

**COUNCIL 19 MARCH 2007**

Chair:  
Councillor Eddie Griffith

Deputy Chair:  
Councillor Charles Adje

**INTRODUCTION**

1.1 This report to full Council arises from two reports considered by the General Purposes Committee at our meeting on 8 March 2007. Both reports resulted in recommendations from the Committee to full Council to amend, or consider amending, several Parts of the Council's Constitution. In the first case full Council is asked to make the Scheme of Members' Allowances for 2007/08. In the other case full Council is asked to consider, and approve in principle, a set of amendments to different Parts of the Constitution that will provide for the implementation of the Gambling Act 2005. Since the relevant provisions of the Act will not come into force until May this year, the Gambling Act changes must be formally agreed by Annual Council on 21 May and many of them must then be formally confirmed by the Licensing Committee in June.

1.2 It is not practicable to await the completion of the ongoing Review of the Council's Constitution before full Council considers these matters and, therefore, they are being recommended to this March meeting.

**ITEM FOR DECISION FROM THE MEETING OF THE  
COMMITTEE ON 8 MARCH 2007**

**2. MAKING THE SCHEME OF MEMBERS' ALLOWANCES FOR  
2007/08**

2.1 We received a report on the Scheme of Members' Allowances for 2007/08. The Scheme for 2006/07 had been amended by full Council on 13 November 2006 when increases were agreed in accordance with the recommendations of the interim report of the Independent Panel on Councillors' Remuneration in London.

2.2 The November Council decided that allowances should be increased from 1 April 2007 in line with the percentage increase agreed in the national pay settlement for Local Authority Officers. This figure is not yet known but provision is made in the new Scheme for this percentage increase to the Basic, Mayoral, Special Responsibility and Co-optees' Allowances. We noted that the figure, when agreed for officers, will be back-dated to 1 April and paid to Members as soon as possible.

- 2.3 The new Scheme for 2007/08 is set out at Appendix 1 to this report which shows the text changes as compared to the November version of the 2006/07 Scheme. Another change is to the Co-optees' Allowances in paragraph 7.01. This is a minor change, required by the relevant Regulations, to express these allowances as annualised sums rather than sums paid per meeting. It has been assumed that there will be five meetings per year.
- 2.4 We noted that the rate for babysitting and dependant's care in paragraph 8.01 (a) had originally been fixed at £5.05 by reference to the hourly national adult minimum wage. We agreed to recommend that this rate should now equal the new figure, just announced by the Government, of £5.72 per hour and that this be subject to automatic annual adjustment in line with the national adult minimum wage.
- 2.5 We considered the allowances for the Mayor and Deputy Mayor and we concluded that these should be increased to reflect more accurately the expenses of their offices and the hard work involved in undertaking their duties. We are therefore recommending that the additional allowances be increased to £15,000 for the Mayor and £7,500 for the Deputy Mayor.
- 2.6 We were advised that it was a legal requirement to make the Scheme afresh each year before the end of March and that Members must have regard to the report of the Independent Panel when they did so. We noted that the Allowances proposed in Appendix 1 were no greater than those recommended in the Independent Panel's report which is attached as Appendix 2.

## **WE RECOMMEND**

That Council adopt the Scheme of Members' Allowances for 2007/08 set out in Appendix 1 to this report and that Part C.7 of the Council's Constitution be amended accordingly with effect from 1 April 2007.

## **ITEM FOR CONSIDERATION AND APPROVAL IN PRINCIPLE FROM THE MEETING OF THE COMMITTEE ON 8 MARCH 2007**

### **3. IMPLEMENTATION OF THE GAMBLING ACT 2005**

- 3.1 We received a report on the Gambling Act 2005 which comes into force at various stages this year and which will be fully in operation on 1 September 2007. The Act will create a wholly new system of controls over gambling in Great Britain. The most important controls will be

exercise by the new national regulator, the Gambling Commission. Local Councils will take over many other functions from the

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Magistrates' Courts. These will include granting premises licences for bingo premises, betting shops, adult gaming centres and family entertainment centres. The Council will also grant permits for gaming, gaming machines and small lotteries.

