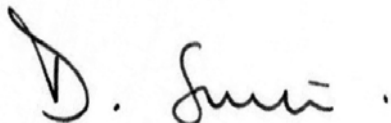


CIVIC CENTRE,  
SUNDERLAND  
12th November, 2010

**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, 24TH NOVEMBER, 2010** 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 the meeting of the Council held on 29th September 2010 (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. Written Questions (if any) under Rule 8.2.
9. To receive a report on action taken on petitions.
10. To consider the attached motions.
11. To consider the undermentioned report: -
  - (i) Appointments to Outside Bodies – The North Eastern Fisheries and Conservation Authority, the Great Eppleton Wind Farm Panel and the Sunderland Futures Partnership Board - Report of the Head of Law and Governance (copy herewith).



**CHIEF EXECUTIVE**

## Sunderland City Council

At a meeting of SUNDERLAND CITY COUNCIL held in the CIVIC CENTRE on WEDNESDAY, 29<sup>TH</sup> SEPTEMBER, 2010 at 6.00 p.m.

**Present:** The Mayor (Councillor T Martin) in the Chair

Councillors	Allan	Forbes, D.	Morrissey	Timmins
	Anderson	Forbes, M.	O'Connor	Trueman, D.
	Ball	Foster	Old	Trueman, H.
	Bell	Francis	Oliver	Wakefield
	Blackburn	Gibson, E.	Padgett	Walker
	Bonallie	Gibson, P.	Richardson, D.	Walton, J.
	Charlton	Gofton	Richardson, I.J.	Walton, L.
	Copeland	Hall, A.	Rolph	Watson, P.
	Dixon, M.	Howe	Shattock	Watson, S.
	Dixon, P.	Kay	Smith, D.	Williams
	Ellis	Kelly	Snowdon	Wilson, A.
	Emerson	McClennan	Speding	Wilson, D.
	Errington	MackKnight	Stewart	Wood
	Fairs	Mordey	Tate	Wright, A.
	Fletcher			

The Notice convening the meeting was read.

### Minutes

RESOLVED that:-

- (i) the minutes of the meeting of the Council held on 14 June 2010 (copy circulated) be confirmed as a correct record.
- (ii) the minutes of the extraordinary meeting of the Council held on 8 September 2010 (copy circulated) be confirmed as a correct record subject to an amendment to reflect the attendance at the meeting of Councillor A. Hall.
- (iii) the minutes of the extraordinary meeting of the Council held on 10 September 2010 (copy circulated) be confirmed as a correct record.

## Declarations of Interest

The following Councillors declared personal interests in the following items for the reasons indicated:-

Item 7(i) – Report of the Cabinet – Capital Programme Outturn 2009/10 and First Capital Programme Review 2010/2011	Councillor Charlton	Member of Sunnyside Partnership Governor Hylton Red House Academy
	Councillor P. Watson	Member of Sunnyside Partnership Member of Sunderland Partnership
	Councillor Speding	Member of the Joint Committee for the North of England Open Air Museum (Beamish)
	Councillor D. Wilson	Member of the Joint Committee for the North of England Open Air Museum (Beamish)
Item 7(ii) – Report of the Cabinet – Revenue Budget Outturn for 2009/10 and First Revenue Budget Review for 2010/2011	Councillor Charlton	Member of Sunnyside Partnership
	Councillor P. Watson	Alternate Director Newcastle International Airport Limited Director Newcastle International Airport Local Authority Holding Company Member of Sunderland Arc Member of Safer Sunderland Partnership Chairman of Sunnyside Partnership
	Councillor D. Wilson	Member of Safer Sunderland Partnership
	Councillor Gofton	University of Sunderland Board of Governors
Item 7(iii) – Report of the Cabinet – Final Approval of Sunderland's Economic Masterplan	Councillor Gofton	University of Sunderland Board of Governors
Item 7 (v) – Report of the Cabinet – Youth Justice Plan 2010/2011	Councillor P. Watson	Member of Safer Sunderland Partnership
	Councillor D. Wilson	Member of Safer Sunderland Partnership

Item 7(vii) – Report of the Cabinet – Review of Members’ Allowances Scheme

Councillor Allan, Anderson, Ball, Bell, Blackburn, Bonallie, Charlton, Copeland, M. Dixon, P. Dixon, Ellis, Emerson, Errington, Fairs, Fletcher, D. Forbes, M. Forbes, Foster, Francis, E. Gibson, P. Gibson, Gofton, A. Hall, Howe, Kay, Kelly, McClennan, MacKnight, T. Martin, Mordey, Morrissey, O’Connor, Old, Oliver, Padgett, D. Richardson, I. Richardson, Rolph, Shattock, D. Smith, Snowdon, Speding, Stewart, Tate, Timmins, D. Trueman, H. Trueman, Wakefield, Walker, J. Walton, L. Walton, P. Watson, S. Watson, Williams, A. Wilson, D. Wilson, Wood and A. Wright

Member of Council

Item 7(viii) – Report of the Cabinet – South Tyne and Wear Waste Management Partnership – PFI Update

Councillor H. Trueman

Member of South Tyne and Wear Waste Management Partnership Joint Executive Committee

Councillor Blackburn

Member of South Tyne and Wear Waste Management Partnership Joint Executive Committee

Item 11 – Notice of Motion on Academic Achievements and the Cancellation of BSF Funding

Councillor Tate

Governor of Hetton School

Councillor M. Forbes

Governor of St. Anthony’s Catholic Girls’ School

Councillor Wood

Governor of St. Aidan’s Roman Catholic Voluntary Aided School

Councillor Oliver

Governor of Farrington School

The following Councillor declared personal and prejudicial interests in the following item in respect of the reason indicated and left the Chamber during consideration thereof:-

Item 9 – Written Questions	Councillor Kay	Provider of future jobs fund vacancies through the City Region and the Council
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## **Mayor’s Announcements**

### **(i) Strategic Risk Award**

At the invitation of the Mayor, the Portfolio Holder for Resources, Councillor Allan informed the meeting of the Council’s success in the Alarm (Association for Local Authority Risk Management) Awards.

Stacy Hodgkinson won the Young Achiever of the Year for Risk Management.

The Mayor formally accepted the award on behalf of the Council.

### **(ii) 4 Children National Star Awards**

At the invitation of the Mayor, Councillor Stewart informed the meeting of the Council’s success in the National Star Awards.

Councillor Stewart thanked the young people, parents and carers who had contributed to the huge success of the project and the Mayor formally accepted the award on behalf of the Council.

### **(iii) Retirement of Mr. Bob Rayner, Chief Solicitor and Mr. George Blyth, the Director of Financial Resources from the Authority.**

The Mayor spoke on the retirement of Mr. Bob Rayner, Chief Solicitor, and Mr. George Blyth, Director of Financial Resources. He expressed gratitude and paid tribute to their service to the Council and wished them a long and happy retirement.

## **Reception of Petitions**

RESOLVED that the undermentioned petitions, submitted by the Councillors respectively named, be received and referred for consideration in accordance with the Council’s Petitions Scheme, to the Officers indicated below:-

- (i) Councillor Howe – petition from residents of Rockville, Fulwell regarding traffic issues along Rockville – Executive Director of City Services.
- (ii) Councillor McClennan – petition requesting the provision of a safe school crossing patrol for Valley Road Community Primary School – Executive Director of City Services.

## **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Chamberlin, Cuthbert, Essl, Heron, Maddison, L. Martin, Miller, Scaplehorn, J.B. Scott, J. Scott, P. Smith, Tye, Vardy, Wake, N. Wright and T.H. Wright.

## **The Cabinet reported as follows:-**

### **1. Capital Programme Outturn 2009/2010 and First Capital Programme Review 2010/2011 (including Treasury Management)**

That they had given consideration to a report of the Director of Financial Resources which had detailed:-

- the Capital Programme Outturn for 2009/2010;
- the outcome of the First Capital Review for 2010/2011 taking account of the Capital Programme Outturn 2009/2010;
- changes made to the Capital Programme 2010/2011 since its approval; and
- an update on progress in implementing the Treasury Management Borrowing and Investment Strategy for 2009/2010 and 2010/2011.

They had also referred the report to the Management Scrutiny Committee for advice and consideration. The Committee had agreed with the inclusion of the additional schemes and amendments in resourcing the Capital Programme since it had been approved by Council in March 2010.

Accordingly the Cabinet had recommended that Council approve the inclusion of the additional schemes and amendments in resourcing the Capital Programme as set out in the report.

### **2. Revenue Budget Outturn for 2009/2010 and First Revenue Budget Review for 2010/2011**

That they had given consideration to a report of the Director of Financial Resources which had detailed the Revenue Budget Outturn for 2009/2010 and the First Revenue Review 2010/2011 and, specifically, the approval of the virement of funds.

They had referred the report to the Management Scrutiny Committee for advice and consideration in the context of the virement of funds in the report relating to an earmarked reserve for pressures arising from the economic downturn and the Children's Placement Strategy Review together with transfers to the Strategic Investment Reserve to provide for capital programme priorities and the Improvement Programme. The Scrutiny Committee had agreed with the issues of virement as set out in the report.

Accordingly the Cabinet had recommended that Council approve the virement of funds as outlined in the report.

### **3. Final Approval of Sunderland's Economic Masterplan**

That they had given consideration to a report of the Deputy Chief Executive (copy circulated) seeking approval of the Sunderland Economic Masterplan, to agree to its adoption as the Prosperous City Chapter of the Sunderland Sustainable Community Strategy and to approve the governance arrangements that needed to be put in place to deliver the Economic Masterplan.

They had also referred the report to the Prosperity and Economic Development Scrutiny Committee. The Committee had welcomed the report and commented as follows:-

- the Masterplan was aspirational and needed a 'wow-factor' in order to retain young people in the City;
- outward migration had been an issue for many years and was an ongoing problem;
- the difficulties of attracting investment to the City in times of recession;
- the problems of the benefits culture and high levels of unemployment;
- the need to create a civic identity for Sunderland;
- the need to ensure students felt safe in the City;
- the benefits of improving the public transport system in Sunderland such as the re-introduction of a tram network or the provision of electric buses;
- the problems associated with the slow pace of development of both the Holmeside and Vaux sites;
- City Centre development should not be to the detriment of outlying retail centres in Washington, Houghton and Hetton;
- development may be hindered given the reluctance of the banks to make finance available;
- the lack of top quality hotel accommodation was a factor in delaying the development of the City as a visitor attraction.

The Cabinet had recommended the Council to:-

- (i) approve the Sunderland Economic Masterplan;
- (ii) agree to the establishment of an Economic Leadership Board to be responsible for overseeing its delivery; and
- (iii) agree to the establishment of a set of Aim Delivery Groups to manage the day to day activity required.

### **4. Government Grant Reductions for 2010/2011 and the Emergency Budget**

That they had given consideration to a report of the Director of Financial Resources (copy circulated) which had provided details of the impact of Government grant reductions for 2010/2011 and subsequent amendments to

the revenue budget and capital programme for 2010/2011 in the light of the reductions. The report also provided details of the Coalition Government's Emergency Budget and the emerging medium term financial position.

They had also referred the matter to the Management Scrutiny Committee for advice and consideration and the Committee had accepted the report.

The Cabinet had recommended the Council to approve the proposed actions set out in Section 3 of the report in respect of addressing the Government grant reductions for 2010/2011 and subsequent amendments to the revenue budget and capital programme for 2010/2011 to accommodate those reductions.

## **5. Youth Justice Plan 2010/2011**

That they had given consideration to a report of the Acting Executive Director of Children's Services (copy circulated) seeking approval to the publication and distribution of the Youth Justice Plan 2010/2011. The report had outlined the background, purpose and intentions of the Plan.

They had also referred the report to the Children, Young People and Learning Scrutiny Committee for further advice and consideration. The Committee had considered and endorsed the Youth Justice Plan prior to its submission to the Youth Justice Board.

Accordingly the Cabinet recommended the Council to consider the contents of the report and approve the Youth Justice Plan 2010-2011 and agree to its publication and distribution.

## **6. Updating the Constitution**

That they had given consideration to a joint report of the Chief Executive and the Chief Solicitor (copy circulated) which had proposed further amendments to the Constitution.

Accordingly the Cabinet recommended the Council to note and endorse as appropriate:-

- (i) the amendments to the terms of reference of the Scrutiny Committees and the Audit and Governance Committee;
- (ii) that the Director of Human Resources and Organisational Development in consultation with the Director of Financial Resources, be granted delegated powers to consider and, where appropriate, approve all future requests for flexible retirement where it was considered to be in the employer's interest to approve the request, subject to such decision being reported to Personnel Committee for information and subject also to the right of appeal to the Personnel Committee against any such refusals being conferred upon the employee;



- (iii) to give notice of its intention to apply Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 in its area and that it was intended such restrictions should come into force on the date that was two months after the date on which the resolution was passed (to regulate further sex establishments); and that the delegated powers of the Executive Director of City Services be revised to reflect new legislative requirements as set out in the report to the Licensing Committee of 6 September 2010 (copy circulated).
- (iv) the Protocol for Members in relation to licensing matters be amended as set out in the report to Licensing Committee of 6 September 2010 (copy circulated).
- (v) the arrangements for the transfer of delegated powers and the position of Monitoring Officer set out in paragraph 4.5.1 of the report, to give effect to the Council's revised management structure.

## **7. Review of Members' Allowances Scheme**

That they had given consideration to a joint report of the Chief Executive, the Director of Financial Resources and the Chief Solicitor (copy circulated) on proposals for a review of the current Members' Allowances Scheme and for the membership of the Independent Remuneration Panel which would make recommendations to the Council on the allowances to be paid to Members.

Accordingly the Cabinet recommended the Council to:-

- (i) agree that a review of the current Members' Allowances Scheme be undertaken; and
- (ii) agree that the Chief Executive, the Chief Finance Officer and the Monitoring Officer be given delegated powers to take all necessary action to facilitate the review including the appointment of the Independent Remuneration Panel.

## **8. South Tyne and Wear Waste Management Partnership – PFI Update**

That they had given consideration to a report of the Executive Director of City Services (copy circulated) on the procurement process to date and financial costs in relation to arrangements for residual waste treatment services Private Finance Initiative (PFI) Project by the South Tyne and Wear Waste Management Partnership.

The Cabinet recommended the Council to:-

- (i) note and endorse the procurement process to date; and

- (ii) agree that the total financial costs over the lifetime of the project and the commitment to meeting the annualised cost, as set out in paragraph 5.1 in the body of the report; be approved as an amendment to the budget.

They had also referred the report to the Management Scrutiny Committee for advice and consideration.

The Committee had considered the report and the following comments and enquiries had been raised at the meeting:-

- the relationship between Council funding and site ownership;
- would the Council benefit from the sale of commercial outputs;
- further information was required regarding technical issues such as the disposal of different kinds of waste;
- the cost of having a Waste Management Solution for Sunderland only.

Members of the Committee had commented that their ability to come to an informed decision as to whether to recommend the Council to amend the budget to include the financial costs of the Project was limited given these outstanding enquiries which remained commercially sensitive.

The Leader of the Council, duly seconded by the Deputy Leader of the Council, moved the report of the Cabinet.

Councillor M. Forbes, seconded by Councillor Morrissey, then moved that Item 8 of the Cabinet report be referred back to Cabinet for further consideration in the light of the implications and costs of the PFI Project.

