

ECONOMIC PROSPERITY SCRUTINY COMMITTEE

AGENDA

Meeting to be held in the Civic Centre (Council Chamber) on Tuesday 12th October 2021 at 4.30 p.m.

Membership

Cllrs Ali, M. Dixon, Edgeworth, Fagan, Foster, Greener, Laws, Price, D. Snowdon (Chairman), Taylor, Thornton (Vice Chairman) and Warne.

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Report of the Scrutiny and Members Support Co-ordinator (copy herewith).

Part C – CCFA/Members Item/Petitions

No items.

E. WAUGH,
Assistant Director of Law and Governance,
Civic Centre,
SUNDERLAND.

4th October 2021.

At a meeting of the ECONOMIC PROSPERITY SCRUTINY COMMITTEE held in the COUNCIL CHAMBER, CIVIC CENTRE on TUESDAY 14TH SEPTEMBER, 2021 at 4.30 p.m.

Present:-

Councillor D. Snowdon in the Chair

Councillors M. Dixon, Edgeworth, Fagan, Foster, Greener, Laws, Price, Taylor and Warne

Also in attendance:-

Mr Jim Diamond, Scrutiny Officer, Sunderland City Council
Mr Paul Wood, Principal Governance Services Officer, Sunderland City Council
Mr Steve Wearing, Principal Licensing Officer
Ms Catherine Auld, Assistant Director of Economic Regeneration
Mr Paul Wilson, Assistant Director of Finance

The Chairman welcomed everyone to the meeting and introductions were made.

Apologies for Absence

Apologies were submitted on behalf of Councillors Ali and Thornton

Minutes of the Last Ordinary Meeting of the Scrutiny Committee held on 13th July 2021

A copy of the minutes of the last ordinary meeting of the Scrutiny Committee held on 13th July, 2021 was submitted.

(For copy report – see original minutes).

1. RESOLVED that the minutes of the last ordinary meeting of the Scrutiny Committee held on 13th July, 2021 (copy circulated), be confirmed and signed as a correct record

Declarations of Interest (including Whipping Declarations)

Reference from Cabinet – 14 September 2021 – Licensing Act 2003 – Review of Cumulative Impact Assessment

Councillor Edgeworth made an open declaration that as he worked for the Campaign for Real Ale which campaigned to promote and protect public houses he would withdraw from the meeting during consideration of this item.

Reference from Cabinet – 14 September 2021 – Licensing Act 2003 – Review of Cumulative Impact Assessment

The Assistant Director of Law and Governance submitted a report (copy circulated) to seek the advice and consideration of the Committee on a report considered by

Cabinet on 14 September 2021. The report presented the Licensing Act 2003 – Review of Cumulative Impact Assessment and informed of the legal requirement of the Council, in its capacity of Licensing Authority, to undertake a review of the Council's Cumulative Impact Assessment (CIA), under the Licensing Act 2003, ("the Act")

(For copy report – see original minutes)

Mr Steve Wearing, Principal Licensing Officer, presented the report and was on hand to answer Members queries.

Councillor Taylor wished for his concerns to be noted over the timescales of how this report had come to the scrutiny committee for comment after having been approved at Cabinet earlier.

Councillor Dixon commented that whilst he broadly agreed with the conclusions within the report, which had support from the Police and Fire Authority, he also was concerned with regards to the timeline in which consultation was given to this Committee and when the report had become available. Mr Wearing advised that there had been a delay on the matter being brought to the Licensing and Regulatory Committee for consultation therefore there had only been a short window of opportunity. Mr Wearing commented that ideally they would have liked to have brought the report to this Committee earlier than they had been able to, which was regrettable and officers apologised in this regard.

Councillor Dixon commented on previously raised concerns over those people, and in particular one of his Ward constituents that had been cheated out of furlough money by their employers and enquired if there was any system in the future, via HMRC, that could provide a list of those employers and the Council could then look at their Premises License.

Mr Wearing advised that under the present procedures when dealing with Licensing applications there were only certain conditions that could be taken into consideration. Should applications be received, responses could be made, with any person able to make representations but it would be dependant on circumstances whether this could be taken into consideration and he could take this away to discuss with colleagues.

Catherine Auld, Assistant Director of Economic Regeneration advised that there were challenges with access to info from HMRC but it may be a possible route through the Licensing Appeals process.

In response to Councillor Dixon's query if he passed on the details of the address which had come to their attention and if this would be helpful, Mr Wearing advised that it would depend on the circumstances and he would need to take legal advice on if it was relevant to the Act and if it would trigger a review/formal action.

Councillor Fagan queried if once the Cumulative Impact Assessment was reintroduced, if it would also look at the positives along with the negatives, as the current global circumstances had highlighted the importance of the hospitality sector in issues such as addressing social isolation. Mr Wearing advised that the positives could absolutely be included and it depended on the data available at that time. The

CIA was a good tool to have but was not absolute in terms of restricting applications and each one would be decided upon based on its individual merits.

Councillor Fagan queried that as the recommendation was to look at this again in 6-12 months, if this could be pushed back further should there be additional lockdowns/restrictions implemented again. Mr Wearing advised the committee that this was possible as the recommendation would be based on the data available at that time and in regards to the pandemic it wasn't possible to say definitely what the landscape could look like in 6-12 months time.

Councillor Taylor queried, with the CIA ending, what measures the Council had in place to mitigate against complaints they received from the public. Councillor Taylor also wished to place on record his thanks to Councillor Fletcher, Marion Dixon and the Licensing Officers for their work in dealing with premises which had extended outside seating areas during the pandemic and the impact these had on the local neighbourhoods due to the loss of parking etc and the complaints that arose from this.

Mr Wearing advised that the CIA would be a tool for scrutinising new applications and the Council would continue as they have been in reviewing current premises where there were problems, so the recommendation before Members would not change in that regard. Mr Wearing also advised that Officers do their best to mitigate during such situations with the premises beforehand to try and find a resolution before they get to a need for a formal hearing/process.

Councillor Dixon also wished to place on record his thanks to officers for their work in resolving issues affecting residents in the St Michael's Ward.

In response to the Chairman's comment, Mr Wearing advised that he was correct that other neighbouring Council's had also delayed the review of the CIA until more complete data was available.

Having fully considered the report, the Chairman thanked Mr Wearing for his attendance

2. RESOLVED that the report be received, noted and that it's comments be reported to Council.

Covid-19 Grants – Final Position Summary

The Assistant Director of Economic Regeneration and the Assistant Director of Finance submitted a joint report (copy circulated) to provide an overview of the Covid-19 Business Support programmes provided by the Government, focussing primarily on the grants to businesses and their administration within Sunderland by the Council including the closing position.

The report updated the position as reported in November 2020, following the release of additional Covid-19 business support funding.

(For copy report – see original minutes)

Ms Catherine Auld, Assistant Director of Economic Regeneration, and Mr Paul Wilson, Assistant Director of Finance presented the report and were on hand to answer Members queries.

Councillor Foster commented that these grants and the speed in which they had been distributed had provided a real help to the small businesses in the area, and it had been greatly appreciated by those so Officers should be thanked for their efforts.

Councillor Dixon wished to echo such gratitude on behalf of all the residents that had been given help. Councillor Dixon also referred to paragraph 6.4 of the report and enquired if this procedure had helped Officers to gain a better understanding of the businesses and if a close liaison between the Council and businesses would continue.