- 3.2 At the meeting of full Council on 13 November 2006 Members resolved to adopt Haringey's Statement of Gambling Policy which will guide the exercise of the Council's functions under the Act. This Statement of Gambling Policy reflects the guidance of the Gambling Commission and the three national licensing objectives for gambling. These objectives are: (i) to prevent gambling being a source of crime or disorder, (ii) ensuring that gambling is conducted in a fair and open way, and (iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 We were advised that the terms of reference of the full Council should be amended to include the new statutory power to resolve not to issue any casino premises licences in the Borough for the next three years. This amendment is set out on page 3 of Appendix 3 to this report. Since the Council has made no application to be considered as a possible site for a large or small casino, an application for a casino is unlikely to arise.
- 3.4 Most of the Council's functions under the Gambling Act are statutorily referred to the existing Licensing Committee which can delegate them down to its Licensing Sub-Committees. There is a choice about the power to fix the fees payable for premises licences and related matters under the Gambling Act. This power can either be retained by the full Council or delegated to the Licensing Committee and we agreed to recommend that the Committee, as the specialist body, should discharge this function. We were advised that, legally, the fees would be subject to maximum limits and that the overall fee income should equate to the cost of providing the service as nearly as possible.
- 3.5 The proposed terms of reference of the Licensing Committee are set out in Appendix 4 to this report. The Committee will be responsible for monitoring and co-ordinating procedures under both the Gambling Act 2005 and the Licensing Act 2003 which relates to alcohol sales and public entertainments. The Committee will be consulted informally about future revisions to the Statement of Gambling Policy. It will retain jurisdiction to hear individual contested applications for premises where 500 or more persons would be present.
- 3.6 The proposed terms of reference for the Licensing Sub-Committees are set out in Appendix 5 to this report. We noted that the new functions under the Gambling Act would largely mirror the existing position under

the Licensing Act 2003. The three Member Sub-Committees would conduct hearings and decide the contested applications where there

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were objections from local residents or responsible authorities including the Police. The last section of Appendix 5 sets out the functions that are new under the Gambling Act. These include decisions on contested applications for club gaming permits and applications for more than 5 gaming machines in public houses.

- 3.7 We considered the additional delegations to officers needed to implement the Gambling Act which are contained in Appendix 6 to this report. The allocation of functions between Members and officers is again very similar to the arrangements which already work effectively in the operation of the Licensing Act 2003. Whenever there is a statutory right to a hearing or a legal right to opt for a hearing, then the case is referred to Members. The non-contentious, procedural, administrative and technical matters are delegated to the Assistant Director Enforcement and his Licensing Manager.
- 3.8 We asked about arrangements to make officers accountable for the exercise of their delegated powers. We were assured that reports came regularly to the Licensing Committee about the operation of the licensing system and this would continue. We agreed that officers should have powers to act promptly within agreed policy and procedures and to take effective enforcement action.
- 3.9 We were advised that the existing Local Licensing Procedure Rules currently used for hearings under the Licensing Act 2003, could readily be adapted for the very similar hearings under the Gambling Act. Only a few changes are recommended and these are set out in Appendix 7 to this report. The most significant is that the parties to a hearing under the Gambling Act 2005 must be allowed an equal maximum period of time for the conduct of the whole case. In contrast, under the Licensing Act 2003 the parties were only limited to an equal maximum period of time for their respective closing addresses.
- 3.10 As mentioned above, the relevant provisions of the Gambling Act do not come into force until the beginning of May 2007. We were advised that a formal decision by the Council should, therefore, await the Annual Council on 21 May to be legally effective. Annual Council will be asked to amend its own terms of reference and those of the Licensing Committee. The decisions about the terms of reference of the Licensing Sub-Committees, the officer scheme of delegation and the Local Licensing Procedure Rules must, for legal reasons, be formally confirmed by the June meeting of the Licensing Committee.
- 3.11 This report comes to this March Council meeting because it would be more appropriate to have any detailed debate on these matters before

Annual Council although Annual Council itself must make a free and unfettered decision.

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**WE RECOMMEND**

That Council consider and approve in principle, subject to formal decisions in due course by Annual Council and the June Licensing Committee, the amendments to the terms of reference of the full Council, the Licensing Committee and the Licensing Sub-Committees, and the alterations to the scheme of delegation to officers and the Local Licensing Procedure Rules set out in Appendices 3, 4, 5, 6 and 7 to this report.