

SCRUTINY COMMITTEE

AGENDA

Meeting to be held in the Civic Centre (Committee Room No. 1) on Thursday, 5th November, 2015 at 5.30 p.m.

Membership

Cllrs, Davison, Dixon, Fletcher, Howe, Scanlan, David Snowdon, Dianne Snowdon and N. Wright

Co-opted Members – Ms. A. Blakey, Ms. R. Elliott and Ms. H. Harper and Mr. S. Williamson.

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No items

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No items

E. WAUGH,
Head of Law and Governance,
Civic Centre,
SUNDERLAND.

27th October, 2015.

**At a meeting of the SCRUTINY COMMITTEE held in the CIVIC CENTRE
SUNDERLAND on THURSDAY, 8th OCTOBER, 2015 at 5.30 p.m.**

Present:-

Councillor N. Wright in the Chair

Councillors Davison, Fletcher, Howe, Scanlan, David Snowdon, Dianne Snowdon and Mr. Steve Williamson.

Also in attendance:-

Ms. Debbie Burnicle, Deputy Chief Operating Officer, Sunderland Clinical Commissioning Group

Ms. Claire Charlton, Head of Extra Care Housing, Housing and Care 21

Mr. Nigel Cummings, Scrutiny Officer, Sunderland City Council

Mr. Philip Foster, Chief Operating Officer, Sunderland Care and Support Ltd

Ms. Gillian Gibson, Consultant in Public Health, Sunderland City Council

Ms. Rhiannon Hood, Assistant Head of Law and Governance, Sunderland City Council

Mr. Graham King, Head of Integrated Commissioning, Sunderland City Council

Mr. David Noon, Principal Governance Services Officer, Sunderland City Council

Dr. Ian Pattison, Chair of the Sunderland Clinical Commissioning Group

Welcome and Introductions

The Chairman welcomed everyone to the meeting and asked them to introduce themselves.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Ms. A. Blakey.

Minutes of the last Meeting of the Committee held on 10th September, 2015

The Chairman referred to page 7 of the minutes in respect of the item on Child and Adolescent Mental Health Services and advised that the references to 'Washington Mind' should be amended to read 'Washington AIM'.

The Chairman referred to paragraph 2 of page 8 and asked that it be amended by the inclusion of 'and the other members of the Working Group' so it now read:-

'The Chairman commented that she was aware that a massive amount of work had been going on in the Directorate to make improvements to Children's Safeguarding Services and that she and the Vice Chairman and the other members of the Working Group had also been working closely with the Directorate and the Improvement Board'.

1. RESOLVED that the minutes of the last ordinary meeting of the Scrutiny Committee held on 10th September, 2015 (copy circulated), be confirmed and signed as a correct record subject to the above amendments.

Declarations of Interest (including Whipping Declarations)

Item 4 – Sunderland APMS Procurement

Councillor Dianne Snowdon made an open declaration as a patient of Barmston Medical Group.

Councillor David Snowdon made an open declaration as a patient of two of the practices mentioned in the report.

Item 5 – Sunderland Care and Support Limited Annual Update

Councillor Fletcher declared an interest in the item as a Board member of Sunderland Care and Support Ltd. Councillor Fletcher left the meeting room following the presentation of the Chief Operating Officer and prior to any consideration of the item.

Sunderland APMS Procurement

The Chief Officer of Sunderland Clinical Commissioning Group (SCCG) submitted a report (copy circulated) to update the Committee on the CCG's decision to re-procure three Alternative Provider for Medical Services contracts in Sunderland which were due to terminate in the contract year 2015/16.

(For copy report – see original minutes).

Ms Debbie Burnicle Deputy Chief Operating Officer, Sunderland Clinical Commissioning Group and Dr Ian Pattison, Chair of the Sunderland Clinical Commissioning Group presented the report detailing the background to the decision to commission a single APMS contract covering the three practices concerned and the engagement proposals to be undertaken with patients and stakeholders.

Ms Burnicle provided the Committee with the following information in order to provide context in respect of the issues detailed in the report. A service review had been undertaken with regard to the three individual APMS practices which had identified a continued need for the services provided. There was a national steer to move towards equitable funding i.e. an aim to move towards the same fee per person per practice. This would release £1m back to Sunderland for GP practices for each year of a five year contract and help support the CCG's developing local strategy to sustain GP practices in the city. The proposals represented a change to the type of contract not a change to the type of services provided. It could however mean a change of provider depending on who was successful at the end of the commissioning process.

In response to an enquiry from Councillor Dianne Snowdon, Dr Pattison advised that medical records would be shared between the three practices but whether there

would be a single contact number / reception would be a matter for the provider to determine.

Councillor Dianne Snowdon referred to the ongoing problem with regard to the recruitment of GPs and practice nurses and asked whether this was specifically a local problem or a nationwide issue. Dr Pattison replied that the problem existed across the city, the region and the nation as a whole. Locally the problem was at its worst on the eastern coastal strip and south of the Tyne. The problems in recruitment were not helped by the almost constant 'bashing' of GPs by the media which did little to enhance the attractiveness of the profession. Sunderland was currently bottom of the league in terms of preferred places to train. Of the current training places available, only 50% had been taken up.

The Chairman agreed that the current trend in the media of GP bashing was disgraceful but also found it unacceptable that students could undertake all their medical training in the UK before leaving immediately thereafter to take up lucrative positions abroad. She believed that as a condition of the training, students should agree to practice in the UK for a fixed period of time following qualification. With regard to the unattractiveness of Sunderland as a place to train or practice she asked whether any formal research had been undertaken to determine why this was so. Ms Burnicle replied that no formal research had been undertaken. The major issues for GPs revolved around the length of the working day, workloads and the high stress levels generated by the pressurised nature of practice work. There was also a reluctance to take on substantial levels of debt generated by a mortgage on the surgery premises together with its upkeep and maintenance. Dr Pattison advised that a recent local LMC survey had identified that up to 30 GPs were looking to retire in the next 5 years. The main medical school in the region was located in Newcastle and its graduates tended to stay within the city or in Northumberland. Ms Burnicle explained that Sunderland were trying to support career start GPs in the city via a two year mentoring scheme in an existing practice. 8 places had been secured this year. The previous scheme had supported 20 new GPs of whom 15 had opted to remain in Sunderland at the end of the two year programme.

Councillor Davison expressed concern that sick people were being asked to travel considerable distances to receive treatment when they shouldn't be expected to do so. Ms Burnicle replied that the key theme arising from the Group's engagement with people was the importance of the continuity of care in respect of long term conditions however if the condition was not long term people were more happy to travel eg from Bunny Hill to Hendon. Dr Pattison added that it was important to state that travelling to a different surgery for treatment would only be offered as an option. It was not something that would be forced on people.

Mr Williams highlighted that comparisons could be made between the proposals in the report and the groupings that developed between chains of academies. In such cases there had often been complaints about a lack of communication, too rapid pace of change etc. He suggested that the CCG could look at some of the lessons learned in the various Ofsted reports.

Councillor Fletcher believed that patients would be reluctant to travel and stated that it would have made more sense to have brought the three Washington surgeries together rather than align two of them with the surgery in Pennywell. Ms Burnicle replied that the CCG had not had the opportunity as the third Washington surgery

operated under a different contract. Dr Pattison added that the smaller the surgery the larger the impact on services if a GP fell ill as there was no longer the ability to employ locums. The proposals in the report would help protect services in Pennywell.

In response to an enquiry from Councillor David Snowdon, Ms Burnicle confirmed that there would be a cancellation clause in the contract as a safeguard should the provider under perform.

The Chairman referred to paragraph 4.2 of the report and asked if Ms Burnicle could expand on the consultation process (including how patient views would be sought and used to influence the procurement process). She also asked if members could receive a copy of the consultation document.

Ms Burnicle replied that the exercise was not being described as a consultation but rather as an engagement. The CCG would be sharing information regarding the contract model with patients and stakeholders and would be interested in hearing anything people wanted to tell them. The questions and comments received would be grouped into themes and taken into account at appropriate points in the procurement process. The engagement had been shared with Healthwatch who had provided advice and offered to act as an independent voice. There was no consultation document as such that could be shared with members however Ms Burnicle advised that she would forward the patient letter, information sheet and details of the Stakeholder briefings. The patient letter provided details of the 3 information sharing sessions and provided a feedback form for those people unable to attend. The information and feedback form was also available on line.

The Chairman replied that it seemed to be a fait accompli in that the procurement process had already been decided. Ms Burnicle advised that the CCG had debated whether the proposals represented a change to service and it was decided that it only represented a change in contract. The CCG believed that if they had used the term consultation people would have had an expectation that they would be able to influence changes to services. The CCG were exploring ways to include public representation on the panel during the procurement stage. This would depend on the results of the engagement plan and what people felt was important to them.

Councillor Howe asked that if the consultation was negative would the CCG still press ahead? Dr Pattison confirmed that it would. The CCG had a decision to make and it would do what it thought was best. Sunderland was losing GPs and the Barmston practice was running on an emergency contract. The aim of the proposal was to give a long term resilience to the 3 practices.

Councillor Scanlon welcomed the proposals. She believed that the scheme was a good one which would save money in the long term.

The Chairman drew the debate to a close and thanked Ms Burnicle and Dr Pattison for their attendance which had been very informative. It had been extremely important to gain a perspective from the GPs point of view. She referred to the recommendations in the report and moved that they be amended to include a recommendation that a request be made to explain why GPs were able to train in the UK and leave to practice elsewhere immediately upon graduation and whether measures could be taken to prevent this. This was agreed accordingly and Dr

Pattison advised that he would take up the matter with Health Education England on behalf of the Chairman.

2. RESOLVED that:-

- (i) the proposal to re-procure the three APMS contracts due to terminate on 30th September 2016; the CCG's plans to engage with directly affected patients and stakeholders about the procurement; and the key milestones and associated timeframe be noted,
- (ii) any queries raised by members during the engagement process be forwarded to Ms D. Burnicle at the CCG;
- (iii) a request be made by Dr Pattison on behalf of the Committee to Health Education England to explain why GPs were able to train in the UK and leave to practice elsewhere immediately upon graduation and whether measures could be taken to prevent this.

Sunderland Care and Support Ltd – Annual Scrutiny Update

The Chief Operating Officer submitted a report (copy circulated) to provide feedback to members of the Committee on the progress made by Sunderland Care and Support Ltd throughout 2014/15.

(For copy report – see original minutes).

Mr Phillip Foster presented the report drawing members' attention to the following key aspects:-

- i) the aims of the company and the services provided
- ii) a review of the business undertaken during the last 12 months
- iii) the operation of the Recovery at Home Service
- iv) the governance arrangements underpinning the operation of the company
- v) the future direction of the Company and the principal risks to be faced

At the conclusion of Mr Foster's presentation, Councillor Fletcher retired from the meeting having declared an interest as a member of the Board of Sunderland Care and Support.

Councillor Davison referred to the current levels of sickness at the company which appeared to be high and asked whether any reasons had been identified and whether the company operated an absence management policy. Mr Foster replied that the company had adopted the Council's absence management policy and would take disciplinary action where necessary. The first priority would be to maintain communications and offer support. The company had a largely female workforce, many with caring responsibilities. The company always looked at shift patterns and rotas to help with the work life balance and support attendance at work. Mr Foster stated that he believed 14 days was still too high a figure and some of this could be attributed to a former culture where people believed they 'deserved' a day off. There was a balance to be struck and the main priority was that service users received a continuity of care.

Councillor Dianne Snowdon referred to paragraph 4.1 regarding company governance, (including the Care Quality Commission (CQC) inspection) and asked when the last inspection had taken place, what was the outcome and where were the results published. Mr Foster replied that the organisation was not inspected as a whole however each of its 19 services were inspected individually. The last inspection had taken place in August and the service had been rated as 'good'.

In reply to an enquiry from Councillor David Snowdon, regarding company employees, Mr Foster confirmed that there had been no change to the grades / terms and conditions for employees who had been subject to a TUPE transfer from the Council. New staff had been employed as 'support workers' and were paid a salary of approximately £16,000. These staff received the same bank holiday payments, were subject to the same sickness policy and were enrolled in the Government Nest Pension Scheme rather than the Local Government Pension Scheme.

In response to enquiries from the Chairman, Mr Foster advised that the Company Board comprised himself together with Councillors A. Wilson, Lawson and Fletcher. The Company was looking to expand its membership and it was likely that two new appointees would be made to the board at its next meeting to be held on 21st October. The apprenticeship scheme was one of the largest in the region lasting for 12 months with the apprentices receiving £110 per week. Training towards an NVQ in care was undertaken at Sunderland College by 60 apprentices with a further 4 pursuing an admin qualification.

The Chairman referred to the £3m efficiency savings required and asked Mr Foster if he felt well placed to meet the challenges this would bring. Mr Foster replied that the onus was on the company to work smarter and more effectively. It would require workforce development and the adoption of new role and models of working. There would be a greater emphasis on partnerships and joined up arrangements.

The Chairman referred to paragraph 5.3 and the reference that the Company may look to extend its services into other areas in the North East. She asked Mr Forster to expand on this and whether the recent issues at Gentoo would serve as a warning. Mr Foster advised that the company was set up to provide it with the ability to trade and therefore help it to limit the need to make cuts. Whatever was earned was ploughed back into the company. There were other areas that would willingly take up services such as Recovery at home and economies of scale could be made through the sharing of services such as telecare. Mr Forster also noted that Gentoo was a completely different form of business.

In response to an enquiry from the Chairman regarding issues raised in the media over timed care appointments of 15 minutes, Mr King advised that Sunderland did not operate in this way. Within the contracts that the Council held with its 10 home care providers visits were not prescribed in terms of 'minutes' rather they were described in terms of the needs of the person receiving care. For example if it involved bathing a person then the visit would last perhaps 45 minutes.

The Chairman having thanked Mr Foster for his attendance and his presentation, it was :-

3. RESOLVED that the report be received and noted.

Housing and Care 21 Extra Care Schemes

The Head of Integrated Commissioning submitted a report (copy circulated) updating the Committee on issues previously raised by members in relation to Housing and Care 21 Extra Care Schemes at Beckworth Mews, Bramble Hollow and Woodridge Gardens.

(For copy report – see original minutes).

Mr. King presented the report and introduced Ms. Claire Charlton, Head of Extra Care Housing at Housing and Care 21 who was present to address questions and comments from Members.

Ms. Charlton referred to the perceived high managerial turn over in its Sunderland homes and advised that a review of the situation had taken place. Housing and Care 21 now believed that it had a generally stable team within the city. Beckwith Mews now had a new manager to cover a period of maternity leave. Ms Charlton explained that Housing and Care 21 wanted to attract staff because they were seen as a good employer who valued its staff by offering the opportunity to upskill and providing good terms and conditions. If there was a gap in any of its Sunderland homes then the organisation would attempt to use Sunderland people to fill it. Ms Charlton believed that the situation at Bramble Hollow was now stable.

Ms Charlton admitted that poor communications was something that people had raised with the firm recently. It was something that the firm were striving to improve and she hoped that things would soon get better. A regular monthly newsletter `was to be distributed to all residents and a 'you said we did' scheme introduced. In addition residents' conferences would also be arranged.

With regard to the provision of activities this varied from scheme to scheme but the firm worked to support residents in establishing entertainment. This was particularly the case at Bramble Hollow. At Dovecot there was a vibrant social scene that needed little assistance.

Ms Charlton stated that the CQC report into Dovecot Meadows had been a blow and was very disappointing. In terms of whether the service was caring Dovecot Meadows had been rated good however the overall rating was that the service required improvement. This had been because the Service had been found to be in breach of 2 regulations under the Health and Social Care Act. Under Regulation 12, medicines were found not to be always administered safely and under Regulation 9, Care Plans were not always found to be person centred. Housing and Care 21 had begun improvement actions straight away. The action plan had been submitted to the CQC and shared with Council colleagues.

The Chairman thanked Ms Charlton for attending before the Committee and appreciated the honesty and openness of her presentation. With regard to the action plans to address the concerns raised by the CQC the Chairman asked Mr King for his opinion on the matter. Mr King replied that he was working closely with Ms

Charlton and he was confident that the action plan, if delivered to timescale, would resolve the medical issues highlighted by the CQC.

In response to enquiries from Councillor Fletcher, Ms Charlton advised that each apartment had its own locked medical cabinet and record book. With regard to the 175 apartments there would be a minimum of 6 carers on duty during the overnight period with as many as 20 on duty during the day. The firm did not operate a system of staff sleep ins. Housing & Care 21 did use a system of measured medicine doses but it trusted the resident's pharmacist to have done this. It was the opinion of the CQC that Housing & Care 21 should be able to identify individual medicines

Councillor Dianne Snowden informed Ms Charlton that she was the local Councillor for the area which included the Woodridge Gardens Scheme. The report before members had made reference to the introduction of more regular engagement between scheme members and local Councillors. Councillor Snowden informed Ms Charlton that following the departure of the previous scheme manager at Woodridge Gardens this had yet to happen. She also asked that the monthly newsletters to residents also be emailed to the local ward councillors.

Councillor David Snowden advised Ms Charlton that he had taken the opportunity to read the inspection report prior to this meeting and he found it remarkable that Dovecote Meadows had not had a fatality on its hands.

Councillor Davison stated that that one of the concerns raised by members at their earlier meeting had been the residents' complaints regarding the decrease in the market value of their properties and their difficulties in re selling. In reply Ms Charlton informed the Committee that re sales had never been a problem in the past. It had only recently developed at schemes in Sunderland and areas of the West Midlands. Housing & Care 21 had now introduced a buy back scheme at 80% of the market value. It had also provided owners with the opportunity to sub-let properties.

The Chairman thanked Ms Charlton for her attendance. She believed that a buy back scheme of 80% was concerning but also felt that Housing and Care21 appeared to be trying hard to address the issues raised by residents and the CQC.

The Chairman moved that the Committee consider three specific recommendations based on what had arisen during the course of the debate. This was agreed accordingly and it was:-

4. RESOLVED that:-

- (i) Housing and Care 21 be requested to provide assistance to residents who wished to enjoy entertainment within their Extra Care scheme but did not possess the ability or competency to organise it themselves,
- (ii) a further report on the progress of the Action Plan to meet the requirements of the CQC Inspection report of Dovecot Meadows be submitted to the Scrutiny Committee in April 2016; and
- (iii) a copy of the residents' newsletters be email to appropriate ward members in respect of the Beckwith Mews, Bramble Hollow and Woodridge Gardens Extra Care Schemes.

