

CIVIC CENTRE,  
SUNDERLAND  
14th November 2006

**TO THE MEMBERS OF SUNDERLAND CITY COUNCIL**

**YOU ARE SUMMONED TO ATTEND A MEETING** of Sunderland City Council to be held in the Council Chamber, Civic Centre, Sunderland, on **WEDNESDAY, 22nd November 2006 at 6.00 p.m.**, at which it is proposed to consider and transact the following business, viz:-

- 1. To read the Notice convening the meeting.**
- 2. To approve the minutes of:-**
  - (i) the last ordinary meeting of the Council held on 27th September 2006 (copy herewith), and
  - (ii) the extraordinary meeting of the Council held on 1st November 2006 (copy herewith).
- 3. Receipt of Declarations of Interest (if any).**
- 4. Announcements (if any) under Rule 2(iv).**
- 5. Reception of Petitions.**
- 6. Apologies.**
- 7. Report of the Cabinet.**

**8. Report of the Standards Committee**

**9. Written Questions (if any) under Rule 8.2.**

**10. To consider the undermentioned report:-**

- (i) Appointment to Outside Body – CHANCE Project – report of the City Solicitor (copy herewith).



**CHIEF EXECUTIVE.**

# *Minutes*



## Sunderland City Council

At a Meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE,  
SUNDERLAND on WEDNESDAY, 27<sup>TH</sup> SEPTEMBER, 2006 at 6.00 p.m.

**Present:** - The Mayor (Councillor T. Foster) in the Chair  
The Deputy Mayor (Councillor L. Scott)

Councillor	Ambrose	E. Gibson	T. Martin	Timmins
	F. Anderson	Gofton	Miller	Trueman
	Arnott	Grey	Morrissey	J. Walker
	Bainbridge	A. Hall	Porthouse	P. Walker
	Bates	G. Hall	Richardson	J.W. Walton
	Bell	J. Heron	Rolph	L. Walton
	Blackburn	R. Heron	J. Scott	Wares
	Blyth	Higgins	Sleightholme	P. Watson
	Bohill	Howe	M. Smith	S. Watson
	Carthy	Lawson	Speding	Whalen
	Charlton	Leadbitter	J. Stephenson	L. Williams
	Dixon	Macknight	W. Stephenson	Wilson
	Fletcher	Paul Maddison	Symonds	Wood
	D. Forbes	Peter Maddison	Tansey	N. Wright
	M. Forbes	L. Martin	Tate	

### Notice

The Notice convening the Meeting was read.

### Minutes

RESOLVED that the minutes of the meeting of the Council held on 28<sup>th</sup> June, 2006 (copy circulated) be confirmed and signed as a correct record;

### Declarations of Interest

The following Councillors declared personal interests in the following items in the Cabinet Report in respect of the reasons indicated:-

Item 7(i) – Food Law  
Enforcement Service Plan  
2006/2007

Councillor Blyth

Family member  
employed by  
Community and  
Cultural Services

Councillor S. Watson

Relative is a member  
of the Teaching  
Primary Care Trust

Councillors E. Gibson and  
M. Smith

Family members  
employed by the  
Teaching Primary Care  
Trust

Councillor Grey

Member of the Trading  
Standards Institute

Councillor P. Watson

Member of the  
Teaching Primary Care  
Trust

Item 7(ii) – Revenue  
Budget and Trading  
Services Outturn  
2005/2006

Councillor Tate

Single Status and  
Equal Pay issues –  
relative employed by  
the Council

Councillors Blackburn and  
P. Watson

Members of GMB  
Union

Councillor P. Watson

Member of the  
Teaching Primary Care  
Trust

Councillor E. Gibson

Family Member  
employed by the  
Teaching Primary Care  
Trust

Item 7(iii) – Revenue  
Budget and Trading  
Services First Review  
2006/2007

Councillor S. Watson

Relative is a member  
of the Teaching  
Primary Care Trust

	Councillor M. Smith	Family member employed by the Teaching Primary Care Trust
	Councillors Carthy and Tate	Members of Hetton Home Care Services
	Councillor P. Watson	Member of the Teaching Primary Care Trust Member of GMB Union
Item 7(iv) – Capital Programme 2006/2007 – First Quarterly Capital Review	Councillor S. Watson	Relative is a member of the Teaching Primary Care Trust
	Councillor P. Watson	Member of the Teaching Primary Care Trust
	Councillors Blackburn and P. Watson	Members of GMB Union
	Councillors B. Charlton and R. Symonds	Members of Sunnyside Partnership
Item 7(v) – City of Sunderland Housing Strategy 2006-2011	Councillor Blyth	Tenant of Sunderland Housing Group
	Councillor S. Watson	Relative is a member of the Teaching Primary Care Trust
	Councillors Bates, Blackburn, D. Forbes, Grey, A. Hall Higgins, L. Scott, J. Stephenson, W.F. Stephenson, J. Walker and Wares	Members of Sunderland Housing Group
	Councillor Tansey	Partner of employee of Sunderland Housing Group

	Councillor E. Gibson	Husband Member of Sunderland Housing Group
	Councillor E. Gibson	Family Member employed by the Teaching Primary Care Trust
	Councillor A. Hall	Employee of Anchor Trust
	Councillor P. Walker	Employee of Sunderland Housing Group
Item 10 – Notice of Motion (i) – Bus Regulation	Councillor Wood	Member of Tyne and Wear Passenger Transport Authority
Item 10 – Notice of Motion (ii) – Staff Green Travel Plan	Councillor Wood	Chairman of Board – Compass Community Transport

The following Councillor declared personal and prejudicial interests in the following items for the reasons indicated and withdrew from the meeting during consideration thereof:-

Item 7(i) – Food Law Enforcement Service Plan 2006/2007	Councillor Tate	Spouse employed by City Council
Item 7(ii) – Revenue Budget and Trading Services Outturn 2005/2006	Councillor Tate	Chair of Hetton Home Care Services

## **Mayor's Announcements**

### **(i) Northumbria In Bloom 2006**

The Mayor advised the Council that Councillor Speding wished to formally present him with an Award. Councillor Speding advised that the Council had been awarded the North-East Co-op Trophy for the best Large City Category and the Ken Sherwood Trophy for the best Park in a City Category in the Northumbria in Bloom Competition 2006.

The Mayor then formally received the Award from Councillor Speding on behalf of the Council.

### **(ii) Mayor's Singles Annual Golf Competition**

The Mayor reminded Members of the Mayor's Singles Annual Golf Competition which was held each year in aid of the Mayor's Charities. The event would take place at Wearside Golf Club on Monday, 9<sup>th</sup> October, 2006.

### **(iii) Tavistock Car Park**

The Mayor advised the Council that Councillor Lawson wished to formally present him with an Award.

Councillor Lawson advised that the Council had been awarded the Safer Parking Award in relation to Tavistock Car Park which was controlled by the City Council. This car park was available 24 hours per day with closed circuit television and free parking for the disabled.

The Mayor then formally received the Award from Councillor Lawson on behalf of the Council.

## **Reception of Petitions**

RESOLVED that the undermentioned petitions submitted by the Councillors respectively named be received and referred for consideration as indicated:-

- (i) Councillor Dixon – petition bringing attention to the current climate of discontent within the community of Millfield with regards to environment and cleanliness, overall community safety and accountability and policing of private landlords – Director of Development and Regeneration and Director of Community and Cultural Services; and

- (ii) Councillor Rolph – petition opposing the erection of an Industrial Unit and 4 No. starter units at Cherry Blossom Way, Fence Houses Industrial Estate, Houghton-le-Spring – Director of Development and Regeneration.

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Allan, P. Gibson, Mann, Oliver, Stewart, P. Smith, Tye, B. Williams, T.H. Wright and Young.

**The Cabinet reported as follows:-**

**1. Food Law Enforcement Service Plan 2006/2007**

That they had given consideration to a report of the Director of Community and Cultural Services (copy circulated) on the Food Law Enforcement Service Plan 2006/2007.

They had also referred the report to the Regeneration and Community Review Committee for advice and consideration. The Review Committee had welcomed the report and agreed that it be received and noted.

Accordingly the Cabinet recommended that the Council approve the Food Law Enforcement Service Plan.

**2. Revenue Budget and Trading Services Outturn 2005/2006**

That they had given consideration to a report of the City Treasurer on the Revenue Budget and Trading Services Outturn for 2005/2006.

They had also referred the report to the Policy and Co-ordination Review Committee, for advice and consideration, on the virement of funds above the 1% limit, namely:-

	Transfer (from) £000	Transfer to £000
General Balances – 2005/2006	4,940	
Potential Equal Pay Liabilities		3,000
Revenue Funding – Capital Programme 2006/2007		1,000
Earmarked Reserve for Service Pressures and Trading Reviews		240

Single Status Implementation Costs		700
<b>Total</b>	<b>4,940</b>	<b>4,940</b>

The Review Committee had noted the proposed virement of funds as detailed above. Accordingly, the Cabinet had recommended the Council to approve the virement of funds, as detailed above, which were above the 1% limit in accordance with the Council's Constitution.

### **3. Revenue Budget and Trading Services First Review 2006/2007**

That they had given consideration to a report of the City Treasurer on the outcome of the Revenue Budget and Trading Services First Review for 2006/2007.

They had also referred the report to the Policy and Co-ordination Review Committee, for advice and consideration, on the virement of funds in respect of the Adult Services Portfolio (copy extract circulated). The Review Committee had noted the proposed virement of funds.

Accordingly, the Cabinet had recommended the Council to approve the virements in respect of the Adult Services portfolio, as detailed in the extract attached, where the 1% limit had been exceeded in respect of 2006/2007.

### **4. Capital Programme 2006/2007 – First Quarterly Capital Review**

That they had given consideration to a report of the City Treasurer on the outcome of the First Capital Review for 2006/2007 taking account of the Capital Outturn for 2005/2006 and changes made to the Capital Programme 2006/2007 since its approval.

They had also referred the report to the Policy and Co-ordination Review Committee, for advice and consideration, in the context of the inclusion of additional schemes for 2006/2007 (copy extract circulated). The Review Committee had accepted the proposed additional schemes and revisions to scheme costs for 2006/2007.

Accordingly, the Cabinet had recommended the Council to approve the variations in the original Capital Programme 2006/2007, detailed in the extract, which had arisen since its approval in March, 2006.

## 5. City of Sunderland Housing Strategy 2006-2011

That they had given consideration to a report of the Director of Development and Regeneration (copy circulated) on a new Housing Strategy for the City for the 5-year period 2006-2011.

Accordingly, the Cabinet had recommended the Council to agree the Housing Strategy for Sunderland, 2006-2011, and authorised the Director of Development and Regeneration in consultation with the Portfolio Holder for Housing and Public Health, to make any minor amendments, prior to submission of the document to the Government Office for the North East.

They had also referred the report to the Regeneration and Community Review Committee for further consideration.

The Review Committee had commented that it welcomed and supported the Housing Strategy and were pleased to see so many of the recommendations relating to the work having been undertaken by the Review Committee included within it.

RESOLVED that the report of the Cabinet, together with the views of the Review Committees be approved and adopted.

### Written Questions

Pursuant to Rule 8.2 of the Council Rules of Procedure Members of the Council asked questions of the Leader and Members of the Executive.

Councillor Wood moved, and was duly seconded by Councillor Howe, that the time limit for questions be extended and, upon being put to the vote, the motion was defeated with 16 Members voting in favour thereof, viz:-

Councillor	Arnott	M. Forbes	Maddison	Tansey
	Blyth	G. Hall	L. Martin	J.W. Walton
	Bohill	Howe	Morrissey	L. Walton
	Dixon	Leadbitter	Oliver	Wood

And 43 Members voting against, viz:-

The Mayor (Councillor T. Foster)  
The Deputy Mayor (Councillor L. Scott)

Councillor	Ambrose	Gofton	Richardson	Timmins
	F. Anderson	Grey	Rolph	Trueman
	Bainbridge	A. Hall	J. Scott	J. Walker



Bates	J. Heron	Sleightholme	P. Walker
Bell	R. Heron	M. Smith	R. Wares
Blackburn	Higgins	Speding	P. Walton
Carthy	Lawson	J. Stephenson	S. Watson
Charlton	T. Martin	W. Stephenson	Whalen
Fletcher	Miller	Symonds	L. Williams
D. Forbes	Porthouse	Tate	Wilson
E. Gibson			

### Action Taken on Petitions

The Council received the undermentioned reports on action taken in relation to petitions which had been presented to the Council:-

- (i) **Petition from residents in the vicinity of Taylor's Public House objecting to the granting of a variation in their Premises Licence which was presented by Councillor J. Howe on 1<sup>st</sup> February, 2006.**

The Director of Community and Cultural Services had sent signatories of the petition a notice on 13<sup>th</sup> February 2006 inviting them to attend a Licensing Sub-Committee on 3<sup>rd</sup> March, 2006.

The petition had been reported to the Licensing Sub-Committee who resolved to grant the variation in part i.e. they allowed later sales of alcohol on Fridays, Saturdays and Sundays and authorised regulated entertainment.

Councillor J. Walton and petitioners had been notified in writing of the decision.

- (i) **Petition from residents in the vicinity of Martino's Bar and Restaurant objecting to the granting of a Premises License to permit regulated entertainment and the retail sale of alcohol which was presented by Councillor J. Walton on 1<sup>st</sup> February, 2006**

The Director of Community and Cultural Services had sent signatories of the petition a notice on 13<sup>th</sup> February, 2006 inviting them to attend a Licensing Sub-Committee on 3<sup>rd</sup> March, 2006.

The petition had been reported to the Licensing Sub-Committee who resolved to grant the application.

Councillor J. Walton and petitioners had been notified in writing of the decision.

## Notice of Motion – Bus Regulation

Councillor A. Hall, seconded by Councillor Gofton, moved a motion in relation to Bus Regulation.

Upon being put to the vote, the motion was carried with 48 Members voting in favour thereof, viz:-

The Mayor (Councillor T. Foster)  
The Deputy Mayor (Councillor L. Scott)

Councillor	Ambrose	E. Gibson	Richardson	Trueman
	F. Anderson	Gofton	Rolph	J. Walker
	Bainbridge	Grey	J. Scott	P. Walker
	Bates	A. Hall	Sleightholme	Wares
	Bell	Higgins	M. Smith	P. Watson
	Blackburn	J. Heron	Speding	S. Watson
	Blyth	R. Heron	J. Stephenson	Whalen
	Carthy	Lawson	W. Stephenson	Williams
	Charlton	Peter Maddison	Symonds	Wilson
	Dixon	Martin	Tansey	N. Wright
	Fletcher	Miller	Tate	Young
	D. Forbes	Porthouse	Timmins	

And 12 Members abstaining, viz:-

Councillor	Arnott	Hall	Paul Maddison	J.W. Walton
	Bohill	Howe	Martin	L. Walton
	M. Forbes	Leadbitter	Morrissey	Wood

It was, therefore:-

RESOLVED that Sunderland City Council notes that October 26<sup>th</sup> 2006 will be the 20<sup>th</sup> anniversary of the deregulation of bus services in the UK outside of London. We believe that in this period the interest of bus users has not been served well, furthermore bus patronage has reduced significantly, fares have increased substantially, many key bus services have been cut back drastically and some have been withdrawn totally. We believe that in the light of Sunderland's negative experience of bus service provision that the time is now right for a more robust form of bus regulation to be introduced and calls upon the Secretary of State for Transport to bring forward primary legislation to meet this end.

**Notice of Motion – Staff Green Travel Plan**

Councillor L. Martin, seconded by Councillor P. Wood, moved that this Council recognises the need for all of us to try and reduce the number of journeys we make by car to both reduce congestion and our carbon footprint.

We also accept that we have a responsibility to take a lead and ensure that all Council policies actively promote alternatives to the car.

Therefore, this Council resolves to instruct the Chief Executive to bring forward proposals for a Staff Green Travel Plan which includes an enhanced package of green travel incentives for all Council employees and facilitates the phasing out of the Council's Car Leasing Scheme.

Councillor Symonds, seconded by Councillor P. Watson, moved an amendment to the motion, and, upon being put to the meeting, the amendment was carried.

The new substantive motion, upon being put to the vote was carried with 59 Members voting in favour thereof, viz:-

The Mayor (Councillor F. Foster)  
The Deputy Mayor (Councillor L. Scott)

Councillor	Ambrose	Gofton	Morrissey	Trueman
	F. Anderson	Grey	Porthouse	P. Walker
	Arnott	A. Hall	Richardson	J. Walker
	Bainbridge	G. Hall	Rolph	J. Walton
	Bates	J. Heron	J. Scott	L. Walton
	Bell	R. Heron	Sleightholme	Wares
	Blackburn	Higgins	M. Smith	P. Watson
	Blyth	Howe	Speding	S. Watson
	Bohill	Lawson	J. Stephenson	Whalen
	Carthy	Leadbitter	W. Stephenson	L. Williams
	Charlton	Paul Maddison	Symonds	Wilson
	Dixon	Peter Maddison	Tansey	Wood
	Fletcher	L. Martin	Tate	N. Wright
	D. Forbes	T. Martin	Timmins	Young
	E. Gibson	Miller		

And 1 Member abstaining, viz:-

Councillor M. Forbes

It was, therefore:-

RESOLVED that this Council recognises the need for all of us to try and reduce the number of journeys we make by car to both reduce congestion and our carbon footprint.

We also accept that we have a responsibility to take a lead and ensure that all Council policies actively promote alternatives to the car.

Therefore, this Council resolves to instruct the Chief Executive to bring forward further proposals for a Staff Green Travel Plan which include an enhanced package of green travel incentives for all Council employees.

### **Quarterly Report on Special Urgency Decisions**

The Leader of the Council submitted a quarterly report (copy circulated) on executive decisions which had been taken under Rule 16 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

(For copy report – see original minutes).

RESOLVED that the report be noted.

### **Appointments to Committees and Outside Bodies – Review of Political Balance on Committees and Re-allocation of Seats on Committees and Outside Bodies – Allocation of “Top-Up” Seat on Association of North East Councils’ (ANEC) and Two Seats on the Great North Forest Partnership Steering Group**

The City Solicitor submitted a report (circulated) reviewing the allocation of seats on the Council’s Committees and Sub-Committees, considering various nominations from political groups and the nomination of Members to sit on a newly established “top-up” seat on ANEC and two seats on the Great North Forest Partnership Steering Group.

(For copy report – see original minutes).

The nominations of the Labour Group and the Independent Group were circulated for the information of Members. The Leader moved the nominations as circulated.

Councillor L. Martin, seconded by Councillor Morrissey moved an amendment that Councillor A. Hall be nominated to serve on ANEC in place of Councillor Trueman.

Upon a vote being taken the amendment was defeated with 44 Members voting against, viz:-

The Deputy Mayor (Councillor L. Scott)

Councillor	Ambrose	Gofton	Rolph	J. Walker
	F. Anderson	Grey	J. Scott	P. Walker
	Bainbridge	A. Hall	Sleightholme	Wares
	Bates	J. Heron	M. Smith	P. Watson
	Bell	R. Heron	Speding	S. Watson
	Blackburn	Higgins	J. Stephenson	Whalen
	Carthy	Lawson	W. Stephenson	L. Williams
	Charlton	T. Martin	Symonds	Wilson
	Fletcher	Miller	Tate	N. Wright
	D. Forbes	Porthouse	Timmins	Young
	E. Gibson	Richardson	Trueman	

And 15 Members voting in favour, viz:-

Councillor	Arnott	G. Hall	Peter Maddison	L. Walton
	Blyth	Howe	L. Martin	J. Walton
	Bohill	Leadbitter	Morrissey	Wood
	M. Forbes	Paul Maddison	Tansey	

And 1 Member abstaining, viz:-

Councillor Dixon

The substantive motion was then put to the vote with 48 Members voting in favour thereof, viz:-

The Mayor (Councillor T. Foster)

The Deputy Mayor (Councillor L. Scott)

Councillor	Ambrose	E. Gibson	Richardson	Trueman
	F. Anderson	Gofton	Rolph	J. Walker
	Bainbridge	Grey	J. Scott	P. Walker
	Bates	A. Hall	Sleightholme	Wares
	Bell	Higgins	M. Smith	P. Watson
	Blackburn	J. Heron	Speding	S. Watson
	Blyth	R. Heron	J. Stephenson	Whalen
	Carthy	Lawson	W. Stephenson	Williams
	Charlton	Peter Maddison	Symonds	Wilson
	Dixon	Martin	Tansey	N. Wright
	Fletcher	Miller	Tate	Young
	D. Forbes	Porthouse	Timmins	

And 11 Members voting against, viz:-

Councillor	Arnott Bohill Hall	Howe Leadbitter Paul Maddison	Martin Morrissey J.W. Walton	L. Walton Wood
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And 1 Member abstaining, viz:-

Councillor M. Forbes

It was therefore:-

RESOLVED that approval be given for:-

- (i) the transfer of one seat as indicated on each of the undermentioned Committees to the Independent Group and the Independent Group's nominations thereto:-

<b>Seat</b>	<b>Remove</b>	<b>Appoint</b>
Personnel Committee	Councillor Charlton	Councillor Tansey
Children's Services Review Committee	Councillor Fletcher	Councillor Peter Maddison
Health and Wellbeing Review Committee	Councillor Dixon	Councillor Blyth
Health and Wellbeing Review Committee	Councillor Blyth	Councillor P Dixon
Environment and Planning Review Committee	Councillor Dixon	Councillor Tansey
Regeneration and Community Review Committee	Councillor Peter Maddison	Remains the same
Planning and Highways Committee	Councillor Dixon	Councillor Blyth
Licensing Committee	Councillor Peter Maddison	Remains the same
Regulatory Committee	Councillor Peter Maddison	Remains the same

Development Control (South) Sub Committee      Councillor Dixon      Councillor Blyth

Development Control (Hetton & Houghton) Sub Committee      Councillor Peter Maddison      Councillor Tansey

- (ii) the appointment of Mr. Gwilym Lloyd-Williams to the Children's Review Committee;
- (iii) the appointment of Councillor Porthouse as Vice-Chairman of the South Sunderland Area Committee in place of Councillor Blyth;
- (iv) the appointment of Councillors Carthy and Wares to the Grading Appeals Panel in place of Councillors P. Walker and Blyth;
- (v) the appointment of Councillor P. Gibson as the replacement Member on the Box Youth Project and in place of Councillor Blyth;
- (vi) the appointment of Councillor Porthouse in place of Councillor Tye on the Thorney Close Action and Enterprise Centre Management Board;
- (vii) the appointment of Councillor Trueman to the additional plenary seat on ANEC;
- (viii) the appointment of Councillor Blackburn, together with the Cabinet Member with Planning and Transportation to the Great North Forest Partnership Steering Group;
- (ix) Councillor Tansey to replace Councillor Peter Maddison on the Standards Committee; and
- (x) the Acting Head of Standards and Quality, Adult Services, to replace the Director of Adult Services on the City of Sunderland College Board of Corporation.

(Signed)      T. FOSTER,  
Mayor.





## Sunderland City Council

At an EXTRAORDINARY MEETING of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE, SUNDERLAND, on WEDNESDAY, 1<sup>ST</sup> NOVEMBER 2006 at 6.00 p.m.

**Present** - The Mayor (Councillor T. Foster) in the Chair

Councillor	Allan	Grey	Oliver	Tye
	Ambrose	A. Hall	Porthouse	J. Walker
	C.R. Anderson	G. Hall	Rolph	P. Walker
	Arnott	J. Heron	J. Scott	J. W. Walton
	Bainbridge	R. Heron	Sleightholme	L. Walton
	Bates	Higgins	M. Smith	Wares
	Blyth	Howe	P. Smith	P. Watson
	Bohill	Lawson	Speding	S. Watson
	Charlton	Leadbitter	J. Stephenson	Whalen
	Dixon	Paul Maddison	W.F. Stephenson	B. Williams
	Fletcher	Peter Maddison	Symonds	L. Williams
	D. Forbes	Miller	Tansey	Wilson
	M. Forbes	L. Martin	Tate	Wood
	E. Gibson	T. Martin	Timmins	N. Wright
	P. Gibson	Morrissey	Trueman	T Wright
	Gofton			

The Notice convening the Meeting was read.

### Declarations of Interest

The following Councillors declared personal interests in the following item of business in respect of the reasons indicated:-

Item 4 – Notice of Motion – Decriminalised Parking Enforcement	Councillors Allan, Blyth, Foster. J. Heron, J. Scott, W.F. Stephenson, J. Walker, Wares and Whalen.	Blue Badge Holders
	Councillors Bainbridge, Fletcher, D. Forbes, R. Heron, Miller, Sleightholme, M. Smith, J. Stephenson and P. Walker.	Relative is Blue Badge Holder

Councillor Lawson.

Member of LGA  
National Planning and  
Transport Joint  
Committee and  
Member of Joint  
Committee of the  
National Parking  
Adjudication Service

Councillor Tansey.

Relative issued with  
Penalty Charge Notice

### **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors F. Anderson, Bell, Blackburn, Carthy, MacKnight, Mann, Richardson, Sidaway, Stewart and Young.

### **Appointments to Committees and Outside Bodies – Personnel Committee, Policy and Co-ordination Review Committee, Joint Consultative Committee, Tyne and Wear Co-ordinating Committee and Tyne and Wear Development Company**

The City Solicitor submitted a report (circulated) on a request from the Majority Group in Opposition to appoint replacement Members on the Personnel Committee, the Policy and Co-ordination Review Committee, the Joint Consultative Committee, the Tyne and Wear Co-ordinating Committee and the Tyne and Wear Development Company. The Mayor had agreed to the item being considered as a very urgent additional item of business in order to enable the efficient discharge of the Council's business in the light of the changed Leadership within the Majority Group in Opposition.

(For copy report – see original minutes).

The Leader of the Council moved, and was duly seconded by the Deputy Leader of the Council, the recommendations as set out in the report and it was: -

RESOLVED that approval be given to:

- (i) the appointment of Councillor L. Martin to replace Councillor Wood on the Personnel Committee, the Joint Consultative Committee, the Tyne and Wear Co-ordinating Committee and the Tyne and Wear Development Company Limited (Alternate Director), and
- (ii) the appointment of Councillor Morrissey to replace Councillor Wood on the Policy and Co-ordination Review Committee.

## Notice of Motion – Decriminalised Parking Enforcement

Councillor L. Martin, seconded by Councillor Wood, moved a motion that this Council resolves that following the transmission of the BBC's Inside Out programme on 2<sup>nd</sup> October 2006, and in response to the Council's on-going failure to properly constitute and enforce decriminalised parking in the City of Sunderland, this Council;

1. Calls on the Executive Member for Planning & Transportation to resign.
2. Resolves to instruct the City Solicitor to establish the legal basis for the termination of the Council's contract with NCP.
3. Resolves to seek the suspension of the Decriminalised Parking Enforcement scheme pending a full independent review of the legality of the current regime and the consideration, by this Council, of all alternative enforcement options.
4. Acknowledges that the Council's Development and Regeneration Directorate is not fit for purpose and resolves to instruct the Chief Executive to draft proposals to break-up the Directorate.

Upon being put to the vote the motion was defeated with 16 Members voting in favour thereof, viz:-

Councillor	Arnott	G. Hall	Peter Maddison	Tansey
	Blyth	Howe	Martin	J.W. Walton
	Bohill	Leadbitter	Morrissey	L. Walton
	M. Forbes	Paul Maddison	Oliver	Wood

And 45 Members voting against, viz:-

Councillor	Allan	Grey	Sleightholme	J. Walker
	Ambrose	A. Hall	M. Smith	P. Walker
	C. R. Anderson	J. Heron	P. Smith	Wares
	Bainbridge	R. Heron	Speding	P. Watson
	Bates	Higgins	J. Stephenson	S. Watson
	Charlton	Lawson	W. F. Stephenson	Whalen
	Dixon	Miller	Symonds	B. Williams
	Fletcher	T. Martin	Tate	L. Williams
	D. Forbes	Porthouse	Timmins	Wilson
	E. Gibson	Rolph	Trueman	N. Wright
	P. Gibson	J. Scott	Tye	T.H. Wright
	Goffon			

(Signed) T FOSTER,  
Mayor.



# *Report of the Cabinet*

## **THE CABINET reports as follows:-**

### **1. Sunderland City Council LDF – Statement of Community Involvement – Adoption**

That they have given consideration to a report of the Director of Development and Regeneration (copy attached) on the Local Development Framework Statement of Community Involvement.

They also referred the report to the Environmental and Planning Services Review Committee and the Planning and Highways Committee for advice and consideration. The Committees endorsed the Statement of Community Involvement – Adoption.

Accordingly the Cabinet recommends the Council to:-

- (i) approve the proposed changes to the Statement of Community Involvement as set out by the binding Inspector's report in Appendix 1,
- (ii) adopt the Statement of Community Involvement as part of the Council's Local Development Framework, as set out in Appendix 2, and
- (iii) authorise Officers to undertake the statutory requirements to adopt the Statement of Community Involvement in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004.

### **2. Proposed Arrangements for the Future Delivery of Adult Services**

That they have given consideration to a joint report of the Chief Executive and the Deputy Chief Executive (copy attached) on the outcome of the considerations given to the future of Adult Social Services, its relationship with other Council services, its partners and stakeholders in the light of the Government White Paper – "Our Health, Our Care, Our Say; a new Director for Community Services."