Ms Auld thanked Members for their remarks which she would pass onto colleagues as this had been a real team effort across the Council. In relation to gaining a better understanding of businesses, Ms Auld believed this was the case as they had learnt on a number of levels and gained really strong professional working relationships out of the situation. The Council were now working and had access/communications with businesses that they didn't have contact with before the pandemic.

In response to Councillor Dixon's enquiry, it was advised that they were not aware of many fraudulent applications and mainly it had been due to the complexity of the process and the differing applications for different schemes which resulted in firms being ineligible.

Councillor Laws queried if officers had been able to pinpoint any areas where it hadn't worked and could be improved upon. Ms Auld advised that this was difficult to answer as it had been an unusual time where something new was implemented and at a pace. The implementation of national schemes on a local economy had proved very difficult but the joint work across the organisation had worked very well.

Paul Wilson, Assistant Director of Finance advised that the process had helped the Councils understanding of businesses and helped in the cleansing/updating of data in terms of business rates and such like.

Councillor Edgeworth queried if any businesses had applied for a grant that had been under any kind of enforcement action and if this had affected the proceedings/application. Ms Auld commented that she was not aware of any off the top of her head but she would check this outside of the meeting.

Having fully considered the report, the Chairman thanked Ms Auld and Mr Wilson for their attendance and asked that thanks be passed on to the Teams for their work.

3. RESOLVED that the progress report be received and noted.

Annual Work Programme 2021-22

The Scrutiny and Members Support Co-ordinator submitted a report (copy circulated), to provide options, provide support and advise Members on the development of the scrutiny work programmes for 2021/2022

(For copy report – see original minutes).

Mr Jim Diamond, Scrutiny Officer presented the report for Members information

Councillor Taylor commented that some items within the forward plan on the next item on the agenda had already been considered at Cabinet earlier, yet these items were not due to come to this Committee until later in the year. Councillor Taylor queried if there was a way of identifying such items due to be considered at Cabinet so that they could be discussed at this committee beforehand and its feedback be included in Cabinets consideration. Mr Diamond advised that the Work Programme could be amended and reports brought forward if necessary.

In relation to Councillor Edgeworth's query over progress on the creation of the Sunnyside Working Group, the Chairman advised that it was intended for this to be set up as soon as possible.

4. RESOLVED that the information contained in the work programme for 2021-2022 be noted.

Notice of Key Decisions

The Scrutiny and Members Support Co-ordinator submitted a report providing Members with an opportunity to consider the items on the Executive's Notice of Key Decisions for the 28-day period from 16th August, 2021 (copies circulated).

(For copy report and notice – see original minutes).

Mr Jim Diamond, Scrutiny Officer reminded Members to contact him if they required further information on any of the items included in the notice.

Councillor Fagan referred to Page 64 of the agenda and requested further information on 210729/614 – To seek approval for the Lease of Land at Azure Court, Doxford Park. Mr Diamond advised that he would seek further background information on this and supply to Councillor Fagan directly.

5. RESOLVED that the Notice of Key Decisions be received and noted.

The Chairman thanked Members and Officers for their attendance and closed the meeting.

(Signed) D. SNOWDON,
Chairman.

Item 4

REPORT OF THE EXECUTIVE DIRECTOR NEIGHBOURHOODS

ECONOMIC PROSPERITY SCRUTINY COMMITTEE – 12 OCTOBER 2021

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

1. PURPOSE OF THE REPORT

- 1.1 To report to the Committee on the outcome of the consultation exercise concerning the Council's Draft Statement of Principles under the Gambling Act 2005, ("the Draft Statement").

2. DESCRIPTION OF DECISION (RECOMMENDATIONS)

- 2.1 The Committee is requested to note the contents of the Report and give their approval that the Draft Statement, subject to any comments that the Committee may wish to make, be submitted to Cabinet for approval under the relevant provisions of the Gambling Act 2005, (the "Act"), at its Meeting of the 16th November, 2021.

3. INTRODUCTION / BACKGROUND

- 3.1 The Act requires all Gambling Act Licensing Authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions with regard to gambling. The Council is a Gambling Act Licensing Authority.
- 3.2 The Council's current Statement of Principles was agreed at a Meeting of Council on the 21st November, 2018. It was published on the 31st December, 2018 and came into force on the 31st January, 2019. The Act requires that this Statement is reviewed by the Council every three years. Any revision of the Statement is subject to a consultation exercise. The parties who must be consulted are, :-
 - The Chief Officer of Police;
 - One, or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the Council's area; and
 - One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Gambling Act 2005.
- 3.3 On the 26th April, 2021 the Licensing and Regulatory Committee authorised Officers to undertake the required consultation exercise. That consultation exercise was duly undertaken and was successfully completed.

4. CURRENT POSITION

- 4.1 Following the consultation exercise one response was received from Gosschalks, Solicitors, on behalf of the Betting and Gaming Council, (“the BGC”). As Members will be aware, the BGC is the single industry body for UK betting and gaming. Their response is attached at Appendix 1 and contains some suggested amendments to the Draft Statement.
- 4.2 Consideration has been given to the points raised by the BGC. Reference is made to the document shown in Appendix 2. The BGC’s comments are shown in the left hand column, while Officer responses to their comments are set out in the right hand column. It is proposed that some of the points made by the BGC are accepted, with commensurate amendments being made to the Draft Statement.
- 4.3 A revised Draft Statement, amended in line with the comments contained at Appendix 2, is attached at Appendix 3.
- 4.4 At its Meeting held on 6th September, 2021 the Licensing and Regulatory Committee, having considered a Report concerning the outcome of the consultation exercise on the Council’s draft Statement of Principles under the Gambling Act 2005, resolved as follows, :-

That the contents of the Report be noted and approval be given to the submission of the draft Statement of Principles to Council for approval under the relevant provisions of the Gambling Act 2005 at its Meeting on 17th November, 2021.

- 4.5 To facilitate compliance with legislation, namely Section 349 of the Gambling Act 2005, it is proposed that the Council publishes its revised Statement of Principles by the 31st December, 2021 and for it to be in force from the 31st January, 2022.

5. RECOMMENDATIONS

- 5.1 The following recommendation is made to the Scrutiny Committee, :-

The Committee is requested to note the contents of the Report, and to give their approval that the Draft Statement, subject to any comments that the Committee may wish to make, be submitted to Cabinet for approval under the relevant provisions of the Gambling Act 2005 at its Meeting of the 16th November, 2021.

6 LIST OF APPENDICES

- 6.1 Appendix 1 – Consultation Response – Betting and Gaming Council;
Appendix 2 – Responses to Consultation on Revised Draft Statement of Principles 2021; and
Appendix 3 – Gambling Act 2005 Revised Draft Statement of Principles.

7 BACKGROUND PAPERS

- 7.1 Gambling Act 2005;
- 7.2 Gambling Commission's Guidance to Licensing Authorities (5th Edition); and
- 7.3 Report to Licensing and Regulatory Committee – 6th September, 2021 :
Gambling Act 2005 – Statement of Principles.

Appendix 1

GOSSCHALKS

BY EMAIL AND POST
Licensing Department
Sunderland City Council
Jack Crawford House
Commercial Road
SUNDERLAND SR2 8QR

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS3942802
Your ref:
Date: 23 June 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four principle objectives. These are to –

- create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable
- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

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Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems. Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. These figures do not take into account the COVID 19 period which betting offices saw a further 374 betting offices close.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the draft Statement of Principles updated 15/04/2021

On behalf of the BGC, we welcome the light touch approach to the draft Statement of Principles, in particular, the early acknowledgement of the "aim to permit" principle within Part A.