Upon being put to the vote, the reference back was defeated with 42 Members voting against, viz:-

The Mayor (Councillor T. Martin)

Councillors	Allan	Fletcher	Mordey	Tate
	Anderson	Foster	O'Connor	Timmins
	Ball	Gibson, E.	Old	Trueman, D.
	Bell	Gibson, P.	Padgett	Trueman, H.
	Blackburn	Gofton	Richardson, D.	Walker
	Bonallie	Hall, A.	Rolph	Watson, P.
	Charlton	Kay	Shattock	Watson, S.
	Copeland	Kelly	Snowdon	Williams
	Dixon, P.	McClennan	Speding	Wilson, A.
	Emerson	MacKnight	Stewart	Wilson, D.
	Errington			

And 16 Members voting for, viz:-

Councillors	Dixon, M.	Forbes, M.	Oliver	Walton, J.
	Ellis	Francis	Richardson, I.J.	Walton, L.
	Fairs	Howe	Smith, D.	Wood
	Forbes, D.	Morrissey	Wakefield	Wright, A.

It was, accordingly:

RESOLVED that the views of the Scrutiny Committees be noted and the report of the Cabinet be approved and adopted.

**The Audit and Governance Committee reported and recommended as follows:-**

**1. Annual Report on the Work of the Audit and Governance Committee 2009/2010**

That they had given consideration to a report by the Director of Financial Resources and Chief Solicitor (copy circulated) on the work of the Audit and Governance Committee during 2009/2010, being the first Annual Report to Council.

Accordingly, the Committee had recommended that Council note the Annual Report on the Work of the Audit and Governance Committee 2009/2010.

**2. Treasury Management Review of Performance 2009/2010**

That they had given consideration to a report by the Director of Financial Resources (copy circulated) on 29 June 2010 on the annual borrowing and investment performance for the financial year 2009/2010, produced in accordance with the requirements of the Treasury Management Policy and Strategy, agreed by Council, and reported to Council to comply with the requirements of the new CIPFA Treasury Management Code of Practice.

The report had also been noted at the Cabinet meeting held on 21 July 2010.

Accordingly, the Committee had recommended Council to note the Treasury Management Review of Performance 2009/2010.

RESOLVED that the report of the Audit and Governance Committee be noted.

**Written Questions under Rule 8.2**

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.

**Action Taken on Petitions**

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

**(i) Petition requesting that the Council takes action to deal with vehicles parked at the junction of Crow Lane and the A690 causing difficulty for drivers and pedestrians. Presented by Councillor Robert Oliver on 25th November 2009**

The former Development and Regeneration Directorate (D & R) had received a request in relation to this matter from Councillor Robert Oliver on 8th February 2009. Records from the former D & R directorate had indicated that following a meeting on site on the 10th February 2009 it had been agreed with Councillor Oliver that a scheme to extend existing waiting restrictions on Durham Road for a distance of 10m into Crow Lane would be implemented, subject to satisfactory consultation regarding the proposed traffic regulation order. However the scheme as proposed was not progressed at that time.

Following receipt of the petition on 25 November 2009 the Executive Director of City Services, in consultation with local ward members and the portfolio holder for Attractive and Inclusive City, approved the petition request and instructed officers to take action to ensure that the scheme was delivered as part of the year's (2010/11) Local Transport Plan (LTP) capital programme. It was anticipated that the scheme would be completed during the autumn 2010.

Cllr Robert Oliver and the Lead Petitioner were to be notified.

**(ii) Petition from residents of Lakeside Towers requesting the provision of additional parking for residents. Presented by Councillor Alan Wright on 31st March 2010**

The petition had been signed by 291 residents.

The Executive Director of City Services had considered the petition and following consultation with Councillor Blackburn, Portfolio Holder for Attractive and Inclusive City, had determined that the petitioners' request should be declined on the grounds that the Council had no duty or funding available, to provide residential parking facilities. Instead, the petitioners were to be advised to approach Gentoo directly about their request for additional parking.

Councillor Wright and the lead petitioner had been notified of the Executive Director's decision.

**(iii) Petition requesting the provision of a pedestrian crossing on Silksworth Road in the vicinity of Oakfield Court. Presented by Councillor Alan Wright on 24th June 2009**

The Executive Director of City Services had considered the petition and following consultation with Councillor Blackburn, Portfolio Holder for Attractive and Inclusive City, had determined that the petitioners' request should be declined on the grounds that the location did not meet the required criteria in terms of pedestrian/vehicular conflict, the numbers of pedestrians wishing to cross and the accident history.

Councillor Wright and the Manager of Oakfield Court Retirement Housing had been notified of the Executive Director's decision.

**(iv) Petition requesting Urgent Action to be taken to make improvements to Hetton Cemetery, in respect of repairs to roads, pathways and fencing, better maintenance of landscape and inclusion of floral displays to make the cemetery a better resting place and attractive to visitors. Presented by Councillor Tate on 27 January 2010**

The petition had contained 838 signatures.

Officers of the City Services Directorate had inspected the cemetery and the action identified below had been taken to make some immediate improvement:

- footpaths were treated to limit growth of moss,
- railings received preparation work to enable paintwork to be carried out, and
- the conifer hedge facing Houghton Road was reduced in height and trimmed.

In addition to this a technical survey of all pathways and roads in the cemetery was underway in order to identify necessary remedial works and funding implications.

Grounds maintenance standards would be monitored and grass cutting commenced in April 2010. The floral beds were replanted in early summer (May – June 2010) as part of the regular maintenance of the Cemetery and would continue to be maintained.

Further work on walls and footpaths would be progressed when resources become available.

Councillor Tate and the petitioners had been notified of the Executive Director's decision.

**(v) Petition from local residents requesting the provision of a controlled pedestrian crossing on Mill Hill Road. Presented by Councillor E. Gibson on 14 June 2010.**

Officers of the City Services Directorate had met with local Ward Councillors to discuss the petition and a possible solution to resolve the issues raised. It had been agreed that traffic refuges would be constructed along Mill Hill Road along with hatching to narrow the road to provide both a variety of safer places to cross the road and also to slow traffic down along it. The works were to be funded using a mixture of Area Committee and Local Transport Plan funding. Local residents had been consulted and work was about to start on site to construct the scheme.

- (vi) Petition from local residents requesting traffic calming in the area around Leafields and Faber Road and expressing concern over the lack of consultation on the play park and anti-social behaviour caused by this play park. Presented by Councillor R. Copeland on 14 June 2010.**

Officers of the City Services Directorate had completed investigations into the issues raised in the petition. The area was undergoing a major transformation and as part of this the road network was being modified to deal with these changes. The local Ward Councillors had been consulted. A formal decision was anticipated to be made in the week commencing 11th October 2010

- (vii) Petition from local residents requesting the extension of parking restrictions in the Leazes. Presented by Councillor P. Dixon on 14 June 2010.**

Officers of the City Services Directorate had inspected the site to determine the extent of the parking issues. At the time of the inspection soon after the petition was received there had been no issues observed that warranted acceding to the request. However officers had been mindful that the parking problems were dominated by students at the University parking their cars in the locality and at the time there were few students attending the university. Therefore surveys would be organised to be undertaken in late September and early October when the University was fully in session and then a fully considered response to the petition would be prepared.

### **Notices of Motion – Academic Achievements and the Cancellation of BSF Funding**

Councillor Stewart, seconded by Councillor Bell, moved the following motion in relation to Academic Achievements and Cancellation of BSF Funding:-

“This Council wishes to congratulate all our students in the academic achievements they have reached this summer, culminating in the best set of GCSE results in the City’s history. In doing so, we recognise that to achieve their best, students need high quality teachers and resources to ensure they have the opportunity to reach their full potential.

This Council therefore reaffirms its current commitment to education as a top priority, but recognises that ensuring all pupils reach their full potential requires equal commitment from central government. It therefore notes with regret and disappointment the recent actions of the new coalition government – such as the cancelling of BSF funding – have called into question their commitment. This Council therefore urges the coalition government in its autumn spending review to reverse these cuts and reaffirm their commitment to quality education for all.”

Councillor Allan moved that an extension of the time limit for Councillor Stewart’s speech be agreed by Council and on being put to the meeting the extension was agreed.

Councillor Morrissey moved, and was duly seconded, that an extension of the time limit for Councillor Wood's speech be agreed by Council and upon being put to the vote, the motion was defeated with 14 Members voting for the extension, viz:-

Councillors	Dixon, P.	Francis	Smith, D.	Walton, L.
	Ellis	Morrissey	Wakefield	Wood
	Fairs	Oliver	Walton, J.	Wright, A.
	Forbes, M.	Richardson, I.J.		

39 Members voting against, viz:-

Councillors	Allan	Fletcher	Mordey	Timmins
	Anderson	Foster	Old	Trueman, D.
	Ball	Gibson, E.	Padgett	Trueman, H.
	Bell	Gibson, P.	Richardson, D.	Walker
	Blackburn	Gofton	Rolph	Watson, P.
	Bonallie	Hall, A.	Shattock	Watson, S.
	Charlton	Kay	Snowdon	Williams
	Copeland	Kelly	Speding	Wilson, A.
	Emerson	McClennan	Stewart	Wilson, D.
	Errington	MacKnight	Tate	

and one abstention, viz:-

The Mayor (Councillor T. Martin).

Councillor Stewart then replied to the points raised in the debate on his motion.

Upon being put to the vote, the motion was carried, with 44 Members voting for, viz:-

The Mayor (Councillor T. Martin)

Councillors	Allan	Errington	Mordey	Timmins
	Anderson	Fletcher	Old	Trueman, D.
	Ball	Foster	Padgett	Trueman, H.
	Bell	Gibson, E.	Richardson, D.	Wakefield
	Blackburn	Gibson, P.	Rolph	Walker
	Bonallie	Gofton	Shattock	Watson, P.
	Charlton	Hall, A.	Smith, D.	Watson, S.
	Copeland	Kay	Snowdon	Williams
	Dixon, P.	Kelly	Speding	Wilson, A.
	Ellis	McClennan	Stewart	Wilson, D.
	Emerson	MacKnight	Tate	

And 10 Members voting against, viz:-

Councillors	Fairs	Howe	Walton, J.	Wood
	Forbes, M.	Morrissey	Walton, L.	Wright, A.
	Francis	Oliver		

It was, therefore:

RESOLVED that this Council wishes to congratulate all our students in the academic achievements they have reached this summer, culminating in the best set of GCSE results in the City's history. In doing so, we recognise that to achieve their best, students need high quality teachers and resources to ensure they have the opportunity to reach their full potential.

This Council therefore reaffirms its current commitment to education as a top priority, but recognises that ensuring all pupils reach their full potential requires equal commitment from central government. It therefore notes with regret and disappointment the recent actions of the new coalition government – such as the cancelling of BSF funding – have called into question their commitment. This Council therefore urges the coalition government in its autumn spending review to reverse these cuts and reaffirm their commitment to quality education for all.

### **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 – The Port Board, the Children, Young People and Learning Scrutiny Committee, the Northumbria Centre Sports Trust, Raich Carter Sports Centre Management Board and the Sunderland Sports Council**

The Chief Solicitor submitted a report (copy circulated) requesting Council to consider its representation on the Port Board, the Children, Young People and Learning Scrutiny Committee, Northumbria Centre Sports Trust, Raich Carter Sports Centre Management Board and the Sunderland Sports Council.

(For copy report – see original minutes).

Councillor P. Watson moved that the recommendations contained in the report be approved, and it was:-

RESOLVED that:-

- (i) Mr. Keith Wilson be appointed as a co-opted member on the Port Board;
- (ii) the resignations of Professor G. Holmes and Mr. S. Laverick from the Children, Young People and Learning Scrutiny Committee be noted and Mr. Kevin Morris and Ms. Suzanne Duncan be appointed as replacement representatives;



- (iii) Mr. Alan Patchett, Director, Age UK, be appointed as a co-opted member on the Health and Well-Being Scrutiny Committee for the year 2010/2011;
- (iv) the Portfolio Holder for Attractive and Inclusive City be nominated as the Council's representative on the Northumbria Centre Sports Trust, the Raich Carter Sports Centre Management Board and the Sunderland Sports Council in place of the Portfolio Holder for Safer City and Culture;
- (v) the Portfolio Holder for Sustainable Communities and the Head of Planning and Environment be appointed as the Council's representatives on the Limestone Landscapes Partnership Board.

(Signed) T. MARTIN,  
Mayor.

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

### **1. Budget Planning Framework 2011/2012**

That they have given consideration to a report of the Director of Financial Resources (copy attached) outlining the Key Factors influencing the development of the Revenue Budget for 2011/2012 and financial plans into the medium term which set out the budget planning framework for the Council for 2011/2012 and provide the basis of developing the Medium Term Financial Strategy.

They also referred the report to the Management Scrutiny Committee for its comments in the context of the approved consultation arrangements for the Council's budget. The Scrutiny Committee accepted the report and Members commented that they awaited the detail of the Government's Spending Review.

Accordingly, the Cabinet recommends the Council to approve the proposed budget planning framework which will guide the preparation of the Revenue Budget for 2011/2012.

### **2. Capital Programme Second Review 2010/2011 (including Treasury Management)**

That they have given consideration to a report of the Director of Financial Resources which detailed:-

- the reprofiling of projects since the First Capital Programme Review was reported;
- the inclusion of additional schemes and revisions to costs and resourcing for 2010/2011 since the First Capital Programme Review was reported;
- the overall updated Capital Programme following the Second Review; and
- an update on progress on implementing the Treasury Management Strategy for 2010/2011.

They also referred the report to the Management Scrutiny Committee for advice and consideration in the context of inclusion of additional schemes for 2010/2011 costing over £250,000 which are set out in the attached extract. The Children, Young People and Learning Scrutiny Committee had raised concerns in relation to safeguarding, which the Portfolio Holder had taken into consideration before making a decision and had provided the Scrutiny Committee with an appropriate reply. The Management Scrutiny Committee

now accepted the proposed additional scheme as set out in the extract to the report.

Accordingly, the Cabinet recommends the Council to approve the inclusion of the additional scheme for 2010/2011 and associated resourcing of the Capital Programme since the First Review of the Capital Programme was approved by Council in September 2010.

### **3. Licensing Act 2003 – Approval of Amendments to the Council’s Licensing Policy Statement**

That they have given consideration to a joint report of the Executive Director of City Services and the Head of Law and Governance Services and the Head of Law and Governance (copy attached) seeking approval of the revised Licensing Policy Statement.

They also referred the report to the Community and Safer City Scrutiny Committee for its comments in the context of the Council’s obligation to review the Statement of Licensing Policy in order to fulfil its statutory duty. The Scrutiny Committee endorsed the report but also expressed a wish that the policy indicated that the Council would deter what councillors perceived as a surfeit of licences in particular areas of the city.

Accordingly, the Cabinet recommends the Council to consider the amendments to the policy and to approve the Licensing Statement under the Licensing Act 2003.

## **Cabinet 6<sup>th</sup> October 2010**

### **Budget Planning Framework 2011/2012**

#### **Report of the Chief Executive and Director of Financial Resources**

##### **1.0 Purpose of Report**

This report identifies the key factors influencing the development of the Revenue Budget for 2011/2012 and financial plans into the medium term, and sets out the budget planning framework for the Council for 2011/2012 and provides the basis of developing the Medium Term Financial Strategy.

##### **2.0 Description of Decision**

2.1 Cabinet is requested to agree the proposed budget planning framework summarised at paragraph 7 which will guide the preparation of the Revenue Budget for 2011/2012.

