



North Tyneside Council

Cabinet

18 June 2021

Monday, 28 June 2021 The Chamber, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY. **commencing at 6.00 pm.** (Due to Covid prevautions anyone wishing to attend should first notify the contact officer).

Agenda Item	Page(s)
<p>1. Apologies for Absence</p> <p>To receive apologies for absence from the meeting.</p>	
<p>2. To Receive any Declarations of Interest and Notification of any Dispensations Granted</p> <p>You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.</p> <p>You are also invited to disclose any dispensation in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.</p> <p>Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.</p>	
<p>3. Minutes</p> <p>To confirm the minutes of the meeting held on the 24 May 2021 (previously circulated).</p>	
<p>4. Report of the Young Mayor</p> <p>To receive a verbal report on the latest activities of the Young Mayor and Young Cabinet.</p>	

Members of the public are welcome to attend this meeting and receive information about it. However, in order to enable the meeting to be held in a Covid-secure manner, places for members of the public are limited. Please email democraticsupport@northtyneside.gov.uk or call (0191) 643 5320.

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Agenda Item	Page(s)
<p>5. Engie Sub-group Report</p> <p>To consider a report of the Engie Sub-group.</p>	5 - 20
<p>6. Council Plan Refresh</p> <p>To seek approval to the initial proposals for an updated Our North Tyneside Council Plan following the Mayoral election in May 2021; and to undertake engagement with residents and other key stakeholders on these initial proposals.</p> <p>(*Note: In accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice is given that this item has not been subject to 28 days' notice due to the need to approve a refreshed Council Plan following the mayoral election in May 2021 and in advance of Cabinet's consideration of budget proposals in the autumn this year.)</p>	21 - 28
<p>7. Review of Parliamentary Constituency Boundaries</p> <p>To consider the initial proposals of the Boundary Commission for England in relation to the North East that were published on 8 June 2021, in particular to the two Parliamentary Constituencies located within the Borough of North Tyneside.</p> <p>(*Note: In accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice is given that this item has not been subject to 28 days' notice as the Boundary Commissions proposals were published on 8 June 2021 and they are required to be considered at this meeting to enable Cabinet to consider the initial proposals and to consult full Council prior to the submission of the Authority's views by the deadline of 2 August 2021.)</p>	29 - 40
<p>8. The Gambling Act 2005 - Draft Statement of Licensing Policy (Gambling) 2022 - 2025</p> <p>To seek approval for the initial proposals for the Draft Statement of Licensing Policy (Gambling) 2022-2025.</p>	41 - 110
<p>9. Private Sector Housing Enforcement and Civil Penalties Policy</p> <p>To seek approval for the draft Private Sector Housing Enforcement and Civil Penalties Policy following appropriate consultation; and for delegated powers arrangements for the future setting of charges for housing enforcement actions.</p>	111 - 174

**Agenda
Item****Page(s)****10. North Tyneside Transport Strategy Annual Report****175 - 232**

To consider the annual report outlining activities and trends relating to transport in the borough over the last year as required by the North Tyneside Transport Strategy.

11. Date and Time of Next Meeting

Monday 2 August 2020 at 6.00pm.

Circulation overleaf ...

Circulated to Members of Cabinet: -

N Redfearn (Elected Mayor)
Councillor C Johnson (Deputy Mayor)
Councillor C Burdis
Councillor K Clark
Councillor S Cox
Councillor S Day
Councillor P Earley
Councillor S Graham
Councillor A McMullen
Councillor M Rankin

**Young and Older People's Representatives and Partners of
North Tyneside Council.**

North Tyneside Council Report to Cabinet Date: 28 June 2021

Title: Engie Sub-group Report

Portfolio(s): Deputy Mayor

Cabinet Member(s): Cllr C Johnson

Report from: Overview, Scrutiny and Policy Development Committee

Wards affected: All

PART 1

1.1 Executive Summary:

The purpose of this report is to present the findings of the Engie Sub-group who carried out an in-depth review of the Authority's partner on behalf of the Overview, Scrutiny and Policy Development Committee.

The recommendations are set out in paragraph 1.5.4 below.

In accordance with section 9F of Part 1A of the Local Government Act 2000, Cabinet is required to provide a response to the recommendations of the Overview, Scrutiny and Policy Development Committee within two months. In providing this response Cabinet is asked to state whether or not it accepts each recommendation and the reasons for this decision. Cabinet must also indicate what action, if any, it proposes to take.

1.2 Recommendation(s):

It is recommended that Cabinet consider and formulate a response to the recommendations presented to them as a result of the Overview, Scrutiny and Policy Development Committee's study into the Engie Partnership.

1.3 Forward Plan:

The report was included in the Forward Plan published in March 2021 under the heading "Matters arising from Overview, Scrutiny and Policy Development Committee and its sub-committees".

1.4 Council Plan and Policy Framework

The report relates to the following priority in the 2020/2024 Our North Tyneside Plan:

Our Economy will:

- be dynamic and more inclusive, which will ensure that all residents have a stake in our region's future

1.5 Information:

1.5.1 Background

1.5.2 Overview, Scrutiny & Policy Development Committee has a programme to undertake in-depth reviews into the out-sourced partnerships that deliver services on behalf of the Authority, with the aim to see if the Authority and its residents are receiving the service specified in the contracts. The Committee established the Engie Sub-group to undertake this work to gain a clearer understanding of the partnership and its operation.

1.5.3 Continuing the policy to encourage cross party/committee involvement in scrutiny, an invitation was made to all Non-Executive Members of the Council to be part of the sub-group and the sub-group met on 10 occasions, where it received information from senior lead officers of the Council and its Engie Partners for each of the contract workstreams.

1.5.4 The Sub-Group has made a total of 3 recommendations for Cabinet's consideration:

- 1) In its benchmarking activity pay particular attention to the strategic aspects of service delivery of the partnership.
- 2) Following benchmarking testing, it believes if the Partner is not providing value for money it should consider amending the contract to assure best value and/or investigate all options to in-source parts/all services.
- 3) The group feels that as and when legally possible and at the best and earliest opportunity that these services should be returned and insourced to the local authority.

1.5.5 The full report and recommendations of the review is attached at Appendix 1

1.5.6 The Overview, Scrutiny and Policy Development Committee will receive the report on 14 June 2021 for approval for submission to Cabinet.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet may accept the recommendation set out in paragraph 1.2 above

Option 2

Cabinet may not accept the recommendation set out in paragraph 1.2 above and provides a response to the Overview, Scrutiny and Policy Development Committee at the meeting.

Option 3

Cabinet may accept part of the recommendation as set out in paragraph 1.2 above

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Cabinet has a statutory duty to respond to the Overview, Scrutiny and Policy Development Committee's recommendations within 2 months of receiving them. Option 1 is recommended as this option allows Cabinet to consider and formulate a response to the recommendations

1.8 Appendices:

Appendix 1 – Engie Sub-group Report

1.9 Contact officers:

Paul Wheeler, Democratic Services Officer Tel. (0191) 643 5318

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

Presentations relating to each workstream:

- ICT
- Finance
- Human Resources
- Revenue and Benefits Services
- Customer Service

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The financial implications associated with each recommendation will be included in Cabinet's response to this report.

2.2 Legal

There are no legal implications at this stage.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Sub-Group met with Lead officers with the Authority and its Engie Partner who had direct responsibility to the delivery of workstreams within the partnership contract.

2.3.2 External Consultation/Engagement

There were no external consultation/engagement.

2.4 Human rights

There are no direct issues relating to human rights arising from this report.

2.5 Equalities and diversity

There are no direct issues relating to equalities and diversity arising from this report.

2.6 Risk management

There are no direct issues relating to risk arising from this report.

2.7 Crime and disorder

There are no direct issues relating to crime and disorder arising from this report.

2.8 Environment and sustainability

There are no direct issues relating to environment and sustainability arising from this report.

PART 3

- Chief Executive
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy
and Customer Service

Overview, Scrutiny & Policy Development Committee

Engie Sub-group report



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Reason for the Study

Overview, Scrutiny & Policy Development Committee has a programme to undertake in-depth reviews into the out-sourced partnerships that deliver services on behalf of the Authority, with the aim to see if the Authority and its residents were receiving the service specified in the contracts.

The Committee established the Engie Sub-group to undertake this work to gain a clearer understanding of the partnership and its operation.

Continuing the policy to encourage cross party/committee involvement in scrutiny, an invitation was made to all Non-Executive Members of the Council to be part of the sub-group.

The following members volunteered to serve and took some part in the review:

Councillor Sandra Graham
Councillor Muriel Green
Councillor John O'Shea
Councillor Willie Samuel

The Sub-group met on 10 occasions.

Outsourcing Council Services

The Authority entered into a major outsourcing project that began in the summer of 2011 with a formal decision made by Cabinet in November 2011 to go to the market.

There were two distinct tenders offered (Business Services & Technical Services) for the management of the Authority's services and a competitive dialogue was undertaken at pace.

A decision was taken to manage the negotiations with interested parties with the responsibility for awarding the contract being left to a small in-house officer team, led by an interim Chief Executive who had previous outsourcing experience.

Procurement concluded in the summer of 2012 and contracts were awarded in November 2012.

Background to the Business Services Contract

The Authority completed a Business Services Partnership Agreement (the contract) with Balfour Beatty Workplace Limited late in 2012.

The contract was then sold by Balfour Beatty to Cofley, which has since changed its name to Engie.

At the inception of the contract the services that were to be outsourced were considered to be good and well performing, however the decision to outsource was taken in the knowledge that the Authority was facing significant budgetary pressure as a consequence of Central

Government austerity measures. It was considered that if no action was taken there was a possibility of significant redundancy and therefore service failure.

Initial Workstreams

The workstreams of the initial contract consisted of the following 6 workstreams;

- ICT
- Finance
- Human Resources
- Revenue and Benefits Services
- Customer Service
- Procurement

The Authority retained Client Strategic Roles that oversee the contract management.