The Cabinet recommends the Council to approve:-

- (i) the outcomes of the review,
- (ii) the establishment of a Partnership Board for Adult Services to be chaired by the Deputy Leader of the Council and the draft Terms of Reference be referred for consultation and agreement with key partners,
- (iii) continued negotiations with the Health Service for the integration of Health and Social Care Services; including a joint appointment at Chief Officer level,

- (iv) in principle, to the establishment of a Director of Health, Housing and Social Care, subject to detailed consideration and recommendations by Personnel Committee,
- (v) in principle, to the establishment of a new Directorate under the Director of Health, Housing and Social Care to include all functions associated with the delivery of Adult Social Care, Housing Services, and related partnership working, subject to detailed consideration by Personnel Committee,
- (vi) the detailed consideration of the White Paper "Our Health, Our Care, Our Say; a new direction for Community Services" be referred to the Partnership Board, and
- (vii) to approve appropriate amendments to be made to the Delegation Scheme in the Constitution.

### **3. Gambling Act 2005, Approval of the Council's Statement of Licensing Policy**

That they have given consideration to a joint report of the City Solicitor and the Director of Community and Cultural Services (copy attached) seeking approval to the amendments to the Council's draft Statement of Licensing Policy.

They also referred the report to the Culture and Leisure Review Committee for advice and consideration. The Review Committee welcomed the report and agreed that it be received and noted.

Accordingly, the Cabinet recommends the Council to approve the revised Policy.

### **4. Capital Programme Second Review 2006/2007**

That they have given consideration to a report of the City Treasurer on the outcome of the Second Capital Programme Review for 2006/2007 which sought specific approval to the changes made to the Capital Programme since the First Capital Review 2006/2007.

They also referred the report to the Policy and Co-ordination Review Committee for advice and consideration, in the context of inclusion of additional schemes for 2006/2007 (copy extract attached). The Review Committee agreed to endorse the proposed additional schemes and revisions to scheme costs for 2006/2007.

Accordingly, the Cabinet recommends the Council to approve the inclusion of additional schemes and revisions to scheme costs in the Capital Programme 2006/2007 as set out in the attached extract.

**5. Local Government Election 3<sup>rd</sup> May, 2007  
Increasing Voter Participation and Proposed Pilot Scheme**

That they have given consideration to a report of the Chief Executive (copy attached) which outlined proposals to increase voter participation and sought approval to prepare a pilot application to the Department of Constitutional Affairs for the Local Government Election in May 2007.

Accordingly, the Cabinet recommends the Council to authorise the Chief Executive to prepare proposals for a pilot scheme for Sunderland based around advance voting for the whole Authority for submission to the Government and as described in the report.

They also referred the report to the Policy and Co-ordination Review Committee for consideration. The comments of the Review Committee will be reported to the meeting.





**CABINET**

**13 SEPTEMBER 2006**

**CITY OF SUNDERLAND LDF – STATEMENT OF COMMUNITY INVOLVEMENT**

**REPORT OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION**

**1.0 Purpose of Report**

- 1.1 This report seeks approval for the adoption of the Local Development Framework Statement of Community Involvement.

**2.0 Description of Decision**

- 2.1 Cabinet is requested to agree that the Council be recommended to:
- i) Approve the proposed changes to the Statement of Community Involvement as set out by the binding Inspector's report (Appendix 1 to this Report)
  - ii) Adopt the Statement of Community Involvement as part of the Council's Local Development Framework (Appendix 2)
  - iii) Subject to Council approval in November 2006, authorise officers to undertake the statutory requirements to adopt the Statement of Community Involvement in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004.

**3.0 Background**

- 3.1 In March 2005 Cabinet approved the Local Development Scheme (LDS) which sets out how the City's Local Development Framework will be prepared and its timetable. The LDS includes a programme for preparation of the Statement of Community Involvement (SCI) for adoption in November 2006. The SCI is a requirement of the Planning and Compulsory Purchase Act 2004.
- 3.2 The LDS includes 'Key Milestones' which attract Planning Delivery Grant if achieved. One such Key Milestone is adopting the SCI by the end of November 2006.
- 3.3 Prior to the requirement to produce an SCI, the Council consulted on its Unitary Development Plan, including formal alterations and supplementary planning guidance, in accordance with the then current planning regulations and guidance. It was not required to provide an agreed statement as to how it undertook such consultations with whom and when. The Council's consultation process in relation to planning applications was set out in its approved Development Control Consultation Practice Note.
- 3.4 The SCI now formalises and sets out the Council's approach:-

- to engaging the community in the preparation, alteration and continuing review of all those Local Development Documents (LDDs) that will comprise the City's Local Development Framework and
- in the process of determining planning applications.

3.5 It will enable the community to know how and when they will be involved in the preparation of LDDs and how and when they will be consulted on planning applications. The SCI builds on the minimum requirements set out in the planning regulations and PPS12 "Local Development Frameworks". In preparing the SCI the issues identified in the operation of the present system have been reviewed and proposals for improving them and developing new techniques brought forward.

3.6 The main new features of community engagement proposed are:

*Local Development Documents*

- 'Front loading' by early community involvement in preparing LDDs.
- Integrating continuity of community involvement into the plan process.
- Using a variety of appropriate engagement techniques, reflecting the community's needs, in accordance with the Council's Consultation Strategy.
- Ensuring an accessible and transparent process

*Planning Applications*

- Increasing the ability to make input at various stages of the planning process, up to and including planning appeals.
- Encouraging involvement of the community at the pre-application stage of major or potentially controversial developments

#### **4.0 Main Issues**

4.1 The SCI Consultation Draft was prepared in light of statutory requirements and also following a period of consultation with community groups, other organisations and stakeholders and the NEA in May 2005. The SCI Consultation Draft then underwent a period of extensive public consultation ("pre-submission public participation") for 6 weeks between July and September 2005. Having taken these consultation responses into account the draft SCI was submitted in November 2005 to the Secretary of State for independent examination.

4.2 Over 500 groups, bodies, and organisations were consulted on the submission document using various methods including the press, internet, wide circulation of the document and presentations. A total of 19 representations were received which have been considered and statements submitted to the Secretary of State.

4.3 The Inspector considered the Council's responses to these comments in assessing the soundness of the SCI. An examination report with binding recommendations on the Council has been produced (APPENDIX 1). The Council were thanked by the Planning Inspectorate for its assistance in making an effective contribution towards achieving the Inspectorate's objective of expediting its part of the overall plan – preparation process. The Inspector's report examined whether the SCI met the 9 tests of soundness:

- local planning authority has complied with the minimum requirements for consultation as set out in Regulations;
- local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- statement identifies in general terms which local community groups and other bodies will be consulted;
- statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- resources are available to manage community involvement effectively;
- statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- authority has mechanisms for reviewing the statement of community involvement; and
- statement clearly describes the planning authority's policy for consultation on planning applications.

4.4 The Inspector's Report clearly supports the approach that the Council has taken with the SCI and accordingly has concluded that all of the above tests of soundness have been met. In addition, the Inspector also accepts the need to incorporate a series of further changes proposed by the Council that would add greater value to the SCI. These are set out in Appendix B of the Inspector's Report.

4.5 The Council has now incorporated the amendments and prepared the SCI for adoption on 22 November 2006.

## **5.0 Next Steps**

5.1 If approved by the Council the SCI will be adopted in accordance with the Regulations. Copies of the SCI, the adoption statement and Inspector's Report will be advertised and made available for inspection

at the Civic Centre and other customer points as well as being published on the City of Sunderland website. Copies will also be sent to specified and other appropriate general consultation bodies.

5.2 On adoption the SCI will enter a 3 month period where there will be an opportunity for any person aggrieved by the Statement of Community Involvement to apply to the High Court for permission to apply for judicial review of the decision to adopt the SCI.

5.3 In the meantime the measures set out in the SCI will be used as a basis for undertaking all consultations/publicity on alterations to the UDP and LDD's and in relation to planning applications.

## **6.0 Reason for Decision**

6.1 To meet statutory requirements by providing a formal statement of how the Council will involve the community in preparing its LDF and in the consideration of planning applications.

## **7.0 Alternatives**

7.1 Preparation of the SCI is a statutory requirement without alternative.

## **8.0 RELEVANT CONSULTATIONS/ CONSIDERATIONS**

a) **Financial Implications** – There are only minor direct costs resulting from the publication of the document, for statutory advertisements and document printing costs. There will be future costs associated with the various consultation and participation stages for each of the LDDs and in association with planning applications. The more extensive consultation proposed, particularly for hard to reach groups, may add 10 - 15% over current costs. Such costs will be met from within the cash limited delegated budgets.

b) **Legal Implications** – The SCI has been prepared in accordance with the appropriate Planning Regulations and City Council procedures. The City Solicitor has been consulted and his views incorporated into the body of this report.

c) **Policy Implications** - The SCI will set out the Authority's standards to be achieved in involving the community in the preparation, alteration and continuing review of all Local Development Documents (LDDs) and in the process of determining planning applications.

d) **Implications for other Services** – The SCI Draft was circulated widely across all Council Directorates at the pre-submission – consultation draft stage. The comments received have been taken into consideration in preparing the revised policies.

- e) **The Public** – the SCI was the subject of extensive public consultation between July – September 2005, and further consultation on the submission document during November to January 2006. Comments arising from these consultations have been considered in preparing the SCI for adoption.
- f) **Race Relations Act 2000 and the Council’s Race Equality Scheme**  
The SCI was subject to wide-ranging public consultation at the pre-submission stage; contact translations were produced in Bengali, Farsi and Chinese to ensure that the City’s main minority ethnic groups had the opportunity to contribute. The SCI will fully reflect the requirements of the Council’s Race Equality Scheme.
- g) **Disability Discrimination Act 1995** – The SCI accords with the provisions of the Act.

## **10.0 List of Appendices**

Appendix 1. Inspector’s Report on the Statement of Community Involvement.

Appendix 2. Statement of Community Involvement for adoption

## **Background Papers**

City of Sunderland Local Development Scheme, March 2005.

The Town and Country Planning (Local Development) (England) Regulations 2004.

Planning Policy Statement 12: Local Development Frameworks and its Companion Guide: Creating Local Development Frameworks.

Statement of Community Involvement – Statement of Consultation and representations - January 2006



**INSPECTOR'S REPORT**  
**SUNDERLAND CITY COUNCIL**  
**STATEMENT OF COMMUNITY INVOLVEMENT**

Inspector: Wendy J Burden BA(Hons) Dip TP MRTPI

Date: 12th June 2006



# **Sunderland City Council Statement of Community Involvement (November 2005)**

## **INSPECTOR'S REPORT**

### **Introduction**

- 1.1 An independent examination of the Sunderland City County Council Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks, the examination has been based on the 9 tests set out (see Appendix A). The starting point for the assessment is that the SCI is sound. Accordingly changes are made in this binding report only where there is clear need in the light of tests in PPS12.
- 1.2 A total of 19 representations were received all of which have been considered. The Council proposed a number of amendments to the SCI in response to representations received, and these have been taken into account in the preparation of this report.

### **Test 1**

- 2.1 The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004.
- 2.2 This test is met.

### **Test 2**

- 3.1 Section 2.0 of the SCI sets out how the SCI links to other community initiatives. This includes the Sunderland Strategy, which combines three major City wide strategies, the first Community Strategy, the Sustainable Development Strategy and the Neighbourhood Renewal Strategy to provide a cohesive vision for the city. Benefits from the integration of policy and process between the LDF and community strategy are highlighted in paragraph 2.4 of the SCI. Paragraph 2.5 of the SCI states that the SCI will seek to ensure that the preparation of the LDF reflects the Sunderland Strategy and builds upon the benefits of integration.
- 3.2 This test is met.

### **Test 3**

- 4.1 The Council has set out in Appendix 4 of the SCI those groups which will be consulted. The list includes the statutory bodies from PPS12 Annex E. Other consultees will only be consulted where appropriate. Paragraph 3.19 of the SCI explains that the Council holds a database of all consultees

and that it will ensure that an up to date record is maintained. Paragraph 3.27 also notes the Council's intention to utilise and integrate Council databases to cover all communities and stakeholders.

4.2 Paragraphs 3.19 to 3.22 of the SCI set out how the Council propose to meet the consultation requirements set down in the Planning and Compulsory Purchase Act 2004.

4.3 This test is met.

#### **Test 4**

5.1 The key stages of Development Plan Document (DPD) preparation are set out on pages 14 and 15 of the SCI. Paragraph 3.11 emphasises the need for early community involvement in the preparation of LDDs. Consultation will encourage participation, particularly of relevant groups to help the Council identify the issues and options available to address them. The Council will seek to build consensus through continuous community involvement based on the consultation methods outlined in paragraph 3.19.

5.2 This test is met.

#### **Test 5**

6.1 Section 3.0 of the SCI sets out how the Council intends to involve the community in the Local Development Framework. Proposed arrangements are set out for involving the community in each of the documents that make up the LDF at each stage of the process. Consultation methods for each type of stakeholder are set out in a Table on page 14 of the SCI. These cover a range of recognised consultation techniques that will present information via a range of different media. The Council notes that all of the methods identified will not be used at every stage, and the combination of techniques will vary.

6.2 Paragraph 1.4 recognises the importance of an inclusive approach so that all groups irrespective of age, sex, ethnicity or background are able to fully participate in the planning process, with a particular need to involve hard-to-reach groups who find it difficult to engage in the process. Page 1 of the SCI sets out contact information in a number of languages, giving the telephone number and email address of the Council, should any member of the public wish to obtain the document in another language. The table of consultation methods on page 14 of the SCI includes suitable methods of engaging hard-to-reach groups. Paragraph 3.27 states the Council's intention to make material available on request in Braille, audio, large print and to all groups irrespective of ethnicity.

6.3 I am satisfied that the methods of consultation proposed in the SCI are suitable for the intended audiences and for the different stages in LDD preparation.

6.4 This test is met.

### **Test 6**

7.1 Section 5.0 of the SCI relates to resources management. The Planning Policy Section responsible for the preparation of the LDF, with assistance from other Council directorates, intends to utilise its structures and experience in order to undertake the necessary community involvement. The Development Control Section has existing resources and structures in place for consulting on planning applications in accordance with legislation.

7.2 I am satisfied that the Council is alert to the resource implications of the SCI.

7.3 This test is met.

### **Test 7**

8.1 Paragraphs 3.24 and 3.25 of the SCI set out how the results of community involvement will be reported and inform the content of LDDs. The Council will prepare a summary of written comments and feedback from all consultation exercises. These will be available for communities on the web and in hard copy form. The Council will write to those who made representations informing them of the next steps and any opportunity for further involvement. The findings will be considered by officers and members in the participation and review of DPDs and SPDs. This process will be evaluated and monitored.

8.2 This test is met.

### **Test 8**

9.1 Section 6.0 of the SCI sets out the Council's intention to keep the SCI under careful scrutiny. The Council will monitor and review the involvement by different types of group, ensuring that hard-to-reach groups are engaged together with individuals and other stakeholders. Feedback will be used to monitor the performance of consultation techniques and the effectiveness of consultation, and used in refining the SCI.

9.2 As part of the LDF process the Council will prepare an Annual Monitoring Report (AMR), which will determine when the SCI should be formally reviewed.

9.3 This test is met.

## **Test 9**

- 10.1 Section 4.0 of the SCI together with Appendix 5 deal specifically with the Council's policy for consultation on planning applications, meeting the minimum requirements set out in legislation. However, the SCI should contain further information on statutory consultation periods for development that affects SSSI's. I set out a recommendation below.
- 10.2 Section 4.0 clearly sets out how the Council intends to carry out consultation with the public on planning applications. It is clear from paragraphs 4.12 to 4.15 how the results of the consultation will be reported and how they will inform decisions on planning applications.
- 10.3** Paragraph 4.10, amplified in Appendix 5 of the SCI, differentiates between different types and scales of planning application and clarifies the different procedures for consultation that will apply. However, the clarity of the paragraph wording in respect of major applications could be improved. As currently written it appears that the Council has yet to provide a definition of major development in the SCI. I therefore set out a recommendation below.
- 10.4 Paragraphs 4.4 to 4.9 of the SCI provide information on pre-application discussions.

## **Recommendations**

**(R1)** Add the following text to the second bullet point of Paragraph 4.10: "Notify consultees by letter giving them 21 days, or 28 days in the case of a planning applications potentially affecting a SSSI or in a SSSI consultation area<sup>1</sup>, in which to comment." Add the following as a footnote to the second bullet point of Paragraph 4.10: "<sup>1</sup> in accordance with Section 28 of the Wildlife & Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000.

**(R2)** Delete the text "(to be defined)" from paragraph 4.10 and replace with "(defined in Appendix 5)".

- 10.5 Subject to the implementation of the above recommendations, this test is met.

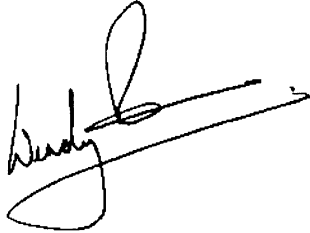
## **Conclusions**

- 11.1 The Council has prepared a Representations Statement (January 2006) which lists all the representations, the Council's responses and the types of changes that it proposes to make in the main text of the SCI. This is given as Appendix B to this report. The suggested amendments do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI. I therefore recommend that they be included.

**Recommendation**

**(R3)** The SCI should be amended as set out in the Representations Statement (January 2006).

11.2 Subject to the implementation of the recommendations given above the Sunderland City Council SCI (November 2005) is sound.

A handwritten signature in black ink, appearing to read 'Wendy J Burden', with a large, stylized flourish extending from the end of the name.

Wendy J Burden BA DipTP MRTPI

INSPECTOR

**APPENDIX A**  
**TESTS OF SOUNDNESS**

### **Examination of the soundness of the statement of community involvement**

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;<sup>1</sup>
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

*From: Planning Policy Statement 12: Local Development Frameworks*

<sup>1</sup> The Town and Country Planning (Local Development) (England) Regulations, 2004.

**APPENDIX B**  
**SUNDERLAND CITY COUNCIL**  
**PROPOSED CHANGES**



# **Local Development Framework Statement of Community Involvement**

## **Sunderland City Council**

### **Written statements in response to objections and issues from the Submission Draft Statement of Community Involvement**

January 2006

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to English Heritage

Objection reference: 03

**1. Section to which the objection relates**

1.1 4.12

**2. Summary of objection**

2.1 The document does not refer to the Council's response to representations received after the 21 day deadline but before a decision is taken.

**3. The Councils Response**

3.1 The Council accept that there are circumstances where responses will be submitted after the statutory period. To this extent it is proposed that the text in paragraph 4.12 reflects requests for extensions to the consultation period will be at the discretion of the Council. "and reported in the officer's recommendation. **There may be an occasion when responses will be submitted outside the statutory time period, for example if further information is required. Representations received outside of the prescribed time period will be considered at the discretion of the Council bearing in mind circumstances leading to this situation.**"

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to English Heritage

Objection reference: 03

**1. Section to which to which the objection relates**

1.2 4.16

**2. Summary of objection**

2.1 English Heritage are concerned regarding the Council's response about informing those who make representations. At the very least the Council should send the decision electronically where the facility exists. rather than for English heritage to trawl the web site.

**3. The Councils Response**

3.1 The Council support the provision of e-government and its implementation in the planning system. The Council is looking into its procedure for informing consultees. No change to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to English Heritage

Objection reference: 03

**1. Section to which the objection relates**

1.1 General 3.2.6

**2. Summary of objection**

2.1 The SCI sets out under 3.2.6 a summary procedure for participation and consultation for the development plan, however, there is no corresponding guidance on how the Council will consult consultees in respect of Development Control.

**3. The Councils Response**

3.1 It is considered that the SCI meets the test of soundness in that it clearly describes the planning authorities policy for consultation on planning applications. No change to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to English Heritage

Objection reference: 03

**1. Section to which the objection relates**

1.1 General

**2. Summary of objection**

2.1 English Heritage expects that it will be sent copies of applications on which it is required to be notified, and the SCI should reflect Circular 08/2005. It should also be noted that the twentieth century Society is now a statutory consultee for the purpose of applying the requirements of PPG15.

**3. The Councils Response**

3.1 English Heritage is a statutory consultee and will be consulted in accordance with the GDPO. Regarding the consulting the Twentieth Century Society they will be consulted in accordance with the requirements of the GDPO and PPG15. There is no need to change the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to English Heritage

Objection reference: 03

**1. Section to which to which the objection relates**

1.1 General

**2. Summary of objection**

2.1 Many drawings that English Heritage use when consulted on applications are dimension sensitive. Without paper copies of drawings it is virtually impossible to consider proposals. In addition, reading large documents is unsatisfactory electronically. It would be less wasteful to produce a single print run for some consultees than ad hoc copies.

**3. The Councils Response**

3.1 Paper copies of drawings are provided for statutory consultees free of charge. The Council is committed to e-government and increasing the use of paperless communication in planning. There is a charge for reproducing documents for the public. No change to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Government Office for the North East

Objection reference: 06

**1. Section to which the objection relates**

1.1 Paragraph 3.4

**2. Summary of objection**

2.1 Paragraph 3.4 conflicts with test (iv) of soundness in paragraph 3.10 PPS12 which states that in assessing whether the SCI is sound, the Inspector will determine whether the statement identifies how the community and other bodies can be involved in a timely and accessible manner.

The first sentence in paragraph 3.4 is contradictory. It is suggested that the second part of the sentence should be reworded as follows:“  
ie there will be **no** opportunity for the City Council to propose any modifications to that report”.

**3. The Councils Response**

3.1 Accept change

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Government Office for the North East

Objection reference: 06

**1. Section to which the objection relates**

1.1 Paragraph 3.10

**2. Summary of objection**

2.1 The last sentence of paragraph 3.4 conflicts with the advice in paragraphs 5.3 and 5.5 of PPS12 because it implies that the policies in the adopted Alteration No 2 and the UDP will be automatically saved until their replacement as part of the LDF. The last sentence of paragraph 3.4 should be revised to reflect the advice in paragraphs 5.3 and 5.5 of PPS12.

**3. The Council's Response**

3.1 Accept the objection and change paragraph 3.4 to read: " in early 2007. It will then be saved **for a period of 3 years. The unaffected parts of the UDP have automatically been saved for a period of 3 years from the commencement of the Planning and Compulsory Purchase Act 2004. During this time these policies will be** the statutory land use policies for the City until their replacement as part of the LDF for the City.



## **Local Development Framework Statement of Community Involvement**

### **Sunderland City Council**

Written Statement in Response to Sunderland Civic Society

Objection reference: 07/08

#### **1. Section to which the objection relates**

1.1 Paragraph 3.19 – 3.28

#### **2. Summary of objection**

2.1 The document is too general in describing what consultation procedures will be invoked and at what time to satisfy soundness test (iv) “ identifies how the community and other bodies can be involved in a timely and accessible manner”.

2.2 The document does not satisfy test of soundness (iv) “methods to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents”. The SCI does not contain sufficient details of how various consultation methods will be employed at various stages. It merely states that it may deploy methods and does not give an indication when.

2.3 It is questioned whether the document satisfies test of soundness (vi) “resources are available to manage community involvement effectively”. The document does not give a clear indication of the level of consultation which is feasible under resource constraints.

2.4 The lack of specific commitment to the consultation measures makes reviewing the SCI in an objective manner difficult against soundness test (viii) “authority has mechanisms for reviewing the SCI”.

#### **3. The Councils Response**

3.1 The Council considers that the SCI meets soundness tests iv, vi, and viii. As the Civic society acknowledge the Planning policy team does not have the resources to manage all methods within a reasonable timescale. Therefore it is unreasonable to specify techniques for every situation. Depending on the type and nature of the LDD different techniques will be applied, but again within resources available.

3.2 No change is proposed to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sunderland Civic Society

Objection reference: 07/08

**1. Section to which to which the objection relates**

1.1 Paragraph 4.11 – 4.16

**2. Summary of objection**

2.1 The Society acknowledge that the SCI may comply with the requirements of soundness test (ix) “statement clearly describes the planning authority’s policy for consultation on planning applications” it could be more fully committed to the principle of consultation.

2.2 The Society would like to see:

Automatic consultation on certain categories of planning applications; Major developments within and adjacent to conservation areas, green Belts and city centre developments, other major developments which would involve a departure from the development plan, and development of listed buildings or developments likely to affect their setting.

Feedback on what representations have achieved and why?

**3. The Councils Response**

3.1 The Council considers that the SCI meets soundness test (ix) “statement clearly describes the planning authority’s policy for consultation on planning applications”. Due to limited resources it is not possible to consult the Society directly on such a range of applications. Weekly lists, which are available on the Council’s web site provide this information. Similarly due to the resource implications it is not practicable to provide feedback on what representations have achieved and why. However, Committee reports which generally identify the issues and reasons for a decision are available on the Councils web site.

3.2 No change is proposed to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sport England

Objection reference: 12

**1. Section to which to which the objection relates**

1.1 Paragraph Appendix 2.

**2. Summary of objection**

2.1 Welcome the inclusion of a glossary and that the term allocation should be defined.

**3. The Councils Response**

3.1 The Council will discuss including the definition with government Office for the North East.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sport England

Objection reference: 12

**1. Section to which to which the objection relates**

1.1 Paragraph 4.16.

**2. Summary of objection**

2.1 Sport England require that they are made aware of the outcome of any planning application they have made comments on. Request that on such applications they are informed in writing of the decision and where on the website the decision notice can be obtained. Paragraph 4.16 alludes to such a procedure, but could be made clearer

**3. The Councils Response**

3.1 Decision notices can be viewed on the Councils web site. The Council is looking into its procedure for informing consultees regarding notification of the decision. No change to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sunderland arc Ltd

Objection reference: 13

**1. Section to which to which the objection relates**

1.1 Paragraph Appendix 4.

**2. Summary of objection**

2.1 Sunderland arc would prefer that the generic references to Urban regeneration Companies be substituted by a specific reference to Sunderland arc Ltd. English partnerships should also be included in the schedule as a consultee.

**3. The Councils Response**

3.1 Will amend Appendix to refer to Sunderland arc Ltd, and add English Partnerships to the consultation schedule.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Edward Thompson Group

Objection reference: 14

**1. Section to which the objection relates**

1.1 Paragraph None stated..

**2. Summary of objection**

2.1 Broadly support the SCI, but make two requests. Firstly they recognise the difficulties in identifying and engaging the wider business community outside the Chambers of Commerce. However, should be consulted on land issues that would have an affect on the interests of ETG in the development plan and control process. There they request that their details be added to the consultation database.

**3. The Councils Response**

3.1 The Council seek to ensure that consultation, dependant upon the type, and location reaches a range of interested organisations, through various methods including the Council's website, letter, press advert and other means such as presentations and workshops. The Council will add ETG's contact details to the consultation database.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to English Nature

Objection reference: 15

**1. Section to which to which the objection relates**

1.1 Paragraph None stated.

**2. Summary of objection**

2.1 In the light of ODPM circular 08/2005 on changes to the development Control System English Nature wish to see the following points included in the SCI:

English Nature sometimes does not receive all the information needed during the relevant timescale to make a response and may need to extend deadlines.

**3. The Councils Response**

3.1 Will amend paragraph 4.12 to address this issue. See earlier response to English Heritage.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to English Nature

Objection reference: 15

**1. Section to which to which the objection relates**

1.1 Paragraph None stated.

**2. Summary of objection**

2.1 In the light of ODPM circular 08/2005 on changes to the development Control System English Nature wish to see the following points included in the SCI:

Legislation sets different time limits which superseded the requirement for statutory consultees to respond within 21 days of receipt of the consultation.

**3. The Councils Response**

3.1 Will amend paragraph 4.12 to address this issue. It is proposed that the text be amended to reflect all statutory time periods. "All representations received during the **relevant** statutory ~~21~~ consultation period..."



**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to English Nature

Objection reference: 15

**1. Section to which the objection relates**

1.1 Paragraph None stated.

**2. Summary of objection**

2.1 In the light of ODPM circular 08/2005 on changes to the development Control System English Nature wish to see the following points included in the SCI:

The SCI should encourage developers to carry out pre-application discussion with English Nature concerning any application likely to affect directly or indirectly SSSI's, internationally important sites, protected species, protected species or other issues identified in the policies of PPS9. This can avoid undue delay in the application process by gathering all information early.

**3. The Councils Response**

3.1 The SCI in paragraph 4.4 encourages early discussion with the Council and will identify whether there is a need to consult the community and other consultees at the pre-application stage. Detailed guidance is being prepared on this aspect. No change to SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to English Nature

Objection reference: 15

**1. Section to which to which the objection relates**

1.1 Paragraph None stated.

**2. Summary of objection**

2.1 Of particular relevance to the SCI are the consultation procedures set out in Circular ODPM 06/2005 in regards PPS9 and the Habitats Regulations. These procedures can be expedited by pre-consultation with English Nature.