##### **3.0 Financial Outlook**

In developing the budget planning framework for 2011/2012 there is a need to consider:

- the national economic position and various key economic indicators;
- the latest position regarding the impact of the 'in year' reductions to government grants and the impact of the Emergency Budget announced by the Coalition Government, as reported to Cabinet on 21<sup>st</sup> July 2010;
- how the Council needs to respond both in the short and medium term in order to continue to meet the Council's priorities taking into consideration the wide range of uncertainties.

##### **National Financial Outlook**

3.1 The following key economic indicators illustrate the overall national economic position and outlook:

##### **Government Borrowing**

3.1.1 The financial crisis in the banking sector and the economic downturn that followed led to a significant increase in government borrowing as a result of resources being used to support financial institutions and to seek to stimulate the economy. Government forecasts, prior to the action to reduce the current budget deficit, show:

- total borrowing is estimated to increase from £772.1 billion at the end of 2009/2010 to £1,284 billion in 2014/2015;
- in year borrowing is estimated to increase from £155.1 billion 2009/2010 to £159.9 billion in 2010/2011;

- debt servicing costs are set to increase from £30.9 billion to £67.2 billion by 2014/2015.

As a consequence, in addition to the costs of debt servicing, there is pressure to repay debt in order to reduce the level of debt to a more sustainable level in the longer term.

### **Inflation**

- 3.1.2 The rate of CPI has been above the Bank of England target level of 2% and above the 3% level that requires the Governor of the Bank of England to write to the Chancellor of the Exchequer explaining the reasons why target levels have been exceeded. However, CPI is influenced by Government taxation policy, which will have seen VAT changes both up and down three times during the last three years.

A clearer measure of 'real' inflation can be CPIY which excludes the effect of tax changes. In 2010, CPIY peaked at 2.0% in April and has fallen in consecutive months to 1.7%, 1.6% and 1.4% which gives a much more accurate picture of 'real' inflation. However, there has been recent coverage in the media relating to specific price increases relating to food and clothing.

Latest forecasts suggest that the relatively low level of inflation currently being experienced will remain for 2011/2012. These indicators are set out below:

#### **Average of Forecasts 2011/2012**

- Consumer Price Index (CPI) – 2.0%
- Retail Price Index (RPI) – 3.55%

The position will continue to be regularly monitored and revised.

### **Interest Rates - Base Rate**

- 3.1.3 The all time low Bank Base Rate has remained consistent since March 2009 at 0.5%, with views varying on when an increase in interest rates will occur. Major factors will include the levels of growth and inflation within the economy and how those are viewed by the Monetary Policy Committee. The Council's treasury management advisors, Sector, have recently revised their forecast for the timing of an increase in the current Base Rate of 0.5%, from quarter 1 to quarter 3 of 2011.

The position will continue to be regularly monitored and revised.

## **Local Position - Resources**

- 3.2 The latest position in respect of the impact locally of the Coalition Government's announcements on reducing the deficit are set out below:

### **'In Year' Grant Reductions**

- 3.2.1 The Coalition Government announced on 17<sup>th</sup> May reductions in public expenditure of £6.243bn with direct impact on Local Government funding of £1.165bn. In reality, the impact on Local Government is much greater because Local Government is directly affected by other Departmental reductions. Whilst the detail of managing the implications of the reductions were included in the report to Cabinet of 21<sup>st</sup> July 2010, in summary, the actions taken to date will enable the full year impact to be addressed in 2011/2012. For budget planning purposes, it is assumed that the 'in year' grant reductions will be ongoing into future years.

## **Impact of the Emergency Budget and Other Consultation Papers**

### **Overall Resource Position**

- 3.2.2 The Emergency Budget announced on 22<sup>nd</sup> June 2010 was the first step in addressing the government budget deficit. In total £61 billion of Departmental budget reductions over the next 4 years (2011/2012 to 2014/2015) were announced with Health and Overseas Aid budgets to be ring-fenced and schools partly protected. This means that other Departmental Expenditure Limit figures will be cut by at least 25% in real terms over the next 4 years with potential for over 33% reductions because of the impact of protection.

Initial broad assessments based on a 25% - 33% cut in grants would mean a potential reduction of £54m to £71m over the next four years (£13m to £18m per annum) for Sunderland. However, this is before the impact of year on year spending pressures is taken into account, therefore the overall impact will be even greater.

It should be noted that there is significant uncertainty with these initial assessments and that further information will not be known until the Comprehensive Spending Review 2010 is announced on 20th October. However, even then the true impact locally for 2011/2012 will not be advised until the Revenue Support Grant settlement date currently scheduled for early December.

It is also worth noting, that in a speech to the Local Government Association on 27<sup>th</sup> July, the Secretary of State for Communities and Local Government, Eric Pickles, stated that ministers were contemplating giving councils consecutive two year settlements to cover the next spending review period. As well as pushing significant financial reform back until 2013/2014, such a move would mean councils will know nothing about the level of grant they will receive in 2013/2014 or 2014/2015. Although a final decision has not yet been made on the settlement, it was stated that reform would be the focus of

the second settlement. Obviously, this will reduce the level of certainty within the Medium Term Financial Planning for those years.

### **Revenue Support Grant - Formula Review**

- 3.2.3 The Coalition Government has been reviewing the formula used to allocate Revenue Support Grant. A consultation paper has been issued which proposes a number of changes to the formulae. It should be noted that the outcome of the consultation will not inform the quantum of resource allocation for local government, which will be determined by the Comprehensive Spending Review. However, the revisions to the formulae will determine how the total resource is allocated to individual authorities.

The options presented in the consultation paper are around the source data used in the formulae and whether this should be updated or different formulae used. Details of the proposals and options are set out at Appendix A together with an indication of the impact of each on the Council and the best and worst case scenarios to the Council of each option.

In summary, the range of grant options shows that the Council faces a wide range of possible changes to its grant allocation for 2011/2012 onwards before any reductions are taken into account from the government's Comprehensive Spending Review cut backs. The range of Formula Grant changes for the Council ranges from additional grant of £3.350 million to a loss of grant of £7.492 million depending upon the options selected by ministers.

A response to the consultation paper is currently being progressed by both the Special Interest Group of Municipal Authorities (SIGOMA) and the Association of North East Councils (ANEC), which the Council will help inform to try to achieve the best grant settlement for the Council. The Council will also submit its own response to the consultation paper in an attempt to influence the options selected by ministers.

The Local Government Finance Settlement 2011/2012, to be received in early December, will provide details of the options ministers implement and the impact they will have on the Council's grant allocation and this will be reported to Cabinet.

### **Council Tax**

3.2.4 The following announcements have been made by the Coalition Government regarding income raised through Council Tax. The proposals are expected to be incorporated into the Spending Review:

#### **Council Tax Freeze**

The Coalition Government has stated that they will work in partnership with local authorities to freeze Council Tax for 2011/2012 and will offer some limited grant incentive for low spending councils to achieve this impact on the budget for next year.

If grant funding is provided, the difficulty will be the replacement of the one off resource once the grant funding ends, leading to a shortfall in funding for the longer term.

#### **Veto on rises in Council Tax**

The Coalition Government is also currently consulting on proposals to introduce a new system in respect of limiting the amount of council tax increases, the details of which are set out below:

- The Secretary of State will have power each year to determine principles in respect of council tax increases based on a comparison with the level in the previous year. These principles are to be published at around the same time as the Local Government Finance Settlement in December/January. The Secretary of State will also have power to determine different sets of principles for different categories of local authorities.
- Any authority which exceeds the published principles will be required to produce two budgets, a proposed budget based on the proposed council tax increase and a shadow budget based on the principles set by the Secretary of State. A referendum of all registered local electors would then have to be held to determine whether or not the proposed budget council tax increase goes ahead. There will be no minimum requirement for voter turnout and the conclusion will be based upon a simple majority vote.
- If the proposed council tax rise is rejected, the Authority will need to adopt the shadow budget, amend its council tax, and issue new council tax bills.

The potential additional costs of a referendum and rebilling could be up to £280,000 in a year when no local government elections take place. Therefore, any proposal to increase council tax above the Government's principles would need careful consideration, as, regardless of the outcome of the vote, there are costs which could in effect negate the benefits from the council tax increase.



### **Income from Fees and Charges**

- 3.2.5 The Coalition Government announced in the Emergency Budget in June 2010 that the standard rate of VAT is to increase from 17.5% to 20% from 4<sup>th</sup> January 2011.

Consideration will be given to the Council's fees and charges policies to reflect the new VAT rate and the timing of increases in fees and charges, to reduce administrative costs. In proposing increases in charges the economic context will be taken into account to ensure that increases are appropriate and sustainable.

### **Schools Funding Latest Position**

- 3.2.6 Schools funding is separate from the Revenue Support Grant system and is funded through the ring-fenced Dedicated Schools Grant (DSG). However, non-schools Education services (Local Authority Central Education Functions) are still financed through the Revenue Support Grant system.
- 3.2.7 The Department for Education is consulting, until October 2010, on school funding for 2011/2012. This includes proposals for a pupil premium and the distribution of the Dedicated Schools Grant.

### **Review of DSG and Pupil Premium**

The pupil premium will be in the form of a separate grant which schools will decide how to use. The amount will not be known until the Comprehensive Spending Review is announced in October and the consultation is focused on the most appropriate means by which deprivation can be measured at individual pupil level. The Coalition Government is considering using eligibility for free school meals (FSM) and the annual looked after children return made by Local Authorities to distribute funding.

This data provides transparent pupil level analyses however there are well acknowledged problems with low and uneven take up of FSM. Additional consideration is to include all pupils who have been eligible in either the past 3 or 6 years. This additional element will provide additional funding to schools where pupils move in and out of FSM eligibility. Sunderland's FSM numbers would increase from 20% to 25% and 30% respectively.

The Pupil Premium will vary between Local Authorities to reflect the level of funding currently received for deprivation. The consultation seeks views on whether the pupil premium should be higher in areas with pockets of deprivation. This would take funding away from areas with high levels of deprivation such as Sunderland.

To allow for the smooth introduction of the pupil premium from September 2011, the Coalition Government proposes that the current methodology for allocating the Dedicated Schools Grant (known as the 'spend plus' system) should continue for 2011/2012. Subject to the spending review, some existing grants will be 'mainstreamed' into the Dedicated Schools Grant.

However, it should be recognised that whatever basis is used the introduction of the premium would cause variation in funding between schools compared to the existing formula as the current deprivation total would need to be top sliced before the remaining sum is allocated through the current formula. The School's Forum formula review group is currently considering the implications and potential mitigation of large variations through transitional arrangements. The response to the consultation will take these issues into account.

### **Academies / free schools**

The principle of Academies' funding is that they should receive the same level of per-pupil funding as they would receive from the local authority as a maintained school. In addition, they receive top-up funding to meet additional responsibilities that are no longer provided for them by the local authority. The methodology for funding Academies from 2011/2012 onwards, including the calculation of the Local Authority Central Services Equivalent Grant is subject to review. It is essential that the funding to be retained by Local Authorities reflects the areas and ongoing commitments for which the local authority retains responsibility, especially School based redundancies and SEN support services.

### **Minimum Cash Increase Element**

Included within the current Dedicated Schools Grant methodology is a minimum cash increase of 2% which was established to protect authorities with sharply falling school rolls. Sunderland, over the last few years has benefited from this floor protection. At this stage it is unclear whether this arrangement is to continue. Any change or removal of this floor will impact on funding received to support the local authority and schools.

A response to the consultation paper which needs to be returned by 18<sup>th</sup> October 2010 is being progressed by Officers and Sunderland's Schools Forum.

### **Funding Changes for 16-19 year olds**

3.2.10 The Coalition Government intends to simplify the administration of funding to 16-19 year olds in General Further Education colleges and sixth forms. This involves transferring the local authority responsibility for payment and monitoring to the Young People's Learning Agency. The implications on how the new arrangements will operate in practice are still to be received and these will be considered as part of the Budget process in 2011/2012.

### **Area Based Grant (ABG) and Specific Grant Funding**

3.2.11 As previously reported to Cabinet, the Coalition Government announced reductions to revenue grants of £5.150m in 2010/2011, principally area based

grants (£4.054m). In addition, some de-ring fencing of grants to allow councils to exercise flexibility in meeting reduced funding allocations was notified in June. It is anticipated that greater relaxation of rules regarding the use of specific grant funding will be a feature of the Comprehensive Spending Review.

In accordance with the previously adopted approach to the passporting of area based grants to relevant service areas, it is proposed that where grant reductions are announced for both specific and area based grants, that services reduce their activity accordingly to reflect the reduced level of resources available.

### **3.3 Transfers of Responsibility**

#### **Learning Disability Commissioning Transfer Grant**

3.3.1 Responsibility for the funding and commissioning of social care for adults with learning disabilities transferred from the NHS to local government in April 2009. This funding is historical and relates partly to the closure of long stay hospitals in the 1980's resulting in clients moving to residential care homes or supported living arrangements and NHS campuses. Funding was transferred to Local Authorities from PCT's. It was agreed that, for the remaining years of the current spending review, 2009/2010 and 2010/2011, transfers would be carried out and reported to the Department of Health (DOH). From 1st April 2011, funding will be transferred centrally from the NHS budget to Social Care and issued directly to local authorities.

A consultation is due to end on 6th October for local authorities to comment upon the proposed options for the distribution of the grant from 1st April 2011. Sunderland currently receives £10.806m in funding. There are two options for how this grant will be distributed:

- The first option is for the grant to be distributed in proportion to the current arrangement and would therefore result in £10.806m continuing to be received, i.e. no loss of grant.
- The second option is to distribute the grant using the younger adults social care relative needs formulae which is used as part of the calculation of the Formula Grant and is used to distribute many of the DOH Social Care grants. This option would result in a reduction of grant to Sunderland of approximately £1.4m.

The DOH's and the Council's preferred option is option 1 and Sunderland will be responding to the consultation on that basis.

#### **Other potential transfers**

3.3.2 In July 2010 the Coalition Government released The White Paper Equity and Excellence: Liberating the NHS which sets out the Government's strategy for the NHS. The white paper is accompanied by a suite of papers to allow the government to carry out public consultation on specific aspects of the White paper.

'Local democratic legitimacy in health' provides information on proposals for increasing local democratic legitimacy in health, through a clear and enhanced role for local government. Through elected members, local authorities will bring greater local democratic legitimacy to health. They will bring the perspective of local place - of neighbourhoods and communities - into commissioning plans. Local authorities can take a broader, more effective view of health improvement. They are uniquely placed to promote integration of local services across the boundaries between the NHS, social care and public health.

### **Role of Local Authorities**

A Public Health Service will be created, local health improvement functions will be transferred to local authorities, strengthening the role of local authorities in improving public health, improving local accountability and rewarding the progress that communities make. Councils will become responsible for a newly ring-fenced public health budget, currently around £4bn a year. Local Directors of Public Health will be employed by local authorities and jointly appointed by local authorities and the Public Health Service. Local Directors of Public Health will have statutory duties in respect of the Public Health Service. No indication has yet been given to individual authority allocations that form part of the overall £4bn a year funding available but it is an important development for the council to consider.

The consultation period ends on 11th October 2010. The Adult Social care partnership board are considering the implications and the board are formulating a response, led by officers within Health Housing and Adult services. The implications of the transfer will be taken into account as we go through the budget process.