It was noted that during the course of the contract the Procurement workstream along with Human Resource Advisory Services for the Council (2015) and Health & Safety, which included Occupational Health (2020) returned into the control of the Authority.

Objectives

The objectives of the contract were to ensure.

- Investment in the services areas in scope.
- Protect existing workforce jobs.
- Create growth in services and support additional jobs in the Borough.
- Guarantee financial efficiencies of at least £32.9million over the time of the Contract with ongoing culminative savings thereafter.
- Improve services.

Term of the contract

At the time of its procurement, it was determined that longer-term contracts resulted in greater cost savings and efficiencies due to the spread of risk and capital costs over the term of the contract.

Provisions of the Contract

Termination

The term of the contract commenced from the effective date 1 November 2012 and will continue for the Initial Term (10 years) 31 October 2022 and continue for a further period of 5 Years beyond the expiry date.

Subject to any other rights of termination that may arise to the Authority, the Authority would be entitled to issue a notice of not less than 18 months to terminate the Agreement. This provision allows the Authority to terminate the contract if a termination notice has been issued that has not been satisfactorily remedied or the benchmarking test demonstrates that

the partner is not providing value for money and is not willing to amend pricing to assure Best Value.

Benchmarking

The Authority requires the partner to complete a benchmark review of all charges, services and for service levels in years 4, 8 and 12 of the Agreement Term. If any benchmark review determines that any charges, services and service levels do not represent Best Value, the Authority would seek reduced charges or implement service improvement. If agreement cannot be reached the Authority is entitled to seek an alternative supplier or provider. At the year 4 review it was determined that the Procurement workstream would return to the Authority leaving the remaining five workstreams to be delivered by the Partner.

Performance

Each workstream has a series of associated performance measures, these are divided into;

1. Performance Indicators (PI's), which have no financial penalties associated with them and are used for monitoring purposes and;
2. Key Performance Indicators (KPI's), which if not achieved triggers a process that can result in payment deductions to the Partner, known as penalties.

Understanding the Payment & Performance Mechanism

The sub-group received a comprehensive explanation to the contracts payment mechanism where payments would be reduced for performance below expected levels. Payment reductions would be ratcheted up for continuing poor performance which could result on the issuing of a Warning Notice. If a contract Warning Notice is issued the Authority would undertake increased monitoring of the partner until such time the performance had satisfactorily improved.

Investment

Best Value Agreements are part of the contract and designed to secure added benefits from the Partner, they often include the creation of additional jobs in the locality and/or refurbishment of accommodation, creating growth, improving services and are generally provided outside of the provisions of core services.

Although these are not subject to service level regimes there is an obligation within the contract that the Partner provides these additional elements, the Authority monitors the measures to ensure they are achieved.

Contract Management & Governance

There has been robust management and governance mechanisms in place and are delivered in two configurations.

Change Control Procedure

The Authority (Client lead) and/or Partner (Service lead) may require or propose a change to any provision of the contract. These Notice of Change requests are mainly called upon to implement a change in service delivery.

Groups and Boards

- I. Monthly workstream meetings take place where service leads from the Authority and Partner meet to discuss the monitoring of KPI's, Risk, Staff, Engagement and New Business
- II. Monthly Operational Partnering Board (OPB) take place, where the Head of Resources and Partner Director meet to discuss financial performance and any issues accelerated from the workstream meeting.
- III. Quarterly Strategic Partnering Board (SPB), where reviews of service plans are discussed with the Authority Executive (Cabinet Members and the Elected Mayor) and Regional and National Partner Directors.

Engie Sub-group work

The sub-group scoped, made initial preparations and convened two meetings into the review in early 2020 but due to the Covid-19 pandemic it was decided that the review be postponed until a more appropriate time when staff resources could be deployed to the sub-group.

During November 2020, arrangements were made to resume the review and it was decided due to the time gap to conduct the scrutiny from the beginning so to understand any impact of the pandemic on the contract's operation.

Meetings took place for the 5 current workstreams ICT, Finance, Human Resources, Revenue & Benefits and Customer Service, where Service and Client lead officers were requested to attend the meetings and present information to a prescribed structure set by the sub-group.

The structure being:

- a. Service Provision
- b. Client Responsibilities
- c. Performance
- d. Added Value (Investment)
- e. Contract Amendments

Service Provision

At the outset the sub-group was provided with Schedule 2 Workstream Specifications to provide clear understanding the services that they were scrutinizing in each of the remaining 5 workstreams. In each of the service meetings the sub-group received further information with the additional metrics to the elements of provision being delivered. This provided the sub-group some insight to the levels of activity of each service.

Client Responsibility

The Authority has retained client roles, whose objective is to manage the relationship with Engie, providing the link between the Authority and the services being managed by Engie as well as monitoring the contract and performance.

There is also the responsibility to ensure the Authority's plans and vision for service delivery are implemented.

It was evident that throughout the review the role of the client managers was fundamental to ensuring the ambition of the Authority continued to be driven forward.

Performance

The sub-group received the performance level achieved/target for each KPI in the suite for 2020/2021 each service area.

It was evident that when monitoring KPI's for transactional activity, the targets were achieved in all services as expected. However, it was less obvious that the KPI's were achieved where the target was a Pass/Fail. There was an acceptance that this strategic KPI is subjective and difficult to monitor.

The sub-group also reviewed historical performance for years 2014 -2020 to understand the performance throughout the contract term to date

- ICT - 25 failures KPI's
- Finance – 10 Warning Notices that resulted to 5 Penalties being issued
- Human Resources – 6 Warning Notices that resulted to 1 Penalty being issued
- Revenue & Benefits – 22 Warning Notices that resulted to 19 Penalties beings issued (during the period Jan – Dec 2018).
- Customer Services – 19 Warning Notices that resulted to 23 Penalties being issued

The sub-group acknowledges that the majority of the failures occurred early in the contract, however issues still arise such as in 2018/19 where 16 penalties were issued in the Customer Services workstream. This gives an indication of the significant monitoring and use of Authority resources to negotiate and resolve issues of this nature and directly impacts the service to the public.

Added Value

It was not fully evident how the Authority is benefitting from the partly delivered Business Intelligence (BI) reporting QLIK system and there was concern with delays on implementation.

The QLIK system allows managers who are budget holders to access information through self-service, the sub-group heard that licenses were acquired for circa 300 budget holders, however the use of the QLIK system was less than half. An opinion was that budget holders had concerns with the integrity of the data and were reluctant to use the system, in addition there was concern to the level of training for its use.

The sub-group were made aware that the current version of Oracle E Business Suite (BMS) would be no longer supported from December 2021 and the Authority was leading a project to look at a replacement for this system.

The group was unsure to the delay on the Implementation of alternative to Enterprise Resource Planning system to replace BMS but it understood that planning for a project of this nature takes a period of 18-24months. The sub-group viewed that the delay could have a

detrimental effect to the ability of the Authority to perform at its optimum and questions the delay which has resulted in the need to procure a 3rd party to support the current system until a new system can be procured.

In relation to the Human Resource workstream the sub-group were informed that a review using Lean Methodology had been completed. The Lean Methodology is defined as a way to optimise the people, resources, effort, and energy of and organization toward creating value for the customer, however it was viewed that no demonstrable outcomes had been realised from the review. The sub-group questions tasks undertaken that do not provide a demonstrable value.

Contract Amendments

A common theme throughout the review were the process of charging for services not specified in the contract.

It is acknowledged that the services were outsourced to make savings, secure services and jobs and the partner has assisted to do this. There is also the realistic view that the partner operates to make a profit. There is concern that the need to do both could affect the ability to deliver the services that our customers expect.

To provide an example the sub-group heard that at the time when the Authority in-sourced its housing property and construction services, it was accepted that there was a need to ensure the necessary work could be completed and a Notice of Change was negotiated with the partner to undertake the increased workload.

A further example was given to the operation of ICT support to staff and members working out of normal hours, such as in early evening when Committee meetings take place or at weekends. The sub-group was informed that this requirement was not part of the contract, however, the sub-group considered that changes to operational activity such as these should be viewed as business as usual activity and no Notice of Change should be required.

In the need to adapt to the changing ways of working, the sub-group viewed the need to negotiate and implement through the process of a Notice of Change was too restrictive and questioned would the costs and delays in service delivery exist in the same way if the service was delivered in-house. It was further felt that the significant time this took in negotiating such changes could be better spent simply providing the service at cost to our residents.

Findings

It was considered that from the outset that the decision to out-source services and the pace to its completion, insufficient time had been provided to allow full consideration of the contract.

In the scrutiny of the partnership with Engie it is clear that performance of the transactional day to day activity is rated good. This is contrasting to the areas of the contract where the Authority seeks strategic support and guidance.

There is a lack of evidence of strategic planning in Financial advisory support to the Authority, where it is believed should be fully embedded as part of the finance service.

It is the belief by the sub-group that this is driven by Authority officers rather than Engie.

There is little evidence of succession planning in relation to high level strategic staff and evidence how Engie could help deliver the Investment Plan has been an ongoing challenge. The client team appeared to be paramount in the strategic role of adding value and budget setting had been very delayed and lacking. It is the sub-groups view that the skills gap produced more financial challenges.

The Authority and its partners need to be strategically proactive however the view of the sub-group is that the partner works reactively and responds only when prompted by client managers to do so.

This was evident during the presentation in the Finance service and monthly budget monitoring. There is concern that the strategic advisory support to the Authority is insufficient and it was not demonstrable how the partner was providing this contract requirement fully. It was also clear there is not a consistent strategic approach in supporting all budget holders, which could affect the efficacy of budget monitoring and forecasting.

There is further concern to the issues where penalties have been issued and the effect of not having sufficient robust financial reporting. When occurrences such as these transpire, there is an increased risk in the decision making of the Authority.

