

At a meeting of the COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE held in the CIVIC CENTRE on TUESDAY, 15TH SEPTEMBER, 2009 AT 5.30 P.M.

Present:-

Councillor R. Heron in the Chair

Councillors Ball, Copeland, Paul Maddison, O'Connor, Scaplehorn, D. Smith, Timmins and J. Walton.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Speding and Wake.

Minutes of the last meeting held on 7th July, 2009

Matters Arising

Stuart Douglas, Safer Communities Manager, informed Members that in response to the positive comments from the last meeting of the Committee, the Safer Sunderland Partnership had agreed to support the development of the Polycarbonate Glass Scheme.

At the request of Councillor Paul Maddison, Mr. Douglas advised that he would invite a representative from the Magistrates' Court to the next available meeting.

Jim Diamond, Review Co-ordinator, advised that a report on the meeting with the Home Office with regards to the new Code of Practice in improving the situation on the enforcement of controls on the sale and consumption of alcohol was expected to come to the October meeting of the Committee.

Mr. Diamond also advised that a response to Councillor D. Smith's enquiry in relation to the bacterial research of polycarbonate glasses would be circulated to all members of the Committee.

1. RESOLVED that the minutes of the last meeting of the Committee held on 7th July, 2009 be confirmed and signed as a correct record.

Declarations of Interest (including Whipping Declarations)

Item 6 – Anti-Social Behaviour Scene Setting Report

Councillor Ball declared a personal interest in the item as a member of the Tyne and Wear Fire and Rescue Authority.

Performance Report and Value for Money Self Assessment 2008/2009

The Chief Executive, Director of Finance and Deputy Chief Executive submitted a joint report (copy circulated) to provide Members with a value for money assessment in relation to safer communities for the period April 2008 to March 2009 as part of the Committee's Work Programme.

(For copy report – see original minutes).

Councillor J. Walton commented on the excellent report and was pleased to see the introduction of the 30 extra police officers.

Councillor Paul Maddison enquired over National Indicator 35 – Building resilience to violent extremism.

Mr. Douglas advised that it was part of a government response to tackle the threat of terrorism. This was a fairly new agenda which the Cohesive Community Team were currently working on.

2. RESOLVED that the report be received and noted.

Designated Public Place Orders

The Chief Executive submitted a report (copy circulated) to brief the Committee on the Safer Sunderland Partnership approach to dealing with future requests for Designated Public Place Orders (DPPOs).

(For copy report – see original minutes).

Councillor Timmins commented on a document produced in 2003, banning drinking of alcohol in designated places, yet it appeared that landlords can now apply for pavement licences and are allowed to drink outside of the pub.

Mr. Douglas advised that DPPO's were introduced as a response to certain byelaws on drinking and consuming alcohol in the street. A DPPO can designate an area which would be enforced by the discretion of the Police.

Councillor D. Smith referred to the paragraph • Drink banning orders can be made against individuals aged 16 or over – and enquired if that should not include any age.

Mr. Douglas advised that an Anti Social Behaviour Order could be used on anyone over the age of 10 and it may be that if the age is below 16 a preference for other types of intervention is sought.

Councillor Scaplehorn commented that some of the major issues occur on housing estates where people bring their own drink which creates areas of disorder, which the Police seem powerless to tackle.

Mr. Douglas advised that a DPPO would be one way to deal with the issue. If the Police were contacted by members of the public, they could issue a Direction to Leave Order, take the names and details and then deal with individuals causing the disorder.

Councillor J. Walton commented that many pubs sell alcohol on the pavements and enquired if this would be restricted.

Mr. Douglas advised that if problems occurred, then the Licensing Section could look at revoking the licence as there is a code of conduct to deal with problematic licensees.

Councillor Copeland commented that a ban on the drinking of alcohol around schools was needed as she contested that existing ASB Orders were not being acted upon.

Mr. Douglas advised that the LMAPs were dealing with problems in particular areas action was being taken against certain individuals identified.

The LMAP had given consideration to the problems being experienced in the area, but there was insufficient evidence to warrant the introduction of a full DPPO.

Mr. Douglas advised Members to report any such incidents to the Police for investigation or report it to Mr. Douglas or Bill Blackett, ASB Strategy Manager.

Mr. Douglas clarified that it was not against the law for a person to have alcohol in a public place, only if they were causing a disturbance.

Councillor D. Smith enquired as to who enforces the Drink Banning Orders.

Mr. Douglas advised that the Police would enforce the orders. If a person were in breach of an order it would then become a criminal offence.

3. RESOLVED that the Committee:-
 - i) Note the report and the limitations in relation to extending or introducing new DPPOs (when alternative powers may provide greater flexibility);
 - ii) endorse the approach outlined in the report of Safer Sunderland Partnership to future requests for DPPOs.

Anti Social Behaviour Scene Setting Report

The Chief Executive submitted a report (copy circulated) to provide Members with a review on key current partnership responses to anti social behaviour.

(For copy report – see original minutes).

Mr. Blackett referred to the comments in the previous item with regards to the drinking outside of schools and commented that many instances were residential problems. Many of the issues dealt with by the LMAPs could be dealt with by Gentoo.

Mr. Blackett suggested that Gentoo and the Neighbourhood Relations Team be invited to the Committee for a response to social landlord issues.

Mr. Blackett suggested it would be beneficial to consult with Gentoo as they have tools at their disposal which could help deal with the issue.

Councillor Copeland believed the Neighbourhood Relations Team needed expanding to deal with such issues.

Councillor Copeland informed the Committee that she had spoken to workers of the Youth Offending Panel/Payback Scheme, which provided a very good service. Councillor Copeland expressed concern over the potential effect of any reduction in resources for these services.

Councillor J. Walton referred to the great work being done through the Kickz Project and enquired if the intended expansion was going ahead.

Mr. Blackett advised that the expansion of the project would go to the Safer Sunderland Partnership Board in October before it would be signed off on.

Mr. Douglass advised that Northumbria Police had applied for funding, but did not believe finance had been secured as of yet.

Councillor Timmins advised of the ongoing work to create a standard approach/conditions for social landlords which would deal with unsuitable tenants.

Councillor Scaplehorn commented that there was a problem with Neighbourhood Watch as the Police did not have the funding to help start up or support the schemes.

Councillor Scaplehorn expressed his concern that not only were long established schemes being lost but the new ones also and requested the Committee look into the matter.

Councillor Scaplehorn advised the Committee that 18 months ago Sunderland had five Neighbourhood Watch Co-ordinators, none remain with 60% of schemes having folded, it gave an indication of the lack of backing.

Mr. Douglas advised that it may be worthwhile to invite the Police to a future meeting to consider the Neighbourhood Watch Schemes.

Councillor Copeland commented that since the departure of Brian Murray – the schemes had fallen away as he had made participants feel appreciated.

Councillor J. Walton agreed with Councillor Copeland's comments on Mr. Murray and commented that the Neighbourhood Watch meetings used to be well attended by the public when there was a strong police presence, but as their attendance decreased, so did the public's.

The Chairman advised of the need to find out if the decrease in police participation had been due to lack of resources or down to the success they have had in reducing crime figures.

Mr. Douglas advised that it may be appropriate to request the Police to provide a report on the Neighbourhood Watch Scheme. He noted that the Area Committees were also looking at the issue.

Councillor Copeland commented on the CCTV funding for small shop owners and suggested the cameras be placed to watch the front and sides of the shop to discourage the sale of alcohol to the under-age, ASB and so on.

Mr. Douglas advised that the scheme had been launched by the Home Office to allow small retailers to apply for grants up to £3,000 for security measures.

Retailers had until 30th September to apply and every shop selling alcohol and late night takeaway establishments had been contacted in relation to the Scheme.

There was also the option to apply for funding of up to £50,000 for whole parades of shops, of which the Police had been requested to contact in relation to identified hotspots.

Having discussed the item, it was:-

4. RESOLVED that:-
 - i) the Neighbourhood Relations Team and Gentoo provide reports on the Registered Social Landlord issues to a future meeting of the Committee; and
 - ii) a separate report be presented by the Police on the Neighbourhood Watch Schemes to a future meeting of the Committee.

Forward Plan – Key Decisions for the period of 1st September – 31st December, 2009

The Chief Executive submitted a report (copy circulated) to provide Members with an opportunity to consider the Executive's Forward Plan for the period 1st September – 31st December, 2009.

(For copy report – see original minutes).

5. RESOLVED that the report be received and noted.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) R. HERON,
Chairman.