A number of the references to the Gambling Commission Guidance will need to be changed. For example, the draft Statement of Principles indicates that the Gambling Commission Guidance refers to the access provisions for each premises type at paragraph 7.21 of the Gambling Commission Guidance whereas these are now to be found at paragraph 7.23.

Paragraph 1.9 of part B refers to location of premises and refers to the possibility of a specific policy with regard to areas where gambling premises should not be located. Thereafter, paragraph 1.9 appears to create a rebuttable presumption of refusal akin to a Licensing Act 2003 cumulative impact area. These references should be removed. Location will always be relevant in the context of whether a particular proposal is consistent with the licensing objectives. The potential policy referred to in the existing paragraph however is likely to be unlawful and is certainly contrary to the Section 153 "aim to permit" principle and therefore references to it and the rebuttable presumption which creates an onus on the applicant overcoming concerns should be removed.

The references to planning permission in paragraph 1.12 of part B contain an extract from paragraph 7.58 of the Gambling Commissions Guidance. This guidance has been updated with the wording to paragraph 7.58 changed.

Paragraph 6.1 of Part B refers to betting machines and the ability of the Licensing Authority to limit the number of betting machines an operator wants to offer in a betting office. This paragraph would be assisted if a clear distinction was to be made between betting machines (where the Licensing Authority can restrict numbers) and gaming machines where there is no such restriction. Section 172(8) Gambling Act 2005 authorises the holder of a betting premises licence to make available for use up to four gaming machines of category B, C or D.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

Appendix 2

Responses to consultation on revised Draft Gambling Statement of Principles 2021

Extract from consultation response	Comments
<p>On behalf of the BGC, we welcome the light touch approach to the draft Statement of Principles, in particular, the early acknowledgement of the “aim to permit” principle within Part A.</p>	<p>Noted.</p>
<p>A number of the references to the Gambling Commission Guidance will need to be changed. For example, the draft Statement of Principles indicates that the Gambling Commission Guidance refers to the access provisions for each premises type at paragraph 7.21 of the Gambling Commission Guidance whereas these are now to be found at paragraph 7.23.</p>	<p>Noted and amendments made</p>

<p>Paragraph 1.9 of part B refers to location of premises and refers to the possibility of a specific policy with regard to areas where gambling premises should not be located. Thereafter, paragraph 1.9 appears to create a rebuttable presumption of refusal akin to a Licensing Act 2003 cumulative impact area. These references should be removed. Location will always be relevant in the context of whether a particular proposal is consistent with the licensing objectives. The potential policy referred to in the existing paragraph however is likely to be unlawful and is certainly contrary to the Section 153 "aim to permit" principle and therefore references to it and the rebuttable presumption which creates an onus on the applicant overcoming concerns should be removed.</p>	<p>Noted, and following officers' further consideration of the issue regarding location, it is proposed that Paragraph 1.9 be amended as follows:-</p> <p>The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.</p> <p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations, to look at specific location issues including:</p> <ul style="list-style-type: none"> • the possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area • the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children • the size of the premises and the nature of the activities taking place • any levels of organised crime in the area. <p>In order for location to be considered, the council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.</p> <p>Although the council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the impact this will have on residents, including children and other vulnerable groups</p>
<p>The references to planning permission in paragraph 1.12 of part B contain an extract from paragraph 7.58 of the Gambling Commissions Guidance. This guidance has</p>	<p>Noted and Paragraph 1.12 amended to take account of the amended guidance.</p>

<p>been updated with the wording to paragraph 7.58 changed.</p>	
<p>Paragraph 6.1 of Part B refers to betting machines and the ability of the Licensing Authority to limit the number of betting machines an operator wants to offer in a betting office. This paragraph would be assisted if a clear distinction was to be made between betting machines (where the Licensing Authority can restrict numbers) and gaming machines where there is no such restriction. Section 172(8) Gambling Act 2005 authorises the holder of a betting premises licence to make available for use up to four gaming machines of category B, C or D.</p>	<p>Noted, and following officers' further consideration of this point, it is proposed that a new Paragraph 6.2 entitled gaming machines be introduced to contain information as follows:-</p> <p>Gaming machines</p> <p>Holders of Betting Premises licences may make available for use up to four gaming machines of category B,C or D.</p> <p>Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable people.</p>

Appendix 3

Gambling Act 2005

Statement of Principles

Draft updated 18/08/2021

Part A

1. The licensing objectives

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

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

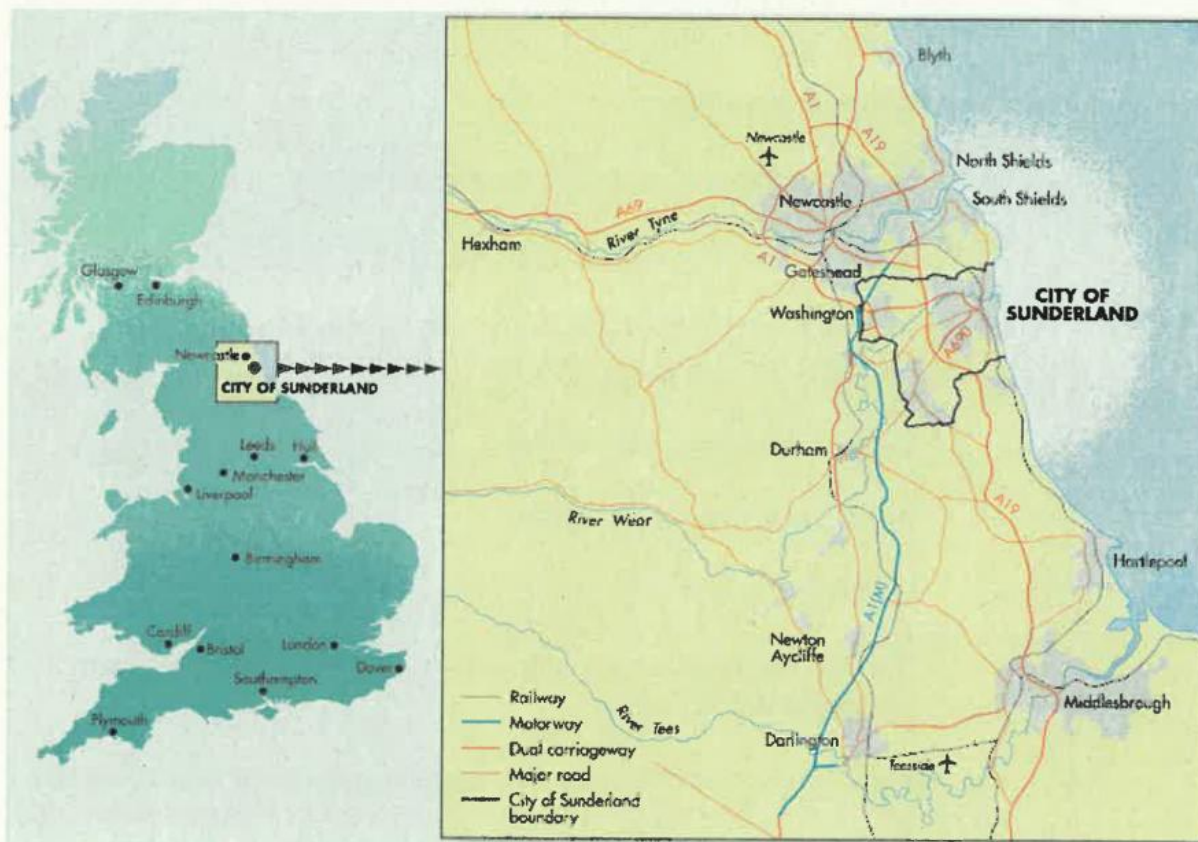
1.2 It should be noted that the Gambling Commission has stated: 'The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling'.