When questioned to the challenges for the future, the response was to continue with Business Partnering. Business partnering is defined as the development of successful, long term, strategic relationships between customers and suppliers, based on achieving best practice and sustainable competitive advantage. It is understood that Business Partnering only commenced in 2019 and it is unclear why this did not commence at the outset of the contract.

The sub-group has concern that the number of qualified and experienced staff supporting services is not at the appropriate level. The Authority must be confident that it is being supported fully by qualified and experienced resource to fulfil all the contract requirements. Also there is a need to provide real opportunities within the partnership for succession planning as it is unclear that this is happening to ensure smooth running of the contract when people leave or move on.

The Authority should demand real deliverable outcomes to any reviews, implementation of new systems or devices. The sub-group heard of reviews with no real beneficial outcome, partially implemented systems that were not fully useable and devices that were regarded inadequate for use.

There were instances throughout the scrutiny where it was demonstrable that services, its officers and the Local Authority were committed and working together to the same values and ethos promoted by North Tyneside Council, this was evident in the Revenue & Benefit, Customer Services and in part Human Resources workstreams.

The sub-group acknowledge that Engie has cooperated and shown a more flexible approach in supporting the response to the Covid-19 pandemic. Remote working in particular was a challenge that was overcome to ensure employees could continue service delivery from their homes. It also acknowledges the distribution of payment transactions in business grants through Revenues and Benefits Service.

There were many instances before and during the current Covid-19 crisis that the Authority and its partners have shown flexibility in its operation. However, the sub-group also heard instances of where rigidity came to the fore and required extended negotiation and Notices of Change before the much-needed progress was made. Occasions of this nature should be reduced as much as possible to ensure we display the Authority values of We listen, We Care, We are Ambitious and We are good value for money.

Following issues with the resourcing of Customer Services in 2017/18, through the action of reducing staffing numbers which led to 16 penalties being issued the sub-group were assured that lessons had been learnt and once the correct staffing level were returned to normal customer satisfaction was re-established. The sub-group viewed this action as a cost saving enterprise by the partner, which ultimately affected service delivery and customer confidence.

The sub-group considered that throughout the length of the contract ICT delivery has been an issue from the reliability of the network, systems implemented, telephony, devices and training have all caused concerns. The security of delivering Teams meetings has also been an issue for Members and staff.

It acknowledged the Authority has made high value investment to the improvement of its systems, however its view is that ICT have over promised and under delivered and it was pleased to see the Authority had appointed a new client lead to drive service improvement. The sub-group felt that some parts of each of these workstreams dovetailed into each other – Finance, ICT, HR and Customer Service and an overall look at these workstreams together may be useful to aid efficiencies.

It was apparent that there was greater flexibility and issue resolution was quicker where client officers and partnership staff were displaying public service motivation and their focus on the residents/customers need. This is an endeavour that all services should work toward.

It is hoped that the findings and comments made throughout this report aids the thinking of Cabinet and appropriate officers towards areas of the partnership that the sub-group believes are not being fulfilled as expected.

Benchmarking and measuring performance of transactional activity is working well, however where performance is deficient is in the areas where a more strategic level of support is expected. The review could not determine if this was due to not having the right level of professional support in place or a business decision.

There is a need for a continued drive for efficiencies and having to devote Authority officer time prompting known responsibilities and negotiating changes, uses significant resources which could be better used for the benefits of residents.

It is recognised that the Authority has recent experience of gaining greater benefit and outcomes by managing its partnerships well. It is acknowledged that our partners are private organisations that work to make a profit. It is the view of the sub-group that managed appropriately the profit could be used to improve services to residents.

The sub-group would therefore recommend that Cabinet:

- 1. In its benchmarking activity pay particular attention to the strategic aspects of service delivery of the partnership.**
- 2. Following benchmarking testing, it believes if the Partner is not providing value for money it should consider amending the contract to assure best value and/or investigate all options to in-source parts/all services.**
- 3. The group feels that as and when legally possible and at the best and earliest opportunity that these services should be returned and insourced to the local authority.**

Acknowledgements

Janice Gillespie – Head of Resources
Suzanne Duncan - Senior Manager (HR)
Claire Emmerson - Senior Manager Financial Planning and Strategy
Haley Hudson - Customer Service and Digital Strategy Manager
Tracy Hunter - Client Manager Revenues Benefits and Customer Services
Jacqueline Laughton - Head of Corporate Strategy
Daniel Simms - Chief Information Officer
Andrew Scott - Senior Client Manager Revenues Benefits and Customer Services
Mick Ripley - Partnership Director
Angela Close - Service Development and Support Manager
Sue Graham - Principal Accountant
Jackie Mulvey - Revenues & Benefits Lead
Mick Nicholson - Senior Operations Manager
Christine Ponting - Senior Manager - Schools Human Resources
Mike Truran - Business Change Director

Background Papers

Presentations relating to each workstream:

- ICT
- Finance
- Human Resources
- Revenue and Benefits Services
- Customer Service

Recommendations

- R1: In its benchmarking activity pay particular attention to the strategic aspects of service delivery of the partnership.**
- R2: Following benchmarking testing, it believes if the Partner is not providing value for money it should consider amending the contract to assure best value and/or investigate all options to in-source parts/all services.**
- R3: The group feels that as and when legally possible and at the best and earliest opportunity that these services should be returned and insourced to the local authority.**

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North Tyneside Council Report to Cabinet Date: 28 June 2021

Title: Council Plan Refresh

Portfolio(s): Corporate Strategy	Cabinet Member(s): Deputy Mayor
Report from Service Area:	Corporate Strategy and Customer Service
Responsible Officer:	Jackie Laughton (Tel : 0191 643 7075
Wards affected:	All

PART 1

1.1 Executive Summary:

This report seeks Cabinet's approval to initial proposals for an updated Our North Tyneside Council Plan following the mayoral election in May 2021. It also seeks Cabinet's approval to carry out engagement with residents and other key stakeholders on these initial proposals.

1.2 Recommendation(s):

It is recommended that Cabinet approve

- (1) the proposed updated content for the Our North Tyneside Council Plan as set out in paragraphs 1.5.3 and 1.5.4 below
- (2) that engagement is undertaken with residents and other key stakeholders on the proposed updated content as set out in paragraphs 1.5.5 to 1.5.8 below

1.3 Forward Plan:

It has not been practicable to give twenty-eight days notice of this report. However, it is required to be considered without the twenty eight days notice being given because of the need to approve a refreshed Council Plan following the mayoral election in May 2021 and in advance of Cabinet's consideration of budget proposals in the autumn this year.

1.4 Council Plan and Policy Framework

This report sets out proposals to update the 2020-2024 Our North Tyneside Plan. The Council Plan is a 'local choice' plan under the Budget and Policy Framework as set out in the Council's Constitution.

1.5 Information:

1.5.1 Background

1.5.2 The current Our North Tyneside Council Plan 2020-2024 was approved by full Council on 18 February 2021 (see appendix 1). Following the Mayoral election on 6 May 2021 the Council Plan needs to be updated to reflect the policy priorities of the incoming administration. As per the Council's Budget and Policy Framework as set out in the Council Constitution, the Council Plan requires final approval by full Council. If approved by Cabinet, there will be internal and external engagement on these initial proposals during July 2021 (including consideration by the Overview, Scrutiny and Policy Development Committee at its meeting on 7 July) and then Cabinet will consider its final proposals on 2 August following further consideration by Overview, Scrutiny and Policy Development. These will then be submitted to Council for approval at its meeting on 23 September.

1.5.3 Our North Tyneside Council Plan 2021-24 Proposals

It is proposed that the Our North Tyneside Council Plan is refreshed and updated to reflect the current policy priorities following the Mayoral election on 6 May 2021 and in the context of the impact which the Covid-19 pandemic has had on the borough.

The proposed refreshed Council Plan is around a vision of building a better North Tyneside looking to the future. Throughout all that the Council does, there will be a clear focus on listening to and working with residents, businesses, the community and voluntary sector and all other stakeholders to ensure that things are delivered in partnership and in line with the different needs of the borough.

The Council Plan future vision is of a North Tyneside in the following five themes

- thriving
- family-friendly
- caring
- secure
- green

1.5.4 It is proposed that each of these five themes has a clear set of policy priorities and outcomes as set out below

A thriving North Tyneside

- We will regenerate the high streets of North Shields and Wallsend and will bring forward Master Plans for Wallsend and Whitley Bay town centres. We will also bring investment and improvements to the North West area of the borough and ensure that regeneration delivers ambition, opportunity and benefits for all of our residents
- We will bring more good quality jobs to North Tyneside – by helping local businesses to grow and making it attractive for new businesses to set up or relocate in the borough;
- We will invest in adult education and to support apprenticeships to make sure people have the right skills for the job;

- We will keep our libraries and leisure centres open as part of a vibrant cultural and leisure offering;
- We will continue to be the destination of choice for visitors through the promotion of North Tyneside's award-winning parks, beaches, festivals and seasonal activities; and
- We will reduce the number of derelict properties across the borough.

A family-friendly North Tyneside

- We will support local schools, making sure all children have access to a high-quality education with opportunities to catch up where needed after the pandemic;
- We will provide outstanding children's services, events and facilities so North Tyneside is a great place for family life; and
- We will ensure all children are ready for school including through poverty proofing the school day – giving our kids the best start in life.

A caring North Tyneside

- We will provide great care to all who need it, with extra support available all the way through to the end of the pandemic;
- We will work with the care provision sector to improve the health and well-being working conditions of our care heroes;
- People will be cared for, protected and supported if they become vulnerable, including if they become homeless;
- We will support local community groups and the essential work they do; and
- We will work to reduce inequality, eliminate discrimination and ensure the social rights of the people of North Tyneside are key to council decision making.