**GAMBLING ACT 2005 – APPROVAL OF AMENDMENTS TO THE COUNCIL'S
STATEMENT OF PRINCIPLES**

Report of Chief Solicitor and Executive Director of City Services

**CORPORATE PRIORITIES: CIO1: Delivering Customer Focused Services; CIO4:
Improving Partnership Working To Deliver 'One City'.**

1. Purpose of the Report

- 1.1 To seek the advice and consideration of the Committee on a report to be considered by Cabinet on 4th November, 2009. The report sets out the revised Statement of Principles under the Gambling Act 2005.
- 1.2 The report recommends Council to approve the attached revised Statement of Principles (Appendix 1).

2. Introduction/Background

- 2.1 By virtue of the Gambling Act 2005, the Council is responsible for licensing premises for the provision of gambling.
- 2.2 One of the requirements of the Act is that the Council produces a Statement of Principles which specifies how we undertake our functions in that regard. The current Statement of Principles was agreed at a meeting of the Council on 22 November 2006 and was published on 3 January 2007 (this date being specified by legislation).
- 2.3 The Act requires that the Statement is reviewed every three years and that it is re-published on 3 January 2010. Licensing Authorities are obliged to consider guidance upon the Act issued by the Gambling Commission in conducting such reviews. Revised Guidance upon the Act was issued by the Gambling Commission in May 2009. So, the review process has involved, firstly, amending the existing Statement of Principles in order to comply with new requirements embodied within this revised Guidance. Secondly, as required by the statute, Licensing Officers have sought views upon the amended statement from persons who it may affect. The period for such consultation is now concluded. The Council is obliged to consider any responses received and determine whether it is necessary to further amend the draft Statement of Principles.

3. Current Position

- 3.1 No comments from persons potentially affected by the amended statement have been received. The Council may therefore approve the amended statement without further alteration.

4 Conclusion

- 4.1 The report is referred to this Committee for advice and consideration. Comments from the Committee will be reported back to Cabinet on 4th November 2009.

5. Recommendation

- 5.1 The Committee is invited to give advice and consideration to Cabinet on the attached report.

6 Background Papers

1. Gambling Act 2005
2. Guidance issued by the Gambling Commission under Section 25 of the Act.

Appendix 1

DRAFT

GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

This Statement can be made available on request in other languages. If you require this, please telephone 0191 5611012

City Services
Environmental Health, Trading Standards and Licensing
P.O. Box 107
Civic Centre
Sunderland
SR2 7DN

**GAMBLING ACT 2005
STATEMENT OF PRINCIPLES**

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All references to the Gambling Commission's Guidance to Licensing Authorities refer to the 3rd Edition published in May 2009.

PART A

1. The Licensing Objectives

1.1 Sunderland City Council is designated as a Licensing Authority under the Gambling Act 2005. In exercising most of its functions under that Act, the Council must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

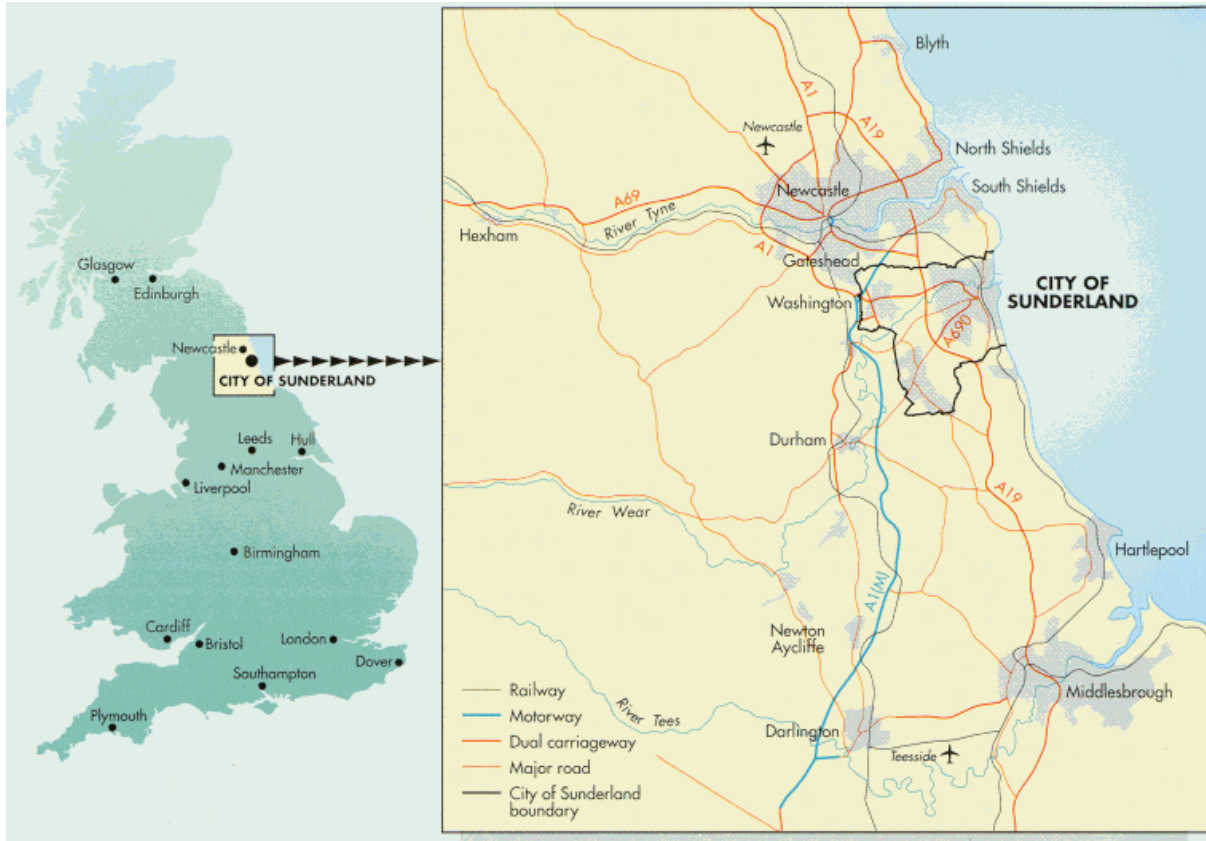
1.2 It should be noted that the Gambling Commission has stated: 'The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling'.

1.3 The Council is aware that, in accordance with Section 153, in making decisions about Premises Licences and Temporary Use Notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Council's statement of principles.

2. Introduction

2.1 The City of Sunderland has a population of 280,600 according to the 2006 mid-year estimate and is situated on the north east coast of England. In terms of area, it covers approximately 137 sq kilometres (13,700 hectares) and is mainly urban in character. Its location is shown in the map below.



2.2 The Council is required by the Gambling Act 2005 to publish a statement of the principles which it intends to apply when exercising its functions. This statement must be published at least every three years. The statement must also be reviewed from 'time to time' and any amended parts consulted upon. The statement must be then published again.

2.3 The Council consulted widely upon this statement before its publication. A list of those persons consulted is provided below.

2.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the Council's area; and
- One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Gambling Act 2005.

2.5 In formulating this statement of principles, the Council has sought the views of:-

- Northumbria Police;
- Tyne and Wear Fire and Rescue Service;
- Sunderland City Council, Development Control Section;
- Sunderland City Council, Health, Housing and Adult Services;
- Sunderland City Council, Children's Services;
- Sunderland City Council, Environmental Services (Pollution Control);
- Sunderland City Council, Environmental Services (Health and Safety Section);
- North East Council on Addictions;
- GAMCARE;
- The Responsibility in Gaming Trust;
- Association of British Bookmakers Ltd;
- British Casino Association;
- Casino Operators Association;
- British Bingo Association; and
- RAL Limited.

2.6 No responses were received.

2.7 Our consultation took place between 30 June 2009 and 14 August 2009.

2.8 This statement of principles was approved at a meeting of the Council on XXXX 2009 and was published via our website on XXXX 2009. Copies are available by request to:

The Licensing Section
City Services
P.O. Box 107
Civic Centre
Sunderland
SR2 7DN

or via e-mail: licensing@sunderland.gov.uk.

2.9 Should you have any comments with regard to this statement of principles please send them via letter to:

Licensing Section
City Services
P.O. Box 107
Civic Centre
Sunderland
SR2 7DN

or via e-mail at licensing@sunderland.gov.uk

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

3. Declaration

- 3.1 In producing this statement of principles, Sunderland City Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those persons consulted on this statement of principles.

4. Responsible Authorities

- 4.1 The Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Council about the protection of children from harm. The principles are:

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

- 4.2 In accordance with the Gambling Commission's Guidance to Licensing Authorities the Council designates its Director of Children's Services for this purpose.

- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at www.sunderland.gov.uk.