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

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

2. Introduction

- 2.1 The City of Sunderland has a population of 277,705 according to the Office of National Statistics mid-year estimate for 2019 and is situated on the north east coast of England. In terms of area, it covers approximately 137 square kilometres (13,700 hectares) and is mainly urban in character. Its location is shown in the map below.



authority's area; and

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

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

- Northumbria Police;
- Tyne and Wear Fire and Rescue Service;
- Sunderland City Council, Development Control Section;
- Sunderland City Council, Public Protection and Regulatory Services (Environmental Health);
- Safer Sunderland Partnership;
- Betting and Gaming Council
- GamCare; and
- Various representatives of the gambling trade and premises licensees in the City.

2.6 This statement of principles was approved at a meeting of the Council on XX and was published on XX. The Statement of Principles will have application for the three year period commencing on 31 January 2022. Copies are available by request to:

Sunderland City Council,
Public Protection and Regulatory Services,
Licensing Section,
Jack Crawford House,
Commercial Road,
Sunderland
SR2 8QR

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

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

Sunderland City Council,
Public Protection and Regulatory Services,
Licensing Section,

Jack Crawford House,
Commercial Road,
Sunderland
SR2 8QR

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

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

- 2.9 This statement is in line with and will contribute to the Safer Sunderland Partnership's strategic priorities which are to:

1. Prevent crime and disorder, re-offending and maintain high levels of feelings of safety
2. Protect and support our most vulnerable people and places from harm

3. Declaration

- 3.1 In producing this statement of principles, Sunderland City Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission (the 'Gambling Commission's Guidance'), and any responses from those persons consulted on this statement of principles. If and when the Gambling Commission's guidance is revised the Council may consider it necessary to review this statement.

4. Responsible authorities

- 4.1 The Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Council about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the Council's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In accordance with the Gambling Commission's Guidance the Council designates the Sunderland Safeguarding Children Board for this purpose.
- 4.3 The contact details of all the responsible authorities under the

Gambling Act 2005 are available from the Licensing Section via e-mail at licensing@sunderland.gov.uk

5. Interested parties

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

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

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

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

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance at paragraphs 8.11 to 8.17. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be affected. Likewise, Hetton Town Council, if its area is likely to be affected, will be considered to be an interested party. Other than these parties however, the Council will generally require written evidence that a person or body (e.g. an advocate or relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be sufficient.

- If individuals wish to approach Councillors to ask them to represent their views, care should be taken that the Councillors are not part of the Licensing Committee. Details of which Councillors sit on that Committee are available from the Licensing Section.

6. Exchange of information

- 6.1 The Council is required to include in its statement the principles it will apply in exercising its functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that the Council will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations will not be contravened. The Council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

7. Enforcement

- 7.1 The Council is required by the Gambling Act 2005 to state the principles to be applied by the Council in exercising its functions under Part 15 of the Act with respect to the inspection of premises and its use of the powers available under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 The Council's principles are that:
- It will be guided by the Gambling Commission's Guidance and will endeavour to be:
 - **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be implemented fairly;
 - **Transparent:** regulators should be open; and

- **Targeted:** regulation should be focused on the problem and seek to minimise side effects.
 - In accordance with the Gambling Commission's Guidance the Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
 - The Council has adopted and implemented a risk-based inspection programme based on;
 - The licensing objectives;
 - Relevant codes of practice;
 - Guidance issued by the Gambling Commission; in particular at Part 36; and
 - The principles set out in this statement.
 - The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It should be noted that concerns about the manufacture, supply or repair of gaming machines are not dealt with by the Council but will be notified to the Gambling Commission.
 - The Council will also keep itself informed of developments with regard to the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.
 - Bearing in mind the principle of transparency, the Council's enforcement policy is available upon request to the Licensing Section.
- 7.3 The Council recognises that certain operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to notify the Council of a single named point of contact, who should be a senior individual. The Council may contact this person first should any compliance queries or issues arise.

8. Licensing authority functions

8.1 The Council in its role as the licensing authority is required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via the issuing of club gaming permits and/or club machine permits;
- issue club machine permits to commercial clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receive notifications of the use of two or fewer gaming machines from premises licensed for the sale of alcohol under the Licensing Act 2003;
- issue licensed premises gaming machine permits for premises licensed under the Licensing Act 2003 to sell/supply alcohol for consumption on the premises where there are more than two machines;
- register small society lotteries below prescribed thresholds;
- issue prize gaming permits;
- receive and endorse temporary use notices;
- receive occasional use notices;
- provide information to the Gambling Commission regarding details of licences issued (see Section 6 above on Exchange of information); and
- maintain registers of the permits and licences that are issued under these functions.

8.2 It should be noted that the Council is not involved in licensing remote gambling. This is the responsibility of the Gambling Commission by means of operating licences.

Part B - Premises licences

1. General principles

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

Decision making

- 1.2 The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

- 1.3 It is appreciated that, in accordance with the Gambling Commission's Guidance, 'moral objections to gambling are not a valid reason to reject applications for premises licences' and also that unmet demand is not a criterion for a licensing authority.

- 1.4 **Definition of 'premises'** - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow discrete premises licences to be obtained in respect of large, multiple unit premises such as a pleasure park, pier, track or shopping mall, where appropriate safeguards are in place. However, the Council will pay particular attention if there are issues about sub-divisions of a single building or plot and will seek to ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises

licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

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

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

1.6 The Guidance also states that factors about which a licensing authority should be aware in making a decision include:

- Whether the premises have separate registration(s) for business rates;
- Whether the premises neighbouring the premises in respect of which a licence is sought are owned by the same person or someone else;
- Whether each of the premises may be accessed from the street or a public passageway; and

- Whether the premises may only be accessed from any other gambling premises.
- 1.7 The Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.
- 1.8 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

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

Adult gaming centres

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

Betting shops

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

Tracks

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

Bingo premises

- No customer must be able to access the premises directly from:

- a casino;
- an adult gaming centre; or
- a betting premises, other than a track.

Family entertainment centres

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

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

1.9 Location

The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.

With regards to these objectives it is the Council's policy, upon receipt of any relevant representations, to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area.

In order for location to be considered, the Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.

Although the Council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the impact this will have on residents, including other vulnerable groups.

1.10 Local Risk Assessment

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Part II Section 10, that licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say that licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstances, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- When applying for a variation of a premises licence; and
- In any case, undertake a local risk assessment when applying for a new premises licence.

The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The location of services for children such as schools, playgrounds, leisure centres and other areas where children will gather;
- Nearby substance misuse or mental health support facilities; and

Information about these issues is available in our Local Area Profile as referenced at Section 1.11.

In any case, the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include are:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of the premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, details of the supervisory and monitoring arrangements when that person is

absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.

- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include the employment of dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and the content of advertisements.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision that the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

1.11. Local Area Profile

Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council has published a local area profile. This profile can be obtained from (insert web link).

The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profile, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent Licensing Sub-Committee when they determine an application in respect of which representations have been received.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

1.12 Planning

The Gambling Commission's Guidance states, at paragraph 7.58, that:

'In determining applications the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant

obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them."