**3. The Councils Response**

3.1 The SCI needs to be succinct. These comments will be taken account of in the Council's procedures for Development Control and LDF preparation. No change to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Forestry Commission

Objection reference: 16

**1. Section to which to which the objection relates**

1.1 Paragraph None stated.

**2. Summary of objection**

2.1 Although the Forestry Commission is referred to in Appendix 4 the Council need to ensure that all future correspondence goes to the correct office. Also the Great North Forest Team is added to the list of consultees.

**3. The Councils Response**

3.1 The Forestry Commission contact details have been amended, and the Great North Forest added to the consultation data base.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Forestry Commission

Objection reference: 16

**1. Section to which to which the objection relates**

1.1 Paragraph Section 4.

**2. Summary of objection**

2.1 The Forestry Commission consider that section 4 does not provide a clear indication that the Council will consult with relevant statutory bodies, such as the Forestry Commission or English Nature, in considering relevant planning applications.

**3. The Councils Response**

3.1 Although the Council does consult all relevant statutory consultees in accordance with the GDPO a further bullet point to reflect this will be added to paragraph 4.10 of the SCI.

**“Consultees – Statutory and non statutory consultees will be consulted in accordance with the General Development Procedure Order (GDPO).”**

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Forestry Commission

Objection reference: 16

**1. Section to which to which the objection relates**

1.1 Paragraph Section 4.

**2. Summary of objection**

2.1 The Forestry Commission encourage the Council to consult the Forestry Commission whenever considering a planning application for a development that will have an adverse effect on ancient woodland, and all other types of woodland. The Forestry Commission also request that they be advised of any instances where they need to be involved due to their responsibilities under the Forestry EIA regulations.

Also the Forestry Commission would welcome the opportunity to be involved and to provide technical advice when the Council are considering any applications for wood processing or forest industry developments.

**3. The Councils Response**

3.1 The Council does consult all relevant statutory consultees in accordance with the GDPO, which is clarified in the proposed change to paragraph 4.10 of the SCI. The Forestry Commissions comments have been noted by Development Control. No change to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sunderland History Society

Objection reference: 17

**1. Section to which to which the objection relates**

1.1 Paragraph Section General.

**2. Summary of objections**

2.1 Raise awareness through school curriculum.

**3. The Councils Response**

3.1 The Council is working with Planning Aid to raise awareness of planning in schools. No change to the SCI.

## **Local Development Framework Statement of Community Involvement**

### **Sunderland City Council**

Written Statement in Response to Sunderland History Society

Objection reference: 17

#### **1. Section to which the objection relates**

1.1 Paragraph Section 1.3.

#### **2. Summary of objections**

2.1 A clear policy for explaining how a decision was reached, and by whom, and how there can be an application for an independent review.

#### **3. The Councils Response**

3.1 The members of the Local Planning Authority are elected to represent the interests of the whole community in planning matters. Each local authority is required to adopt a local code of conduct under the Local Government Act 2000 for Councillors in carrying out their duties. The guidance note "Probity in Planning - the role of councillors and officers" published by the Local Government Association in 2002 relates these requirements to planning. The authority also has a Protocol for Members in Relation to Development Control Matters which is set out in its Constitution. There exists a Standards Board to which allegations for breaches of local codes can be made, along with the Local Government Ombudsman for dealing with complaints.

No change to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sunderland History Society

Objection reference: 17

**1. Section to which to which the objection relates**

1.1 Paragraph Section 1.7

**2. Summary of objections**

2.1 Utilise existing contact groups and make consultation jargon free.

**3. The Councils Response**

3.1 The Council recognises the benefit of consultation and seeks to widen its consultation base through networking within the council but also with community groups. No change to the SCI.



**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sunderland History Society

Objection reference: 17

**1. Section to which to which the objection relates**

1.1 Paragraph Section 1.9

**2. Summary of objections**

2.1 The example of the Sunderland Housing Group should be looked at to ensure mistakes they were able to force through can not happen again. Who will police the system, to reduce individual gain. Suggest an open list of who will gain from any specific decision.

**3. The Councils Response**

3.1 This is not appropriate to the Statement of Community Involvement.  
No change to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sunderland History Society

Objection reference: 17

**1. Section to which to which the objection relates**

1.1 Paragraph Section 3.8

**2. Summary of objections**

2.1 A declaration of who has been approached and when as well as who responded for all aspects including sustainability.

**3. The Councils Response**

3.1 The Council has prepared a Statement of Consultation to accompany the Submission draft SCI, and a statement of representations following the submission of the document to the Secretary of State. These documents set out who has been consulted and how the Council propose to deal with the representations. No change to the SCI.

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sunderland History Society

Objection reference: 17

**1. Section to which the objection relates**

1.1 Paragraph Section 3.21 & 3.22

**2. Summary of objections**

2.1 Workshops should avoid technical jargon so the lay person can understand. Also use should be made of existing groups using their knowledge and structure.

**3. The Councils Response**

3.1 The Council will seek to avoid jargon and explain the process in order to gain an understanding from people not familiar with the planning process. The Council recognises the benefit of consultation and seeks to widen its consultation base through networking within the council and community groups sharing knowledge and experience. No change to the SCI

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sunderland History Society

Objection reference: 17

**1. Section to which to which the objection relates**

1.1 Paragraph Section 4.5 & 4.20

**2. Summary of objections**

2.1 An applicant for planning permission who does not own the land should pay for the costs of consultation. Also, are penalties in place if a Council Officer allows a breach of Planning Control.

**3. The Councils Response**

3.1 Both these issues are not relevant to the SCI's test of soundness. No change to the SCI

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Sunderland History Society

Objection reference: 17

**1. Section to which the objection relates**

1.1 Paragraph Section 4.13

**2. Summary of objections**

2.1 To encourage active participation it would be more useful to reply to specific comments at a later stage rather than the general acknowledgement letter. You are left feeling it is just a paper exercise and your views were not noted. A list of issues raised and reasons for decisions which were available publicly would demonstrate that all views were considered.

**3. The Councils Response**

3.1 Due to limited available resources it is not possible to respond on an individual basis, however, committee reports which generally identify the issues and reasons for decision are available on the Council's web site.

No change to the SCI

**Local Development Framework  
Statement of Community Involvement**

**Sunderland City Council**

Written Statement in Response to Bellway Homes Ltd

Objection reference: 19

**1. Section to which to which the objection relates**

1.1 Paragraph 4.6

**2. Summary of objections**

2.1 Greater clarity as to when an applicant would be expected to utilise “public meetings” – These can be unduly onerous. Policy should say “only in very exceptional circumstances for major developments of a more than local significance (ie sub regional) should public meetings be sought. In all other instances a public exhibition will suffice”.

**3. The Councils Response**

3.1- Detailed guidance is being prepared regarding pre-application discussions and consultation, but not yet completed. Comments by Bellway will be considered in preparation of this guidance as. No change to paragraph 4.4 of the SCI which states that “detailed guidance is being prepared in this respect”.

# CITY OF SUNDERLAND

## STATEMENT OF COMMUNITY INVOLVEMENT

November 2006

If you require this document in a language other than English please contact The Planning Policy Section on 0191 5531955 or by emailing [udp@sunderland.gov.uk](mailto:udp@sunderland.gov.uk)

“如閣下需要這份文件的其它語言譯本，請電01915531955聯絡計劃政策部門，或電郵[udp@sunderland.gov.uk](mailto:udp@sunderland.gov.uk)”

“ اگر شما این مدرک را بزبان ديگرى غير از زبان انگليسى نياز داريد ، لطفاً با بخش طرح و برنامه ريزى بشماره تلفن 0191 5531955 يا توسط ايميل [udp@sunderland.gov.uk](mailto:udp@sunderland.gov.uk) تماس بگيريد . ”

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Philip Barrett  
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## PREFACE

The Statement of Community Involvement (SCI) sets out the Council's proposals for engaging all sections of the Community in planning the future of the City through its new Development Plan, the Local Development Framework (LDF) and in participating in the determination of planning applications. The Council's Community Consultation Framework gives clear reasons as to why it is essential to involve the community in planning and other services in order to :

- Improve Council Services
- Improve the quality of decision making
- Improve public confidence in the decision making process, and
- Increase the involvement of local people in the democratic process.

Engaging all of Sunderland's stakeholders in the planning process will move towards achieving the City and Council's vision for creating inclusive communities by taking inequalities; building cohesive communities and promoting inclusive notions of citizenship identity and belonging; opening up opportunities for all; promoting community engagement and active citizenship and; building capacity in communities.

With the use of up-to-date consultation techniques, including information technology, the opportunity to engage the community on planning matters in improved breadth and depth is available as never before.

The City Council would welcome views on this Submission draft Statement of Community Involvement. All views received will be considered by the Council and taken into account in finalising the SCI. The revised SCI will then be submitted to the Secretary of State to be examined by an independent Inspector. When finalised the SCI will set the standard for community involvement in planning in Sunderland.

This revised SCI will be submitted to the Secretary of State to be examined by an independent Inspector and there will also be a six week period in which representations can be made. When finalised the SCI will set the standard for community involvement in planning in Sunderland.

## 1.0 INTRODUCTION

- 1.1 Under the new Planning and Compulsory Purchase Act 2004 Planning Authorities are required to prepare a Statement of Community Involvement (SCI). This will set out how the Council intends to consult and involve communities and Stakeholders in the preparation, alteration and review of its new development plan the Local Development Framework (LDF) (explained further in Chapter 3) and in the process for determining planning applications. The SCI will provide a clear guide to inform people as to how and when they will be able to take part in the planning system. The SCI will also provide a basis for engaging communities on other relevant plans and strategies.
- 1.2 Consulting local communities has been a long established and important part of the planning process with opportunities provided to make representations in the Development Plan system and in consideration of planning applications. Under the new planning system the requirement for public consultation remains but there is more emphasis on informal engagement and consensus - building early in the process in order to speed up delivery and minimise the need for lengthy inquiries into planning proposals.
- 1.3 The Government recognises that community involvement:
- Can reflect local people's aspirations and needs
  - Is a key element of open and participatory democracy
  - Can improve decision making by drawing on local knowledge
  - Educates all participants
  - Promotes community cohesion through communities' involvement in decision making
- 1.4 The importance of effective community involvement is stated in Planning Policy Statement PPS1- (Delivering Sustainable Development), and PPS12 ( Local Development Frameworks) which recognise that community involvement is vitally important to planning and the achievement of sustainable development. Key to this is providing an accessible and transparent planning system, which provides continuing opportunities for local people to participate in the creation of inclusive, accessible, safe and sustainable communities. One of the main principles of sustainable development is involving communities in developing a vision for their area. In order to develop a vision communities need to be given the opportunity to participate in drawing up plans or policies and be consulted on planning applications.
- 1.5 To be successful, a clear understanding must be gained of the make-up of communities, their interests and needs. The City of Sunderland contains a wide range of communities and an inclusive approach should be taken so that all groups irrespective of age, sex, ethnicity or background, are able to fully participate in the planning process, with a particular need to involve hard-to-reach groups who find it difficult to engage in the process.
- 1.6 Community involvement is not simply a matter of ticking a box in response to a question or targeting those groups familiar with the planning process but requires genuine participation that will help shape the future of Sunderland.

PPS 1 advocates that effective community engagement requires communities to be:

- informed in good time about policies and proposals.
- able to shape developments and proposals rather than a reactive tick box approach to consultation
- consulted on formal proposals
- consulted in locations that are widely accessible
- provided with feedback but also involves a process that seeks feedback.

1.7 Therefore the Council will seek the most effective way to engage stakeholders and all sections of the community in the planning process. The Council firmly believes in the importance of such engagement which promotes local ownership in the planning process, and has already demonstrated a commitment to consultation.

1.8 Sunderland Council is committed to listening to, and acting upon, the views of the local community and in October 2000 approved the Community Consultation Framework. The Council wants to make sure that it carries out consultation in an inclusive and suitable manner. This means keeping the people whom it consults fully informed from the beginning to the end of consultation. The Council will build the results of consultation into its policy and planning.

1.9 The Council will also make sure that it meets a set of principles when it carries out any consultation:

#### COMMUNITY CONSULTATION FRAMEWORK – PRINCIPLES

The Council will seek to:

- Ensure the consultation is inclusive
- Use a suitable technique appropriate to the type of consultation
- Communicate clearly
- Promote quality in consultations
- Work in partnership
- Provide mechanisms for involvement

These Principles are fully explained in Appendix 1

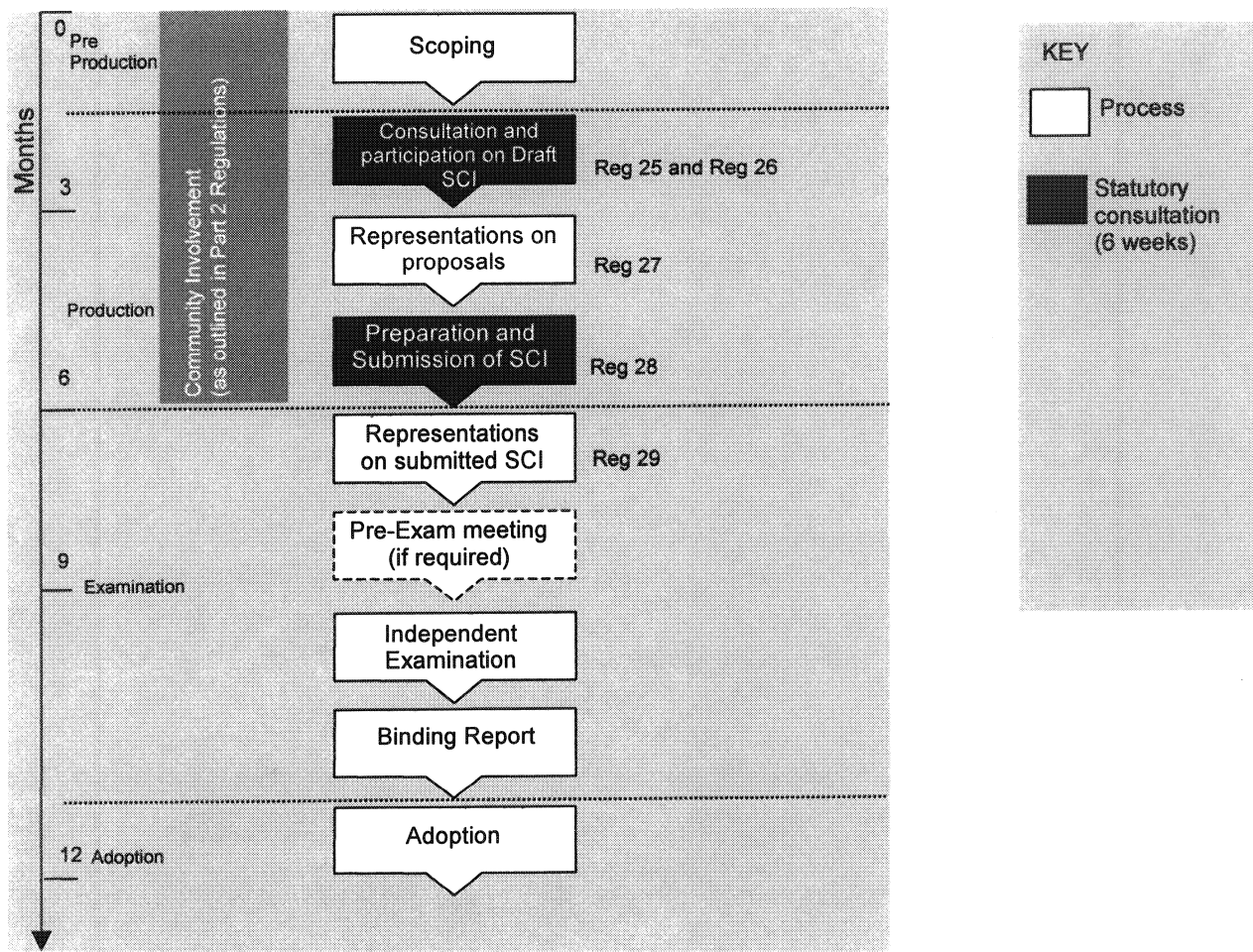
1.10 The Draft SCI has been written to conform with these principles taking into account the Town and Country Planning (Local Development) (England) Regulations 2004 and government guidance. In addition the SCI has been informed by a questionnaire consultation conducted in May 2005 and Pre-Submission Participation during July to September 2005.

1.11 The SCI covers the following matters in order to satisfy the “Test Of Soundness” :

- How the Council meet the minimum legal requirements.
- Links with other strategies.
- The range of community groups and bodies to be consulted.
- How these groups will be consulted.
- What appropriate consultation techniques will be used for different groups and individuals during the different stages of the planning process.
- How the results of community involvement will be used in the preparation of development plan documents and supplementary planning documents.
- How the Council intends to resource and manage community involvement effectively.
- How the Council will consult on planning applications.
- How the Council intends to monitor and review the SCI.

1.12 The SCI preparation process is illustrated in Figure 1. This sets out the stages and opportunities for consultation during the process. The preparation of all Development Documents and consideration of planning applications must accord with the standards set out in the SCI.

**Fig 1 Preparing a Statement of Community Involvement**



## 2.0 LINKS WITH OTHER COMMUNITY INITIATIVES

2.1 The Government recognises the benefits of developing linkages with the LDF and other strategies and plans such as community strategies and strategy for hard to reach groups in delivering sustainable development. One of the key principles which underpins the Sunderland (Community) Strategy is a commitment to participation. Only by developing joint working and sharing knowledge between Council departments can community participation be exploited fully. Also there are synergies to be gained from developing more effective relationships between the, LDF and Sunderland Strategy, regarding policy content and processes. These benefits are outlined in paragraph 2.4.

2.2 The key objective of community strategies is to enhance the quality of life for local communities whilst contributing to the achievement of sustainable development. The Sunderland Strategy combines 3 major City wide strategies, the first Community Strategy, the Sustainable Development Strategy, and the Neighbourhood Renewal Strategy to provide a cohesive vision:

*“Sunderland will be a prosperous City. A desirable, safe and healthy place to live, work, learn and visit, where all people can reach their full potential”*

2.3 This vision has 8 shared strategic objectives which highlight the principles and priorities for action:

1. Creating a prosperous City
2. Extending cultural opportunities
3. Improving the quality, choice and range of housing
4. Improving health and social care
5. Reducing crime and fear of crime
6. Raising standards and increasing participation in learning
7. Developing an attractive and accessible City
8. Creating inclusive communities

2.4 The involvement of the community is essential to the delivery of both the Sunderland Strategy and the LDF. Planning through the development plan and determination of planning applications is a key tool by which the Council will establish and take forward its vision for the City. The benefits from integrating policy and process between the LDF and community strategy are :

- An integrated approach towards future development based upon sustainable development objectives
- Joined up approach to community planning
- LDF as a delivery mechanism for the Sunderland Strategy
- Corporate working and sharing resources
- Ability to engage a wide range of stakeholders
- Recognise knowledge sharing

2.5 The SCI will therefore seek to ensure that the preparation of the LDF reflects the Sunderland Strategy and builds upon the benefits of integration.

### **3.0 COMMUNITY INVOLVEMENT IN THE LOCAL DEVELOPMENT FRAMEWORK**

- 3.1 Under the Planning and Compulsory Purchase Act 2004, the planning system has undergone major changes to the preparation of development plans. One of the key objectives of the new planning system is that it should be speedier, more flexible and responsive. The Unitary Development Plan (UDP) for Sunderland sets out the planning framework for the City until 2006. The UDP will eventually be replaced by the Local Development Framework (LDF)

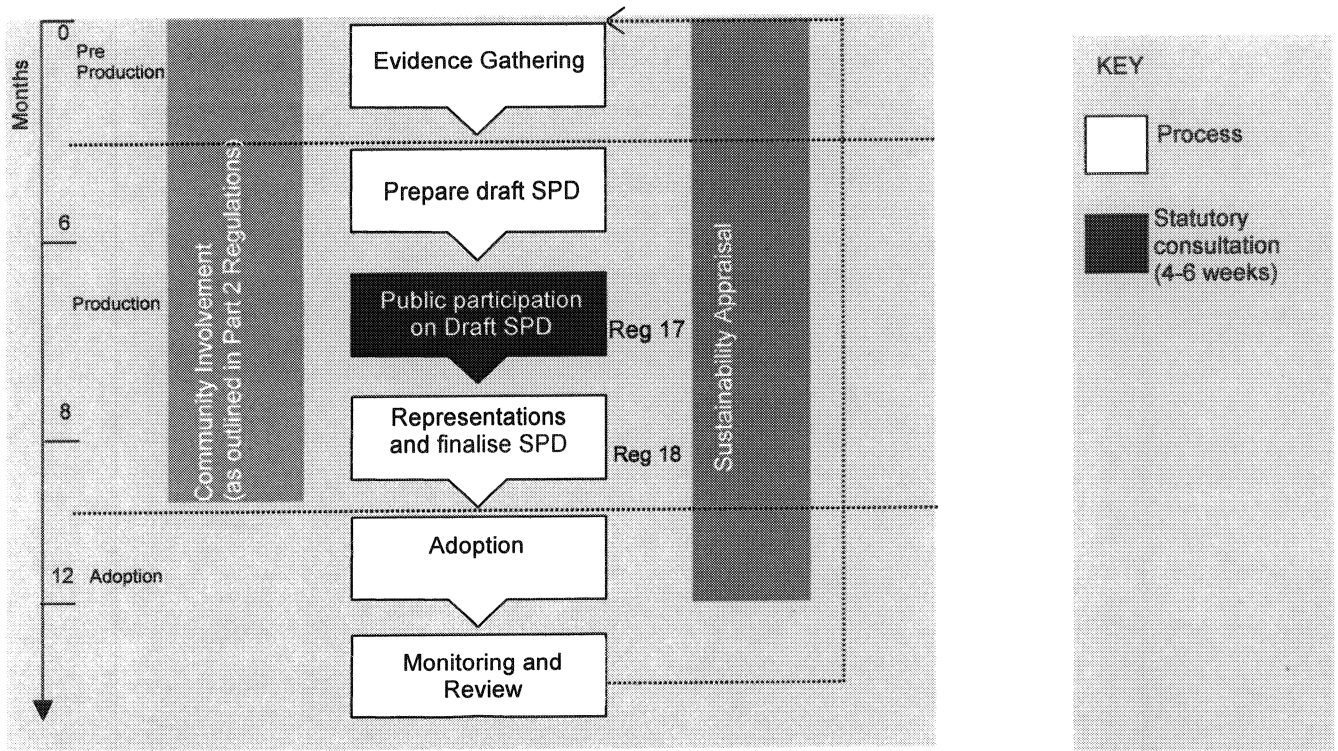
#### **Alteration To UDP**

- 3.2 The City Council is currently preparing a revised planning framework for Central Sunderland. This framework is now being progressed through the statutory planning process as the City of Sunderland Unitary Development Plan: (Alteration No.2) Central Sunderland.
- 3.3 Following an earlier public consultation (1<sup>st</sup> deposit ) in March 2004 the document will be re-deposited in accordance with the appropriate planning regulations. This will comprise a 6 week consultation period, starting in October, where the policies will be available for public comment. Thereafter the entire document will be the subject of a Public Local Inquiry (scheduled to commence in April 2006) where the "soundness" of all the policies will be assessed by an independent Government Inspector.
- 3.4 Under the new Development Plans Regulations the Inspector's report will be binding; ie there will be no opportunity for the City Council to propose any modifications to that report. It is anticipated that the Inspector's report will be received towards the end of 2006, with Alteration No. 2 being formally adopted in early 2007. It will then be saved for a period of 3 years. The unaffected parts of the UDP have automatically been saved for a period of 3 years from the commencement of the Planning and Compulsory Purchase Act 2004. During this time these policies will be the statutory land use policies for the City until their replacement as part of the LDF for the City.

#### **Preparation of LDD's**

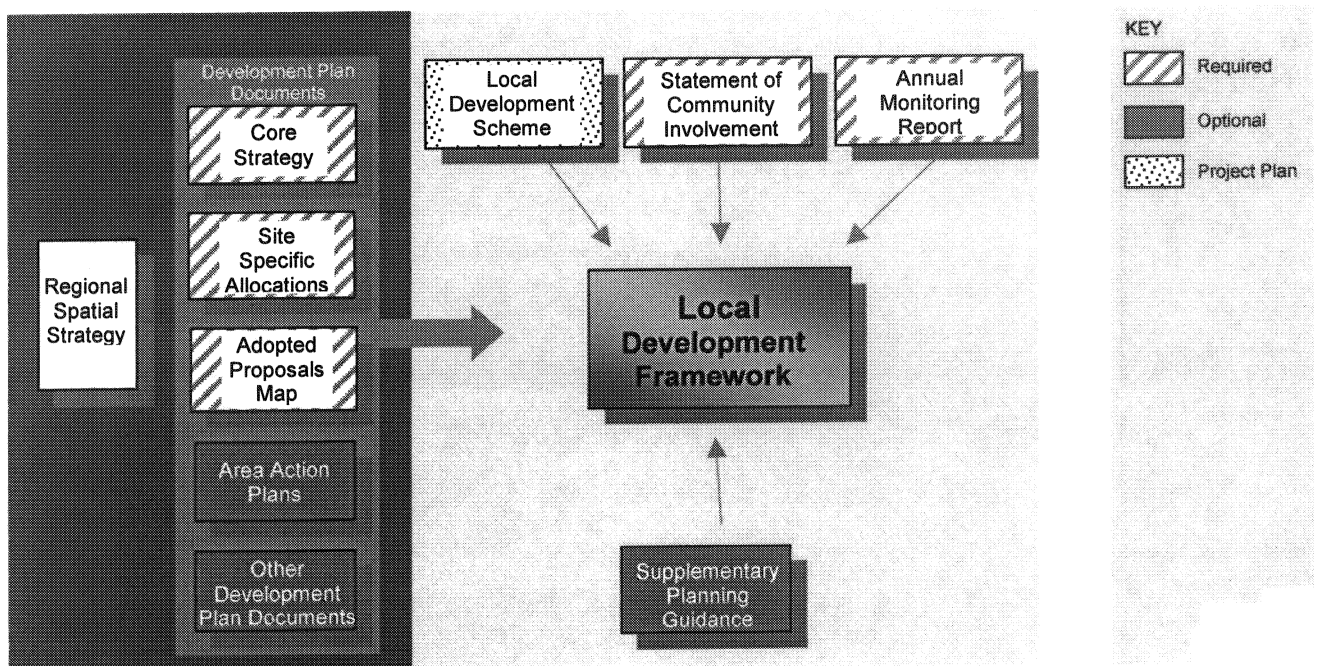
- 3.5 The LDF will consist of a suite of documents known as Local Development Documents (LDDs). Those classed as Development Plan Documents(DPD) will form the development plan and be subject to independent examination. They can include:
- Core Strategy - sets out the vision and strategic policies for the City
  - Site Specific Allocations – specific sites identified for development
  - Proposals Map – LDF policies illustrated on an OS map base
  - Other Area Action Plans
- 3.6 These DPD's are essentially the components that formed the UDP.

**Fig 2 The Supplementary Planning Document Process**



3.7 Supplementary Planning Documents (SPD) – are also LDDs. SPD's can be prepared to support policies in the DPD's, similar to existing Supplementary Planning Guidance. Although not subject to independent examination they will be subject to consultation. Figure 2 illustrates the Supplementary planning process and opportunities for community involvement. SPD's must not allocate land, but can be used to expand policy or provide further detail to policies in a DPD.

**Fig 3 The Local Development Framework**





### 3.8 The LDF must also include:

- The Local Development Scheme (LDS) – this sets out the project plan timetable for the preparation of the LDF. Sunderlands LDS was published in March 2005
  - Annual Monitoring Report – which will be prepared every year setting out implementation and progress on the LDF
  - Statement of Community Involvement in the preparation of the LDF
- The preparation of the LDF documents will accord with the timetable set out in the LDS.

### **Sustainability Appraisal**

3.9 A Sustainability Appraisal is required for LDD's under the Planning and Compulsory Purchase Act 2004, to include SEA under the European Directive 2001/42/EC. The purpose of the sustainability appraisal is to appraise the social, environmental, and economic effects from the outset of the preparation process, and where appropriate what courses of action follow.

3.10 The Sustainability Appraisal has specific requirements for consultation. The Government has designated four statutory consultees who must be consulted during the process; The Countryside Agency, English Nature, English Heritage and the Environment Agency. Consultation will also take place with other relevant stakeholders, the Local Strategic Partnership, and other community interests.

### **Key stages of Development Plan Documents preparation**

3.11 Initial consultation – emphasis on early community involvement in the preparation of LDDs. Consultation will encourage participation, particularly of relevant groups, to help the Council identify the issues and options available to address them. The Council will seek to build consensus through continuous community involvement (See section on Consultation Methods 3.19).

3.12 Pre-submission (Preferred Options Report) – this includes a statutory 6 week consultation period, (see the procedure summary outlined below). This gives the community and stakeholders the opportunity to ensure that the Council has considered all the options. Following the end of this period the Council will consider representations and prepare the document for submission.