Notice of Key Decisions

The Chief Executive submitted a report (copy circulated) providing Members with an opportunity to consider those items on the Executive's Notice of Key Decisions for the 28 day period from 22nd September, 2015.

(For copy report – see original minutes).

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

Annual Work Programme 2015-16

The Head of Scrutiny and Area Arrangements submitted a report (copy circulated) which provided the Annual Scrutiny Work Programme for 2015-16 for the Committee's information.

(For copy report – see original minutes).

Nigel Cummings having advised that the November 2015 meeting would include additional items in relation to:-

- i) the Safer Sunderland Partnership
- ii) Gambling Act 2005 – Approval of the Council's Statement of Principals
- iii) Licensing Act 2003 – Approval of the Council's Statement of Licensing Policy

It was:-

6. RESOLVED that the information contained in the work programme be received and noted.

Lead Scrutiny Member Update: October 2015

The Lead Scrutiny Members submitted a joint report (copy circulated), which provided an overview to the Scrutiny Committee of the work of each of the six Lead Scrutiny Members and supporting Panels to date.

(For copy report – see original minutes).

7. RESOLVED that:-

- (a) the update of the Lead Scrutiny Members be received and noted; and
- (b) the current expenditure and remaining scrutiny budget for 2015/16 be noted.

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

(Signed) N. WRIGHT,
Chairman.

REFERENCE FROM CABINET – 21 OCTOBER 2015

CAPITAL PROGRAMME SECOND CAPITAL REVIEW 2015/2016 (INCLUDING TREASURY MANAGEMENT)

Report of the Head of Law and Governance

1. Purpose of the Report

- 1.1 To advise the Committee of the approval by Cabinet of variations to the capital programme to include additional schemes with an estimated cost in excess of £250,000, which will also be reported to Council for information.

2. Background and Current Position

- 2.1 The Cabinet, at its meeting held on 21 October 2015, gave consideration to a report of the Director of Finance. The report sets out:-

- reprofiling of projects since the First Capital Review for 2015/2016 was approved in June 2015;
- the inclusion of additional schemes and revisions to costs and resourcing for 2015/2016 since the First Capital Review was reported;
- the progress in implementing the Treasury Management Strategy for 2015/2016.

- 2.2 The Cabinet was asked

- In respect of the second capital review for 2015/2016 to approve the inclusion of additional schemes or variations to existing schemes for 2015/2016 detailed at Appendix A, as a variation to the Capital Programme which will be reported to Scrutiny and Council for noting where necessary, and
- To approve a capital grant of £50,700 to Holley Park Academy for the purpose set out at paragraph 4.3.2 in accordance with Financial Procedure Rules.

In relation to the Treasury Management Strategy and Prudential Indicators, Cabinet is asked:

- To note the positive progress made in implementing the strategy for 2015/2016

- To approve and recommend to Council the revised 2015/2016 Prudential Indicators for both the Authorised Borrowing Limit for External Debt of £516.048m and the Operational Boundary for External Debt Limit of £442.196m.

2.3 Copies of the 21 October 2015, Cabinet Agenda have been made available to all Members of the Council.

2.4 In accordance with the Council's Financial Procedure Rules, Cabinet may authorise variations to the Capital Programme provided such variations are within available resources and consistent with Council policy.

The attached Appendix A sets out the relevant extracts from the Cabinet Report which outlines the variation to schemes with an estimated cost in excess of £250,000 in 2015/2016 and future years.

3. Recommendation

3.1 The Scrutiny Committee is invited to note the proposed variation to the Capital Programme for 2015/2016 and 2016/2017 to include additional schemes with an estimated cost in excess of £250,000.

4. Background Papers

4.1 Cabinet Agenda, 21 October 2015.

4.2 A copy of the Agenda is available for inspection from the Head of Law and Governance or can be viewed on-line at:-

<http://www.sunderland.gov.uk/committees/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/8593/Committee/1890/Default.aspx>

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Appendix A

Capital Programme Second Capital Review 2015/2016 (including Treasury Management)

Cabinet Meeting 21 October 2015

Extract of Report

2015/2016 Additional Schemes and Variations in Existing Schemes in excess of £250,000 - Fully Funded	£000
Cabinet Secretary	
<p>Port Capital Equipment – invest to save</p> <p>The Port have recently secured a new contract with Spartan UK to manage steel cargoes and also a 3 year extension with Sodra to handle wood pulp through the Port. To support this activity a new 32 tonne forklift truck has been purchased to mitigate current hire costs and necessary shed lighting improvement works are being procured to support the management of wood pulp through the Port. The cost of £0.250m will be met on an invest-to-save basis to be repaid over 3 years.</p>	250
Children's Services	
<p>School Asset Management Programme</p> <p>The EFA/DfE have allocated £1.786m per year for the School Condition grant (formerly Schools Capital Maintenance) for 3 years from 2015/2016. The programme of works has therefore been reviewed and progressed to escalate works where appropriate, resulting in an increase in the capital programme in 2015/2016 for that year's allocation of £1.786m. The planned works include various general improvements to schools across the city, major works to Castletown Primary School to facilitate an increase in the pupil admission numbers and a new extension build at South Hylton Primary to respond to bulge year groups currently on roll at the school.</p>	1,786
Health, Housing and Adult Services	
<p>Hetton Downs Regeneration</p> <p>The Hetton Downs Delivery Plan has been fully delivered following acquisition and demolition of properties to regenerate that area. The HCA provided funding in advance of delivery of the project. However, due to the downturn in the housing market since 2009, the Council was able to successfully acquire sites at lower values than estimated when the Plan was originally prepared. The delivery plan was therefore able to be fully delivered at less cost than originally anticipated. In accordance with the terms of the funding agreement, £1.952m grant has therefore been repaid to the HCA and the Capital Programme is accordingly reduced.</p>	(1,952)
<p>Disabled Facilities Grants</p> <p>Additional funding of £0.508m has been received from Health partners to help address demand pressures for the provision of Disabled Facilities Grants in 2015/2016.</p>	508
Public Health, Wellness and Culture	
<p>Arts Centre Washington Improvements</p> <p>The Arts Centre Washington has successfully secured £0.258m funding from the Arts Council for capital works to the theatre and gallery as well as for other general improvements to the building. The total cost of works is £0.303m and the Council has provided £0.045m match funding via prudential borrowing. The works must be complete by the end March 2016.</p>	303

REFERENCE FROM CABINET – 21 OCTOBER 2015**REVENUE BUDGET SECOND REVIEW 2015/2016****Report of the Head of Law and Governance****1. Purpose of this Report**

- 1.1 To set out for advice and consideration of the Committee an aspect of the report on the Revenue Budget Second Review for 2015/2016 namely requesting the Council to approve the transfer of funds.

2. Background and Current Position

- 2.1 The Cabinet, at its meeting on 21 October 2015, gave consideration to a report of the Director of Finance. The report gave details of the overall Revenue position following the second review for 2015/2016 including proposed contingency transfers for the second quarter of 2015/2016.

- 2.2 In accordance with the Council's Budget and Policy Framework certain transfers require Council Approval. The following extract refers to those transfers of funds;

'At this stage savings are anticipated in respect of capital financing charges as a result of slippage on the capital programme, and additional income from interest on investments of approximately £6m at year end. It is proposed that these amounts and any further underspendings arising from unspent contingencies at the end of 2015/2016 are earmarked to support the overall 2015/2016 position and to meet transitional costs arising in 2015/2016 and future years.'

- 2.3 Copies of the 21 October 2015 Cabinet agenda were circulated to all Members of the Council. The Cabinet:-

- approved the contingency transfers proposed and budget transfers set out in the report; and
- authorised the Director of Finance and Assistant Chief Executive, in consultation with the Leader and Cabinet Secretary, to make the necessary arrangements to procure the required external expertise in support of the development of the transformation programme.

3. Conclusion

- 3.1 The matter at 2.2 is referred to this Committee for advice and consideration. The comments from the Scrutiny Committee will be reported direct to Council on 25 November 2015.

4. Recommendation

- 4.1 The Scrutiny Committee is invited to give advice and consideration on the issue of transfer as set out in the above extract.

5. Background Papers

- 5.1 Cabinet Agenda, 21 October 2015.
- 5.2 A copy of the Agenda is available for inspection from the Head of Law and Governance or can be viewed on-line at:-

<http://www.sunderland.gov.uk/committees/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/8593/Committee/1890/Default.aspx>

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REFERENCE FROM CABINET – 21 OCTOBER 2015

PROPOSALS FOR BUDGET CONSULTATION 2016/2017

Report of the Head of Law and Governance

1. Purpose of the Report

- 1.1 To seek the views of this Committee on a report considered by Cabinet on 21 October 2015 on proposals for the consultation strategy for the Budget 2016/2017 and the Local Council Tax Support Scheme to help guide and inform the preparation of the Budget for 2016/2017.

2. Background and Current Position

- 2.1 The Cabinet, at its meeting on 21 October 2015 gave consideration to the attached joint report of the Interim Head of Paid Service and Assistant Chief Executive. The report outlined proposals for the consultation strategy for the Budget 2016/2017 and the Local Council Tax Support Scheme to help guide and inform the preparation of the Budget for 2016/2017.
- 2.2 Copies of the 21 October 2015 Cabinet agenda have been circulated to all Members of the Council. The Cabinet approved the consultation strategy for the Budget 2016/2017 and Local Council Tax Support Scheme as set out in the report and referred it to Scrutiny Committee for consideration.
- 2.3 The report is referred to the Scrutiny Committee, for its views, in the context of the budget framework. Comments from the Scrutiny Committee will be reported direct to Council on 25 November 2015.

3. Recommendation

- 3.1 The Scrutiny Committee is invited to consider and forward its views to Council on the attached joint report of the Interim Head of Paid Service and Assistant Chief Executive.

4. Background Papers

- 4.1 Cabinet Agenda, 21 October 2015.

4.2 A copy of the Agenda is available for inspection from the Head of Law and Governance or can be viewed on-line at:-

<http://www.sunderland.gov.uk/committees/cmis5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/8593/Committee/1890/Default.aspx>

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CABINET MEETING – 21 OCTOBER 2015

EXECUTIVE SUMMARY SHEET- PART I

Title of Report:

Proposals for Budget Consultation 2016/2017

Author(s):

Interim Head of Paid Service and Assistant Chief Executive

Purpose of Report:

To propose the consultation strategy for the Budget 2016/2017 and the Local Council Tax Support Scheme to help guide and inform the preparation of the Budget for 2016/2017.

Description of Decision:

Cabinet is recommended to approve the consultation strategy for the Budget 2016/2017 and Local Council Tax Support Scheme as set out in this report and refer it to Scrutiny Committee for consideration.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

To comply with the constitutional requirements taking account of central government guidance.

Alternative options to be considered and recommended to be rejected:

There are no alternative options recommended.

Impacts analysed:

Equality Privacy Sustainability Crime and Disorder

Is the Decision consistent with the Council's co-operative values? Yes

Is this a "Key Decision" as defined in the Constitution? No

Is it included in the 28 day Notice of Decisions? No

Cabinet – 21st October 2015

Proposals for Budget Consultation 2016/2017

Report of the Interim Head of Paid Service and Assistant Chief Executive

1. Purpose of Report

- 1.1 To propose the consultation strategy for the Budget 2016/2017 and the Local Council Tax Support Scheme to help guide and inform the preparation of the Budget for 2016/2017.

2. Description of Decision

- 2.1 To approve the consultation strategy for the Budget 2016/2017 and Local Council Tax Support Scheme as set out in this report and refer it to Scrutiny Committee for consideration.

3. Introduction and Background

- 3.1 The Budget and Policy Framework procedure rules contained within the Constitution of the council requires consultation on budget proposals to take place. This report sets out proposals for budget consultation as part of the 2016/2017 budget process.
- 3.2 For a number of years the council has recognised consultation as an important part of planning and delivering services that meet peoples' needs. Consultation by the City council is already very wide-ranging including consultation in relation to major strategies, satisfaction surveys and project specific consultation. The purpose of the budget consultation with residents and stakeholder groups is to ascertain a richer and more in depth understanding of peoples' views which will be used to help guide and inform the annual budget setting process.
- 3.3 Through this process employees, residents and other stakeholders can expect the council to:
 - Provide the facts on the financial challenge facing the council and the hard decisions that will be required to be taken;
 - Recognise what is important to our communities and work in partnership to identify ways we can reduce the impact of the changes being proposed;
 - As proposals are developed work closely with our most vulnerable residents to help them understand what changes to services may mean for them

- Communicate with employees in advance of any final decisions, to highlight the impact of the proposals on their employment.

4. Community Consultation

- 4.1 The Department for Communities and Local Government published Revised Best Value Statutory guidance in March 2015. The guidance states as it did in the previous September 2011 guidance that *‘authorities have a duty to consult representatives of council tax payers, those who use or are likely to use services provided by the authority, and those appearing to the authority to have an interest in any area within which the authority carries out functions. Authorities should include local voluntary and community organisations and small businesses in such consultation. This should apply at all stages of the commissioning cycle, including when considering the decommissioning of services’*.
- 4.2 This demonstrates the need for involvement of local residents and voluntary and community sector and other partners in the budget setting process to shape what is best for Sunderland. This is increasingly important as support from government into the City continues to reduce and there is greater need to fulfil the council’s Community Leadership role.

5. Budget and Council Tax Consultation

- 5.1 Central Government published guidance in 2002 entitled ‘The ‘Council Tax Consultation: Guidelines for Local Authorities’. This sets out the issues that local authorities should consider when designing their own individual approach to council tax consultation and identifies different methodologies and approaches which might be taken.
- 5.2 There are numerous options set out in the guidance for developing a dialogue with the public and stakeholders on budget matters. This is simply a menu of methodologies available. The approaches set out are:
- Community workshops and community panels;
 - Quantitative surveys;
 - Budget conferences / public meetings;
 - Interactive websites;
 - Focus groups / forums;
 - Referenda.
- 5.3 The guidance recommends against relying solely on a single methodology to ensure that a full range of public opinion can be tested and suggests adopting a staged approach to consultation:
- Initial stage – this should be early in the budget setting process and involve discussions about priorities for different services;

- Later stage – this should take place later in the budget setting process once a firmer picture of the financial position is known. This will consider in more detail specific issues, spending priorities and impact on Council Tax levels.
- 5.4 Additionally the Public Sector Equality Duty 2011 requires public authorities, in the exercise of their functions, to have ‘due regard’ to the three aims of the Duty:
- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
 - Foster good relations between people who share a protected characteristic and those who do not share it.
- 5.5 This encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs. The Equality Act explains that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics.
 - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
 - Encouraging people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.
- 5.6 Although the legislation does not state how the duty must be met, public authorities must have an adequate evidence base to demonstrate that they have gathered and considered adequate intelligence to allow them to pay ‘due regard’ to the aims of the Public Sector Equality Duty. In a large organisation like the council it is important that we can do this in a standardised and systematic way that provides evidence to defend any potential legal challenge. The way we do this in the council is through Equality Analysis.

6. Local Council Tax Support Scheme

- 6.1 The Local Council Tax Support Scheme was introduced from April 2013 and is currently in its third year of operation. The locally adopted scheme was reviewed for 2015/2016 and subject to consultation prior to approval by Cabinet in January 2015.
- 6.2 As part of the preparations for the Budget 2016/2017 a review of the scheme is to be undertaken taking into account the impact of welfare

reforms. It is proposed that depending upon the scale of the changes (if any) arising from the review should be consulted upon in tandem with the 2016/2017 Budget consultation. The proposed consultation approach set out in this Report therefore combines consultation on the Budget 2016/2017 and the Local Council Tax Support Scheme proposals.

7. Proposed Consultation Arrangements

- 7.1 The proposed arrangements have been refreshed to build on the successful arrangements of previous years which incorporate the council's Community Leadership approach:

Consultation – Non Budget Specific

- 7.2 Whilst not budget specific, there are numerous other wide ranging consultations that take place which help to inform the priorities included in the budget consultation process including service review specific consultation, and scheme level specific consultation. These are all taken into account and used intelligently to help inform the resource allocation process.

Trades Unions and Chamber of Commerce

- 7.3 A briefing will be provided in November on the emerging budget resource position, the spending pressures faced by the council, and the provisional priorities together with an indication of the impact on services and on council tax.
- 7.4 A further consultation is undertaken on the provisional budget proposals during January/February where the priorities, impact on services, and indicative council tax position are shared. Traditionally, if a formal response is to be received to the consultation it is made at this point, prior to the final consideration of the budget by Cabinet and Council.

Schools Forum, Governors and Head Teachers

- 7.5 Following a similar approach to that adopted for the Trades Unions and the Chamber of Commerce, the Schools Forum, Governors Association and Head Teachers are consulted at meetings held in November and again in January. Issues covered at these meetings include the overall budget position, but also the Children's Services specific issues including Dedicated Schools Grant implications, other specific grants, and spending pressures.

Children's Trust Advisory Network (CTAN)

- 7.6 In previous years we have provided a briefing to the Youth Parliament on the emerging budget position and discussed issues and priorities for young people which have then been taken into account as part of the

consultation process. This year the consultation will be extended to the Children's Trust Advisory Network (CTAN). CTAN is a network of children and young people aged 11 to 19 (up to 25 with learning difficulties or disabilities) who meet monthly to ensure young people's views are at the heart of decision making in Sunderland. CTAN includes the statutory Change Council (young people in care), Sunderland Youth Parliament, Sunderland Young Inspectors, City Equals (young people with learning difficulties or disabilities) and representatives from schools and youth projects across the city. CTAN will be consulted in November.

Community Consultation

7.7 Building on previous arrangements for budget consultation it is proposed that consultation with communities is done through:

- a) The production of infographics setting out the budget challenge for 2016/17 onwards. The infographics form part of the communications and will be on the council's website and will be promoted to residents who have expressed an interest in being consulted on Council matters. Alongside the infographics there will be a short survey with open questions so that we can understand what concerns people the most, what ideas they have for solutions, including where residents and other stakeholders could potentially do more.
- b) Area based workshops using established People and Place Board mechanisms in the five areas of the city. The intention is to maximise engagement with stakeholders, residents and VCS organisations. Events will also be held with each of the five Area VCS Networks, with the events also open to local residents. At all of the events the infographics will be used.
- c) Engagement will also take place with the city's Equality Forums and Independent Advisory Groups, seeking to ensure the views of people with protected characteristics are integral to the consultation process.