5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in section 158 of the Gambling Act 2005 as follows:

'For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person -

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)'

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

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at paragraphs 8.11 to 8.19. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be affected. Likewise, Hetton Town Council, if its area is likely to be affected, will be considered to be an interested party. Other than these parties however, the Council will generally require written evidence that a person or body (e.g. an advocate or relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be sufficient.
- If individuals wish to approach Councillors to ask them to represent their views, care should be taken that the Councillors are not part of the Licensing Committee. Details of which Councillors sit on that Committee are available from the Licensing Section.

6. Exchange of Information

6.1 The Council is required to include in its statement the principles it will apply in exercising its functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

6.2 The principle that the Council will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

6.3 Any protocols which may be established with regard to information exchange with other bodies will be made available in due course at www.sunderland.gov.uk.

7. Enforcement

7.1 The Council is required by the Gambling Act 2005 to state the principles to be applied by the Council in exercising its functions under Part 15 of the Act with respect to the inspection of premises and its use of the powers available under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

7.2 The Council's principles are that:

- It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
 - ◆ **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs minimised;
 - ◆ **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - ◆ **Consistent:** rules and standards must be implemented fairly;
 - ◆ **Transparent:** regulators should be open; and
 - ◆ **Targeted:** regulation should be focused on the problem and seek to minimise side effects.
- In accordance with the Gambling Commission's Guidance to Licensing Authorities the Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- The Council has adopted and implemented a risk-based inspection programme, based on;
 - ◆ The licensing objectives;
 - ◆ Relevant codes of practice;
 - ◆ Guidance issued by the Gambling Commission, in particular at Part 36; and
 - ◆ The principles set out in this statement.
- The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. It should be noted that concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission.

- The Council will also keep itself informed of developments with regard to the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.
- Bearing in mind the principle of transparency, the Council's enforcement policy will be available upon request to the Licensing Section. Our risk methodology will also be available upon request.

7.3 The Council recognises that certain operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to notify the Council of a single named point of contact, who should be a senior individual. The Council may contact this person first should any compliance queries or issues arise.

8. Licensing Authority functions

8.1 The Council in its role as the Licensing Authority is required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- issue Provisional Statements;
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via the issuing of Club Gaming Permits and/or Club Machine Permits;
- issue Club Machine Permits to Commercial Clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- receive notifications from premises licensed for the sale of alcohol under the Licensing Act 2003 of the use of two or fewer gaming machines;
- issue Licensed Premises Gaming Machine Permits for premises licensed under the Licensing Act 2003 to sell/supply alcohol for consumption on the premises where there are more than two machines;
- register small society lotteries below prescribed thresholds;
- issue Prize Gaming Permits;
- receive and endorse Temporary Use Notices;
- receive Occasional Use Notices;
- provide information to the Gambling Commission regarding details of licences issued (see section 6 above on Exchange of Information); and

- maintain registers of the permits and licences that are issued under these functions.

8.2 It should be noted that the Council will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operating Licences.

PART B

PREMISES LICENCES

1. General Principles

- 1.1 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations thereunder, including specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. However, the Council is able to exclude default conditions and also attach others, where it is believed to be appropriate.

Decision Making

- 1.2 The Council is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the Council's statement of principles.
- 1.3 It is appreciated that, in accordance with the Gambling Commission's Guidance to Licensing Authorities, 'moral objections to gambling are not a valid reason to reject applications for Premises Licences' and also that unmet demand is not a criterion for a licensing authority.
- 1.4 **Definition of 'premises'** - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Council will pay particular attention if there are issues about sub-divisions of a single building or plot and will seek to ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the

suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

1.5 The Council takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

1.6 The Guidance also states that the factors of which the Council should be aware in making its decision may include:

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

1.7 The Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

1.8 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at paragraph 7.23 of the Guidance to Licensing Authorities)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centres

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as defined at paragraph 7.23 of their Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect, there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre.

Bingo Premises

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.

Family Entertainment Centres

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this Council will also take into account in its decision-making.

1.9 Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Council can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, the Council will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

1.10 Location

The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. In accordance with the Gambling Commission's Guidance to Licensing Authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon with regard to areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy would not preclude any application being made and that each application will be decided on its merits, with the onus being upon the applicant to show how potential concerns can be overcome.

1.11 Planning

The Gambling Commission's Guidance to Licensing Authorities states, at paragraph 7.59, that:

'In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.'

Commensurate with this guidance, the Council will not take into account irrelevant matters. In addition the Council notes paragraph 7.66 of the Guidance which follows:

'When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building control and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.'

1.12 Duplication with other regulatory regimes

The Council will seek to avoid any duplication with other statutory regulatory systems where possible, including planning. The Council will not consider whether premises for which a licence application has been submitted are likely to be awarded planning or building consent. The Council will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, the Council will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.13 Licensing objectives

Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission's Guidance to Local Authorities and some comments are made below.

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

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

1.15 Ensuring that gambling is conducted in a fair and open way

The Council has noted that the Gambling Commission has stated that it would generally not expect Councils to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via Operating and Personal Licences. The Council has, however, more of a role with regard to Tracks which is explained in more detail in Section 7 below.

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

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

1.17 The Council is also aware of the Codes of Practice which the Gambling Commission issues with regard to this licensing objective, in relation to specific premises such as casinos.

1.18 With regard to the term 'vulnerable persons', it is noted that the Gambling Commission does not seek to offer a definition but states that 'it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.' The Council will consider this licensing objective on a case by case basis.

1.19 Conditions

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

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

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

1.21 The Council will also consider specific measures which may be required for buildings which are subject to multiple Premises Licences. Such measures may include the supervision of entrances, the segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises. These matters are in accordance with the Gambling Commission's Guidance.

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

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

These considerations will apply, among other premises, to buildings where multiple Premises Licences are in use.

1.23 The Council is aware that tracks may be subject to one or more than one Premises Licence, provided that each licence relates to a specified area of the

track. In accordance with the Gambling Commission's Guidance, the Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.24 It is noted that there are conditions which the Council cannot attach to Premises Licences. These are:

- any condition on the Premises Licence which makes it impossible to comply with an Operating Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body is required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

1.25 **Door Supervisors**

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example, by children and young persons) it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether such supervision is provided by Security Industry Authority (SIA) licensed personnel will be necessary. It will not be automatically assumed that such personnel need to be licensed, as the statutory requirements for different types of premises vary (as described by the Gambling Commission's Guidance, Part 33).

2. **Adult Gaming Centres**

2.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 The Council will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures or licence conditions may cover issues such as:

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

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

3. (Licensed) Family Entertainment Centres

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

3.2 The Council will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures or licence conditions may cover issues such as

- CCTV;
- Supervision of entrances and machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets and/or helpline numbers for organisations such as GamCare; and
- Measures and training for staff on how to deal with suspected truant school children on the premises.

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

3.3 The Council will, in accordance with the Gambling Commission's guidance, refer to the Commission's website to consider any conditions applying to Operating Licences which cover the way in which the area containing the category C machines should be delineated. The Council will also make itself

aware of any mandatory or default conditions on these Premises Licences, when they have been published.

4. **Casinos**

- 4.1 **No Casinos resolution** - The Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution. Any such decision will be made by the Full Council.

5. **Bingo premises**

- 5.1 The Council notes that the Gambling Commission's Guidance to Local Authorities states at paragraph 18.4:

'Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

The Council also notes paragraph 18.8 of the Guidance which deals with the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and, in particular, that it is not permissible to locate more than eight category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Children and young people are allowed into bingo premises. However, they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.'

6. **Betting premises**

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

7. **Tracks**

- 7.1 The Council is aware that tracks may be subject to one or more than one Premises Licence, provided that each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited

by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

7.3 The Council will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures or licence conditions may cover issues such as:

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

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

7.4 ***Gaming machines***

Where the applicant holds a pool betting operating licence and uses the entitlement to four gaming machines, machines (other than category D machines) should be located only in areas from which children are excluded.

7.5 ***Betting machines***

The Council will, in accordance with paragraph 7.26 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

7.6 ***Applications and plans***

The Gambling Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the Council has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Council to plan future premises

inspection activity. (See the Gambling Commission's Guidance to Licensing Authorities, paragraph 20.28).

- 7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See the Gambling Commission's Guidance to Licensing Authorities, paragraph 20.29).
- 7.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See the Gambling Commission's Guidance to Licensing Authorities, paragraph 20.31).
- 7.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See the Gambling Commission's Guidance to Licensing Authorities, paragraph 20.32).
- 7.10 The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information to enable the Council to satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See the Gambling Commission's Guidance to Licensing Authorities, paragraph 20.33).

8. Travelling Fairs

- 8.1 It will fall to the Council to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The Council will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

- 9.1 Developers may wish to apply to the Council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 S204 of the Gambling Act provides for a person to make an application to the Council for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to an application for a premises licence, an applicant for a provisional statement does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and, in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 9.6 In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the Council's opinion reflect a change in the operator's circumstances; or

- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the Council may discuss any concerns it has with the applicant before making a decision.