A secure North Tyneside

- Council wardens will work with Northumbria Police to tackle antisocial behaviour;
- We will continue to invest £2m per year in fixing our roads and pavements;
- We will maintain the Council Tax support scheme that cuts bills for thousands of households across North Tyneside;
- We will take a holistic view to tackling health and socio-economic inequalities across the borough including through our Poverty Intervention Fund to tackle food poverty;
- We will provide 5000 affordable homes.
- We will review the supply chain of services delivered on behalf of the Council to maximise value for money and environmental sustainability

A green North Tyneside

- We will keep increasing the amount of waste that can be recycled and introduce food waste collections and deposit return schemes;
- Council environmental hit squads will crack down on littering;
- We will secure funding to help households to install low-carbon heating;
- We will increase opportunities for safe walking and cycling, including providing a segregated cycleway at the coast; and
- We will publish an action plan of the steps we will take and the national investment we will seek to make North Tyneside carbon net-zero by 2030.

1.5.5 Engagement Approach

North Tyneside Council is committed to being an organisation that works better for residents and to ensure that it listens and cares, is ambitious and provides good value for money. This commitment includes giving residents and other key stakeholders an opportunity to be involved in setting the key priorities for what it will deliver as set out in the Council Plan. This will be done through a comprehensive engagement approach.

1.5.6 The aim of the engagement approach is to reach different parts of the borough's population including residents, customers/users of council services, businesses, community and voluntary sector organisations as well as other key stakeholders as well as particular groups of people, including those with protected characteristics. The approach also ensures reach with particular interest groups such as carers, older people, children and young people, council housing tenants and people from black, Asian and other minority ethnic communities. The approach comprises targeted activity with both internal and external stakeholders as set out below.

1.5.7 In line with the Authority's corporate engagement strategy the approach will be consistent with the following principles

- Inclusive – making sure that everyone can engage in the process;
- Clear – being clear on the aims of the engagement activity at the outset and the extent to which residents and others can be involved;
- Integrated – ensuring that engagement activities are joined up with the relevant decision-making processes;
- Tailored – aiming to better understand our audience and using different methods appropriately to enable and encourage people to be involved;
- Feedback -giving feedback through agreed channels when engagement activity is completed; and

- Timely – aiming to give enough notice to make opportunities available to all and taking into account those times when it is more appropriate to engage depending on the target audience.

1.5.8 Engagement activity on the proposed Our North Tyneside Council Plan will comprise

- publishing information about Cabinet’s initial Council Plan proposals from the end of June and throughout July. This will be published online via the Council’s website and at front line locations including the Community Conversation corners in the four Customer First Centres, where these are available in line with Covid-19 restrictions. Feedback will be able to be provided by residents and others via a questionnaire either on-line or at these front-line locations. This will be supported by communications activity via the media and social media to ensure that people know they can get involved in this way; and
- there will also be engagement sessions for the following internal and external stakeholder groups
 - staff
 - businesses
 - schools
 - children and young people
 - trade unions
 - North Tyneside Strategic Partnership
 - older people
 - carers
 - Black, Asian and other Minority Ethnic Communities Task Force
 - groups representing people with protected characteristics under the Equality Act 2010.

1.6 Decision options:

The following decision options are available for consideration by Cabinet

Option 1

To approve the recommendations as set out in paragraph 1.2 above

Option 2

To not approve the recommendations as set out in paragraph 1.2 above

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

- this will allow for engagement to be carried out on the initial proposals for the refreshed Our North Tyneside Council Plan during July with a final set of proposals to be considered by Cabinet at its meeting on 2 August.

1.8 Appendices:

There are no appendices to this report.

1.9 Contact officers:

Jackie Laughton, Head of Corporate Strategy and Customer Service, tel. (0191) 643 7075

Pam Colby, Senior Manager Policy Performance and Research, tel. (0191) 643 7252

Claire Emmerson, Senior Manager Financial Strategy and Planning, tel. (0191) 643 8109

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) [2020-2024 Our North Tyneside Plan](#) report to Council on 18th February 2021
- (2) [Our North Tyneside Corporate Performance Report](#), Report to Overview, Scrutiny and Policy Development Committee on 15th March 2021
- (3) [Equality Impact Assessment Our North Tyneside Plan](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

- 2.1.1 Any financial implications arising from the delivery of priorities in the Our North Tyneside Council Plan will be met from existing budgets.

2.2 Legal

The Council has agreed that the Council Plan is part of the policy framework (as a “local choice” plan and as such it must be agreed in accordance with the rules of procedure relating to the Budget and Policy Framework (Part 4.7 of the Authority’s Constitution).

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Consultation has been carried out with the Elected Mayor, Cabinet and Senior Leadership Team. The proposals will be scrutinised as set out in the Authority’s Constitution and Budget and Policy Framework Procedure rules.

2.3.2 External Consultation/Engagement

The engagement approach as set out in paragraphs 1.5.5 to 1.5.8 in this report sets out the process by which residents and other stakeholders will be involved.

2.4 Human rights

- 2.4.1 There are no human rights implications from this report.

2.5 Equalities and diversity

- 2.5.1 In undertaking the process for the refresh of the Council Plan the Authority's aim will at all times be to secure compliance with its responsibilities under the Equality Act 2010 and in particular the Public Sector Equality Duty under that Act. An Equality Impact Assessment has been carried out on the engagement approach. The aim is to remove or minimise any disadvantage for people wishing to take part in the engagement activity. The Authority will make direct contact with groups representing people with protected characteristics under the Equality Act 2010 to encourage participation and provide engagement in a manner that will meet their needs.

2.6 Risk management

- 2.6.1 Relevant risks have been identified regarding this report, they are currently held on strategic and corporate risk registers and are being reviewed and managed as part of the Authority's normal risk management process".

2.7 Crime and disorder

- 2.7.1 The proposals for the refreshed Our North Tyneside Council Plan include a priority theme to build a secure North Tyneside, and in particular to focus on anti-social behaviour.

2.8 Environment and sustainability

- 2.8.1 The proposals for the refreshed Our North Tyneside Council Plan include a priority theme to build a green North Tyneside.

PART 3 - SIGN OFF

- | | |
|---------------------------------------------------|-------------------------------------|
| • Chief Executive | <input checked="" type="checkbox"/> |
| • Head(s) of Service | <input checked="" type="checkbox"/> |
| • Mayor/Cabinet Member(s) | <input checked="" type="checkbox"/> |
| • Chief Finance Officer | <input checked="" type="checkbox"/> |
| • Monitoring Officer | <input checked="" type="checkbox"/> |
| • Head of Corporate Strategy and Customer Service | <input checked="" type="checkbox"/> |

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North Tyneside Council Report to Cabinet 28 June 2021

Title: Review of Parliamentary Constituency Boundaries

Portfolio(s): Elected Mayor

Cabinet Member(s): N Redfearn

Report from Service

Area: Law and Governance

Responsible Officer: Bryn Roberts, Head of Law and Governance (Tel: (0191)6435339)

Wards affected: All

PART 1

1.1 Executive Summary:

The Boundary Commission for England (BCE) is currently conducting a review of the boundaries of all the Parliamentary constituencies in England, and will report to Parliament on its recommendations for boundary changes in July 2023.

This report outlines the initial proposals of the BCE in relation to the North East, in particular to the two Parliamentary Constituencies located within the Borough of North Tyneside, and provides information about the process for consultation on those proposals.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) consider whether or not to support the initial proposals of the review of the Boundary Commission for England in relation to the Parliamentary Constituencies within the North Tyneside Council area;
- (2) seek the views of Full Council on the proposals at its meeting to be held on 22 July 2021; and
- (3) authorise the Elected Mayor to write to the Boundary Commission for England on behalf of the Authority expressing the Authority's views on the proposals following the Council meeting.

1.3 Forward Plan:

It has not been practicable to give twenty-eight days' notice of this report as the Boundary Commissions proposals were published on 8 June 2021. However, it is required to be considered without the twenty-eight days' notice being given to enable the

Cabinet to consider the initial proposals and to consult full Council prior to the submission of the Authority's views by the deadline of 2 August 2021.

1.4 Council Plan and Policy Framework

This report does not directly relate to any of the priorities in the Our North Tyneside Plan.

1.5 Information:

1.5.1 Background

The Boundary Commission for England (BCE) is an independent and impartial non-departmental public body which is responsible for reviewing Parliamentary constituency boundaries in England. The BCE has the task of periodically reviewing the boundaries of all the Parliamentary constituencies in England.

1.5.2 The 2023 Review

On 8 June 2021, the BCE published its initial proposals for the review of Parliamentary Constituency boundaries. It is currently conducting a review on the basis of legislative rules, most recently updated by Parliament in 2020. Those rules specify that recommendations for new Parliamentary constituency boundaries must be made by 1 July 2023. While retaining the overall number of constituencies across the UK at 650, the rules apply a distribution formula that results in an increase in the number of constituencies in England (from 533 to 543). The rules also require that every recommended constituency across the UK – apart from five specified exceptions (two of them in England) – must have an electorate that is no smaller than 69,724 and no larger than 77,062.

The North East region has been allocated 27 constituencies – a reduction of two from the current number. The proposals leave two of the 29 existing constituencies unchanged. and 11 with only minor substantive changes of one to two wards.

As it has not always been possible to allocate whole numbers of constituencies to individual counties, the BCE has grouped some county and unitary authority areas into sub-regions, based on the relatively recently created combined authorities, which encompass the entire North East region. The number of constituencies allocated to each sub-region is determined by the combined electorate of the included authorities.

Consequently, it has been necessary for the BCE to propose some constituencies that cross county or unitary authority boundaries, but none of the proposed constituencies cross any combined authority boundaries.

There are currently nine constituencies in the Newcastle upon Tyne, North Tyneside and Northumberland sub-region, none of which are within the permitted electorate range. With an electorate of 596,886, the sub-region is entitled to 8.13 constituencies, and has been allocated eight constituencies, a reduction of one.

In relation to the current constituencies of North Tyneside and Tynemouth which both have an electorate above the permitted electorate range, the proposals of the BCE are as follows:

North Tyneside

The constituency would be divided up and its wards allocated between the proposed Tynemouth constituency (see below) and Newcastle upon Tyne North constituency.