1.13 Duplication with other regulatory regimes

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

When dealing with an application for a premises licence in respect of a finished building, the Council will not take into account whether that building is in compliance with any necessary planning or building consent. Fire or health and safety risks will not be taken into account also, as these matters are dealt with under relevant planning control, building and other regulations and must not form part of the consideration of a premises licence.

1.14 Licensing objectives

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

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

The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does, however, envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, should an area be known to have high levels of organized crime (which is not the case in any part of the Council's area), the Council would consider

carefully whether gambling premises are suitable to be located there and whether conditions may be necessary such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and would consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

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

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

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

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

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

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

1.20 Conditions

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

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence

requested;

- fairly and reasonably related to the scale and type of the premises; and
- reasonable in all other respects.

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

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

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

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

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

1.24 The Council is aware that tracks may be subject to one or more than

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

1.25 It is noted that there are conditions which the Council cannot attach to premises licences. These are:

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

1.26 Door supervisors

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

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

2. Adult gaming centres

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

2.2 The Council expects applicants to offer their own measures to

meet the licensing objectives. Appropriate measures or licence conditions may cover issues such as:

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

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

3. (Licensed) Family entertainment centres

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

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

- CCTV;
- Supervision of entrances and machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;

- Self-exclusion schemes;
- Provision of information leaflets and/or helpline numbers for organisations such as GamCare; and
- Measures and training for staff on how to deal with suspected truant school children on the premises.

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

- 3.3 The Council will, in accordance with the Gambling Commission's guidance, refer to the Commission's website to consider any conditions applying to operating licences which cover the way in which the area containing the category C machines should be delineated. The Council will also take account of any mandatory or default conditions on such premises licences.

4. Casinos

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

5. Bingo premises

- 5.1 The Council notes that the Gambling Commission's Guidance states at paragraphs 18.5 to 18.7:

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

Under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines. Licensing authorities are able to find information about the restrictions that apply in Licence Conditions and Codes of Practice (LCCP).

Children and young people are allowed into bingo premises. However,

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

6. Betting premises

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

6.2 Gaming machines – Holders of Betting Premises licences may make available for use up to four gaming machines of category B,C or D.

Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable people.

7. Tracks

7.1 The Council is aware that tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, the Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

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

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

7.4 Gaming machines

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

7.5 Self Service Betting Terminals

The Council will, in accordance with paragraph 19.9 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of Self Service Betting Terminals an operator proposes to offer.

7.6 Applications and plans

The Gambling Act (Section 151) requires applicants to submit plans of the premises with their application, in order to ensure that a licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan may also be used by licensing authorities to plan future premises inspection activity. (See the Gambling Commission's Guidance, paragraph 20.43).

- 7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See the Gambling Commission's Guidance, paragraph 20.44).
- 7.8 The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with identifying exact locations for some types of track. Applicants should provide sufficient information to enable the Council to satisfy itself that the plan indicates the main areas where betting might take place. (See the Gambling Commission's Guidance, paragraph 20.46)

8. Travelling fairs

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

9. Provisional statements

- 9.1 Developers may wish to apply to the Council for a provisional statement before entering into a contract to buy or lease property or land in order to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for an applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 Section 204 of the Gambling Act allows a person to make an application to a licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or

- expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as when applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to an application for a premises licence, an applicant for a provisional statement does not need to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not need to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and, in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 9.6 In addition, the Council may refuse a premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the Council's opinion reflect a change in the operator's circumstances; or
 - where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the Council may discuss any concerns it has with the applicant before making a decision.

10. Reviews

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, the Council will decide whether a review is to be undertaken. This will be on the basis of whether the request for the review is in accordance with the

considerations listed below:

- any relevant Code of Practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- reasonable consistency with the licensing objectives; and
- the Council's statement of principles.

- 10.2 The request for the review will also be subject to consideration by the Council as to whether it is frivolous, vexatious, or whether it will certainly not cause the Council to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 10.3 The Council can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 10.4 Once a valid application for a review has been received by the Council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins seven days after the application was received by the Council. The Council will publish notice of the application within seven days of receipt.
- 10.5 The Council must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to the Council are to:
- a) add, remove or amend a licence condition imposed by the Council;
 - b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - c) suspend the premises licence for a period not exceeding three months; or
 - d) revoke the premises licence.
- 10.7 In determining what action, if any, should be taken following a review, the Council must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

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

Part C

Permits, temporary and occasional use Notices

1. Unlicensed family entertainment centre (FEC) gaming machine permits (Statement of principles with regard to permits – Schedule 10, Paragraph 7 of the Act)

- 1.1 It is possible to apply to the Council to provide gaming machines where no premises licence is held. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and, in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under Section 25. The Gambling Commission's Guidance also states: 'In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising their functions in considering applications for permits...., licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.... a plan for the unlicensed FEC must be submitted.' (paragraph 24.8)
- 1.3 The Guidance also states: '...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....' The licensing authority may also consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
 - that the applicant has no relevant convictions (these are set out in Schedule 7 of the Act); and
 - that employees are trained to have a full understanding of the maximum stakes and prizes. (paragraph 24.9)

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

- 1.4 **Statement of principles** - The Council expects applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The effectiveness of

such policies and procedures will each be considered on their merits. However, they may include appropriate measures and training for staff with regard to suspected truant school children on the premises, measures and training covering how staff would deal with unsupervised very young children being on the premises, or where evidence demonstrates children causing problems on or around the premises. The Council will also expect, in accordance with the Gambling Commission's Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's; that the applicant has no relevant convictions (these are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

Automatic entitlement: two machines

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

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

Permits: three or more machines

2.2 If an operator of a premises wishes to have more than two machines, it is necessary to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and 'such matters as they think relevant.' This Council considers that 'such matters' will be decided on a case by case basis. However, generally, the Council will consider the need to protect

children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it that there will be sufficient measures taken to ensure that under 18 year olds do not have access to adult only gaming machines. Measures which may satisfy the Council that there will be no access may include the locating of adult machines in sight of the bar, or in the sight of staff that will ensure that the machines are not being used by those under 18. Notices and signage may also be of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with, as an adult gaming centre premises licence.
- 2.4 It should be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 3. Prize gaming permits – (Statement of principles with regard to permits - Schedule 14 Paragraph 8 (3) of the Act)**
- 3.1 The Gambling Act 2005 states that licensing authorities may 'prepare a statement of principles that they propose to apply in exercising their functions under this Schedule' which 'may, in particular, specify matters that the authority proposes to consider in determining the suitability of the applicant for a permit'.
- 3.2 The Council has prepared a statement of principles in this regard. These state that an applicant should set out the types of gaming that is intended to be offered and that the applicant should be able to demonstrate:
- an understanding of the limits to stakes and prizes that are set out in regulations;
 - that the gaming offered is within the law; and
 - clear policies that outline the steps to be taken to protect children from harm.
- 3.3 In making its decision on an application for a permit the Council does not need to have regard to the licensing objectives but must have

regard to any Gambling Commission guidance.

- 3.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the Council cannot attach conditions to permits. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, which must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if a non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club gaming and club machine permits

- 4.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. A club gaming permit will enable the premises to provide gaming machines (up to three machines of categories B, C or D), equal chance gaming (see Section 269 of the Act) and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (up to three machines of categories B3A, B4, C or D).
- 4.2 The Gambling Commission's Guidance states: 'Members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is restricted to bridge and whist. A members' club must be permanent in nature, but there is no need for a club to have an alcohol licence'
- 4.3 The Commission's Guidance also notes that 'licensing authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been

committed by the applicant while providing gaming facilities;

- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police'.