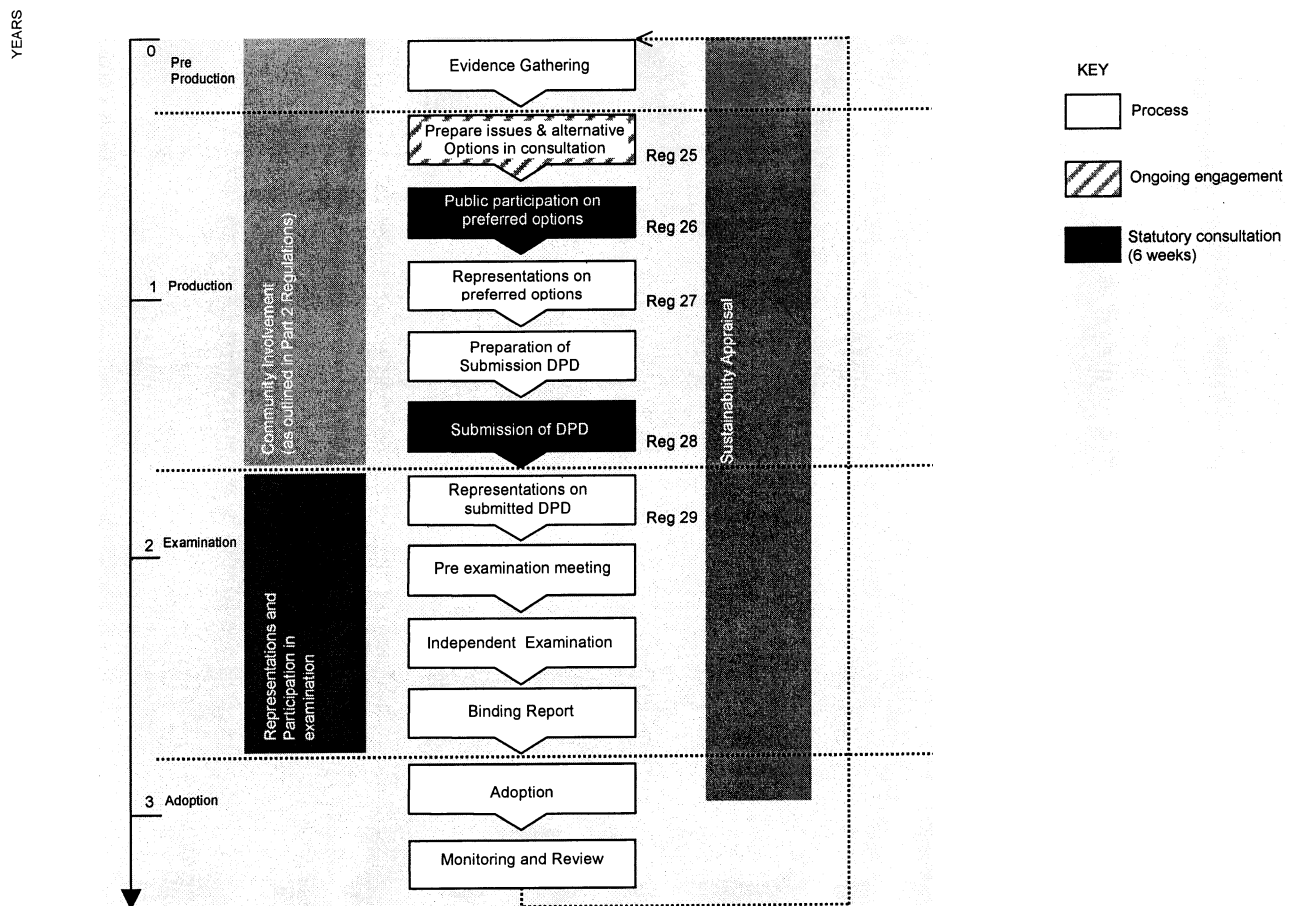
3.13 Preparation of submission of Development Plan Document – The DPD should be prepared for submission for independent examination. On its submission to the Secretary of State there must be a further 6 week consultation period. This will be accompanied by the Statement of Compliance, detailing how the Council has complied with the SCI. The Council will provide feedback after all stages that involved public consultation as outlined in paragraph 3.24

3.14 Independent Examination – An Inspector will consider the soundness of the DPD through oral and written representations.



- 3.15 Inspector's Report – Following the examination the Inspector will produce a report that is binding upon the Council with recommendations on how the DPD must be changed, or matters for further consideration.
- 3.16 Adoption – The Council will adopt the DPD as amended by the Inspector
- 3.17 Review – DPDs will be reviewed in the light of changing circumstances and Annual Monitoring Reports

**Fig 4 Preparation of a Development Plan Document**



**LDF preparation – Community Involvement**

- 3.18 In preparing the draft SCI the Council undertook a scoping exercise to identify community and interest groups and gave them the opportunity to become involved in the planning process. This was drafted after internal consultation within the Council to list all known community groups and include, as far as possible, those generally considered hard to reach. The questionnaire sought to identify interested parties and how and when they would wish to become involved in the planning process. The exercise has also assisted the Council in how best to manage and prioritise resources to assist those with an interest in the process. A questionnaire was sent to known community groups and made available on the Council's web site (See Statement of Consultation). Further consultation was also undertaken in the preparation of the Pre-Submission Participation.

The Council has identified a range of key groups. These are:

- General Public
- Elected members
- Statutory & non Statutory Consultees (PPS 12 Annex E)
- Government – Local, Regional, & National
- Consultants & Developers
- Local Businesses
- Neighbouring Local Planning Authorities
- Local Community Groups/ Interest Groups
- Hard to reach – the following have been identified as those groups and individuals most likely to find consultation processes difficult to access and can therefore be considered hard to reach for the purpose of consultation:
  - Those with literacy problems
  - Those unaware of current planning procedures
  - Those with limited access to Council facilities i.e. with no transport, no internet access and few community facilities – notably residents in known area of deprivation.
  - Those currently living in institutions e.g. hospitals, prisons

(These are listed in Appendix 4)

### **Consultation methods and procedure**

3.19 The following suggested consultation methods could be used by the Council during the production of LDDs. The Council's Community Consultation Framework and manual will inform the choice of technique, which will take into account benefits and resource implications.

- **Database utilisation to identify and contact consultees** – The Council's Development & Regeneration Directorate will maintain and update the contact records of all consultees and coordinate with other Council departments to ensure an up to date record of all consultees is maintained. Consultees will be consulted in writing about draft documents.
- **Draft Document publication** – The availability of all the documents produced for the LDF process will be made known to appropriate target audiences relevant to the nature of the document i.e. City wide, local in nature, or with a specific theme interest. Copies of the draft document will be made available for inspection at the Civic Centre and Libraries throughout the City, and on the Council's website [www.sunderland.gov.uk](http://www.sunderland.gov.uk)
- **Council Web site and electronic response** – The Council's web site will provide an efficient method of community engagement. Benefits of this method include;
  - Increase awareness of planning issues within the City
  - Consultation can be carried out on line resulting in a paperless environment
  - Improve communication between the community and the Council
  - Provide a forum for debate

- 3.20 The Council will make available on its web site [www.sunderland.gov.uk](http://www.sunderland.gov.uk) formal consultations and provide the opportunity for responses to be made on line. Consultation responses will also be made available on line when the Council reports on how responses have fed into the planning process.
- 3.21 The Council's new information technology initiative (CAP 7) will enable consultation down to neighbourhood level for major new allocations and the reviewing, analysis and retrieval of responses.
- **Workshops** – This method allows a means to engage the community in an interactive format. It has many benefits including:
    - Raising awareness
    - Shaping proposals
    - Generating ideas and suggestions for improvement
    - Community ownership in the planning process
  - **Participatory Appraisals** – This technique has already been used with some success by the Council. It is highly flexible for both small groups and whole communities where a cycle of data collection, reflection and learning and action planning is desired. Barriers can be identified with solutions agreed. Some of the advantages of this technique are:
    - Its personnel –led approach can overcome potential literacy issues
    - Its simplifies complex issues
    - It is Inclusive
    - It helps create networks and shared knowledge
    - It can create action plans with priorities
    - Feedback is given to the community for confirmation
  - **Fora** – The Council will use existing Area Fora within the City to widen participation by communities in the LDF process. These fora will be used to engage the community and explain key planning issues. The Council will also set up a forum with key stakeholders to regularly examine and address planning issues within the City.
  - **Open days and Exhibitions** – These techniques provide a forum to listen, as well as the opportunity to provide information. They can be used to obtain comments, provide visual and audio information and give the opportunity for data collection through questionnaires and comment boxes. They need to be used carefully otherwise feedback may be unrepresentative.
  - **Media releases and Press notices** - The Council will explore the use of various forms of media, such as newspapers and radio to inform the community of key consultations. Free Council publications, such as City News, which is distributed throughout the City, can also be used to inform the community of key consultations.
- 3.22 The Council, guided by its Consultation Framework, will use the following consultation methods as appropriate to the document, stage, and geographical areas covered. The consultation methods employed will be

reflected by the time and resources available. All of the methods identified will not be used at every stage, and the combination of techniques will vary.

### Consultation Methods

<b>Stakeholders</b>	<b>Development Plan Documents</b>		<b>Supplementary Planning Documents</b>
	<b>Core Strategy</b>	<b>Site Specific Allocations &amp; Policies, Action Area Plans</b>	<b>Site specific and Topic SPDs</b>
<b>General Public</b>	Council Website, Media & Press, Public Exhibitions, Fora, Workshops, Participatory Appraisal, Draft Document Publication	Council Website, Media & Press, Public Exhibitions, Fora, Workshops, Participatory Appraisal, Draft Document Publication	Council Website, Media & Press, Public Exhibitions, Participatory Appraisal, Draft Document Publication
<b>Local community Groups/ Interest Groups</b>	Council Website, Media & Press, Public Exhibitions, Fora, Participatory Appraisal, Workshops, Draft Document Publication	Council Website, Media & Press, Public Exhibitions, Fora, Participatory Appraisal, Workshops, Draft Document Publication	Council Website, Media & Press, Public Exhibitions, Fora, Participatory Appraisal, Workshops, Draft Document Publication
<b>Local Businesses</b>	Council Website, Media & Press, Exhibitions, Participatory Appraisal, Meetings, Draft Document Publication	Council Website, Media & Press, Exhibitions, Participatory Appraisal Meetings, Draft Document Publication	Council Website, Media & Press, Exhibitions, Participatory Appraisal Meetings, Draft Document Publication
<b>Hard to reach groups</b>	Council Website, Media & Press, (including methods for the functionally illiterate) Public Exhibitions, Fora, Participatory Appraisal, Workshops, Draft Document Publication, Language translations	Council Website, Media & Press, Public Exhibitions, Fora, Participatory Appraisal, Workshops, Draft Document Publication, Language translations	Council Website, Media & Press, Participatory Appraisal, Draft Document Publication, Language translations

<b>Elected Members</b>	Council Website, Media & Press, Member Briefing/Committee Draft Document Publication	Council Website, Media & Press, Member Briefing/Committee Draft Document Publication	Council Website, Media & Press, Member Briefing /Committee Draft Document Publication
<b>Statutory &amp; non Statutory Consultees. Government – Local, Regional &amp; National. Consultants, Developers. Neighbouring Local Planning Authorities.</b>	Meetings & informal discussions Draft Document Publication Letters	Meetings & informal discussions Draft Document Publication Letters	Meetings & informal discussions Draft Document Publication Letters

3.23 When making representations seeking change, comments should be as specific as possible, in particular how the DPD is unsound and what changes should be made to make it sound. Representations should be writing or sent electronically, preferably using the form supplied by the Local Planning Authority.

3.24 At the end of a consultation exercise the Council will prepare a summary of written comments and feedback from the consultation exercises. These will be made available for communities on the web and in hard copy form. The Council will write to those who made representations informing them of the next steps and any opportunity for further involvement. The findings will be considered by officers and members in the preparation and review of DPDs and SPDs.

3.25 The process will be evaluated and the changes that have occurred as a result of community involvement monitored and lessons learnt from the process. In particular relating to:

- Policy
- Procedure
- Service Delivery
- Efficiency
- Customer Service

**Summary of procedure for participation and consultation for Development Plan Documents:**

3.26 Minimum requirements for consultation:

- Make all relevant material available at Council Offices, and other appropriate accessible places for a 6 week period (or the minimum statutory period)
- Place all material for inspection on the Council’s website ([www.sunderland.gov.uk](http://www.sunderland.gov.uk))

- Advertise in local press for the area, with details of the consultation
- Send copies of the relevant material to Government Office for the North East, and consultees in accordance with PPS 12. (see Appendix 4)

### 3.27 Additional undertakings:

- Make the relevant material available in appropriate community facilities and libraries
- Make material available on request in Braille, audio, large print and to all groups irrespective of ethnicity
- Utilise and integrate Council databases to cover all communities and stakeholders
- Utilise Area Regeneration Framework delivery mechanisms where possible
- Use appropriate consultation methods

3.28 When producing a Development Plan Document (DPD) the Council must adhere to the requirements of the SCI. When the DPD is to be submitted to the Secretary of State a Statement of Compliance will be prepared detailing how the Council complied with the SCI and minimum requirements of the regulations. The Statement of Compliance will need to set out how the Council sought representations and how they were addressed in the preparation of the submitted DPD.

## 4.0 COMMUNITY INVOLVEMENT IN DEVELOPMENT CONTROL

4.1 This section of the SCI sets out how the Council will engage the community and stakeholders in the Development Control Process. The purpose of this is to demonstrate how the Council intends to implement statutory and discretionary requirements for consultation and publicity for planning applications.

4.2 All planning applications received by the City Council are currently publicised in accordance with statutory requirements (Town and Country Planning (General Development Procedure) Order 1995). This is contained in the Council's Development Control Good Practice on Publicity for Applications (See Appendix 5).

4.3 Involvement in planning applications engages individuals, communities and stakeholders in the process. The Council in meeting its statutory obligations to publicise and consult has to balance its discretionary measures with cost, speed of decision and fairness. The discretionary level of consultation varies as will be explained later.

### **Community Involvement in planning applications**

#### **Pre-application**

4.4 The Council will encourage early dialogue to examine potential development proposals. This approach becomes more important the more significant or major the proposal. The Government advises that for such proposals wider community consultation may be required in addition to the statutory

requirements. Early discussion by applicants with the Council will identify whether there is a need to consult the community and other consultees at the pre-application stage. Detailed guidance is being prepared on this aspect.

4.5 The purposes of this approach are:

- Wider understanding of proposals
- Community ownership in the process and transparency of procedure
- Feedback to shape initial proposals towards a well designed proposal
- Early identification of issues
- Avoid unnecessary objections later on in the application process, which can extend the determination period and be expensive to resolve

4.6 Suggested methods of community involvement may include:

- Public Exhibitions
- Public Meetings
- Workshops

4.7 The Council will welcome early discussion with prospective applicants, particularly on major or controversial proposals to agree whether or not it would be appropriate to undertake such a consultation exercise. The results of consultation exercises will be reported and considered as part of the application process.

4.8 The Council cannot insist that such community consultation is undertaken. However, it is considered that such engagement early in the application process can be beneficial to all parties in creating a partnership approach towards development.

4.9 Small applications, such as domestic extensions and other minor proposals will not undergo this pre-application community consultation exercise.

### **Community Involvement when a planning application is received**

4.10 Consultations will be carried out and information disseminated on planning applications in the following ways:

#### **All applications**

- **Weekly List & Register** - The Council produces a weekly list of all planning applications received.

The planning application register, which includes all applications on hand and those which have been decided is also available for public inspection at the Civic Centre during office hours. The register includes the planning application files. These and decisions are also available on the Council web site

- **Neighbour notification** – Occupiers of neighbouring properties most likely to be affected by an application will be notified by letter, and

invited to make comments on the application usually within 21 days. Notify consultees by letter giving them 21 days, or 28 days in the case of a planning application potentially affecting a SSSI or in a SSSI consultation area<sup>1</sup>, in which to comment.

- **Advertisements** - The Council has a statutory obligation to publish details in the local Press (Sunderland Echo) of specified applications, and how to make representations
- **Site Notices** – These are displayed on or near the application site to inform the wider community and give details on how and when to make representations
- **Consultees** – Statutory and non statutory consultees will be consulted in accordance with the General Development Procedure Order (GDPO)

### **Major applications**

The council will publicise and discuss major applications (defined in Appendix 5) through exhibitions, public meetings and workshops as appropriate

### **Community Involvement during the application process**

- 4.11 The Council undertakes a considerable amount of negotiation on applications, particularly the complex and major applications. The Council encourages negotiation between applicants and officers which may result in amendments to proposals made to bring them into line with planning policies or in response to representations received. Where an amended proposal is submitted a further round of consultations may be undertaken. Whilst there is no statutory obligation to re-consult on amended plans the Council will re-consult on changes of a significant nature, on the basis of a case by case consideration.

### **Community Involvement in the decision making process**

- 4.12 All representations received during the relevant statutory consultation period will be considered in determining the application and reported in the officer's recommendation. There may be an occasion when responses will be submitted outside the statutory time period, for example if further information is required. Representations received outside of the prescribed time period will be considered at the discretion of the Council bearing in mind circumstances leading to this situation. Site inspection to view matters raised in representations received may also involve case officers calling at objectors' properties to discuss the representation.
- 4.13 All representations made in writing will be acknowledged and the writer will be notified of the procedures for determining the application. Comments on applications can also be made online by email.

<sup>1</sup> in accordance with Section 28 of the Wildlife & Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000.



It should be noted that objections should relate to planning issues such as, loss of privacy, design, and not non-planning issues such as ownership.

- 4.14 Over 90% of planning applications are determined by the Director of Development and Regeneration under the Council's delegation scheme. This assists the Council in meeting performance targets for speed of decision of planning applications.
- 4.15 Other applications are reported to one of the 3 Development Control Area Sub - Committees. The public are given the opportunity to address the Sub Committees, subject to rules on advance notification and procedure. (see Appendix 4 Planning Service leaflet- Have Your Say).

#### **Community Involvement after an application has been determined**

- 4.16 When a planning decision is issued the Council will inform the applicant/agent and those who made written representations of the decision. If the decision was made at committee, the minutes of the meeting are available on the Council's web site [www.sunderland.gov.uk](http://www.sunderland.gov.uk) within the meeting pages of the City Council. All decision notices can be viewed on-line.

#### **Community Involvement if an appeal is received on a planning application**

- 4.17 Statute allows applicants the right to appeal within 6 months of decision if an application is refused. There is no provision for third parties to appeal against a decision on an application.
- 4.18 When an appeal is received anyone who made representations on the application within the time allowed prior to determination is notified of the appeal and supplied with written details on how to make their views known. If the Planning Inspectorate decide the appeal will be determined by written representations then the objectors/supporters would be required to restate any of their representations to the Inspectorate. If the appeal is to be decided by an informal hearing or inquiry then they would be given the right to appear. All representations made during the planning application stage are public records and are forwarded to the Planning Inspectorate.
- 4.19 The Council will also publicise by means of site notices and on its web site details of any informal hearing or public inquiry. In addition a press notice may also be published.

#### **Community Involvement on Enforcement Issues**

- 4.20 A dedicated team is responsible for the enforcement of planning control which includes investigation of possible breaches and instigating any enforcement action in respect to unauthorised development. The team is also responsible for the maintenance, reviewing and enforcement of Tree Preservation Orders. All enforcement cases will be treated in confidence by the Council unless the complainant requests otherwise.

- 4.21 More detailed information on enforcement procedures is available on the Council's Planning and Building Control web page [www.sunderland.gov.uk](http://www.sunderland.gov.uk) .

## **5.0 RESOURCES MANAGEMENT**

- 5.1 The principles of Community Involvement are already embraced by the City Council. The Planning Policy Section in the Development and Regeneration Directorate is responsible for the preparation of the LDF. The Section, with assistance from other Council directorates, will utilise their structures and experience in undertaking community involvement. All consultation will accord with the Council's Community Consultation Framework.
- 5.2 The Development Control Section has existing resources and structures in place for consulting on planning applications in accordance with legislation. In those cases where developers undertake pre-application consultation they will be expected to provide the resource.

## **6.0 SCI - REVIEW**

- 6.1 The SCI will be kept under careful scrutiny so as to ensure that the Council meets its commitment to community involvement in the planning process. The Council will monitor and review the involvement by different types of group, ensuring that hard to reach groups are engaged together with individuals, and other stakeholders. In particular feedback will be used to monitor the performance of techniques, the effectiveness of consultation, and used in refining the SCI.

The effectiveness of the SCI will be assessed on the basis of:

- Feedback from representations on consultation exercises
  - Ease of accessing planning documents
  - Level of involvement in the planning process across all the community
- 6.2 As part of the LDF process the Council will prepare an Annual Monitoring Report (AMR). This will assess the production progress and policy effectiveness of the LDF. The SCI will be assessed within the AMR which will determine when it should be formally reviewed.

## **7.0 INDEPENDENT ADVICE**

- 7.1 Planning Aid North is able to offer free, independent and professional advice on Town and Country planning issues to community groups and individuals who cannot afford to pay a planning consultant. It also works with communities to help them understand and play a role in the planning process. Planning Aid produces a leaflet which can provide more details and guidance on eligibility at the address below.
- 7.2 Planning Aid works with people and communities to help them influence changes to local areas. This help includes:
- Understanding the planning system

- Involvement in preparing development plans
- Develop their own plans for the community
- Comment on planning applications
- Apply for planning permission or appeal against refusal of permission, and
- Appear at Public Inquiries
- Planning, training and education activities

Planning Aid North covers Cumbria, Northumberland, Tyne and Wear, Durham, and Cleveland.

Contact Details are:

Joint Professional Centre for Planning & Landscape,  
3<sup>rd</sup> Floor,  
Claremont Tower,  
University of Newcastle upon Tyne  
NE1 7RU.  
TEL: 0191 2225776  
Fax 0191 222 5669

Email address: [ntco@planningaid.rtpi.org.uk](mailto:ntco@planningaid.rtpi.org.uk)  
Website: [www.rtpi.org.uk](http://www.rtpi.org.uk)

## APPENDIX 1

### Community Consultation Framework - Principles

The Council wants to make sure that it carries out consultation in an inclusive, suitable manner. This means keeping the people it consults fully informed from the beginning to the end of consultation. The Council will build the results of consultation into Council policy and planning. The Council will also make sure it meets the following principles when it carries out any consultation.

The Council will seek:

- To ensure the consultation is as **inclusive** as possible, through:
  - making all efforts to make sure the target groups are representative;
  - making specific efforts to include those in hard to reach groups. This means dealing with barriers to participation
  
- To use a suitable consultation **technique** for consultees, the nature of the service and issue the Council consults on, bearing in mind the resources available
  
- To **communicate** clearly with consultees throughout the consultation. This includes:
  - giving reasonable notice before consultation events, and providing reasonable time for responses, so that people can take part.
  - explaining the point of the consultation, who the consultees are, why and how the Council will use the results, and what the next steps will be.
  - ensuring the information provided for the consultation is fair, open and understandable, in the right language, written style and format;
  - providing help to participants if they need it;
  - listening to the views of consultees and respecting those views;
  - communicating the results of the consultation exercise to the consultees;
  
- Telling consultees what will happen because of the consultation, or provide an explanation to why consultation results have not been actioned.
  
- To ensure consultation results are part of service planning and policy development through:
  - making consultation a necessary part of all strategy and service planning;
  - designing consultations to fit into the City Council's strategic planning;
  - requiring demonstration of the use made of results as part of Best Value
  
- To promote **quality** throughout City Council consultations through:-
  - spreading best practice on consultation techniques
  - evaluating consultations undertaken

- To work in **partnership** across Departments and with external organisations, to
  - avoid
- duplication and work towards Best Value;
  - minimise 'consultation fatigue' or repeat consultation of groups or areas;
  - widen ownership of the results of the consultation, to increase the potential for joint action on issues arising out of the consultation.
- To provide mechanisms wherever possible for those who wish to become **involved** in consultation and participation regularly.

More information on the Council's commitment to consultation can be found on the web site [www.sunderland.gov.uk](http://www.sunderland.gov.uk)

## APPENDIX 2 Glossary

The Government Office for the North East has produced a Planning Glossary. The Glossary provides a summary explanation to over 450 planning words and phrases which you may encounter in this Statement of Community Involvement or in other planning publications including the other Local Development Document that will make up the Local Development Framework for Sunderland. This glossary extracts some definitions from the full glossary, which is available at [http://www.gos.gov.uk/gone/planning/planning\\_glossary](http://www.gos.gov.uk/gone/planning/planning_glossary)

<b>Adoption</b>	The final confirmation of a development plan or Local Development Document as having statutory status by a Local Authority (LPA).
<b>Allocation</b>	Land identified in a Local Development Framework
<b>Alteration</b>	A partial review of a development plan.
<b>Amenity</b>	A positive element or elements that contribute to the overall character of an area, for example open land, trees, historic buildings and how they relate to each other.
<b>Annual Monitoring Report (AMR)</b>	A report submitted to Government by local planning authorities or regional planning bodies assessing Local Development Framework or Regional Spatial Strategy production progress and policy effectiveness.
<b>Area Action Plan</b>	A type of Development Plan Document focused upon a specific location or an area subject to conservation or significant change (for example major regeneration).
<b>Brief / Planning Brief</b>	A planning brief can include site-specific development briefs, design briefs, development frameworks and master plans that seek to positively shape future development.
<b>Building</b>	The term building refers to the whole or any part of any structure or erection. It does not include plant or machinery comprised in a building.
<b>Community Strategy</b>	A strategy prepared by local authorities to help deliver local community aspirations, under the Local Government Act 2000.
<b>Conservation Area</b>	Areas of special architectural or historic interest, the character, appearance or setting of which it is desirable to preserve or enhance.

<b>Core strategy</b>	A Development Plan Development setting out the spatial vision and objectives of the planning framework for an area, having regard to the Community Strategy (see also DPDs).
<b>Deposit</b>	A term describing the statutory consultation period for plans being progressed under transitional arrangements.
<b>Development</b>	Development is defined under the 1990 Town and Country Planning Act as "the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land." Most forms of development require planning permission (see also "permitted development").
<b>Development Plan Documents (DPDs)</b>	DPDs are Local Development Documents that have development plan status. Once adopted, development control decisions must be made in accordance with them unless material considerations indicate otherwise. The DPDs which local planning authorities must prepare, include the core strategy, site-specific allocations of land and, where needed, area action plans. There will also be a proposals map, which illustrates the spatial extent of policies that must be prepared and maintained to accompany all DPDs. All DPDs must be subject to rigorous procedures of community involvement, consultation and independent examination, and adopted after receipt of the inspector's binding report.
<b>E-government / E-planning</b>	Government initiatives helping local authorities provide planning services 'on-line' and accessible via the internet and email, for example, the Planning Portal website.
<b>Evidence Base</b>	The information and data gathered by local authorities to justify the "soundness" of the policy approach set out in Local Development Documents, including physical, economic, and social characteristics of an area.
<b>Front-loading</b>	Community involvement in the production of Local Development Documents to gain public input and seek consensus from the earliest opportunity.
<b>General Conformity</b>	A process by which Regional Planning Bodies consider whether a Development Plan Document is in "general conformity" with the Regional Spatial Strategy. Also, all other DPDs must conform to a Core Strategy DPD.
<b>Government Offices (GOs)</b>	Representatives of central Government in the regions, bringing together the work of ten government departments.
<b>Household Waste</b>	Refuse from household collection rounds, waste from street sweepings, public litter bins, bulky items collected from households and wastes which householders themselves take to household waste recovery centres and "bring sites".

<b>Household Waste Recovery Centres / Civic Amenity Sites</b>	A facility provided by the Waste Disposal Authority that is available to the public to deposit waste which cannot be collected by the normal household waste collection round.
<b>Independent Examination</b>	The process by which an Independent Planning Inspector may publicly examine a 'Development Plan Document' or a 'Statement of Community Involvement', and any representations, before issuing a binding report.
<b>Inspector's Report</b>	A report issued by an Independent Planning Inspector regarding the planning issues debated at the independent examination of a development plan or a planning inquiry. Reports into DPDs will be binding upon local authorities.
<b>Local Development Documents (LDDs)</b>	These include Development Plan Documents, which will form part of the statutory development plan, and Supplementary Planning Documents, which do not form part of the statutory development plan. LDDs collectively deliver the spatial planning strategy for the local planning authority's area, and they may be prepared jointly between local planning authorities.
<b>Local Development Framework (LDF)</b>	The local development framework is a non-statutory term used to describe a folder of documents, which includes all the local planning authority's local development documents (comprised of development plan documents, which will form part of the statutory development plan, and supplementary planning documents). The local development framework will also comprise the statement of community involvement, the local development scheme and the annual monitoring report.
<b>Local Development Scheme (LDS)</b>	The local planning authority's time-scaled programme for the preparation of Local Development Documents that must be agreed with Government and reviewed every year.
<b>Local Planning Authority</b>	The local authority or council that is empowered by law to exercise planning functions. Often the local borough or district council.
<b>Material Consideration</b>	A matter that should be taken into account in deciding on a planning application or on an appeal against a planning decision.
<b>Office of the Deputy Prime Minister (ODPM)</b>	ODPM's aim is to create sustainable communities. It is responsible for housing, planning, regional and local government, regeneration, social exclusion, neighbourhood renewal and the fire and rescue service. It is also lead sponsor department for the Government Offices for the Regions.