### **Place Based Budgeting / Community Budgets**

- 3.4 The government has strongly indicated that it is ready to introduce Place Based Budgeting or Community Budgets following the successful Total Place pilots last year. The pilots considered the impact local public sector budgets have on outcomes for a range of services – including local government, health and criminal justice and considered the potential for improved outcomes if budgets were merged. This would involve a more holistic approach to decisions about how the funding was to be spent and what services were prioritised to improve outcomes.

The initiative is seen as a way of empowering localities to tackle public service challenges according to their own particular local needs and make the best use of resources – by reducing government and centralist interventions and reducing potential duplication in supporting and providing those service priorities. Councils, and in particular directly elected council leaders, are envisaged to play a key role in co-ordinating a wider range of public services than they currently do.

The minister for local government, Eric Pickles, said that he supported the 'Total Place' initiative and indicated that he wanted this to become more radical and that it would be discussed in the Spending Review.

### **Local Government Finance Review**

- 3.5 The government has recently announced that it is to carry out a review of local government finance in a year's time and that this will take place once the Localism Bill has gone through parliament and after the funding set out in the Spending Review has been made available to local government.

Local Government Secretary Eric Pickles commented that 'the government needed to look at borrowing, prudential borrowing, charges, trading and by then there will be the General Power of Competence, which will make things a lot easier. We will be repeating about 95% of Lyons because it was an excellent report. Then it will be up to us to make a political decision'.

However, he did rule out a local income tax option.

The review of local government finance would have been more helpful if it had been carried out in time to inform the Spending Review (SR) to be announced in October. This means that the funding set out in the SR may be subject to further changes once the outcome of this review is announced some time next year. It is hoped that any changes are not radical and that any transfer of responsibilities and/or changes in funding are transparent, fair and assist local government in what is seen to be a tough and very challenging period.

### **Summary of Estimated Resources for 2011/2012 and over the Medium Term**

- 3.6 There are a range of uncertainties, both short and medium term, which are dependent on the outcome of the Comprehensive Spending Review in October as detailed below:
- the level of all grants over the period of the spending review including any transfer of responsibilities from other agencies and public bodies;
  - the outcome of reviews for the allocation of Revenue Support Grant and Dedicated Schools Grant;
  - Government directions on council tax levels;
  - the outcome of various consultation documents;
  - the level of interest receipts from investments in the light of low inflation levels.

## **4. Spending Commitments and Pressures**

It is proposed to take into account the following spending commitments in the Budget Planning Framework for 2011/2012. However, at this stage the position is uncertain and will be subject to review and refinement throughout the budget setting process:

## **Pay Awards**

- 4.1 A two year pay freeze for public sector workers (2011/2012 and 2012/2013), except for those workers earning less than £21,000 a year, who will receive an increase of £250 per year was announced as part of the Emergency Budget in June 2010.

Subsequent to this, the Secretary of State for Education confirmed that the Coalition Government remains committed to honouring in full the three-year pay award recommended by the School Teachers' Review Body, confirming that the teachers' pay uplift for this year will be implemented from September 2010, marking the last instalment of their three-year pay award.

The Coalition Government has confirmed that its assumptions about pay awards in local government for the next two years will be fed into the forthcoming spending review.

## **Pensions**

- 4.2 An Independent Public Services Pensions Commission (IPSPC) has been established, chaired by John Hutton the former Secretary of State for Pensions, to undertake a fundamental structural review of public service pension provision. The IPSPC will produce an interim report in September ahead of the Comprehensive Spending Review in October. A second report on the longer term approach to public service pensions, including the LGPS, is due in Spring 2011 in time for the Budget 2011. Whilst prudent provision will be made as part of this budget planning framework, the detailed impact will not be known until a review of the implications has been undertaken by the Pension Authority.

## **Prices**

- 4.3 Current inflation levels are relatively low as set out in paragraph 3.1.2 and this is forecast to reduce further into next year. However, individual budgets, such as energy costs, still remain volatile and appropriate provisions will be made as necessary.

In addition, prudent provision for increases in contract prices will be made, including additional provision for fees for independent providers of care services.

## **Landfill Tax/Waste Disposal Strategic Solution**

- 4.4 Resources will be earmarked to meet the additional cost of landfill tax, which increases by £8 per tonne in each of the next three financial years. This will supplement the additional resources which have been provided as part of the policy of gradually building provision within the base budget to meet the costs of the strategic waste solution when it comes into operation in 2013/2014. This will enable the affordability gap to be fully met prior to the treatment

facility becoming operational. Ongoing inflationary increases over the period of the contract are also incorporated in the medium term financial plan.

### **Integrated Transport Levy**

- 4.5 Past practice has been to restrict the increase in the levy to that of the level of the lowest grant increase of the five Tyne and Wear district councils. For 2010/2011 this was the 2% floor grant increase. A similar approach will be adopted for the 2011/2012 budget planning framework in that the ITA will be expected to reduce its levy in line with the expected grant reductions for each district council.

### **Carbon Reduction Commitment Energy Efficient Scheme (CRCEES)**

- 4.6 The Carbon Reduction Commitment Energy Efficient Scheme (CRCEES) is a mandatory carbon trading scheme, that came into effect on 1st April 2010. Participation is a legal requirement for organisations that used a minimum of 6,000 MegaWatt hours of electricity during the calendar year 2008. Sunderland City Council, is required to participate in the scheme and registered in August 2010. The first sale of allowances for the year ahead only, will be in April 2011 at £12 per tonne, with the current year being classified as a 'footprint' year. For Sunderland, this would equate to £540,000 (based on 45,000 tonnes of CO<sub>2</sub>).

Whilst the CRCEES will be broadly revenue neutral, overall it will not be cost neutral to individual participants and the Council is putting in place actions to ensure that the overall impact is minimised.

### **Service Pressures**

- 4.7 Modernisation programmes are being progressed for some key areas of service pressure in respect of Children's and Adults Social Care. Prudent provision will be made to recognise any transitional costs as services move to new ways of operating whilst securing the same outcomes. In addition, there is a need to replace temporary use of WNF funding to support mainstream grants to small businesses.

### **Debt Charges**

- 4.8 Prudent provision will be made to meet prudential borrowing costs in the light of reduced government funding. This will need to consider the revenue budget position and the need to meet the capital costs of regeneration priorities.

### **Economic Downturn**

- 4.9 Whilst significant resources have already been earmarked to support service pressures and actions in response to the economic downturn as part of the previous years' budgets, given the continuing uncertainties, this will need to

be kept under review and appropriate provision made throughout the budget preparation process.

## **5. Spending Priorities**

- 5.1 Given the potential scale of public spending reductions, spending commitments and the uncertainties in relation to the scale of liabilities which may need to be faced in 2011/2012 and future years, the scope to address spending priorities will be limited in 2011/2012.

Nevertheless, it is appropriate to examine areas of need and priority. Factors that the Council will take into account in determining priorities include:

- the relative importance of each Strategic Objective in any one year given changing circumstances;
- the need to address the Corporate Improvement Objectives;
- the results of corporate and service based consultation with the public and other stakeholders;
- local priorities identified by Elected Members and Officers of the City Council;
- national performance requirements;
- the need to generate efficiency savings to address government funding reductions.

### **Outcome of Public Consultation**

- 5.2 Consultation with the public through a variety of surveys including for example the MORI, Place and Community Spirit Summer Surveys and Workshops has identified the following key priorities for improvement:

- Facilities for young people
- Level of Crime /Community Safety;
- Road Maintenance
- Clean Streets
- Enabling people with a disability, illness or health condition to access services and live independently

The areas identified have featured as high priorities for a number of years, The Council has taken action to address these issues in recent years. Some of these actions are part of a programme being implemented e.g. implementation of the Extra Care Schemes, Youth Commissioning.

There are a number of other spending priorities emerging from the findings of consultation which include:

- City Centre and Wider City: regeneration and accessibility
- Job/Business Opportunities
- Affordable decent housing
- Maintaining and Improving Health and Fitness Services



- Community Integration
- Speeding Traffic

## **Consultation**

- 5.3 It is proposed that the issues and themes highlighted in above paragraphs 5.1 to 5.2 form the basis for the budget consultation in the context of finite resources available, the process and approach for which was approved by Cabinet at its last meeting.

## **6 Council Response to the Government Funding Reductions**

### **Sunderland Way of Working**

- 6.1 The Council has been preparing for the significant cuts in public spending, with plans under development through the Sunderland Way of Working project over the last year.
- 6.2 The Business Transformation Programme is examining every aspect of the way we work by looking at the organisation in a different way with two main objectives:
- To challenge what we are doing, how we are doing it and how effective it is;
  - To organise in a way that maximises value for money.

These reviews are progressing and will provide significant efficiency savings which are to be taken into account in the 2011/2012 budget and over the next three years. Plans are being implemented in respect of the following key strands of business.

- Strategic and Shared Services

For Strategic Services key considerations include:

- Organising services to support enable and regulate the Council by unification and pooling of support services;
- Improving asset management – ensuring maximum contribution to meeting regeneration objectives, improving utilisation and rationalising to meet organisational needs.

For shared services:

- Dealing with all transactional services in the same way in one place where it is most efficient and effective to do so and rationalising and improving processes to reduce cost and improve effectiveness.
- Procurement – building on existing arrangements and realising existing plans for securing significant efficiency savings.

- ICT – key considerations are to rationalise the number of ICT systems and organise the ICT infrastructure in the most efficient and effective way to meet the needs of the business.
- Customer Contact – key considerations include how best we can meet customer needs through organising ourselves to:
  - maximise resolution at the first point of contact,
  - avoiding unnecessary contact,
  - further develop transactional website functionality.
- Service Commissioning and Review – key considerations include gaining a comprehensive understanding of customer need and how best that need can be delivered in respect of front line and other services in the most productive manner. Service reviews are progressing in respect of Facilities Management and Health Inequalities. In addition, a service review programme is being developed to support delivery of additional savings over that period

### **Productivity and Efficiency Strategy**

6.3 The Councils Efficiency Strategy for the medium term has been updated to reflect both the new way of working and financial context. The Productivity and Efficiency Strategy 2011/2012 to 2014/2015 will provide a framework for developing plans for future service delivery, ensuring that the main priorities are to support the most vulnerable residents in the city and enable economic regeneration to attract new businesses to invest in the city, despite the prevailing economic conditions. The strategy supports the aim of ensuring the most productive use of resources is maintained during this period of financial restraint.

Given the anticipated significant long term pressure on public finances and funding gap the strategy proposes that:

- plans are drawn up based on 10% year on year efficiency savings;
- there will be full passporting of Government Grant reductions to services in receipt of specific and Area Based grant funding as appropriate;
- that efficiency targets and planning should cover a four year period in order to ensure timely action is taken as necessary to assist to maximise efficiency savings;
- that whilst for planning purposes a 10% target has been set for each of the next four years, targets will need to be reviewed and reassessed as changes in Government funding are announced.

6.4 The identification of efficiency savings for inclusion in the 2011/2012 Budget Planning Framework will be tackled through a combined approach of:

- Specific efficiency savings arising from the Business Transformation Programme;

- Efficiency savings arising from policy and service reviews, including through modernising and improving services across the Council and the Sunderland Way of Working;
- Directorate cash limits being tightly drawn and prompting the identification and reinvestment of efficiency savings;
- Directorate specific targets for preparation of the 2011/2012 Revenue Budget.

## **7. Budget Planning Framework 2011/2012**

### **Options for Savings**

- 7.1 In accordance with the efficiency strategy set out in paragraph 6, Directors have been asked to explore and to bring forward options for savings, equivalent to 10% of their net delegated budgets for each of the next four years.

### **Balances**

- 7.2 A Statement of General Fund Balances is attached at Appendix B. Uncommitted balances are provisionally forecast to stand at £7.569 million at 31<sup>st</sup> March 2011. At this stage, it is anticipated that balances will increase beyond that level to reflect one-off underspendings on debt charges in 2010/2011 as a result of debt restructuring, uncommitted prudential borrowing and reprofiling of capital expenditure. The position will be kept under review as clearly there are a number of budget pressures, both one-off and ongoing, and the scope to utilise balances temporarily to support these pressures will be explored during the budget preparation process. The level of General Balances will be risk assessed nearer to the finalisation of the Budget for 2011/2012.

### **Summary of the Budget Planning Framework**

- 7.3 The following budget planning framework for 2011/2012 is proposed:
- that provision for spending commitments be included at this stage on the basis set out at paragraph 4 and kept under review;
  - that the spending priorities detailed in paragraphs 5.2 be included at this stage and subject to consultation as set out in paragraph 5.3;
  - that budgets be prepared on the basis that all spending pressures not specifically identified above as commitments be accommodated within Directorate cash limits;
  - that taking into account the Sunderland Way of Working and existing initiatives, Directors be requested to prepare longer term efficiency plans to identify efficiency savings, wherever possible without service or policy implications, covering a four year period based on 10% year on year targets, to be reviewed and reassessed as confirmed changes in Government funding are announced and as the Business Transformation Programme progresses;

- that commitments against general balances be noted and the scope to utilise balances temporarily be explored.

### Revenue Support Grant - Formula Review

Details of the proposals in respect of reviewing the source data upon which the grant is allocated together with an indication of the impact of each of the proposals on the Council and the best and worst case scenarios to the Council of each option are set out below:

- Day Visitors – It is proposed that this indicator is replaced with ‘foreign night visitors’ as the data for day visitors no longer exists. This would have the effect of a net reduction in grant of £0.328 million to the Council.
- Area Cost Adjustment – It is proposed that some of the weights for the labour cost adjustment are reduced; this would have a positive impact on the grant allocation to Sunderland of additional grant of £0.735 million.
- Central Allocation Scaling Factor – It is proposed that the weighting between the central block, the relative needs block and the relative resources block are adjusted. Increasing the weighting of the relative needs block would have the effect of increasing the grant allocation to Sunderland of £0.737 million however an alternative option exemplified to increase the weight of the central block element (which is population driven) would mean a loss of grant of £0.835 million. It is important that the weight applied to deprivation is at least maintained or increased in the formula to reflect the additional needs and costs faced by authorities such as Sunderland
- Floor Damping – The option is whether to set the floor close to, or further away from, the average grant increase or decrease. If the floor is set close to the average grant, the distribution will be similar to that for the adjusted prior year’s grant. However, if the floor is set further away from the average, more of the formula allocation change will come through for those authorities above the floor, such as Sunderland. No options have been exemplified for this.
- Working Tax Credits – The proposal is to replace the indicator ‘children in income support families’ with ‘child tax credit’; this would be detrimental to the Council’s grant allocation where a loss of grant of £2.667 million would be expected if this option was implemented by ministers.
- Concessionary Travel – The changes in the formula for this area falls into 2 separate categories.

The first is a transfer of formula funding from the EPCS District Services block to the EPCS County Services block – to recognise that the distribution and administration of concessionary travel is be

controlled by the County or Single tier Authorities from 1<sup>st</sup> April 2011. For the Council this transfer of grant will have a neutral impact as the government has stated that this will be a straight swap for those in receipt of both elements of the formula Grant. This position applies to Sunderland.

The second element is the transfer of the specific Concessionary Travel Grant (that funds free concessionary travel for those aged over 60 and those that are disabled) to all County or Single Tier Authorities only. For Metropolitan Areas the specific grant funding has previously been made directly to the relevant Integrated Transport Authority and was not part of the Formula Grant allocation. There are arguments to maintain a specific grant which will help retain its transparency but the government are keen to include this funding within the Formula Grant from 1<sup>st</sup> April 2011.

