8 incidents in the last 12 months and were isolated. No repeat venue or offender found.





12 months Alcohol related incident attendances by London Ambulance Service (Jan-Oct 2018)



Watling Avenue and its surrounding streets (e.g. Market Lane/ Barnfield Road, Silkstream, Back Lane) and in and around Orange Hill Road are the hotspots. Licensed establishments are common in Watling Avenue.

**Exploring ways to improve the services we provide**

Current action

The council and Burnt Oak SNT have worked together in obtaining evidence of ASB in order to obtain the legal requirement and funding for a gating order to be put into place so the two public stairwells in Watling Avenue which were the location for the highest amount of ASB could be closed off.

Operational Partnership

- 3.1 This is already an ongoing partnership operation by Barnet Council (Community Safety, Regulatory Service) working with Burnt Oak SNT, NSL (enforcement agency) Westminster Drugs Project



3.2

3.3

#### **d. Public Health Assessment October 2019**

Public Health have reviewed the evidence supplied as part of the consultation and the map of the proposed CIZ. Public Health would like to suggest that in addition to the introduction of a CIZ, consideration is given to other interventions, such as a forum for Responsible Authorities to meet and discuss licensing issues, increased provision of outreach work from substance misuse services across Barnet and work with retailers within the proposed CIZ area. This should assist in ensuring that residents in Barnet see a reduction in alcohol related issues.

Public Health would also like to add to the evidence base in relation to the need for a CIZ in Burnt Oak. The information below on alcohol in Barnet and especially ambulance call outs data, could add weight to the arguments in favour of a CIZ in Burnt Oak.

For additional background data relating to alcohol use in Barnet overall, please see <https://www.barnet.gov.uk/health-and-wellbeing/health-and-wellbeing-key-documents/barnet-substance-misuse-needs-assessments>

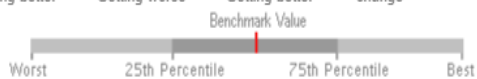
Figure 1 below is taken from Public Health England's (PHEs), Local Alcohol Profile for England. This provides information on a range of indicators relating to alcohol and there is a comparison between Barnet and the England average. Figure 1 shows that Barnet is significantly better across all indicators than the average for England but this does not mean that Barnet has no issues with alcohol. For example, 1,068 years of life were lost due to alcohol in 2017 in Barnet and there were 1,576 admissions for alcohol related conditions (narrow measure see below) and 6,182 admission episodes for alcohol related conditions (broad measure see below).

**Figure 1: Barnet local alcohol profile indicators**

\* a note is attached to the value, hover over to see more details

Compared with benchmark: ● Better ● Similar ● Worse ○ Not compared

Recent trends: - Could not be calculated ↑ Increasing / Getting worse ↑ Increasing / Getting better ↓ Decreasing / Getting worse ↓ Decreasing / Getting better → No significant change ↑ Increasing ↓ Decreasing



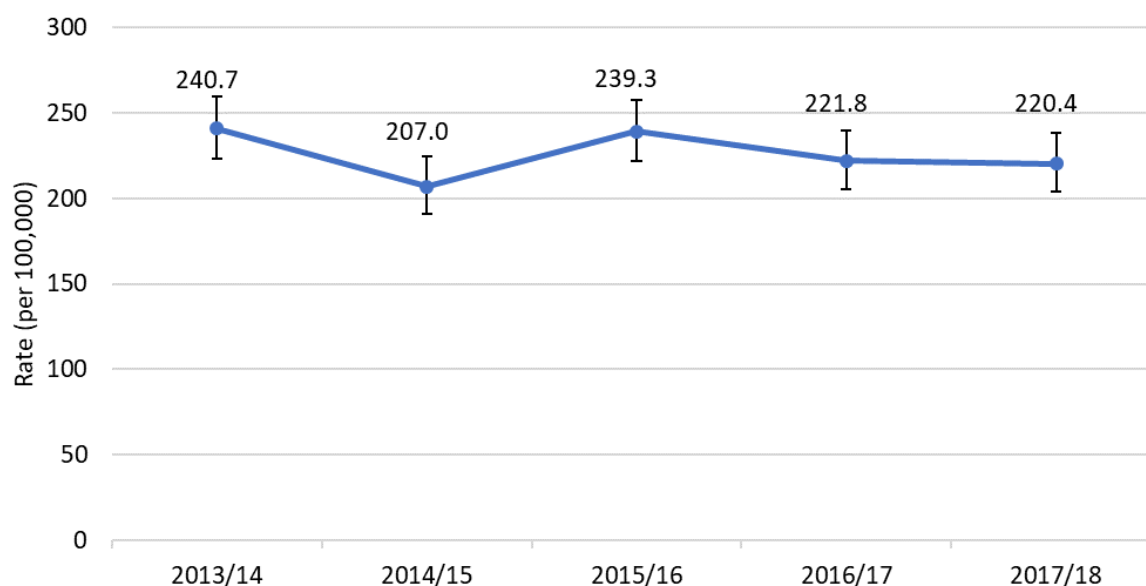
[Export table as CSV file](#)

Indicator	Period	Barnet			Region England		England			Best
		Recent Trend	Count	Value	Value	Value	Worst	Range		
1.02 - Years of life lost due to alcohol-related conditions (Persons)	2017	-	1,068	317	455	626	1,495		317	
1.02 - Years of life lost due to alcohol-related conditions (Male)	2017	-	829	496	655	898	2,249		459	
1.02 - Years of life lost due to alcohol-related conditions (Female)	2017	-	238	142	259	358	765		142	
2.01 - Alcohol-specific mortality (Persons)	2015 - 17	-	40	4.0	7.9	10.6	30.1		4.0	
2.01 - Alcohol-specific mortality (Male)	2015 - 17	-	31	6.5	11.7	14.5	39.8		6.3	
2.01 - Alcohol-specific mortality (Female)	2015 - 17	-	9	*	4.3	7.0	20.7		3.3	
3.01 - Mortality from chronic liver disease (Persons)	2015 - 17	-	53	5.5	9.5	12.2	33.9		5.5	
3.01 - Mortality from chronic liver disease (Male)	2015 - 17	-	35	7.7	13.6	16.0	45.4		7.4	
3.01 - Mortality from chronic liver disease (Female)	2015 - 17	-	18	3.4	5.8	8.6	22.6		3.4	
4.01 - Alcohol-related mortality (Persons)	2017	-	93	29.3	38.5	46.2	84.6		28.8	
4.01 - Alcohol-related mortality (Male)	2017	-	62	43.3	56.2	66.5	123.8		41.5	
4.01 - Alcohol-related mortality (Female)	2017	-	31	17.6	23.6	28.8	48.6		17.6	
10.01 - Admission episodes for alcohol-related conditions (Narrow) (Persons)	2017/18	-	1,576	466	533	632	1,097		394	
10.01 - Admission episodes for alcohol-related conditions (Narrow) (Male)	2017/18	-	990	627	704	809	1,390		472	
10.01 - Admission episodes for alcohol-related conditions (Narrow) (Female)	2017/18	-	586	327	381	473	824		256	
9.01 - Admission episodes for alcohol-related conditions (Broad) (Persons)	2017/18	-	6,182	1,949	2324	2224	3,430		1,412	
9.01 - Admission episodes for alcohol-related conditions (Broad) (Male)	2017/18	-	4,090	2,844	3288	3051	4,833		1,864	
9.01 - Admission episodes for alcohol-related conditions (Broad) (Female)	2017/18	-	2,092	1,209	1517	1513	2,403		910	
6.02 - Admission episodes for alcohol-specific conditions (Persons)	2017/18	-	1,348	403	544	570	1,486		311	
6.02 - Admission episodes for alcohol-specific conditions (Male)	2017/18	-	999	635	828	791	2,143		287	
6.02 - Admission episodes for alcohol-specific conditions (Female)	2017/18	-	349	191	283	361	892		131	

## Alcohol-related ambulance callout data

Ambulance service data can provide a sense of the scale of alcohol issues in a local area. The data below was obtained from the Safe Stats website and population data was gained from the Greater London Authority (GLA) and the Office of National Statistics (ONS). Figure 2 below provides information relating to alcohol related ambulance call outs for adults in Barnet between the years of 2013 to 2018. It shows that the rate per 100,000 in Barnet fluctuates but overall it has remained similar as the confidence intervals surrounding the actual figures overlap across all years.