- Plan-led system** The principle that decisions upon planning applications should be made in accordance with adopted development plans (and DPDs), unless there are other material considerations that may indicate otherwise.
- Planning & Compulsory Purchase Act 2004** The Act updates elements of the 1990 Town & Country Planning Act. The Planning and Compulsory Purchase Act 2004 introduces:
- a statutory system for regional planning;
  - a new system for local planning; reforms to the development control and compulsory purchase and compensation systems; and
  - removes crown immunity from planning controls.
- Planning Aid** Planning Aid provides free and independent advice and support to community groups and individuals unable to employ a planning consultant.
- Planning permission** Formal approval sought from a Council, often granted with conditions, allowing a proposed development to proceed. Permission may be sought in principle through outline plans, or be sought in detail through full plans.
- Proposals Map** The component of a development plan, or LDF, showing the location of proposals in the plan, on an Ordnance Survey base map.
- Regional Spatial Strategy (RSS)** A strategy for how a region should look in 15 to 20 years time and possibly longer. It identifies the scale and distribution of new housing in the region, indicates areas for regeneration, expansion or sub-regional planning and specifies priorities for the environment, transport, infrastructure, economic development, agriculture, minerals and waste treatment and disposal. Most former Regional Planning Guidance is now considered RSS and forms part of the development plan. New RSS is being prepared by RPBs.
- Secretary Of State** The lead Minister for all policies relating to Town & Country Planning, having powers of intervention on Development Plans and Planning Casework under certain circumstances.
- Spatial Planning** Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. That will include policies which can impact on land use, for example by influencing the demands on, or needs for, development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means.

<b>Statement of Community Involvement (SCI)</b>	The SCI sets out standards to be achieved by the local authority in involving the community in the preparation, alteration and continuing review of all local development documents and development control decisions.
<b>Statement of Consultation / Statement of Compliance</b>	A report or statement issued by local planning authorities explaining how they have complied with their SCI during consultation on Local Development Documents.
<b>Statutory</b>	Required by law (statute), usually through an Act of Parliament.
<b>Statutory Body</b>	A Government appointed body set up to give statutory advice and comment upon development plans and planning applications affecting matters of public interest. (For example, Countryside Agency, English Heritage, English Nature, Environment Agency, Health & Safety Executive, Regional Development Agency, and Sport England).
<b>Supplementary Planning Document (SPD)</b>	An SPD is a Local Development Document that may cover a range of issues, thematic or site specific, and provides further detail of policies and proposals in a 'parent' DPD.
<b>Sustainability Appraisal (including Environmental Appraisal)</b>	The process of weighing and assessing all the policies in a development plan, Local Development Document, or Regional Spatial Strategy, for their global, national and local implications. (See also Strategic Environmental Assessment).
<b>Sustainable Development</b>	A widely used definition drawn up by the World Commission on Environment and Development in 1987: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". The Government has set out four aims for sustainable development in its strategy "A Better Quality of Life, a Strategy for Sustainable Development in the UK". The four aims, to be achieved at the same time, are: social progress which recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; and maintenance of high and stable levels of economic growth and employment.

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**Unitary  
Development  
Plan**

An old-style development plan prepared by a Metropolitan District and some Unitary Local Authorities which contains policies equivalent to those in both a Structure Plan and Local Plan. These plans will continue to operate for a time after the commencement of the new development plan system, by virtue of specific transitional provisions.

**APPENDIX 3- Existing Guidance for Public Speaking at Committees**

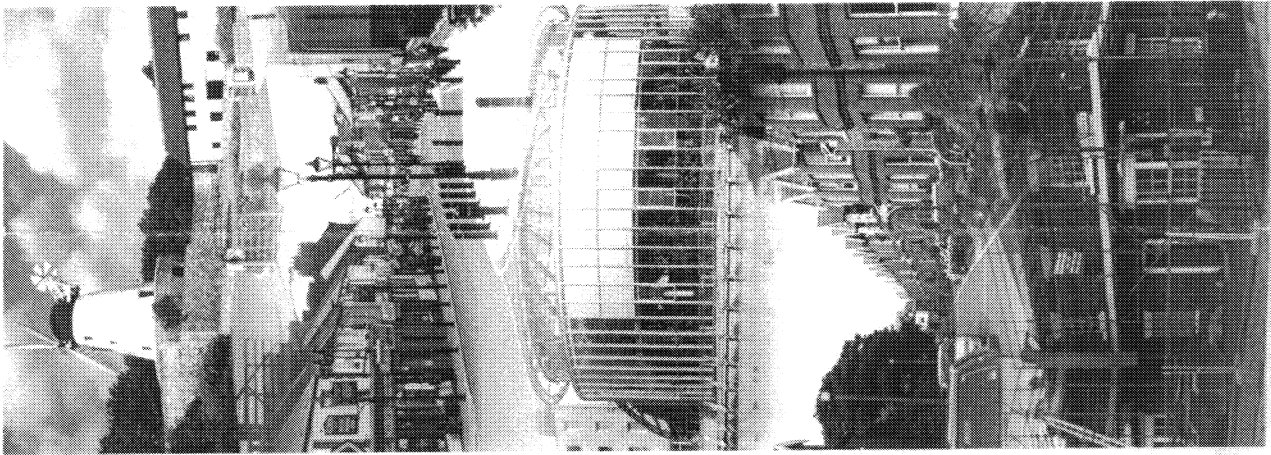
*Planning  
Service*

*Have  
Your  
Say*

The City Council is committed to involving the public and community groups fully in the Development Control process.

The Council has resolved to allow interested parties to address Committee to present their views directly.

In the interest of fairness any procedure must have clear rules. This leaflet explains the procedure the Council has adopted.



*City of*  
**SUNDERLAND**  
*Director of  
Development and  
Regeneration  
Phillip J. Barrett*

*Head of Planning &  
Environment  
John Whyte*

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Civic Centre  
Sunderland  
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*September 2002*

*Post to*

Please affix  
stamp here

*John Whyte  
Head of Planning & Environment  
FAO Development Control Section  
P O Box 102  
Civic Centre  
Sunderland  
SR2 7DN*

## *Procedure For Public Speaking At Development Control Sub-Committees*

<i>Who can speak ?</i>	<i>Commentary</i>
<p>A Development Control Sub-Committee may, to assist in the determination of any application that is on that Committee's agenda, hear representation from any person or organisation, subject to the following procedure.</p> <p style="text-align: center;"><b>Procedure</b></p> <p>Any person or organisation interested in speaking in support of representations on an application shall:</p> <ol style="list-style-type: none"> <li>1 ❖ Previously have expressed their views in writing, by fax or e-mail and</li> <li>2 ❖ Made the request to speak in writing, by fax or e-mail, to the Head of Planning three working days before the Sub-Committee meeting.</li> </ol> <p>Speaking shall only be permitted at a meeting when the application is expected to be determined.</p> <ol style="list-style-type: none"> <li>3 If there are a large number of potential speakers the Chairman shall ask them to select a spokesperson. If groups of objectors have differing and distinct views more than one speaker could address the Sub-Committee.</li> <li>4 Each speaker shall be limited to a maximum of 5 minutes, however at the sole discretion of the Sub-Committee this may be extended.</li> <li>5 Normally those objecting to the officer's recommendation shall speak first followed by those in support.</li> <li>6 After a presentation Committee Members shall have the opportunity of questioning speakers, at the Chairman's discretion.</li> <li>7 Following any questions from Members the Chairman shall ask officers to address any issues raised.</li> <li>8 The Chairman shall have the right to vary all or any of these rules if considered appropriate, particularly to ensure fairness and/or to assist in the determination of the application.</li> <li>9 If the Chairman considers that the opportunity to address the Sub-Committee is being abused he/she may require the speaker to stop. If the speaker does not do so the Chairman may require the speaker to leave the room.</li> </ol>	<p>The facility to speak at Committee will be advertised appropriately.</p> <ol style="list-style-type: none"> <li>1 Mail, fax or e-mail must be sent to the addresses/numbers shown overleaf.</li> <li>2 The speaker will be notified when a recommendation for decision is likely to be made.</li> <li>3 The Chairman will ensure that everybody has had the opportunity to have his / her point of view expressed.</li> <li>4 Some applications are particularly complicated and a longer time period may be necessary.</li> <li>5 The purpose of any questions should be to clarify any areas of doubt. This stage in the proceedings is not to be used as an opportunity to repeat representations.</li> <li>6 To avoid repetition and/or unnecessary delay, inappropriate or disruptive behaviour, irrelevancies etc.</li> </ol>

### *Request to speak at Development Control Sub Committee*

*Application No*

*Proposal*

*Outline of Comments*

*I would like to present my views on the above application at the appropriate Sub Committee meeting*

*Name*

*Address*

*Email address*

*Telephone No (Home)*

*(Work)*

*Send to the Head of Planning & Environment or Email your request to [DC@sunderland.gov.uk](mailto:DC@sunderland.gov.uk)*

## **APPENDIX 4**

### **Consultees**

(These are specific consultation bodies and must be consulted in accordance with the Act and Regulations)

- The Regional Planning Body
- Each Relevant Authority for an area adjacent to the area covered by the proposals
- The Countryside Agency
- The Environment Agency
- Highways Agency
- English Heritage
- English Nature
- The Strategic Rail Authority
- Regional Development Agency whose area is in or adjoins the area of the local planning authority
- Any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3) (a) of the Communications Act 2003
- Any person who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority
- Any of the bodies from the following list who are exercising functions in any part of the area of the local planning authority:
  - Strategic Health Authority
  - Person to whom a license has been granted under Section 72 of the Gas Act 1986
  - Sewage Undertaker
  - Water Undertaker

### **Government Departments**

- The First Secretary of State (through Government Office for the North East)
- Home Office
- Department for Education and Skills (through Government Office for the North East)
- Department for Environment, Food and Rural Affairs (DEFRA)
- Department for Transport
- Department of Health
- Department of Trade and Industry
- Ministry of Defence
- Department of Work and Pensions
- Department of Constitutional Affairs
- Department for Culture, Media and Sport
- Office for Government Commerce
- The Countryside Agency

### **General Consultation Bodies**

- Voluntary Bodies
- Those who represent the interests of different racial, ethnic or national groups in the authority's area

- Those who represent the interests of different religious groups in the authority's area
- Those who represent the interests of disabled persons in the authority's area
- Those who represent the interests of persons carrying on business in the authority's area

### **Other Consultees**

(Sunderland Council will where appropriate consult with the following agencies and organisations in the preparation of local development documents)

- Age Concern
- Airport Operators
- British Chemical Distributors and Traders Association
- British Geological Survey
- British Waterways, canal owners and navigation authorities
- Caba
- Centre for Ecology and Hydrology
- Chambers of Commerce, Local CBI and local branches of Institute of Directors
- Church Commissioners
- Civil Aviation Authority
- Coal Authority
- Commission for Architecture and the Built Environment
- Commission for New Towns and English Partnerships
- Commissions for Racial Equality
- Crown Estate Office
- Diocesan Board of Finances
- Disability Rights Commission
- Disabled Persons Transport Advisory Committee
- Electricity, Gas and Telecommunications Undertakers, and the National Grid Company
- English Partnerships
- Environmental groups at national, regional and local level, including
- Council for Protection of Rural England
- Friends of the Earth
- Royal Society for the Protection of Birds
- Wildlife Trusts
- Equal Opportunities Commission
- Fire and Rescue Services
- Forestry Commission
- Freight Transport Association
- Gypsy Council
- Health and Safety Executive
- Help the Aged
- Heritage Agencies
- Housing Corporation
- Learning and Skills Councils
- Local Agenda 21 including:
- Civic Societies
  - Community Groups
  - Local Transport Authorities
  - Local Transport Operators
  - Local Race Equality Councils and other local equality groups

### Local Strategic Partnerships

- National Playing Fields Association
- Network Rail
- Passenger Transport Authorities
- Passenger Transport Executive
- Police Architectural Liaison Offices/ Crime Prevention Design Advisors
- Port Operators
- Post Office Property Holdings
- Rail Companies and the Rail Freight Group
- Regional Development Agencies
- Regional Housing Boards
- Regional Sports Boards
- Road Haulage Association
- Sport England
- The House Builders Federation
- Traveller Law Reform Coalition
- Urban Regeneration Companies; Sunderland arc Ltd
- Water Companies
- Women's National Commission



## APPENDIX 5

# DEVELOPMENT CONTROL PRACTICE NOTE PUBLICITY FOR PLANNING APPLICATIONS

### Introduction

This note seeks to outline the Development and Regeneration Directorate's practice on publicity for planning applications. It outlines the legislative requirements and advice set out in the General Development Procedure Order 1995 (GDPO) and Publicity for Planning Applications Circular 15/92. It also sets out the procedures and practice on the appropriate form of publicity that should be undertaken for different types of applications.

The responsibility for publicising applications falls to the Local Planning Authority (LPA) and the General Development Procedure Order 1995 (GDPO) makes provision for 3 basic types of publicity:

- Letters to occupiers of adjacent properties.
- Posting site notices visible to the general public
- Publishing a notice in a newspaper circulating in the locality.

The following seeks to give advice on the most appropriate form of notification for different types of applications, and is summarised at Annex 1.

#### 1. Major development

Major development is defined in the General Development Procedure Order (1995) The 5 categories are

- i. The erection of 10 or more dwellings, or if this is not known where the site area is 0.5hectares or more
- ii. In other cases where the floorspace to be created is 1000sqm or more or where the site area is 1ha or more.
- iii. The winning or working of minerals or the use of land for mineral working deposits
- iv. All waste developments meaning any development designed to be used wholly or mainly for the treatment, storing or processing of refuse or waste.
- v. Development carried out on a site having an area of 1 hectare or more

For all major applications the General Development Procedure Order 1995 (GDPO) requires that publicity must take the form of site notices and newspaper advertisement. The Development Control Section will also use the standard neighbour letters where appropriate i.e. for nearby occupiers that may be affected by the development. The technical administrators should consult Case Officers on all major applications to determine the extent of the required neighbour consultations.

## 2. Other (minor) development

The DETR suggest that there are other categories of development which may require wider publicity. The type of publicity for such applications specified in the General Development Procedure Order 1995 (GDPO) are site notices and/or neighbour letters

The broad categories where wider publicity is required (set out in Publicity for Planning Applications circular 15/92) are:

- i. Those affecting nearby properties by causing noise, smell, dust or other nuisance.
- ii. Attracting crowds, traffic or noise into a generally quiet area.
- iii. Causing activity and noise during unsocial hours.
- iv. Introducing significant change i.e. a tall building
- v. Those affecting the setting of an ancient monument or archaeological site
- vi. Proposals affecting trees subject to a TPO

Circular 15/92 (Publicity for Planning Applications) makes it clear that it is the Local Planning Authorities responsibility to decide which applications may require wider publicity. The Development Control Section normally carries out wider publicity on applications that fall within the above list and on the following types of applications:

- Any significant change of use or new building to accommodate a commercial use in a residential area
- All proposals for change of use or new build for class A3, A4 and A5 (restaurant, pub, café or hot food takeaway.)
- Proposals for hotels, Houses in Multi Occupation, intensive use housing/care homes
- Proposals for D2 uses ie cinemas, gyms, sports/leisure uses

Wider publicity shall take the form of a site notice and letters to nearby occupiers. The extent of the consultation of nearby occupiers will be at the discretion of the case officer.

If it is considered that the individual proposal will not affect the wider area then wider publicity will not be required. Conversely if it is considered that other developments may require wider publicity then this should be given. Check with a case officer if you are unsure as to whether a site notice is required.

## 3. General householder/ commercial applications

The LPA is required by the General Development Procedure Order 1995 (GDPO) to consult the occupiers of adjacent land by posting a site notice or serving notice on any adjoining owner or occupier.

It is the Development Control Section's practice to send neighbour letters to the occupiers of **all** properties that adjoin the site. If the site is bounded by land where the ownership is not clear a site notice should be displayed as well. Annex 1 gives advice on which neighbours should be consulted.

#### 4. Special applications

The General Development Procedure Order 1995 (GDPO) states that site notices and press notices are required for the types of applications listed below. It is the Development Control Section's practice to also consult nearby occupiers by way of neighbour letters. An applications falling into these categories may need to be identified by a case officer. The reasons for the adverts should be made clear in the description.

- Departure from the Unitary Development Plan (UDP) (as defined in the Departure regulations)
- Environmental assessments (EIA)
- Affects a right of way (i.e. stopping up orders)
- Affects a Site of Special Scientific Interest

#### 5. Telecommunications Prior Notifications (TEX)

The public consultation requirements for the Local Planning Authority under the 56 day prior approval procedure are the same as the same requirements as for applications requiring planning permission.

The relevant Ward Councillors, Chairperson and Vice Chairperson of the appropriate Development Control Sub- Committee's are consulted.

In addition to the statutory consultation, the development control section undertakes additional publicity that they consider necessary to give people likely to be affected by the proposed development an opportunity to make their views known to the section. This is the advice given in Planning Policy Guidance Note 8 (Telecommunications)

#### 5b) Telecommunications Application (FUL)

Telecommunication equipment requiring full planning permission. The requirements for publicity are the same as for applications requiring planning permission.

The relevant Ward Councillors, Chairperson and Vice Chairperson of the appropriate Development Control Sub- Committee's are consulted.

#### 6. Other Prior Notification Procedure Applications

These will include agricultural buildings and demolitions. There is no statutory obligation to consult on these types of applications but it is the Development Control Section's practice to notify local residents via neighbour letters. Local occupiers will only be given 14 days to respond due to the fact that such applications have to be determined within 28 days.

#### 7. Listed Building Consents / applications in Conservation Areas/ applications affecting the setting of a listed building.

All applications require a press notice, site notice. The Development Control Section's also sends letters to nearby occupiers.

## 8 Advert applications

Publicity for advert applications is discretionary. However, the Development Control Section's practice is to consult nearby occupiers.

## 9. TPO applications

There is no statutory duty to consult on such applications. However, the Development Control Section's practice is to consult nearby occupiers.

A site notice is issued to the applicant for posting before the works are carried out on the application site to notify residents of the impending works.

## 10 Applications to vary planning conditions /reserved matters

There is no statutory obligation to publicise such applications. However, it is Development Section's practice to notify all adjacent occupiers or other persons who made representations at the time of the original application. Wider publicity may be undertaken depending on the nature of the proposal.

## 11 Notifications of changes to an original application

It is at the discretion of the Local Planning Authority to decide if further publicity is required on amended details submitted during the life of the application. The following should be taken into account:

Were the objections received at the original stage substantial and sufficient to justify further publicity.

Are the proposed changes significant and will they have a greater impact on adjacent occupiers

Did earlier views cover the matters now under consideration

Are the matters now under consideration likely to affect parties not previously notified

The time given for responses on re-notification is normally 7-14 days depending on the target date for the determination of the application and the significance of the changes involved.

## ANNEX 1 SUMMARY OF REQUIRED PUBLICITY ON PLANNING APPLICATIONS

TYPE OF APPLICATION	CONSULTATION TYPE
Major applications	Site Notice Press Notice Neighbour letters
Minor Development	Site Notice Neighbour letters
General Householder/commercial	Neighbour letters (site notice where adjacent occupiers can't be identified)
Departure Environmental assessment Stopping up Affects SSSI	Site notice Press Notice Neighbour letters
Telecommunications (TEX) 56 day procedure and Telecommunications (FUL)	Neighbour letters Ward Councillors Chair and Vice Chair of DC committee
Listed Building Consent Conservation area Consent Affects setting of Listed Building	Site notice Press Notice Neighbour letters
Advert applications	Neighbour letters
TPO applications	Neighbour letters
Reserved matters Vary conditions	Neighbour consultations (Site notice if application is for significant development)

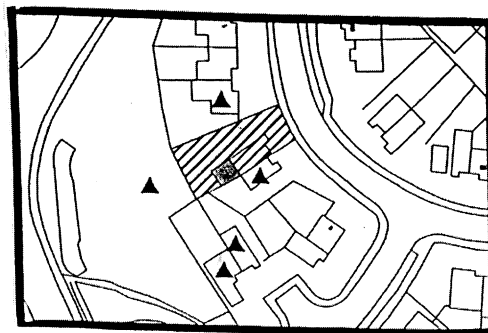
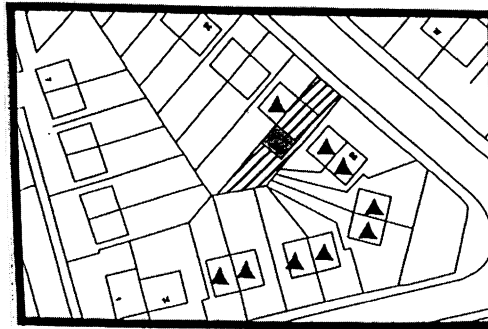
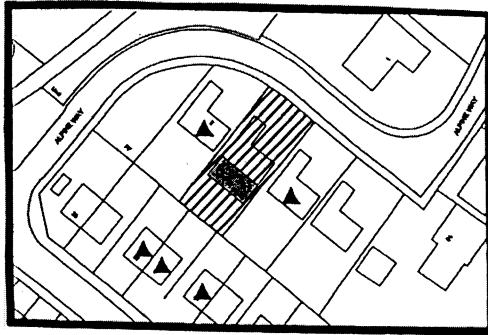
## DEVELOPMENT CONTROL PRACTICE NOTE

### ANNEX 2 NEIGHBOUR NOTIFICATION PROCEDURE

#### Householder applications

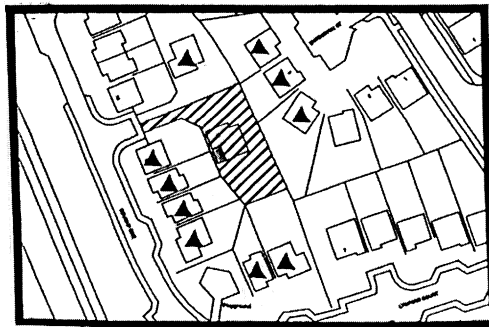
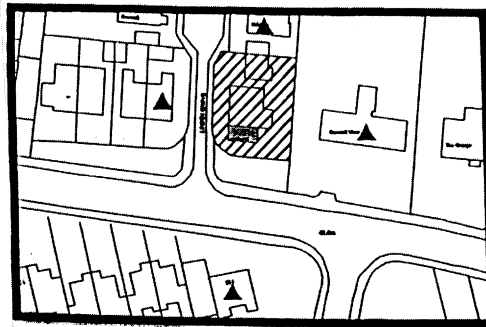
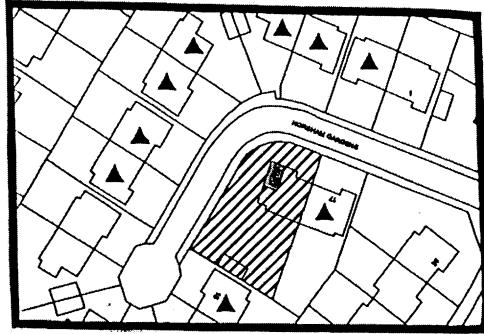
All occupiers abutting the site must be notified. For front and side extensions it will also be necessary to notify properties on the opposite side of the road. If the site abuts land where the occupation is unclear a site notice may be required

#### A. SINGLE STOREY/TWO STOREY REAR EXTENSIONS



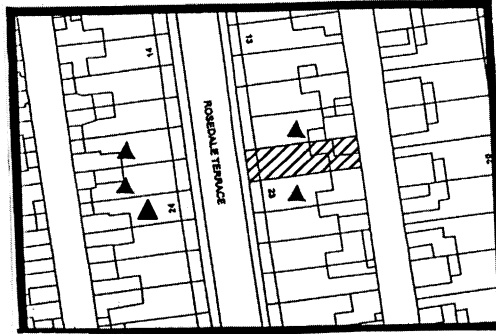
DEVELOPMENT CONTROL PRACTICE NOTE

B. SINGLE STOREY/ TWO STOREY SIDE OR FRONT EXTENSIONS

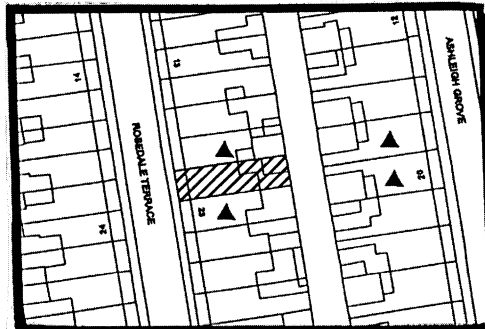


DEVELOPMENT CONTROL PRACTICE NOTE

(A) DORMER TO FRONT



(B) DORMER TO REAR



Changes of use

Publicity should be wider if the impact of the development is likely to be greater on the neighbouring properties. As a general rule 5 properties either side of the application site and opposite should receive neighbour letters





## CABINET REPORT

11 OCTOBER 20

**Proposed Arrangements for the Future Delivery of Adult Services**

Report by the Chief Executive and Deputy Chief Executive

**1. Purpose of the Report**

To report the outcome of the considerations given to the future of Adult Social Services, its relationship with other Council services, its partners and stakeholders in the light of the Government White Paper – “Our Health, Our Care, Our Say; a new direction for Community Services”.

**2. Description of Decision (Recommendations)**

Cabinet is recommended to;

- Agree the outcomes of the review
- Approve the establishment of a Partnership Board for Adult Services and refer the draft Terms of Reference for consultation and agreement with key partners
- Approve continued negotiations with the Health Service for the integration of Health and Social Care Services; including a joint appointment at Chief Officer level
- Agree in principle the establishment of a Director of Health, Housing and Social Care, subject to detailed consideration and recommendations by Personnel Committee
- Agree in principle to the establishment of a new Directorate under the Director of Health, Housing and Social Care to include all functions associated with the delivery of Adult Social Care, Housing Services, and related partnership working, subject to detailed consideration by Personnel Committee
- Refer the detailed consideration of the White Paper “Our Health, Our Care, Our Say; a new direction for Community Services” to the Partnership Board
- Agree appropriate amendments be made to the Delegation Scheme in the Constitution

**3. Introduction/Background**

The Council created a Director of Adult Services and a lead Member for Adult Services as an interim response to the Government’s Green Paper ‘Independence, Well Being and Choice’ on Adult Services. In the light of the establishment of the Children’s Services and the transfer of Children’s Social Services to the new Children’s Services Directorate the opportunity arose to consider future arrangements for the delivery of Adult Social Care. Such a review was given further impetus by the publication of the Government’s White Paper – “Our Health, Our Care, Our Say; a new direction for Community Services”. This White Paper has been supported by further guidance issued on the statutory role of the Director of Adult Services. Undertaking the review at this stage has provided the Council with the opportunity to take stock of its partnership arrangements with the Health

Service, with the Social Care Community and Voluntary sector and with a wider range of stakeholders. The review has established recommendations to carry forward the role of Adult Services in the light of future needs as well as past and current successes. This review represents only the beginning of the process to further improve forms of delivery on the Adult Services agenda within the Council and between the Council and its key partners.

#### **4. Current Position**

##### **Review Findings**

The Government's White Paper "Our Health, Our Care, Our Say" encourages a shift in the emphasis of Adult Social Care from a reliance on services provided only during periods of crisis and acute need to one of promoting independence, well-being, tackling inequalities, encouraging social inclusion and improving access to all services. The Council has a long history of embracing a number of parts of this agenda in its approach to supporting vulnerable adults. There are numerous examples of preventative initiatives taken by the Council or supported by the Council in partnership with other agencies. This has been achieved within a policy framework that has valued universal and comprehensive social care coverage, a commitment to quality of service and a drive to ensure affordability.

The Council's ambition for its Social Care services has assisted in promoting ambition for greater levels of integration of services within the Council and improved partnership working with key other Health and Social Care providers within the Community.

The successes in this approach are the underpinning reasons why Adult Social Services has consistently scored the highest Social Care rating at three stars.

However, it is generally understood and agreed within the Adult Social Care Service, by key partners, as well as by other Council services that this model of delivery has gone as far as it can in improving services. It is generally recognised that to continue to improve its services Adult Social Care needs to adapt to changing expectations amongst its service user base and open up new forms of partnerships to improve both effectiveness of delivery and efficiency. These agendas have been recognised in the continuing modernisation policy for Social Care pursued by the Council. The Government's White Paper and the associated guidance on the role of the statutory Director of Adult Services looks well beyond the core Social Care services provided by Local Authorities. The White Paper promotes an agenda to combine and integrate approaches to all those adults with a level of vulnerability whether or not they are eligible for core Social Care services. The White Paper promotes opportunity for those adults who are vulnerable to maximise their independence, to be in control of their support services, to have choice in the delivery of services and to be included in the mainstream of other Council and community services. In the Council's terms this equates to four key objectives;

- i. To create home conditions that promote mobility, accessibility, safety and quality of life
- ii. To create community conditions that are inclusive, promote equality, diversity, and engage those with a disability and those who are elderly
- iii. To create economic conditions that promote economic independence, access to learning and employment on equal terms
- iv. To create social and leisure opportunities that overcome physical and social barriers and promote inclusion and involvement

In establishing these corporate policy objectives the Council is seeking to ensure that people's full personal, social and economic potential can be realised and maintained in circumstances where health, disability or age would otherwise be an impeding factor.

