

**At a meeting of the LICENSING AND REGULATORY COMMITTEE held in the COUNCIL CHAMBER on MONDAY, 2<sup>nd</sup> AUGUST, 2021 at 10.00 a.m.**

**Present:-**

Councillor Fletcher in the Chair

Councillors Crosby, Dodds, Heron, S. Johnston, Leadbitter, D. MacKnight, M. Walker, D. Wilson and A. Wood

**Declarations of Interest**

Item 4 – Sunderland Stadium of Light Renewal of Safety Certificate for Season 2021-22

Councillors Heron and S. Johnston declared that they were season ticket holders for SAFC.

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Ali, P. Gibson, Hartnack, Mann and D. Snowdon.

**Minutes of the Last Meeting of the Committee held on 5<sup>th</sup> July, 2021 Part I**

1. RESOLVED that the minutes of the last meeting of the Committee held on 5<sup>th</sup> July, 2021, Part I (copy circulated) be confirmed and signed as a correct record.

**Sunderland Stadium of Light Renewal of Safety Certificate for Season 2021-22**

The Executive Director of City Development submitted a report (copy circulated) which recommended to the Committee the approval of the application by Sunderland Association Football Club for the renewal of the General Safety Certificate for the Season 2021/22.

(For copy report – see original minutes)

Mark Jackson, Assistant Director of Infrastructure, Planning and Transportation, presented the report; he advised that no physical changes had been made to the stadium to affect the capacity since the last grant of a certificate; the maximum capacity was 48,330 (Non-Segregation Match) and 48,095 (Segregation Match). Due to recent government announcements it was anticipated that spectators would be

allowed back into the venue for the 2021/22 season. It was acknowledged that there may need to be reductions in capacity to allow for social distancing.

The fee payable for the certificate was also under consideration; this had been set at £10,000 when the stadium had opened in 1997 and from the start of the 2000/01 season the fee had been increased to £12,250. There had been no additional officer involvement necessary and efficiencies had been introduced into the process so it was recommended that the fee remain at the same level.

2. **RESOLVED that:-**

- a. Approval be given to the grant of a General Safety Certificate for the Sunderland Stadium of Light for the season 2021/22 for maximum capacities of 48,339 (Non Segregation Match) and 48,095 (Segregation Match) on the understanding that there may need to be a reduction in the capacity. Any reduction to capacity would be agreed with the holder of the Certificate, depending on whether matches were played without spectators or in front of spectators with social distancing guidelines and any other mitigation measures in place and authorisation be given to the Club to take all necessary precautions for the reasonable safety of spectators at these games as per Condition 4;
- b. Authorisation be given to the Executive Director of City Development to follow such procedure and issue such notice needed to obtain compliance with any proposed restriction to the capacity;
- c. The holder of the General Safety Certificate shall ensure that, whilst provisions of the Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (Wales) Regulations 2020 (as amended) remain in force (as these may be amended, modified or replaced from time to time, whether generally or for a particular area which includes Sunderland Stadium of Light, the procedures for the phased return of live sport, as set out in Appendix 5 of the General Safety Certificate are followed;
- d. The fee payable for the certificate is not increased.

## **Licensing Act 2003 – Review of Cumulative Impact Assessment**

The Executive Director of Neighbourhoods submitted a report (copy circulated) which advised the Committee of the requirement, in its capacity of a Licensing Authority, to undertake a review of the Council's Cumulative Impact Assessment (CIA), under the Licensing Act 2003 (the Act) and to carry out a consultation exercise as prescribed under Section 5 of the Act and to seek the Committee's approval of the proposed arrangements for dealing with the review process.

(For copy report – see original minutes)

Mr Steve Wearing, Principal Licensing Officer, presented the report and advised that since the implementation of the Licensing Act, Councils had commonly exercised Cumulative Impact Policies as a means of placing restrictions on the grant of new licences and on applications for variation of existing licences within their areas. The Policing and Crime Act 2017 amended the Licensing Act 2003 to give the concept of 'Cumulative Impact' a statutory footing with effect from 6<sup>th</sup> April 2018. The way this

was achieved was to give Licensing Authorities the discretion to publish documents, separately to their Licensing Statements, which were termed 'Cumulative Impact Assessments' (CIAs). They were introduced as a tool for licensing authorities to limit the growth of licenced premises, both on and off trade, in problem areas.

The existing Sunderland CIA was adopted on 19<sup>th</sup> September 2018 following a prescribed statutory consultation process. Under the Licensing Act CIAs must be reviewed every three years so the current assessment was due for a review prior to 18<sup>th</sup> September 2021.

The areas covered by the existing CIA were set out in the report and since the implementation of the CIA there had been no new licences or variations to existing licences that had been refused in these areas as no representations had been made on the grounds of cumulative impact.

The principle of cumulative impact was to identify areas where there was a saturation of a significant number of licensed premises which caused the benefits provided by alcohol premises to be outweighed by public nuisance, crime, disorder and other costs of excessive alcohol consumption. In recent months a number of local authorities had decided, following review, that it was no longer necessary to implement a CIA due to the changing environment and local circumstances.

Due to the Covid-19 Pandemic there had been a significant impact on the hospitality sector and as such there had been an impact on the accuracy of information available to justify a CIA; as such it was considered that it was not appropriate to continue with the implementation of the CIA beyond 18<sup>th</sup> September 2021 and it was intended that Officers would instigate an appropriately timed CIA within the next 6 – 12 months which would provide sufficient time for the collection of robust information as to whether a new CIA should be proposed for implementation.

Members gave consideration to the report and it was:-

3. RESOLVED that:-
  - a. A period of consultation with relevant stakeholders as set out in paragraph 6.7 of the report to obtain comments on the proposal that the CIA should cease from 19<sup>th</sup> September 2021 be commenced.
  - b. The period of consultation commence on 3<sup>rd</sup> August 2021 until 5pm on 20<sup>th</sup> August 2021; and
  - c. Council be recommended that the existing CIA should cease from 19<sup>th</sup> September 2021 and that a CIA be further considered in the next 6 to 12 months subject to the availability of all relevant information at that time.

#### **Local Government (Access to Information) (Variation) Order 2006**

4. RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during consideration of the remaining business as it was considered likely to include the disclosure of exempt information relating to an individual and the financial or business

affairs of a particular person (including the Authority holding that information). (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1 and 3).

(Signed) J. Fletcher,  
Chairman.

**Note:-**

The above minutes comprise only those relating to items during which the meeting was open to members of the public.

Additional minutes in respect of further items are included in Part II.