**Figure 2: Alcohol-related ambulance callouts for Barnet adults, 2013/14–2017/18<sup>23</sup>**

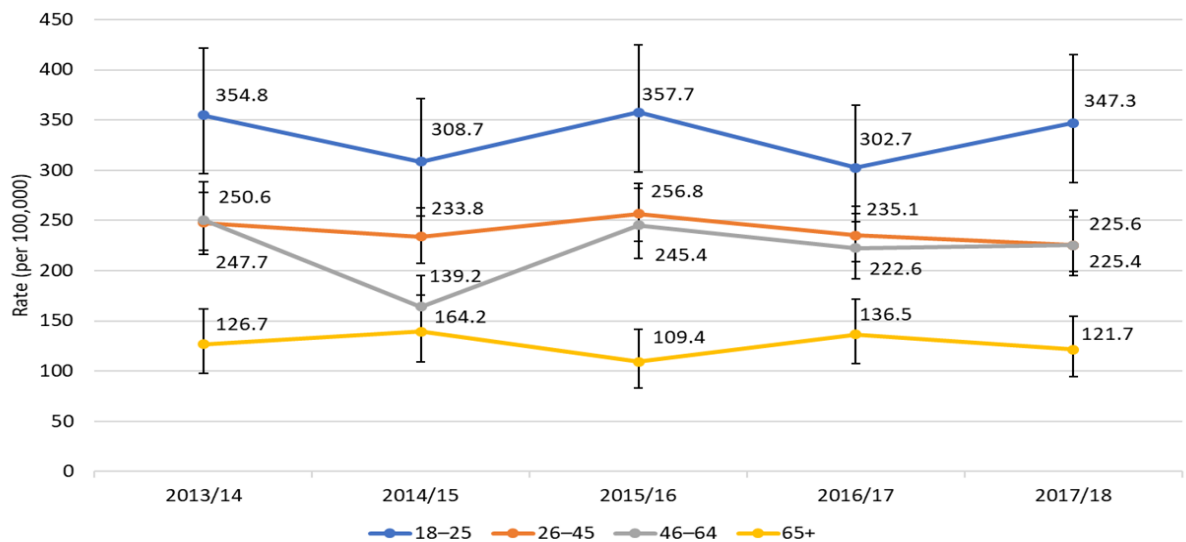


Looking at the rate per 100,000 of alcohol related ambulance call outs for Barnet residents by age ranges produced Figure 3 below. The Figure appears to show that the highest rate of ambulance call outs between 2013/14 and 2017/18 was in the 18-25-year-old groups, but during 2014/15 and 2016/17 this conclusion is questionable, due to the confidence intervals overlapping with the 26-45-year-old age group. In addition, the confidence intervals around the rate for 26-45-year olds between 2013/14 and 2017/18

<sup>23</sup> Greater London Authority (Safestats), Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables)

crosses the rate for 46-64-year olds across all years, apart from during the years of 2014/15. Due to the number of confidence intervals that overlap in Figure 3 below, it is difficult to draw any firm conclusions from this data.

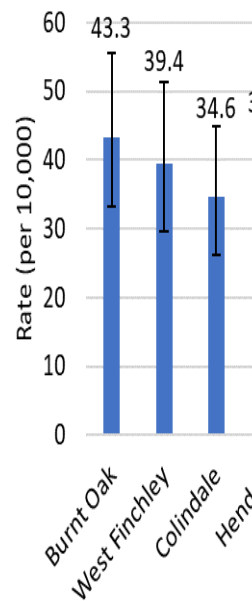
**Figure 3: Alcohol-related ambulance callouts for Barnet adults, by age, 2013/14–2017/18<sup>24</sup>**



In the final Figure in this section, the ward location of the Barnet call outs during the years of 2017/18 was plotted as a rate per 100,000. The highest rates of ambulance call outs appear to be in Burnt Oak ward, however, when consideration is given to the confidence interval surrounding this rate, this conclusion cannot be made due to overlaps with the confidence interval around the second highest ward of West Finchley. There is also overlap in the confidence intervals around the rates for Burnt Oak, West Finchley and the third highest ward rate for Colindale. The wards with the lowest rates are listed in this Figure as Totteridge, Mill Hill and Brunswick Park, again due to overlapping confidence intervals, this should be viewed with caution. Please note that data on ambulance call out rates, could be a reflection of a number of issues not related to alcohol consumption by residents

<sup>24</sup> Source: Greater London Authority (Safestats), Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables)

who live in these wards. For example, the location of on trade licensed premises could influence the data.



**Figure 4: Alcohol-related ambulance call outs for Barnet adults, by ward, 2017/18<sup>25</sup>**

Although the figures relating to alcohol harm in Barnet appear to not be significantly increasing there is still evidence that alcohol related health harms are not reducing either. The area of Burnt Oak, where the CIZ is proposed appears to have the highest numbers of ambulance related call outs in Barnet (although not statistically significant) and Public Health are supportive of the introduction of a CIZ for this reason.

<sup>25</sup> Source: Greater London Authority (Safestats), Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables)



## Appendix 2 Consultation responses

Consultee	Support/Does not support	Further Comments
Responsible Authority - Police	Support	N/A
Responsible Authority - LFB	Support	Requested
Licensed premises in Burnt Oak	Support	Feels they are a responsible retailer and this will protect the area from irresponsible retailers.
Responsible Authority - Licensing	Support	N/A
Responsible Authority – Public Health	Support	See below.  Changes have been made where appropriate to the policy and are highlighted in yellow in the draft policy in Appendix 1
Responsible Authority – Noise Nuisance	Support	N/A

**Consultation Response by Public Health to the draft Barnet Draft Statement of Licensing Policy (SLP)**  
**by Linda Somerville, Public Health Strategist October 2019**

The Public Health team welcome the review of the Barnet Statement of Licensing Policy (SLP) as per the legal requirement to complete a review every five year or more frequently if felt necessary. The new draft version is a reasonably short document providing information to potential licensing applicants relating to how the licensing authority in Barnet will operate.

Below are some specific comments relating to the draft document that was circulated with the point number location given to enable location of the text that each comment relates to.

Point 1.8 – Whilst the document the Mayor’s plan: A vision for London does focus on the Night Time Economy and a vision of London as a 24-hour city, there is a comment in 7.6.6 stating that “There are many benefits to promoting night-time economic activity such as generating jobs, improving income from leisure and tourism, providing opportunities for social interaction, and making town centres safer by increasing activity and passive surveillance. Managing issues such as

transport, servicing, increased noise, crime, anti-social behaviour, perceptions of safety, the quality of the street environment, and the potential negative effects on the health and wellbeing of Londoners, will require specific approaches tailored to the night-time environment, activities and related behaviour. Boroughs are encouraged to consider appropriate management strategies and mitigation measures to reduce negative impacts on the quality of life of local residents, workers and night-time economy customers, particularly in areas with high concentrations of licensed premises". (Source: [https://www.london.gov.uk/sites/default/files/draft\\_london\\_plan\\_-\\_consolidated\\_changes\\_version\\_-\\_clean\\_july\\_2019.pdf](https://www.london.gov.uk/sites/default/files/draft_london_plan_-_consolidated_changes_version_-_clean_july_2019.pdf)).

As part of the new draft SLP Public health would suggest that greater emphasis is placed on the potential negative impact that alcohol can have on local areas, especially in areas where there are already high numbers of on and off premises selling alcohol.