10. Reviews

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Council's statement of principles.

10.2 The request for the review will also be subject to the consideration by the Council as to whether the request is frivolous, vexatious, or whether it will certainly not cause this Council to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

10.3 The Council can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

10.4 Once a valid application for a review has been received by the Council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Council, who will publish notice of the application within 7 days of receipt.

10.5 The Council must carry out the review as soon as possible after the 28 day period for making representations has passed.

10.6 The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to the Council are to:-

- (a) add, remove or amend a licence condition imposed by the Council;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; or
- (d) revoke the premises licence.

- 10.7 In determining what action, if any, should be taken following a review, the Council must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 10.8 In particular, the Council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 10.9 Once the review has been completed, the Council must, as soon as possible, notify its decision to:
- the licence holder;
 - the applicant for review (if any);
 - the Commission;
 - any person who made representations;
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs.

PART C

Permits, Temporary and Occasional Use Notices

1. **Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits – Schedule 10 paragraph 7 of the Act)**

1.1 It is possible to apply to the Council to provide gaming machines where no Premises Licence is held. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

1.2 The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and, in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: 'In their three year Principles statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection. ' (paragraph 24.6)

1.3 The Guidance also states: '...An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
- that the applicant has no relevant convictions (these are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (paragraph 24.7)

It should be noted that the Council cannot attach conditions to this type of permit.

1.4 **Statement of Principles** - The Council will expect will applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures and training for staff with regard to suspected truant school children on the premises, measures and training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises. The

Council will also expect, in accordance with the Gambling Commission's Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's; that the applicant has no relevant convictions (these are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Paragraph 4(1) of the Act)

Automatic entitlement: two machines

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically be able to have two gaming machines of categories C and/or D. The operator of the premises merely needs to notify the Council. The Council can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has not been provided to the Council, the prescribed fee has not been provided or that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

Permits: three or more machines

2.2 If an operator of a premises wishes to have more than two machines, it is necessary to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and 'such matters as they think relevant.' This Council considers that 'such matters' will be decided on a case by case basis. However, generally, the Council will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which may satisfy the Council that there will be no access may include the locating of adult machines in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

- 2.3 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with, as an Adult Gaming Centre Premises Licence.
- 2.4 It should be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Paragraph 8 (3) of the Act)

- 3.1 The Gambling Act 2005 states that a Council may 'prepare a statement of principles that they propose to apply in exercising their functions under this Schedule' which 'may, in particular, specify matters that the Council proposes to consider in determining the suitability of the applicant for a permit'.
- 3.2 The Council has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law; and
 - clear policies that outline the steps to be taken to protect children from harm.
- 3.3 In making its decision on an application for this permit the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the Council cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, which must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if a non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machine Permits

- 4.1 Members' Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit. A Club Gaming Permit will enable the premises to provide gaming machines (up to three machines of categories B, C or D), equal chance gaming (see Section 269 of the Act) and games of chance as set out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (up to three machines of categories B, C or D).
- 4.2 The Gambling Commission's Guidance states: 'Members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.'
- 4.3 The Commission Guidance also notes that 'licensing authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the Commission or the police'.
- 4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: 'Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an Council can refuse a permit are reduced.' and 'The grounds on which an application under the process may be refused are:

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

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

5. Temporary Use Notices

5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2 A Temporary Use Notice may be given by a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

5.3 The Secretary of State has the power to determine what forms of gambling can be authorised by Temporary Use Notices. At the time of writing this Statement, the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner. This, in practice, means poker tournaments.

5.4 There are a number of statutory limits with regard to Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission's Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act, "premises" is defined as including "any place".

5.5 In considering whether a place falls within the definition of "a set of premises", the Council needs to look at, among other things, the ownership/occupation and control of the premises.

5.6 The Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices

- 6.1 The Council has very little discretion with regard to these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. However, the Council, with regard to relevant premises, will consider the definition of a 'track' and whether any applicant is permitted to avail him/herself of the notice.

REPORT TO THE
(as appropriate) ON

CABINET/COMMITTEE
2005

1. Subject Heading: _____

2. Directorate Preparing Report: _____

3. Contributing Directorates

Signature of Director/Head of Service/ Senior
Officer Approving Report

(i) _____

(ii) _____

(iii) _____

(iv) _____

(v) _____

NATIONAL DRUG STRATEGY

REPORT OF THE CHIEF EXECUTIVE

**CORPORATE PRIORITIES: CIO1: Delivering Customer Focused Services; CIO4:
Improving Partnership Working To Deliver 'One City'.**

1.0 Purpose

- 1.1 In February 2008 the Government launched the new ten year national drug strategy entitled 'Drugs: Protecting families and communities'. As part of the delivery of the strategy it seeks to ensure action to tackle drug misuse is at the core of national, regional and local planning and the delivery processes of all departments and agencies that have a role to play in delivering the drug strategy.
- 1.2 Locally, the Safer Sunderland Partnership has included "reducing drug misuse and the harm it causes, including drug related crime" within its strategic priorities for 2009/10.
- 1.3 This purpose of this report is to:
- (a) Provide the Community and Safer City Scrutiny Committee with an overview of Drugs: Protecting families and communities
 - (b) Provide an overview of progress against all four priority areas contained within the strategy
 - (b) Seek support to continue with all work plans as detailed in the report

2.0 Background

- 2.1 Drugs: Protecting families and communities 2008 replaces and builds on the previous ten year strategy, Drugs: Tackling Drugs to Build a Better Britain which was published in 1998 and updated in 2002. This new strategy sets out an overarching framework of objectives which extends the approach taken in the previous strategy and contains the first of a series of three year action plans, which will run alongside the Government's Comprehensive Spending Review cycles and associated Public Service Agreement targets.
- 2.2 Many of the aims set out in the original strategy were achieved and these include:
- Use of illicit drugs and frequent use amongst young people has fallen
 - Use of Class A drugs has stabilised after a period of sustained increases
 - Treatment capacity has doubled and waiting times are times down
 - There has been a growing number of offenders pushed into treatment from the criminal justice system
 - Drug-related crime has fallen by around a fifth
- 2.3 Included within the new strategy are four central themes which each have specific actions which are:
- Protecting communities through robust enforcement action to tackle drug supply, drug related crime and ASB and key actions include;**
- Proactively targeting and managing drug using offenders
 - Using neighbourhood policing approach to engage and empower communities
 - Ensuring all available powers, sanctions and levers are applied to tackle drug related crime and anti-social behaviour

- Seizing dealers' assets on arrest and increasing ability to seize assets overseas
- Intercepting more drugs being trafficked

Preventing harm to children, young people and families affected by substance misuse and key actions include;

- A new package of care for families
- Mainstreaming prevention
- Improving the treatment system for young people

Delivering new approaches to drug treatment and social reintegration and key actions include;

- Developing pilots to test new approaches which can provide better end-to-end management of problem drug users through the system, including more effective use of pooled funding and individual budgets and a sharper focus on outcomes
- Developing a package of support to help drug users to access and complete treatment and to re-integrate into society
- Using opportunities presented by the benefits system to support and create incentives to move towards treatment, training and employment
- Ensuring treatment is personalised and outcome-focused, making full use of new treatment approaches that are shown to be effective
- Draw on significant new funding to support research into developing better forms of treatment.

Public information campaigns, communications and community engagement and key actions include

- Extending the use of FRANK to provide access to support and interventions, to support local campaigns and school based education and to target key audiences
- Improving support and information for parents
- Developing better community based communication to build community confidence and engagement in the work that is being done to tackle drug misuse.

2.4 Alongside this national drug strategy there is significant investment to support the delivery of the actions, particularly in relation to the theme delivering new approaches to drug treatment and social reintegration. Within Sunderland we receive approximately £2.75 million for young people and adult drug treatment from the Department of Health and the National Treatment Agency (a Strategic Health Authority, who retain a performance management function for drug treatment performance). There is also approximately £800,000 investment specifically to tackle drug related offending. In addition a number of partner agencies invest their resources, including dedicated staff, to tackle the use and supply of drugs and the impact they have on individuals, families and communities. Locally this includes Sunderland City Council, Northumbria Police, Sunderland Teaching Primary Care Trust and many others from the voluntary, private and public sector. It is acknowledged that for every £1 invested in drug treatment there is a minimum cost saving of £9.50 for health and criminal justice services.

3.0 Current position

3.1 The Safer Sunderland Partnership has a range of delivery groups which lead on various elements of the implementation of the drugs strategy. The Drug and Alcohol Strategy Manager helps ensure that the work in all four areas of the drug strategy is coordinated. Some of the recent and current work being undertaken against each of the four elements is detailed below.