There are numerous funding options that have been exemplified by the government in this area and this is where the greatest variation exists. Depending upon the options chosen, the Council could gain grant of £1.224 million or potentially lose grant of £2.987 million.

In summary, the range of grant options shows that the Council faces a wide range of possible changes to its grant allocation for 2011/2012 onwards before any reductions are taken into account from the government's Comprehensive Spending Review cut backs. The range of Formula Grant changes for the Council ranges from additional grant of £3.350 million to a loss of grant of £7.492 million depending upon the options selected by ministers.

**Appendix B****Statement of General Fund Balances**

	<b>£000</b>	<b>£000</b>
<b>Balance as at 31st March, 2010</b>		<b>14,748</b>
<b>Use of Balances 2010/2011</b>		
Approved Contribution to Revenue Budget	3,307	
Approved Contribution to fund the Capital Programme	3,872	(7,179)
<b>Estimated Balances 31<sup>st</sup> March 2011</b>		<b>7,569</b>

**CAPITAL PROGRAMME SECOND REVIEW 2010/2011 – EXTRACT OF REPORT**

	£000
<b>Additional Schemes 2010/2011 Capital Programme – Fully Funded</b>	
Centrepoint - development of a supported housing project for young people in Monkwearmouth (funded from Homes and Communities Agency)	590



**CABINET – 3 NOVEMBER 2010**

**LICENSING ACT 2003 – APPROVAL OF AMENDMENTS TO THE  
COUNCIL’S STATEMENT OF LICENSING POLICY**

**REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES AND THE  
HEAD OF LAW AND GOVERNANCE**

**1. Purpose of the Report**

- 1.1 To brief Members upon the responsibility of the Council with regard to the adoption of a Licensing Policy Statement under the Licensing Act 2003 (the “Act”).

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

- 2.1 To recommend Council to approve the attached revised Licensing Policy Statement.

**3. Introduction/Background**

- 3.1 By virtue of the Act, the Council is responsible for licensing premises for the provision of licensable activities’ as defined in Section 1 of the Act namely:
- (a) the sale by retail of alcohol;
  - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - (c) the provision of regulated entertainment; and
  - (d) the provision of late night refreshment.
- 3.2 One of the requirements of the Act is that the Council produces a Licensing Policy Statement which specifies how we undertake our functions in that regard. The current Licensing Policy Statement was agreed at a meeting of the Council on 21 November 2007 and was published on 7 January 2008 (this date being specified by legislation).
- 3.3 The Act requires that the Statement is reviewed every three years and that it is re-published on 7 January 2011. Licensing Authorities are obliged to consider guidance upon the Act issued by the Department of Culture Media and Sport in conducting such reviews. Revised Guidance upon the Act was issued by the Department of Culture Media and Sport in March 2010. So, the review process has involved, firstly, amending the existing Licensing Policy Statement in order to comply

with new requirements embodied within this revised Guidance. Secondly, as required by the statute, Licensing Officers have sought views upon the amended statement from persons who it may affect. The period for such consultation is now concluded. The Council is obliged to consider any responses received and determine whether it is necessary to further amend the draft Licensing Policy Statement which is attached to the report at appendix 1.

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

- 4.1 One response has been received from an external organisation. This response is from the Association of Convenience Stores (ACS) and is as follows:

##### **‘Submission to Local Authority Consultation on Draft Alcohol Licensing Policy**

1. Thank you for offering ACS (Association of Convenience Stores) an opportunity to respond to your draft Licensing Policy Statement. ACS is the voice of the convenience retail sector, representing over 33,500 local shops.

Alcohol is a major product category for convenience stores and ACS is committed to supporting our members to ensure they retail alcohol responsibly. ACS is also closely involved with the creation of central alcohol policy with Government. Therefore ACS has developed significant understanding of the implications of licensing reform for local shops and off licences.

2. Our members deal with a wide variation of different local licensing policies. We have found that the most successful policies invariably involve local authorities and retailers working together in partnership to create a fair and effective licensing policy. We advise all local authorities to maintain a dialogue with their local retailers and see them as part of the solution rather than part of the problem.

3. Our members encounter a wide variety of different approaches between licensing authorities, which can cause problems for businesses. We would encourage wherever possible for local authorities to share best practice and to when appropriate promote consistency between different areas.

4. Below are comments raised on specific licensing policy issues:

##### **Mandatory Code**

5. The Policing and Crime Act 2009 created a mandatory code of practice for all alcohol retailers. While four of the mandatory licence conditions relate solely to the on trade, one of the conditions also applies to the off trade. This states that: *all those who sell alcohol must*

*have an age verification policy in place requiring them to check the ID of anyone who looks under 18 to prevent underage drinking which can lead to anti-social behaviour and put young people at risk of harm.*

6. ACS works closely with other industry stakeholders to ensure that there are strong and consistent proofs of age schemes in place that can be used across the trade. For example, ACS helped create the No ID No Sale scheme. ACS is also a member of the Retail Alcohol Standards Group (RASG). RASG created the Challenge 21 campaign and recently coordinated its launch across the country as Challenge 25. The policy recommends that anyone who appears under 25 is challenged for ID.

7. While the mandatory condition demands a proof of age scheme is in place, the condition does not prescribe which schemes retailers have to adopt. We support this flexibility for retailers and strongly discourage a more restrictive approach. The main responsibility of alcohol retailers is to ensure that they do not sell alcohol to those underage. They should not be dictated to on how to achieve compliance.

### **Form of Identification**

8. It is important that there is consistency on which proof of age documents retailers are allowed to accept. ACS is a founding member of the PASS and board member of the CitizenCard proof of age scheme. CitizenCard has given out over 1.8 million cards, and offers young people who do not have a passport or drivers licence a valid form of ID. Particularly in society where identity fraud is a growing problem, it is even more important to offer a form of ID that it is not a passport or driving licence since these can facilitate fraud if lost.

9. Government and most local authorities accept passport, driving licence and PASS card as valid proof of age. ACS urges all local authorities to adopt this position.

10. We would also urge Local Authorities to consider how best to tackle fraudulent ID, in consultation with local retailers.

### **Community Alcohol Partnerships**

11. Through our membership of RASG, ACS is also heavily involved in the Community Alcohol Partnerships (CAP) initiative. These innovative projects aim to tackle the local problems with underage drinking and anti social behaviour through partnership working. CAPs brings off-trade retailers together with local authorities, police and schools to tackle underage drinking and proxy purchasing in a holistic way. During the schemes test purchases are not carried out; instead any problems are dealt with using communication and support networks.

12. The project has been independently evaluated, finding a decline in offences of criminal damage some 6% greater than in non pilot areas.

### **Test Purchasing**

13. ACS believes that the Partnership approach, where retailers are not penalised but are educated and supported, is a more effective way to tackle alcohol related problems. However we recognise that test purchasing is a tool at the disposal of local authorities and that some will find it necessary to use test purchasing to tackle the small minority of problem premises that repeatedly sell alcohol to children.

14. However if test purchasing is utilised it must be done in accordance to Government guidelines. It must be led by clear intelligence that there is a problem in with underage purchasing on a premises. It also needs to be ensured that test purchasing will target both on and off trade when required.

15. It is important that test purchasing does not descend into a tool to “catch-out” responsible retailers, who make a genuine mistake. Guidance issued by LACORS on how to conduct a test purchase must be adhered too. Using an individual who looks much older than 18 and allowing them to lie or show fake ID is unacceptable.

16. If a retailer does fail a test purchase, it is important that the first recourse is constructive support, rather than overzealous punishment. Punishments are effective only when they are proportionate. We support tough sanctions against persistent offenders.

17. We also strongly advise local authorities to recommend that retailers are notified of any test purchases they have passed. This helps stores to recognise if their policy to prevent underage sales is working and facilitates a partnership based relationship.

18. ACS supports the Local Better Regulation Office (LBRO) on Trading Places Scheme. The scheme places local authority employees with retailers so that they can see the challenges retailers face regarding underage sales on a daily basis and also understand what the retail trade is doing to tackle them. ACS advises Local Authorities to contact LBRO if they wish to partake in the scheme.

### **Crime**

19. There have been proposals in some draft licensing policy statements that retailers should restrict where they place alcohol to prevent underage theft. Although it may be useful to make retailers aware of best practice, they should not be told where to place the

products they sell. Ultimately the retailer will be aware of where best to place products to ensure security.

20. It is also important that retailers are not penalised for thefts that occur in store. If alcohol is being stolen from a store then it is not the retailers fault and full culpability must fall onto the culprit. In these incidences the retailers are victims and should be supported. Any move to penalise retailers for thefts will be counter productive, as retailers will be discouraged from reporting crime.

### **Underage Drinking and Proxy Purchasing**

21. Retail staff often face abusive or intimidating behaviour when refusing a sale. It is important that they feel sufficiently supported in their role as enforcers and local authorities have a role to play in this. Underage drinkers need to understand that it is against the law and unacceptable for them to attempt to buy alcohol. The wider community need to understand that it is unacceptable and illegal to buy or supply alcohol to a minor.

22. Being given alcohol by a parent or friend, or buying alcohol from someone else is the most common way for underage drinkers to buy alcohol. The proportion of pupils who were given alcohol by a parent or friend has increased from 9% in 1998 to 24% in 2008. 18% of young drinkers buy alcohol from someone else, compared with 6% who buy from the licensed trade. It is clearly a route of supply which needs to be tackled.

23. While it is currently offence to proxy purchase or attempt to buy alcohol while underage, there is little enforcement of these laws. Local licensing policies should address these issues and explore the most effective way to combat these crimes in community, rather than just targeting all their enforcement on licensees.'

- 4.2 As Members may conclude, the letter from the ACS appears to constitute a set of generic views on licensing policies rather than relate to this Council's specifically. However, it appears appropriate to comment upon certain points raised by ACS.
- 4.3 At paragraph 7 of their letter, the ACS advises that they do not want Councils to set policies as to how retailers verify the age of potential purchasers of alcohol. Given that this matter is dealt with by recent legislation the Council's draft policy does not pursue this issue and so the ACS need have no concern about our policy in this regard.
- 4.4 At paragraph 9 of their letter, the ACS urge local authorities to accept a National Proof of Age Standards Scheme (PASS card) as proof of age alongside government-issued documents such as passports or driving licences. Given that the view of the ACS in this regard is in line with new legislation which allows retailers, where a potential purchaser

appears to be under 18 years of age, to accept any identification document bearing a photograph, date of birth and holographic mark, it is proposed to accept the suggestion of ACS as the PASS scheme is government approved. To that end a new Model Condition 27 is proposed to be added to the pool of Model Conditions in our policy.

- 4.5 Finally, with regard to the letter from the ACS, they suggest, at their paragraph 15, that local authorities adhere to the guidance issued by the Local Authorities Co-ordinators of Regulatory Services (LACORS) (now Local Government Regulation) in conducting test purchase exercises. Although not addressed in the Licensing Policy as such issues are beyond its remit, Members may wish to know that the Council does adhere to this guidance when conducting such exercises.
- 4.6 The only other response to the consultation exercise came from the Community and Safer City Scrutiny Committee at its meeting on 6 July 2010. Some of the members of that Committee commented upon Section 6 of the draft policy which deals with the potential cumulative impact of a concentration of licensed premises in a particular location. They were concerned that the draft policy indicates that evidence of existing crime and disorder is necessary in order to justify the adoption of a special policy of refusing new licences in a specified area. They suggested a more anticipatory approach to creating such policies would be appropriate. However, as mentioned at paragraph 3.3 of this report above, the Council is obliged by the Licensing Act to have regard to Government guidance upon such matters, with new amended guidance being issued on 13 October 2010, and that guidance is explicit in that an evidential as opposed to anticipatory basis is necessary to justify a policy restricting the numbers of licensed premises in a locality. The leading case of *Thwaites and Wirral MBC* [2008] EWHC 838 (Admin) confirms the need for proper evidence upon which to base a decision. In addition, the guidance goes on to say that it would not normally be justifiable to adopt a cumulative impact policy on the basis of a concentration of premises selling alcohol for consumption off the premises. Consequently, it is not legally appropriate to alter our present draft policy. However, the Coalition Government have recently undertaken a consultation exercise entitled "Rebalancing the Licensing Act" in which they have proposed removing the evidential requirement on licensing authorities wishing to make a cumulative impact policy. The consultation period has now concluded. It is therefore possible that legal changes will be made which would allow the introduction of a policy in line with the concerns of Members. In the meantime, Licensing Officers will regularly liaise with the Police and other partners in order to review whether sufficient evidence has come to light which would justify a change to our policy in the context of the current guidance.

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

- 5.1 To comply with legislation.

## **6. Alternative Options**

6.1 None submitted.

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

7.1 The Director of Financial Resources has been consulted. There are no financial implications arising from this report.

## **8. Glossary**

8.1 ACS – Association of Convenience Stores  
CAP – Community Alcohol Standards Group  
LACORS – Local Authorities Co-ordinators of Regulatory Services  
LBRO – Local Better Regulation Office  
PASS – Proof of Age Standards Scheme  
RASG – Retail Alcohol Standards Group

## **9. List of Appendices**

Appendix 1 - Licensing Act 2003 - Revised Licensing Policy Statement

## **10. Background Papers**

1. Licensing Act 2003
2. Guidance issued by the Department of Culture Media and Sport under Section 182 of the Act

# Licensing Act 2003 Statement of Licensing Policy

**City Services  
Public Protection and Regulatory Services  
P.O. Box 107  
Civic Centre  
Sunderland  
SR2 7DN**





**Licensing Act 2003**  
**Statement of Licensing Policy**

(Issued pursuant to Section 5 of the Act)

	<b><u>Page</u></b>
1. Introduction	1
2. Consultation and Guidance	3
3. Scope of Policy	4
4. General Principles of the Policy	5
5. The Need for Licensed Premises	6
6. The Cumulative Impact of a Concentration of Licensed Premises	7
7. Other Mechanisms for Controlling Cumulative Effect	8
8. Policy Relating to Personal Licences	9
9. Policy Relating to Premises Licences and Club Premises Certificates	10
10. Licensing Hours	13
11. Children	14
12. Integrating Strategies	16
13. Crime Prevention	17
14. Cultural Strategies	18
15. Promotion of Racial Equality	19
16. Duplication	20
17. Conditions	21
18. Enforcement	22
19. Administration, Exercise and Delegation of Functions	23

**Appendix 1 – Pool of Model Conditions** **25**

**Conditions Relating to the Prevention of Crime and Disorder** **26**

- Text / Radio Equipment
- Door Supervisors
- Bottle Bans
- Plastic Containers and Toughened Glass
- CCTV
- Open Containers not to be taken from the Premises
- Restrictions on Drinking Areas
- Capacity Limits
- Crime Prevention Notices
- Drinks Promotion
- Signage
- Large Capacity Venues used Exclusively or Primarily for the “Vertical” Consumption of Alcohol (HVVDs)
- Restaurants/Cafés

**Conditions Relating to Public Safety** **31**

- Disabled People
- Escape Routes
- Safety Checks
- Curtain, Hangings, Decorations and Upholstery
- Capacity Limits
- Access for Emergency Vehicles
- First Aid
- Lighting
- Temporary Electrical Installations
- Indoor Sports Entertainment
- Alterations to the Premises

**Conditions Relating to Public Safety in Theatres, Cinemas, Concert Halls and Similar Places 34**

- **Attendants**
- **Standing or Sitting in Gangways etc.**
- **Drinks**
- **Balcony Fronts**
- **Special Effects**
- **Ceilings**
- **Seating**

**Premises Used for Film Exhibitions 36**

- **Attendants – Premises without a Staff Alerting System**
- **Attendants – Premises with a Staff Alerting System**
- **Minimum Lighting**

**Conditions Relating to Public Nuisance 37**

- **Noise and Vibration**
- **Light Pollution**
- **Noxious Smells**

**Conditions Relating to the Prevention of Harm to Children 38**

- **Access for Children to Licensed Premises – General**
- **Age Restrictions – Cinemas**
- **Theatres**
- **Entertainment Especially for Children**
- **Children in Performances**
- **The Portman Group Code of Practice on the Naming, Packaging and Promotions of Alcoholic Drinks**



## 1. Introduction

- 1.1 The purpose of this Statement of Licensing Policy pursuant to Section 5 of the Act is to set out the Council's policy with respect to the exercise of its functions as the Licensing Authority under the Licensing Act 2003 ("the Act"). It relates to the 'licensable activities' as defined in Section 1 of the Act namely:
- (a) the sale by retail of alcohol;
  - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - (c) the provision of regulated entertainment; and
  - (d) the provision of late night refreshment.
- 1.2 The policy will promote the four licensing objectives described in section 4(2) of the Act. These objectives are:
- (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- 1.3 Each objective has equal importance. The Council will seek to work closely with the Police, the Fire and Rescue Service, local businesses, community representatives and local people, in order to meet these objectives. The Council's decision making is constrained by the provisions of the Act or Regulations made under it and by having regard to the guidance issued under Section 182.
- 1.4 This revised Statement of Licensing Policy takes effect on **7 January 2011** and replaces the previous statement. It will remain in force for a period of three years beginning with that date. During that period the policy will be kept under review.
- 1.5 The Council recognises the benefits to our local economy, tourism strategy and cultural life that follow from a vibrant licensed scene. The Council will therefore, within the statutory frame work, seek to assist applicants and licensees in their interface with licensing procedures.