Point 3.1 in the draft SLP states that there was a wide consultation before the SLP was finalised but in the draft, there is no mention of the Responsible Authorities who can input into licensing decisions. As the SLP is a document that members of the public may look at, Public Health would suggest that a list of all Responsible Authorities and their contact details are included in the SLP. This information will assist members of the public to identify which groups they can potentially contact if they have concerns and would like to input into licensing decisions. Relatedly in Point 4.2 of the draft it is stated that residents should be made aware that they can contact their local councillor for support in relation to submitting a representation and/or calling for a review. Residents would most likely not feel confident in making a representation, in their own right and may need guidance and support from either the licensing authority or another Responsible Authority. If the names and contact details of the Responsible Authorities are listed in the SLP, this will assist.

Point 5.2 states that national analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions. Public health could add further information on this research if required (please see Appendix 1 below).

In Point 5.3 on Cumulative Impact Zones (CIZ) it states that reducing availability, affordability and attractiveness are some of the most effective ways to reduce alcohol harm and related crime. The CIZ may reduce availability (in the longer-term future as the existing licenses are already in place) but the CIZ will not affect the affordability or the attractiveness of alcohol. Public Health would suggest that this sentence is altered to include information about a CIZ only impacting on new license applications and that measures to reduce affordability of alcohol can realistically only be achieved through national policy changes.



Point 5.5 on CIZ's, refers to data sources and includes alcohol specific hospital admissions for under 18's. As the number of alcohol specific hospital admissions for under 18s is likely to be extremely low, Public Health would recommend that this measure is changed to alcohol specific hospital admissions for all ages. There is also mention of statistics on alcohol related emergency attendances and hospital admissions. Public Health can supply this data if requested but the data would be on alcohol related hospital admissions (under either a narrow or broad measure). The terms of narrow and broad were introduced to replace alcohol related hospital admissions acute and chronic.

In Point 5.7 relating to the proposed CIZ. Public Health would suggest that text is added to the draft SLP explaining that a 'rebuttal presumption' will be applied to every application in a CIZ unless it can be demonstrated that the granting will not negatively impact on the licensing objectives (Source: Poppleston Allen, 2019).

Similarly, under Point 5.13 in the draft SLP it states that "The Licensing Authority recognises though, that where no relevant representations are made in relation to an application in a cumulative impact area, the application must be granted in terms consistent with the applicants operating schedule". Public Health suggest that this point is reviewed as a CIZ creates a 'rebuttal presumption' and this point currently appears to be slightly contradictory of the rebuttal presumption. Under the CIZ it is important to say that all applications will be denied unless the application can demonstrate that they will not add to the existing cumulative impact of alcohol in the CIZ area.

Point 5.15 in the draft SLP states "It therefore also recognises that, within the Cumulative Impact Policy areas, it may be able to approve licences that are unlikely to add significantly to the existing problems, and will consider the circumstances of each individual application on its merits". Public health suggest that this statement is reviewed for similar reasons to point 5.13 above. In addition, to avoid confusion perhaps the use of the words of 'add significantly' could be reviewed as this may lead to an appeal in a Magistrates Court.

The draft SLP mentions Public Places Protection Orders (Point 8.6) and as there are already PPPO's in place, Public Health suggest that further details of these areas are included in the SLP so that members of the public and potential applicants are aware of the location of these orders.

During Point 10 the health considerations of licensing are mentioned. Public Health recommend that additional information on health and alcohol related harm is included either in this section within the draft SLP and/or in an Appendix at the end of the document (please see below for suggested text).

In Point 15.1 in the draft SLP it states that “The Licensing Authority supports partnership with other regulatory bodies in respect of enforcing the provisions of the Act. This will be reflected in the nature and the extent of the working arrangements agreed between those bodies and the Licensing Authority, and on the need for efficient deployment of staff and avoidance of duplication of role. In particular, special arrangements will be maintained with the Police and other responsible authorities to achieve those ends”. As Public Health is not a regulatory body but is a Responsible Authority, we suggest that consideration is given to changing this text from ‘regulatory bodies’ to ‘supports partnership with other responsible authorities’.

Under Point 15.5 in the draft, it is stated that “The Licensing Authority has enforcement protocols with the police and will develop them with the other responsible authorities to provide for the most effective methods of monitoring and enforcing compliance with licensing requirements”. Public Health suggest that a PH representative participates in the development of enforcement protocols and any other forum where all Responsible Authorities meet.

As previously mentioned Public Health would suggest that additional information is included in Barnet’s draft SLP relating to alcohol and harm. Below is suggested text for inclusion either in the Public Health section of the draft SLP or for an Appendix. The inclusion of alcohol related harm information, mirrors the approach adopted within Islington’s Statement of Licensing Policy 2018-2022.

## **ALCOHOL RELATED HARM IN BARNET**

Alcohol plays an important and positive role in social and family life and contributes to both employment and economic development in Barnet. These positive benefits of alcohol should be balanced with the negative impact that excessive alcohol use can have, including detrimental effects on health and wellbeing.

### **Drinking levels**

The Chief Medical Officer’s guidelines<sup>1</sup> for both men and women are that:

- To keep health risks from alcohol to a low level it is safest not to drink more than 14 units a week on a regular basis
- If you regularly drink as much as 14 units per week, it is best to spread your drinking evenly over 3 or more days. If you have one or two heavy drinking episodes a week, you increase your risks of death from long term illness and from accidents and injuries.
- The risk of developing a range of health problems (including cancers of the mouth, throat and breast) increases the more you drink on a regular basis.
- If you wish to cut down the amount you drink, a good way to help achieve this is to have several drink-free days each week.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/602132/Communicating\\_2016\\_CMO\\_guidelines\\_Mar\\_17.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/602132/Communicating_2016_CMO_guidelines_Mar_17.pdf)

Regularly drinking more alcohol than the recommended daily limit can damage health. Excessive alcohol consumption is associated with over 60 medical disorders. For instance, alcohol has been identified as a causative factor in the following conditions:

- Mouth, throat, stomach, bowel, liver and breast cancer
- Cirrhosis of the liver
- Heart disease
- Depression
- Stroke
- Pancreatitis
- Liver disease

Barnet currently experiences less alcohol related problems than regional and national averages, however this does not mean that there are no alcohol related problems in Barnet as:

- 64, 036 (21%) of residents are consuming alcohol at amounts that represents a level of increasing and/or higher risk to their health (based on a population size of 304, 937)<sup>2</sup>.
- 1,348 hospital admissions by Barnet residents were caused specifically by alcohol in 2017/18.
- 6,182 hospital admissions by Barnet residents were caused by conditions relating to alcohol in 2017/18.
- Three Public Spaces Protection Orders (PSPOs) are in place in Burnt Oak, Edgware Town Centre and Childs Hill, with additional PSPO's being consulted upon, which aim to prevent anti-social behaviour related to alcohol use in public places.

Alcohol is estimated to have contributed to 133 deaths in Barnet (this includes deaths in which alcohol is wholly responsible and those where it has played a lesser role) and during 2015-17, 40 people died directly because of alcohol consumption in the borough.

Given the issues relating to alcohol-related harm in Barnet, a proactive and collaborative approach is required to reduce the detrimental health impacts of alcohol.

## **AVAILABILITY OF ALCOHOL**

There is national and international evidence that availability of alcohol is linked to increasing alcohol consumption and alcohol related harm<sup>3</sup>. Reducing the density of licensed premises and reducing permitted hours of sale can reduce violence and other alcohol-related harm. Evidence indicates that increasing numbers of outlets or extended hours of sale potentially increases the competitive pressures

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<sup>2</sup> Greater London Authority (ONS Mid-Year Population Estimates - Custom Age Tables), NHS Digital (Health Survey for England 2017: Adult health related behaviours)

<sup>3</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733108/alcohol\\_public\\_health\\_burden\\_evidence\\_review\\_update\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733108/alcohol_public_health_burden_evidence_review_update_2018.pdf)

on existing outlets, which may result in price reductions that tend to lead to increased levels of consumption<sup>4</sup>. This is supported by an evidence review completed by Public Health England (PHE) in 2016 which suggested that a higher density of off-premises alcohol outlets may be associated with increases in deaths, rates of admission to hospital because of assault or alcohol-related disease, and domestic violence. Higher density of other types of licensed premises may also be associated with increases in admission to hospital because of assault or alcohol-related disease.