3.2 Protecting communities through robust enforcement action to tackle drug supply, drug related crime and ASB:

- The Sunderland Area Command of Northumbria Police has dedicated lots of their time and resources to challenge the availability and supply of illicit substances.

They recently received recognition of their good work at a national award ceremony. The Police have worked closely with the Safer Sunderland Partnership to improve information sharing about drug use and trends and work in partnership before and after a drugs raid. The Partnership has also produced numerous leaflets which the Police distribute to local communities after drug operations to reassure them, to encourage future reporting of illegal behaviour and to promote access to treatment for drug users and support for their families.

- The Safer Sunderland Partnership has been working closely with the Police and Registered Social Landlords to alert the latter to the risk of their premises being used as cannabis farms. Information leaflets have been circulated to landlords across Sunderland to let them know of tell-tale signs of a cannabis farm and the impact for them as landlords if their premises are used as one. The Police continue to act on intelligence relating to cannabis farms and between June 2008 and June 2009 closed numerous farms across the City (and continue to do so).
- Sunderland is an intensive Drug Interventions Programme (DIP) area. This ensures that all individuals who are arrested on drug related offences, including possession and supply of drugs and / or acquisitive crimes (such as burglary, theft, shoplifting, etc) are drug tested by the Police and if they test positive must be assessed for drug treatment. Drug treatment is now available at all stages of an offender's criminal justice journey, including at arrest, court, prison and on release. Offenders can also be given community sentences which require them to address their offending and drug related behaviour.
- Much drug related anti-social behaviour relates to people using secluded public areas as 'drug dens'. Any dens identified are discussed at the relevant Local Multi-Agency Problem Solving (LMAPS) Group and partners proactively work with the drug users, remove rubbish and ensuring the area is cleared and unable to be used again for a similar purpose. The Drug Related Litter Group of the Safer Sunderland Partnership has also developed numerous leaflets and posters for areas where drug related litter, including needles and syringes, are found encouraging local communities to report these incidents and how to be safe if they find any equipment. The City now has approximately 15 pharmacies who offer a needle exchange facility which increases the safe use and return of injecting equipment and numbers of drug related litter finds remain low.

3.3 Preventing harm to children, young people and families affected by substance misuse

- The Risk and Resilience Group report to both the Children's Trust Board and SSP Board. Their work includes addressing children and young people's risky behaviour, including drug and alcohol misuse, teenage pregnancy, sexual health and smoking. This group has a comprehensive delivery plan and work with young people on all of these issues.
- The Youth Drug and Alcohol Project (YDAP) works with young people who use drugs and alcohol across the City. In the last 12 months the service has seen a marked increase in the number of young people who successfully engage and stay with their service.
- The Safer Sunderland Partnership has helped support and develop two new carer support services for those affected by drug use. There is now over 150 carers in contact with these services and they receive one to one and group support, as well as information on the effects of drugs on their loved ones and where they can receive support in their local communities.
- The Safer Sunderland Partnership is currently piloting an initiative bringing together adult drug treatment providers and a range of staff from Children's Centres to work with families affected by substance misuse. It is hoped that this will identify and support children at risk and work with drug users to challenge their behaviour.

3.4 Delivering new approaches to drug treatment and social reintegration and key actions

- The Safer Sunderland Partnership has increased access to drug treatment over the recent years and now individuals are able to access treatment within guidelines from the NTA and stay in treatment as long as necessary to meet their needs
- The Partnership is currently completing a thorough needs assessment on the drug using population in Sunderland and intends to design its services according to need
- Job Centre Plus are now identifying problematic drug users who are seeking employment and referring them to drug treatment. Likewise drug treatment providers are identifying service users seeking employment or training opportunities and referring them in to the range of services available within the Job Centre
- The Safer Sunderland Partnership has developed a comprehensive approach to the housing of drug users and now has a dedicated worker based in the Housing Options Team to work with homeless drug users to enable them to access safe accommodation so that they are then able to address their drug use.

3.5 **Public information campaigns, communications and community engagement**

- Sunderland is a pilot area for the new stage of FRANK, a national service available for drug users and their carers to alert them to the effects of drugs and to refer them to services in their own area.
- The Safer Sunderland Partnership produces a range of information leaflets based on the 'you said.... we have... the result is.' format to reassure communities of the activities the Partnership has taken to address drug use and supply. An example of the leaflets we have produced is attached as appendix 1. As mentioned previously the Partnership has also worked with registered social landlords to alert them to the dangers of their premises being used as cannabis farms and an example of the leaflet used is attached as appendix 2
- The Safer Sunderland Partnership has 20 flat screen televisions in public areas across the city, including the Bunny Hill Centre, Wilkinson's Café in the City Centre, the Post Office in Pennywell and Sunderland Accident and Emergency Department. On the screens there are a range of messages including access to treatment services, FRANK and the safe consumption of alcohol.
- The Safer Sunderland Partnership is currently completing a comprehensive assessment of all of its partners' engagement mechanisms with local communities, including how they consult with communities regarding their concerns on drugs and alcohol.

4.0 **Performance Framework**

- 4.1 Performance of drug targets is monitored at the Safer Sunderland Partnership's Business Support Group which meets on a bi-monthly basis. In June 2009, a specific performance clinic was held by the Safer Sunderland Partnership to look at drug performance.
- 4.2 Included within the Local Area Agreement, the Safer Sunderland Partnership has responsibility for the performance monitoring and management of the following national indicators;
- NI 30 Prolific and Priority Offenders
 - NI 38 reducing drug (Class A) related offending

An overview on performance against these targets will be provided at the Community and Safer City Scrutiny Committee.

- 4.3 The Safer Sunderland Partnership is also monitored against a range of performance measures by the National Treatment Agency in relation to drug treatment. Some of these indicators include numbers of drug users in effective treatment, waiting times to get into treatment, planned discharges from treatment and care planning targets throughout an individual's treatment journey. At present there is particular concern

about the Safer Sunderland Partnership's performance in relation to numbers in effective treatment. The target for 2008/09 was 905 numbers of problematic drug users in treatment and the Safer Sunderland Partnership achieved 812. It is highly unlikely given current performance to date this financial year that the Partnership will achieve its targets in this area this year.

5.0 Current challenges

5.1 As the Safer Sunderland Partnership did not achieve its target for number of problematic drug users in effective treatment this year they received a 3% reduction in the budget for adult drug treatment. It is likely that there will be a further cut to this budget next year given current performance. It is also believed that the drug treatment system is not as efficient as it could be. Therefore the Partnership Board has provided the authority to the relevant lead officer and group to redesign the treatment system. This is an ongoing procedure and it is likely that any changes to the system will not take effect for several months and it will be next financial year before increases in numbers in treatment are seen.

6.0 Recommendations

6.1 The Community and Safer City Scrutiny Committee is asked to:

- a) Receive this report and the overview of the national drug strategy and the work that is ongoing to implement it in Sunderland.
- b) Consider and make any formal recommendations regarding how the Safer Sunderland Partnership may progress their work to implement this strategy.

Tolerating the harm caused by drug misuse? Not in our city

Sunderland is one of the safest cities in the North.

Whilst we don't have the same level of drug problems as other parts of the region, we know the public are still concerned. That's why the Safer Sunderland Partnership takes drug related crime very seriously.

In the last 3 years, drug related crime fell in Sunderland by 18%.

This success is largely due to the information received from the public. This is vital in helping keep drug related crime down and identifying drug dealers.

- If you know someone who is using or dealing drugs in your community you can take action by calling CrimeStoppers on **0800 555 111**. You don't have to give your name and the call is free.
- Alternatively, you can contact your local Neighbourhood Police Team on **03456 043 043**.

Using drugs? Want help?

There is a range of support available across Sunderland for people affected by substance misuse. This is accessible via a freephone number **0800 234 6798**. The service can offer advice and information as well as supporting you into treatment. It provides swift access to harm reduction advice, substitute prescribing and one to one support.

If you want general information on the effects of drugs then please visit www.talktofrank.com

Worried about someone?

If you are a parent or a friend of someone you think may be using drugs and you want to know more about the signs and symptoms, then please visit www.talktofrank.com

If you are caring for someone who is misusing drugs, call **0800 234 6798** and they will direct you to carers support.

www.sunderland.gov.uk/safersunderland


Sunderland
Partnership

NORTHUMBRIA POLICE

TEMPEST: tackling drugs, changing lives



Wiping out drugs from your neighbourhood



Weed it out



Advice for Landlords and
letting agencies


Sunderland
Partnership

Weed it out

Are you a Landlord or letting agency?