7.8 Participants will be encouraged to ask questions and provide feedback. Consistent with the questionnaire available through the council's online consultation system (through the website) participants will be encouraged to tell us what concerns them the most, what ideas they have for solutions, including where residents and other stakeholders could potentially do more. There will also be opportunity for people to submit comments to the council via a link the website, to e-mail or in writing to a freepost address.

Partners

7.9 The budget consultation process will include engagement with partners in various forms given the need for a citywide response to the financial challenges. Partners will be invited to direct people from their websites to the council's Information on www.sunderland.gov.uk

- 7.10 There will also be engagement with the area based People and Place Boards, which have both Elected Member and partner representation.

Elected Members

- 7.11 As ward councillors elected members gather the views of local people and are able to feed these views into the budget process as appropriate.

Employees

- 7.12 The budget consultation will include engagement with Council employees through Manager Briefings and face to face manager-led events, a link to the infographics will also be placed on the council's Hub where employees will be encouraged to provide their views.

Timetable

- 7.13 A timetable for the proposed consultation is set out at Appendix A.

Feedback

- 7.14 Feedback from the consultation exercises in October / November will be reported to Cabinet and Scrutiny Committee to inform the budget decision-making process.
- 7.15 Feedback to the public on the outcomes of the budget setting process and how the decision-making process was informed by the consultation will be done through appropriate methods including the Council Tax Leaflet, Cabinet reports and posting on the council's website.

8. Involvement of Scrutiny Committee

- 8.1 In relation to the consideration of the budget, the constitution places a responsibility on the Cabinet to 'canvas the views of local stakeholders as appropriate'. Scrutiny Committee is then required to consider the process proposed and undertaken and ensure its adequacy. It is therefore proposed to refer this consultation strategy and framework to the Scrutiny Committee for consideration.

9. Reasons for Decision

- 9.1 To comply with the constitutional requirements taking account of central government guidance.

10. Alternative Options

- 10.1 There are no alternative options recommended.

11. Impact Analysis

- 11.1 The proposed approach to budget consultation seeks to capture the views and feedback from a wide spectrum of stakeholders including those with protected characteristics and other marginalised and vulnerable groups.
- 11.2 Equality analysis of specific budget proposals will ensure 'due regard' is given to the aims of the Public Sector Equality Duty. This detailed work will be undertaken by Directorates as specific proposals are developed.

Appendix A: Budget Consultation – Proposed Timetable

The timetable below is proposed:

Mid October to Mid December 2015

The infographics will form part of the council's communication placed on the website along with an open questionnaire which links to the Council's e-consultation software. There will be specific questions depending upon the scale of the changes (if any) in relation to the Local Council Tax Support Scheme.

Commence consultation with Trade Unions, representatives of Business Rate Payers, the Schools Forum, Head Teachers, Governors, People and Place Boards, the Children's Trust Advisory Network, Equality Forums, Area VCS Networks and other partners. Consultation covers the anticipated budget constraints and spending priorities identified in the Medium Term Financial Strategy following adoption of the budget planning framework by Cabinet.

January 2016

Feedback from the consultation exercises in October / November will be reported to Cabinet and Scrutiny Committee to inform the budget decision-making process at that time.

Late January early February 2016

Final consultations take place with Trade Unions, representatives of Business Rate Payers, the Schools Forum, Head Teachers, Governors, People and Place Boards, the Children's Trust Advisory Network, Equality Forums and Area VCS Networks regarding the budget.

March 2016

Feedback to the public generally through appropriate methods including the council's website, Council Tax Leaflet and Cabinet reports:

- the outcomes of the budget setting process;
- how the decision-making process was informed by the consultation.

REFERENCE FROM CABINET – 21 OCTOBER 2015

BUDGET PLANNING FRAMEWORK 2016/2017 AND MEDIUM TERM FINANCIAL STRATEGY 2016/2017 – 2019/2020

Report of the Head of Law and Governance

1. Purpose of the Report

- 1.1 To seek the views of this Committee on a report considered by Cabinet on 21 October 2015 on the proposed budget planning framework which will guide the preparation of the Revenue Budget for 2016/2017.

2. Background and Current Position

- 2.1 The Cabinet, at its meeting held on 21 October 2015, gave consideration to a report of the Interim Head of Paid Service and Director of Finance. The report identified the key factors influencing the development of the Council's financial plans into the medium term and set out the budget planning framework for the Council for 2016/2017. The report set out the headlines and context for the Medium Term Financial Strategy 2016/2017 to 2019/2020 which would be formally considered in due course.
- 2.2 Copies of the 21 October 2015, Cabinet Agenda were made available to all Members of the Council. The Cabinet:-
- agreed the proposed Budget Planning Framework summarised at Section 11 of the report which will guide the preparation of the Revenue Budget for 2016/2017
 - noted that the full Medium Term Financial Strategy 2016/2017 to 2019/2020 will be presented to Cabinet in February

3. Conclusion

- 3.1 The report is referred to the Scrutiny Committee for its comments, in the context of the approved consultation arrangements for the Council's Budget. Comments from the Scrutiny Committee will be reported direct to Council on 25 November 2015.

4. Recommendation

- 4.1 The Scrutiny Committee is invited to give its comments to Council on the attached report of the Interim Head of Paid Service and Director of Finance.

5. Background Papers

5.1 Cabinet Agenda, 21 October 2015.

5.2 A copy of the Agenda is available for inspection from the Head of Law and Governance or can be viewed on-line at:-

<http://www.sunderland.gov.uk/committees/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/8593/Committee/1890/Default.aspx>

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CABINET MEETING – 21 OCTOBER 2015

EXECUTIVE SUMMARY SHEET- PART I

Title of Report:

Budget Planning Framework 2016/2017 and Medium Term Financial Strategy 2016/2017 – 2019/2020

Author(s):

Interim Head of Paid Service and Director of Finance

Purpose of Report:

This report identifies the key factors influencing the development of the Councils financial plans into the medium term and sets out the budget planning framework for the Council for 2016/2017. The report sets out the headlines and context for the Medium Term Financial Strategy 2016/2017 to 2019/2020 which will be formally considered in due course.

Description of Decision:

Cabinet is recommended:

- to agree the proposed Budget Planning Framework summarised at Section 11 of the report which will guide the preparation of the Revenue Budget for 2016/2017
- to note that the full Medium Term Financial Strategy 2016/2017 to 2019/2020 will be presented to Cabinet in February

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

Adoption of the Budget Planning Framework forms an essential part of the process of the preparation and compilation of the Revenue Budget for 2016/2017.

Alternative options to be considered and recommended to be rejected:

There are no alternative options recommended.

Impacts analysed:

Equality ☐ Privacy ☐ Sustainability ☐ Crime and Disorder ☐

Is the Decision consistent with the Council's co-operative values? Yes

Is this a "Key Decision" as defined in the Constitution? No

Is it included in the 28 day Notice of Decisions No

**Budget Planning Framework 2016/2017 and Medium Term Financial Strategy
2016/2017 – 2019/2020**

Report of the Interim Head of Paid Service and Director of Finance

1 Purpose of Report

This report identifies the key factors influencing the development of the Councils financial plans into the medium term and sets out the Budget Planning Framework for the Council for 2016/2017. The report sets out the headlines and context for the Medium Term Financial Strategy 2016/2017 to 2019/2020 which will be formally considered in due course.

2 Description of Decision

Cabinet is recommended:

- to agree the proposed Budget Planning Framework summarised at Section 11 of the report which will guide the preparation of the Revenue Budget for 2016/2017;
- to note that the full Medium Term Financial Strategy 2016/2017 to 2019/2020 will be presented to Cabinet in February.

3 National Economic Context

3.1 Deficit Reduction Plan

On 8th July 2015 the newly elected Government confirmed in their Summer Budget Statement that the economy is continuing to grow and that steady growth is projected in each year of the next parliament (2015/2016 to 2019/2020). The Chancellor set out revised high level plans to address the remaining deficit, with the aim of generating a budget surplus of circa £10bn in 2019/2020. This is a year later than that announced previously in the Coalition government's March Budget.

The government set out plans to achieve this position through an updated 'Consolidation Plan' which requires £37bn of savings, of which £32bn will come from public sector expenditure cuts by 2019/2020. This represents an increase in the cuts required across the period of £7bn compared to that announced in the March Budget. The Chancellor indicated savings were to be made in the following areas:

	£ billion			
	2016/17	2017/18	2018/19	2019/20
Welfare reform	5	7	9	12
Tax avoidance and evasion	1	2	4	5
Government Departmental Spending	3	11	18	20
Total National Consolidation Plans	9	20	31	37

Where the cuts in departmental spending will fall will be determined by the outcome of the Spending Review.

3.2 Inflation

CPI inflation decreased from 0.1% in July 2015 to 0.0% in August 2015, below the Government target level of 2%. While inflation levels may fall further in the short term, within the next 2 years the Bank of England intends to set monetary policy in order to ensure there is a return to the inflation target of 2%. The low level of inflation is welcomed as the impact of price increases on local government costs is not funded by central Government and must be contained within the Council budget planning.

3.3 Base Rate

The Bank Base Rate has remained at an all-time low of 0.50% since March 2009. The Bank of England Governor, has said that a rise in the base rate is “drawing closer”.

Financial analysts are speculating on the timing of an increase in the current Bank Rate with most anticipating a rise will not take place until the second quarter of 2016 following which base rates are expected to increase gradually to 1.75% by March 2018. This position will continue to be monitored and reviewed and the impact taken into account in budget planning.

4 Local Government Core Funding

4.1 At this stage the Government has not published details of funding for local government either nationally or at a local level as this will depend on the outcome of the autumn Spending Review to be announced on 25th November 2015. The following is therefore based on best available intelligence.

4.2 In year Funding Reductions 2015/2016

On 4th June 2015 the government announced £3bn of spending reductions to be achieved in year for 2015/2016. Included within this are:

- £230m DCLG savings to be achieved mainly through the sale of assets
- £200m of savings from Non - NHS Department of Health budgets which relates to proposed reductions in Local Authority Public Health grant allocations. The government has consulted on various options to deliver the savings but the outcome is awaited. Details on the potential impact for Sunderland are set out at paragraph 4.5. This funding was frozen in 2015/2016 at the 2014/2015 level, and at this stage it is not known if the government intends to cut this funding on an on-going basis;
- There is also concern that some of the in year cuts made by the government are one-off savings achieved through capital receipts and one-off under spending. If equivalent savings need to be found on a permanent basis from 2016/2017 the total departmental savings requirement may increase.

4.3 Spending Review 2015 - HM Treasury Guidance

The Chancellor has confirmed that some services would either be protected or see their funding increased in real terms as part of the spending reductions, including:

- NHS will receive £10bn additional funding by 2020/2021;
- Defence funding will grow by 0.5% above inflation and security spending will increase by £1.5bn by 2019/2020 to meet the NATO 2% pledge;
- Schools will have their funding ‘protected’;

- Foreign Aid will be increased in line with the growth in GDP.

As a result the cuts to non-protected government departments (of which DCLG is one) will need to be higher. As a consequence the Chancellor requested all such departments to provide details of cuts of 25% and 40% by 4th September 2015 followed by a period of discussion and negotiation.

The outcome of the Spending Review 2015 will be announced on 25th November, although the detailed impact on individual councils will not be known until late December when the Local Government Finance Settlement is announced.

4.4 HM Treasury Announcement 5th October

4.4.1 The Chancellor has announced a series of major reforms to local government finance linked to Business Rates:

- By the end of this Parliament, local government will retain 100 per cent of local taxes – including all £26 billion of revenue from business rates.
- The government will abolish the Uniform Business Rate although only to allow authorities to cut business rates to boost economic activity in their areas.
- Local areas which successfully promote growth and attract businesses will keep all of the benefit from increased business rate revenues.
- Directly elected mayors – once they have support of local business leaders through a majority vote of the business members of the Local Enterprise Partnership – will be able to add a premium to business rates to pay for new infrastructure (up to 2p in the pound has been indicated).
- The core (RSG) grant from Whitehall will be phased out by 2020, and local government will take on new responsibilities.
- The system of top up and tariffs which currently operates would be extended to protect authorities with lower levels of business rate income.

The government is to set out further details in the Spending Review.

4.4.2 Detail underpinning the Government announcement is needed to understand the overall net impact for each local authority:

- Sunderland currently receives £69.9m in RSG. If the council retains full business rates this would provide an additional business rates income of £44.0m. Therefore the council would be £25.9m worse off as a consequence of phasing out RSG if no other actions are taken to offset the loss.
- The council currently receives Top-up grant of £35.9m. More detail is needed to understand how the Top-up and Tariff system will work under the new proposals, and whether that will result in any change to the cash amount currently received. Top ups and Tariffs are the only elements in the current system that recognise differing needs and the varying ability of individual authorities to raise income (resource equalisation).
- In addition the Government have indicated there will be 'new responsibilities' on Local Authorities. Detail of this is needed together with information on whether it is planned these will to be funded from the 100% locally retained business rates.

- It is also noted that RSG currently includes funding for a number of specific elements of government funding such as Council Tax Support scheme funding (circa £20m) and Council Tax Freeze Grant. The question arises as to how / if government will compensate for the loss of these elements as RSG is phased out.
- Self-sufficiency is the main theme of the government's proposals but this brings concerns around the fairness of the distribution of resources across authorities and over the adequacy of recognition in the system of the ability of differing areas to be able to raise income through local taxes.

Whilst high level detail will be available from the spending review announcement, the impact at a local level is pending the settlement announcement which will not be until late December. This creates more uncertainty for Local Government.

4.5 Summary Prognosis on Core Funding

It is clear that local government is to face at least 4 more years of funding reductions. The scale of the cuts is very difficult to accurately assess at this stage however the request by the Chancellor for proposals for cuts of 25% and 40% from departments demonstrates the cuts over the next 4 years are going to be significant. This comes on top of the sustained cuts already experienced since 2010.

The Summer Budget also included policy measures such as a commitment to the National Living Wage which will also add significant additional cost pressures to local authority budgets, in addition to the proposed cuts to funding and inflationary and demand pressures faced.

While there is considerable uncertainty on the level of future funding, not least arising from the most recent announcement of the intention to phase out RSG and future full retention of business rates, it is clear that local government is entering the most challenging period yet faced.

4.6 Other Funding Streams Issues

4.6.1 Public Health

The final allocation for 2015/2016 was £21.036m. This reflected the transfer to LA's of commissioning responsibilities for '0 to 5 Healthy Child Programme' from 1st October 2015. This is the final part of the overall public health transfer to local government.

As referred to in section 4.2, Government is to implement an in-year reduction in 2015/2016 to Public Health Grant of £200m nationally. The Department of Health favours a flat rate reduction of 6.2% applied to all LAs which equates to circa £1.5m reduction for Sunderland although it is consulting on a range of options. It is unclear at this stage whether the Government plan this to be the basis of an on-going reduction in future years.

In addition, from 2016/17 the government has indicated Public Health allocations will be moved towards a distribution based on population needs. The fair shares formula would be based on advice from the Advisory Committee on Resource Allocation (ACRA). The Council will need to consider the impacts of the proposals once further detail is available.

4.6.2 Better Care Fund

From April 2015 Sunderland established a Better Care Fund with CCG partners of £156m for an initial one year period. It is anticipated the Spending Review will inform next steps and funding implications for future Health and Social Care Integration.

4.6.3 Adult Social Care New Burdens

The 2015/2016 settlement included £1.404m in relation to the Care Act. Recent Government announcements have delayed the implementation of the Care Act and the Government have begun consultation to ascertain if this funding can be clawed back. It is anticipated the outcome of the Spending Review will inform next steps.

4.6.4 New Homes Bonus

The New Homes Bonus grant funding arrangement was introduced in 2011/2012 to cover a six year cycle which plateaus after 2016/2017. It is anticipated the outcome of the Spending Review will inform the position beyond this.

4.6.5 Housing and Council Tax Benefit Administration and Local Council Tax Support Administration Grant

No announcement on future funding has been announced to date, however provision for a further reduction in funding of 10% has been included within the planning for 2016/2017 in line with reductions experienced in recent years. Given other reductions arising from welfare reform there is a potential that the reduction could be more than this. The position will be kept under review and the MTFS updated as more details emerge.

4.6.6 Waste Collection – Weekly Collection Support Scheme

In November 2012, the council was successful in its bid for government funding to support the retention of weekly domestic refuse collections through to the end of 2016/2017.

4.6.7 Schools Funding

The introduction of a national funding formula, will be considered by Government as part of the Spending Review. The Government through the new formula is seeking to develop a clear and transparent funding formula that supports the needs of pupils and enables Schools and Academies to be funded on a broadly comparable basis.

The Dedicated Schools Grant (DSG) is defined across three separate blocks (a funding allocation per pupil for each school, early years block and a base funding level for the high needs block). The Government has published the schools block funding for 2016/2017 with a decrease from £4528.48 to £4523.22 per pupil.

Long term the government is committed to reforming High Needs and Early Years Block funding as soon as possible and it is anticipated this will be published after the Spending Review.

4.6.8 Education Services Grant (ESG)

The ESG is allocated on a simple per-pupil basis to local authorities and academies according to the number of pupils for whom they are responsible. The amount of funding to be received by the Council reduces with each school that transfers to an academy. Provision has been included within the Budget Planning Framework for the impact of a reduction in funding from academy transfers. The rates for 2016/2017 ESG are yet to be announced.

5 Other considerations which could impact on planning

5.1 Business Rates (Revaluation and Review)

The government is undertaking a review of the Business rates system to “make them fit for purpose in a 21st century economy”. In addition to the proposed changes to retained business rates already announced (referred to at paragraph 4.4,) the Chancellor will report the outcome of this review in the Spring 2016 Budget. The government has indicated that the outcomes of the review will be fiscally neutral..

The current rating list is based on the 2010 revaluation with a new list due to be introduced from April 2017. At this stage it is not possible to quantify the potential impact on the Councils financial position, although it is anticipated that the Government will seek to neutralize the impact via a top-up/tariff arrangement. However it is anticipated there will be an increase in appeals following the introduction of the new rating list which will result in additional financial uncertainty.

5.2 Devolution

As part of the Spending Review the Government invited submissions for proposals in line with their Devolution agenda. The North East Combined Authority has responded with a submission based on the principle of subsidiarity, with devolution from Whitehall, accompanied by a strengthening of local and community leadership. The proposals include a number of asks from government relating to both fiscal and financial elements as well as seeking to deliver an ambitious vision for the social and economic future of the North East.