A study from Scotland<sup>5</sup> identified that alcohol-related hospitalisations of those under the legal minimum drinking age were also related to off-site outlet densities. The study suggested the local impact of off-license sales of alcohol is much higher as people tend to use off licenses that are close to the place they consume alcohol, such as home. This emphasises the importance of addressing off-license sales in harm reduction and licensing work.

Research studies have looked at the impact of changing licensing hours on alcohol related hospital admissions. For instance, a retrospective analysis<sup>6</sup> of admissions to St Thomas' Hospital in London showed a 5.1% increase in alcohol-related attendances, 0.9% increase in alcohol related assault, 2.5% increase in alcohol related injury and 1.9% increase in alcohol-related admissions.

## **BINGE DRINKING AND PRELOADING**

It is not only the amount of alcohol consumed that increases the risk of harm, but also the amount consumed in one sitting. Binge drinking, which refers to a pattern of drinking in which a person consumes a lot of alcohol in one sitting (defined as drinking more than 6 units), can cause acute intoxication and lead to acute, short-term problems. Short term risks are the immediate risks of harm, injury and accident (sometimes fatal) linked to drinking a large amount of alcohol on one occasion, which often leads to drunkenness. They include head injuries, fractures and other injuries, facial injuries and scarring, alcohol poisoning and accidents.

The risks of injury to a person who has been drinking recently have been found to rise between two and five times when 5-7 units are drunk in a 3-6-hour period<sup>7</sup>.

Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident. People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar. More people are now drinking at home, and over 70% of all alcohol in England is

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<sup>4</sup> Popova S, Giesbrecht N, Bekmuradov D, and Patra J. Hours and Days of Sale and Density of Alcohol Outlets: Impacts on Alcohol Consumption and Damage: A Systematic Review. *Alcohol & Alcoholism* 2009;44(5):500-516

<sup>5</sup> Richardson, EA., Hill, SE, Michell, R, Pearce, J and Shortt, NK. Is local alcohol outlet density related to alcohol-related morbidity and mortality in Scottish cities? *Health and Place*, 2015; 33, 172- 180

<sup>6</sup> Newton A, Sarker SJ, Pahal GS, van den Bergh E, Young C. Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emerg Med J*. 2007.;24(8):532-4

<sup>7</sup> Hughes K, Anderson Z, Morleo M, Bellis MA. Alcohol, nightlife and violence: the relative contributions of drinking before and during nights out to negative health and criminal justice outcomes. *Addiction*. 2008 Jan;103(1):60-5.

now purchased through the off trade<sup>8</sup>. For instance, it was estimated in 2012 that 6.4 litres of alcohol per person were consumed off-trade compared to 3.2 litres on-trade<sup>12</sup>. This highlights the importance of considering the impact of the off-licence trade within local licensing policy.

Later closing hours of licensed premises and cheap off-licensed alcohol create problems for the on-trade sector because customers can attend premises intoxicated from drinking at home. It is against the law to serve alcohol to those who are intoxicated, but research in the UK shows this law is routinely broken. A study conducted in Liverpool in 2013 found that 84% of alcohol purchase attempts by pseudo-intoxicated actors in pubs, bars and nightclubs were successful (i.e. alcohol was sold to the actor)<sup>9</sup>.

Multi-component programmes are the best approach to addressing issues relating to preloading. These aim to reduce alcohol-related harm in drinking environments by co-ordinating and strengthening local preventative activity. If effective, they can help reduce costs to health services, criminal justice agencies and other public services. These typically include efforts to mobilise communities, such as media campaigns and community forums, supporting and working with licensed premises such as server training and voluntary schemes to avoid easy access to cheap alcohol from off-licences (such as through reduced the strength campaigns and not selling single cans and bottles) and increased enforcement activity, such as targeted visits and training.

## **STREET DRINKING**

Street drinkers (including those who are homeless and those who are vulnerably housed) are likely to be a subset of a wider group of change resistant drinkers who are particularly vulnerable. Their drinking is likely to be having a significant impact on their health as well as causing a range of problems in the local community. A small number of street drinkers can incur significant costs: crime and anti-social behaviour on the street but also associated costs such as hospital visits, repeated 999 calls and the opportunity costs of resources used to target their needs. Alcohol Concern's Blue Light<sup>10</sup> project estimated that the average annual cost of a high risk, change resistant drinker is around £35,000 including health, criminal justice and anti-social behaviour costs.

Street drinkers depend on a local supply of alcohol. They tend not to buy large quantities for fear that it will be confiscated, or that they will be targeted by other drinkers. Therefore, most need to be near. According to ThamesReach<sup>11</sup>, which works with rough sleepers in London, "super-strength drinks have become one of the biggest causes of premature death of homeless people in the UK", with their data indicating that super-strength drinks are doing more damage than both heroin

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<sup>8</sup> Health Committee - The Government's Alcohol Strategy. Written evidence from the Association of Licensed Multiple Retailers (GAS 65). May 2012.

<sup>9</sup> Hughes, K, Bellis, MA, Leckenby, N, Quigg, Z, Hardcastle, K, Sharples, O, Llewellyn, D (2014) Does legislation to prevent alcohol sales to drunk individuals work? Measuring the propensity for night-time sales to drunks in a UK city. JECH Online First

<sup>10</sup> Alcohol Concern. Alcohol Concern's Blue Light Project Working with change resistant drinkers, 2014

<sup>11</sup> Thames Reach. Calls for high-strength cider duty increase. Available from: < <http://www.thamesreach.org.uk/news-and-views/calls-for-high-strength-cider-duty-increase/>, 2017

and crack cocaine, with 78% of the deaths in ThamesReach hostels are attributed to high strength alcohol.

In guidance from Police and Crime Commissioners<sup>12</sup> it is suggested that a multi-component approach is needed to tackle street drinking, which includes a multi-agency group, alcohol services which provide outreach and supports change resistant drinkers and appropriate legal powers aimed at individuals. This needs to be supported by a retail environment which discourages street drinking. Initiatives designed to tackle the problems associated with street drinking have removed the sale of low-priced, high strength alcohol products, through voluntary agreements with local retailers. Such schemes have resulted in a reduction in crime and anti-social behaviour.

Cumulative Impact Zones can also support areas particularly affected by street drinking<sup>13</sup>. Using policies not 'aimed' at the night-time economy but instead targeting off-licences and late-night refreshment in areas with significant health inequality and many hostels. This can include can marking initiatives to identify where cans used by street drinkers came from and having targeted patrols from the police in areas where there are concerns. Such measures can have a significant impact on alcohol related crime and anti-social behaviour.

### **Alcohol related violence**

Studies have shown that intoxication can lead to violent behaviour in those predisposed to aggression and it has been suggested that consumption leads to weakened inhibitions and relaxed normative behaviour (i.e. perceived allowance of aggression). This can result in an increased risk of alcohol-related violence inside and around drinking premises. For example, Livingston et al<sup>14</sup> found that all types of license were significantly associated with admissions to hospitals because of assault. The largest effect size was for off-licences (0.54), with smaller effect sizes for general (0.13) and on-premises licences (0.06).

Glassing related violence is another important issue that can be addressed through licensing. A "glassing" is a physical attack using glassware as a weapon. These attacks especially affect bars and clubs, where glassware is the principal weapon in licensed premises related violence. It is estimated that 80,000 glass and bottle attacks occur in the UK each year, accounting for 4% of violent crime<sup>15</sup>. These attacks, fuelled by alcohol, put a huge strain on NHS resources.

Research undertaken by the University of Bristol estimated that bar glassware accounted for 10% of assault injuries in A&E departments<sup>16</sup>. The Licensing Act

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<sup>12</sup> National Consortium of Police and Crime Commissioners (2016) Tackling Street Drinking: Guidance on Best Practice. <http://www.apccs.police.uk/wp-content/uploads/2013/11/Tackling-Street-Drinking-PCC-Guidance-on-Best-Practice.pdf>

<sup>13</sup> Livingston M, Chikritzhs T, Room R. Changing the density of alcohol outlets to reduce alcohol-related problems. *Drug Alcohol Rev.* 2007;26(5):557–66

<sup>14</sup> Ibid

<sup>15</sup> Kershaw C, Nicholas S, Walker A. (2008) Crime in England and Wales 2007/08. Findings from the British Crime Survey and police recorded crime. London, Home Office

<sup>16</sup> DH. Safe. Sensible. Social. The next steps in the National Alcohol Strategy.