If so this leaflet advises you to stay alert for signs that your properties are being used in the cultivation of cannabis.

Residential properties are often developed into cannabis farms and there are often distinctive signs that people can look out for which include:

- People arriving and leaving properties at random times of the day and night.
- A pungent aroma in the area
- Large amounts of electrical wiring, light fittings, chemicals or compost being delivered to residential premises.
- Blacked-out windows or bright lights coming from a number of windows throughout the night including the loft area.

As cannabis farming is mostly carried out in rented properties, you can play a key role in helping the police identify suspects.

The cultivation of cannabis in residential properties can cause significant damage. For example:

- Damage to the property caused in the cultivation of cannabis can cost thousands of pounds to put right, which is not covered by insurance and you would have to meet these costs.
- Electricity illegally extracted by the growers to power the lights and fans can total tens of thousands of pounds and the utilities companies will seek to recover the cost from you and increase costs for all electricity users.
- In addition, many properties used for this purpose have been damaged in fires caused by hot lighting and unsafe electrical systems.

You can protect your properties by conducting regular checks and helping the police identify suspected cannabis farms.

If you suspect that your property is being used for this purpose or if you have any other information about cannabis farms then please contact Northumbria Police on 03456 043 043 or ring the independent charity Crimestoppers anonymously on 0800 555 111.

Remember, Sunderland is one of the safest cities in the North. With your help, we can keep it that way.

COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE

POLICY REVIEW CONSULTATION – SAFER SUNDERLAND PARTNERSHIP FORUM

REPORT OF THE CHIEF EXECUTIVE

13 OCTOBER 2009

CORPORATE PRIORITIES: CIO1: Delivering Customer Focused Services; CIO4: Improving Partnership Working To Deliver ‘One City’.

1. Purpose of the Report

- 1.1 To provide Members with a briefing on the annual Safer Sunderland Partnership Forum.

2. Background

- 2.1 At its meeting on 15 June 2009, the Scrutiny Committee agreed to pursue a review of anti social behaviour in the city. On 7 July 2009, the Committee agreed a terms of reference and objectives for the study and on 15 September 2009, the Committee received a full background report setting the scene for the review.
- 2.2 In setting the scope of the study, the Committee agreed that it would be useful for members to participate in the Safer Sunderland Partnership Forum. This would provide an opportunity for members to consult with partners and members of the public on the key issues facing the city in terms of tackling anti social behaviour.
- 2.3 The Safer Sunderland Partnership Forum will be held on 23 October 2009 at the Stadium of Light, Sunderland. The event will start at 9.30am, with registration beginning at 9.00am.
- 2.4 While a detailed programme is not yet available, it will include presentations by members of the Safer Sunderland Partnership Board, a number of workshops and market stalls. There will be an opportunity for a question and answer session followed by a lunch. The purpose of the event is to review the achievements of the last year and what is available to the residents of Sunderland in dealing with Community Safety Issues.
- 2.5 The workshops at the Forum will provide an opportunity for members of the Committee to consult with partners and members of the public attending the event. Members are invited to discuss the ways in which they can best participate in the event.

2.6 The programme for the event has yet being finalised but further detail will be provided at the meeting and the role of members will be expanded upon at the meeting.

3. Recommendations

3.1 That the arrangements for the Forum and the role of members as part of the consultation exercise for it study be noted.

4. Background Papers

None

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**COMMUNITY AND SAFER CITY SCRUTINY
COMMITTEE**

POVERTY OF PLACE

REPORT OF THE DIVERSITY AND INCLUSION MANAGER

**CORPORATE PRIORITIES: CIO1: Delivering Customer Focused Services;
CIO4: Improving Partnership Working To Deliver 'One City'.**

1. Reason for Report

- 1.1 To highlight to the committee current research as regards poverty of place in relation to understanding community safety and the relationship with community cohesion.
- 1.2 To suggest that the committee has a site visit to both an area where poverty of place is currently having an adverse impact and an area where environmental work has had a positive impact upon community cohesion.

2. Outline of Issues

- 2.1 Poverty of place is becoming increasingly important in understanding poverty in general and in particular child poverty.
- 2.2 It is linked to issues such as social and cultural capital which are being increasingly used as non-financial indicators of poverty, recognising that there is a need to broaden the definition of poverty beyond financial measures if we are to properly address its impact upon real lives.
- 2.3 Poverty of place refers to, for instance, the way the look of an area can increase fear of crime, can reinforce low aspirations and can reduce opportunities for social mixing thereby reducing opportunities to build bridging and linking social capital¹.
- 2.4 Research by the Joseph Rowntree Foundation has shown that if an area suffers from poor environmental quality (litter, graffiti, unkempt patches of land, poorly maintained footpaths, boarded up buildings and so on) people are less likely to move about in or through that area. This means that despite there being services supplied relatively close to those who need them, the take up is poorer than anticipated.
- 2.5 This is particularly so with regard to families with children in the most deprived areas of our city and means that it becomes harder for these families to escape from the cycle of poverty as they are unable to make

¹ Bridging and linking social capital refers to the links people and communities make beyond their closest family and neighbours, for instance to people in organisations or service providers who will help to encourage people to take up opportunities.

the most of the opportunities they do have.

2.6 A vicious circle of deprivation is thus created whereby a poor environment declines even further because those who are using it do not value it, they exacerbate the already poor quality of the environment thus making it even less likely that others will move through it in order to access services.

2.7 The impact on families and specifically on child poverty is multiple in that:

- Poor environmental quality is linked to a perception that the social norms of wider society are breaking down (social norms being the reason why people don't litter, vandalise, graffiti and so on) where this is the case there can either be an actual or a perceived increase in anti-social behaviour and property related crime.
- As the environmental quality declines families become more isolated and unable/unwilling to travel even short distances to take up services thus limiting the choices and options for those families.
- As families become more isolated the social and family networks that might have supported them break down thus leading to further isolation with communities becoming more and more insular and atomised.

2.8 The problem of insular communities and the breakdown of traditional extended family networks is a significant problem in Sunderland, particularly in the most deprived areas, and was commented on by the Institute for Community Cohesion in its Review of Community Cohesion carried out in 2007/08.

2.9 The problem is associated with a decline in bridging and linking social capital - i.e. those networks and connections that allow people to take up services and opportunities and influence their provision - which has a negative impact upon community cohesion. In effect those children who live in such insular communities do not simply suffer from financial poverty they also suffer from social and community (network) poverty and poverty of place and these aspects of poverty also need to be addressed.

3. Current situation

3.1 There are a number of areas in Sunderland where the impact of poverty of place can be seen to be having effect.

3.2 A number of agendas and initiatives are looking at ways of dealing with this, including the 'Responsive Local Services' aspect of the Community Leadership Programme and the activities of a number of members of the Attractive and Inclusive Delivery Partnership including Groundwork and Gentoo.

3.3 An understanding of the impact of poverty of place on child poverty is

being incorporated into the Child Poverty Strategy with actions to address some of the issues being incorporated into the action plan for the delivery of that strategy.

4. Recommendations

- 4.1 That the Community and Safer committee invite members of the Environment and Attractive Scrutiny Committee and the Sustainable Scrutiny Committee to accompany them on a site visit to look at areas where poverty of place is evident and also projects where it is being addressed.
- 4.2 Suggested areas include Fencehouses where at the LMAPS there is a repeated concern with community cohesion and community safety issues arising from poor environmental quality.
- 4.3 Also Hendon Community Allotment where a project by Groundwork is actively addressing some of these issues.

OVERVIEW AND SCRUTINY HANDBOOK

REPORT OF THE HEAD OF OVERVIEW AND SCRUTINY

1. Purpose of Report

- 1.1 To provide the Scrutiny Committee with a progress report on the refresh of the Council's Handbook for Overview and Scrutiny specifically in relation to :
- A draft Protocol for the Appointment of Co-opted Members to the Council's Scrutiny Committees;

2. Background

- 2.1 Local authorities are able to nominate co-optees to serve on scrutiny committees who are not councillors. This is in addition to co-optees for school governors and diocesan representatives co-opted with voting rights onto education scrutiny committees.
- 2.2 Recent drivers for change around the benefits of co-option include government democracy proposals, specifically around the functions of overview and scrutiny, which include creating a strong connection between scrutiny committees and local people and greater use of co-option onto scrutiny committees, particularly in relation to involvement in policy reviews is an example of how this can be achieved.
- 2.3 There is also a general power to include additional non voting members under section 21(10) LGA and paragraph 5 of Schedule 8 to the Police Justice Act 2006. This allows for co-option directly onto the Crime & Disorder Scrutiny Committee (in Sunderland the Community & Safer City Scrutiny Committee).