The Newcastle upon Tyne North constituency would comprise five wards within the North Tyneside Council area - Benton, Camperdown, Killingworth, Longbenton and Weetslade wards - together with four wards within the Newcastle City Council area - Castle, Fawdon and West Gosforth, Gosforth and Parklands - with an electorate of 74,087.

Tynemouth

The Tynemouth constituency would comprise ten wards – Battle Hill, Chirton, Collingwood, Cullercoats, Howdon, Northumberland, Preston, Riverside, Tynemouth and Wallsend with an electorate of 76,984.

Whitley Bay and Cramlington

The BCE also proposes the creation of a Whitley Bay and Cramlington constituency that crosses the Northumberland boundary into North Tyneside.

The constituency would comprise five wards within the North Tyneside Council area - Monkseaton North, Monkseaton South, St Mary's, Valley and Whitley Bay wards – together with nine wards within the Northumberland County Council area – Cramlington East, Cramlington Eastfield, Cramlington North, Cramlington South East, Cramlington Village, Cramlington West, Hartley, Holywell and Seghill with Seaton Delaval – with an electorate of 74,510.

1.5.3 Statutory Procedure for consultation

The BCE is consulting on its initial proposals for an eight-week period, from 8 June 2021 to 2 August 2021. Views can be given initially in writing, and the BCE encourages responses through its interactive consultation website at www.bcereviews.org.uk

1.5.4 Secondary consultation period

The BCE will publish all the responses it receives on its initial proposals. This publication will mark the start of a six-week 'secondary consultation' period, which is currently planned to take place in early 2022.

The purpose of the secondary consultation is for people to see what others have said in response to the initial proposals and to make comments on those views, for example challenging or supporting what others have said.

Between two and five public hearings will be held in each region where there will be an opportunity to give views directly to a BCE commissioner. Details of those hearings will be made available nearer the time.

1.5.5 Development of revised proposals

Once it has all the representations and comments from both the initial and secondary consultation periods, the BCE will analyse those representations and decide whether changes should be made to the initial proposals.

If it decides, on the basis of the evidence presented, to change its initial proposals, it must publish its revised proposals for the areas concerned and consult on them for a further period of four weeks. This is likely to be towards the end of 2022. When it consults on its revised proposals there will be no further public hearings. All revised proposals will be published on the BCE website and an opportunity will be given for people to give views on the website.

1.5.6 Final recommendations and report

Following the consultation on revised proposals, the BCE will consider all the evidence received at this stage, and throughout the review, before determining its final recommendations. When the BCE has decided on its final recommendations for the whole of England, it then drafts and submits a formal written report to the Speaker of the House of Commons. The report, which is also published once the Speaker has laid it before Parliament, contains a description of the review in each region, a textual description of all the final recommendations, and a set of maps to illustrate the existing boundaries and those proposed by the final recommendations.

The submission of the formal final report concludes the BCE's involvement in the constituency review process. The procedure to subsequently implement new constituencies is the responsibility of the Government.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Agree to the recommendations set out in 1.2.

Option 2

Not agree to the recommendations set out in 1.2.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

This will enable the views of the Authority to be submitted to the Boundary Commission for England by the deadline of 2 August 2021.

1.8 Appendices:

Maps of the proposed boundaries for Newcastle upon Tyne North, Tynemouth and Whitley Bay and Cramlington constituencies.

Full details of the BCE's proposals can be found in the link shown under section 1.10 of the report – Background Information.

1.9 Contact officers:

Bryn Roberts, Head of Law and Governance (Tel. 643 5339)

Dave Brown, Law and Governance (Tel: 643 5358)

Janice Gillespie, Head of Resources (Tel.6435701)

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the link below:

Boundary Commission for England – Review of Parliamentary Constituency Boundaries
<https://boundarycommissionforengland.independent.gov.uk/wp-content/uploads/2021/06/2021-06-08-Initial-Proposals-North-East-Region.pdf>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial or other resource implications arising from this report.

2.2 Legal

The Parliamentary Constituencies Act 1986 (as amended in 2020) requires the four Boundary Commissions for the UK to carry out a review of constituencies and to submit final reports to the Speaker of the House of Commons by 1 July 2023.

2.3 Consultation/community engagement

Details of the consultation process for responding to the BCE's proposals are contained in the main body of the report. It is proposed that full Council be consulted on the proposals at its meeting on 22 July 2021.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity implications directly arising from this report.

2.6 Risk management

There are no risk management implications directly arising from this report.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

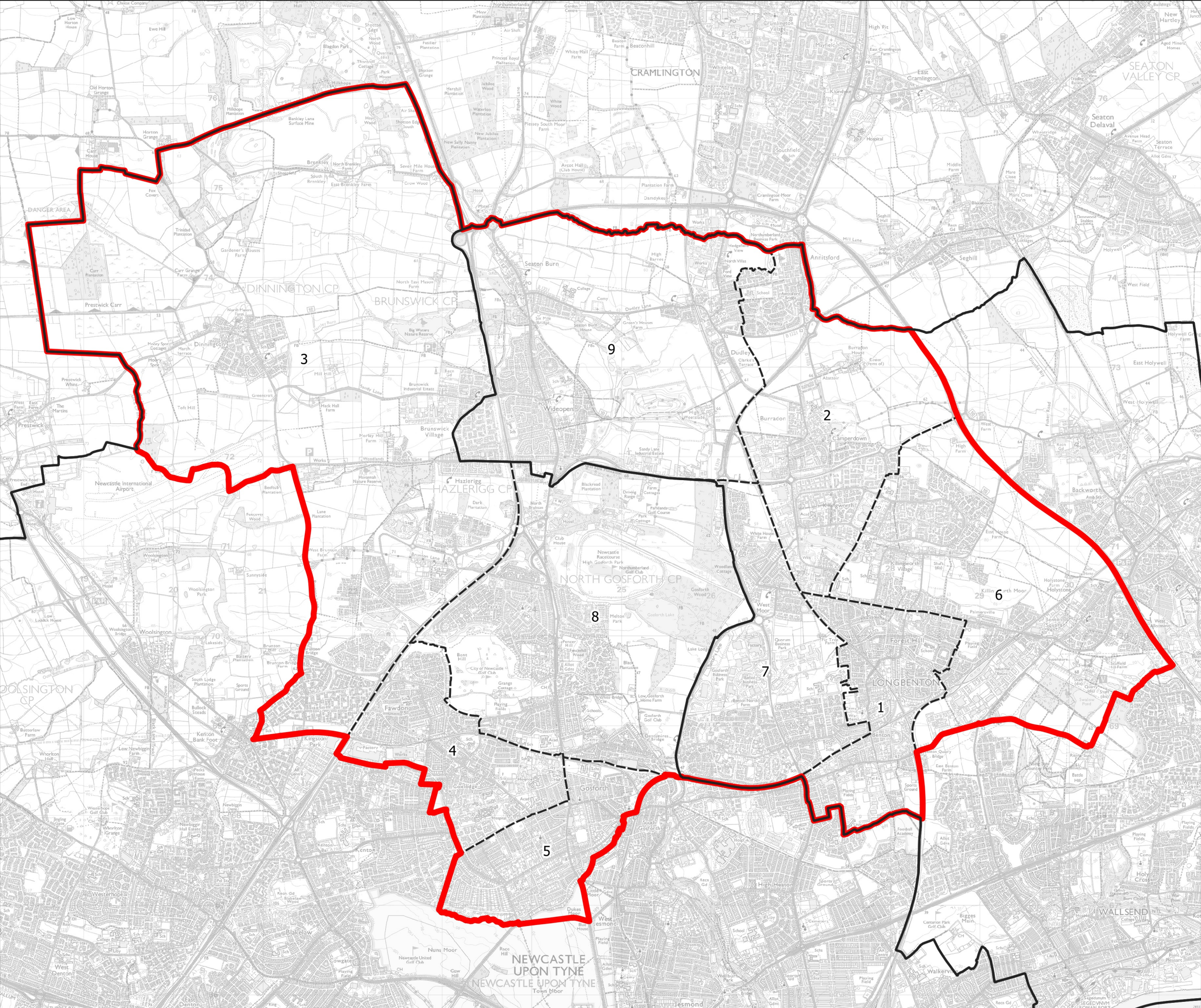
There are no environment and sustainability implications directly arising from this report

PART 3 - SIGN OFF

- Chief Executive ☒
- Head of Service ☒
- Mayor/Cabinet Member(s) ☒
- Chief Finance Officer ☒
- Monitoring Officer ☒
- Head of Corporate Strategy and Customer Service ☒



- Wards:
- 1 Benton
 - 2 Camperdown
 - 3 Castle
 - 4 Fawdon & West Gosforth
 - 5 Gosforth
 - 6 Killingworth
 - 7 Longbenton
 - 8 Parklands
 - 9 Weetslade