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/@dh/@en/documents/digitalasset/dh\\_075219.pdf](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_075219.pdf), 2007

2003 enables licensing authorities to require glassware to be replaced by safer alternatives in individual licensed premises where a problem has been identified and representations have been made. The impact of such action has been found to be positive. For instance, in Lancashire, a study into the differences between annealed glass, and polycarbonates found that there were no glass breakages in the venues with polycarbonates<sup>17</sup>. Surveys suggest that patrons were happy to use polycarbonates, and that this did not affect sales in licensed premises. Glasgow City Council in addition, banned glassware from all venues holding an Entertainment Licence within the city's centre during the hours after midnight. Drinks had to be served in toughened glass or other recognised safety products. No conventional glass bottles, whether open or sealed could be given to customers. Overall patrons responded positively, with people feeling safer in these venues, and venues that took up plastic were found to incur less injury risk<sup>18</sup>.

## Children and alcohol

CMO guidelines<sup>19</sup> state that an alcohol-free childhood is the healthiest and best option. However, if children drink alcohol underage, it should not be until at least the age of 15 years. If young people aged 15 to 17 years consume alcohol, it should always be with the guidance of a parent or carer or in a supervised environment. Parents and young people should be aware that drinking, even at age 15 or older, can be hazardous to health and that not drinking is the healthiest option for young people.

If someone is under 18, it's against the law:

- to sell them alcohol
- For them to buy or try to buy alcohol
- For an adult to buy or try to buy alcohol for them
- For them to drink alcohol in licensed premises (e.g. a pub or restaurant)

In a survey of Young People completed by the Office of National Statistics (ONS) in 2016, it was concluded that 44% of 11 to 15-year-old school pupils had ever had an alcoholic drink<sup>20</sup>. National data suggests a steady decline in the proportion of young people who had drunk alcohol. In Barnet, a crude estimate of the Estimate of the number of 11-15-year olds who drank alcohol within the past week in Barnet is 2434 young people<sup>21</sup>.

Consideration also needs to be given to the harm alcohol causes to people other than the person who is drinking, sometimes referred to as 'social harm' or 'passive drinking'. Children of parents misusing alcohol may experience severe emotional distress, physical abuse and violence as well as a general lack of care, support and protection.

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<sup>17</sup> Anderson Z, Whelan G., Hughes K, Bellis M. Evaluation of the Lancashire polycarbonate glass pilot project. Lancashire Constabulary. Liverpool JMU Centre for Public Health, 2009

<sup>18</sup> A Forsyth. Banning glassware from nightclubs in Glasgow (Scotland): Observed impacts, compliance and patron's views. Alcohol & Alcoholism, 2017; Vol. 43, No.1 p 111-117.

<sup>19</sup> Chief Medical Office. UK Chief Medical Officers' Low Risk Drinking Guidelines 2016,

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/545937/UK\\_CMOs\\_\\_report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/545937/UK_CMOs__report.pdf) (accessed May 2017), 2016

<sup>20</sup> <https://digital.nhs.uk/data-and-information/publications/statistical/smoking-drinking-and-drug-use-among-young-people-in-england/2016>

<sup>21</sup> <https://www.barnet.gov.uk/health-and-wellbeing/health-and-wellbeing-key-documents/barnet-substance-misuse-needs-assessments>



Children and young people experience significant harm because of alcohol. The number of young people (under 18 years) admitted to hospital in Barnet because of alcohol between 2015/16 and 2016/17 was 55 – there would have been more who were taken to A&E but not admitted.

## **BEST PRACTICE**

Barnet strongly promotes working in partnership with licensed premises and the adoption of high standards of management at all premises. We recognise that many licensees are supportive of the need to address the harms issues relating to excessive alcohol use and suggest the following actions should be considered:

- Restrict "special offers" like: cheap shots; 'Happy Hours' and Buy One Get One Free. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour.
- Align pricing with Alcohol by Volume (ABV) where possible, and ensure that non-alcoholic drinks are kept much cheaper.
- Increase seating for customers to reduce more intensive drinking.
- Reduce the volume of music as loud music can increase alcohol consumption.
- Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks.
- Make food available in late night venues.
- Start the sale of alcohol later in the day and not align it purely with opening hours.
- No advertisements for alcohol in the shop windows or on the shop floor.
- Storing alcohol behind the shop counter.
- Cans of alcohol should not be sold singly.
- No beer or cider over 5.5% ABV should be sold.
- No alcopops should be sold where they could attract under age purchasers.





**Council**  
**28 January 2020**

<b>Title</b>	<b>Report of the Chief Executive – Appointment of Monitoring Officer</b>
<b>Report of</b>	Chief Executive
<b>Wards</b>	All
<b>Status</b>	Public
<b>Enclosures</b>	None
<b>Officer Contact Details</b>	Andrew Charlwood, Head of Governance, 020 8359 2014, <a href="mailto:andrew.charlwood@barnet.gov.uk">andrew.charlwood@barnet.gov.uk</a>
<b>Summary</b>	
This report notes the designation of Jessica Farmer as the Council's Monitoring Officer for the purposes of Section 5 of the Local Government and Housing Act 1989 for an interim Period.	

## Recommendations

1. That the Council designate Jessica Farmer as the Council's Monitoring Officer for the purposes of Section 5 of the Local Government and Housing Act 1989 for an interim period.
2. That Council approve the following consequential changes to the Constitution:
  - Article 9 (Chief Officers) – delete "Chief Legal Advisor" throughout Article 9 and so that it reads "Monitoring Officer".
  - Article 9 (Chief Officers) – delete 9.3 (d) "Managing the relationship with Harrow and Barnet Public Law" and include in the Director of Assurance Scheme of Delegation as a responsibility for the Head of Governance.

## 1. WHY THIS REPORT IS NEEDED

- 1.1 Section 5(1) of the Local Government and Housing Act 1989 provides that it is the duty of the Council to designate one of its officers (to be known as “the Monitoring Officer”) as the officer responsible for performing the duties imposed by that Section.

## 2. REASONS FOR RECOMMENDATIONS

- 2.1 The Council’s current Monitoring Officer will cease employment at the end of January 2020 and there is therefore a requirement to designate another Monitoring Officer.

## 3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None.

## 4. POST DECISION IMPLEMENTATION

- 4.1 Jessica Farmer will act as the Council’s Monitoring Officer with immediate effect, subject her appointment at this meeting.

## 5. IMPLICATIONS OF DECISION

### 5.1 Corporate Priorities and Performance

- 5.1.1 N/A

### 5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Any costs associated with this post will be met from the existing Assurance Management budget.

### 5.3 Legal and Constitutional References

- 5.3.1 Council Constitution, Article 9 – section 9.01 (c) states that: “The Council will designate the following posts as shown”

<b>Post</b>	<b>Statutory Designation</b>
Chief Legal Advisor and Monitoring Officer	Monitoring Officer

- 5.3.2 Section 5 of the Local Government and Housing Act 1989 provides that the Council must designate one of its officers as the Monitoring Officer, to be responsible for the duties imposed by that Section. Those duties involve reporting to the Council if at any time it appears to him that any proposal or decision of the Council has given rise to, or may give rise to, a contravention of law, or maladministration.

5.3.3 The Monitoring Officer also has duties under the Localism Act 2011 with respect to the Members Code of Conduct and the ethical standards regime.

5.3.4 The Monitoring Officer must perform his or her duties personally. Where he/she is unable to act because of absence or illness, he/she may nominate a Deputy Monitoring Officer to act in his absence.

5.3.5 A secondment agreement which has been authorised by the Director of Assurance under delegated powers includes the provision that if the secondment ends then the designation as Monitoring Officer falls away.