Discussions with government are on-going. As the position becomes clearer, including as a consequence of the outcome of the Spending Review, the implications for the North East and specifically for Sunderland will be taken into consideration as part the council's budget setting process and medium term financial strategy.

6 Summary Outlook

6.1 At this stage, the outlook for local government funding remains very bleak with continued unprecedented reductions and change until 2019/2020 at least.

6.2 The scale of reductions faced is very uncertain at an individual council level and detailed funding allocations for 2016/2017 will not be available until late December. Council planning at this stage assumes a 29% reduction in core funding over the medium term reflecting the trajectory of previous years reductions which is mid-range within the government Spending Review guidance.

6.3 Therefore, given the significant uncertainties at this stage it is proposed to progress with current planning of a £19m reduction in core funding for 2016/2017 subject to

the release of high level Spending Review information on 25th November 2015 when the position will be reviewed.

7 Local Income Position

7.1 Council Tax

- 7.1.1 The Localism Act provides for the provision of referendums to veto excessive council tax increases. This effectively places a limit on council tax increases and if councils exceed the government limits then the public will be able to vote to agree or veto any considered 'excessive' increase.

For 2015/2016 a referendum requirement applied for proposed increases in Council Tax above 2%. There is no definitive indication at present as to the proposed limit for 2016/2017.

- 7.1.2 Government have given no indication as to whether Council Tax Freeze Grant will be available for 2016/2017 or future years and is likely to emerge as part of the outcomes of the Spending Review. Consideration of this approach will be taken once information is available.
- 7.1.3 The Local Council Tax Support Scheme was introduced from April 2013 and is currently in its third year of operation. A review of the scheme is currently being undertaken to inform whether any changes should be introduced for the 2016/2017 financial year. Depending on the scale of proposed changes, proposals arising from the review will be subject to consultation and the financial impacts included in the budget planning as necessary.
- 7.1.4 Growth in the council tax base as a result of new homes built will be kept under review and additional income reflected in the budget planning as appropriate.

7.2 Business Rates

- 7.2.1 Under the current Retained Business Rates funding arrangement the Council retains locally 49% of increased income arising from growth in Local Business Rates base (equally it shares the risk of any under achievement of income targets). (As outlined at paragraph 4.4 the Government have announced its intention to phase out RSG and move to a system of 100% locally retained business rates by 2020.)
- 7.2.2 Inherent within the scheme is growth arising from annual inflationary increases to Business Rates. However, there is continuing uncertainty specifically around appeals and avoidance tactics which can significantly impact on the level of income achieved.
- 7.2.3 The most significant opportunity for Business Rates growth arises through new developments. The position will be kept under review and additional income reflected in the Budget Planning Framework as appropriate.

7.3 Reserves and Balances

The Local Government Finance Act 1992 requires local authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.

In accordance with the approach adopted to date all earmarked reserves will be revisited as part of the budget process to ensure they still accord with the Council's priorities and overall funding position.

8 Spending Pressures and Commitments

It is proposed to take into account the following spending commitments in the Budget Planning Framework for 2016/2017, noting that at this stage in a number of cases specific cost detail require finalisation and will be subject to review and refinement throughout the budget setting process:

8.1 Replacement of One-off Resources and Budget Pressures in 2015/2016

In meeting the funding gap for 2015/2016 the Council utilised £8.8m of one off resources to meet specific costs on a one off basis. Where these pressures are of an on-going nature, reference is included within the relevant spending pressures paragraph below.

8.2 Pay and Pensions

8.2.1 Pay

The Government has indicated a limit on public sector pay of a 1.0% pay increase. For planning purposes a prudent provision has been built into the MTFS from 2016/2017.

8.2.2 Pensions

The Triennial Actuarial review of the Local Government Pension Scheme was undertaken in 2013 covering 2014/2015 to 2016/2017. The outcome of the review has been reflected in the planning for 2016/2017. Prudent provision has been included in the MTFS for the potential impact of the next actuarial triennial review due in 2017.

The Pensions Act 2008 introduced the requirement to automatically enrol certain workers into a pension scheme. The Council opted to defer auto-enrolment for current workers until 2017. Prudent provision for the cost pressure has been factored into the medium term planning.

8.2.3 National Insurance

The Pensions Act 2014, provided for reform of the state pension system, introducing a single tier pension. As part of the reforms, the contracting out for occupational pension schemes from April 2016 will be abolished. For employers, the abolition of contracting out will result in an increased cost of 3.4% on national insurance contributions. The Act provides no method to alleviate the additional financial burden. The impact for 2016/2017 of £2.5m is reflected within the planning.

8.2.4 National Living Wage

The government's proposal to implement the national living wage of £7.20 rising to £9.00 by 2020 represents a significant additional cost pressure for local councils both through council own staff costs and external contract suppliers passing the cost on through increased contract prices.

At this stage there is significant lobbying of government from both public and private sectors on the implications of this policy proposal. Government have indicated they are considering the impact as part of the spending review. Lobbying will therefore continue to seek to ensure the impact is fully funded by government and the position will be kept under review.

8.2.5 Workforce Transformation

Latest financial implications associated with workforce transformation have been factored into the budget planning and will be kept under review.

8.3 Energy Prices

Energy and vehicle fuel prices continue to be volatile. It is therefore proposed that prudent provision be included for continued annual increases in charges for gas, electricity and vehicle fuel in the medium term.

8.4 Adult Services Demand Issues

The increasing longevity of the national and specifically, the city's population continues to place pressure on Adult Social Services budgets. In addition, client expectations and increasing demand to support clients with complex cases to enable clients to maintain independent living, is requiring reconfigured services and additional investment. The position will be kept under review and prudent provision included as appropriate.

8.5 Children's Services Demand Pressures

There continues to be increasing demand pressures in relation to safeguarding and looked after placements. Provision within the planning reflecting the improvement plan arrangements will be reviewed once finalised.

8.6 Local Economy

Resources have previously been earmarked to support service pressures and actions in response to the economic position as part of the previous years' budgets. Given the continuing uncertainties, this will need to be kept under review and appropriate provision made throughout the budget process.

8.7 Welfare Reform

The Council continues to monitor and plan for the Welfare Reform changes and the potential adverse impacts anticipated across the city. This will need to be kept under review and appropriate provision made throughout the budget process.

8.8 Capital Financing

Prudential borrowing has been provided for within the medium term financial position in relation to known investments over the period, together with a provision to provide future flexibility at this stage to enable strategic priorities of the Council to proceed in the future.

9 Spending Priorities

9.1 Priorities from Consultation

9.1.1 The Budget Consultation for 2015/2016 was undertaken within the context of the need to significantly reduce spending for a fifth year in light of the Government funding reductions. The findings demonstrated general support amongst respondents for the direction of travel of services and for the councils overall approach to making savings.

9.1.2 The proposals for the 2016/2017 Budget Consultation process are set out elsewhere on today's Cabinet agenda.

10 Summary Resource, Pressures and Commitments Position

10.1 The total reduction in resources and spending pressures represents the estimated gross funding gap. However at this stage there remain significant uncertainties:

- The outcome of the Spending Review and the level of government funding reductions in 2016/2017 and beyond;
- Settlement confirmation for 2016/2017, probably not available until late December;
- The outcome of the development of revised funding approaches e.g. Business rates review and revaluation, and devolution proposals;
- Significant other changes within the system (Welfare Reform, Schools etc.);
- The general economic position and public sector finances (direct connectivity between the economy and public finances).

10.2 The level of funding reduction as currently presented represents an unprecedented challenge given the already compound impact of significant reductions and increased cost pressures since 2010. It is clear that further significant reductions will be required year on year over the 2016-2020 period.

10.3 As outlined the savings requirement for 2016/2017 and beyond remains very uncertain. However high level estimated reductions over the next four years are set out below:

	2016/17	2017/18*	2018/19*	2019/20*	Total
	£'m	£'m	£'m	£m	£m
Government Grant Changes	19.0	13.1	8.8	5.7	46.6
Total Ongoing Spending Pressures	21.5	20.0	10.7	10.8	63.0
Total Funding Gap	40.5	33.1	19.5	16.5	109.6

**high level assumptions at this stage*

- 10.4 As part of the 2015/2016 budget process initial high level plans were approved for 2016/2017 to part address the initial funding gap for that year. After taking these plans into account the remaining funding gap is as set out below.

	2016/17	2017/18*	2018/19*	2019/20*	Total
	£'m	£'m	£'m	£m	£m
Estimated Funding Gap	40.50	33.10	19.50	16.50	109.60
Previously approved high level plans	-2.10				-2.10
Remaining Estimated Funding Gap	38.40	33.10	19.50	16.50	107.50

11 Budget Planning Framework

- 11.1 As a result of the scale of reductions faced by the council over the medium term it is necessary to radically reconsider the role of the council as fundamental change will be required to the way the council operates in the future. This will involve further transforming service delivery, reducing service standards and commissioned activity and prioritising resources to support statutory requirements and key priorities:

- People - protecting and supporting the most vulnerable adults and children in our communities;
- Place - keeping our communities as safe, clean and well maintained as possible within the resources available;
- Economy - continuing support to the economic regeneration of the city by encouraging businesses and jobs into the city.

- 11.2 The councils approach to transforming services, which is required to deliver the significant savings over the medium term, is embraced within the council's community leadership role in the city which seeks to build relationships with partners and in communities.

11.3 Community Leadership Programme

- 11.3.1 The Council is committed to strengthening its Community Leadership role in the city. As a democratically elected body, the Council will continue to be

- champion and advocate for Sunderland communities and interests;
- a focal point of leadership for partners to work together to deliver on priority outcomes on Health and Well Being, Education, and Skills and the economy.

- 11.3.2 The approach includes working with partners in getting closer to communities, to understand and interpret needs and local priorities and in developing innovative means of addressing those needs priorities. The approach continues to focus on:

- understanding the priorities of communities, using intelligence and evidence to focus attention on the right priorities and decisions;
- shaping the most appropriate response to needs;
- developing relationships with partners, and communities to promote self-help and self-reliance and maximising the contribution of communities;
- harnessing the potential contribution from other organisations and individuals in achieving key outcomes;
- promoting Sunderland's interests at sub-regional, regional, national or international levels.

11.3.3 The Council will continue to use innovative approaches to address priority needs through:

- development of improved customer and service insight and intelligence which provides the Council and partners with the information necessary to understand and prioritise what it needs to do and ensure it is doing the right things;
- implementing strategies and policies that enable the Council to manage demand and facilitate those services which make a difference in the most effective way. The CSN continues to be the focus as the gateway for demand and supply for services, encouraging and supporting self-help where appropriate;
- developing alternative models for service delivery and increasing commercialisation to ensure the most effective and efficient models of service provision;
- further and continual review of Strategic Services and fixed assets to meet the future needs of the Council and its communities;
- intelligent strategic commissioning, using improved intelligence and strong performance management to ensure the council commissions services in the most cost effective way .

11.4 Addressing the Savings Requirement

It is proposed the budget planning framework as set out below is adopted:

- General Issues
 - Budget planning be based on high level position outlined at paragraph 10 and updated in light of the Spending Review in November and the Local Government Settlement in December;
 - Provision for spending commitments be included at this stage on the basis set out at paragraph 8 and kept under review;
 - Spending priorities be considered in line with the findings of the budget consultation and service improvement plans as set out in paragraph 9;
 - Budgets be prepared on the basis that all spending pressures not specifically identified above as commitments be accommodated within Directorate cash limits;
 - All commitments against reserves to be reviewed;
 - The position regarding Council Tax to be considered as part of the budget process;
 - Commitments against general balances as set out in Appendix 1 be noted and updated throughout the budget process.
- Current Budget Savings Programme:

In accordance with the budget planning framework agreed for 2015/2016

 - Original permanent planned savings for 2015/2016 will be achieved or an alternative must be delivered on an on-going basis in 2016/2017;
 - Savings originally identified for 2016/2017 will be achieved. Alternative savings will need to be identified by Directorates where a proposal has become unviable;

- **Additional Savings Proposals**

A programme of activity be developed to address the gap taking into account the strategic vision of the council's role in the future and reflecting the Improvement Framework key principles outlined at 11.1 to 11.3. For all service areas this will include consideration of:

- Ensuring resources are targeted on statutory services and protecting key priority services;
- Redesigning and reshaping services to deliver required outcomes at least cost;
- Reduced commissioning and service standards;
- Pressing forward with new models of service delivery at reduced cost and increasing commercialisation;
- Continued focus on progressing Regeneration, Funding Leverage & Commercial Opportunities.

The framework will be robustly managed to ensure financial resilience is maintained.

12 Reasons for Decision

- 12.1 The Budget Planning Framework forms an essential part of the process of the preparation and compilation of the Revenue Budget for 2016/2017.

13 Alternative Options

- 13.1 There are no alternative options recommended.

14 Impact Analysis

- 14.1 Impact assessments of Directorate actions to ensure the achievement of savings targets and a balanced budget position will be undertaken within Directorates as each action is developed.

Statement of General Balances

	£m
Balances as at 31st March 2014	7.570
Use of / Addition to Balances 2014/2015	0
Balances 31st March 2015	7.570
Use of Balances 2015/2016	
- Contribution to Revenue Budget	(8.812)
Additions to Balances 2015/2016	
- Transfer from Strategic Investment Reserve to support the budget over the medium term	3.212
- Reserves released to support 2015/2016 budget	5.600
Estimated Balances 31st March 2016	7.570

REFERENCE FROM CABINET – 25 November 2015

Licensing Act 2003 - Approval of the Council's Statement of Licensing Policy

Report of the Executive Director of Commercial Development

1. Purpose of the Report

- 1.1 To seek the views of this committee on a report to be considered by Cabinet on 25 November 2015 on the responsibility of the Council with regard to the publishing of a statement of licensing policy under the Licensing Act 2003 (the "Act").

2. Background and Current Position

- 2.1 The Cabinet, at its meeting to be held on 25 November 2015, will give consideration to the report of the Executive Director of Commercial Development. The report recommends the Council to approve the statement of licensing policy attached as Appendix 1.
- 2.2 Copies of the 25 November 2015, Cabinet Agenda will be made available to all Members of the Council.

3. Conclusion

- 3.1 The report is referred to the Scrutiny Committee for its comments and these comments from the Scrutiny Committee will be reported to Cabinet at its meeting on 25 November 2015 and onto full Council also on 25 November 2015.

4. Recommendation

- 4.1 The Scrutiny Committee is invited to give its comments to Cabinet on the attached report of the Executive Director of Commercial Development.

5. Background Papers

- 5.1 There are no background papers.

Licensing Act 2003 - Approval of the Council's Statement of Licensing Policy

Report of the Executive Director of Commercial Development

1. Purpose of the Report

- 1.1 To brief the Cabinet upon the responsibility of the Council with regard to the publishing of a statement of licensing policy under the Licensing Act 2003 (the "Act").

2. Description of Decision (Recommendations)

- 2.1 To recommend the Council to approve the statement of licensing policy attached as Appendix 1.

3. Introduction/Background

- 3.1 The Act requires the Council, as a licensing authority, to be responsible for the licensing of premises for the provision of "licensable activities" as defined. These activities include the sale by retail of alcohol and the provision of regulated entertainment.
- 3.2 The Act requires that licensing authorities publish, in respect of a period of five years, a statement of licensing policy which indicates how they will undertake these functions. The current policy statement was agreed at a meeting of the Council in November 2010 and its period of validity will expire on 6 January 2016. A renewed statement is required to be published before 7 January 2016.
- 3.3 In determining policies the Act requires licensing authorities to consult specified persons including statutory agencies and representatives of the public and the licensed trade. This consultation exercise has now concluded.

4. Current Position

- 4.1 Comments on the proposed statement of licensing policy were received from the following person and organisations:

- The Sunderland Health and Wellbeing Board;
- The Council's Acting Director of Public Health
- The Safer Sunderland Partnership; and
- Balance, the North East Alcohol Office.

As appropriate, the responses of these respondents have been incorporated in the revised statement of policy attached.

5. Reasons for the Decision

- 5.1 To enable the Council to comply with the statutory obligation to publish a Licensing Act 2003 statement of policy.

6. Alternative Options

6.1 As this is a statutory obligation no other options have been considered.

7. Impact Analysis

(a) **Equalities** – No impact

(b) **Privacy Impact Assessment (PIA)** – No impact

(c) **Sustainability** – The statement of policy is intended to assist responsible businesses and to minimise the environmental impact of non-compliant businesses e.g. with regard to noise pollution.

(d) **Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** – One of the objectives of the Licensing Act 2003 is the prevention of crime and disorder and this is dealt with by the statement of policy.

8. Other Relevant Considerations / Consultations

(i) **Legal Implications** – The Head of Law and Governance advises that the Council has a legal entitlement to publish the statement of licensing policy.

(ii) **The Public / External Bodies** – Statutory consultees have been consulted.

9. Glossary

None.

10. List of Appendices

Appendix 1 - Statement of Licensing Policy

11. Background Papers

The consultation responses may be inspected at Public Protection and Regulatory Services, Jack Crawford House, Commercial Road, Sunderland SR2 8QR (tel. 5611710)

CABINET MEETING – 25 NOVEMBER 2015

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Licensing Act 2003 – Approval of the Council's Statement of Licensing Policy

Author(s): Executive Director of Commercial Development

Purpose of Report: To brief the Cabinet upon the responsibility of the Council with regard to the publishing of a statement of licensing policy under the Licensing Act 2003

Description of Decision:

To recommend the Council to approve a statement of licensing policy

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

To enable the Council to comply with the statutory obligation to publish a Licensing Act 2003 statement of policy.