- Constituency
- Local Authorities
- Wards

0 0.6 1.2 km



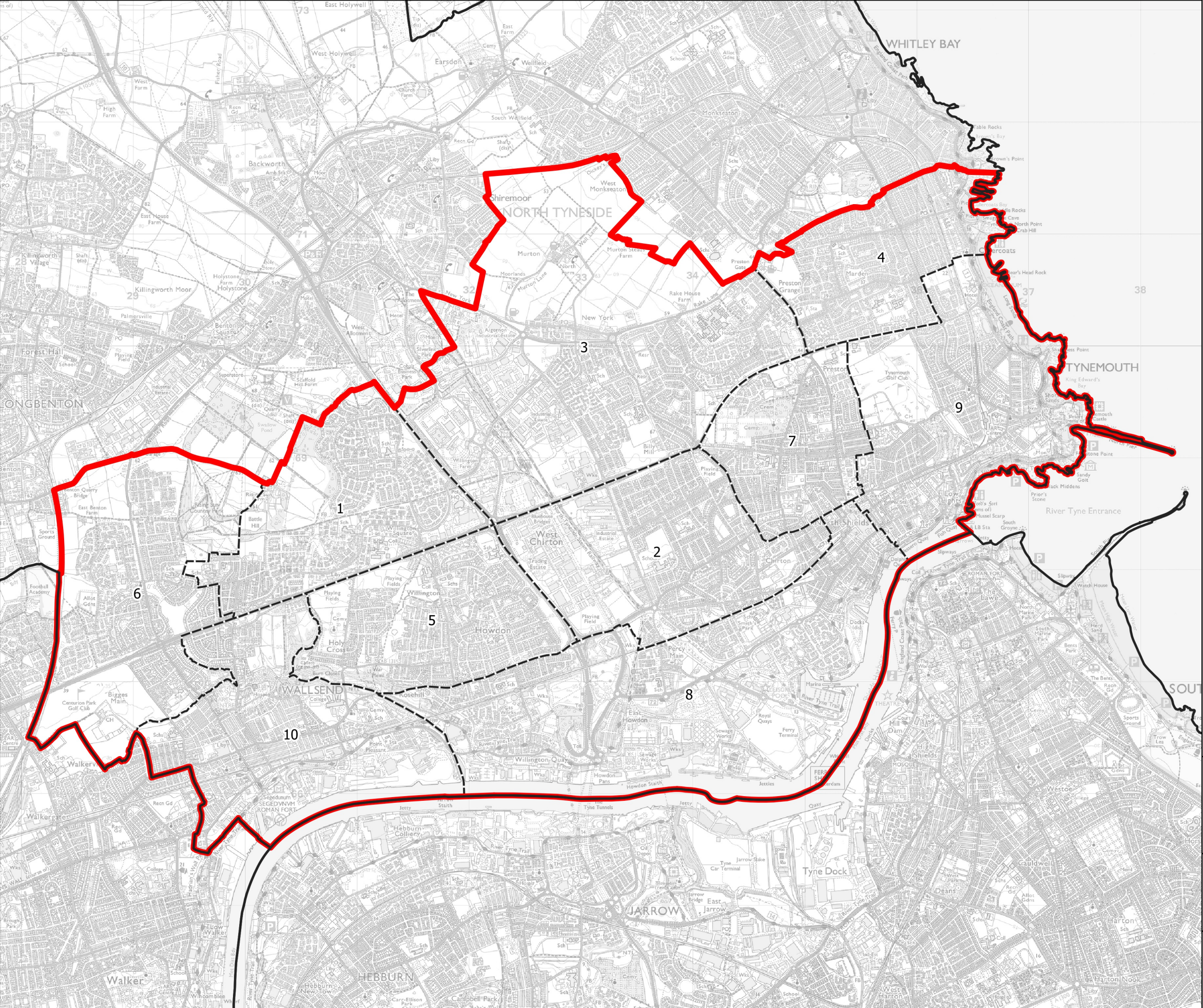
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Wards:

- 1 Battle Hill
- 2 Chirton
- 3 Collingwood
- 4 Cullercoats
- 5 Howdon
- 6 Northumberland
- 7 Preston
- 8 Riverside
- 9 Tynemouth
- 10 Wallsend



- Constituency
- Local Authorities
- Wards

0 0.5 1 km

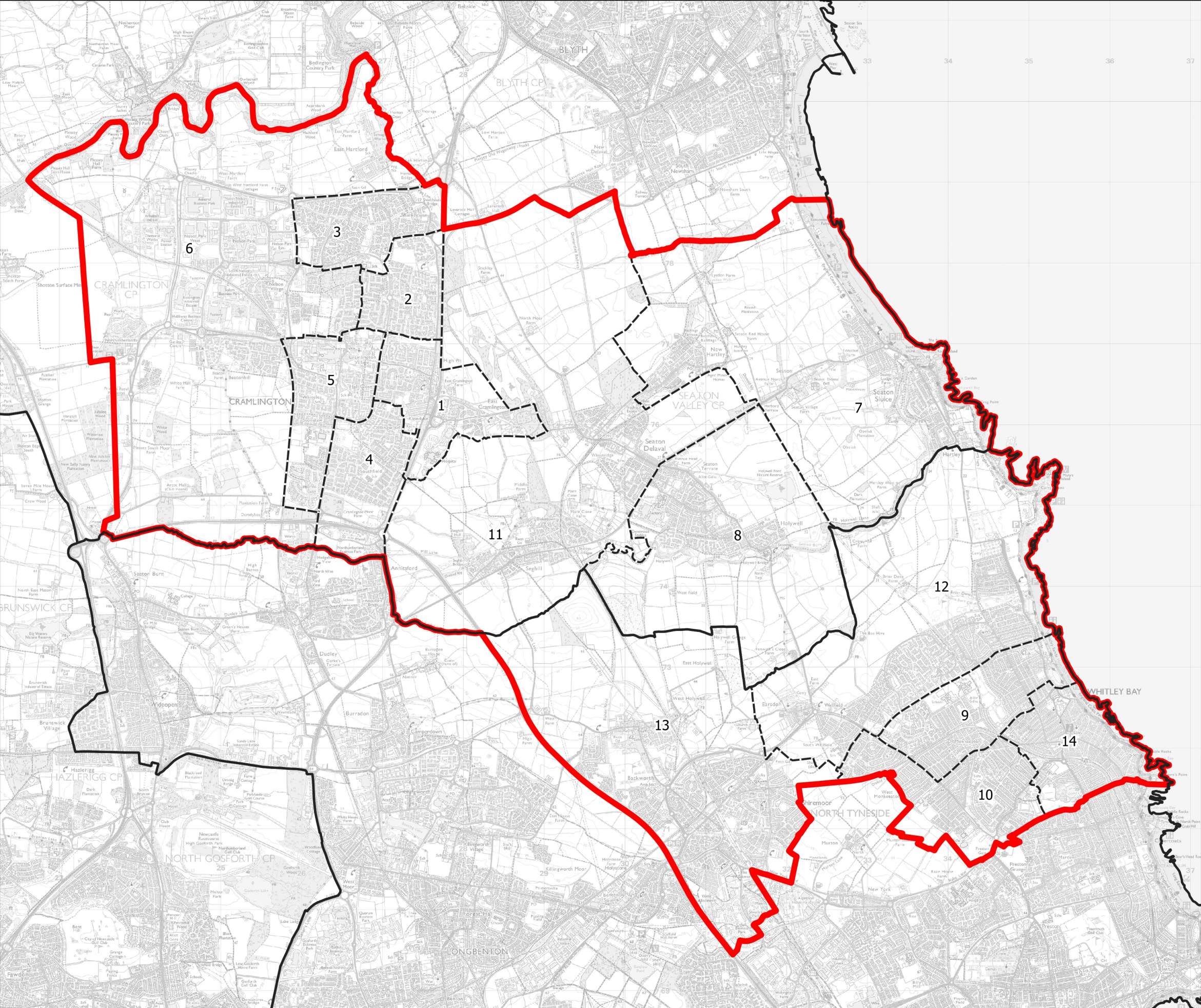


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- Wards:
- 1 Cramlington East
 - 2 Cramlington Eastfield
 - 3 Cramlington North
 - 4 Cramlington South East
 - 5 Cramlington Village
 - 6 Cramlington West
 - 7 Hartley
 - 8 Holywell
 - 9 Monkseaton North
 - 10 Monkseaton South
 - 11 Seghill with Seaton Delaval
 - 12 St. Mary's
 - 13 Valley
 - 14 Whitley Bay



- Constituency
- Local Authorities
- Wards

0 0.7 1.4 km



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North Tyneside Council Report to Cabinet Date: 28 June 2021

The Gambling Act 2005 – Draft Statement of Licensing Policy (Gambling) 2022 - 2025

Portfolio:	Community Safety and Public Protection	Cabinet Member:	Councillor Carole Burdis
Report from Service Area:	Environment, Housing and Leisure		
Responsible Officers:	Phil Scott Head of Environment, Housing and Leisure	(Tel: 643 7295)	
Wards affected:	All		

PART 1

1.1 Executive Summary:

Local authorities are required by the Gambling Act 2005 (“the Act”) to publish a Statement of Licensing Policy and to revise the Policy at least every three years. The Statement of Licensing Policy provides guidance as to how the Authority will exercise its functions under the Act. It is a legal requirement that the Statement of Licensing Policy is consulted on in accordance with the 2005 Act before it is approved by the Authority.

This report outlines the initial proposals to Cabinet for the public consultation of the revised draft Policy, which forms part of the Authority’s Budget and Policy Framework. There have been minor changes made to the Policy, with additional information included in relation to gaming machine permits.

1.2 Recommendation:

It is recommended that the Cabinet endorse the initial proposals for the draft revised Policy statement attached at **Appendix 1** to this report, and approve the commencement of the consultation exercise.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 28 May 2021.

1.4 Council Plan and policy framework:

This report relates to the following priorities in the **2020 – 2024 Our North Tyneside Plan**:

Our Places will:

- Provide a clean, green, healthy, attractive and safe environment

Our People will:

- be healthy and well

Our Economy will

- Grow by supporting new businesses and building on our strengths

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended specify that the Policy Statement is to be the shared responsibility of the Council and the Executive. Accordingly, the Policy Statement forms part of the Authority's Policy Framework and this initial report is submitted to Cabinet in pursuance of the established process under Part 4.7 of the Constitution to be followed in relation to the formulation and approval of plans and strategies comprised in the Policy Framework.

1.5 Information:

1.5.1 The Gambling Act 2005 ("the Act") gives responsibility for the granting of premises licences and permits to local authorities who act as Licensing Authorities when discharging functions under the Act.

1.5.2 The Act established a regulatory body for gambling in Great Britain, namely, the Gambling Commission (the "Commission"). The Commission shares the responsibility for licensing and regulation under the Act with the Licensing Authorities. The Commission has been responsible for issuing statutory guidance to Licensing Authorities as to how to exercise their functions under the Act (including the compilation of a Statement of Licensing Policy) and has issued Codes of Practice to the gambling trade.