#### 5.4 **Risk Management**

5.4.1 None specifically arising from this report.

#### 5.5 **Equalities and Diversity**

5.5.1 None specifically arising from this report.

#### 5.6 **Consultation and Engagement**

5.6.1 None specifically arising from this report.

### 6. **BACKGROUND PAPERS**

6.1 None.

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**Council**  
**28 January 2020**

<b>Title</b>	<b>Report of the Director of Finance &amp; Section 151 Officer - London Boroughs Grants Scheme – Borough Contributions, 2020/21</b>
<b>Report of</b>	Director of Finance & Section 151 Officer
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	Yes
<b>Key</b>	No
<b>Enclosures</b>	None
<b>Officer Contact Details</b>	Ken Argent, Grants Manager, Finance Service ( <a href="mailto:ken.argent@barnet.gov.uk">ken.argent@barnet.gov.uk</a> ) (020 8359 2020)

### Summary

This report considers the proposals of the London Councils Leaders' Committee regarding the overall level of expenditure of, and borough contributions to, the London Boroughs Grants Scheme (LBGS) in 2020/21.

### Officer's Recommendations

1. That the recommendation of the London Councils Leaders' Committee for an overall level of expenditure and borough contributions of £6,668,000 in 2020/21, involving a levy on Barnet of £293,535, be approved.
2. That the Director of Finance be instructed to inform the Chief Executive of London Councils accordingly.

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 Formal approval of the 2020/21 LBGS budget by at least 22 of the constituent boroughs is required before 1 February 2020. In the event of the budget not being agreed by this statutory deadline, the Secretary of State for Housing, Communities and Local Government has powers to intervene and set the budget at the same level as in 2019/20 (£6,909,000).

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The budget reflects how the LBGS has been reconfigured, with the approval of constituent authorities, since 2011/12, pursuant to the significant cuts in public sector spending.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The next meeting of the Policy and Resources Committee to which this report would ordinarily have been submitted is not until 19 February, after the statutory deadline for notifying the council's decision.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The chief executive of London Councils will be notified of the council's decision in compliance with the deadline set.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The council is committed to working in partnership with the voluntary and community sector (and with other public agencies and local businesses) to ensure that high quality public services are delivered in the most effective and efficient way in line with the Corporate Plan.
- 5.1.2 The LBGS was established in 1985 under section 48 of the Local Government Act 1985 to make grants to pan-London and sub-regional voluntary organisations. The scheme remains in force so long as a majority amongst London boroughs continues to support it.
- 5.1.3 Section 48(3) of the 1985 Act requires constituent councils to contribute towards any expenditure of the designated authority in the making of grants which has been incurred with the approval of at least a two-thirds majority of the councils.
- 5.1.4 With the consent of constituent authorities, the City Corporation succeeded the London Borough of Richmond upon Thames as the appointed designated authority for the LBGS in 2004, involving the discharge of certain formal requirements such as issuing the annual levy on boroughs. In all practical respects, however, the scheme is administered by London Councils.

### Reviews of Future Role and Scope of LBGS

- 5.1.5 In 2010, following a review of the future role and scope of the LBGS set against cuts in public sector spending, the London Councils Leaders' Committee agreed the principles for a future grants scheme based on funding a genuinely London-wide programme embracing services that are frontline, specialist or where mobility of clients is key to delivery; infrastructure support to service providers; voice/representation services; and capacity building.
- 5.1.6 Funding for all services categorised as essentially local in nature, but either more suited to sub-regional decision-making and delivery or capable of local determination and priority, ceased in 2011/12.
- 5.1.7 In 2012, following consultation with boroughs and other stakeholders, the Leaders' Committee agreed the principles and priorities to be applied in selecting four-year commissions through the LBGS with effect from April 2013, based on commissioning fewer, but better resourced, services and only those that are genuinely pan-London. The priorities were:
- to tackle homelessness, including developing new ways of working with partners, focused on early intervention and prevention of homelessness, emergency accommodation and advice services;
  - to prevent sexual and domestic violence and assist victims to access emergency services and/or services that support women and communities affected by forced marriage and harmful practice;
  - to tackle poverty by promoting access to employment and training, drawing on opportunities for match funding provided by boroughs working with London Councils and the European Social Fund (ESF);
  - to help London's voluntary and community sector to build capacity and operate more efficiently.
- 5.1.8 A further review of the LBGS in 2015 against the backdrop of further announcements about the funding position of local authorities over the following five years resulted in discontinuance of the fourth priority (capacity building of the third sector) in commissioning new services for the four-year period from April 2017.

#### 2019/20 LBGS budget

- 5.1.9 The LBGS has an overall budget of £6,909,000 in 2019/20 to meet the cost of the current set of commissions, which is met from:

	£
borough subscriptions	6,668,000
ESF grant	58,000
transfer from reserves	183,000
	<u>6,909,000</u>

#### 2020/21 LBGS budget

- 5.1.10 The Leaders' Committee on 3 December 2019 agreed to recommend to constituent authorities for approval an overall level of expenditure of £6,668,000 for 2020/21,

reflecting the ending of the ESF programme; the impact on the match funding requirement; and reduced administrative costs following the completion of work on closing the programme, made up of:

	2020/21	2019/20
	£	£
Payments to commissions	6,173,000	6,173,000
Operating expenditure (including central recharges and London Funders' membership fees)	495,000	736,000

5.1.11 It is proposed that the budget would be met entirely from borough subscriptions (of £6,668,000). Barnet's apportionment of the levy based on population data (see 5.2.1 below) will be 4.4% in 2020/21, which will result in a Barnet contribution of £293,535, an increase of £515 on the 2019/20 levy.

## 5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The annual payment to the LBGS is a levy under section 74 of the Local Government Finance 1988 and regulations made under it. Individual borough contributions are determined by total resident population of the respective boroughs, based on Office of National Statistics (formerly OPCS) mid-year estimates for the year two years before the start of the financial year for which the levy is issued.

5.2.2 The levy on Barnet has fallen from £1,145,489 in 2010/11 to £293,021 to 2019/20.

5.2.3 Based on mid-year 2018 population estimates, when Barnet's population was 392,140 (compared to 387,800 in mid-2017), Barnet's contribution to the LBGS in 2020/21 will be 4.4% of total borough contributions.

5.2.4 Provision for the level of contribution to the LBGS, as finally approved, will be included in the draft 2020/21 revenue budget, which will be presented to the Policy and Resources Committee on 19 February 2020. If the LBGS budget put forward is approved, Barnet's contribution in 2020/21 will be £851,594 less than in 2010/11.

5.2.5 Approval of the budget will mean that total borough contributions to the LBGS will be £18,212,000 (73.1%) less than the sum of £24,900,000 paid in 2010/11.

## 5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits, a consideration for London Councils as the commissioning agency for the LBGS.

## 5.4 Legal and Constitutional References



5.4.1 Article 7 of the council's constitution details the terms of reference of the Policy and Resources Committee, which includes grants. The committee is not scheduled to meet until after the statutory deadline for formal approval of the 2020/21 LBGS levy. Article 4 of the constitution provides that Full Council may make decisions on matters normally reserved to committees where an urgent decision is required. Determination of whether a matter is urgent is reserved to the mayor and chairman of the relevant committee in consultation with the leader and the relevant chief officer. The mayor and the leader, who is chairman of the Policy and Resources Committee, have been consulted and have agreed to the urgency.

5.4.2 Further legal and constitutional considerations are detailed in paragraphs 5.1.2, 5.1.3, 5.2.1, 5.5 (below) and 5.6 (below).

## 5.5 Risk Management

5.5.1 The council is bound by law to contribute towards the costs incurred by the designated authority in the making of grants under the LBGS according to the formula set out above. In the event of the scheme being discontinued, constituent authorities would be required to contribute to its winding up costs, both in relation to grant commitments made and the closing of the unit that administers the scheme. These have not been quantified.

5.5.2 If the LBGS budget for 2020/21 is not agreed by two-thirds of constituent councils before 1 February 2020, the budget will be set at the same level as in 2019/20 (£6,909,000).