4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12, Paragraph 10). As the Gambling Commission's Guidance states: 'Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a licensing authority can refuse a permit are reduced.' and 'The grounds on which an application under the process may be refused are:

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

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

5. Temporary use notices

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

5.2 A temporary use notice may be given by a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

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

practice, means poker tournaments.

- 5.4 There are a number of statutory limits with regard to temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission's Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act, "premises" is defined as including "any place".
- 5.5 In considering whether a place falls within the definition of "a set of premises", the Council will look at, among other things, the ownership/occupation and control of the premises.
- 5.6 The Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance.

6. Occasional use notices

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

This statement can be made available in large print, Braille, audio and other languages.

Please contact the Licensing Section on 0191 520 5550

or email licensing@sunderland.gov.uk for assistance.

Item 5

ECONOMIC PROSPERITY SCRUTINY COMMITTEE

12 OCTOBER 2021

REPORT OF THE EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

FUTURE HIGH STREET FUND PROGRAMME AND SUNDERLAND RAIL STATION

1. Purpose of the Report

- 1.1 To receive a progress report from Peter McIntyre (Executive Director of City Development) on the Future High Street Fund Programme and Sunderland Rail Station.

2. Background

- 2.1 In setting its work programme for the year, the Committee agreed to receive a progress report on the Future High Street Fund Programme and the development of Sunderland Rail Station.
- 2.2 In December 2020, it was confirmed that the Council would receive a grant of £25m through the Government's Future High Street Fund (FHSF). The Fund is intended to help renew and reshape town centres, making them a more attractive place to live, work and visit.
- 2.3 In Sunderland the delivery of the Future High Street Fund Programme is a key part of the ongoing regeneration of the city centre and will provide further significant investment as part of the City's investment plans for the area.
- 2.4 The Future High Street Fund programme funding complements the redevelopment of the Railway Station.

3. Current Position

- 3.1 Peter McIntyre (Executive Director of City Development) will provide a presentation on the progress being made to date in relation to the FHSF Programme. There will also be an update on the development of Sunderland Rail Station.
- 3.2 A copy of the presentation is attached for information.

4. Recommendations

- 4.1 The Scrutiny Committee is asked to consider and comment on the contents of the report.



1

Future High Street Fund award

- Sunderland was one of just three cities to secure the **maximum £25m award** from the Future High Streets Fund
- Our bid set out a **coherent and compelling case** for investment.....
- Our bid was **approved in full**

2

Why we succeeded

- **We have a clear plan:** a robust city centre strategy and the Riverside Sunderland masterplan
- **We have a bold vision:** our plans will completely transform Sunderland city centre, doubling the population and adding 8-10,000 jobs
- **We can do business with the private sector:** £100m investment from Legal & General
- **The change is already happening:** investment is flowing into the city centre
- **A climate of confidence and optimism:** we have a positive, activist approach and we get things done
- **We have realigned the council's capital programme:** to support our city centre strategy



3

Our strategic goals for the city centre

- **Consolidating:** the prime retail pitch
- **Enriching and diversifying:** the city centre experience
- **Animating:** Keel Square as the hub of the city centre
- **Placemaking:** reconnecting the city centre to the river and the landscape



4

Our approach to the FHSF bid

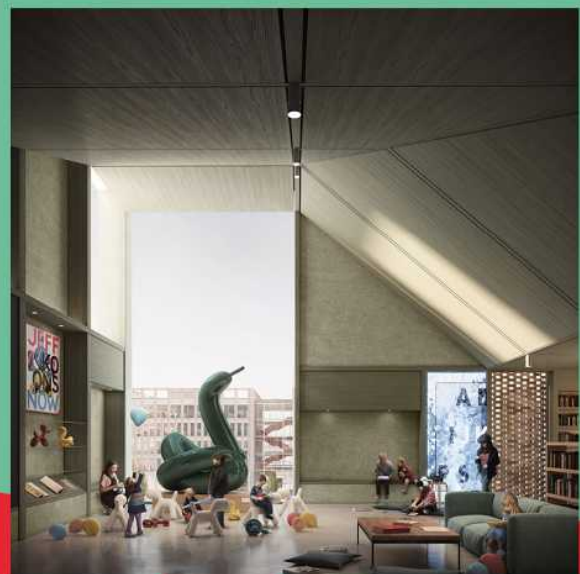
- A **targeted approach** – using the FHSG grant where it will make most difference as part of a much larger city centre investment plan
- Two flagship projects
 - The Culture House
 - Crowtree Place
- Contribution to **other key priorities**
 - St Mary's Boulevard
 - Elephant Tea Rooms
 - Keel Square hotel fit-out
- The FHSF projects will act as a **catalyst for change** elsewhere in the city centre, including the redevelopment of Sunderland station



5

The Culture House

- A **£28m project** to create the UK's best new library – opening in 2024
 - £14m FHSF investment to be matched by the City Council
- A **flagship building** in the Keel Square
 - a living room at the heart of the city
- A new home for the **City Library, local studies and archive** collections – with a focus on family learning
- Spaces for **meeting, making, creating and learning**
- **500,000 visitors** a year



6

Crowtree Place

- A new **commercial leisure development** on the site of the former leisure centre
- An attraction to **complement and diversify** the existing city centre offer
- FHSF funding will be used to clear and **prepare the site** for development



7

The Bigger Picture

- **Covid recovery**
 - There's no going back to the way we used to be
 - We need to welcome change and reimagine the city centre
- **Coming soon**
 - City Hall
 - The Auditorium
 - Keel Square Hotel



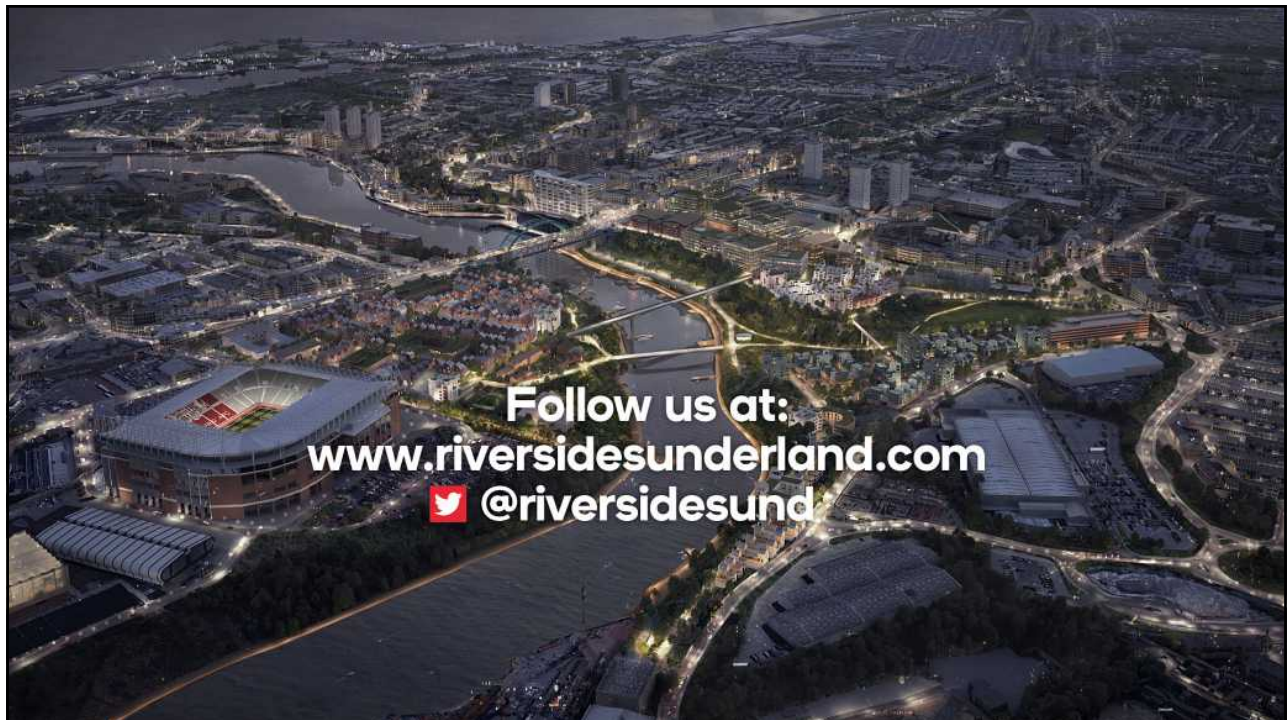
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The Bigger Picture