## **5. Reasons for the Decision**

Objectives associated with improving the economic, social and physical well being of vulnerable Sunderland citizens are realised by influencing all policy and service development to ensure the needs of vulnerable people are fully reflected. A primary interface exists between Adult Social Care and Housing Services in addressing these corporate objectives. Improving the quality, choice and range of housing is one of the Council's eight key strategic priorities.

Within this priority the actions intended to be taken over the next three years directly relate to both the Community Inclusion agenda and the care and support of vulnerable people. Housing strategies as well as specific housing support services are a key influence on how communities are supported and maintained. Housing is a key to community inclusion, economic opportunities, regeneration and overall quality of life. Housing as a service forms a bridge between complex and acute care services provided to individuals and their ability to maintain a quality of life within and as part of the community. It is important, therefore, to ensure a strong and developing policy and service link between Adult Social Care and Housing in the context of the requirements of the White Paper. Integrating the approach to Adult Social Care and Housing would provide a substantial opportunity to ensure a preventative approach that promotes independence, choice and well-being. Given the importance of this joint agenda it is proposed that Housing Services and Adult Social Care services are brought together within the same Directorate and to provide a locus of attention within the Council corporately on the care and support of all vulnerable people as a core element of the Council's services and priorities.

It is fully recognised that strategic housing functions are wider than the care and welfare agenda. Housing strategy is a key to influencing economic and community well being. This includes major strategy commitments to a restructuring of the housing market, addressing issues within the private sector of the housing market and influencing housing investment decisions made at a national, regional and sub-regional basis. As such strategic

housing functions will remain a specialist service under a Head of Service resourced to fulfil this need. Setting housing functions alongside Adult Social Care within a single Directorate will have a number of benefits: -

- Reinforce the policy objective of bringing care and support services closer to the home
- Provide a better balance of economic, social and environmental approaches within the Directorate as a whole
- Improve the balance of service provision responsibilities between the Directorates and encourage integrated working

The formation of a new Directorate will require the appointment of a Director to replace the Director of Social Services, who retired at the end of March 2006. This replacement role will have a wider set of responsibilities encompassing not only Adult Social Care and Housing, but also corporate responsibilities to work across the Council to ensure core policies and practices reflect the needs of vulnerable citizens. This is a requirement within the guidance on the statutory Director of Adult Services. It is also a requirement of the statutory guidance that the post holder is directly accountable to the Chief Executive. The appointment of a Director with responsibility for Social Care and Housing would be consistent with the guidance.

The final element on which proposals are required relate to partnership working. As outlined above, there is the need to pursue further integration with the Health Service in the delivery of care services to those with acute and substantial needs and the further development of integrated working with Community and Voluntary Sector partners for those with a care need. The pursuance of these agendas will require the attention of the new Director and will require governance arrangements led by Members and directly involving Voluntary and Community Sector representation as well as reference support from service users and their carers. It is proposed, therefore, that the title of the new Director's post reflects the particular relationship required with the Health Service; Director of Health, Housing and Social Care. It is further proposed that the Director be given lead responsibility to pursue new forms of partnership and new arrangements for partnering in line with this review and the Government's White Paper. It should be recognised that the Council is seeking to underpin its joint and integrated working with Health by seeking a new joint Chief Officer post as part of these proposed arrangements.

It is also proposed that a Partnership Board be established by the Leader of the Council with appropriate governance arrangements and the involvement of key partners. The Partnership Board will be the primary vehicle through which partnership development on Social Care will be steered and developed. The Partnership Board will need to be influenced by the appropriate reference groups including those within the City for both service users and carers. It is not anticipated that any significant amendment to Cabinet Portfolios will be required as a consequence of these proposals. The draft Terms of Reference for the Board are attached at Appendix 1.

## **6. Alternative Options**

As part of the review two alternative options were considered.

- i. The establishment of Adult Social Care as a separate Directorate. This option was considered but is not recommended. A key strategy in addressing the Government's White Paper is to ensure greater levels of integration of Adult Social Care both within the Council and in partnership with Health, the Community and Voluntary Sector and with other stakeholders. Separate Director level representation for Adult Social Care would not encourage such a level of integration.
- ii. No change – the option of continuing with Adult Services under a Head of Service reporting to an existing Chief Officer has been considered, but is not recommended. There needs to be a clear and demonstrable focus on the Adult Services agenda in association with key related services both inside of the Council and with partners. The Director of Adult Services is a statutory requirement on Local Authorities and must be accountable directly to the Chief Executive. As such, a sufficiently robust organisational framework is required to oversee this sensitive area of work.

## **7. Relevant Considerations/Consultations**

Consultations have taken place with the City Treasurer, the City Solicitor and the Corporate Head of Personnel on the details of these proposals. Consultations have also taken place with other members of the Executive Management Team. The content of the report and the recommendations have been adjusted in light of comments received.

Discussions on the approach to partnership working, the role of a Partnership Board and the responsibilities of the statutory Director of Adult Services have taken place with key partners in Health and the voluntary sector. These discussions have influenced the recommended approach to the Partnership Board.

## **8. Financial Implications**

With regard to the proposed appointment to the new post of Director of Health, Housing and Social Care, provision exists within the Adult Services Directorate budget for these costs. Any contribution which is received from the Teaching and Primary Care Trust, should it be decided to proceed with a joint appointment, will reduce the net cost to the Council and allow surplus resources to be re-invested elsewhere within Adult Services. The financial implications associated with the more detailed proposals to be considered in detail by the Personnel Committee will be covered in that report. However, at this stage, it is expected that the proposals will be cost neutral in overall terms.

## **9. List of Appendices**

Appendix 1. Draft Terms of Reference for the Adult Social Care Partnership Board.

## **10. Background Papers**

- I. 'Independence, Well-Being and Choice' 2005 – Green Paper issued by the Department of Health
- II. 'Our Health, Our Care, Our Say' 2005 – White Paper issued by the Department of Health

## Draft

### Sunderland Adult Social Care Partnership Board

#### Purpose

To act as an advisory committee and in particular to promote the development of partnerships for the delivery of Adult Social Care Services.

To encourage fresh thinking and new approaches to service delivery which promote the ability to meet the outcomes and aspirations of the Government's White Paper "Our Health, Our Care, Our Say; a new direction for Community Services": -

- Improved health and emotional well being
- Improved quality of life
- Making a positive contribution
- Choice and control
- Freedom from discrimination
- Economic well being
- Personal dignity

#### Terms of Reference

1. To foster effective partnership working and information sharing between the Council and its partners involved in the delivery of social care services.
2. To encourage early, consistent and thorough engagement of relevant partners in the process of developing Adult Social Care policy and practice consistent with the requirements of Council policy on consultation and the requirements of the White Paper "Our Health, Our Care, Our Say; a new direction for Community Services".
3. To encourage new and innovatory forms of delivery consistent with the need to extend choice and flexibility in service delivery and the promotion of independence.
4. To advise Cabinet on policy developments that can more effectively integrate social care service delivery and improve outcomes for service users.
5. To refer partnership matters to the Health and Social Care Review Committee when the exercise of the scrutiny function may assist service improvement.
6. To liaise with the Sunderland Partnership on any matters relevant to the exercise of the Partnership's functions and ensure appropriate links with thematic partnerships.



7. To advise the Council on partnership progress in social care, in meeting the seven outcomes of the White Paper "Our Health, Our Care, Our Say; a new direction for Community Services": -

**Membership**

Leader of the Council  
Deputy Leader of the Council  
Lead Member for Adult Services  
Lead Member for Children's Services  
Member of Majority Party in Opposition

**In Attendance**

Director of Health, Housing and Social Care  
Head of Adult Services  
Head of Partnerships  
City Solicitor  
City Treasurer  
Chief Executive, Teaching Primary Care Trust  
Chief Executive, Sunderland City Hospitals NHS Trust  
Chief Executive, Mental Health Trust  
Director of Public Health  
Representative of the 3<sup>rd</sup> Sector involved with the care and support of the elderly, mental health, learning disabilities, physical disabilities and carers  
Director of Community and Cultural Services  
Director of Children's Services

CABINET

11 OCTOBER 2006

**GAMBLING ACT 2005 –APPROVAL OF THE COUNCIL’S STATEMENT OF LICENSING POLICY**

**Report of City Solicitor and Director of Community and Cultural Services**

**1. Purpose of the Report**

- 1.1 To note the contents of the report and to seek approval to the amendments to the draft Policy.

**2. Description of Decision (Recommendations)**

- 2.1 To inform Members of the outcome of the consultation exercise undertaken on the draft Policy, and
- 2.2 To recommend to Council to approve the revised Policy.

**3. Introduction/Background**

- 3.1 Members received a report on the implications of the Gambling Act 2005 on 27 July 2006. Members agreed to note the report and approved the timetable for implementation of the Council’s Statement of Licensing Policy.
- 3.2 This process involved consulting persons potentially affected by the Policy. The consultation period is now concluded and the Council must review any responses and consider reviewing our draft policy. Five responses have been received (see Appendix 1) from the following organisations:
- the British Casino Association (BCA);
  - the Association of British Bookmakers (ABB);
  - the British Beer and Pub Association (BBPA);
  - RAL Ltd (who currently operate a gambling business in the City); and
  - GamCare (a charity concerned with problem gambling).

**4. Current Position**

- 4.1 The comments of the consultees relevant to the draft policy and the responses proposed are detailed below.
- 4.2 The British Casino Association in their letter dated 29 August 2006 have submitted the following comments: -

‘As the operation of casinos has been highly regulated over the past 40 years, the introduction of the ‘new’ legislation will not impact on the high level of integrity with which these premises have historically operated. The tight entry controls, including those on the verification of identity of all customers, prevent casinos creating any nuisance to the local community and is one of the reasons why Door Supervisors (Part B, Para 1.22) were deemed unnecessary

B, Para 1.22) were deemed unnecessary by parliament and why gaming premises are already exempt from the provisions of the Security Industry Act.

The existing statutory bar on any person under 18 entering such premises is already strictly enforced by entry controls and therefore licence conditions will not be required to prevent access to machines (Part B, Para 1.18).

The last point the Association wishes to make relates to licence conditions (Part B, Para 1.15 and Para 4.3) in drawing specific attention to para 9.29 of the Gambling Commission's Guidance (Page 49) to Licensing Authorities which identifies matters which cannot be the subject of conditions.'

4.3 In response to the comments of the BCA regarding Door Supervisors an amendment to Part B, paragraph 1.22 is proposed and it is felt that this amendment and the existing Part B, paragraph 1.15 deal with their concerns. With regard to their comments on licensing conditions not being required to prevent under 18's on the premises, it is a requirement of paragraph 7.19 of the Gambling Commission's Guidance that we include these terms and therefore no amendment is required. Finally, in response to their comments on matters which cannot be the subject of conditions, it is felt that this matter was adequately covered by the original draft (now paragraph 1.21 of Part B of the updated version of the draft policy) and therefore no further amendment is required.

4.4 The Association of British Bookmakers in their letter dated 28 June 2006 have submitted the following comments: -

'Door Supervision'

Because of the success of the betting industry in managing its offices, and because of the general nature of betting clientele, door supervisors are not employed in betting offices. Premises are supervised from the counter. Door supervision has not been operationally required, and neither the licensing justices nor the police have suggested that door supervision is necessary.

We would refer to the Gambling Commission's Guidance at paragraph 9.26. This requires that conditions should only be imposed when they:

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

We would specifically ask that the policy reflect this by stating:

'...there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.'

### Betting Machines

Reference to betting machines is made in section 181 of the Gambling Act 2005. These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter. They should not be confused with fixed odds betting terminals (which will be Category B2 gaming machines under the legislation) or amusement with prize machines ('fruit machines'). While up to four FOBTs/AWP's will be found in the great majority of betting offices in the country, the number of betting machines is extremely small and there is no evidence at all that, where they do exist, they are causing any harm. They are machines on which one may place a bet in an adult only environment, not machines upon which rapid gambling may occur. For these reasons, while the section 181 discretion is acknowledged, it is respectfully suggested that the policy state that: -

'While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.'

### Re-site Applications

Over the last two decades in particular, betting offices have been subject to an evolutionary process of enlargement and improvement to accommodate the more extensive facilities and technology now demanded by their customers, for example more and larger screens, full toilet facilities for male, female and disabled customers, level entrances, comfortable seating, no smoking areas, machines, information terminals and so on. Frequently, this has involved re-sites within the same locality. Under the former regime, such re-sites were positively welcomed by licensing authorities concerned to improve the general level of facilities in their area and were rarely objected to by competitors. This was recognised in the leading case of R (Hestview) v Snaresbrook Crown Court in which Hooper J stated (para 65):

'Likewise, if an application is, in effect an application for the transfer of a licence from one premises to another close by, with some increase in the size of the customer area, then an authority might well conclude that the grant would not be inexpedient....'

It is hoped that licensing authorities will wish to endorse and support this natural progress and improvement in the industry. It is requested that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.

#### Enforcement

It is requested that the policy includes wording along the following lines:

'The authority recognises that certain bookmakers 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 give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.'

- 4.5 In response to the comments of the ABB concerning the issue of door supervision, it is considered that this issue has been dealt with above at paragraph 4.3 in response to the comments of the BCA. With regard to the ABB's concerns in connection with Betting Machines, it is felt that paragraph 1.15 of Part B of the policy adequately deals with their concerns and therefore no further amendment is necessary. In connection with the ABB's request that re-site applications be treated positively, it is felt that this issue is covered adequately by Part A, paragraph 5.2 which states that each case will be decided upon its merits. Finally, with regard to the ABB's request that operators which operate a number of premises within the area of the Council provide the Council with a single point of contact, it is felt that this is request is of benefit and, as such, a new paragraph (Part A, paragraph 7.3) has been inserted into the policy document.

- 4.6 The British Beer and Pub Association in their letter dated 8 September 2006 have submitted the following comments: -

'Grant of additional permits

While there is no actual requirement under the Gambling Act 2005 for machines to be sited in the bar, we believe that supervision of machines is very important and this is again reinforced by our Code of Practice and staff training. Under the new regime, when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice, there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.

## Application procedures for more than two machines

The Association would welcome the inclusion in the policy of an outline of the application procedures for permits for more than two machines. We understand that some Councils are taking the view that they will grant up to four machine permits without the need for a hearing. We support such an approach in the interests of reduced administration and bureaucracy for both Councils and applicants and would encourage you to consider this possibility.'

4.7 In response to the comments of the British Beer and Pub Association concerning the granting of additional permits it is felt that paragraph 2.2 of Part C of the policy adequately deals with their concerns and therefore no further amendment is necessary. With regard to their comments on the application procedures for more than 2 or more machines this matter has been discussed with LACORS (Local Authorities Coordinator of Regulatory Services) and they recommend that statements of policy are focussed upon 'high level' policy and do not set-out the application processes, decision-making procedures etc, as regulations have not yet been issued as regards detailed procedures. The draft policy reflects this approach and therefore it is considered that no further amendment is necessary. However, a further document may be produced following the publication of the regulations which outlines how the Council will administer the application process.

4.8 RAL Ltd in their letter dated 19 July 2006 have submitted the following comments: -

'While we consider the Statement to be largely consistent with the requirements of the Guidance to Licensing Authorities and the Gambling Act 2005, there is one aspect which does concern us and which we feel has the potential not only to undermine the spirit of the Act, but, equally, to cause unnecessary burden to the operators of adult gaming centres.

We refer first to your inclusion of 'door supervisor' in the list of possible appropriate measures to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. We refer also to recommendations that the provision of door supervisors may be an appropriate measure to meet the objective of prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. While the Statement does go on to state that list of potential conditions is not mandatory or exhaustive and is merely indicative of example measures, we should like to record our objection to the possibility that such a condition be imposed in relation specifically to adult gaming centres and urge caution that, if it is to be imposed, it should only be in appropriate cases.'

4.9 In response to the comments of RAL Ltd concerning the issue of door supervision, it is considered that this issue has been dealt with above at paragraph 4.3 in response to the comments of the BCA .

4.10 GamCare in their letter dated 28 July 2006 have submitted the following comments: -

'Thank you for your draft on the Gambling Principles from your Authority. As you will understand we received one from all the authorities in the process of putting together their Principles and Future Policy.

I found various differences in all, however not too many discrepancies for concern. I have however put together a separate list of inclusions, which from GamCare's viewpoint we would like included either in the policy or as part of the Licensing conditions.'

4.11 In response to the comments of GamCare we have examined the list of conditions that they requested be added to the policy and in response we have inserted a new paragraph (Part B, Paragraph 1.17) which list the conditions which is felt were appropriate to be included in the policy.

4.12 The proposed updated version of the draft policy is attached at Appendix 3 with the amendments highlighted.

## **5. Reasons for the Decision**

The Council must by statute prepare and adopt a Statement of Licensing Policy in respect of their functions under the Act. This 3 year policy must be in place by 31 December, 2006.

## **6. Alternative Options**

There are no alternative options as this is required by statute.

## **7. Relevant Considerations / Consultations**

7.1 The government has established an Independent Licensing Fees Review Panel, chaired by Sir Les Elton, to examine the impact of the whole range of changes to Licensing on Local Authorities. The Review Panel is planning to report in the Autumn of 2006.

7.2 Following previous changes to the Licensing arrangements relevant budgets have been ring fenced to recognise the different incidence of fee income and expenditure. A review of the implications associated with the Gambling Policy is currently being undertaken and will be considered alongside the findings and action taken by government in response to the Elton Review. At this stage it is considered that the current ring fencing arrangements will need to continue, but this approach will be reviewed in light of the latest information as part of the preparation of the 2007/2008 Revenue Budget.

## **8. Background Papers**

1. Gambling Act 2005
2. Guidance issued by the Gambling Commission under Section 25 of the Act.
3. Letter from Association of British Bookmakers
4. Letter from British Casino Association
5. Letter from RAL Limited
6. Letter from GamCare
7. Letter from British Beer and Pub Association



The British Casino Association

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29<sup>th</sup> August 2006

Mr Iain Cavanagh  
Licensing and Enforcement Officer  
Sunderland City Council  
Community and Cultural Services  
P.O. Box 107  
Civic Centre  
Sunderland SR2 7DN

CITY OF SUNDERLAND ENVIRONMENTAL HEALTH HARMER PROTECTION	
31 AUG 2006	
ATTENTION OF 17	COPIES TO 107326
FILE REF	FOR ACTION

Dear Mr Cavanagh

### Gambling Act 2005 – Draft Policy Statement

Thank you for sending the British Casino Association (BCA) a copy of the first draft of the Licensing Authority's Policy Document. The BCA is the leading trade association for the casino industry in Great Britain, representing over 90% of Britain's Licensed Casinos. The Association is committed to the responsible operation of the casino industry and works closely with government and regulators. Over the past 40 years the British casino industry has built a worldwide reputation for integrity and propriety.

We have a few points of clarification to raise at this stage but will wish to comment in more detail once the guidance on existing casinos licensed within your licensing area under the 1968 Gaming Act is issued and presumably incorporated into a further draft of your policy (Part B, Para 4.3). We have raised this issue with the Gambling Commission and await their further Guidance in this area.

The industry has in fact been regulated by the Gambling Commission and its predecessor the Gaming Board for Great Britain since 1968. The "new" regime in fact reproduces the existing system of regulation for commercial gaming (as opposed to the wider areas of gambling that are now also to be regulated and licensed). The Gaming Board has always been responsible for issuing Operating Licences for gaming operators (Certificates of Consent) and Personal Licences for the relevant operational staff and directors. Indeed the licensing objectives of the 2005 Act replicate the objectives that have been applied by the industry regulator, the Gaming Board for Great Britain, since the inception of the 1968 Gaming Act.

As the operation of casinos has been highly regulated over the past 40 years, the introduction of the "new" legislation will not impact on the high level of integrity with which these premises have historically operated. The tight entry controls, including those on the verification of identity of all customers, prevent casinos creating any nuisance to the local community and is one of the reasons why Door Supervisors (Part B, Para 1.21) were deemed unnecessary by parliament and why gaming premises are already exempt from the provisions of the Security Industry Act.

.../...

128

Chairman: Penelope, Viscountess Cobham

A Company Limited by Guarantee

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: 2 :

The existing statutory bar on any person under 18 entering such premises is already strictly enforced by entry controls and therefore licence conditions will not be required to prevent access to machines (Part B, Para 1.18).

The last point the Association wishes to make relates to licence conditions (Part B, Para 1.15 and Para. 4.3) in drawing specific attention to Para 9.29 of the Gambling Commission's Guidance (Page 49) to Licensing Authorities which identifies matters which cannot be the subject of conditions.

We look forward to hearing from you.

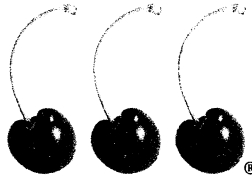
Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Watling', with a large, sweeping flourish underneath.

**Ken Watling**  
**Director of Policy**

Our Ref: BE/dds

19<sup>th</sup> July 2006



RAL LIMITED

Mr Ian Cavanagh  
Licensing and Enforcement Officer  
Sunderland City Council  
Community and Cultural Services  
PO Box 107  
Civic Centre  
SUNDERLAND  
SR2 7DN

ATTENTION: [unclear]	
77	[unclear]
FILE REF 106666	FOR ACTION

Dear Sirs

**STATEMENT OF LICENSING PRINCIPLES – GAMBLING ACT 2005**

We write in response to the publication of the draft of Sunderland Council's Statement of Licensing Principles ("Statement") and in our capacity as "persons representing the interests of persons carrying on gambling businesses in the authority's area" and are pleased to take part in the consultation process of this document. We set out below our comments on the Statement.

While we consider the Statement to be largely consistent with the requirements of the Guidance to Licensing Authorities ("Guidance") and the Gambling Act 2005, there is one aspect which does concern us and which we feel has the potential not only to undermine the spirit of the Act but, equally, to cause unnecessary burden to the operators of adult gaming centres.

We refer first to your inclusion of 'door supervisors' in the list of possible appropriate measures to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. We refer also to recommendations that the provision of door supervisors may be an appropriate measure to meet the objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. While the Statement does go on to state that the list of potential conditions is not mandatory or exhaustive and is merely indicative of example measures, we should like to record our objection to the possibility that such a condition be imposed in relation specifically to adult gaming centres and urge caution that, if it is to be imposed, it should only be in appropriate cases.

As the Licensing Authority is undoubtedly aware and as set out in 5.2.2 of the consultation document, 'Gambling Commission Licence Conditions and Codes of Practice' ("Conditions and Codes"), the current equivalent of adult gaming centres governed by the Gaming Act 1968 restricts access to adults only. The introduction of the Gambling Act 2005 will have the same result in terms of prohibiting entry to under 18s. By this rationale, if operators are currently running a safe and successful centre without the need for door supervisors, then there can be no valid reason for a change of policy in this regard.

Cont'd...

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GAMCARE

As any conditions imposed on a licence are required to be consistent with the licensing objectives, we list below our reasons for the inappropriateness of door supervisors in relation to such objectives.

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

We would draw comparisons with the Licensing Act 2003 which has at its core a similar licensing objective, namely “the protection of children from harm”. Conditions commonly used to promote this licensing objective include proof of age schemes, the display of signs stating that underage drinking is an offence and the requirement for internal training protocols, while the imposition of conditions requiring the presence of door supervisors would ordinarily fall into the licensing objective category of “the prevention of crime and disorder” or “the prevention of public nuisance”.

In common with the Licensing Act 2003, the provision of door supervisors is not a mandatory condition under the Gambling Act 2005 and it is clear that the discretion of the Licensing Authority is to be used when attaching such a condition. s178 of the Gambling Act 2005 makes clear that a condition relating to door supervisors may be placed on a premises licence quite legitimately but that its main purpose is as a tool to effect regulation by ensuring that any door supervisor employed is registered by the Security Industry Authority, as stated in Part 30 of the Guidance.

We would urge the Licensing Authority to adopt the same view as it did in its Statement of Licensing Policy under the Licensing Act 2003 in which ‘door supervision’ was included in a pool of conditions which could be added to a licence to promote the prevention of crime and disorder objective but that, in practical terms, its efficacy as a measure to protect children and vulnerable people is extremely limited. It is clearly possible, for example, to implement proof of age schemes without the costs of employing door supervisors.

It is to be noted that the Conditions and Codes specifically relating to arcades lists various measures but makes no mention of door supervision. The document does make it clear that a condition will be placed on the premises licence of any adult-only gaming premises, including adult gaming centres, to put into effect documented policies and procedures to prevent underage gambling. We would suggest that the Conditions and Codes provides sufficient procedures in relation to operators’ social responsibility to deal with establishing procedures for verifying the age of potentially underage customers.

Operators of adult gaming centres are, like operators and key management personnel of alcohol-licensed premises, subject to rigorous verification processes in order to obtain personal and operating licences. Existing operators will already be familiar, through first-hand experience, of the most effective measures to promote the protection of children and other vulnerable persons from being harmed or exploited by gambling and also to prevent crime and disorder. Accordingly, we would contend that, as is currently the situation with the adult gaming centres we currently operate, the management are fully versed in measures to uphold the proposed objectives, for example implementing approved proof-of-age schemes, recognition of problem gambling, the availability of self-exclusion, the avoidance of misleading advertising, provision of information with regard to professional help available to problem gamblers, signage on exterior doorways indicating the minimum age for entry and similar training protocols. Such measures are currently in place and mirror those suggested in the Guidance.

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

30.3 of the Guidance states that *if there are concerns that a premises may attract disorder or be subject to unauthorised access*, then the Licensing Authority may require that the entrances to the premises are controlled by a door supervisor. As such, we would expect the Licensing Authority to refrain from imposing such a condition in cases where there are no such concerns.

As mentioned above, conditions requiring the use of door supervisors are sometimes imposed in relation to the Licensing Act 2003 objectives of “prevention of crime and disorder” and “prevention of public nuisance”. The Statement, consistent with 7.43 of the Guidance, makes clear that there is a distinction between ‘nuisance’ and ‘disorder’ and that the prevention of nuisance is to be dealt with under separate legislative regimes. In practical terms, the role of door supervisors under the Licensing Act 2003 includes the following: dispersal of customers, queue management, searching customers on entry and ensuring they do not take open vessels from the premises on departure. This condition is generally imposed on the premises licences of High Volume Vertical Drinking establishments with high occupancy figures. Indeed, even in such premises, door supervisors are often only required to be in attendance on weekends after, say, 21:00 when capacity is high. At times when capacity is low, it is rare for a local authority to insist on the presence of door supervisors as they recognise that this would be a disproportionate measure. We contend that such concerns are not relevant in relation to adult gaming centres as capacities rarely match those found in alcohol licensed premises and, as alcohol is not provided in the adult gaming centres we operate, there is little risk of instances of alcohol-fuelled disorder.

The Statement also refers to areas which have known high levels of organised crime and that, in such areas, the authority will consider carefully whether gambling premises are suitable to be located there and whether conditions involving door supervisors may be appropriate.

While we appreciate that this statement is not specifically directed at adult gaming centres, we would submit that any link between customers entering adult gaming centres and the presence of organised crime is tenuous and unsubstantiated. The reference to “high levels of organised crime” is vague and could theoretically apply to any city in the country. Any application for a premises licence must be judged on its merits and any representations received must be relevant to issues which are in the direct control of the management of the premises.

9.26 of the Guidance states that any conditions imposed must be “proportionate to the circumstances which they are seeking to redress” and, amongst other stipulations, must be “fairly and reasonably related to the scale and type of premises”. Should there be little or no evidence that the applicant premises adds to levels of organised crime, we submit that a condition requiring the use of door supervisors would be entirely inappropriate. It is clear from the Guidance that preventing gambling from being a source of crime would require measures such as adhering to money laundering regulations and it therefore overlaps largely with other legislation such as the Proceeds of Crime Act 2002. As an additional measure, compliance with this aspect of the objective will initially be determined by the Gambling Commission when processing applications for Operating Licences.

Should the local authority be minded to include door supervision as one of its conditions to be considered when determining an application for an adult gaming centre, it is respectfully

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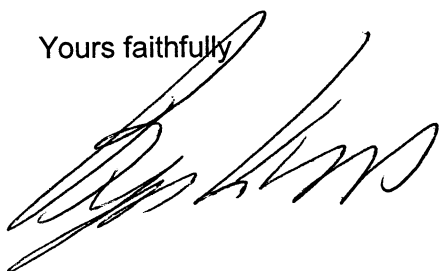
reminded that any conditions to be attached to a premises licence should be tailored to the individual style and characteristics of the premises concerned. Therefore, if a particular gaming centre has previously successfully renewed its gaming permits and there have been no circumstances where the presence of door supervisors would have been necessary to meet the licensing objectives, then we would submit that it would be a contravention of the Guidance to impose such a stringent condition on an Applicant. In this case, such a condition would be unnecessarily financially burdensome and disproportionate.

We would echo the concerns of the respondents to the Gambling Commission's consultation on its Statement of Principles who stated that the inclusion of door supervisors would be "cost prohibitive" and "should only be imposed where necessary". We note that the report includes a statement that "local authorities suggested guidance [with regard to door supervisors] should not be prescriptive and should allow Licensing Authorities to take account of local conditions", suggesting that it should not be imposed in all cases. We fully endorse this view.