## 5.6 Equalities and Diversity

5.6.1 Under section 149 of the Equality Act 2010, the council and all other organisations exercising public functions must have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and conduct prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; and sex and sexual orientation. The broad purpose of this duty is to integrate considerations of equality into daily business and keep them under review in decision making; the design of policies; and the delivery of services.

5.6.2 An analysis by London Councils in accordance with the duties under the Act identified that a refocusing of the grants programme to reflect the reduced resources available in the context of the significant spending constraints facing local authorities would have an impact on protected groups of people. The principles and priorities of the existing programme, and the service specifications and strands to deliver outcomes, seek to apply scarce resources to mitigate, where possible, any adverse equality impacts arising from a refocused programme operating with a reduced budget.

## 5.7 Corporate Parenting

5.7.1 Not relevant in the context of this report.

## 5.8 Consultation and Engagement

### Grants Programme, 2017-21

5.8.1 In 2015, London Councils consulted boroughs and stakeholders on whether the grants programme should continue past March 2017 and, if it did, what the priorities of the programme should be.

5.8.2 The council in its response acknowledged the value of the LBGS in funding organisations that supported niche groups which would lack adequate scale if resourced locally but expressed concern about how effectively the scheme was promoted within boroughs and that many of the commissioned services did not benefit Barnet residents to any significant degree. Many of the organisations supported operated predominantly in central London and the disproportionate benefit that inner London boroughs with smaller populations received amounted to a redistribution of wealth from outer London.

5.8.3 The response stated that there was a need to take account of how many costly problems had migrated outwards to the suburbs and that sub-regional programmes tended to be better aligned to local need than those commissioned at the pan-London level. In the council's opinion, better outcomes could be achieved by redeploying the levy locally. Although it did not necessarily wish to withdraw from all activities funded through the LBGS, its overall view given the nature of the consultation, which posed a single question about the future of the programme, was that it should not continue.

5.8.4 The consultation and other evidence signified a majority view that acting collectively to address London-wide priorities was effective; provided value for money; and delivered positive outcomes for people with protected characteristics under the Equality Act 2010. A majority amongst stakeholders expressed support for continuation of a pan-London grants programme operating in accordance with the principles agreed in 2012.

5.8.5 The current four-year programme, 2017-21, which eliminated capacity building of the third sector from the previously agreed commissioning priorities pursuant to announcements about the future funding position of local authorities and ends in 2020/21, has commissioned 14 projects dedicated to tackling homelessness; sexual and domestic violence; or promoting access to employment on a pan-London basis.

## 5.9 Insight

5.9.1 Not relevant in the context of this report.

## **6. BACKGROUND PAPERS**

- 6.1 Council, 29 January 2019: approval of an overall level of LBGS expenditure of £6,909,000 in 2019/20, involving total borough contributions of £6,668,000 and a levy on Barnet of £293,021.
- 6.2 Reports to London Councils Grants Committee (13 November 2019) and Leaders' Committee (3 December 2019) on the LBGS proposals for 2020/21.
- 6.3 London Councils Chief Executives' Circular 03/19 dated 6 December 2019 seeking approval to the 2020/21 budget.

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## Council

28 January 2020

<b>Title</b>	<b>Report of the Head of Governance - Civic Link with Morphou, Cyprus</b>
<b>Report of</b>	Head of Governance
<b>Wards</b>	All Wards
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	None
<b>Officer Contact Details</b>	Angela Richardson, Mayoral Services & Civic Events Manager, 020 8359 2179, <a href="mailto:angela.richardson@barnet.gov.uk">angela.richardson@barnet.gov.uk</a>

### Summary

Council are requested to pass a resolution to reaffirm the municipal link between the London Borough of Barnet and Morphou in advance of a delegation from Morphou visiting the Borough in the 25<sup>th</sup> Anniversary year of the twinning in March 2020.

### Officers Recommendations

1. That the Council of the London Borough of Barnet reaffirms the Municipal Link in the 25<sup>th</sup> Anniversary year of the twinning between the London Borough of Barnet and Morphou which has been established for the purposes of furthering good will between the two communities through the exchange of views and ideas and by personal contact among the citizens of the two towns, and that the Council sincerely hope that the link will prosper and flourish in the coming years.

**2. That an engrossment on vellum of the foregoing resolution over the Common Seal of the Corporation be presented to the representatives of the Morphou.**

**1. WHY THIS REPORT IS NEEDED**

- 1.1 The London Borough of Barnet has ‘twin town’ civic links with: Chaville, France; Kreis Siegen Wittgenstein, Germany; Le Raincy, France; Montclair, USA; Morphou, Cyprus; Ramat Gan, Israel; and Tempelhof, Germany. In addition, there are two towns – Jinja in Uganda and Barnet in the state of Vermont in the USA with which the Council is linked but by correspondence only.
- 1.2 Running alongside the twinning are the “friends” organisations which formed in Barnet to maintain contact with their counterparts at grass roots level. The friends organise visits to and from their respective twin towns independently of the Council. They maintain much closer and regular contact than the Council. Should there be an official visit to Barnet by a civic delegation from one of the town towns, the Mayoral Services & Civic Events Manager will liaise with the appropriate “friends” organisation so that they can be involved in the visit.
- 1.3 Morphou was twinned with the London Borough of Barnet in March 1995. Morphou is within the northern part of Cyprus which has been Turkish occupied since 1974. The inhabitants of Morphou were forced to abandon their town following the Turkish occupation and the Council of Morphou has since been in exile in Limassol. By maintaining the links between Barnet and Morphou the residents of the borough are furthering goodwill between the communities and showing support for the Greek Cypriots who have been forced to live in exile.
- 1.4 The municipal council consists of the Mayor and 10 members elected for 5 years.
- 1.5 The last civic visit took place in October 2019 when representatives from the London Borough of Barnet attended a Rally crossing the Buffer Zone into Morphou.
- 1.6 Council are requested to pass the resolution detailed in recommendation 1. above in order the resolution can be presented to the representatives of Morphou when they visit in March 2020.

**2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out in section 1 above.

**3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Council could decide not to pass a resolution to reaffirm the civic link between Barnet and Morphou. This is not recommended as the Barnet/Morphou relationship is flourishing and the Mayor of Morphou in exile has requested we mark the occasion of the 25<sup>th</sup> Anniversary of the twinning.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 The Mayor's Office will organise for the resolution to be printed on vellum, signed and sealed for presentation to representatives of Morphou Municipality.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

- 5.1.1 N/A

##### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Any cost associated with town twinning arrangements are met from the Mayoral Services and Civic Events budget.

##### **5.3 Social Value**

- 5.3.1 The promotion of civic links with Barnet's twin towns enhances community cohesion and develops international cooperation.

##### **5.4 Legal and Constitutional References**

- 5.4.1 On 22 January 1997, the Policy & Resources Committee agreed that a special meeting of the Council should be convened for the purposes of establishing a civic link. The resolution above is a reaffirmation of a civic link agreed in March 1995 following informal contacts by the then Mayor and the Chair of the Policy and Resources Committee. A decision of Council rather than a decision of a special meeting of the Council, is appropriate to pass the resolution detailed in recommendation 1. above.

##### **5.5 Risk Management**

- 5.5.1 N/A

##### **5.6 Equalities and Diversity**

- 5.6.1 N/A

##### **5.7 Corporate Parenting**

- 5.7.1 N/A

##### **5.8 Consultation and Engagement**

- 5.8.1 N/A

##### **5.8 Insight**

- 5.8.1 N/A

## **6. BACKGROUND PAPERS**

- 6.1 Council, 7 March 1995, Proposed Municipal Link with Morphou, Cyprus – a Special Council meeting passed a resolution to form a municipal link with Morphou in Cyprus.
- 6.2 Policy & Resources Committee, 22 January 1997, Town Twinning – the Chief Executive presented a report on town twinning arrangements where the committee resolved that the establishment of a civic link should be via a resolution agreed at a special meeting of the Council in addition to various other matters relating to town twinning





# Council

AGENDA ITEM 12.4

**28<sup>th</sup> January 2020**

<b>Title</b>	<b>Report of the Head of Governance</b>
<b>Report of</b>	Head of Governance
<b>Wards</b>	Public
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix A – Nominations to Outside Bodies Appendix B – Changes to current Calendar of Meetings
<b>Officer Contact Details</b>	Faith Mwende– Governance Officer <a href="mailto:Faith.Mwende@barnet.gov.uk">Faith.Mwende@barnet.gov.uk</a> , 0208 359 4917

## Summary

This item presents various constitutional and administrative matters for Council's agreement. Full details are as set out in the attached appendices.