3. Draft Co-option Protocol

- 3.1 A Protocol has been developed to :
- (a) Provide guidance to each Scrutiny Committee considering co-option (Appendix 1)
 - (b) Define the roles and responsibilities of co-opted members (Appendix 2)
- 3.2 It is intended that the Protocol will provide a consistent approach across all Scrutiny Committees and enable the most useful contribution from co-opted representatives. It is intended to be a positive approach to make the most of the contribution of a co-opted member, if the Scrutiny Committee decided to use this option, in addition to other contributions.
- 3.3 The Protocol attached includes advice regarding the balance of membership on each Scrutiny Committee (Protocol Para. 4.4) and recommends that the co-opted representation should not outnumber the elected member representation.

3.4 All Scrutiny Committees need to be advised that in considering nominations for appointment the relevant sections of the Local Government Act 1972 must be heeded. This refers to disqualifications for election and holding office as a member of a local authority. Section 80 states that disqualification shall apply to a person being appointed to a committee of the local authority if the person is in the employment of the local authority. There is a limited exception for teachers or others employed in any school or educational institution maintained or assisted by a Local Education Authority who may be appointed to Committees dealing with education and library matters. It will be recommended that the non-teaching employee in schools and social care post is deleted.

4. Conclusion

4.1 It is appropriate that all Scrutiny Committees begin to consider whether they would benefit from co-option in light of the recent changes in legislation, new powers for scrutiny and the democratic engagement agenda.

4.2 In the lead up to the next municipal year, 2010/11, and the development of new work programmes, all Scrutiny Committees will have the opportunity to consider the appropriate use of co-option guided by the new Protocol and in support of emerging review and scrutiny business.

5. Recommendation

5.1 It is recommended :

(a) That comments be received on the draft Co-option Protocol and subject to the comments received from all the Scrutiny Committees, the draft Protocol is endorsed and is included in the new Handbook.

(b) Using the guidance of the new Protocol, the Committee takes a view on the current non-statutory representation on the Committee. .

6. Background Papers

Overview and Scrutiny Handbook

Protocol for the Appointment of Coopted Members to Scrutiny Committees

Part 1. Background

1.1 The Council's constitution says that

"Each overview and scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees."

1.2 This protocol is a guide for Scrutiny Committees in helping with:

- Why a scrutiny committee might want to co-opt
- When not to co-opt
- Who to co-opt
- How to co-opt
- What are the steps to follow

1.3 A separate paper is available describing the role of a co-opted member, the responsibilities and the support available.

1.4 Co-opted members can be recruited for the municipal year or the duration of a working group.

1.5 There are two variations to this arrangement.

- (a) The Children, Young People and Learning Scrutiny Committee deals with education matters and that Committee is *obliged* to include in its membership co-opted representatives from the Diocesan Boards and Parent Governors as voting members of the Committee for 3-year terms.
- (b) The Community and Safer City Scrutiny Committee deals with crime and disorder matters and *may itself* co-opt additional members to serve on the committee where it considers this appropriate.

All other Scrutiny Committees, in accordance with the Protocol below will refer nominations to Council to appoint to the Committees.

Part 2. Why a scrutiny committee might want to co-opt

2.1 Co-opted members can make a considerable and valuable contribution to the work of a Scrutiny Committee through broadening the range of experience, skills and knowledge available to support elected members in their deliberations.

2.2 A Scrutiny Committee that is considering whether to recommend the appointment of co-opted Members should identify, in the context of its terms of reference and the Work Programme for the year ahead:

- The range of skills and knowledge the Committee will need to effectively deliver its work-programme
- The range of skills and knowledge the existing (elected and co-opted) Members of the Committee are already able to bring to the Committee
- Where there are gaps in the required skills and/or knowledge that a co-opted Member could fill
- Whether the need for these skills and knowledge is time-limited

Part 3. When *not* to co-opt

- 3.1 When considering whether and who to co-opt, the Committee will consider the range of arrangements available to the Committee to gather information to inform its deliberations or whether the Committee requires the additional expertise of a co-opted member's attendance throughout the year.
- 3.2 Other arrangements include the calling of expert and other witnesses, and consultation through a range of means designed to reach members of the city's communities, receiving evidence or hearing from interested parties (from one or several witnesses or experts, and on one or more occasions).
- 3.3 In many circumstances, the temporary attendance of a member of the community who has a particular knowledge of the issues under consideration can be an appropriate way of including and gathering information about how Council policies are working for the city's communities, and identifying ways of improving. Members should bear in mind that many representatives of the city's communities may find the formality of appointment to a Council Committee more daunting than this more informal involvement.
- 3.4 In coming to a decision the Committee is referred to the table below.

Coopted Member	External Witness	Expert Witness
Consistent access to a broader perspective across the work programme	Impartial evidence for any topic in the work programme or as part of a policy review	Professional Expertise provided on consultancy basis to advise on policy review
Balanced representation of community experience on the Committee	Flexibility to contribute to one-off issues	Specialist topics approached with appropriate guidance
Commitment to working with community representatives and partner organisations and building close working relationships	Wide range of witness options across all topics	Validates conclusions through expert perspective
Capacity increased for work outside the formal Committee meeting	Personal experience of service or policy implications	
External challenge and perspective on issues under consideration	Independent of the Council	
Understanding of Local Authority and Partners	Single-issue / lobby group perspective on issues	

Diversity of knowledge and experience		
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Part 4. Who to co-opt

- 4.1 When seeking nominations, the Committee should consider how representative the Committee’s elected membership is of the experience of the community as a whole with particular regard to the 6 equality strands; age, faith, gender, ethnicity, disability, sexual orientation.
- 4.2 The co-opted nominee should be a member of a representative group, sector or organisation relevant to the scope of the Committee or project being undertaken or be a resident in the Sunderland area.
- 4.3 The Committee should:
 - Determine the number of nominations to be sought.
 - Identify the range of experience, skills, knowledge and expertise the committee is seeking and seek nominations from organisations and individuals who demonstrate they have these
 - Guard against seeking nominations from organisations or individuals with a single issue perspective or personal agenda
 - Identify organisations which represent interest groups that fill identified gaps
 - Consider approaching voluntary and community sector organisations to seek nominations where there is an identified need to balance the membership to reflect the experience of all sectors of the community.
- 4.4 In determining the number of co-opted Members to be invited to serve, the committee should ensure that membership achieves a balance between the representative role of elected Members and the value that can be added through bringing a range of skills and perspectives to the work of the Committee. To avoid the Committee becoming unwieldy, the number of co-opted members should be kept to the minimum necessary. The number of additional co-opted members should not in any case be greater than the number of permanent committee members.

Part 5. How to co-opt

- 5.1 The Committee should follow these steps :
 1. At the point of determining the Annual Work Programme and project plan for Policy Review, the Committee will consider whether the business of the committee may require the input of co-opted member/s.
 2. When the Committee has considered the range of nominations to be sought the Scrutiny Officer will on behalf of the Committee:
 - Seek and receive nominations on behalf of the Committee, ensuring prospective co-opted members are aware of the requirements of the

role and that information put forward in support of their application will be considered in a public meeting of the Committee.

- Methods may include writing directly to organisations and individuals or advertising for individuals able to serve as co-opted members, using local press, and/or website.
 - Report nominations to the next available meeting of the Committee.
3. When selecting co-opted members the Committee should:
- Evaluate these against the requirements identified.
 - Give preference to individuals able to make the broadest contribution to the required skills and knowledge base.
 - Propose nominations to be put to Council
4. Appointment by Council
- Committee reports its preferred nominations to full Council
 - Council considers nominations and makes appointments of co-opted members for the Council year

Role of a Co-opted Member

1. Background

- 1.1 The following is not an exhaustive description but gives a guide to what may be required from a co-opted representative.
- 1.2 There are some things for which training and support can be given e.g. understanding of local government, the scrutiny process, agendas etc but other things such as ability to speak up, consult with the organisation being represented etc are skills which a representative should be bringing with them.
- 1.3 Co-opted members will be representing a group, sector or organisation on the Scrutiny Committee or working group and will be expected to voice opinions on behalf of the represented body.