Alternative options to be considered and recommended to be rejected:

None

Impacts analysed;

Equality ☒ Privacy ☒ Sustainability ☒ Crime and Disorder ☒

Is the Decision consistent with the Council's Co-Operative Values? Yes

Is this a "Key Decision" as defined in the Constitution? Yes

Is it included in the 28 day Notice of Decisions? Yes

APPENDIX 1

Licensing Act 2003 Statement of Licensing Policy

Licensing Act 2003
Statement of Licensing Policy
(Issued pursuant to Section 5 of the Act)

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1. Introduction

- 1.1 The purpose of this Statement of Licensing Policy pursuant to Section 5 of the Act is to set out the Council's policy with respect to the exercise of its functions as the Licensing Authority under the Licensing Act 2003 ("the Act"). It relates to the 'licensable activities' defined in Section 1 of the Act namely:
- (a) the sale by retail of alcohol;
 - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - (c) the provision of regulated entertainment; and
 - (d) the provision of late night refreshment.
- 1.2 The policy will promote the four licensing objectives described in section 4(2) of the Act. These objectives are:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 1.3 Each objective has equal importance. The Council will seek to work closely with the Police, the Fire and Rescue Service, Sunderland Safeguarding Children Board, local businesses, community representatives and local people, in order to meet these objectives. The Council's decision making is constrained by the provisions of the Act or Regulations made under it and by having regard to the guidance issued under Section 182.
- 1.4 This revised Statement of Licensing Policy takes effect on **7 January 2016** and replaces the previous statement. It will remain in force for a period of five years beginning with that date. During that period the policy will be kept under review and may be revised as the Council considers appropriate.

Legal Background to this Statement of Licensing Policy

- 1.5 The Council is responsible for decisions to grant or reject applications for the sale of alcohol, the provision of entertainment or late night refreshment. These decisions must be made in line with the statutory requirements of the Act and must be granted unless relevant representations are made about the likely effect on the promotion of the licensing objectives. Conditions designed to ensure safety, protect children from harm, prevent crime and disorder and prevent public nuisance can be attached to licences where appropriate for the promotion of the licensing objectives. For example, the Council could, in appropriate cases, restrict licensed hours in order to prevent people resident nearby being disturbed.
- 1.6 The Council must have due regard to this policy. We may, if we consider it appropriate, deviate from the policy but would need good reasons, which we can justify, to do so.

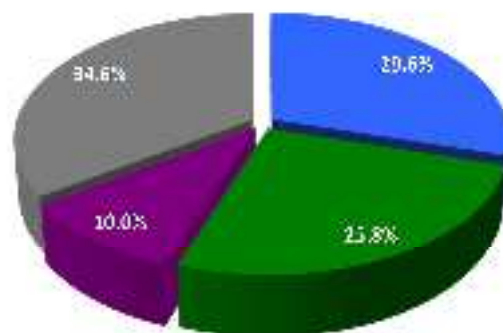
Context

- 1.7 The Sunderland Health and Wellbeing Board (HWBB), which has the overall aim of achieving “the best possible health and wellbeing for the people of Sunderland”, considers that licensing policy plays an important part in achieving this vision. In the last year, the HWBB included alcohol and best start in life among its list of immediate priorities and believes that licensing plays a fundamental part of achieving improvement in outcomes in these areas.
- 1.8 The HWBB have signed up to the regional alcohol declaration and included its support to the lobby for minimum unit pricing for alcohol. In this context, the role that licensing has to play is central to achieving these commitments.
- 1.9 For Sunderland to achieve its potential, in spite of reducing public resources, the Council needs to address issues which place a burden on the City. Alcohol-related harm impacts upon a range of frontline services across the City including the NHS, Police, Ambulance Service, the Licensing Section and Social Services.
- 1.10 It is estimated that the irresponsible use of alcohol costs the city around £92.49 million per year; with the greatest costs being borne by workplaces (£32 million) and local NHS services (£27 million). It should be noted that this does not take account the health and social consequences suffered by individuals, their families, and the wider community.

Figure 1 Cost Breakdown for 2013/14

NHS:	£27.34m
CRIME & LICENSING:	£24.21m
SOCIAL SERVICES:	£9.25m
WORKPLACE:	£32.04m
OVERALL COST*:	£92.49m

*Total cost excludes crime related healthcare costs. The crime cost used for the adjacent pie chart is £23.86m



- 1.11 Recorded crime has been rising slowly in recent years and the proportion of total crime that is related to alcohol continues to rise. As the consumption of alcohol in the home increases, the impact of alcohol becomes less visible and more hidden. For example, in Sunderland in 2014/15 there were 6,389 domestic abuse incidents; 1,457 of these incidents were recorded as domestic violence crimes and, of these, 50% were alcohol related.
- 1.12 Sunderland residents experience significant health problems as a result of alcohol and we have some of the highest rates in the country for alcohol-related hospital admissions, premature deaths and ill health caused by alcohol. The rate of alcohol-related hospital admissions among the Sunderland population is the third highest among 152 upper tier local authority populations. These admissions comprise those that are wholly attributable to alcohol such as alcoholic poisoning or alcoholic liver disease (1,700 people admitted in Sunderland in 2012/13), and

those where a proportion of admissions can be attributed to alcohol e.g. type 2 diabetes or stroke (a further 2,700 people admitted in 2012/13).

- 1.13 Sunderland is in the top (worst) 10% of the 152 upper tier local authority populations for:
- Alcohol-specific mortality (persons and males);
 - Alcohol-related hospital admissions (persons);
 - Alcohol-specific hospital admissions in young people aged under 18;
 - Admissions for alcohol related conditions narrow (persons and males);
 - Admissions for alcohol related alcoholic liver disease conditions (persons); and
 - Admissions for alcohol related mental and behavioural disorders due to the use of alcohol conditions narrow (persons and male).
- 1.14 There is clear international evidence from a number of countries, including France, the USA and Canada, that decreased availability of alcohol results in decreased alcohol consumption in the population. This is true when availability is restricted either by physical means or by price. Where changes have been robustly measured and assessed, it can be seen that the effects happen at local, regional and national levels and lead to substantive reductions in alcohol-related morbidity and mortality.
- 1.15 The burdens of alcohol-related harm on public health, society and the economy within Sunderland are amongst the highest in the UK, and fall disproportionately on the most disadvantaged members of our community. The Council therefore seeks to bring about meaningful reductions to the unacceptable and unfair toll of ill health and premature mortality related to the inappropriate use of alcohol.
- 1.16 Minimum unit price (MUP) remains the best evidenced and most cost-effective regulatory intervention for alcohol harm reduction. The Council has strongly supported MUP and was disappointed by the reluctance of the previous UK coalition government to follow through on its stated commitment in relation to MUP. As a consequence, the licensing authority and responsible authorities are likely to be the major influence on the availability of alcohol in both on-trade and off-trade sectors in a local area.
- 1.17 The licence application process is essentially a “permissive system” whereby, unless successful objections are tabled by the public or one or more responsible authority in the form of relevant representations all applications are effectively approved. The difficulties of making successful challenges to new licence applications arising from the statutory requirements, combined with the already high concentration of outlets in many parts of the City, may require the Council to explore a number of innovative new policies to lawfully achieve its objectives. For example, this could involve evaluating the need for the adoption of ‘cumulative

impact or special policies for certain areas', a late light levy and the modification of existing licences through voluntary arrangements or where licence reviews have been brought and it is appropriate for the promotion of the Licensing objectives to do so.

- 1.18 As many licensing authorities throughout England are beginning to demonstrate, these policy approaches have begun to address the excessive burden of alcohol harms. They can also have positive effects on the profitability of night-time economies (as higher value activity and establishments are encouraged). As a licensing authority with one of the highest burdens attributable to alcohol, the Council will, over the forthcoming year, actively explore these types of policy options with a view to deciding on what would be most suitable for local introduction.

Further Information

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

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

Telephone: (0191) 5205550
Fax: (0191) 5531658
Email: licensing@sunderland.gov.uk

2. Consultation and Guidance

- 2.1 There are a number of groups who have an interest in the leisure industry. These include providers, customers, residents and enforcement agencies. They all have views and concerns that require consideration as part of the licensing function.
- 2.2 In formulating this Statement of Licensing Policy, the Council has paid regard to the Guidance issued by the Secretary of State under Section 182 of the Act in March 2015 and has consulted the following:
- Northumbria Police;
 - Tyne and Wear Fire and Rescue Service;
 - Sunderland Safeguarding Children Board;
 - Director of Public Health;
 - Representatives of the licensing trade and members' clubs;
 - Local businesses and their representatives; and
 - Local residents and their representatives.
- 2.3 Further consultation with the organisations and people mentioned above will be

undertaken where any revision to this policy is proposed.

- 2.4 In addition, in formulating this policy, the Council has paid regard to the provisions of the **European Convention on Human Rights**; in particular the rights that everyone has to respect for their home and private life and to the peaceful enjoyment of their possessions (including a licence).
- 2.5 The **Human Rights Act 1998** makes it unlawful for a public authority to act in a way that will be incompatible with a convention right. Consequently, an aim of this policy, particularly in relation to the decision-making processes of the Council, is to ensure that a licensing decision does not cause a breach of a convention right.
- 2.6 The Council has also taken into account the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they reasonably can to prevent such incidences.
- 2.7 The Government has published an Alcohol Strategy in which it outlines how the Act can be used to address some of the social, health and crime and disorder issues raised by the misuse of alcohol when licensing authorities are considering applications for licences. The Council will take this strategy into account; including with regard to the investigation of the sale of alcohol to persons under the age of eighteen and the undertaking of steps with the aim of preventing anti-social behaviour.

3. Scope of Policy

- 3.1 The Act is concerned with the sale of alcohol, the supply of alcohol by clubs, the provision of regulated entertainment and late night refreshment at any premises (defined by the Act as any vehicle, vessel or moveable structure or any place or any part of any premises).
- 3.2 Activities that require a licence under the Licensing Act 2003 and covered by this policy include the:
- retail sale of alcohol;
 - supply of hot food or drink (i.e. non-alcoholic beverages) from premises from 23:00 to 05:00 hours;
 - supply of alcohol or provision of regulated entertainment to club members;
 - provision of entertainment of a type listed below (known as regulated entertainment) to the public or club members or with a view to profit:
 - § film exhibitions;
 - § performances of a play;
 - § indoor sporting events;
 - § boxing or wrestling;
 - § live music performances;

- § playing of recorded music; and
- § dance performances.

- 3.3 The Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (premises licences), the supply of alcohol or the provision of regulated entertainment at certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices).
- 3.4 In general, a reference in this policy to a premises licence will include a club premises certificate.
- 3.5 The scope of the policy covers new applications, renewals, transfers and variations and also temporary event notices. Additionally, the review of licences, which could lead to their revocation, is also within its remit.

4. Live Music Act 2012 and other entertainment licensing deregulation

- 4.1 The Live Music Act 2012 removed the licensing requirements for:
- Amplified 'live' music between the hours of 08:00 and 23:00 before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises¹;
 - Amplified 'live' music between the hours of 08:00 and 23:00 before audiences of no more than 500 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)¹;
 - Unamplified 'live' music between the hours of 08:00 and 23:00 in all venues; and
 - The provision of entertainment facilities.
- 4.2 Any licence conditions relating to 'live' music on licensed premises have been suspended, but it is possible to impose new conditions or reinstate existing conditions following a review.
- 4.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. Organisers are encouraged to check with the Council if in doubt.
- 4.4 Another deregulation of entertainment licensing has been brought about by the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between the hours of 08:00 and 23:00 on any day:

¹ The Live Music Act 2012 was amended by the Legislative Reform (Entertainment Licensing Order) 2014 in order to increase the audience ceiling from 200 to 500.

- A performance of a play in the presence of an audience of no more than 500 people;
- An indoor sporting event in the presence of an audience of no more than 1000 people; and
- A performance of dance in the presence of an audience of no more than 500 people.

4.5 Finally, the Legislative Reform (Entertainment Licensing) Order 2014 deregulated certain types of regulated entertainment as follows:

Cross-activity exemption

This exemption relates to councils, health care providers and schools and allows them to provide certain licensable activities on their premises between the hours of 08:00 and 23:00 without the need for a licence. Also, there is no limit on audience sizes at these events.

The licensable activities covered by this exemption are:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance; and
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

The sale of alcohol continues to be required to be licensed at these types of premises and the above-mentioned exemptions do not apply should any sexual entertainment be provided at the premises.

The types of council premises covered by this exemption are:

- Public parks and other public spaces;
- Town halls and administrative offices;
- Libraries;

- Swimming pools and leisure centres;
- Community halls; and
- Museums and galleries.

The Order allows councils, health care providers and school proprietors to permit third parties to perform live music or play recorded music on their own defined premises.

Recorded music in relevant alcohol-licensed premises

The Order removed the requirement for the licensing of the playing of recorded music between the hours of 08:00 and 23:00, before audiences of no more than 500 people, on relevant premises authorised to be used for the sale of alcohol. The fact that the premises are licensed for alcohol purposes means that they remain subject to the licensing framework and it is the alcohol licence that provides the means by which any issues (should they arise) can be addressed.

Music at Community Premises etc.

For community premises (as defined) which are not domestic premises the Order exempts live and recorded music activities between the hours of 08:00 and 23:00 and before audiences of no more than 500 people, but only if those premises are **not** authorised by a premises licence to be used for the supply of alcohol on the premises. This exemption will not apply unless the relevant person (as defined) has given permission for that music entertainment to take place.

‘Community premises’ are defined as:

- premises that are or form part of a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building;
- the premises of a hospital;
- premises in which a council has a relevant property interest or which are lawfully occupied by a council; or
- the premises of a school.

Where particular community premises are licensed for the sale of alcohol, any performance of live music or the playing of recorded music on relevant alcohol-licensed premises will be subject to the conditional deregulation described above.

The Order requires that any person concerned in the organisation or management of entertainment must have first obtained written consent from the council, health care provider or school concerned before the event can go ahead. An event

organiser of music entertainment is not able to self-certify this written consent, nor can they rely on a prior written consent if full disclosure is not made, or purported consent is obtained from someone who is clearly unqualified or insufficiently senior.

Circuses

The Order exempts travelling circuses from licensing requirements for the performance of a play, an indoor sporting event, a performance of live music, the playing of recorded music and performances of dance between the hours of 08:00 and 23:00, with no audience restrictions. Circuses will still need to have a premises licence or a Temporary Event Notice if they wish to put on an exhibition of film or a boxing or wrestling entertainment.

The exemption will only apply to travelling circuses where the entertainment takes place wholly within a moveable structure, and where the spectators are accommodated wholly within that structure, and where the travelling circus has not been on the same site for longer than 28 days.

“Travelling circus” is defined as a circus which travels from site to site for the purposes of giving performances.

Greco-Roman and freestyle wrestling

The Order exempts Greco-Roman and freestyle wrestling disciplines from licensing as ‘boxing or wrestling entertainment’. This exemption is subject to an audience limit of 1,000 people.

5. General Principles of the Policy

- 5.1 In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits. Licence conditions will be tailored to the individual application and only those appropriate to meet the licensing objectives will be imposed. All applicants will be expected to incorporate into their operating plan the steps proposed to comply with the four licensing objectives. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public; health and safety at work and fire safety legislation for example.
- 5.2 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Licensing Act 2003. Any terms and conditions that may be attached to the various licences will be focused on matters that are within the control of individual licensees or clubs. These matters will centre on the premises and places being used for licensable activities and their vicinity. The Council will primarily focus on the direct impact of the activities taking place at the licensed premises and on members of the public living, working or engaged in normal activity in the area concerned. In considering all licensed activities with regard to the objectives, the Council will take account of the following additional factors:

- The use of the premises and the numbers of people likely to attend;
- The availability of public transport and private car parking;
- The proposed hours and frequency of the licensed activity; and
- Any past history of problems, related to any or all of the licensing objectives, and the impact of any measures taken to counteract the problems.

5.3 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of a licensee. However, licensing law is a key aspect of such control and is part of a holistic approach to the management of anti-social behaviour. We therefore expect all licensees to take responsible steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises e.g. on the pavement, in a beer garden or in a smoking shelter where and to the extent that these matters are within their control.

5.4 The Council is not able to authorise the supply of alcohol from premises used primarily as a garage, i.e. for the retailing of petrol or diesel or the sale or maintenance of motor vehicles. The issue of whether any use is primarily as a garage will be judged in each case on its merits.

6. The Need for Licensed Premises

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

7. The Cumulative Impact of a Concentration of Licensed Premises

7.1 The Government's Guidance for licensing authorities allows the Council to consider whether a large concentration of licensed premises in any area may have a potential impact on crime and disorder or public nuisance in that locality. We may then adopt a special policy of refusing new licences in a specified area; a rebuttable presumption that granting the application will add to the cumulative impact upon the licensing objectives whenever we receive relevant representations from a responsible authority or another person.

7.2 The Council has not yet adopted any cumulative impact policies. However, we now intend to consider the introduction of one or more such policies. In practice, such policies have, elsewhere, had the effect of discouraging applications where the likelihood of success is low (e.g. city centre areas with an already high concentration of outlets and established 'trouble hot-spots'). Such policies have also prompted applicants to give serious consideration as to how best to upgrade the quality of their application and discouraged in particular premises used as 'vertical drinking establishments' in favour of more upmarket restaurants and wine bars. The discouragement of vertical drinking establishments has also been found to reduce the administrative burden on council licensing officers in the medium to

long term. The Council will consult with the police and draw upon its own health intelligence data to decide whether and where it would be appropriate to designate a cumulative impact area or areas.

7.3 Any proposal to adopt such a policy would be dealt with separately to this policy.

8. Other Mechanisms for Controlling Cumulative Effect

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

- planning controls (where possible);
- positive measures to create safe and clean urban centre environments in partnership with local businesses and transport operators;
- the provision of CCTV surveillance and hackney carriage stands;
- designating parts of the City as places where alcohol may not be consumed publicly following intervention by the Police;
- cooperating with the Police who may enforce the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- working with the Police who have powers to close down immediately any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
- receiving representations from the Police, other responsible authorities or local residents or businesses who may seek the review of the licence or certificate in question.

9. Early Morning Restriction Orders (EMRO)

9.1 The Police Reform and Social Responsibility Act 2011 gave licensing authorities the discretion to restrict sales of alcohol by introducing an Early Morning Restriction Order ("EMRO"). Such an order would restrict the sale or supply of alcohol in a specified area between the hours of midnight and 06:00 with the aim of tackling high levels of alcohol-related crime and disorder, nuisance and anti-social behaviour.

9.2 The Council has not yet introduced any EMROs. Any proposal to do so would be considered separately to this policy.

10. Late Night Levy

- 10.1 The 2011 Act also gave licensing authorities the discretionary power to charge a late night levy (“the levy”) upon all relevant premises licences issued within their area. The levy is an annual fee payable in relation to all premises in a licensing authority area that are licensed to sell alcohol between the hours of midnight and 6:00. The purpose of a levy is to obtain contributions towards the costs of policing the night time economy.
- 10.2 The Council has not yet introduced a levy. Any proposal to do so would be considered separately to this policy.