## Officers Recommendations

**That Council:**

- 1. Make the appointment to the outsiders bodies as listed in Appendix A.**
- 2. Note the changes to calendar of meetings as listed in Appendix B.**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Head of Governance report seeks Council's approval for various matters of business relating to the Council's statutory and constitutional functions.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out in the attached appendices.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 N/A

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Council decisions will be minuted and implemented through the Head of Governance.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 As set out in attached appendices.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Any specific implications are set out in the attached appendices.

### **5.3 Social Value**

- 5.3.1 Any specific implications are set out in the attached appendices.

### **5.4 Legal and Constitutional References**

- 5.4.1 Council Constitution, Article 4 – The Full Council – states that the Council is responsible for “Approving Member and officer appointments to outside bodies and external organisations on the recommendation of the Group Secretaries or Chief Executive

- 5.4.2 Council Constitution, Full Council Procedure Rules – requires that Council “Agree the Council Calendar of meetings including for ordinary meetings of the Council”. As these are in year changes they are for noting only.

### **5.5 Risk Management**

- 5.5.1 None specifically arising from this report.

### **5.6 Equalities and Diversity**

- 5.6.1 None specifically arising from this report.

## **5.7 Corporate Parenting**

5.7.1 None specifically arising from this report.

## **5.8 Consultation and Engagement**

5.8.1 None specifically arising from this report.

## **5.9 Insight**

5.9.1 None specifically arising from this report.

## **6. BACKGROUND PAPERS**

6.1 None.

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**Appendix A**  
**Appointments to Outside Bodies**

A vacancy has arisen for one appointment to the Colindale Communities Trust. The term of office runs for four years and starts from the date of the council meeting at which the appointment is made

The Group Secretaries have been invited to make nominations:

<b>Outside Body</b>	<b>Conservative Nomination</b>	<b>Labour Nomination</b>
Colindale Communities Trust		

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**Appendix B**  
**Change to Calendar of Meetings**

**Changes to Calendar of Meetings – 2019/20 Municipal Year**

<b>Committee</b>	<b>Originally Scheduled Date of Meeting</b>	<b>New Meeting Date</b>
Financial Performance and Contracts Committee	16 December 2019	29 January 2020
Joint Health Overview and Scrutiny Committee	29 November 2019	31 January 2020
Planning Committee	4 February 2020	Cancelled
Adult & Safeguarding Committee	25 November 2019	10 February 2020
Pension Fund Committee	26 February 2020	13 February 2020
Corporate Parenting Advisory Panel	13 February 2020	20 February 2020
Pension Fund Committee	NEW	31 March 2020 (Provisional)
Health and Well-Being Board	26 March 2020	Cancelled

**RECOMMEND that the changes to the Calendar of Meetings be noted.**

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**Council: Tuesday 28<sup>th</sup> January 2020**

**Administration Motion in the name of Cllr Helene Richman**

**Policing in Barnet**

**AGENDA ITEM 14.1**

This Council notes that:

1. Crime has risen in Barnet each year since Sadiq Khan became Mayor of London in 2016.
2. The Mayor of London closed the Vivian Avenue Safer Neighbourhood Team (SNT) hub in July 2019 despite having made a promise to keep it open.
3. The Government have pledged new police officers for Barnet from 2020.
4. Barnet residents currently pay more per police officer than those of any other borough.
5. Barnet has the fewest number of police officers per person of any London borough.
6. The most recent data shows an increase of crime in 19 of Barnet's 21 wards.
7. The Mayor of London spends 26% more on PR and 82% on staffing than his predecessor, Boris Johnson.

This Council believes that:

1. The people of Barnet should feel safe in their borough, their neighbourhoods and their homes.
2. In order to make our residents feel safe, it is important that there is a visible police presence across the borough.
3. The SNT hub on Vivian Avenue should be restored.
4. It is unconscionable that despite a rising crime rate in Barnet, the borough's residents pay more per police officer than the residents of all any boroughs and in turn receive the fewest officers.

This Council resolves to:

1. Urge the Mayor of London to
  - a. Re-open the SNT on Vivian Avenue.
  - b. Not close High Barnet Police Station.
  - c. Spend more money on policing and less on PR
2. Support the government's plans to increase police numbers in London and across the UK.
3. Continue to steadfastly oppose any reduction in policing.

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**Council meeting, 28 January 2020**

**Motion: Cllr Paul Edwards**

**Temporary accommodation and non-secure tenants**

**AGENDA ITEM 14.2**

Council notes the terrible conditions that Marsh Drive residents and non-secure tenants are living in: damp, mould, leaking roofs, exposed electrical wiring, pest infestation, no security doors, drug taking in communal areas, and now an official report that states the buildings would not withstand a gas explosion.

Council also notes the poor standard of temporary accommodation that the Council often places other residents in that they have accepted they owe a housing duty to.

Council notes that in many councillors' experience of case-work this is the general rule, not the exception.

Council also notes that if private landlords were renting out accommodation of this standard, the Council would be taking enforcement and other legal action against them.

Council agrees that placing and keeping people in temporary accommodation that is not fit for human habitation - whether that is in the private rented sector, or social rented sector - is unlawful.

Council recognises that there is a shortage of housing, but believes that this is no excuse for placing people in poor quality housing.

Council asks the Housing & Growth Committee to review the standard that Barnet Homes is using to place people in temporary accommodation, the stock of housing they are placing people in, and to come up with a more robust policy and standard.

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**Council: Tuesday 28<sup>th</sup> January 2020**  
**Administration Motion in the name of Cllr Daniel Thomas**  
**Barnet's Members of Parliament**

**AGENDA ITEM 14.3**

This Council notes that:

1. All three of Barnet's sitting Members of Parliament were re-elected on the 12<sup>th</sup> December 2019.
2. The re-election of these MPs: Mike Freer, Matthew Offord and Theresa Villiers coincided with a landslide victory for the Conservative Party across the United Kingdom.

This Council believes that:

1. The re-election of our MPs is testament to their hard work, both for their constituents in Barnet and for the national interest.

This Council congratulates:

1. Chipping Barnet MP, The Right Honourable Theresa Villiers on both her re-election and re-appointment as Secretary of State for Environment, Food and Rural Affairs.
2. Finchley and Golders Green MP, Mike Freer.
3. Hendon MP, Matthew Offord.
4. Boris Johnson on winning a landslide Conservative victory in the 2019 General Election, in which dozens of Conservative candidates proved that there is no such thing as a safe Labour seat.

**Under Full Council Procedure Rule 17.17: if my item is not dealt with by the end of the meeting, I ask that it be voted upon at the Council meeting.**

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**Protect Finchley Central – The Mayor of London cannot act as judge in his own case!**

Council is aware that Transport for London (TfL) intends to bring forward proposals for the construction of multiple major buildings on its land at Finchley Central Underground station.

Council notes that:

- The Mayor of London, Sadiq Khan, has appointed himself as Chair of TfL
- The Mayor of London has the legal power to call in planning applications, including those of TfL
- Called-in applications are decided by a planning committee of one – the Mayor of London himself.

Council considers the above situation a potential blatant conflict of interest.

Council affirms that, once TfL's proposals are submitted, it will be right and proper that Barnet's own officer team and Planning Committees should rule on whether planning approval should be granted.

Council therefore calls on the Leader of the Council to write to the Mayor of London, to request the following:

- that in cases where TfL, the organisation he chairs, applies for planning permission in the London Borough of Barnet, he will not sit as a planning authority.

*Under Full Council Procedure Rule 17.17: If my item is not dealt with by the end of the meeting, I ask that it be voted upon at the Council meeting.*

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