- **Riverside Sunderland:**
Phase 1 and beyond
 - Vaux neighbourhood
 - Housing Expo
 - Central business district
 - High-level bridge
 - Eye infirmary
 - St Mary's Boulevard
 - The Culture House
- **Elsewhere in the city centre**
 - Crowtree Place
 - Sunderland Station
 - Elephant Tea Rooms



9



10

Item 6

ECONOMIC PROSPERITY SCRUTINY COMMITTEE

12 OCTOBER 2021

ANNUAL WORK PROGRAMME 2021-2022

REPORT OF THE SCRUTINY AND MEMBERS' SUPPORT CO- ORDINATOR

1. Purpose of the Report

- 1.1 The report sets out the current work programme of the Committee for the 2021-22 municipal year.

2. Background

- 2.1 The work programme is designed to set out the key issues to be addressed by the Committee during the year and provide it with a timetable of work. The Committee itself is responsible for setting its own work programme, subject to the coordinating role of the Scrutiny Coordinating Committee.
- 2.2 The work programme is intended to be a working document which Committee can develop throughout the year, allowing it to maintain an overview of work planned and undertaken during the Council year.
- 2.3 In order to ensure that the Committee can undertake all of its business and respond to emerging issues, there will be scope for additional meetings or visits not detailed in the work programme.
- 2.4 In delivering its work programme the Committee will support the Council in achieving its corporate outcomes

3. Current position

- 3.1 The current work programme is attached as an appendix to this report.

4. Conclusion

- 4.1 The work programme is intended to be a flexible mechanism for managing the work of the Committee in 2021-22.

5 Recommendation

- 5.1 That Members note the information contained in the work programme.

Contact Officer: Jim Diamond, Scrutiny Officer (Tel 0779 5353681)
James.diamond@sunderland.gov.uk

ECONOMIC PROSPERITY SCRUTINY COMMITTEE – WORK PROGRAMME 2021-22

REASON FOR INCLUSION	15 JUNE 21 – (INFORMAL MEETING)	13 JULY 21	14 SEPTEMBER 21	12 OCTOBER 21	9 NOVEMBER 21	7 DECEMBER 21	11 JANUARY 22	8 FEBRUARY 22	8 MARCH 22	5 APRIL 22
Policy Framework/ Cabinet Referrals and Responses			Licensing Policy Review (Steve Wearing)	Gambling Act 2005 – Statement of Principles (Steve Wearing)						
Scrutiny Business	Remit and Work Programme of Committee	Tyne and Wear Archaeology Service (Catherine Auld)	Covid Business Support Grants (Catherine Auld)	Future High Street Fund Programme (Peter McIntyre) Sunderland Rail Station Update - (Peter McIntyre)	Sunderland BID (Sharon Appleby) Economic Challenges - North East England Chamber of Commerce Business Centres (Catherine Auld) Cycling and Walking Infrastructure Plan (Mark Wilson)	Leisure Centres (Victoria French) Environmental Enforcement (Michelle Coates) Environmental Services Update (Graham Scanlan)	Annual Low Carbon Progress Report (Catherine Auld) City Heat Network Projects (Catherine Auld) International Strategy (Catherine Auld)	Housing Strategy Update (Graham Scanlan) E Scooter – Pilot Feedback (Mark Jackson)	Siglion (Peter McIntyre) Culture/Major Events Update (Victoria French)	Annual Report (Jim Diamond) Annual Road Safety Report (Mark Jackson) Public Transport Update (Mark Jackson)
Consultation Information and Awareness Raising		Notice of Key Decisions Work Programme 21-22	Notice of Key Decisions Work Programme 21-22	Notice of Key Decisions Work Programme 21-22	Notice of Key Decisions Work Programme 21-22	Notice of Key Decisions Work Programme 21-22	Notice of Key Decisions Work Programme 21-22	Notice of Key Decisions Work Programme 21-22	Notice of Key Decisions Work Programme 21-22	Notice of Key Decisions Work Programme 21-22

Sunnyside Area – Member Working Group – On Going
SSTC and Port – Visit – Date to be confirmed (Matthew Hunt/Mark Jackson)

Item 7

NOTICE OF KEY DECISIONS

REPORT OF THE SCRUTINY AND MEMBERS SUPPORT CO-ORDINATOR

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with an opportunity to consider the items on the Executive's Notice of Key Decisions.

2. BACKGROUND INFORMATION

- 2.1 Holding the Executive to account is one of the main functions of Scrutiny. One of the ways that this can be achieved is by considering the forthcoming decisions of the Executive (as outlined in the Notice of Key Decisions) and deciding whether Scrutiny can add value in advance of the decision being made. This does not negate Non-Executive Members ability to call-in a decision after it has been made.
- 2.2 To this end, the most recent version of the Executive's Notice of Key Decisions is included on the agenda of this Committee. The Notice of Key Decisions is attached marked **Appendix 1**.

3. CURRENT POSITION

- 3.1 In considering the Notice of Key Decisions, Members are asked to consider only those issues where the Scrutiny Committee or relevant Scrutiny Panel could make a contribution which would add value prior to the decision being taken.
- 3.2 In the event of Members having any queries that cannot be dealt with directly in the meeting, a response will be sought from the relevant Directorate.

4. RECOMMENDATION

- 4.1 To consider the Executive's Notice of Key Decisions at the Scrutiny Committee meeting.