### Legal Background to this Statement of Licensing Policy

- 1.6 The Council is responsible for decisions to grant or reject applications for the sale of alcohol, the provision of entertainment or late night refreshment. Conditions designed to ensure safety, protect children from harm, prevent crime and disorder and prevent public nuisance can be attached to licences where necessary. For example, the Council could, in appropriate cases, restrict licensed hours in order to prevent people resident nearby being disturbed.
- 1.7 The Council must have due regard to this policy. It may, if it considers it appropriate, deviate from the policy but would need good reasons, which it can justify, to do so.

## **FURTHER INFORMATION**

1.8 Further information upon the Licensing Act and its implications is available from:

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

Telephone: (0191) 5611012  
Fax: (0191) 5531658  
Email: [licensing@sunderland.gov.uk](mailto:licensing@sunderland.gov.uk)

## 2. Consultation and Guidance

- 2.1 There are a number of groups who have an interest in the leisure industry. These include providers, customers, residents and enforcement agencies. They all have views and concerns that require consideration as part of the licensing function.
- 2.2 In formulating this Statement of Licensing Policy, the Council has paid regard to the Guidance issued by the Secretary of State under Section 182 of the Act in March 2010 and has consulted the following:
- Northumbria Police;
  - Tyne and Wear Fire and Rescue Service;
  - Representatives of the licensed trade and members' clubs;
  - Local businesses and their representatives; and
  - Local residents and their representatives.
- 2.3 Further consultation with the organisations and people mentioned above will be undertaken where any revision to this policy is proposed.
- 2.4 In addition, in formulating this policy, the Council has paid regard to the provisions of the **European Convention on Human Rights**; in particular the rights that everyone has to respect for their home and private life and to the peaceful enjoyment of their possessions (including a licence).
- 2.5 The **Human Rights Act 1998** makes it unlawful for a public authority to act in a way that will be incompatible with a convention right. Consequently, an aim of this policy, particularly in relation to the decision-making processes of the Council, is to ensure that a licensing decision does not cause a breach of a convention right.
- 2.6 The Council has also taken into account the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they can reasonably to prevent such incidences.



### **3. Scope of Policy**

- 3.1 The Act is concerned with the sale of alcohol, the supply of alcohol by clubs, the provision of regulated entertainment and late night refreshment at any premises (defined by the Act as any vehicle, vessel or moveable structure or any place or any part of any premises).
- 3.2 Activities that require a licence under the Licensing Act 2003 and covered by this policy include the:
- retail sale of alcohol;
  - supply of hot food or drink from premises from 23.00 to 05.00 hours;
  - supply of alcohol or provision of regulated entertainment to club members;
  - provision of entertainment of a type listed below (known as regulated entertainment) to the public or club members or with a view to profit:
  - film exhibitions;
  - performances of a play;
  - indoor sporting events;
  - boxing or wrestling;
  - live music performances;
  - playing of recorded music;
  - dance performances;
  - provision of facilities for making music; and
  - the provision of dancing facilities.
- 3.3 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (premises licences), the supply of alcohol or the provision of regulated entertainment at certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).
- 3.4 In general, a reference in this policy to a premises licence will include a club premises certificate.
- 3.5 The scope of the policy covers new applications, renewals, transfers and variations and also temporary event notices. Additionally, the review of licences, which could lead to their revocation, is also within its remit.

## **4. General Principles of the Policy**

- 4.1 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to meet the licensing objectives will be imposed. All applicants will be expected to incorporate into their operating plan the steps proposed to comply with the four licensing objectives. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public; health and safety at work and fire safety legislation for example.
- 4.2 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Licensing Act 2003. Any terms and conditions that may be attached to the various licences will be focused on matters that are within the control of individual licensees or clubs. These matters will centre on the premises and places being used for licensable activities and their vicinity. The Council will primarily focus on the direct impact of the activities taking place at the licensed premises and on members of the public living, working or engaged in normal activity in the area concerned. In considering all licensed activities with regard to the objectives, the Council will take account of the following additional factors:
1. The use of the premises and the numbers of people likely to attend.
  2. The availability of public transport and private car parking.
  3. The proposed hours and frequency of the licensed activity.
  4. Any past history of problems, related to any or all of the licensing objectives, and the impact of any measures taken to counteract the problems.
- 4.3 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of a licensee. However, licensing law is a key aspect of such control and is part of a holistic approach to the management of anti-social behaviour. We therefore expect all licensees to take responsible steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises e.g. on the pavement, in a beer garden or in a smoking shelter where and to the extent that these matters are within their control.
- 4.4 The Council is not able to authorise the supply of alcohol from premises used primarily as a garage, i.e. for the retailing of petrol or diesel or the sale or maintenance of motor vehicles. The issue of whether any use is primarily as a garage will be judged in each case on its merits.

## **5. The Need for Licensed Premises**

- 5.1 The Council will not take 'need' into account when considering an application, as this is not a licensing function but a matter for planning control (to a limited extent) and the market.

## **6. The Cumulative Impact of a Concentration of Licensed Premises**

- 6.1 The Government's Guidance to licensing authorities allows the Council to consider whether a large concentration of licensed premises in any area may have a potential impact on crime and disorder or public nuisance in that locality. We may then adopt a special policy of refusing new licences in a specified area whenever we receive relevant representations about the cumulative impact upon the licensing objectives from a responsible authority or an interested party. Such a policy may only be adopted if there is evidence showing it is necessary. To date no such evidence has been forthcoming. However, should, at some point during the lifetime of this policy, representations be received from a responsible authority or an interested party that an area has become subject to a concentration of licensed premises, so making it a focal point for large groups of people to gather and circulate away from the premises themselves and creating exceptional problems of disorder and nuisance, this issue would be re-considered.

## **7. Other Methods of Control**

7.1 The Council recognises that, once away from licensed premises, a minority of consumers will behave badly and unlawfully. The Council will use various mechanisms, both inside and outside the licensing regime, to address these problems. These steps may include:

- planning controls (where possible);
- positive measures to create safe and clean urban centre environments in partnership with local businesses and transport operators;
- the provision of CCTV surveillance and taxi ranks;
- continuing to designate parts of the City as places where alcohol may not be consumed publicly;
- co-operating with the Police who may enforce the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who sells alcohol to people who are drunk;
- working with the Police who have powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- receiving representations from the Police, other responsible authorities or local residents or businesses who may seek the review of the licence or certificate in question.

## 8. Policy Relating to Personal Licences

- 8.1 The Act confers very little discretion upon licensing authorities in relation to the granting of personal licences. Provided that an applicant is aged 18 or over, possesses a licensing qualification and has not, within the preceding five years, held a licence which has been forfeited, a licence **must** be granted **unless** the applicant has been convicted of a 'relevant offence' (as defined in section 113 of the Act) or a comparable foreign offence.
- 8.2 Where (a) relevant offence(s) has/have been committed, the Council must give notice of this/these to the Police. If the Police are satisfied that, in the light of such conviction(s), the granting of the licence would undermine the crime prevention objective, notice to that effect (an 'objection notice') must be given to the Council within 14 days. If no objection notice is given, the licence must be granted. However, in cases where an objection notice is received, the Council must hold a hearing.

### 8.3 Policy

**At the hearing, the Council's Licensing Sub-Committee will consider carefully whether the grant of a licence will promote the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances. The application will normally be refused unless, in the opinion of the Sub-Committee, there are exceptional and compelling circumstances that justify granting the application.**

### 8.4 Reason

*Prevention of crime is not merely one of the four licensing objectives under the Act; it is also an important responsibility of the Council under the Crime and Disorder Act 1998. A licensee should be a person who will assist the fight against crime. Granting a licence to a known criminal will in many cases undermine rather than promote the crime prevention objective.*

## 9. Policy Relating to Premises Licences and Club Premises Certificates

### Structure/Physical Characteristics/Location of the Premises

- 9.1 The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.
- 9.2 Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances, for example noise, light and odours. These may impact on people living, working or sleeping in their vicinity. It is therefore essential that premises are constructed or adapted and operated to safeguard occupants against these risks.
- 9.3 The Council will expect Operating Schedules<sup>1</sup> to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health Officers, Northumbria Police and Tyne and Wear Fire and Rescue Service before preparing their plans and Schedules. All plans must be clear and legible in all material respects.

### 9.4 Policy

**An application for a premises licence or a club premises certificate will not be granted for premises that are unsafe for members of the public. The Council will, where necessary, e.g. for reasons of public safety or the prevention of crime and disorder, impose conditions restricting capacity and may attach conditions relating to the monitoring of these capacities e.g. the installation of automatic counting systems.**

### 9.5 Reason

*Under the public safety objective the Council has a duty to ensure that licensed premises are of a suitable standard that makes them safe for use by both staff and members of the public. Whilst the Council acknowledges that there are powers available under health and safety legislation and fire safety legislation to ensure that premises are of a suitable standard, the Council will use all of its powers to ensure that, at the time a licence is granted, the premises are safe for use by both staff and members of the public. In addition, premises that are operating beyond their capacity may create problems of crime and disorder, which the Council will reflect in its licensing decisions.*

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<sup>1</sup> Operating Schedule – A document that is submitted by the applicant which outlines the licensable activities which are to take place on the premises, when they will take place, when the premises will be open to the public and what steps the applicant will take to promote the Licensing Objectives.

## Sex- related entertainment

- 9.6 Where the activities proposed under an application for a licence include those of a sex-related nature (e.g. striptease or table dancing) the premises may also require a separate licence under the Local Government (Miscellaneous Provisions) Act 1982. Advice upon this Act is available from the Licensing Section.

## Access and Facilities for the Disabled

### 9.7 Policy

**The Council will encourage licensees to provide reasonable facilities and access for people with disabilities.**

### 9.8 Reason

*The Council believes that, wherever practicable, disabled people should not be treated in a less advantageous way than able-bodied people.*

## Drugs

- 9.9 The Council recognises that drug misuse may occur in public houses and nightclubs. Consequently, conditions may be imposed for certain venues to reduce the likelihood of drugs being sold and consumed. The Council will expect applicants for licences in respect of venues where alcohol is to be supplied for consumption on the premises or music is to be performed or played to detail in their operating schedules the steps they will take to prevent the use of drugs within their premises.
- 9.10 Where appropriate, Operating Schedules should address the issues raised in the Government's Safer Clubbing Guide. The Guide can be viewed in full at [www.drugs.gov.uk](http://www.drugs.gov.uk)

## Street Cafés

- 9.11 It is recognised that applicants for licences under the Licensing Act 2003 may seek to extend their operating premises onto the street by the creation of a street café area. The Council supports and encourages the provision of street cafés in the city. However, permissions are granted by the issue of a licence by the Council, as Highway Authority, under **Section 115E** of the **Highways Act 1980** and **not** under the **Licensing Act 2003**. This is a separate and additional process. The "Street Cafés Guidance for Applicants" document is available on request from the Highway Maintenance Section of City Services on 0191 5611527.



## **Variations**

- 9.12 The Council will determine whether an application for a new licence, as opposed to an application for a variation, is necessary in line with the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

## **Minor Variations**

- 9.13 The Council will determine an application for a minor variation in line with the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

## **10. Licensing Hours**

- 10.1 The Council recognises that in some circumstances, flexible licensing hours for the sale of alcohol from public houses and night clubs may avoid large numbers of people leaving premises at the same time, which in turn could reduce the friction at late night fast food outlets, taxi ranks, private hire offices and other sources of transport that can lead to disorder and disturbance.
- 10.2 Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 10.3 The Council will generally deal with the issue of the licensing hours of public houses and nightclubs having due regard to the individual merits of each application. However, consideration may be given to restricting hours and/or imposing stricter conditions, e.g. in respect of noise control, where premises are situated in mainly residential areas.
- 10.4 The Council will generally consider licensing shops to sell alcohol for consumption off the premises at any times they are open for shopping. However, we may restrict those hours, e.g. where the Police or local residents make representations in respect of disorder and disturbance, in order to prevent a breach of the licensing objectives.

## 11. Children

11.1 The protection of children from harm is one of the four licensing objectives. The Act prohibits the admission of children to premises in certain specified circumstances and, even where admission is lawful, such admission is at the discretion of those managing the premises. The Act contains no presumption of giving children access or any presumption of preventing this. Each application will therefore be considered on its own merits. However, the Council may find it necessary to limit the access of children to premises in order to protect them from physical, moral or psychological harm. Examples of situations where limitations may be necessary include premises:

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

11.2 The controls which may be implemented include the following:

- limitations on the hours when children may be present;
- limitations concerning the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations;
- requirements for accompanying adults (including for example, a combination of requirements which provide that persons under a particular age must be accompanied by an adult);
- full exclusion of persons under 18 from the premises when any licensable activities are taking place; and
- requirements to serve drinks in containers made from plastic or toughened glass.

- 11.3 It should be noted that the Council may not require that children may be admitted to licensed premises.
- 11.4 In submitting an application to license premises the applicant must submit copies to certain 'responsible authorities' as defined by the Act. These authorities include the Sunderland Safeguarding Children Board (SSCB), FAO Safeguarding and Quality Assurance Manager, Cassaton House, Fawcett Street, Sunderland SR1 1RF who will advise on matters pertaining to the prevention of children from harm.