11. Policy relating to Personal Licences

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

11.3 Policy

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

11.4 Reason

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

12. Policy relating to Premises Licences and Club Premises Certificates

Structure/Physical Characteristics/Location of the Premises

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

12.4 Policy

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

12.5 Reason

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

Sex-related entertainment

- 12.6 The Licensing Act makes no specific provision with respect to certain activities such as "lap", "table" and "pole" dancing. These and similar forms of sexual entertainment are not themselves designated as licensable activities under the Act but may require licensing under the Local Government (Miscellaneous Provisions) Act 1982. Advice with regard to this Act is available from the Licensing Section.

- 12.7 Any licensable activities undertaken on premises which provide sexual entertainment (e.g. the sale of alcohol or the provision of regulated entertainment that is not sexual entertainment), will require authorisation under the Licensing Act in respect of those activities.

Access and Facilities for the Disabled

12.8 Policy

The Council expects licensees to provide reasonable facilities and access for people with disabilities.

12.9 Reason

The Council works within the Equality Act 2010 and recognises the duty to make reasonable adjustments for disabled people. Equality law recognises that bringing about equality for disabled people may mean changing the way in which services are delivered, providing extra equipment and/or the removal of physical barriers.

Drugs

- 12.10 In this policy a reference to drugs includes novel psychoactive substances. The Council recognises that drug misuse may occur in public houses and nightclubs. Consequently, where appropriate, conditions may be imposed upon the licences of relevant venues in order to reduce the likelihood of drugs being sold and consumed.

12.11 Policy

The Council will expect applicants for licences in respect of venues where alcohol is to be supplied for consumption on the premises or music is to be performed or played to detail in their operating schedules the steps they will take to prevent the use of drugs within their premises. The Council will expect licensees to be familiar with the Home Office Drug Strategy Booklet entitled Safer Clubbing (ISBN 1840827807) or subsequent editions.

12.12 Reason

The Council has a duty to prevent crime and disorder under the Crime and Disorder Act 1998 and tackling substance misuse is a key priority for the statutory Safer Sunderland Partnership.

Street Cafés and external areas

- 12.13 Some licensees may seek to extend their operating premises onto the street by the creation of a street café area. The Council supports and encourages the provision of street cafés in the city. Authorisation for such extensions must be obtained from the Council in our capacity as the Highway Authority, under **Section**

115E of the Highways Act 1980, and not under the Licensing Act 2003. This is a separate and additional process and all enquiries should be directed to Network Control on 0191 5205550 or via the Council's website at www.sunderland.gov.uk.

- 12.14 Some premises incorporate external areas which patrons use for smoking. The Council expects such licensees to have measures in place so that use of these areas does not lead to anti-social behaviour e.g. glass breakages. The Council will, where appropriate, consider imposing conditions in order to improve the management of outside areas or to restrict their use in order to promote the public nuisance objective.

Variations

- 12.15 The Council will determine whether an application for a new licence, as opposed to an application for a variation, is necessary in line with the Government's Guidance upon the Act.

Minor Variations

- 12.16 The Council will determine an application for a minor variation in line with the Government's Guidance upon the Act.

Community Premises

- 12.17 Persons in control of premises such as church or chapel halls, village or parish halls, community halls and buildings of a similar nature may find the permitted annual number of Temporary Event Notices too restrictive. They may, therefore, wish to consider whether applying for a Premises Licence would be more beneficial.
- 12.18 Additionally, the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc.) Order 2009 allows persons controlling licensed community premises to apply to have the mandatory condition which requires their employment of a Designated Premises Supervisor removed from their licence.
- 12.19 This mandatory condition would be replaced with an alternative requiring that every supply of alcohol under the Premises Licence must be made, or authorised by, the management committee.
- 12.20 Where there is doubt as to whether premises may be considered to be "community premises", the Council will consider each case on its merits, with primary consideration being given as to how the premises are predominantly used.
- 12.21 The fact that a school or private hall is made available for hire by the community would not in itself be sufficient to qualify the premises as "community premises". The Council would consider whether halls used largely for private hire by individuals or private entities are genuinely by their nature "community premises". The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use, and not only at the usefulness of the premises for members of the community for private purposes.

- 12.22 The Council would expect the management committee to be a formally constituted, transparent and accountable body. The committee should provide sufficient oversight of the premises to minimise any risk to the licensing objectives.

Late Night Takeaway Food Premises

- 12.23 Premises which are principally used for selling hot food for consumption off the premises (“takeaway premises”) may be associated with disorder as persons under the influence of alcohol having left late night venues may congregate at such locations. Applicants seeking to authorise the provision of late night refreshment at such premises are therefore recommended to have written policies for dealing with disorder and nuisance.
- 12.24 We will not generally permit the sale of alcohol from takeaway premises that are licensed for late night refreshment, due to the inherent potential for late night alcohol fuelled crime, disorder and anti-social behaviour. Applicants seeking approval to sell alcohol from takeaway premises will need to clearly identify how they will ensure that their activities will not lead to such problems.
- 12.25 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated by their customers. Applicants are also asked to consider the necessity and type of packaging containers used in order to minimise nuisance.
- 12.26 Where the Council considers it appropriate and necessary, we may impose a condition on a premises licence which requires the licensee to provide litter bins in the vicinity of the premises. We may also require a licensee to service those litter bins as part of their own waste management arrangements.

13. Licensing Hours

- 13.1 The Council recognises that in some circumstances, flexible licensing hours for the sale of alcohol from public houses and night clubs may avoid large numbers of people leaving premises at the same time, which in turn could reduce the friction at late night fast food outlets, hackney carriage stands, private hire offices and other sources of transport that can lead to disorder and disturbance.
- 13.2 Fixed trading hours within designated areas are not set at present although consideration may be given to the use of an EMRO where evidence suggests that such an action may promote the licensing objectives.
- 13.3 The Council will generally deal with the issue of the licensing hours of public houses and nightclubs having due regard to the individual merits of each application. However, consideration may be given to restricting hours and/or imposing stricter conditions, e.g. in respect of noise control, where premises are situated in mainly residential areas. In any event, the Council encourages applicants to seek licences with terminal hours no later than 03.00. In a climate of reduced resources, this would help to ensure that the Council has sufficient time to clean the streets before the shops open again the next day. It will also assist the Police in relation to changes of shifts and policing the City in the early hours.

- 13.4 The Council will generally consider licensing shops to sell alcohol for consumption off the premises at any times they are open for shopping. However, we may restrict those hours, e.g. where the Police or local residents make representations in respect of disorder and disturbance, in order to prevent a breach of the licensing objectives.

14. Proxy sales of alcohol and the delivery of alcohol to residential properties

- 14.1 The Council expects that licensees will ensure that they have adequate procedures in place to ensure that all members of their staff are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol (i.e. purchases by adults on behalf of children), and should ensure that all reasonable steps and procedures are in place and implemented to prevent such sales. Measures should also be in place to ensure that designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons under eighteen or purchased on their behalf.

- 14.2 It is expected that applicants who intend to sell or supply alcohol by delivery will set out in their operating schedules to how they will ensure that they do not:

- Serve alcohol to a person who appears to be drunk;
- Serve alcohol to a person who is aged under 18 years old;
- Serve alcohol to a person who it is believed will pass it on to a person under 18 years old; or
- Take payment for the alcohol at the place where it is delivered (sales should be pre-paid only).

15. Children

- 15.1 The protection of children from harm is one of the four licensing objectives and the Council has a separate legal duty to safeguard children. In determining applications the Council will have regard to the views of the Sunderland Safeguarding Children Board. The Council expects that all applicants will include in their operating schedule a statement of the measures they will take to protect children from harm.

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

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

15.3 The controls which may be implemented include the following:

- limitations on the hours when children may be present;
- limitations concerning the exclusion of the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations;
- requirements for accompanying adults (including for example, a combination of requirements which provide that persons under a particular age must be accompanied by an adult);
- full exclusion of persons under the age of eighteen from the premises when any licensable activities are taking place;
- the requirement that adequate supervision is in place for entertainment specifically aimed at children;
- requirements relating to recruitment policies and practices including the obtaining of enhanced Disclosure and Barring checks for all staff working with children; and
- the requirement to serve drinks in containers made from plastic or toughened glass.

15.4 It should be noted that the Council may not require that children may be admitted to licensed premises.

- 15.5 In submitting an application to license premises the applicant must submit copies to certain 'responsible authorities' as defined by the Act. These authorities include the Sunderland Safeguarding Children Board (SSCB), SSCB Business Unit, Room 13, Sandhill Centre, Grindon Lane, Sunderland, SR3 4EN who will advise on matters pertaining to the prevention of children from harm.
- 15.6 Tackling child sexual exploitation (CSE) is a City-wide strategic priority. Licensed premises can play a key role in identifying risks, signs and symptoms.
- Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.
 - Under the Act, a premises licence may be at risk if the licensee does not take action to protect children. Licensees have a legal responsibility to make sure people under the age of eighteen are protected from physical, psychological and moral harm. Applicants for licences and existing licensees in the event of relevant problems will need to demonstrate that reasonable steps will be/have been taken to manage such risks. Information is contained on the Sunderland Safeguarding Children Board website about what to do if a person has concerns about a child or young person <http://sunderlandscb.proceduresonline.com>
 - Sunderland Safeguarding Children Board (SSCB) has a CSE communications strategy to raise awareness of the warning signs of child sexual exploitation and how to report concerns. The SSCB wants businesses to take responsibility for managing the risk of child sexual exploitation on their premises and report it in accordance with the SSCB Multi-Agency Safeguarding Children Procedures. The CSE communications strategy is aimed at a range of target audiences including businesses.
 - The SSCB works with other statutory authorities and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The SSCB and its partner agencies provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly. The SSCB in conjunction with the Licensing Authority encourages licensees: (i) to ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and (ii) to raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in the area.

- The Council expects that licensees will not display or promote alcohol advertising near to schools and other places used by children e.g. homes for 'looked after children'.

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

- 15.7 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks is considered by the Council to be an important tool in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner that may appeal to or attract such persons. The Portman Group also issues retail alert bulletins that identify products that have breached this code. The Licensing Authority will expect the Code of Practice and retail alert bulletins to be fully implemented by licensees.

Children and Cinemas

- 15.8 Where applicants seek a licence to show films we expect that they will indicate in their operating schedules their arrangements for restricting children from viewing age-restricted films.
- 15.9 The Council will include a condition in all such licences that will restrict the admission of children in accordance with the recommendations of the British Board of Film Classification (BBFC) or, if a film has not been classified by the BBFC, the Council. Information upon obtaining such a recommendation is available from the Licensing Section at the address shown in Paragraph 1.19 above.

"Under 18" Discos/Events

- 15.10 Such events present special risks for persons under the age of eighteen, e.g. assault, child sexual exploitation (as children and young people may be groomed in the vicinity of such events), exposure to drugs, theft etc., and can be the focus of disorder in the surrounding neighbourhood. The Council expects applicants to identify strategies for managing foreseeable risks and the measures expected to be considered include:
- The Police, the Sunderland Safeguarding Children Board and the Council to be notified of any "under 18" event at least 28 days in advance of the event. Such notification should be made by the Premises Licence holder or Designated Premises Supervisor, as they would be held accountable should the event undermine any of the licensing objectives.
 - A CCTV system must be designed, installed and maintained in proper working order, to the satisfaction of the Council and the Police. Such a system must:
 - Ensure coverage of all entrances and exits to the licensed premises both internally and externally;

- Ensure coverage of such areas as may be required by the Council and the Police;
 - Such recordings must be retained (on tape or otherwise) for 28 days and must be supplied to an Officer of the Council or a Police Officer on request; and
 - An operational daily log report, endorsed by signature, must be maintained in order to indicate that the system has been checked and is compliant, or, in the event of any failings; that specified actions have been taken.
- The licensee to ensure that sufficient numbers of SIA registered security personnel (who have been checked with the Disclosure and Barring Service) are employed at the premises; specifically to the following minimum ratios: two supervisors for the first 100 customers, one of which being female, two for the second 100 customers and one for every 100 customers thereafter. At least one member of the security personnel should be employed as a floorwalker in order to constantly monitor patrons for evidence of alcohol- or drug- use and to protect patrons from unwanted attention or harassment. All security personnel must have been trained in safeguarding awareness either through the Sunderland Safeguarding Children's Board or through the vulnerability training provided to night time economy staff by Northumbria Police.
 - Where entertainment is to be provided specifically for children, and where it is likely that a child will be left in the care of a person employed by or contracted to the management of the premises for that purpose, or left in the care of a person using that premises for the provision of children's entertainment, the Council expects that enhanced checks with the Disclosure and Barring Service (DBS) are carried out in respect of the persons providing the entertainment to, or supervising the children. We may impose this requirement by way of condition, either through the review process, or in the event of the application being subject to representations.
 - Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.
 - Where there is normally a bar, ensuring that alcohol is not on display and is locked away.
 - Ensuring that there is an interval of at least one hour between the conclusion of the "under 18" event and the venue opening for the commencement of any adult entertainment.
 - Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.

- Where alcohol is seized from persons aged under eighteen, the details to be recorded in a register.
- Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to person aged under eighteen, that persons appearing to have consumed alcohol will be refused admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages for attendance at the event to be printed in prominent writing on any tickets issued for the event.
- Ensure a policy is in place for dealing with persons aged under eighteen who appear to be under the influence of drugs or alcohol and which incorporates the level of duty of care expected to be provided.
- Toilets and waste bins are checked for evidence of discarded alcohol containers and drug paraphernalia at regular intervals and records of such checks retained.
- First aid provision to be available at the premises.
- Ensure a policy is in place to prevent persons aged under eighteen returning to the premises after consuming alcohol outside.
- A terminal hour for the event of 22:00.
- An area should be designated as a safe space, whereby unwell or intoxicated persons can be taken for medical treatment and, in the case of persons aged under eighteen, to remain until reunited with a parent, guardian or responsible adult.

Mixed Age Events

15.11 Mixed age events (where alcohol may be available for sale to persons aged over eighteen and where persons aged under eighteen may also be in attendance) significantly increase the potential risks identified above with regard to events for persons under eighteen only. Such events can be risk areas for grooming children and so staff working in licensed premises need to be aware of the risks and signs to look out for and what to do if they have a concern in relation to child sexual exploitation. Clear management plans should be in place demonstrating how the licensee intends to control and mitigate the potential harm to individuals under eighteen years of age attending these events, irrespective of whether alcohol is available or not. Therefore the Council expects licensees operating mixed age events to identify strategies for managing the foreseeable risks additional to those outlined above in paragraph 15.10. The following is a list of the additional measures expected to be considered:

- All patrons to be given a secure wristband of different colours, differentiating persons aged at least eighteen from those aged under eighteen.

- Only one alcoholic drink to be purchased by an individual at any one time.
- At least two SIA-registered security personnel to act as floorwalkers in order to constantly monitor patrons aged under eighteen for evidence of alcohol- or drug- use and also to protect patrons from unwanted attention or harassment.
- Children under the age of sixteen should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than four such children.
- All drinks to be served in plastic or polycarbonate glasses.

15.12 It must be stressed that the above measures are not considered to be an exhaustive list and licensees are encouraged to discuss the management of any such events in detail with the responsible authorities as part of their risk management process.

16. Integrating Strategies

16.1 The Council recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication and inefficiency.

16.2 The Council has established a Multi-Agency Events Group (MAEG) consisting of Council officers and representatives from the emergency services in order to advise and co-ordinate planning for public events within the City of Sunderland.

17. Crime Prevention

17.1 The conditions attached to licences will, in so far as possible, reflect crime prevention strategies. For example, closed circuit television cameras may be required to be provided in premises authorised to supply alcohol and images may be retained for a specified period to facilitate inspection by the Police or Council.

17.2 The Council encourages all holders of premises licences which permit the sale of alcohol for consumption **ON** the premises to be members of a local Pubwatch Scheme, which is approved by both Northumbria Police and the Council, where available. The Council may require such membership by means of a licence condition following any review of a licence or on application following the receipt of relevant representations from a responsible authority.

17.3 Where representations are made by the Police in respect of crime and disorder with regard to applications for the licensing of public houses or club type premises, the Council may attach licence conditions which require that all drinks are served only in containers made from plastic or toughened glass. This condition may be applicable on a permanent basis or triggered following a specified period of notice given by the Police for a specified period of time associated with a special event such as a high-risk football match or the Sunderland Air Show.

- 17.4 Again, following representations from the Police, conditions may be imposed on premises licences that require the employment of specified numbers of door supervisors during specified periods.

18. Cultural Strategies

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

19. Promotion of Equality

- 19.1 The Council, in pursuing its functions under the Licensing Act, will comply with the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 bans unfair treatment and promotes equal opportunities in the workplace and in wider society. It protects everyone from unfair treatment through covering nine key protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 19.2 The Act also places the Public Sector Equality Duty on Local Authorities and other public bodies. The Duty requires public authorities, in the exercise of their functions, to have 'due regard' to the three aims of the Duty:
- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
 - Foster good relations between people who share a protected characteristic and those who do not share it.

20. Duplication

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

21. Conditions

- 21.1 All applications for new licences or for variations of existing ones should be supported by an operating schedule. The schedule should specify (among other things) the steps that the applicant proposes to promote each licensing objective.
- 21.2 Where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the Council must grant a licence in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and any conditions that are consistent with the operating schedule.
- 21.3 Any conditions attached to licences following relevant representations will focus on matters within the control of the premises licence holder or club management committees. They will be used to ensure that the premises are safe and do not create a nuisance. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity
- 21.4 Conditions will not be used as a means of attempting to attach responsibility to premises licence holders or club management committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity, unless information to the contrary is available to the Council. This information could include recorded police data and NHS data on alcohol-related violence, which might provide evidence linking increases in incidents to specific licensed premises.
- 21.5 The Council acknowledges that the content of operating schedules can be open to interpretation. Consequently, the Council will often apply a standard interpretation in respect of more commonly offered conditions. A pool of model conditions which may be used in the production of licences is attached as Appendix 1.
- 21.6 A list of the current Mandatory Conditions is attached as Appendix 2.

22. Enforcement

- 22.1 Once licensed, it is essential that premises are maintained and operated to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. We will monitor premises and take enforcement action, where appropriate, in order to encourage such compliance.
- 22.3 The Council has established a Responsible Authority Group which seeks to ensure that resources are targeted upon problem and high-risk premises.