2. Contribution of Coopted Members

- Be able and willing to attend monthly Scrutiny Committee meetings and additional meetings and or/working parties outside of the normal Committee cycle
- Prepare in advance of the meeting, by reading the published agenda and papers
- Be able to assimilate agenda reports and other documents and to raise questions from them in order to help the committee to make practical suggestions for improvements to services
- Play an active role in contributing to discussions on policies, bringing the point of view of the represented body or any specialist knowledge on all matters, not just those of the specialist area
- Bring an element of external challenge to the Committee discussions for example, through the representational role and also by relating issues more as the general public may view issues
- Be willing and able to report back regularly to the represented body and bring back their concerns and observations
- Be willing and able to consult with the represented body in order to ensure that proposed policies or reviews reflect their voices and concerns
- Have an understanding of the role and function of overview and scrutiny
- Be willing to attend and participate in relevant training
- Promote awareness, understanding and interest in the work of the Scrutiny Committee

3. Qualities of a Co-opted Members

- Effective communication skills, with the ability to listen and question effectively
- Ability to interpret and assess information to identify issues and propose solutions
- Ability to consider an issue from a range of points of view

- An open-minded approach to people and issues
- Ability to work cooperatively and as part of a team in both formal and informal settings
- A commitment to improving outcomes for people in Sunderland

4. General principles for co-opted members

4.1 Before taking up appointment co-optees will be expected to sign a declaration that they will observe the principles of the Code of Conduct, including the Nolan principles of involvement in public life. This includes a requirement for the co-opted member to declare interests in issues under consideration, and to withdraw from any part of a meeting where they have a personal and prejudicial interest in the same way as an elected Member.

4.2 Co-opted members with voting rights will need to:

- Complete an entry in the Register of Interests within 28 days of taking office.
- Abide by the Council's Constitution and the Scrutiny handbook in terms of rules and procedures for Scrutiny Committee proceedings

4.3 If a co-opted member fails (without the agreement of the Council) to attend throughout a period of 6 months, they will cease to be a co-opted member.

4.4 No co-opted member may be involved in scrutinising a decision in which he/she has been directly involved.

4.5 Co-opted members may need to declare a personal or prejudicial interest in specific agenda items – guidance will be given on this.

4.6 As a member of a scrutiny committee co-opted members may volunteer, or be asked by the Committee to take part in task and finish working groups. These are time-limited, set up to carry out specific pieces of work within agreed terms of reference. They make recommendations and report back to the main committee.

5. Support arrangements for Co-opted Members

5.1 Co-opted members of the Committees will be provided with the following to support their participation in the work of the Committee, and of working groups established by it.

5.2 Before taking up a place on the Committee, a co-optee will be given an induction into the requirements of the Members' Code of Conduct, including the registration and declaration of interests before signing acceptance of the Members' Code of Conduct and advice on how the Committee operates and fits into the Council's decision-making process.

5.3 Upon appointment, co-optees will be given copies of, and a brief explanation of:

- The Council's Constitution,

- The Corporate Improvement Plan
- The Scrutiny Handbook
- Key documents relevant to the Scrutiny Committee including terms of reference, current forward work programme, planned meeting dates, and recent committee papers.

5.4 Scrutiny Officer support is available to all Scrutiny Committee co-opted members in the same way as scrutiny committee councillors. Each scrutiny committee has a named Scrutiny Officer with access to the rest of the scrutiny team for wider requests for information or guidance. Briefing before or after scrutiny meetings can be available on request.

5.5 In line with legal requirements, paper copies of agendas and reports for meetings will be issued at least 5 working days before the date of the meeting.

6. Car Parking

3.1 Scrutiny Committee meetings are usually held in the late afternoon. For meetings started after 5.00 pm co-opted members will be able to park in the secure underground car park of the Civic Centre. For meetings at other times arrangements can be made through the Democratic Support Officer.

7.1 Access

3.1 All meeting rooms at the Civic Centre are fully accessible and hearing loops are installed in some rooms. If you have any particular requirements or access needs to enable you to participate in meetings, please contact the Democratic Services Officer for your committee. With reasonable notice, we will also provide information in other formats, for example, large print or on tape – please contact the Democratic Services Officer for details.

8. Expenses

3.1 All co-opted members are entitled to claim reasonable travel expenses (for instance bus fares or mileage and parking). For those with carer responsibilities, it is also possible to claim an allowance for the care of a dependent relative. Co-opted members should, where possible, obtain receipts for any expenditure. The Democratic Services Officer will be able to give advice on making a claim for expenses.

9. Access to information

9.1 You are entitled to access to all information available to the scrutiny committee, sub-committee or working party on the same 'need to know' basis as elected councillors.

10. How do I become a co-opted member?

10.1 If you are a member of a group or have specific experience or knowledge and you think you can make a contribution as a co-opted member to a Scrutiny Committee please contact the Scrutiny Team on 0191 561 1004/1006/1396 or overviewandscrutiny@sunderland.gov.uk

REQUEST TO ATTEND CONFERENCE

LINK TO WORK PROGRAMME – POLICY REVIEW

Report of the Chief Executive

STRATEGIC PRIORITIES: SP5: Safer City.

CORPORATE PRIORITIES: CIO1: Delivering Customer Focused Services; CIO4: Improving Partnership Working To Deliver ‘One City’.

1. Purpose

- 1.1 For the Committee to consider sending delegates to the LGA Conference entitled “The Future of Scrutiny – Tackling the Big Issues”.

2. Background

- 2.1 An invitation has been received from the Local Government Association to attend a national conference on the future of overview and scrutiny powers in relation to crime and disorder. The event takes place on Friday 30 October 2009 at Local Government House in London.

- 2.2 The conference will include sessions on the following:-

- Understanding the big issues where Council’s have new scrutiny powers;
- The role of councils in tackling crime and disorder;
- CAA Success – the role of scrutiny;
- What new powers and support are needed to promote effective scrutiny.

- 2.3 The itinerary for the event will provide members with some useful information in relation to this years policy review which centres on anti social behaviour. The event also provides other useful information which will help increase the knowledge and expertise of members of the Community and Safer City Scrutiny Committee.

- 2.4 The cost of the event is £251 per delegate. It is suggested that the Committee consider sending up to three members to attend the event.

3. Recommendation

- 3.1 The Scrutiny Committee is asked to consider the attendance of members to the above Conference to be funded from the budget of the Community and Safer City Scrutiny Committee.

4. Background Papers

Contact Officer: **Jim Diamond (0191 561 1006)**
James.diamond@sunderland.gov.uk

COMMUNITY AND SAFER CITY SCRUTINY COMMITTEE

FORWARD PLAN – KEY DECISIONS FOR THE PERIOD 1 OCTOBER – 31 JANUARY 2010

REPORT OF THE CHIEF EXECUTIVE

13 OCTOBER 2009

1. Purpose of the Report

- 1.1 To provide Members with an opportunity to consider the Executive's Forward Plan for the period 1 October – 31 January 2010.

2. Background

- 2.1 The Council's Forward Plan contains matters which are likely to be the subject of a key decision to be taken by the Executive. The Plan covers a four month period and is prepared and updated on a monthly basis.
- 2.2 Holding the Executive to account is one of the main functions of Scrutiny. One of the ways that this can be achieved is by considering the forthcoming decisions of the Executive (as outlined in the Forward Plan) and deciding whether Scrutiny can add value in advance of the decision being made. This does not negate Non-Executive Members ability to call-in a decision after it has been made.
- 2.3 The Forward Plan for the period 1 October – 31 January 2010 is attached marked **Appendix 1**. As requested by members at the last meeting, only those items which are under the remit of the Committee have been included. The remit of the Committee covers the following themes:-

Safer Sunderland Strategy, Social Inclusion, Community Safety; Anti Social Behaviour; Domestic Violence; Community Cohesion; Equalities; Licensing Policy and Regulation, Community Associations, Registrars.

2.4 In the event of Members having any queries that cannot be dealt with directly in the meeting, a response will be sought from the relevant Directorate.

3. Recommendations

3.1 To consider the Executive's Forward Plan for the period 1 October – 31 January 2010.

4. Background Papers

None

Contact Officer : Jim Diamond 0191 561 1396
james.diamond@sunderland.gov.uk

Forward Plan: Key Decisions from - 01/Oct/2009 to 31/Jan/2010
Items which fall within the remit of the Community and Safer City Scrutiny Committee

No.	Description of Decision	Decision Taker	Anticipated Date of Decision	Principal Consultees	Means of Consultation	When and how to make representations and appropriate Scrutiny Committee	Documents to be considered	Contact Officer	Tel No
01284	To endorse the Anti Social Behaviour Review	Cabinet	07/Oct/2009	Cabinet, Service Users, Carer Groups, Portfolio Holder, Adult Services Staff, Health Partners	Briefings and/or meetings with interested parties	Via the Contact Officer by 21 September 2009 - Community and Safer City Scrutiny Committee	Report	Graham King	5661894
01303	To agree Neighbourhood Management & Selective Licensing Policy	Cabinet	07/Oct/2009	Cabinet, Service Users and Carer Groups, Portfolio Holders, Adult Services Staff, Health Partners	Briefings and/or meetings with interested parties	Via the Contact Officer by 21 September 2009 - Communities and Safer City & Sustainable Communities Scrutiny Committees	Report	Alan Caddick	5662690