### **The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

- 11.5 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks is considered by the Council to be an important tool in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner that may appeal to or attract such persons. The Portman Group also issues retail alert bulletins that identify products that have breached this code. The Council therefore recommends that those persons involved in the business of supplying alcohol comply with both the Code and the retail alert bulletins.

### **Children and Cinemas**

- 11.6 Where applicants seek a licence to show films we expect that they will indicate in their operating schedules their arrangements for restricting children from viewing age-restricted films.
- 11.7 The Council will include a condition in all such licences that will restrict the admission of children in accordance with the recommendations of the British Board of Film Classification (BBFC) or, if a film has not been classified by the BBFC, the Council. Information upon obtaining such a recommendation is available from the Licensing Section at the address shown in Paragraph 1.10 above.

### **Under 18 Discos**

- 11.8 Such events present special risks for persons under 18, e.g. assault, exposure to drugs, theft etc, and can be the focus of disorder in the surrounding neighbourhood. The Council expects applicants to identify strategies for managing foreseeable risks e.g. requiring all staff present to have undertaken Enhanced Criminal Records Bureau checks, employing specified ratios of staff to participants and the provision of safe transport facilities to and from the venue.

## **12. Integrating Strategies**

- 12.1 The Council recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication and inefficiency.
- 12.2 The Council has established a Safety Advisory Group (SAG) consisting of Council officers and representatives from the emergency services to advise and co-ordinate planning for public events within the City of Sunderland.

## **13. Crime Prevention**

- 13.1 The conditions attached to premises licences and club premises certificates will, in so far as possible, reflect crime prevention strategies. For example, closed circuit television cameras will be required to be provided in premises authorised to supply alcohol and images may be retained for a specified period to facilitate inspection by the Police or Council.
- 13.2 The Council encourages all applicants for premises licences, which permit the sale of alcohol for consumption ON the premises, to be members of a local Pubwatch Scheme, which is approved by both Northumbria Police and the Council, where available.
- 13.3 Where representations are made by the Police in respect of crime and disorder with regard to public houses or club type premises, the Council may attach conditions which require that all drinks are served only in containers made from plastic or toughened glass. This condition may be on a permanent basis or triggered following a specified period of notice given by the Police for a specified period of time associated with a special event such as a high-risk football match or the Sunderland Air Show.
- 13.4 Again, following representations from the Police, conditions may be imposed on premises licences that require the employment of specified numbers of Door Supervisors during specified periods.

## **14. Cultural Strategies**

- 14.1 The Council wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. Therefore, we will consider the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing, and take care to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events. Should there be any indication that such events are being deterred by licensing requirements, the matter will be considered with a view to investigating how the situation might be reversed. Advice upon whether cultural activities are required to be licensed is available from the Licensing Section whose address and contact details are at the introduction to this policy.

## **15. Promotion of Racial Equality**

- 15.1 The Council, in pursuing its functions under the Licensing Act, will, of course, comply with the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. The 1976 Act, as amended, also requires local authorities to produce a race equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring.



## **16. Duplication**

- 16.1 In operating this policy, the Council intends to avoid duplication with other regulatory regimes in so far as possible. Conditions that replicate the requirements of other legislation will not be imposed. However, where regulations do not cover the unique circumstances that may pertain to specific licensed premises, tailored conditions may be utilised.

## **17. Conditions**

- 17.1 A fundamental principle of the Act is that conditions should be attached to licences and certificates only where they are tailored to suit the individual characteristics of premises and events concerned. However, in the interest of promoting the licensing objectives, we may utilise conditions drawn from the Pool of Model Conditions attached as Appendix 1.
- 17.2 Other conditions may be imposed upon licences by the Council where appropriate following due legal process and these will be expressed as clearly as possible.

## **18. Enforcement**

- 18.1 Once licensed, it is essential that premises are maintained and operated to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act. We will arrange to monitor premises and take appropriate enforcement action in accordance with the Council's Enforcement Policy and the Code of Conduct for Crown Prosecutors to ensure this.
- 18.2 The Council works closely with its partners and has established a Responsible Authority Group which meets fortnightly to ensure that resources are targeted upon problem and high-risk premises.

## 19. Administration, exercise and delegation of functions

- 19.1 The Council is involved with a wide range of licensing decisions and functions and has established a Licensing Committee for their administration.
- 19.2 We wish to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process. Therefore, the Committee has delegated certain decisions and functions and has authorised the formation of Sub-Committees for this purpose.
- 19.3 Furthermore, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications will be delegated to Council officers.
- 19.4 The Table below sets out the method of delegation of decisions and functions to the Sub-Committees and officers.

<b>Matter to be dealt with</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for Personal Licence	If a Police objection	If no objection made
Application for Premises Licence/Club Premises Certificate	If relevant representations made	If no relevant representations made
Application for a Provisional Statement	If relevant representations made	If no relevant representations made
Application to vary Premises Licence/Club Premises Certificate	If relevant representations made	If no relevant representations made
Application for a minor variation to a Premises Licence/Club Premises Certificate		All cases
Application to vary Designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases

Application for a transfer of Premises Licence	If a Police objection	All other cases
Application for Interim Authorities	If a Police objection	All other cases
Application to review Premises Licence/Club Premises Certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.,		All cases
Decision to object when the Council is a consultee and not the Licensing Authority considering the application	All cases	
Determination of a Police objection to a Temporary Event Notice	All cases	

## Appendix 1

### LICENSING ACT 2003

#### POOL OF MODEL CONDITIONS

Notes: -

- (i) These conditions must be read in conjunction with the Guidance issued under section 182 of the Licensing Act 2003.
  - (ii) These conditions must not be regarded as “standard conditions” which are to be automatically imposed in all cases. They are designed to provide a range of possible conditions, which may need to be attached to licences depending upon differing situations. The wording of the conditions may need to be modified to suit a particular premises and situations.
  - (iii) This is not an exhaustive or exclusive list of conditions. Additional conditions may be drafted and attached to licences to meet individual circumstances.
  - (iv) Applicants preparing Operating Schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives.
  - (v) When incorporated into a Premises Licence or Club Premises Certificate, any condition becomes enforceable under the law and a breach of such a condition could give rise to prosecution.
  - (vi) In these conditions the term “Licensee” refers to the holder of a Premises Licence or a club holding a Club Premises Certificate and Operating Schedule refers also to a Club Operating Schedule.
-

**CONDITIONS**  
**RELATING TO THE PREVENTION OF CRIME AND DISORDER**

**Text / Radio Equipment**

1. There must be provided at the premises text and/or radio equipment to be operated in conjunction with the Police.
2. The text and/or radio system must be capable of sending and receiving messages to and from the Police, and other licensees, Designated Premises Supervisors, Door Supervisors, managers and club operators, incorporated into any joint and mutually beneficial scheme operating in the area.
3. The text and/or radio system must be maintained in good working order at all times when the premises are being used for a licensable activity.
4. The text and/or radio system must be activated, made available to, and monitored by the Designated Premises Supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.
5. The Licensee, Designated Premises Supervisor or other person having responsibility for monitoring the text and/or radio system provided must comply with any instructions or directions received through the system from the Police.
6. The Licensee, Designated Premises Supervisor or other responsible person must use the text and/or radio system to notify any incident of crime and disorder to the Police as soon as practically possible, in accordance with agreed protocols.
7. At any time that the premises are in operation the names of all personal licensees on duty and all persons in possession of text/radio equipment shall be recorded in an appropriate record book to be kept at the premises. This record book must be available for inspection by the Police or Council Officers at all times when the premises are open.

## Door Supervisors

8. (either)

- At all times that the premises are open for any licensable activity

(or)

- Between ..... and .....on ..... (days) when the premises are open for a licensable activity

There shall be employed at the premises 'X' number of Door Supervisors (as defined in the Private Security Industry Act 2001).

9. Door Supervisors must be stationed in such numbers and in such positions as detailed on the attached schedule and approved plan of the premises.
10. Door Supervisors may be male or female, but, where physical searching of a patron is to be undertaken, such searching must be undertaken by staff of the same sex as the patron.
11. Door Supervisors must be provided with 'two-way' radios or similar systems capable of ensuring continuous communication between each other at all times that the premises are open for a licensable activity.
12. Door Supervisors shall wear clothing of the same style, type and colour, which may be appropriate to the nature of the venue, but which will ensure they are clearly distinguishable and identifiable as Door Supervisors having regard to the events and activities taking place at the licensed premises.
13. On each day that Door Supervisors are engaged for duty at the premises, their details (names and licence numbers) shall be recorded in an appropriate book kept at the premises. In conjunction with this record book, an incident book shall also be kept. This record book and incident book must be available for inspection by the Police or Officers of the Council at all times when the premises are open.



## Bottle Bans

14. Glass bottles containing beverages of any kind must not be left in the possession of any patrons after service and following the discharge of the contents into an appropriate glass or drinking vessel (except glass bottles containing wine which may be sold for consumption with a meal taken at a table, by customers who are seated in an area set aside exclusively for patrons taking table meals).
15. No persons carrying open or sealed glass bottles must be admitted to be premises at any time that the premises are open for any licensable activity.

## Plastic Containers and Toughened Glass

16. Drinks shall be served only in containers made of strengthened glass (tempered glassware) or of a material that, in the event of breakage, will fragment with no sharp edges remaining. Alternatively, drinks may be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

*(Note: Weights and Measures legislation may require the use of “stamped glasses” where “meter-measuring equipment” is not in use.)*

17. Any drinks to be consumed in a beer garden or children’s play area must be served only in containers made of strengthened glass (tempered glassware) or of a material that, in the event of breakage, will fragment with no sharp edges remaining. Alternatively, drinks may be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).
18. No glass drinking vessels or glass bottles shall be permitted (*in the areas described in the attached schedule and delineated on the approved plan.*)

## CCTV

19. A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of the Council and Northumbria Police. Such a system must:
  - Ensure coverage of all entrances and exits to the premises internally and externally;
  - Ensure coverage of such other areas as may be required by the Council or Northumbria Police;
  - Provide continuous recording facilities for each camera to a good standard of clarity. Such recordings must be retained (on tape or otherwise) for a period of \_\_\_\_\_, and must be supplied to an Officer of the Council or a Police Officer on request; and
  - Be in operation at all times the premises are in use.

## **Open Containers not to be taken from the Premises**

20. No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open bottle, whether empty or containing any beverage.

## **Restrictions on Drinking Areas**

21. No alcoholic drinks may be consumed in the (areas described in the attached schedule).

## **Capacity Limits**

22. The number of persons permitted to assemble on the premises on the same occasion shall at no time exceed the permitted numbers specified on the Premises Licence.

23. The maximum number of persons permitted in each of the following areas at any one time shall not exceed: -

- (a)
- (b)
- (c)
- etc,

but at no time shall the total number of persons on the premises as a whole exceed (number) persons.

24. There shall be effective management arrangements in place to identify how many persons there are in the premises at all times when the premises are open for a licensable activity.
25. The maximum number of persons permitted to assemble on the licensed premises, or relevant part of the licensed premises, shall be indicated by a fixed notice bearing the words "Maximum Occupancy" with letters and numbers not less than 20 mm high, conspicuously sited at each relevant part of the premises and at the reception point.

## **Proof of Age**

26. A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.

27. All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 18 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, Police or Armed Forces ID card, Proof of

Age card carrying a "PASS" logo, or any other Government approved identification card or such evidence which the Council have approved as credible.

## **Crime Prevention Notices**

28. Suitably phrased, clear and conspicuous notices shall be displayed near the entrance to the premises and in other appropriate locations such as sanitary conveniences advising patrons:
- a) of any risk of theft or possibility of other criminal activity
- and/ or*
- b) to exercise care with their personal possessions to prevent theft
- and/or*
- c) how to report any incidents of theft or other criminal activity.
29. All such signs shall be illuminated or positioned in well-lit locations.

## **Signage**

30. A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance to the premises that gives details of times when the premises are permitted to be open for any licensable activity.
31. A conspicuous notice must be displayed on or immediately outside the premises, or which is immediately adjacent to the premises, which gives details of any restrictions relating to the admission of children to the premises.

## **Large Capacity Venues used Exclusively or Primarily for the “Vertical” Consumption of Alcohol (High Volume Vertical Drinking Establishments (HVVDs))**

32. The premises must contain at least (number) tables and (number) chairs.

## **Restaurants/Cafés**

33. Seating for no less than (number) persons shall be provided in the premises at all times the premises are in operation.
34. Seating shall be provided for all customers and alcohol shall only be served to those customers who are seated at tables by way of waiter or waitress service.
35. Except in the area identified and delineated (e.g., hatched, coloured green) on the deposited plan, alcohol shall only be sold or supplied to, and consumed by, persons seated at a table, by way of waiter or waitress service, save that:

- a. No more than (number) persons may stand in the area identified and delineated (e.g. coloured blue) at any one time; and
- b. A patron may take alcohol from the area marked (e.g. coloured green) and consume it in the area marked (e.g. coloured blue).

## **CONDITIONS** **RELATING TO PUBLIC SAFETY**

### **Disabled People**

36. When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-determined plan.

### **Escape Routes**

37. All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and be clearly identified.
38. Where chairs and tables are provided in restaurants and other premises, internal gangways must be kept unobstructed.
39. All exit doors must be easily opened without the use of a key, card, code or similar means.
40. All doors leading from exits into passages or to the outside of the premises shall be without locks, bolts or other fastenings, except that those doors used only for exit shall be fitted with panic bolts and the method of opening shall be clearly indicated on the door to which it is fitted. Panic bolts shall not be secured with chains, padlocks or other locking devices when the premises are being used for the purposes of the licence.
41. All exit doors must be regularly checked to ensure that they function satisfactorily and a record of the check kept on the premises.
42. Any removable security fastenings must be removed whenever the premises are open to the public or occupied by staff. Arrangements must be made to ensure that security-fastening devices are displayed in a prominent position under management control when the premises are open to the public.
43. The edges of steps and stairs shall be conspicuous. Mats, matting, carpets and other floor coverings shall be secured to the surface they cover and shall be so maintained.

### **Safety Checks**

44. Safety checks must be carried out before the admission of the public. These must correspond with the risk assessment and the conditions of the licence.

45. A written record of all periodic tests, examinations, inspections, staff training and results referred to herein shall be made in a log book. The log book shall be kept on the premises at all times and shall be available for examination by Officers of the Council, Northumbria Police and Tyne and Wear Fire and Rescue Service.

### **Curtains, Hangings, Decorations and Upholstery**

46. Curtains and drapes shall be adequately supported and shall not be hung across stairs, stairways or gangways. Curtains and drapes may be hung over doors, but shall be so hung as to draw easily and slide freely. All curtains and drapes shall be hung so that they do not come into contact with the floor, and do not conceal notices.
47. Temporary decorations must not be used without prior notification to the Council.

### **Capacity Limits**

48. The number of persons permitted to assemble on the premises on the same occasion shall at no time exceed the permitted numbers specified on the Premises Licence.
49. There shall be kept a record of the total number of persons present on the premises at all times when the premises are open to the public. Such record shall be kept in written form or by such other means as may be approved in writing by the Council and shall be kept readily available for inspection upon request by any Officer of the Council, Police or Tyne and Wear Fire and Rescue Service.