23. Reviews

- 23.1 The Licensing Act provides a mechanism for reviewing licences where the operation of premises appears to be contrary to the promotion of the licensing objectives.
- 23.2 At any stage during the life of a licence, an application for a review can be made to the Council by any responsible authority or any other person.
- 23.3 Subsequent to such an application, the Council will hold a hearing and take any appropriate steps to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor or suspension or revocation of the licence.
- 23.4 Persons concerned about the operation of a licence may first consider other options before requesting a review of a licence, including:
- Contacting the management of the premises to let them know about the problem and giving them the opportunity to address the issues, or
 - Contacting the relevant “responsible authority” (e.g. the Council’s Environmental Health Officers in relation to noise nuisance, the Sunderland Safeguarding Children Board in relation to child safety or the Police in relation to crime and disorder) about the problem.
- 23.5 Applicants for the review of a licence are required to send a copy of their application to the licence holder and the “responsible authorities”, together with any accompanying documents, on the same day as the application is given to the Council. The Council will advertise the review to enable others (responsible authorities or other persons) to comment on it. Responsible authorities have the option, if they wish, to comment on any application for a review.
- 23.6 Where an application for a review is considered to be frivolous, vexatious or repetitious or where an application for a review is considered not relevant to the licensing objectives the Council will reject it. Frivolous representations would concern minor issues which the Council could not reasonably be required to take any action to remedy. Representations may be considered vexatious if they

appear to be intended to cause aggravation or annoyance without reasonable cause.

- 23.7 The Council will not expect a licence to be reviewed more than once within any twelve month period on similar grounds, except in exceptional circumstances or following a Closure Order.

24. Responsible drinking

- 24.1 The Council is aware that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Council, through this policy, would like to encourage people consuming alcohol in the City to do so responsibly. Where there is evidence that the licensing objectives are not being promoted, or are likely not to be promoted, and licence holders do not respond to advice, the Council through its responsible authorities will consider reviewing the licences of such premises with a view to seeking conditions on drinks promotions in order to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.
- 24.2 There is strong evidence that setting a minimum unit price will have an impact on reducing alcohol consumption. The Council would therefore like to encourage all licensed premises to apply a minimum unit price of 50p to all alcohol products sold. Where the premises are found to be selling alcohol below this price and there are problems associated with the premises that are negatively impacting on the promotion of the licensing objectives, a responsible authority may initiate a review of the licence with the aim of seeking a condition in relation to the pricing of alcohol in order to uphold the promotion of the licensing objectives.
- 24.3 Rather than having to resort to controls of this kind, the Council would like to encourage a voluntary code of good practice in relation to drinks promotions including pricing, and to encourage licence holders and others working at the premises to familiarise themselves with the mandatory conditions relating to drinks promotions. These conditions prevent drinking games and the provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted price.
- 24.4 Further information may be sought from the Northumbria Police or the Council before a specific promotion is arranged.

25. Administration, exercise and delegation of functions

- 25.1 The Council is involved with a wide range of licensing decisions and functions and has established a Licensing Committee for their administration.
- 25.2 We wish to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process. Therefore, the Committee has delegated certain decisions and functions and has authorised the formation of Sub-Committees for this purpose.

- 25.3 Furthermore, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications will be delegated to Council officers. The table below sets out the method of delegation of decisions and functions to the Sub-Committees and officers.

Matters to be dealt with	Sub-Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

Appendix 1

LICENSING ACT 2003

POOL OF MODEL CONDITIONS

Notes: -

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

CONDITIONS
RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text / Radio Equipment

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

Door Supervisors

8. (either)
 - At all times that the premises are open for any licensable activity(or)
 - Between andon(days) when the premises are open for a licensable activity

There shall be employed at the premises 'X' number of Door Supervisors

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

Bottle Bans

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

Plastic Containers and Toughened Glass

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

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

17. Any drinks to be consumed in a beer garden or children's play area must be served only in containers made of strengthened glass (tempered glassware) or of a material that, in the event of breakage, will fragment with no sharp edges remaining. Alternatively, drinks may be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

18. No glass drinking vessels or glass bottles shall be permitted (*in the areas described in the attached schedule and delineated on the approved plan.*)

CCTV

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

Open Containers not to be taken from the Premises

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

Restrictions on Drinking Areas

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

Capacity Limits

22. The number of persons permitted to assemble on the premises on the same occasion shall at no time exceed the permitted numbers specified on the Premises Licence.
23. The maximum number of persons permitted in each of the following areas at any one time shall not exceed: -
- (a)
 - (b)
 - (c)
 - etc.,

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

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

Proof of Age

26. A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.
27. All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of eighteen years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, Police or Armed Forces ID card, Proof of Age card carrying a "PASS" logo, or any other Government approved identification card or such evidence which the Council have approved as credible.

Crime Prevention Notices

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

Signage

30. A conspicuous notice must be displayed on or immediately outside the premises adjacent to the entrance to the premises that gives details of times when the premises are permitted to be open for any licensable activity.

31. A conspicuous notice must be displayed on or immediately outside the premises, or which is immediately adjacent to the premises, which gives details of any restrictions relating to the admission of children to the premises.

Large Capacity Venues used exclusively or primarily for the “Vertical” Consumption of Alcohol (High Volume Vertical Drinking Establishments (HVVDs))

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

Restaurants/Cafés

33. Seating for no less than (number) persons shall be provided in the premises at all times the premises are in operation.
34. Seating shall be provided for all customers and alcohol shall only be served to those customers who are seated at tables by way of waiter or waitress service.
35. Except in the area identified and delineated (e.g., hatched, coloured green) on the deposited plan, alcohol shall only be sold or supplied to, and consumed by, persons seated at a table, by way of waiter or waitress service, save that:
- a. No more than (number) persons may stand in the area identified and delineated (e.g. coloured blue) at any one time; and
 - b. A patron may take alcohol from the area marked (e.g. coloured green) and consume it in the area marked (e.g. coloured blue).

Size of measures of alcohol

36. The smallest legal measure of any alcoholic beverage must be served as standard unless the customer asks for a larger legal measure.

CONDITIONS **RELATING TO PUBLIC SAFETY**

Disabled People

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

Escape Routes

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

Safety Checks

45. Safety checks must be carried out before the admission of the public. These must correspond with the risk assessment and the conditions of the licence.
46. A written record of all periodic tests, examinations, inspections, staff training and results referred to herein shall be made in a log book. The log book shall be kept on the premises at all times and shall be available for examination by Officers of the Council, Northumbria Police and Tyne and Wear Fire and Rescue Service.

Curtains, Hangings, and Decorations

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

Capacity Limits

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

Access for Emergency Vehicles

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

First Aid

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

Lighting

- 54. In the absence of adequate daylight all areas including circulation areas and exit routes shall be illuminated whenever the premises are being used for the purpose of this licence. Such lighting shall be maintained in working order.
- 55. Emergency lighting must not be altered without the prior consent of the Council.
- 56. The emergency lighting system must be checked to ensure it is operating correctly before the admission of the public, members or guests.

57. In the event of the failure of normal lighting, arrangements shall be in place to ensure that the public, members or guests leave the premises immediately.

Temporary Electrical Installations

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

Indoor Sports Entertainment

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

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

Attendants

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

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

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

Standing or Sitting in Gangways etc.

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

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

Drinks

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

Balcony Fronts

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

Special Effects

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

Special effects include:

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

Ceilings

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

Seating

80. Where the potential audience exceeds 250 persons all seats in the auditorium must, except in boxes accommodating not more than eight persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

PREMISES USED FOR FILM EXHIBITIONS

Attendants – Premises without a Staff Alerting System

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

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

Attendants – Premises with a Staff Alerting System

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

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

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

- the holder of the premises licence or the manager on duty at the premises;
- a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

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

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

Minimum Lighting

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

CONDITIONS
RELATING TO PUBLIC NUISANCE

Noise and Vibration

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

Light Pollution

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

Noxious Smells

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

CONDITIONS
RELATING TO THE PREVENTION OF HARM TO CHILDREN

Access for Children to Licensed Premises – General

- 94. Persons aged under eighteen must not be allowed access to the premises.
- 95. Persons under ...years unaccompanied by an adult aged over eighteen must not be admitted after

Theatres

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

Entertainment especially for Children

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

Children in Performances

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

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

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

Training

- 104. At least one person per XXX patrons and all door supervisors should have received training in relation to child sexual exploitation, safeguarding and vulnerability and be on duty at all times when the public are present.

Appendix 2

Mandatory Conditions

Premises licensed for the retail sale of alcohol for consumption on the premises.

1. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. No person shall be employed at the Licensed Premises to carry out a security activity as defined by Schedule 2 of the Private Security Industry Act 2001 unless he/she is authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or is entitled to carry out that activity by virtue of section 4 of that Act.
4. Where any film shown is classified by the British Board of Film Classification in the 12A, 15 or 18 category no person under the age of 12 (and unaccompanied), 15 or 18 as appropriate shall be admitted to the part of the premises in which the film is being shown. Where any film shown is not classified by the British Board of Film Classification, admission of persons under the age of 18 to the part of the premises in which the film is being shown must be restricted in accordance with any recommendation made by the Council.
5. The relevant person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the relevant person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular

characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The relevant person must ensure that free potable water is provided on request to customers where it is reasonably available.

7. The relevant person must ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

8. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition

- (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
- (b) permitted price is the price found by applying the formula where

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) relevant person means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994(7).

Community Premises

1. Every supply of alcohol under the premises licence must be made or authorised by the management committee.
2. No person shall be employed at the Licensed Premises to carry out a security activity as defined by Schedule 2 of the Private Security Industry Act 2001 unless he/she is authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or is entitled to carry out that activity by virtue of section 4 of that Act.
3. Where any film shown is classified by the British Board of Film Classification in the 12A, 15 or 18 category no person under the age of 12 (and unaccompanied), 15 or 18 as appropriate shall be admitted to the part of the premises in which the film is being shown. Where any film shown is not classified by the British Board of Film Classification, admission of persons under the age of 18 to the part of the premises in which the film is being shown must be restricted in accordance with any recommendation made by the Council.
4. The relevant person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the relevant person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to

condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The relevant person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. The relevant person must ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: $\frac{1}{2}$ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition:

- (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

- (b) permitted price is the price found by applying the formula where

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) relevant person means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (f) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (g) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994(7).

Off Licences

1. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
3. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

The policy must require individuals who appear to the relevant person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of this condition

- (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
- (b) permitted price is the price found by applying the formula where
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) relevant person means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994(7).

Club Premises Certificates

1. The relevant person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the relevant person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
2. The relevant person shall ensure that free potable water is provided on request to customers where it is reasonably available.
 3. The relevant person must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The relevant person in relation to the club premises certificate must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

The policy must require individuals who appear to the relevant person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

The relevant person in relation to the club premises certificate shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the relevant person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

4. The relevant person must ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

REFERENCE FROM CABINET – 25 November 2015

Gambling Act 2005 - Approval of the Council's Statement of Principles

Report of the Executive Director of Commercial Development

1. Purpose of the Report

- 1.1 To seek the views of this committee on a report to be considered by Cabinet on 25 November 2015 on the responsibility of the Council with regard to the publishing of a statement of principles under the Gambling Act 2005 (the "Act").

2. Background and Current Position

- 2.1 The Cabinet, at its meeting to be held on 25 November 2015, will give consideration to the report of the Executive Director of Commercial Development. The report recommends the Council to approve the statement of principles attached as Appendix 1.
- 2.2 Copies of the 25 November 2015, Cabinet Agenda will be made available to all Members of the Council.

3. Conclusion

- 3.1 The report is referred to the Scrutiny Committee for its comments and these comments from the Scrutiny Committee will be reported to Cabinet at its meeting on 25 November 2015 and onto full Council also on 25 November 2015.

4. Recommendation

- 4.1 The Scrutiny Committee is invited to give its comments to Cabinet on the attached report of the Executive Director of Commercial Development.

5. Background Papers

- 5.1 There are no background papers.

Gambling Act 2005 - Approval of the Council's Statement of Principles

Report of the Executive Director of Commercial Development

1. Purpose of the Report

- 1.1 To brief the Cabinet upon the responsibility of the Council with regard to the publishing of a statement of principles under the Gambling Act 2005 (the "Act").

2. Description of Decision (Recommendations)

- 2.1 To recommend the Council to approve the statement of principles attached as Appendix 1.

3. Introduction/Background

- 3.1 The Act requires the Council, as a Licensing Authority, to prepare and publish a statement of principles that we propose to apply in exercising our functions under the Act. These functions include the licensing of premises for the provision of gambling facilities.
- 3.2 The Act further requires that this statement is published before each successive period of three years. The current statement was agreed at a meeting of the Council in November 2012 and published on 31 December 2012. A reviewed statement is required to be published before January 2016.
- 3.3 In reviewing the policy the Act requires the Council to consult specified persons including statutory agencies and representatives of the interests of persons carrying on gambling businesses in our area and persons who represent the interests of persons who are likely to be affected by the exercise of the our functions under the Act. This consultation exercise has now concluded.

4. Current Position

- 4.1 Comments on the proposed statement of principles were received from two gambling trade associations and a gambling business.
- 4.2 The comments suggested minor changes and these have been incorporated in the revised statement of principles attached.

5. Reasons for the Decision

- 5.1 To enable the Council to comply with the statutory obligation to publish a Gambling Act 2005 statement of policy.

6. Alternative Options

6.1 As this is a statutory obligation no other options have been considered.

7. Impact Analysis

(a) **Equalities** – No impact

(b) **Privacy Impact Assessment (PIA)** – No impact

(c) **Sustainability** – The statement of policy is intended to assist responsible businesses.

(d) **Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** – One of the objectives of the Gambling Act 2005 is preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime and this is dealt with by the statement of policy.

8. Other Relevant Considerations / Consultations

(i) **Legal Implications** – The Head of Law and Governance advises that the Council has a legal entitlement to publish the statement of principles.

(ii) **The Public / External Bodies** – Statutory consultees have been consulted.

9. Glossary

None.

10. List of Appendices

Appendix 1 - Statement of Principles

11. Background Papers

The consultation responses may be inspected at Public Protection and Regulatory Services, Jack Crawford House, Commercial Road, Sunderland SR2 8QR (tel. 5611710)

CABINET MEETING – 25 NOVEMBER 2015

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Gambling Act 2005 – Approval of the Council’s Statement of Principles

Author(s): Executive Director of Commercial Development

Purpose of Report: To brief the Cabinet upon the responsibility of the Council with regard to the publishing of a statement of principles under the Gambling Act 2005

Description of Decision:

To recommend the Council to approve a statement of principles

Is the decision consistent with the Budget/Policy Framework? **Yes**

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

To enable the Council to comply with the statutory obligation to publish a Gambling Act 2005 statement of principles.

Alternative options to be considered and recommended to be rejected:

None

Impacts analysed;

Equality ☒ Privacy ☒ Sustainability ☒ Crime and Disorder ☒

Is the Decision consistent with the Council’s Co-Operative Values? **Yes**

Is this a “Key Decision” as defined in the Constitution? **Yes**

Is it included in the 28 day Notice of Decisions? **Yes**



APPENDIX 1

Gambling Act 2005

Statement of Principles

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'.

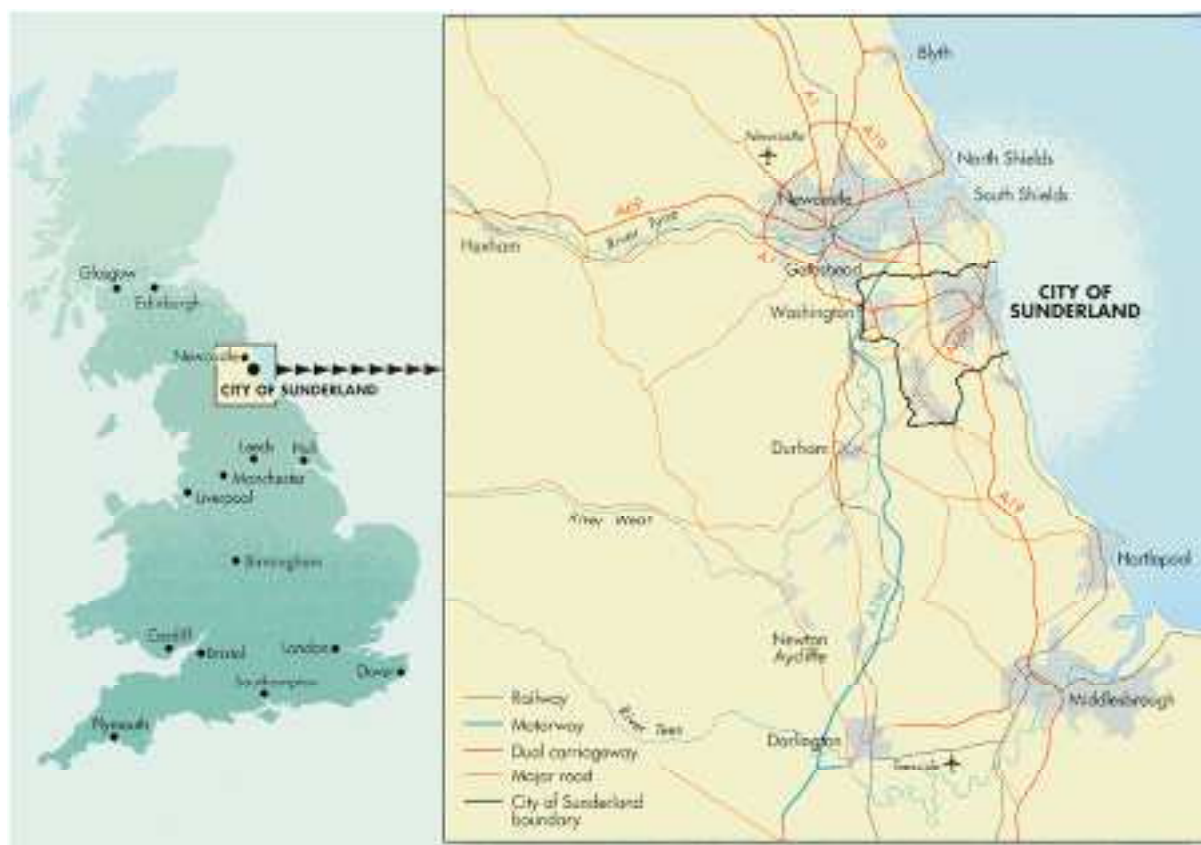
1.3 The Council is aware that, in accordance with Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- 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.