In conclusion, we would submit that we consider it of the utmost importance that the operators of adult gaming centres abide by their duty of social responsibility as set out in the various guideline documents so far released and that we attempt at all times to meet the licensing objectives in operating our businesses and providing services to the community. However, it is hoped that the Licensing Authorities will make careful and measured use of the discretion afforded to them by the Government by doing their utmost to ensure that burdensome and otiose conditions are not imposed on the premises licences of businesses which have already demonstrated their ability to uphold the licensing objectives.

Whilst the Licensing Authority is clearly aware of the requirement to judge each application on its merits, we should be grateful to receive details of your proposals with regard to the imposition of conditions requiring door staff, given the matters outlined in this letter.

Yours faithfully



**Byron Evans**

**Commercial Director**

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CITY OF SUNDERLAND ENVIRONMENTAL HEALTH & CONSUMER PROTECTION	
11 SEP 2006	
ATTENTION OF 11	COPIES TO
FILE REF W7491	FOR ACTION

Iain Cavanagh  
Licensing and Enforcement Officer  
Sunderland City Council  
Civic Centre  
Burdon Road  
Sunderland  
SR2 7DN

8<sup>th</sup> September 2006

Dear Iain,

**GAMBLING ACT 2005 – DRAFT STATEMENT OF LICENSING POLICY**

Thank you for providing this Association with a copy of your draft policy. As the country's leading trade association for the pub sector it is perhaps unfortunate that we were omitted from your consultation on this important subject. Had it been on your website it would also have been picked up by our own trawls. Nevertheless, although your closing date for consultation has passed, it is earnestly hoped that you will still give due regard to our comments.

The British Beer & Pub Association (BBPA) represents brewing companies and their pub interests, and pub owning companies, accounting for 98% of beer production and around two thirds of the 60,000 pubs in the UK. Many of our members own and run pubs in your authority's area. The Association promotes the responsible sale of alcohol and management of licensed premises. It has a range of good practice information and guidance for member companies. Further information is available on our website at [www.beerandpub.com](http://www.beerandpub.com).

This response is also supported by BII, the professional body for the licensed retail sector, the Association of Licensed Multiple Retailers (ALMR), which represents the interests of smaller independent companies within licensed retailing and the Federation of Licensed Victuallers Association (FLVA) which represents self-employed licensees in England.

### **The protection of children and vulnerable persons**

We would like to take this opportunity to emphasise that pubs have had amusement with prize machines on their premises for many years. The BBPA has been pressing for legislation prohibiting under 18s from playing all cash machines (ACMs) since before the introduction of our Code of Practice on Minimum Age of Players, and we therefore very much welcome the restriction now contained in the new Gambling Act. The Association first introduced its Code of Practice in 1998, and has kept it under regular review since then. As a result of the Code, which is supported by other trade bodies including the ALMR, BII, FLVA and BACTA, ACMs coming on to the market include the "No Under 18s to Play" prohibition notice in the front of the machine. The inclusion of this notice has been achieved at the instigation of the Association in co-operation with machine suppliers.

BBPA member company training schemes also reinforce the management of the machines to ensure the minimum age requirement is complied with, for example by requesting recognised ID such as a PASS accredited proof of age card, driving licence or passport where there is doubt that the player is 18 years of age or over.

### **Grant of additional permits**

While there is no actual requirement under the Gambling Act 2005 for machines to be sited in the bar, we believe that supervision of machines is very important and this is again reinforced by our Code of Practice and staff training. Under the new regime, when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice (which will of course replace the BBPA Code), there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.

### **Application procedures for more than two machines**

The Association would welcome the inclusion in the policy of an outline of the application procedures for permits for more than two machines. We understand that some councils are taking the view that they will grant up to four machine permits without the need for a hearing. We support such an approach in the interests of reduced administration and bureaucracy for both Councils and applicants and would encourage you to consider this possibility.

Both the BBPA and LACORS have been concerned about the lack of a generic application form for permits. We understand that LACORS are now working on a standard application form for permits which could be used by Councils and applicants. It is obviously in the interests of businesses and local authorities to have such a form. We fully support this approach and hope you will adopt the LACORS form once it is produced.

### **Transitional arrangements**

As the implementation date of 1<sup>st</sup> September 2007 approaches, it is likely that the Council will receive increasing numbers of enquiries from alcohol licensed premises wanting to find out what will happen to their existing machine permissions. It would therefore be helpful if some reference to transitional arrangements could be included either in the policy or in the form of separate guidance.

We appreciate that these arrangements will not be absolutely clear until the regulations have been finalised, but it is our understanding (based on the DCMS Transitional Arrangements consultation)



that pubs will be automatically entitled to provide the same number of machines as they are currently permitted to provide. This provision is not subject to approval by the licensing authority and their existing permissions should be automatically transferred to the new legislative framework.

After this, if it becomes evident that there is a problem with the premises, the licensing authority has the power to remove the permission or to reduce the number of machines permitted, as stated in the draft policy.

We trust that these comments are helpful and that they will be taken into account in the final version of the policy. The BBPA is committed to ensuring a smooth transition to the operation of the new gambling regime and looks forward to working with you to achieve that objective.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Lee', with a long, sweeping horizontal stroke extending to the right.

Lee Le Clercq

28 June 2006

By Email: [Iain.cavanagh@sunderland.gov.uk](mailto:Iain.cavanagh@sunderland.gov.uk) & Post

Iain Cavanagh  
Licensing and Enforcement Officer  
Sunderland City Council  
Community and Cultural Services  
PO Box 107  
Civic Centre  
Sunderland SR2 7DN

CITY OF SUNDERLAND ENVIRONMENTAL HEALTH & CONSUMER PROTECTION	
29 JUN 2006	
ATTENTION OF 17	COPIES TO
FILE REF 106778	FOR ACTION

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Our ref:  
TLD1/ELW1/361277.1  
Your ref:

Dear Mr Cavanagh

On behalf of the Association of British Bookmakers we are pleased to have an opportunity to respond to your draft Gambling Act licensing policy.

### The Association of British Bookmakers

Off-course bookmakers were first recognised in legislation by the Betting and Gaming Act of 1960. The industry now consists of approximately 8,500 betting offices in Great Britain, which makes them by far the most numerous type of dedicated gambling facility; the average authority having about 20 betting offices within its area. The Association of British Bookmakers is the representative association for businesses holding nearly 7,000 betting office licences, and will be responding to consultations on all the licensing policies in Great Britain.

Before the advent of the Gambling Act 2005, there was no national regulator for bookmakers. However, the industry has been extremely successful at policing itself. Bookmakers have given rise to no or few regulatory concerns. For example, there are few if any prosecutions of bookmakers or revocations of betting office licences, no suggestion of underage betting in betting offices and no suggestion that betting offices cause nuisance to surrounding users. Crime and disorder is extremely rare in betting offices, and there is no evidence that bookmakers have operated their business in such a way as to exploit the vulnerable. Of course, alcohol is not sold in betting offices. Betting offices have been good neighbours to both residential and commercial occupiers. A primary objective of the ABB has been to help create betting environments in which the public enjoys fair and responsible gambling. It has to a large extent been assisted by the demographics of the industry, in which there are some very large participants, e.g. Ladbrokes, William Hill, Coral, the Tote and Dones (Betfred). These operators set a high standard, in terms of offices and customer service, which new entrants have naturally striven to match.

The ABB welcomes the new legislation, and the opportunity to work with licensing authorities, so as to consolidate and continue the enormous advances made by the industry, in a way which benefits customers while avoiding regulatory concerns. The ABB hopes and expects that a light touch approach will be taken to the imposition of conditions and regulatory burdens on the industry, save in so far as this is necessary and proportionate in individual cases.

We would take the opportunity to comment on some specific aspects of your policy. You will see that in certain areas we have been sufficiently bold as to suggest wording for the policy. The reason for this is that the ABB's members are keen, so far as possible, to achieve consistency between licensing policies, for the benefit of all involved in the system.

### Door supervision

Because of the success of the betting industry in managing its offices, and because of the general nature of betting clientele, door supervisors are not employed in betting offices. Premises are supervised from the counter. Door supervision has not been operationally required, and neither the licensing justices nor the police have suggested that door supervision is necessary.

We would refer to the Gambling Commission's Guidance at paragraph 9.26. This requires that conditions should only be imposed when they:

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

We would specifically ask that the policy reflect this by stating:

"... there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate."

### **Betting machines**

Reference to betting machines is made in section 181 of the Gambling Act 2005. These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter. They should not be confused with fixed odds betting terminals (which will be Category B2 gaming machines under the legislation) or amusement with prize machines ('fruit machines').<sup>1</sup> While up to four FOBTs / AWP's will be found in the great majority of betting offices in the country, the number of betting machines is extremely small and there is no evidence at all that, where they do exist, they are causing any harm. They are machines on which one may place a bet in an adult only environment, not machines upon which rapid gambling may occur. For these reasons, while the section 181 discretion is acknowledged, it is respectfully suggested that the policy state that:

"While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter."

### **Re-site applications**

Over the last two decades in particular, betting offices have been subject to an evolutionary process of enlargement and improvement to accommodate the more extensive facilities and technology now demanded by their customers, for example more and larger screens, full toilet facilities for male, female and disabled customers, level entrances, comfortable seating, no smoking areas, machines, information terminals and so on. Frequently, this has involved re-siting within the same locality. Under the former regime, such re-sites were positively welcomed by licensing authorities concerned to improve the general level of facilities in their area, and were rarely objected to by competitors. This was recognised in the leading case of *R (Hestview) v Snaresbrook Crown Court* in which Hooper J. stated (para 65):

Likewise, if an application is, in effect, an application for the transfer of a licence from one premises to another close by, with some increase in the size of the customer area, then an authority might well conclude that the grant would not be inexpedient..."

It is hoped that licensing authorities will wish to endorse and support this natural progress and improvement in the industry. It is requested that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.

### **Enforcement**

It is requested that the policy includes wording along the following lines:

"The authority recognises that certain bookmakers 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 give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise."

<sup>1</sup> While FOBTs/AWP's clearly accept bets for the purpose of playing directly on these machines, for instance inserting a £20 note into a FOBT to play roulette, the customer cannot use these machines to bet on other events available in the betting shop e.g. horse/dog races and football matches.

## Consultation of ABB

Finally, we would respectfully ask that your authority notify the ABB of any further consultations to be conducted by you, and that you favour the ABB with a hard and electronic copy of your final policy. This will enable the ABB to establish a bank of policies for the benefit of its members, alert its members to any developments and enable greater liaison and consistency to occur. The relevant contact details are:

**Angela Ruggeri**  
**ABB**  
**Regency House**  
**1-4 Warwick Street**  
**London W1B 5LT**  
**angelaruggeri@abb.uk.com**

Please do not hesitate to contact us should you wish to discuss any of the contents of this letter.

Yours sincerely



**Tim Davies**  
**Partner**  
for and on behalf of Bond Pearce LLP

President  
Lord McIntosh

Vice President  
Bill Galston OBE  
Sir Nevil Macready BT OBE

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**GAMCARE**

**National Association for Gambling Care  
Educational Resources and Training**

2/3 Baden Place  
Crosby Row, London SE1 1YW  
Tel: 020 7378 5200 Fax: 020 7378 5233  
e-mail: info@gamcare.org.uk  
www.gamcare.org.uk

Helpline: 0845 6000 133

28<sup>th</sup> July 2006

31 JUL 2006

ATTENTION OF	
NJ.	
FILE REF	FOR ACTION
106517	

Dear Sir or Madam

Thank you for your Draft on the Gambling Principles from your Authority. As you will understand we received one from all the authorities in the process of putting together their Principles and future Policy.

I found various differences in all, however not too many discrepancies for concern. I have however put together a separate list of inclusions, which from GamCare's viewpoint we would like included either in the policy or as part of the Licensing conditions.

I have had to read quite a few drafts, as already explained so please forgive me if I repeat anything already included.

All local authorities must now recognise that they should have a "Duty of Care" and become "Corporate Parents" assisting the residents of their authority with gambling addictions. Gambling is a much hidden form of addiction with little recognition.

Many authorities have now set up programs for Drug and Alcohol addictions, GamCare feel there is a great benefit of a program of problem gambling and possibly Debt Management counselling, to run in conjunction.

GamCare, I must emphasise, is a Gambling Neutral charity; we also recognise gaming is a very entertaining form of relaxation.

I would be grateful or the opportunity visit to your authority, and meet with all interested parties explaining in more detail how we may be of assistance to you, and the way we look for support and raise awareness about problem gambling.

Yours sincerely

Alan Faulkner  
GamCare Partners Manager

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- 1 The sale and distribution of Controlled drugs and the laundering of the proceeds of drugs to support gambling.
- 2 Prostitution to feed gambling needs
- 3 Any unlawful gaming gambling and betting
- 4 All leaflets giving assistance to problem gambling clearly displayed in prominent areas such as toilets for example where they will be more discreet. This will give certain anonymity.
- 5 Self exclusion forms available.
- 6 Operator must have a regard to best practice issued by organisations that represent the interests of vulnerable people.
- 7 On machines such as FOBT, s the odds clearly displayed.
- 8 All A.T.M or cash terminals to be separate from gaming machines, so that clients will have to leave the machine for more funds if so required. They should also display stickers with GamCare Helpline information positioned prominently on machine.
- 9 Social responsibility must be adhered to and mentioned at all times when reasonable.
- 10 It has been mentioned in the Principles however it is so important clear visible signs of age restriction are clearly displayed in gaming or betting establishments, also entrances to gambling and betting areas are well supervised and age identification verified.
- 11 Posters displayed suggesting " stay in control of your gambling" with details of GamCare telephone number and website.

12. Compulsory non-gambling areas or "Chill out Rooms" in all Casinos [ this is only relevant if you are having a casino in your authority] .

Please ensure that fruit machines are not situated in Mini Cab offices or Takeaways or other unlicensed premises where children may have access to.

THANK YOU FOR YOUR ASSISTANCE.

**DRAFT  
VERSION 2**

**GAMBLING ACT 2005  
STATEMENT OF LICENSING  
POLICY**

**This Policy can be made available on request in other languages. If you  
require this, please telephone 0191 5531012**

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



**GAMBLING ACT 2005  
STATEMENT OF LICENSING POLICY**

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**This Statement of Licensing Policy has been drafted at a time when a number of regulations, Operating and Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these documents impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the Council. All references to the Gambling Commission's Guidance for Licensing Authorities refer to the Guidance published in April 2006.**

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

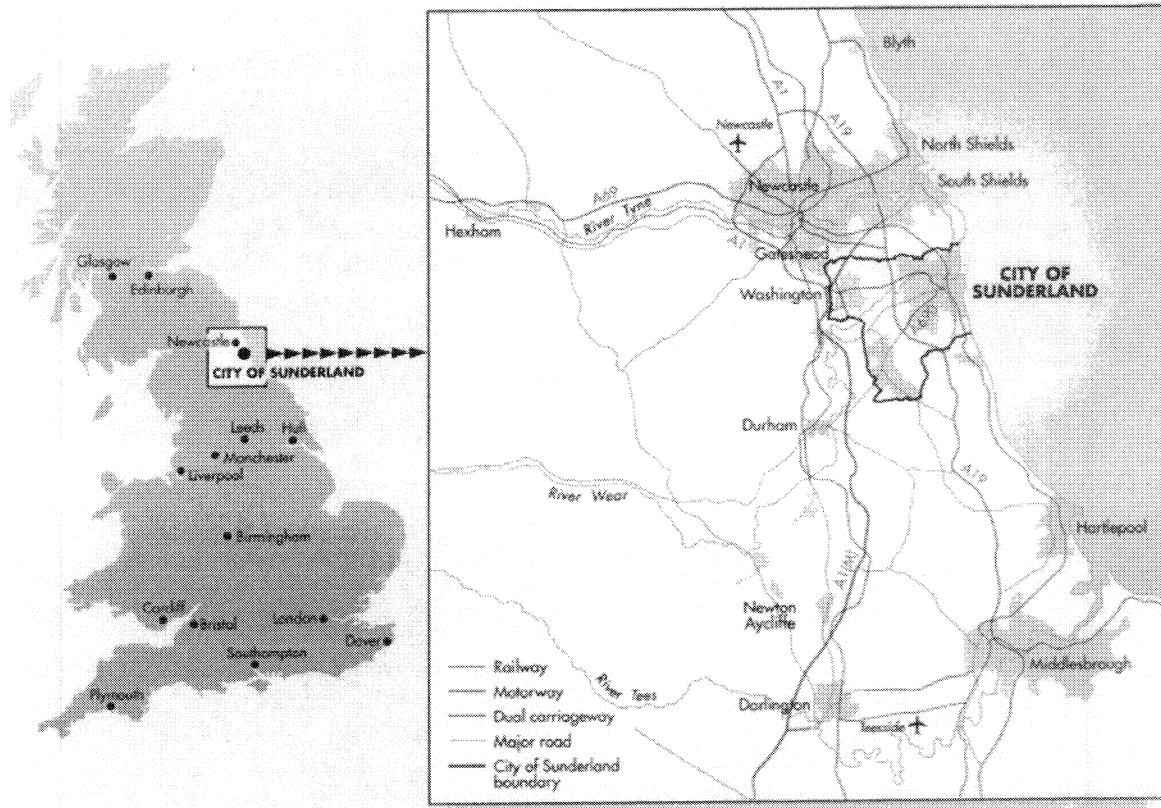
1.2 It should be noted that the Gambling Commission has stated: 'The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling'.

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 licensing policy.

## 2. Introduction

- 2.1 The City of Sunderland has a population of 282,700 according to the 2004 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.



- 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 re-consulted upon. The statement must be then re-published.
- 2.3 The Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.
- 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 Policy Statement, 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, Social 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 Responses were received from

- British Casino Association;
- RAL Limited;
- British Beer and Pub Association;
- Association of British Bookmakers Ltd; and
- GAMCARE.

2.7 Our consultation took place between 5 June 2006 and 25 August 2006 and we followed the Gambling Commission's Guidance to Local Authorities and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>  
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>  
<http://www.gamblingcommission.gov.uk/UploadDocs/publications/Document/Guidance%20to%20Licensing%20Authorities.pdf>

2.8 The full list of comments made and the consideration by the Council of those comments is available by request to:

The Licensing Section  
Community and Cultural Services  
P.O. Box 107  
Civic Centre  
Sunderland  
SR2 7DN

or via e-mail: [licensing@sunderland.gov.uk](mailto:licensing@sunderland.gov.uk)

2.9 The policy was approved at a meeting of the Council on 22 November 2006 and was published via our website on 31 December 2006. Copies are available at the Civic Centre.

2.10 Should you have any comments with regard to this policy statement please send them via letter to:

The Licensing Section  
Community and Cultural Services  
P.O. Box 107  
Civic Centre  
Sunderland  
SR2 7DN

or via e-mail at [licensing@sunderland.gov.uk](mailto:licensing@sunderland.gov.uk)

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

### **3. Declaration**

3.1 In producing this licensing policy statement, Sunderland City Council declares that it has paid regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

### **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
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

4.2 In accordance with the Gambling Commission's Guidance for Local Authorities this Council designates the 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](http://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 Local Authorities at 8.14 and 8.15. The Council will also consider the Gambling Commission's Guidance that 'has business interests' should be given the widest interpretation and include partnerships, charities, faith groups and medical practices.
- The Gambling Commission has recommended that the Council states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for Local Authorities 8.17). The Council will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested party under the terms of the Gambling Act 2005 e.g. who lives sufficiently close to the premises to be likely to be affected by the activities requested.
- Interested parties can be persons who are democratically elected such as Councillors and MP's. 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 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 is 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.

## 6. Exchange of Information

- 6.2 The Council is required to include in its policy 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 the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.3 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 Local 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.
- 6.4 Any protocols which may be established with regard to information exchange with other bodies will be made available in due course. Discussions with the Gambling Commission and Local Authorities Coordinators of Regulatory Services (LACORS) with regard to information exchange between the Commission and Local Authorities are, at the time of writing, at an early stage.

## 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 for Local 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 for Local Authorities the Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- The Council will also, as recommended by the Gambling Commission's Guidance for Local Authorities, adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the Council will utilise in this respect are included in this statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory or default conditions published, nor Codes of Practice. The Local Authorities Coordinators of Regulatory Services (LACORS) is working with the Gambling Commission to produce a risk model for Premises Licences and the Council will consider that model once it is made available.
- 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 as regards 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 protocol content details 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 give the Council a single named point of contact, who should be a senior individual, and whom the Council will contact 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 issuing Club Gaming Permits and/or Club Machine Permits;
- issue Club Machine Permits to Commercial Clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) 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.

8.3 The Gambling Commission has recommended that the Council includes a list of licensable activities in their policy statements. Local Authorities Coordinators of Regulatory Services (LACORS) has requested a definitive list from the Gambling Commission and this will be incorporated into this policy statement once provided.

## **PART B**

### **PREMISES LICENCES**

#### **1. General Principles**

1.1 Premises Licences will be 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.

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 licensing policy.

1.3 It is appreciated that, in accordance with the Gambling Commission's Guidance for Local 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'** - Premises is defined in the Act as 'any place'. Different Premises Licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to 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. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

1.5 The Council takes particular note of the Gambling Commission's Guidance for Local 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 that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

- licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

- 1.6 It should also be noted that an applicant cannot obtain a full Premises Licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to 'the premises' is to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Council agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a Premises Licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the Council can, if necessary, inspect it fully, as may other responsible authorities with inspection rights.
- 1.7 **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 may be taken into account. In accordance with the Gambling Commission's Guidance for Local 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 determined with regard to areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.
- 1.8 **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.
- 1.9 **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.

**1.10 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 is aware that the Gambling Commission will be taking 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 in that location 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. Issues of nuisance cannot be addressed via the Gambling Act provisions.

**1.11 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 an open way as this will be addressed via Operating and Personal Licences. There is, however, more of a role with regard to Tracks which is explained in more detail in Section 7 below.

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

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

1.13 The Council will also make itself 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.

1.14 With regard to the term 'vulnerable persons', it is noted that the Gambling Commission is not seeking 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. Should a practical definition prove possible in future this policy statement will be updated.

## 1.15 **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.

1.16 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.

1.17 The Council may, if appropriate and in line with paragraph 1.15 above, attach one or more of the following model conditions: -

- Leaflets giving assistance to problem gambling to be clearly displayed in prominent areas of the business as well as in other areas such as toilets;
- All A.T.M. or cash terminals to be located in a separate area from the gaming machines. Stickers with the GAMCARE Helpline information must also be displayed on these machines in a prominent position.
- Posters containing the details of the GAMCARE telephone number and website address to be displayed in prominent positions throughout the premises.
- Non-gambling areas or 'Chill out Rooms' to be located in the Premises.
- Premises to provide forms which would enable a customer with a gambling problem to exclude themselves from the premises.
- On Fixed Odds Betting Terminals (FOBT), that the odds be clearly displayed on the machine(s).

1.18 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.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;

- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

1.21 It is noted that there are conditions which the Council cannot attach to Premises Licences which 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 be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

1.22 **Door Supervisors** - The Gambling Commission advises in its Guidance for Local Authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and the prevention of premises becoming a source of crime. The Council notes that some of its consultees do not consider that any condition requiring Door Supervisors will be necessary. The Council has an open mind on this issue and, as suggested by the Guidance (Paragraph 9.28) and paragraph 1.15 of this policy, will take decisions on this issue and that of the imposition of other conditions on a case by case basis against the background of the Guidance and this policy. Furthermore, it is noted that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required by that Act to be licensed by the Security Industry Authority. However, this Council will require that where Door Supervisors are utilised, they are licensed by the Security Industry Authority. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

## **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 and machine areas; and
- Physical separation of areas.

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 and signage;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets and 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 peruse 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 policy statement with details of that resolution. Any such decision will be made by the Full Council.
- 4.2 **Casinos and competitive bidding** - The Council is aware that, where a Licensing Authority is enabled to grant a Premises Licence for a new style casino under Section 175 of the Gambling Act 2005, there are likely to be a number of operators which will want to run the casino. In such a situation the Council would determine the matter in line with the Act.
- 4.3 **Licence considerations / conditions** - The Gambling Commission has stated that 'further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises' (Gambling Commission Guidance for Local Authorities - 17.30) This guidance will be considered by the Council when it is made available.
- 4.4 **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.
- 4.5 The Council will only consider limiting the number of machines where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, the Council may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

#### 5. Bingo premises

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



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

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

5.2 The Council is also aware that the Gambling Commission intends to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the Council once it is made available.

## **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 In this section the term 'track' refers to a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place. The Council is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. 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 Premises Licence applicants 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 and signage;
- Specific opening hours;
- Self-barring schemes; and
- Provision of information leaflets 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** - Further guidance from the Gambling Commission is awaited with regard to where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The Council notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track Premises Licences will need to demonstrate that, where the applicant holds a pool betting Operating Licence and intends to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

7.5 **Betting machines** – The Council will, in accordance with 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 and circumstances of betting machines an operator wants to offer. It will also take note of the Gambling

Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting Premises Licences.

- 7.6 **Condition on rules being displayed** - The Gambling Commission has advised in its Guidance for Local Authorities that '...licensing authorities should attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.'
- 7.7 **Applications and plans** – The Council awaits regulations setting out any specific requirements for applications for Premises Licences but is in accordance with the Gambling Commission's suggestion: 'To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary 'on-course' betting facilities (often known as the 'betting ring') and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.' and that 'Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence.'
- 7.8 The Council also notes that, in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate Premises Licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## 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, is per calendar year, 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 The Council notes the Guidance for the Gambling Commission which states that 'It is a question of fact and degree whether premises are finished to a degree that they can be considered for a Premises Licence' and that: 'Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully'.
- 9.2 In terms of representations about Premises Licence applications, following the grant of a Provisional Statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the Provisional Statement stage, or they reflect a change in the applicant's circumstances. In addition, the Council may refuse the Premises Licence (or grant it on terms different to those attached to the Provisional Statement) only by reference to matters:
- a) which could not have been raised by objectors at the Provisional Statement stage; or
  - b) which, in the Council's opinion, reflect a change in the operator's circumstances.
- 9.3 The Council has noted the Gambling Commission's Guidance that: 'A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.'

## **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 undertaken. This will be on the basis of whether the grounds on which the review are sought are relevant to the licensing objectives or the documents listed below, as well as consideration as to whether the grounds are frivolous, vexatious, will certainly not cause the Council to alter, revoke, or suspend the licence, or whether they are substantially the same as previous representations or requests for review. The relevant documents are:
- any relevant code of practice issued by the Gambling Commission
  - any relevant guidance issued by the Gambling Commission
  - the Council's statement of licensing policy
- 10.2 The Council may also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## 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 Commission under section 25. The Gambling Commission's Guidance for Local Authorities also states: 'In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities will want to give weight to child protection. '(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. '(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 expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures and training for staff as regards 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 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)**

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 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

2.2 If an operator of a premises wishes to have more than 2 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 will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage 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 to 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; and
- that the gaming offered is within the law.

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, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); 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 3 machines of categories B, C or D), equal chance gaming (see Section 269 of the Act) and games of chance as set out in forthcoming regulations. A Club Machine Permit will enable the premises to provide gaming machines (up to 3 machines of categories B, C or D).

4.2 Gambling Commission Guidance states: 'Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of 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 for Local Authorities states: 'Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the 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 There are a number of statutory limits with regard to Temporary Use Notices. Gambling Commission Guidance is noted that: 'The meaning of 'premises' in part 8 of the Act is discussed in Part 7 of this guidance. As with 'premises', the definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice that is given. In the Act 'premises' is defined as including 'any place'. In considering whether a place falls within the definition of 'a set of premises', licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.'

## **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 8 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.

**Extract from report to Cabinet 11<sup>th</sup> October, 2006**

**Capital Programme Second Review 2006/2007**

**Variations from those reported at the First Review 2006/2007 Programme**

	<b>£000</b>
<b>Revisions to Existing Scheme Costs</b>	
<b>Children's Services</b>	
Oxclose BSF Wave I	1,400
Sunniside Gardens	1,033
<b>Additional Schemes</b>	
<b>Resources</b>	
SAP - Enterprise Buyer Professional	569
<b>Children's Services</b>	
Computers for Pupils	306



**LOCAL GOVERNMENT ELECTION 3<sup>RD</sup> MAY 2007**

**INCREASING VOTER PARTICIPATION AND PROPOSED PILOT SCHEME**

**Report of the Chief Executive**

**1. Purpose of Report**

- 1.1 This report outlines proposals to increase voter participation and seeks approval to prepare a pilot application to the Department of Constitutional Affairs for the Local Government Election in May 2007.

**2. Description of Decision**

- 2.1 The Cabinet recommends the Council to authorise the Chief Executive to prepare proposals for a pilot scheme for Sunderland based around advance voting for the whole authority area for submission to the Government and as described in this report.