1.5.3 The administration of the Act by both the Commission and Licensing Authorities has to be undertaken in a manner that will promote the three licensing objectives laid down by the Act, which are:

- Preventing gambling from being a source of crime and 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.

1.5.4 The Authority is required to produce and publish a Statement of Licensing Policy under the Act and the initial Policy came into force on 31 January 2007 and has been reviewed and, where necessary, amended every three years thereafter.

1.5.5 The revised Statement of Licensing Policy (Gambling) must be in force by 31 January 2022 when the existing Policy will expire. The three year period for each Policy runs from 31 January as determined by the Gambling Act 2005 (Licensing Authority Policy Statement)(First Appointed Day) Order 2006.

1.5.6 Under the Act, the Authority as a Licensing Authority is responsible for issuing Premises Licences and Permits. Premises Licences are specific to the type of premises offering gambling to the public and include:

- Casino Premises
- Bingo premises
- Adult Gaming Centre Premises
- Family Entertainment Centre Premises
- Betting Premises.

1.5.7 The Authority does not have the authority from the Secretary of State to issue Casino Premises Licences. Section 175 of the Act limits the overall numbers of types of casinos that will be permitted in Great Britain and, until such time as the current limit on the number of casinos is increased, no further Casino Premises Licences will be issued.

1.5.8 In terms of Permits, the Authority as a Licensing Authority can issue the following types of permit:

- Unlicensed Family Entertainment Centre Gaming Machine Permit
- Club Gaming Permit
- Club Machine Permit
- Alcohol Licensed Premises Gaming Machine Permits
- Prize Gaming Permits.

1.5.9 Section 153 of the Act sets out the principles to be applied by the Authority as Licensing Authority when considering an application for a Premises Licence. It states:

(1) In exercising their functions under this Part [of the Act] a Licensing Authority shall aim to permit the use of the premises for gambling in so far as the authority think it –

(a) in accordance with any relevant code of practice [issued by the Gambling Commission]

(b) in accordance with any relevant guidance issued by the Commission under Section 25

(c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b), and

(d) in accordance with the Statement [of Policy] published by the authority under section 349 (subject to paragraphs (a) to (c))

Section 153(1)(d) of the Act therefore emphasises the importance of the Authority's Statement of Licensing Policy (Gambling) in determining any application for a Premises Licence made to the Authority as Licensing Authority.

1.5.10 The draft revised Statement of Licensing Policy (Gambling) attached to this Report at **Appendix 1** contains the information that The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 have prescribed should be included in the policy document. Such information includes:

(a) an introductory section that should include:-

- a description of the geographical area in respect of which the authority exercises its functions under the Act, and
- a list of persons that the authority has consulted in preparing the statement.

(b) the following matters in separate sections of the policy statement:-

- the principles to be applied by the authority in designating in writing the body which is competent to advise the authority about the protection of children from harm
- the principles applied by the authority in determining whether a person is an interested party in relation to a premises licence application
- the principles to be applied by the authority in the exchange of information between it and the Gambling Commission and other bodies listed in the Act
- the principles to be applied by the authority in relation to the inspection of premises and investigating criminal proceedings under the Act.

1.5.11 Council on 22 November 2018 passed a ‘no casino’ resolution which meant that the Authority would not grant any Casino Premises Licences in the Borough if it was given the power to do so. This resolution remains in place for the duration of the Policy, even if the number of national Casino licences increase (see section 1.5.7 of this report).

The decision on whether or not to pass a further ‘no casino’ resolution will form part of the consultation process concerning the revision of the Licensing Policy. If Council passes a ‘no casino’ resolution, then it will bind the Authority for a further three years (unless another resolution is passed in the interim) and will prohibit the Authority from issuing Casino Premises Licences in that period.

1.5.12 In preparing this draft revised Policy document, regard has been had to the Commission’s statutory guidance and the Regulations issued in order to assist Licensing Authorities in the preparation of their policy statements.

The draft revised Policy statement includes reference to the new Council Plan and includes additional information in relation to those individuals or businesses seeking to apply for a permit. It also emphasises the requirement to have regard to the public sector equality duty when formulating a Policy or making decisions in relation to individual applications.

1.5.13 The draft revised Policy will be subject to a six week period of public consultation that will begin on 5 July 2021. The six-week period of consultation is considered an appropriate period of time to consult on this Policy document. A list of the consultees will appear in the Policy document.

The draft revised Policy statement once approved must be published at least 4 weeks before it comes into effect (31 January 2022) and be available for inspection on the Authority’s website, public libraries and Quadrant. Before the Policy comes into effect the Authority must also advertise the publication of the Policy statement by publishing a public notice on the Authority’s website and in a local newspaper indicating when the Policy will be published and when it comes into effect.

1.6 Decision Options:

The following decision options are available for consideration by Cabinet:

Option 1

Endorse the initial proposals for the draft revised Policy statement attached at **Appendix 1** to this report, and approve the commencement of the consultation exercise.

Option 2

Not endorse the initial proposals for the draft revised Policy statement attached at **Appendix 1** to this report and approve the commencement of the consultation exercise.

Option 1 is the recommended option.

1.7 Reasons for Recommended option:

Option 1 is recommended for the following reasons:

The revised draft Policy has been developed by an Officer Working Group. The Policy contains the information required by legislation and the Gambling Commission. It will be subject to extensive consultation involving, in addition to members of the public, those involved in the gambling trade, all North Tyneside MPs and Councillors. All consultees will be given the opportunity of providing feedback and comments on the draft Policy during the consultation period.

1.8 Appendices:

Appendix 1 – Draft Revised Statement of Licensing Policy (Gambling)

1.9 Contact Officers:

Phil Scott, Head of Environment, Housing and Leisure, Tel: (0191) 643 7295

Joanne Lee, Public Protection Manager, Tel: (0191) 643 6901

Colin MacDonald, Senior Manager, Technical & Regulatory Services,
Tel: (0191) 643 6620

Stephanie Graham, Senior Licensing Officer, Tel: (0191) 643 6969

John Barton, Lawyer, Tel: (0191) 643 5354

David Dunford, Senior Business Partner, Finance, Tel: (0191) 643 7027

1.10 Background Information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author.

- Gambling Act 2005
<https://www.legislation.gov.uk/ukpga/2005/19/contents>
- Gambling Commission's Guidance issued under section 25 of the Gambling Act 2005
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>
- The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006
<http://www.legislation.gov.uk/uksi/2006/636/contents/made>
- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)

- Equality Impact Assessment - [Gambling Policy\Gambling Act EIA](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications arising from the report. The costs of preparing the revised Statement of Licensing Policy (Gambling) and the associated consultation arrangements can be met from the existing revenue budget.

2.2 Legal:

The Authority is required to produce and publish a Statement of Licensing Policy under section 349 of the Gambling Act 2005. This statement must be reviewed, and if necessary revised, every three years. This new draft Policy must be brought into effect by 31 January 2022. The revised Policy must however be formally approved by Council before December 2021 to enable the revised Policy to be publicly advertised at least 4 weeks prior to the date it comes into effect.

The approval of the Statement of Licensing Policy (Gambling) is the shared responsibility of the Council and the Executive. The Policy will form part of the Authority's Policy Framework and this initial report is submitted to Cabinet in pursuance of the established process under Part 4.7 of the Constitution to be followed in relation to the formulation and approval of plans and strategies comprised in the Policy Framework.

2.3 Consultation/Community Engagement:

2.3.1 Internal Consultation

The content of this draft Statement of Licensing Policy (Gambling) is driven by statutory requirements. Consultation with Members provides a key element to the formulation of the Policy. Members will be advised in that the Policy is being consulted upon. The Timetable for the consultation and the approval of the Policy, having regard to the Constitution, is as follows:-

Cabinet – 28 June 2021 – Presentation of initial proposals
Overview, Scrutiny and Policy Development Committee – 19 July 2021– Presentation of initial proposals
Overview, Scrutiny and Policy Development Committee – 6 September 2021– Presentation of initial proposals
Cabinet – 18 October 2021 – Presentation of final proposals
Council – 25 November 2021 – Presentation of final proposals

Officers are available to discuss the draft Policy Statement in detail at the request of any Member.

2.3.2 External Consultation

As previously stated, the draft Policy will be widely consulted upon. Members of the public, the gambling trade and North Tyneside MPs will all have an opportunity of commenting on the draft revised Policy statement. The six week consultation period will

commence on 5 July 2021. Notice of this consultation will be given through a press release and copies of the draft Policy statement will be made available on the North Tyneside Council website.

2.4 Human Rights:

There are aspects of the administration of the Gambling Act 2005 that may impact on the human rights of individuals residing in the Borough and licence holders. Article 8 of the European Convention of Human Rights entitles a person to the right to enjoy a private and family life. However, unlike the Licensing Act 2003, there is no licensing objective relating to gambling dealing with the prevention of public nuisance. If there is an issue with nuisance being generated by a gambling establishment, it may be something that a Licensing Committee/Sub-Committee may be able to consider in determining an application. However, it may be more appropriate for such issues to be dealt with by environmental protection legislation.

Article 6 of the European Convention also entitles an individual to a fair hearing. Any individual appearing before a licensing sub-committee under the Gambling Act will be given an opportunity to express their views as provided by the Act.

Article 1 of the First Protocol entitles a person to the peaceful enjoyment of his possessions. A possession may include a licence or the goodwill that such a Licence would generate. However, balanced against that is the ability of the Licensing Authority to enforce such laws under the Act as is necessary to control the use of such property, including a licence.

2.5 Equalities and Diversity:

The Authority will ensure that all persons, groups and organisations wishing to take part in the consultation process have an equal opportunity to participate. Any decision taken under the Act should not in any way discriminate against any person, group or society. An Equality Impact Assessment is in place for the review of the Gambling Policy. Actions as a result of the Equality Impact Assessment were to ensure that all staff are aware of access to an interpretation service and the availability to request documents in different formats and languages.