### **Access for Emergency Vehicles**

50. Access to the premises for emergency vehicles must be kept clear and free from obstruction.

### **First Aid**

51. Access to the premises for emergency vehicles must be kept clear and free from obstruction.
52. At least one suitably trained first aider per 500 people shall be on duty at all times when the public are present up to the first 3,000 and then one per 1,000 for the remainder. If more than one suitably trained first aider is on duty their respective duties must be clearly defined.

### **Lighting**

53. In the absence of adequate daylight all areas including circulation areas and exit routes shall be illuminated whenever the premises are being used for the purpose of this licence. Such lighting shall be maintained in working order.

54. Emergency lighting must not be altered without the prior consent of the Council.
55. The emergency lighting system must be checked to ensure it is operating correctly before the admission of the public, members or guests.
56. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises immediately.

## **Temporary Electrical Installations**

57. Temporary electrical wiring and distribution systems must not be installed without notification to the Council at least ten days before commencement of the work and must be inspected and certified by a suitable qualified electrician prior to use.
58. Where it is not possible to give ten days notification to the Council of the installation of temporary electrical wiring and distribution systems, the work must be undertaken by competent, qualified persons.
59. Temporary electrical wiring and distribution systems must comply with the recommendations of BS7671 or, where applicable, BS7909.
60. All temporary electrical wiring and distribution systems must be inspected and certified by a competent person before they are put to use.

## **Indoor Sports Entertainment**

61. An appropriately qualified medical practitioner must be present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
62. Where a ring is constructed for the purposes of boxing, wrestling or similar sports, it must be constructed by a competent person, and inspected, prior to use, by a Building Control Officer of the Council (at the cost of the applicant).
63. At any wrestling or other entertainment of a similar nature, members of the public must not occupy any seat within 2.5 metres of the ring.
64. At water sports entertainments, staff adequately trained in rescue and life safety procedures must be stationed and remain within the vicinity of the water at all material times.

**CONDITIONS**  
**RELATING TO PUBLIC SAFETY IN THEATRES, CINEMAS,**  
**CONCERT HALLS AND SIMILAR PLACES**

**Attendants**

65. The number of attendants on each floor in a closely seated auditorium must be as set out on the table below:

<b>Number of members of the audience present on a floor</b>	<b>Minimum number of attendants required to be present on that floor</b>
1 - 100	One
101 - 250	Two
251 - 500	Three
501 - 750	Four
751 - 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

66. Attendants must not be engaged in any activity that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from the floor or auditorium where they are on duty.
67. All attendants must be readily identifiable to the audience (but this need not entail the wearing of a uniform).
68. The premises must not be used for a closely seated audience except in accordance with (a) seating plan(s), (a) copy/copies of which must be available at the premises and must be shown to an Officer of the Council, Police or the Fire and Rescue Service on request.
69. No article must be attached to the back of any seat, which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
70. A copy of any certificate relating to the design, construction and loading of any temporary seating must be kept available at the premises and must be shown to an Officer of the Council, Police or the Fire and Rescue Service on request.

**Standing or Sitting in Gangways etc.**

71. Sitting on floors must not be permitted except where authorised in the premises licence or club premises certificate.
72. Waiting or standing must not be permitted except in areas designated in the premises licence or club premises certificate.
73. In no circumstances must anyone be permitted to –

- sit in any gangway;
- stand or sit in front of any exit; or
- stand or sit on any staircase including any landings.

## **Drinks**

74. Except as authorised by the premises licence or club premises certificate, no drinks must be sold to or be consumed by a closely seated audience except in plastic and paper containers.

## **Balcony Fronts**

75. Clothing or other objects must not be placed over balcony rails or upon balcony fronts.

## **Special Effects**

76. Any special effects (as defined below) or mechanical installation must be arranged and stored to minimise any risk to the safety of the audience, the performers and staff.
77. Except with the prior written approval of the Council and subject to any conditions that may be attached to such approval no special effects shall be used on the premises.

Special effects include:

- a) dry ice machines and cryogenic fog;
- b) smoke machines and fog generators;
- c) pyrotechnics, including fireworks;
- d) real flame;
- e) firearms;
- f) motor vehicles;
- g) strobe lighting;
- h) lasers; and
- i) explosives and highly flammable substances.

## **Ceilings**

78. All ceilings in those parts of the premises to which the audience is admitted must be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the Council.

## **Seating**

79. Where the potential audience exceeds 250 all seats in the auditorium must, except in boxes accommodating not more than eight persons, be either securely



fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

## **PREMISES USED FOR FILM EXHIBITIONS**

### **Attendants – Premises without a Staff Alerting System**

80. Where premises used for film exhibitions are not equipped with a staff alerting system the number of attendants present must be as set out in the table below:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>
1 – 250	2
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant must be present in any auditorium or on any floor

### **Attendants – Premises with a Staff Alerting System**

81. (a) Where premises used for film exhibitions are equipped with a staff alerting system the number of attendants present must be as set out in the table below:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>	<b>Minimum number of other staff on the premises who are available to assist in the event of an emergency</b>
1 - 500	Two	One
501 - 1000	Three	Two
1001 - 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- the holder of the premises licence or the manager on duty at the premises;
- a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or

- a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

(c) Attendants must as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(d) The staff alerting system must be maintained in working order and be in operation at all times the premises are in use.

## **Minimum Lighting**

82. The level of lighting in the auditorium must be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

## **CONDITIONS** **RELATING TO PUBLIC NUISANCE**

### **Noise and Vibration**

83. The internal LAeq 15min and the Leq 15 min for the 63Hz frequency centred octave band shall not be increased within nearby residential properties (measured with windows at the dwellings either open or closed) as a result of noise emissions from the licensed premises.
84. Noise generated by amplified music must be controlled by a noise-limiting device set at a level determined by the Council, such level being confirmed in writing to the Licensee.
85. The lobby doors at the premises must be kept closed except for access and egress. Door staff must supervise to ensure that the doors are maintained closed as far as possible when public entertainment is taking place.
86. Windows, doors and fire escapes shall remain closed during entertainment events within the premises
87. The use of fireworks and pyrotechnics is restricted to the hours of ..... to .....
88. Clear and legible notices must be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents; in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.

## **Light Pollution**

89. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises must be so positioned to not cause nuisance to neighbouring or adjoining properties.
90. Lighting associated with activities of entertainment must be positioned so as not to cause nuisance to neighbouring or adjoining properties.
91. Lighting provided externally to promote advertising of the premises or activities associated with the premises must not be so intense as to cause nuisance to neighbouring or adjoining properties.

## **Noxious Smells**

92. Suitable ventilation and extraction systems must be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.

## **CONDITIONS** **RELATING TO THE PREVENTION OF HARM TO CHILDREN**

### **Access for Children to Licensed Premises – General**

93. Persons under 18 years must not be allowed access to the premises.
94. Persons under ...years unaccompanied by an adult over 18 must not be admitted after .....

### **Theatres**

95. Persons under the age of 18 years must not be allowed access to premises during any time when an activity or entertainment of a sexual nature is being provided. For the purposes of this condition entertainment of a sexual nature includes but is not limited to striptease (sometimes referred to as exotic dancing), lap dancing, pole dancing or any other entertainment of a similar nature.
96. Persons under the age of 18 years shall not have access to the premises (or specified part thereof) during any time when an activity, entertainment or service of an adult and/or sexual nature is provided. For the purposes of this condition entertainment of an adult or sexual nature includes but is not limited to performances involving feigned violence or horrific incidents, entertainment involving strong, foul, offensive or abusive language, nudity, striptease (sometimes referred to as exotic dancing), lap dancing, table dancing, pole dancing, feigned or actual sexual acts or fetishism, or which is likely to offend against good taste or decency or any other entertainment of a similar nature.

### **Entertainment Especially for Children**

97. Where entertainment is provided wholly or mainly for unaccompanied children:

- a. an attendant must be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof;
  - b. attendants must wear distinctive clothing or suitable armbands; and
  - c. attendants must be present throughout the entertainment and while the audience is entering and leaving the building.
98. All staff coming into contact with children shall be vetted by an Enhanced Criminal Records Bureau check and have no convictions that would make them unsuitable to inter-act with children.

### **Children in Performances**

99. The show venue must be large enough to safely accommodate the children backstage.
100. All chaperones and production crew must receive the fire instruction procedures applicable to the venue prior to the arrival of the children.
101. Children must be supervised by an adult at all times.

### **The Portman Group Code of Practice on the Naming, Packaging and Promotions of Alcoholic Drinks**

102. Compliance with the Portman Group's Retailer Alert Bulletins is required.



**ACTION TAKEN ON PETITION**

Council Members are asked to note the action taken in relation to the under mentioned petitions which were presented to Council.

**(i) Petition from residents of Washington requesting a feasibility study for improved parking facilities in front of the shops on Vigo Lane, Harraton, Washington presented to Council by Councillor Ian Cuthbert.**

The former Director of Development and Regeneration agreed to undertake a feasibility study into a scheme to improve parking in front of the shops.

The feasibility Study has now been completed. A parking lay-by could be provided on Vigo Lane, in front of the shops, at an estimated cost of £66,000. This includes £42,000 for the diversion of underground NEDL and BT cables.

The Council's Capital Programme for traffic management schemes in 2010/11 has been significantly reduced following an in-year Local Transport Plan (LTP) budget reduction of circa £900k imposed by central government. Until such time as the LTP budget for 2011/12 is known and agreed, no decision can be made on progressing this scheme at this time.

Councillor Cuthbert and the lead petitioner have been notified.

**(ii) Petition from the Washington History Society – Request to install an Education and Heritage Centre which was presented to Council, by Councillor Jill Fletcher on 21 January 2010.**

The petition contained over 900 signatures

The Executive Director City Services considered the petition and following consultation with the Portfolio Holder for Safer City a meeting was held with members of the local voluntary sector and officers from Culture and Tourism to discuss their aspirations and needs in relation to a proposed centre. It was agreed that a recommendation be taken forward to the Washington Area Committee for further consideration.

Washington Area Committee agreed at its meeting on 4 February 2010 for a funding application to go forward for a feasibility study to be carried out.

The funding would incorporate the following options:

- costs for the renovation and restoration of the preferred site (Spout Lane),
- to consider a range of options for alternative delivery incorporating the current heritage offer within the area,
- assessing the individual strengths and weaknesses of the heritage assets identified and how these assets contribute to the area and the city, and
- opportunities for collaboration between heritage sites and assets within the Washington area, including guidance on volunteers, management and governance.

In June 2010, following a procurement process undertaken by officers from Culture and Tourism and the Portfolio Holder for Safer City and Culture, the North of England Civic Trust (NECT) was awarded the contract. The contract commenced on 1 September 2010.

An interim meeting will take place in November 2010 with NECT and Members/Officers from the City Council. The purpose of the meeting will be to update on the progress of works, with a full presentation on the outcomes of the study planned for January 2011.

Councillor Fletcher and the lead petitioner are to be notified.

# ***Notices of Motion***





**NOTICE OF MOTION**

Council Members are asked to consider the undermentioned Motions:-

**(i) Notice of Motion – Support to Show Racism the Red Card**

This Council acknowledges the excellent work that the charity Show Racism the Red Card has done in the cause of social cohesion across the country in recent years, and calls on everyone to support its good work.

Councillor P. Watson  
Councillor F. Anderson  
Councillor H. Trueman  
Councillor M. Speding

**(ii) Notice of Motion – Comprehensive Spending Review**

This Council notes that the recent Comprehensive Spending Review is grossly disproportionate and unfairly targets children and young people and calls on the Coalition Government to reconsider this unfair position.

Councillor T. Wright  
Councillor D. Allan  
Councillor F. Anderson  
Councillor H. Trueman  
Councillor N. Padgett  
Councillor P. Walker  
Councillor R.A. Bell  
Councillor R.D. Tate  
Councillor D.E. Snowdon  
Councillor A. Hall  
Councillor N. Wright  
Councillor M. Speding

**COUNCIL**

**24 NOVEMBER 2010**

**APPOINTMENTS TO OUTSIDE BODIES – THE NORTH EASTERN FISHERIES AND CONSERVATION AUTHORITY, THE GREAT EPPLETON WIND FARM PANEL AND THE SUNDERLAND FUTURES PARTNERSHIP BOARD**

**Report of the Head of Law and Governance**

**1.0 Introduction**

1.1 The purpose of this report is to consider nominations to seats on the North Eastern Fisheries and Conservation Authority, the Great Eppleton Wind Farm Panel and the Sunderland Futures Partnership Board.

**2.0 The North Eastern Inshore Fisheries and Conservation Authority**

2.1 The Council has been formally notified that following the Marine and Coastal Access Act 2009 the North Eastern Sea Fisheries Committee will cease to exist on 31<sup>st</sup> March 2011. The Council is currently represented on the Committee by Councillor R Bell. From 1<sup>st</sup> April 2011 the Committee will be replaced by the new North Eastern Inshore Fisheries and Conservation Authority and Sunderland will be entitled to appoint one representative to the new Authority. The Council is, accordingly, invited to confirm Councillor R Bell as its nominated representative on the North Eastern Inshore Fisheries and Conservation Authority.

**3.0 The Great Eppleton Wind Farm Panel**

3.1 The Council has been invited to nominate a member to sit on the newly formed Great Eppleton Wind Farm Panel. E.ON, an energy corporation based in Germany, has established the Great Eppleton Wind Farm Community Benefit Fund for an area of benefit within a three mile radius of the Great Eppleton Wind Farm. The Life of the fund will be for approximately 20 years. E.ON have appointed the County Durham Community Foundation to manage the fund and a panel is being established to oversee this.

3.2 The panel will consist of three Councillors representing Hetton, Copt Hill and Murton, three residents and up to two local stakeholders plus one E.ON representative. The panel will be chaired by a County Durham Community Foundation Board Member. In relation to the two Sunderland wards Hetton Town Council has been asked to nominate one representative with the City

Council nominating a representative for the Copt Hill area. The Council is accordingly invited to nominate Councillor Robert Heron to represent the Copt Hill area on the Great Eppleton Wind Farm Panel.

#### **4.0 The Sunderland Futures Partnership Board**

**4.1** Sunderland Futures is a unique and nationally recognised partnership of Secondary and Special schools that jointly fund two applied learning centres for use by all 14-16 year old students in Sunderland. The centres, based in Harraton and Pallion, have outstanding industry standard facilities which include advanced engineering workshops, industrial kitchens, hairdressing salons, an aircraft section and motor vehicle workshop. A new conference facility opened in September 2010 will allow 14-16 year olds to interact with a real working environment and Sunderland University Business Graduates in the development and marketing of the conference centre and the extension of use of the other facilities within the two centres. The Partnership delivers 14-19 learning provision across the City.

**4.2** A Partnership Agreement has been drawn up which states that a Partnership Board should be established to develop the strategic over- view and direction of Sunderland Futures. The organisation would welcome Council representation on this Board to ensure that the interests of all stakeholders are represented. The Council is accordingly invited to consider nominating the Portfolio Holder for Children and Learning City, Councillor Pat Smith, as the Council's representative on Sunderland Futures Partnership Board

#### **5.0 Recommendations**

**5.1** The Council is now recommended to:

- (i) confirm Councillor R Bell as the Council's nominated representative on the new North Eastern Inshore Fisheries and Conservation Authority,
- (ii) nominate Councillor Robert Heron to represent the Copt Hill area on the Great Eppleton Wind Farm Panel, and
- (iii) nominate the Portfolio Holder for Children and Learning City, Councillor Pat Smith, as the Council's representative on Sunderland Futures Partnership Board.