**3. Introduction**

- 3.1 The Department of Constitutional Affairs (DCA) has issued a prospectus, which invites expressions of interest from local authorities seeking to run electoral modernisation pilots at the May 2007 local elections under the provisions of section 10 of the Representation of the People Act (RPA) 2000.
- 3.2 The Government is committed to a programme of modernisation and the elections in 2007 provide an excellent opportunity to maintain the momentum which was started in 2000. Through the gradual process of independently evaluated piloting the Government has the opportunity to investigate innovations while preserving the trust and confidence people have in the electoral system.
- 3.3 Any pilots will continue on the success of the pilot schemes carried out for:
- a) The Local Government Election in 2006;
  - b) The Annual Canvass in 2006.
- 3.4 The DCA sees some of the main external factors driving the electoral modernisation strategy and subsequent pilots are:
- That voting is unnecessarily inconvenient having regard to today's lifestyles where, for example, many people in the course of the working day will often spend little or no time in the locality of the polling station.
  - The need to improve access for those who find it difficult to attend a polling station in person due to disability.

and that the broad benefits from electoral pilots include:

- The ability to test the changes and innovations in a real world environment.
- The facility for formal evaluation and the ability to undertake testing in a controlled environment and
- The ability to ensure effective project management and delivery

3.5 The Government does not consider it appropriate to pilot all postal schemes any further whilst the Electoral Administration Act provisions around postal voting are put in place and further consideration is given to the lessons learnt from previous pilots.

#### 4. **Current Position - Pilot Scheme – Local Government Election May 2007**

4.1 It is proposed following the success of last years advance voting pilot scheme which attracted 1,436 voters over a 7 day period and was the highest in the Tyne & Wear region by over 1,000, to provide 3 advance voting polling stations:-

➤ Situated at the following convenient locations:-

- City Library and Arts Centre
- Washington Town Centre Library
- Houghton Library and Customer Service Centre

➤ These stations would also:

- double up as postal vote drop off points;
- be open for full days from 9am to 5pm (excluding Saturdays and Sundays) between Monday 23<sup>rd</sup> April 2007 and up to Tuesday 1<sup>st</sup> May and between 9am and 12noon on Wednesday 2<sup>nd</sup> May.

➤ Provision will be made for electors to receive their ballot paper as follows:

City Library and Arts Centre – Barnes, Castle, Doxford, Fulwell, Hendon, Millfield, Pallion, Redhill, Ryhope, St Anne's, St Chad's, St Michael's, St Peter's, Sandhill, Silksworth and Southwick wards;

Washington Town Centre Library – Washington Central, East, North, South and West wards;

Houghton Library and Customer Service Centre – Copt Hill, Hetton, Houghton and Shiney Row wards.

➤ This will be achieved by:

- a paper Register of Electors and supported by an electronic version;
- the use of the paper register at the advance voting stations being issued to polling stations for Election Day;

- informing Electors about the stations and the arrangements for voting in the pre-election letter, with their poll card and their postal vote pack;
- requesting Electors to sign for their ballot paper (procedures will be put in place for those people unable to make a signature).

#### 4.2 In the event of allegations of fraud and as part of the requirements of the Electoral Administration Act 2006.

- Signatures will be checked.
- If a discrepancy is found a letter will be sent to the elector to find out if they voted.
- If a trend is discovered this would initially be brought to the attention of the Returning Officer for appropriate action.

#### 4.3 A feedback questionnaire will be provided in a range of formats to enable both voters and non voters to comment on the pilot innovations and the voting process generally. This information will be made available to the Electoral Commission to inform the evaluation process.

#### 4.4 Evaluation and Approval

The Secretary of State will need to be satisfied that:

- The pilot fits within the Government's general vision for electoral modernisation;
- There is learning value to be gained from conducting the pilot and there is a clear means of testing the impact of the innovation – including the implications for security and potential fraud;
- The pilot will maintain public confidence in the electoral process and that key risks have been identified and managed;
- Any innovation is as secure, if not more secure than, conventional electoral practices;
- Any innovation is robust and attracts public confidence;
- There are effective management arrangements in place and sufficient resources and capacity both in the local authority and DCA to deliver the pilot;
- There is local support for the pilot;
- The Electoral Commission's evaluation process will be fully supported; and,
- The pilot has an effective business case and offers value for money.

#### 4.5 Financial Implications

The costs of participating in the pilot can be met from existing election budgets.

#### 4.6 Outline timetable

The following provisional timetable indicates the target dates for key milestones:

October/November	Discussions with prospective authorities.
17 November 06	Final deadline for submitting applications
1-7 December 06	Decisions on pilot applications with response to local authorities within the week.
January 07	Drafting of Statutory Orders commences in consultation with local authorities, The Commission and suppliers
February/March	Development and testing
26 March 07	All Statutory Orders signed by this date
27 March 07	Notice of election
3 May 07	Polling Day
May – August 07	Evaluation and reporting by the Electoral Commission

## **5.0 Increasing Voter Participation**

- 5.1 Members will recall that in an attempt to make voting easier and more convenient a letter was sent to all electors who did not have a postal vote for the Local Government Elections in May 2006. The letter outlined the options available to the elector which were to either:
- a) Vote on the day at their allocated polling station;
  - b) Vote at the advance voting polling station on the dates as specified;
  - c) Vote by post and enclosing a postal vote application form.
- 5.2 The impact of that letter was not only to increase the number of postal voters from 22,000 to 45,000 but advised the elector of the increased options available to cast their vote.
- 5.3 It is therefore intended following the success of the letter delivered this year to further consider the proposal to send a similar letter prior to the Local Government Election in May 2007, as part of the consideration of the 2007/2008 Revenue Budget.

## **6. Reasons for Decision**

- 6.1 The running of electoral pilots and the proposal to increase voter participation is fully consistent with and supports the Council's commitment to promoting and encouraging increased turnout at elections. This supports the Council's/LSP's wider commitment to promote social inclusion and ensure local people feel able to participate in "City Life".

6.2 These aims are being pursued through targets in the Sunderland Strategy and through initiatives such as the Local Area Agreement (Safer and Stronger Communities block) and the Council's second Local Public Service Agreement.

## **7. Alternative Options**

7.1 Not to submit an application to the DCA for a pilot scheme for advance voting stations.

7.2 Not to continue the Council's commitment to promote and encourage increased turnout at elections.

## **Background Papers**

May 2007 Electoral Pilots Prospectus.





*Report of the Standards  
Committee*

**THE STANDARDS COMMITTEE reports and recommends as follows:-**

**1. Ethical Audit**

That they have given consideration to the attached report of the City Solicitor which presented the findings of an independent ethical audit of the Council undertaken by the Audit Commission. The Committee welcomed the report and the great credit it reflected on the Council and its Standards Committee.

Members considered ways to publicise the findings including submission to Council, an article in Sunrise, cascading the information through staff meetings and a link on the Council's website. In addition they agreed to a request from the Audit Commission to place the report on the Commission's website and to use some of the Council's documents as examples of good practice.

They recommend that the contents of the report be noted by full Council.

**2. Protocol for use of Member Websites**

That they have given consideration to the attached report of the City Solicitor which presented a proposed protocol intended to govern Members' use of dedicated individual websites provided and administered by the Council, highlighting some areas of risk and proposals for managing these.

They recommend that:-

- (i) the protocol attached at Appendix A be adopted, to apply to each Member's use of the facility, which will not be made available to any Member until they have accepted and returned a signed copy of the protocol to the City Solicitor;
- (ii) a link to a Members' private blog be offered subject to the technical safeguards outlined in the report; and
- (iii) a link to another site or sites on subjects likely to be of interest to readers of the site also be offered subject to the same technical safeguards.



**STANDARDS COMMITTEE**

**3 NOVEMBER 2006**

**ETHICAL AUDIT**

**Report of the City Solicitor**

**1. INTRODUCTION**

Members will recall that at the meeting held on 30 June 2006 they noted the contents of a report outlining the draft specification for an Ethical Audit, and agreed this should be undertaken by an independent body – the Audit Commission.

**2. SCOPE AND OBJECTIVES**

Members will recall that the aim of the audit is to assess how well the Council:

- Is complying with Part III of the Local Government Act 2000;
- Is ensuring that the Standards Committee has access to the right information and support to enable it to do its job properly.

And whether:

- Members and officers have an understanding/awareness of ethical issues;
- Members are abiding by the code of conduct; and
- Members and officers training needs in this area.

**3. AUDIT APPROACH**

The Audit comprised:

- a document review;
- focus groups with a range of officers and members; and
- a survey of members and key officers.

**4. PERFORMANCE REPORT**

A full copy of the report "Setting High Ethical Standards – Local Government Diagnostic Report" is attached. In addition representatives of the Audit Commission will attend the meeting to give a presentation on the matter.

## 5. SUMMARY OF MAIN CONCLUSIONS

The main conclusions are summarised below:

- High ethical standards and the links with improving the delivery of council business has been a focus for the Council in recent years.
- Elected members and officers see strong ethical governance as a key component driving the improvement of the Council. Governance processes are well established.
- There is a high level of awareness of the Council's Standards Committee (SC) and the type of work the Committee does across the Council.
- The code of conduct is well-understood by members and officers and extensive training has been provided. Members and officers mostly work well together.
- There have been a number of referrals to the SBE but the number is not out of line with other councils. Members and officers are well-prepared for local investigations.
- Doing the right thing for the right people in the right way is an important priority for the Council.
- The Council will want to ensure that its governance processes are kept under close review to ensure that they are meeting changing circumstances.
- The Council Leader is seen as an extremely positive role model and proactively promotes the importance of the ethical agenda. The Chief Executive is also seen as a good role model, and along with the Monitoring Officer is highly respected.
- The Council takes extremely seriously the need to promote confidence in local democracy.

## 6. RECOMMENDATIONS

- 6.1 Members are invited to note the contents of the report and receive the presentation.
- 6.2 Members may wish to consider how best they may publicise that the work of the Standards Committee is making a positive difference to the ethical environment.

# **Setting High Ethical Standards - Local Government Diagnostic Report**

**Sunderland City Council**  
**Audit 2006/2007**

The Audit Commission is an independent body responsible for ensuring that public money is spent economically, efficiently and effectively to achieve high-quality local and national services for the public. Our remit covers around 11,000 bodies which between them spend more than £180 billion of public money every year. Our work covers local government, health, housing, criminal justice and fire and rescue services.

As an independent watchdog, we provide important information on the quality of public services. As a driving force for improvement in those services, we provide practical recommendations and spread best practice. As an independent auditor, we monitor spending to ensure public services are good value for money.

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## Introduction and background

- 1 There is an increased emphasis on the need for the highest standards of conduct in public life. The findings of Nolan and Graham Committees, the Local Government Act 2000, the introduction of the Standards Board for England (TSBE), and the inclusion of an ethics component in the Comprehensive Assessment (CA) 2005 are all factors in the current weight being given to the need for strong ethical governance in local councils.
- 2 High ethical standards are the cornerstone of good governance. They are an integral part of good corporate governance arrangements, can lead to increased confidence in local democracy and help an authority to attain a high CA rating.
- 3 Setting high ethical standards is an important building block for councils in developing their community leadership role and improving services to the community. Councils are also becoming involved in increasingly complex partnership and a decline in high standards may adversely affect these arrangements.
- 4 Local authorities and individual members now face a number of risks which may include:
  - referral to, and investigation by, the Standards Board for England for alleged breaches of the code of conduct, sometimes leading to the disqualification of members;
  - loss of confidence in individual members, councils and local democracy; and
  - poor decision-making.
- 5 Ethical governance is an area of great interest to the national and local press, particularly when things go wrong. On average one councillor a week is removed from office because of breaches of the code of conduct ranging from bullying behaviour, misuse of council resources, bringing the Council into disrepute and using their position as a councillor for personal gain. Other sanctions have included formal censure, and suspension from using council facilities. When things go wrong and councillors are found guilty of a breach of the code of conduct, there is a risk to the reputation of individuals and the council. The consequent difficulties of having to implement widespread changes whilst under the spotlight cannot be overestimated.
- 6 One of the common aspects of governance failures is not the absence of frameworks, controls and arrangements but the absence of appropriate behaviours and values amongst members and officers. This audit therefore looks at your compliance with statutory requirements as well as behaviour, culture and values.

- 7 It is some years since the ethical arrangements in place at the Council were subject to external challenge. Since then the ethical agenda has moved on at pace and it was in this context that the Audit Commission was asked to undertake an ethical governance diagnostic to provide an in-depth assessment of how well the Council was doing in this area.

## Scope and objectives

- 8 The aim of this work was to help assess how well the Council:
- is complying with part III of the Local Government Act 2000; and
  - is ensuring that the Standards Committee has access to the right information and support to enable it to do its job properly.

And whether:

- members and officers have an understanding and awareness of ethical issues;
- members are abiding by the code of conduct; and
- members and officers have training needs in this area.

## Audit approach

- 9 To complete the audit we undertook
- a document review;
  - held focus groups with a range of officers and members; and
  - a survey of members and key officers.

## Main conclusions

### Summary

- 10 High ethical standards and the links with improving the delivery of council business has been a focus for the Council in recent years.
- 11 Elected members and officers see strong ethical governance as a key component driving the improvement of the Council. Governance processes are well-established.
- 12 There is a high level of awareness of the Council's Standards Committee (SC) and the type of work the Committee does across the Council, with over 90% of respondents being aware of the role of the SC. The Council's SC is proactive and independent. It has a high profile in the Council and a wide remit. It helps to keep the ethical agenda in the forefront of the Council's thinking. However, over 40% of officers were unaware if the SC was making a positive difference to the ethical environment of the Council.

## 6 Setting High Ethical Standards - Local Government Diagnostic Report | Performance Summary Report

- 13 The code of conduct is well-understood by members and officers and extensive training has been provided. Members and officers mostly work well together.
- 14 There have been a number of referrals to the SBE but the number is not out of line with other councils. Members and officers are well-prepared for local investigations and determinations.
- 15 Doing the right thing for the right people in the right way is an important priority for the Council. Increasing dialogue with the community and involving the Council's partners and diverse community more in decision-making is seen as a real opportunity to further improve the Council. However, this approach brings risks. The Council will want to ensure that its governance processes are kept under close review to ensure that they are meeting changing circumstances. All members and staff will need to be appropriately skilled to meet the challenges the Council will continue to face.
- 16 The Council Leader is seen as an extremely positive role model and proactively promotes the importance of the ethical agenda. The Chief Executive is also seen as a good role model, and along with the Monitoring Officer is highly respected.
- 17 The Council takes extremely seriously the need to promote confidence in local democracy. This is borne out by 100% of members and over 65% of members agreeing that this is the case.

### **The Standards Committee**

- 18 The Council's SC fully meets statutory requirements and was established well before the statutory deadline.
- 19 The Committee consists of six elected members and two independent members. The independent members were appointed using the Council's rigorous selection framework. The committee operates independently of the Council and political party machinery. It is chaired by one of the independent members. This brings additional autonomy.
- 20 The independent members are playing a full and increasingly important role and are well-informed about council business. They are respected and their significant role in the Council's improvement journey is understood by them, by other members and by officers.
- 21 The Council's SC is a key committee and has a high profile. Its role is well understood by both members and officers. The terms of reference of the committee comply with statutory requirements and are included in the Council's Constitution. However, over 40% of officers did not know if the SC was making a positive difference to the ethical environment of the Council.
- 22 The SC is working effectively to promote a healthy ethical environment. It is making clear direct links between raising standards across the Council, the diversity agenda and the ethical agenda. The SC has a brief which enables it to obtain a wide overview and understanding of council policy and practice, to plan its work, to take action and then to make recommendations accordingly.
- 23 The importance of high ethical standards is effectively communicated to members, staff and local communities. Clear written guidance has been produced by the Monitoring Officer on how the different elements of the ethical agenda link together through the Council's governance framework. The Council's newspaper, Sunrise, sent to all households, gives coverage to wide range of ethical issues.

### **Recommendation**

*R1 The Council should decide how best they publicise that the work of the Standards Committee is making a positive difference to the ethical environment.*

### **Code of conduct**

- 24 The Council's has had a member code of conduct in place for a number of years. The code complies with statutory requirements and has been signed by all elected and co-opted members. The code, together with the member/officer protocol, provides clear guidance on expected member behaviour.
- 25 The code of conduct is easily available on the Council's website.

- 26 Officers and members appear to work well together to achieve the Council's common goals. In addition, Officers and members understand their respective roles in achieving these goals.
- 27 The Council has had a number of referrals to the SBE but the number is not out of line with that of other similar councils.
- 28 The misuse of council property by elected members is no longer an issue in the Council, although the Council did refer a case to the Standards Board a year ago. The Council is taking appropriate action to ensure that there is clarity about the use of IT and no misuse of council computers by members.

### **Training and information**

- 29 An extensive range of training has been provided for members on ethical issues at regular intervals since 2002. Officers at all levels receive regular and clear information and guidance on ethical issues through training, newsletters, briefings and staff meetings. However, implementation of this guidance in practice may vary between Council directorates.

#### ***Recommendation***

*R2 The Council should ensure that the guidance and training provided on ethical issues is consistently applied in practice across all directorates.*

### **Local investigations and hearings**

- 30 The Council has in place clear guidelines upon which to carry out local investigations. Currently the Council do not have any ongoing local investigations.
- 31 There have been three referrals from the Standards Board in the past 18 months. These cases have been determined in line with good practice by the Standards Committee.

### **Register of interests**

- 32 The register of interests meets statutory requirements. The public can access and inspect the members' register of interest. There have been no recent cases of members not declaring their personal or prejudicial interests appropriately.
- 33 Individual guidance is readily available for members from the Monitoring Officer and his staff if members are at all unclear about their own personal and prejudicial interests.

### **The Monitoring Officer**

- 34 The Monitoring Officer is effective and well-respected within the Council and has helped to drive the ethical agenda to the core of council business. This has

ensured that all members and officers understand the clear links between high ethical standards and high standards of council business.

### **The Leader of the Council and Chief Executive**

- 35 The Leader of the Council is seen as proactive in promoting the importance of the ethical agenda and is considered to be a positive role model.
- 36 The Chief Executive is also considered to be an effective role model, who has made a significant contribution to changing the culture of the Council and promoting a more open management style. The Chief Executive continues to place great importance on the link between the high ethical standards and the improvement of council services.

### **Promoting confidence in local democracy**

- 37 The Council is actively promoting confidence in local democracy by improving dialogue with stakeholders, by showing that it is listening, by encouraging wider participation in local democracy, by taking complaints seriously and by providing better and more appropriate services.
- 38 The Council's newspaper 'Sunrise', delivered to every door is its main channel of communication with residents.

### **The way forward**

- 39 The findings and recommendations of the report were discussed with the Monitoring Officer and the Council's leadership in October 2006. The Council then considered the detailed report and the recommendations that arose from it. The action plan which is included with this report outlines the actions that the Council has agreed to take to strengthen its current arrangements.
- 40 The Council will need to ensure that the approved recommendations are implemented and followed through in a timely manner.
- 41 We would like to thank both members and officers for all their interest in this work, for their time and perspectives and for all the supporting information they provided for this review. We hope that this works helps to move the Council to the next stage of its development.

30

## Appendix 2 – Action Plan

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
7	R1 The Council should decide how best they publicise that the work of the Standards Committee is making a positive difference to the ethical environment.	2	Monitoring Officer	Agreed	This will be considered with the Head of Corporate Communications	Within 3 months
8	R2 The Council should ensure that the guidance and training provided on ethical issues is consistently applied in practice across all directorates.	2	Monitoring Officer/All Chief Officers	Agreed	A programme will be prepared in conjunction with other Directors of Management Team and other Directorate Team meetings. This will be rolled out and monitored.	Within 3 months



**STANDARDS COMMITTEE**

**30 JUNE 2006**

**PROTOCOL FOR USE OF MEMBER WEBSITES**

**Report of the City Solicitor**

**1. Purpose of Report**

This report provides a proposed protocol intended to govern Members' use of dedicated individual websites provided and administered by the Council, highlighting some areas of risk and proposals for managing these. The draft protocol is attached at Appendix A.

**2. Description of Decision**

Members are requested to:

- Consider the proposal to offer each Member the facility of a dedicated website on the basis of the protocol attached at Appendix A and the safeguards outlined in this report.

**3. Background to the Protocol**

At the request of Members, and in conjunction with development of an e-democracy suite, officers have explored the possibilities for each Member to be offered a dedicated web presence to promote their community responsibilities. A considerable amount of development work has been undertaken by ICT colleagues. The technical capability to provide individual sites is now available and has been subject to preliminary testing. Given the complex interface between Members' community and political activity and the need to ensure the proper use of Council resources, it is recognised that Members will require clear guidance as to the appropriate use of such sites. This guidance is set out in the attached protocol, which would have to be accepted by the Member before the website could be provided.

It is also recognised that technical developments around electronic communication continue to develop rapidly and that it may not currently be possible to identify the full range of issues and possibilities that may arise in future.

**4. Legal Considerations**

It is necessary to ensure that content of the websites does not breach relevant laws. There is potential for the Council to be found in breach of the restriction on political publicity contained in the Local Government

Act 1986 and the relevant Code of Practice, if political material is inadvertently included on the site.

If the Council is to offer a facility to link to other sites related to Members' areas of interest, there is a possibility that this could be considered in breach of the restriction, however, subject to technical safeguards, it can be argued that such assistance is de minimis, and therefore permissible. Clearly the safest course would be to allow no links to other sites, but if members wish to proceed with this, it is suggested that practical technical safeguards set out below are built into the system, which collectively may be regarded as mitigating the risk.

In addition to the need to ensure that Council resource is not used to provide any political publicity, there is a need to have regard to the laws of defamation and give proper recognition to the intellectual property rights of authors, including respect for copyright. The protocol as drafted endeavours to capture and give guidance on the issues.

## **5. Practical considerations**

There are no significant issues associated with the publication on a website of purely factual information regarding Council matters such as a Member's discharge of official duties as a Councillor, although issues do arise regarding the use of "weblogs" or ("blogs"), on a Council provided site. It is recognised that any facilities offered must be offered equitably to all Members.

In order to ensure material uploaded onto a Member's individual site is compliant with the protocol, it is proposed that an officer or officers in the City Solicitor service will be responsible for screening material provided by the Member before it is authorised for release. Current proposals for additional resources in Members Services are being considered to ensure necessary officer support is available.

From review of Member websites in use in other areas, it is clear that many Members value the ability to link to related sites. Given the lack of Council or Member control of, or influence over, the content of other sites, it may be thought inappropriate to permit links to other sites to be included on the Member site. Alternatively, the protocol could be developed to make it clear that no such linking is offered to any site that contains material which is contrary to Council policy, and that a Member requesting a link to such material will be in breach of the protocol. The Corporate Head of ICT advises there are no specific technical issues with this but may be some issues of practicality.

Members have also expressed an interest in maintaining their own online journals, 'weblogs' or 'blogs', to communicate with residents more directly. It would clearly be impracticable to arrange for an officer

to screen this volume of material to appropriate timescales. It would be improper for any officer to assist in monitoring any website or 'blog' with political content.

It is therefore proposed that, should a Member request a link from their website to their blog or to another site (if the decision is to permit this), technical arrangements must be in place to ensure that the user of the site is advised that they are leaving the Council's website. This message would include a disclaimer to make it clear that the Council has no control of, and can accept no responsibility for, the content of the linked site. This would be clearly indicated by a screen message to the reader, before the link was activated. The ICT unit is checking that this can be done technically and practically.

Given the rapid development of both technical and practical use of electronic communications, it is proposed that any protocol issues should be subject to regular review.

6. In the event Members of the Council are offered a facility for a dedicated website then Standards Committee is recommended to approve:
  - That the protocol attached at Appendix A be adopted, to apply to each Member's use of the facility, which will not be made available to any Member until they have accepted and returned a signed copy of the protocol to the City Solicitor.
  - That a link to a Member's private blog may be offered subject to the technical safeguards outlined above.
  - That a link to another site or sites on subjects likely to be of interest to readers of the site may also be offered subject to the same technical safeguards.

## Appendix A

### PROTOCOL FOR USE OF MEMBER WEBSITES

This Protocol has been prepared to assist Members in preparing information to be included on their individual Website.

Member Websites are provided by Sunderland City Council to support Members in carrying out their responsibilities towards the people of Sunderland.

The Council recognises the value of providing Members with a web presence which they can use for community leadership purposes. It is intended that this web presence should be used to promote awareness of the activities Members undertake in carrying out their responsibilities as democratically elected representatives of their communities, and their particular range of interests in issues related to the wellbeing of the community.

### CODE OF CONDUCT

In carrying out their responsibilities Members are subject to the requirements of the Code of Conduct for Members and Co-opted Members contained in the Council's Constitution. Members must observe the Code when requesting information to be added to details on the website. (LINK Code of Conduct)

### CODE OF CONDUCT – POLITICAL CONTENT

A Member must, when using or authorising the use by others of the resources of the authority;

- (i) act in accordance with the authority's requirements; and
- (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive (stet) to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.

A Member's website maintained by the Council is considered a Council resource and may not be used for political purposes, on the basis set out at (ii) above.

### PRE-ELECTION PERIOD

In addition to the general prohibition on use of the website for political purposes set out in the Code of Conduct, all Member websites will be closed to updates during any pre-election period, that is from the date of publication of the notice of election, until voting has closed.

For guidance on pre-election period expenditure on political campaigning, please see the Code of Recommended practice on Local Government Publicity.

(LINK Code of Recommended practice on Local Government Publicity)

## CODE OF CONDUCT - PROPRIETY

While the whole of the Code of Conduct applies, Members are also reminded that, the Code also makes it clear that they must:

- a) promote equality by not discriminating unlawfully against any person;
- b) treat others with respect; and
- c) not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the authority;
- d) not disclose information given in confidence by anyone, or information acquired which s/he believes to be of a confidential nature, without the consent of a person authorised to give it, or unless required by law to do so;
- e) not conduct himself in a manner which could reasonably be regarded as bringing his/her office or authority into disrepute.

## QUASI JUDICIAL FUNCTIONS

A Member who is a Member of one of the quasi judicial Committees of the Council (Planning, Licencing, Schools Admissions, and any further quasi judicial functions that the Council may undertake) must not use the website to comment on issues relating to any decision they may be required to take in the course of their responsibilities to that Committee or publish any material that indicates, or could be understood to indicate, that they have arrived at any decision that has not yet been taken (i.e that they have prejudged the matter).

## DEFAMATION

The rules of Defamation apply to websites and to blogs as they do to other communications. There is defamation when an untrue statement is made about a person other than the person making the statement. When a defamatory statement is recorded (e.g. in a letter, e-mail or on a website) it is called libel. When it is made verbally it is called slander. No member may publish defamatory material, or ask for it to be published on their behalf.

## COPYRIGHT

Members may not publish any item without obtaining the consent of the copyright owner. Members should be aware that, as a general rule, the creation of any original material, including artistic material, illustrations, computer programming, publications and documents, gives the copyright in that material to the person who created it whether or not the material is actually marked 'copyright'.

## DATA PROTECTION

Members may not publish any item which falls outside the Council's Data Protection notification. ([LINK to Council DP notification](#)).

Members must comply with data protection law and in particular must ensure that information published on the Member's website which identifies any other individual, does not breach that individual's data protection rights.

If in doubt the Member should seek advice from the Council's Data Protection Officer.

## OBSCENITY

It is a criminal offence to publish obscene material. Material is considered obscene in law if its effect is such as to tend to deprave and corrupt someone who is likely, having regard to all the relevant circumstances, to read, see, or hear it. Material containing foul language, and pornographic material, are examples which would be considered obscene.

It is not possible to provide an exhaustive list, and if in doubt the Member should seek advice from the City Solicitor.

## DISCRIMINATORY MATERIAL

A Member may not publish material which discriminates against, victimises or harasses any section of society, including on grounds of gender, race, religion, religious belief or sexual orientation. This prohibition on discrimination includes any material which may encourage or incite to racial hatred.

## PROCEDURES

Material for publication on the Member website will be submitted to the City Solicitor's service for consideration.

The officer responsible for uploading and maintaining material on the Member website will seek the City Solicitor's advice if in doubt as to whether material is suitable for publication.

Members are reminded that they are required to observe the Code of Conduct on Member/Employee Relations. ([LINK Code of Conduct on Member/Employee Relations](#))

COUNCILLOR'S UNDERTAKING

I will at all times use the site in good faith, in accordance with this Protocol, and will seek the City Solicitor's advice if in doubt as to whether material is suitable for publication

I recognise that the Council has discretion to remove, or refuse to upload, any information which it considers may breach this protocol or considers to be otherwise unacceptable.

Signed, Councillor .....

Date .....





# *Report*

**APPOINTMENT TO OUTSIDE BODY – CHANCE PROJECT****Report of the City Solicitor****1. Introduction**

The purpose of the report is to seek a nomination for Council representation on the Community Help and Help for Everyone (CHANCE) Project Management Committee.

**2. CHANCE Project**

A request has been received from the Chair of the CHANCE Management Committee requesting the Council to nominate a Council Member to sit on the Project's Management Committee.

Until the recent Ward boundary changes the Council was represented on the Project by a (then) Central Ward Councillor. Following the boundary change no replacement appointment was made and the Chair advises that at the last AGM it was agreed to request the Council to nominate Councillor M. Smith (Hendon Ward) to sit on the Project's Management Committee.

**4. Recommendations**

The Council is recommended to consider the request of the Chair of CHANCE to nominate Councillor M. Smith to sit on the Management Committee of the CHANCE Project.