Statement of Principles

2. Introduction

- 2.1 The City of Sunderland has a population of 276,080 according to the 2013 mid-year estimate 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.



- 2.2 The Council is required by the Gambling Act 2005 to publish a statement of the principles which it proposes to apply when exercising its functions under the Act. This statement is required to be published before each successive period of three years. The statement must also be reviewed from 'time to time' and any revision consulted upon. Any revised statement must be then published before it may have effect.
- 2.3 The Council consulted widely upon this statement before its publication. A list of those persons consulted is provided below.
- 2.4 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;

- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the 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, People Directorate;
- Sunderland City Council, Public Protection and Regulatory Services (Environmental Health);
- Safer Sunderland Partnership;
- 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 2015 and was published on XX XXXXXXXX 201X. Copies are available by request to:

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

Statement of Principles

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. Reduce crime and disorder and improve feelings of safety; and
 2. Prevent and reduce harm to our most vulnerable people and places.
- 2.10 The Council is concerned about the impact on our community of problem gambling including the effects of the use of fixed odds betting terminals situated within betting shops. We intend to seek and consider any available evidence with regard to incidences of problem gambling in the City and to prepare a local area profile as described in the Guidance to Licensing Authorities issued by the Gambling Commission. We will consider the outcome of that exercise in pursuing our duties under the Act. If, in the light of this exercise, we consider it necessary to review this statement, we will conduct a consultation process in line with the requirements of the Act.

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 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be

affected. Likewise, Hetton Town Council, if its area is likely to be affected, will be considered to be an interested party. Other than these parties however, the Council will generally require written evidence that a person or body (e.g. an advocate or relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be sufficient.

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

6. Exchange of information

- 6.1 The Council is required to include in its statement the principles it will apply in exercising its functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that the Council will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Any protocols which may be established with regard to information exchange with other bodies will be made available in due course at www.sunderland.gov.uk.

7. Enforcement

- 7.1 The Council is required by the Gambling Act 2005 to state the principles to be applied by the Council in exercising its functions under Part 15 of the Act with respect to the inspection of premises and its use of the powers available under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 The Council's principles are that:
- It will be guided by the Gambling Commission's Guidance 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.

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- 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 it is believed to be appropriate.

Decision making

- 1.2 The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the Council's statement of principles.
- 1.3 It is appreciated that, in accordance with the Gambling Commission's Guidance, '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

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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 7.24 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 7.24 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 Premises "ready for gambling"

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

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

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

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

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60-7.67 of the Guidance.

1.10 Location

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

1.11 Planning

The Gambling Commission's Guidance states, at paragraph 7.60, that:

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

Commensurate with this guidance, the Council will not take into account irrelevant matters. In addition, the Council notes paragraph 7.67 of the Guidance which states:

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

1.12 Duplication with other regulatory regimes

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

When dealing with 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.

1.13 Licensing objectives

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

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

The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does, however, envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, 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.

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

The Council has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and

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open way as this will be addressed via operating and personal licences. The Council has, however, more of a role with regard to tracks which is explained in more detail in Section 7 below.

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

The Council has noted that the Gambling Commission's Guidance 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.

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

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

1.19 **Conditions**

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

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

1.20 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will

consider utilising should there be a perceived need, such as the use of 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.

- 1.21 The Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, the segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises. These matters are in accordance with the Gambling Commission's Guidance.
- 1.22 The Council will also seek to ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

- 1.23 The Council is aware that tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, the Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.24 It is noted that there are conditions which the Council cannot attach to premises licences. These are:

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

1.25 Door supervisors

The Gambling Commission advises in its Guidance 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 paragraph 18.4:

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

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

6. Betting premises

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

7. Tracks

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

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the entitlement to four gaming machines, machines (other than category D machines) should be located only in areas from which children are excluded.

7.5 Betting machines

The Council will, in accordance with paragraph 7.27 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

7.6 Applications and plans

The Gambling Act (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 20.28).

7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See the Gambling Commission's Guidance, paragraph 20.29).

7.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See the Gambling Commission's Guidance, paragraph 20.31).

7.9 In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See the Gambling Commission's Guidance, paragraph 20.32).

7.10 The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with 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.

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

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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 their three year principles statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to matters relating to child protection issues.' (paragraph 24.6)
- 1.3 The Guidance also states: '...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking 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 staff are trained to have a full understanding of the maximum stakes and prizes. (paragraph 24.7)

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

- 1.4 **Statement of principles** - The Council 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 children causing perceived problems on or around the premises. The Council will also expect, in accordance with the Gambling Commission's Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's; that the applicant has no relevant convictions (these are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

Automatic entitlement: two machines

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

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

Permits: three or more machines

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

gambling and will expect the applicant to satisfy it that there will be sufficient measures 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 who 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.

Statement of Principles

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 B, C or D).

4.2 The Gambling Commission's Guidance states: 'Members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is 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

Statement of Principles

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.

NOTICE OF KEY DECISIONS

REPORT OF THE INTERIM HEAD OF PAID SERVICE & DIRECTOR OF FINANCE

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 for the 28 day period from 27 October 2015.

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 for the 28 day period from 27 October 2015 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 for the 28 day period from 27 October 2015 at the Scrutiny Committee meeting.

5. BACKGROUND PAPERS

- Cabinet Agenda

Contact Officer : Nigel Cummings, Scrutiny Officer
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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
150424/7	To seek approval of the business plan in respect of Bishopwearmouth Co-Operative Community Interest Company	Cabinet	N	16 th December 2015	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 Paragraph 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

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
150424/8	To approval proposals in respect of Council staff supporting Beckwiths Community Interest Company	Cabinet	N	16 th December 2015	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 Paragraph 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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150608/05	Approve the South Sunderland Growth Area (SSGA) Supplementary Planning Document (SPD) for the purposes of public consultation and as a material consideration in assessing planning applications, pending its finalisation following public consultation.	Cabinet	Y	16 th December 2015	N	N/A	<ul style="list-style-type: none"> • Cabinet Report • SSGA SPD • SSGA SPD Sustainability Appraisal • SSGA SPD Habitat Regulations Assessment 	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
150908/17	To recommend that the Council approves a Licensing Act 2003 Statement of Licensing Policy	Cabinet	Y	1 st November – 31 st December 2015	N	N/A	Report entitled – Licensing Act 2003 - Approval of the Council's Statement of Licensing Policy	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
150908/18	To recommend that the Council approves a Gambling Act 2005 Statement of Principles	Cabinet	Y	1 st November – 31 st December 2015	N	N/A	Report entitled Gambling Act 2005 – Approval of the Council's Statement of Principles	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
150916/20	To seek the agreement of Cabinet to a preferred option for future delivery for Concord Childcare Centre and to agree that the preferred option should be pursued.	Cabinet	Y	25 th November 2015	N	N/A	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
150916/21	Cabinet to receive a report detailing the outcomes from a review of youth services and to agree associated recommendations	Cabinet	Y	25 th November 2015	N	N/A	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
150921/24	To agree recommendations to Council in respect of the fixed mapping of polling district boundaries.	Cabinet	Y	25 th November 2015	N	N/A	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
151012/25	International Advanced Manufacturing Park: Consultation on Area Action Plan Green Belt Appraisal and Site Selection paper and next stages in Development Consent process	Cabinet	Y	25 th November 2015	N	N/A	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
151019/26	Leisure Facility- Update	Cabinet	Yes	25 th November 2015	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 and 5 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) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. In each case, the public interest in maintaining the 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

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
151026/27	Spending Review 2015	Cabinet	No	16 th December 2015	No	N/A	Cabinet Report	Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN committees@sunderland.gov.uk
151026/28	Annual Audit Letter 2014-15	Cabinet	No	16 th December 2015	No	N/A	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

Who will decide;

Cabinet; Councillor Paul Watson - Leader; Councillor Henry Trueman – Deputy Leader; Councillor Mel Speding – Cabinet Secretary; Councillor Pat Smith – Children’s Services; Councillor Graeme Miller – Health, Housing and Adult Services; Councillor John Kelly – Public Health, Wellness and Culture; Councillor Michael Mordey – City Services; Councillor Cecilia Gofton – Responsive Services and Customer Care

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

Elaine Waugh
Head of Law and Governance

27 October 2015

ANNUAL WORK PROGRAMME 2015/16

REPORT OF THE HEAD OF SCRUTINY AND AREA ARRANGEMENTS

1. PURPOSE OF THE REPORT

- 1.1 The report attaches, the work programme for the Committee's work during the 2015/16 council year.
- 1.2 In delivering its work programme, the Scrutiny Committee will support the council in achieving its Corporate Outcomes.

2. BACKGROUND

- 2.1 The work programme is a working document which the Committee can develop throughout the year. The work programme allows Members and officers to maintain an overview of work planned and undertaken during the Council year.

3. CURRENT POSITION

- 3.1 The work programme reflects discussions that took place at the Scrutiny Committee meeting held on 8 October 2015. The current work programme is attached as **Appendix 1**.

4. CONCLUSION

- 4.1 The work programme developed from the meeting will form a flexible mechanism for managing the work of the Committee in 2015/16.

5 RECOMMENDATION

- 5.1 That the Committee notes the information contained in the work programme and consider the inclusion of any proposals for the Committee into the work programme.

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LEAD SCRUTINY MEMBER UPDATE: NOVEMBER 2015

JOINT REPORT OF THE LEAD SCRUTINY MEMBERS

1. PURPOSE OF THE REPORT

- 1.1 To provide an update to the Scrutiny Committee regarding the work of each of the six Lead Scrutiny Members and supporting Panels.

2. LEAD SCRUTINY MEMBER UPDATE

Scrutiny Chair and Vice Chair (Cllrs Norma Wright and Dianne Snowdon)

- 2.1 An extraordinary meeting of the Scrutiny Committee was held on Wednesday 21st October to look at both breast cancer and urology services in Sunderland. The meeting was attended by representatives from Sunderland Clinical Commissioning Group and City Hospitals NHS Foundation Trust as well as members of the public. The meeting provided the Scrutiny Committee with some assurances around both services, and the committee also made comments and recommendations based on the information and discussions that took place.

- 2.2 The review of scrutiny has progressed with the report recently presented to the Labour Group and will also be presented to the Conservative Group on the 10th November 2015. Further developments on progress of the review will be reported as and when they become available.

Combined Authority Scrutiny Committee

- 2.3 The NECA Scrutiny Committee met on 20th October in Newcastle. The main items of business were: evidence from Stagecoach for the policy review of transport related barriers to employment and the current position on a Devolution Deal for the north east. The next meeting will be held on 1st December in North Tyneside.

North East Regional Network

- 2.4 The Network met on 9th October in Sunderland. Main items of discussion were: Effective Scrutiny of Health and Social Care Integration and the Transfer of Children's Public Health commissioning from NHS England to Local Authorities and the opportunities and challenges this might present.

Children's Services (Cllr Darryl Dixon)

- 2.5 At a meeting held on 12th October, evidence was taken from South Tyneside Foundation Trust about the services provided by Community CAMHS which is within Tier 2. The service operates from 3 locality teams covering all areas in the city. Discussion focused on waiting lists, referrals, confusion over which service is appropriate including communication to service users and action being taken to improve services.

City Services (Cllr Lynda Scanlan)

- 2.6 At its last meeting, the Panel looked at the way in which street consents can support a vibrant city. Richard Reading, Trading Standards and Licensing Manager outlined the

background to the processes and procedures used for obtaining a licence. Ken Dunbar, Chief Executive of Sunderland BID and Inspector Jamie Southwell were also in attendance to provide their views.

- 2.7 As a result of the discussion, the Panel considered that it was important to review the Council's policy in order to better meet the demands of the 21st century. It also was considered important that partners, including the BID and the police, work closely together in order to ensure that the resulting process is speedy, clear and flexible.
- 2.8 At its next meeting, the Panel will look at the Council's approach being taken to environmental enforcement and the extent to which the enforcement powers available to the Council across a range of areas are being used. Mark Speed (Head of Place Management), Ian Richardson (Assistant Head of Streetscene) and Nicky Rowland (East Area Response Manager) will be in attendance.

Health, Housing and Adult Services (Cllr Jill Fletcher)

- 2.9 The Health, Housing and Adult Services Scrutiny Panel met on Tuesday 20th October with Lynden Langman (Team Manager) and Ben Rosamund (Person Centred Planning Development Officer) to discuss transition processes for child to adult social care services. Members discussed issues around the definition of transition, the process, the experience for young people and their families and how transition is monitored and reviewed.
- 2.10 The next meeting of the HHAS Scrutiny takes place on Tuesday 24th November and Members of the Panel will be visiting examples of houses of multiple occupation (HMOs) and discussing this issue with relevant officers.

Public Health, Wellness and Culture (Cllr George Howe)

- 2.11 The Public Health, Wellness and Culture Scrutiny Panel attended a visit, on the 20th October 2015, in relation to the secondary short review the panel are undertaking (Sexual Health Services in Sunderland) to the Genito Urinary Medicine (GUM) clinic. Representatives from Sunderland Royal Hospital hosted the visit -Joanna Clark, Directorate Manager for Obstetrics & Gynaecology, Andrea Cairns, Junior Sister, and Allison Dye, Unit Manager, Sexual Health Services. They provided a tour of the entire GUM premises including the laboratory, treatment rooms and patient waiting areas and presented information on the services they provide, number of users and of appointment services. The panel then asked questions at the end of the visit related to areas of co-location of the clinics at the hospital. Further information on this will be sourced for discussion at the next panel meeting in November.

Skills, Economy and Regeneration (Cllr David Snowdon)

- 2.12 The Skills, Economy & Regeneration Panel met on 22 October with the main purpose to look at the 6 shortlisted cities and decide on 1 or 2 to study in more detail. Andrew Perkin, Lead Policy Officer for Economy & Sustainability attended the meeting and produced an in-depth report through desk based research on the 6 cities and shared some general observations he felt relevant to the Panel. Andrew Perkin then went on to highlight examples of good practice.
- 2.13 The Panel will continue to explore contacts with Coventry, as well as drawing up a matrix of issues and developments within the 2 chosen cities (Coventry and Hull) and include

Sunderland in order to cross reference points for further research. The Panel will also investigate who are the key local partners and agencies who contribute to the City's regeneration plans as they should be part of any in depth workshop with the Coventry representative.

Responsive Services and Customer Care (Cllr Ronny Davison)

- 2.14 At its last meeting, the Panel met with Liz St Louis, Head of Customer Service and Development in order to discuss the progress being made by the Council's customer services network, how the council makes use of customer satisfaction data and the way this information is used to improve services.
- 2.15 The Panel also undertook a visit to the Customer Services office based in the Civic Centre in order to obtain a first-hand view of its operation.
- 2.16 Following the completion of this review, the Panel will go on to consider the progress being made in implementing of the new powers contained in the Anti-Social Behaviour, Crime and Policing Act and the way in which it is impacting on the work of the Council and its partners.

3. CURRENT PANEL MEMBERSHIPS

- 3.1 Non-executive Members have now been allocated to a scrutiny panel; membership of the panels has been decided in accordance with current political arrangements.
- 3.2 A complete membership of the Scrutiny Panels is attached for information at **Appendix 1** of this report.

4. DEDICATED SCRUTINY BUDGET

- 4.1 A small budgetary provision of £15,000 per annum is available to the Scrutiny Committee and the supporting Panels to deliver the agreed Annual Scrutiny Committee Work Programme.
- 4.2 As of 26th October 2015 the breakdown of the budget stood as follows:-

Description	£
Scrutiny Development	£4,658
Member Development	£898
Policy Review Development	£0.00
Total Expenditure to Date	£5,556
Budget	£15,000
Remaining Budget	£9,444

5. RECOMMENDATIONS

5.1 It is recommended that the Scrutiny Committee;

- (a) notes and considers the update of the Lead Scrutiny Members and receives, where appropriate, a further verbal update at the meeting;
- (b) notes the current expenditure and remaining scrutiny budget for 2015/16, and

6. BACKGROUND PAPERS

- Scrutiny Committee Agenda and Papers – 8 October

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MEMBERSHIP OF THE SIX SCRUTINY PANELS

<p style="text-align: center;">City Services</p> <p>Lead Scrutiny Member: Cllr Lynda Scanlan</p> <p>Cllr James Blackburn Cllr Michael Essl Cllr Stuart Porthouse Cllr Steven Foster Cllr Margaret Beck Cllr Bernie Scaplehorn Cllr Peter Wood</p>	<p style="text-align: center;">Health, Housing & Adult Services</p> <p>Lead Scrutiny Member: Cllr Jill Fletcher</p> <p>Cllr Alan Emerson Cllr Rosalind Copeland Cllr Michael Dixon Cllr Shirley Leadbitter Cllr Barbara McLennan Cllr Dorothy Trueman Cllr Paul Middleton Cllr Juliana Heron Cllr Doris Turner</p>
<p style="text-align: center;">Children's Services</p> <p>Lead Scrutiny Member: Cllr Darryl Dixon</p> <p>Cllr Debra Waller Cllr Doris MacKnight Cllr Anthony Farr Cllr Philip Tye Cllr Jacqui Gallagher Cllr Bob Francis Cllr Karen Waters Cllr Victoria O'Neil</p>	<p style="text-align: center;">Skills, Economy & Regeneration</p> <p>Lead Scrutiny Member: Cllr David Snowdon</p> <p>Cllr Bob Price Cllr Michael Dixon Cllr Christine Marshall Cllr Mary Turton Cllr Billy Turton Cllr Len Lauchlan Cllr Colin English Cllr Miles Elliot</p>
<p style="text-align: center;">Public Health, Wellness & Culture</p> <p>Lead Scrutiny Member: Cllr George Howe</p> <p>Cllr Louise Farthing Cllr Fiona Miller Cllr Julia Jackson Cllr Rebecca Atkinson Cllr Richard Bell Cllr John Cummings Cllr Shirley Leadbitter Cllr Geoff Walker</p>	<p style="text-align: center;">Responsive Services & Customer Care</p> <p>Lead Scrutiny Member: Cllr Ronny Davison</p> <p>Cllr Betty Gibson Cllr Barry Curran Cllr Iain Kay Cllr Gillian Galbraith Cllr Margaret Forbes Cllr Ian Galbraith Cllr Tony Taylor</p>