5. BACKGROUND PAPERS

- Cabinet Agenda

Contact Officer : Jim Diamond, Scrutiny Officer
0191 561 1396
James.diamond@sunderland.gov.uk

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Notice is given of the following proposed Key Decisions (whether proposed to be taken in public or in private) and of Executive Decisions including key decisions) intended to be considered in a private meeting:-

Item no.	Matter in respect of which a decision is to be made	Decision-maker (if individual, name and title, if body, its name and see below for list of members)	Key Decision Y/N	Anticipated date of decision/ period in which the decision is to be taken	Private meeting Y/N	Reasons for the meeting to be held in private	Documents submitted to the decision-maker in relation to the matter*	Address to obtain further information
210510/588	To approve the receipt of external funding for the public sector decarbonisation scheme and green homes grant local programme and the procurement of the necessary contractors to deliver the schemes.	Cabinet	Y	12 October 2021	N	Not applicable.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
170927/212	To approve in principle the establishment of a new police led Road Safety Partnership (Northumbria Road Safety Partnership) embracing the Northumbria Force Area.	Cabinet	Y	During the period 12 October to 30 November 2021.	N	Not applicable.	Cabinet report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk

Item no.	Matter in respect of which a decision is to be made	Decision-maker (if individual, name and title, if body, its name and see below for list of members)	Key Decision Y/N	Anticipated date of decision/ period in which the decision is to be taken	Private meeting Y/N	Reasons for the meeting to be held in private	Documents submitted to the decision-maker in relation to the matter*	Address to obtain further information
210419/577	To approve the dilapidation settlement figure and the procurement of the dilapidation works in respect of the CESAM building.	Cabinet	Y	During the period 14 October to 30 November 2021	Y	The report is one which relates to an item during the consideration of which by Cabinet the public are likely to be excluded under Paragraphs 3 of Schedule 12A of the Local Government Act 1972, as amended, as the report will contain information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210528/601	To consider the establishment of a Bus Enhanced Partnership.	Cabinet	Y	During the period 14 October to 30 November 2021	N	Not applicable.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210602/603	To commence the procurement process and subsequently award a concession contract for the installation, maintenance, and management of advertising for Large Digital Media Advertising (LDMA) Screens in the City.	Cabinet	Y	During the period 14 October to 30 November 2021	N	Not applicable.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk

Item no.	Matter in respect of which a decision is to be made	Decision-maker (if individual, name and title, if body, its name and see below for list of members)	Key Decision Y/N	Anticipated date of decision/ period in which the decision is to be taken	Private meeting Y/N	Reasons for the meeting to be held in private	Documents submitted to the decision-maker in relation to the matter*	Address to obtain further information
210505/587	To approve the procurement of a Contractor for the Repair Works at Hendon Foreshore Barrier, Port of Sunderland.	Cabinet	Y	12 October 2021	N	Not applicable.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210607/608	To seek approval to proposed funding arrangements with Siglion Investments LLP.	Cabinet	Y	12 October 2021	Y	The report is one which relates to an item during the consideration of which by Cabinet the public are likely to be excluded under Paragraphs 3 of Schedule 12A of the Local Government Act 1972, as amended, as the report will contain information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210623/610	In respect of the Gambling Act 2005, to review of Statement of Principles.	Cabinet	Y	12 October 2021	N	Not applicable.	Cabinet report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk

Item no.	Matter in respect of which a decision is to be made	Decision-maker (if individual, name and title, if body, its name and see below for list of members)	Key Decision Y/N	Anticipated date of decision/ period in which the decision is to be taken	Private meeting Y/N	Reasons for the meeting to be held in private	Documents submitted to the decision-maker in relation to the matter*	Address to obtain further information
210805/621	To consider potential financing proposals in respect of a regional organisation	Cabinet	Y	12 October 2021	Y	This report is one which relates to an item during the consideration of which by Cabinet the public are likely to be excluded under Paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended, as the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information) The public interest in maintaining this exemption outweighs the public interest in disclosing the information.	Cabinet report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210817/631	To seek approval for the payment of financial assistance to a business in relation to the company's own investment plans in Sunderland.	Cabinet	Yes	12 October 2021	Yes	The report is one which relates to an item during the consideration of which by Cabinet the public are likely to be excluded under Paragraphs 3 of Schedule 12A of the Local Government Act 1972, as amended, as the report will contain information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk

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210823/632	To seek approval to the letting of office space in City Hall.	Cabinet	Y	12 October 2021	Y	The report is one which relates to an item during the consideration of which by Cabinet the public are likely to be excluded under Paragraphs 3 of Schedule 12A of the Local Government Act 1972, as amended, as the report will contain information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining this exemption outweighs the public interest in disclosing the information.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210902/633	To approve the Capital Programme Second Review 2021/2022 (including Treasury Management).	Cabinet	Y	12 October 2021	N	Not applicable.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210902/634	To approve the Second Revenue Budget Second Review 2021/2022.	Cabinet	Y	12 October 2021	N	Not applicable.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk

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210902/635	To approve the Budget Planning Framework and Medium Term Financial Plan 2022/23 to 2025/26	Cabinet	Y	12 October 2021	N	Not applicable.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210906/636	To seek approval for a Domestic Abuse Safe Accommodation and Support Services strategy for Sunderland.	Cabinet	Y	12 October 2021	N	Not applicable	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210906/637	To approve the procurement of care and support services within an extra care accommodation setting.	Cabinet	Y	12 October 2021	N	Not applicable	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210906/638	To seek approval to progress with the procurement of a Construction Contractor for the Elemore Park Regeneration Project.	Cabinet	Y	12 October 2021	N	Not applicable	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk

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210906/639	To seek approval for the procurement of a works contract to develop a lodge café in Herrington Country Park.	Cabinet	Y	12 October 2021	N	Not applicable	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210909/640	To approve the extension of participation in regional contract for alcohol and tobacco denormalisation (FRESH and BALANCE).	Cabinet	Y	12 October 2021	N	Not applicable	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
200813/494	To approve funding mechanisms for the acquisition of residential properties.	Cabinet	Y	During the period 12 October to 31 st December 2021	Y	This report is one which relates to an item during the consideration of which by Cabinet the public are likely to be excluded under Paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended, as the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information) The public interest in maintaining this exemption outweighs the public interest in disclosing the information.	Cabinet report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk

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210709/612	To authorise the Executive Director of City Development to deliver the Washington F-Pit Museum Heritage Visitor Centre and Albany Park Improvement project, including to procuring of consultants and contractors.	Cabinet	Y	During the period 12 October to 31 st December 2021	N	Not applicable.	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210728/613	To seek approval for strategic land acquisitions in Sunnyside, Sunderland.	Cabinet	Y	During the period 12 October to 31 st December 2021	Y	This report is one which relates to an item during the consideration of which by Cabinet the public are likely to be excluded under Paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended, as the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information) The public interest in maintaining this exemption outweighs the public interest in disclosing the information.	Cabinet report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
210729/617	To approve the International Advanced Manufacturing Park (IAMP) Interim Planning Policy Statement for adoption.	Cabinet	Y	During the period 12 October to 31 st December 2021	N	Not applicable.	Cabinet report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk

Note; Some of the documents listed may not be available if they are subject to an exemption, prohibition or restriction on disclosure.

Further documents relevant to the matters to be decided can be submitted to the decision-maker. If you wish to request details of those documents (if any) as they become available, or to submit representations about a proposal to hold a meeting in private, you should contact Governance Services at the address below.

Subject to any prohibition or restriction on their disclosure, copies of documents submitted to the decision-maker can also be obtained from the Governance Services team PO Box 100, Civic Centre, Sunderland, or by email to committees@sunderland.gov.uk

***Other documents relevant to the matter may be submitted to the decision maker and requests for details of these documents should be submitted to Governance Services at the address given above.**

Who will decide;

Councillor Graeme Miller – Leader; Councillor Claire Rowntree – Deputy Leader; Councillor Paul Stewart - Cabinet Secretary; Councillor Louise Farthing – Children, Learning and Skills; Councillor Kelly Chequer – Healthy City; Councillor Linda Williams – Vibrant City; Councillor Kevin Johnston – Dynamic City.

This is the membership of Cabinet as at the date of this notice. Any changes will be specified on a supplementary notice.

Elaine Waugh,
Assistant Director of Law and Governance

13 September 2021