2.6 Risk Management:

There are no risk management implications directly arising from this report. Risks associated with delivery of the Authority's Public Protection function are monitored via the Technical Services Partnership risk arrangements included within the strategic partnership governance framework.

2.7 Crime and Disorder:

One of the three licensing objectives contained within the Gambling Act 2005 is the prevention of gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime. Any decision that the Authority takes as a Licensing Authority will have to have regard to this licensing objective. The police will also be notified of every application for a premises licence so that they have an opportunity of visiting premises and making a comment on the application.

2.8 Environment and Sustainability:

There are no direct implications for environment and sustainability arising from this report.

PART 3 – SIGN OFF

- Chief Executive ☐
- Head(s) of Service ☐
- Mayor/Cabinet Member(s) ☐
- Chief Finance Officer ☐
- Monitoring Officer ☐
- Head of Corporate Strategy and Customer Service ☐

NORTH TYNESIDE COUNCIL'S STATEMENT OF LICENSING POLICY (GAMBLING)

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Preface

The Gambling Act 2005 gives Authorities a range of powers to licence gambling premises in their communities and requires Authorities to perform a number of different functions, including issuing premises licences, temporary use notices and a range of permits and other permissions. This Statement of Licensing Policy is intended to assist those wishing to apply for a permission under the Act and to provide transparency.

This Statement of Licensing Policy has been prepared in accordance with Section 349 of the Act and with reference to the Guidance issued by the Gambling Commission. The Policy provides guidance to applicants, Interested Parties and Responsible Authorities on the approach the Authority will take on gambling licensing matters. Its purpose is to guide officers and members in reaching decisions, and it sets out the matters that will normally be taken into account in determining applications.

This document has been produced for consultation purposes. If you have any comments please forward them to the following address by 15 August 2021.

Licensing
Killingworth Site
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

Liquor.licensing@northtyneside.gov.uk

Part A **General**

Section 1 Introduction

- 1.1 North Tyneside Council (the Authority) is the Licensing Authority under the Gambling Act 2005 for the Borough of North Tyneside. As such the Authority is responsible for undertaking licensing and regulatory functions in relation to gambling premises in the Borough. The main function of the Authority will be to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
 - Be responsible for dealing with applications for renewal, variation, transfer, revocation, reinstatement and review of *Premises Licences*
 - Issue *Provisional Statements*
 - Regulate *members' clubs* and *miners' welfare institutes* that wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - Issue *Club Machine Permits* to *Commercial Clubs*
 - Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
 - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
 - *Grant Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required and to regulate gaming and gaming machines in such premises
 - Register *small society lotteries* below prescribed thresholds
 - Grant *Prize Gaming Permits*
 - Receive and Endorse *Temporary Use Notices*, consider objections where necessary and endorse the Notice or give a Counter-Notice as appropriate
 - Receiving *Occasional Use Notices (for tracks)*
 - Provide information to the Gambling Commission regarding details of licences issued (see section below on Exchange of Information)
 - Maintain registers of the permits and licences that are issued under these functions
- 1.2 North Tyneside Council, as a Licensing Authority, is **not** responsible for the regulation and enforcement of certain aspects of the Gambling Act 2005 within the Borough because certain activities are regulated at a national level. In particular the Authority is not responsible for the regulation of:
- The licensing of remote gambling
 - The licensing of the National Lottery
 - The advertising of gambling products

These activities are regulated by the Gambling Commission
(www.gamblingcommission.gov.uk)

- Spread betting

This activity is regulated by the Financial Conduct Authority (www.fca.org.uk)

Any individual, business or organisation within the Borough that has concerns about the activities set out in this paragraph should contact either the Gambling Commission or the Financial Conduct Authority as appropriate.

- 1.3 North Tyneside is one of five metropolitan districts that comprise the County of Tyne and Wear. It covers an area of 8,367 hectares and has a growing population of around 207,000. North Tyneside has met the challenge of regional decline and deprivation by rebuilding and stabilising communities. New high-tech industries have been attracted to the area and shipbuilding and the marine industry have made a partial revival. There are around 99,000 households in the Borough.
- 1.4 The evening economy of the Borough is principally centred around Tynemouth and Whitley Bay. Activity is also centred in areas such as, North Shields and Wallsend. These activities support the cultural diversity of the Borough and contribute to its economy. However, they may have a negative impact in some areas where crime and disorder can affect residents.
- 1.5 North Tyneside Council consulted widely in producing this Statement of Licensing Policy (Gambling) including with the following:-
 - Northumbria Police
 - The Northumbria Police and Crime Commissioner
 - Owners of premises where gambling activities occur on the premises
 - Representatives of persons carrying on gambling businesses
 - Tyne and Wear Fire and Rescue Service
 - Environmental Health
 - Social Services (Adult Services and Children's Services)
 - Local Planning Authority
 - Her Majesty's Revenue and Customs
 - All holders of current gaming permits
 - CIU Clubs
 - CIU Regional Office
 - Local Solicitors
 - Primary Care Trust
 - Chambers of Trade
 - Citizen's Advice Bureau
 - Disability Organisations
 - All residents in North Tyneside through North Tyneside Council's internet site; the Public Notice Boards at Council offices and local libraries; and through the local press
 - Residents Panel
 - All North Tyneside Councillors
 - Young Mayor
 - Local MPs
 - Local MEPS
 - Colleges / Education Welfare
 - Probation Service
 - Residents Associations
 - Trade Unions

- Gamblers Anonymous
- Be GambleAware
- Gam Care
- Trade Associations connected with the Licensing and Gambling Industry

- 1.6 Consultation took place between 5 July 2021 and 15 August 2021 thus allowing 6 weeks for responding to the consultation.
- 1.7 The full list of comments made and the consideration by the Authority of those comments is available by request to: Licensing, The Killingworth Site, Harvey Combe, Killingworth, Newcastle upon Tyne, NE12 6UB, or via the Authority's website at: www.northtyneside.gov.uk
- 1.8 Publication of the policy is advertised on the Authority's website, local newspapers as well as by way of Notices at Customer First Centres.

The Policy was approved by the Council on xxxx and was published via the Authority's website on xxxx.

Should you have any comments as regards this Policy statement please forward these via e-mail or letter to the following contact:

Name: Joanne Lee

E-mail: Joanne.lee@northtyneside.gov.uk

It should be noted that this Policy statement will not override the right, where conferred by the Gambling Act, 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.

- 1.9 When formulating this Policy the Authority has had regard to the Regulator's Code published under the Legislative and Regulatory Reform Act 2006 and duly considered the statutory principles of good regulation including the need for the Authority's regulatory activities to be undertaken in a transparent, accountable, proportionate and consistent manner targeted only at cases in which action is needed
- 1.10 Declaration

In producing the Licensing Policy Statement, this Authority has had regard to the licensing objectives set out in the Gambling Act 2005, the Guidance issued by the Gambling Commission in particular Part 5, and any responses received from those consulted during the consultation period.

Section 2 The Statement of Licensing Policy (Gambling)

2.1 The Act requires that the Authority carry out its licensing functions in relation to gambling premises having regard to the three licensing objectives as set out in Section 1 of the Act. These objectives are central to the regulatory regime created by the Act and 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.**

The Act requires that the Authority publish a Statement of Licensing Policy in relation to gambling that sets out the principles it proposes to apply in exercising its functions under the Act.

2.2 In dealing with the grant, renewal, variation, transfer, revocation, reinstatement and review of premises licences, and in considering whether to permit premises to be used for gambling under a Temporary Use Notice the Authority is required to aim to permit the use of premises for gambling in so far as the Authority 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, subject to the matters set out in the above two bullet points; and
- in accordance with the Authority's Statement of Licensing Policy (Gambling), subject to the matters set out in the above three bullet points.

This requirement does not, however, apply to the Authority's power to resolve not to grant a casino licence, see clause 9.1 of Part B below (and it does not apply to other functions of the Authority, and in particular the grant of permits for gambling (see clause 1.1 Part C below)). In some cases the Act provides for specific matters that the Authority should (or may) consider in dealing with applications for permits and these are set out in the relevant sections of this Policy.

2.3 This Policy applies to applications, renewals, transfers, variations and reviews of the Premises Licences and permits issued by the Authority.

2.4 This Policy takes effect on xxx and will remain in force for a period of not more than three years but the Authority may review and alter the Policy during this period. Any revision of the Policy will only take place after consultation. This Statement will then be re-published.

2.5 In order to achieve the licensing objectives the Authority will actively promote partnership working with other local authorities, the police, fire and rescue service, local businesses, local people and those involved with child protection in addition to the Gambling Commission.

- 2.6 The Policy reflects the aims of Our North Tyneside Plan and in particular Our People, Our places and Our Economy.
- 2.7 Subject to the requirements imposed on the Authority by the Gambling Act 2005 in connection with Premises Licences which have been set out in paragraph 2.2 above, this Policy will be integrated with local planning, transport, tourism and equality and cultural strategies, and any other plans introduced for the management of the Borough and night-time economy. The Authority will work in partnership with the agencies referred to in paragraph 11.1 below and through joint working and cross reporting the Authority will ensure as far as possible that this Policy integrates with the policies of its partner agencies.
- 2.8 Regard has been paid in the preparation of this Policy to the Authority's responsibilities under the Human Rights Act 1998 and Equality Act 2010.
- 2.9 The Authority in exercising its licensing functions recognises the need to protect children and other vulnerable persons from being harmed or exploited by gambling which includes the need to protect children from child abuse and sexual exploitation.
- 2.10 Protecting children from harm is one of the most important things Local Authorities do, but Local Authorities cannot stamp out child abuse and sexual exploitation without the help of the wider community. Raising awareness of this type of abuse is essential to preventing it and stopping it early when it does happen.
- 2.11 Where someone suspects a child or young person is in immediate danger then they should contact the police and tell them of their concerns by telephoning 999. If a child or young person is not in immediate danger call 101.

Signs to look out for include:

- Adults who appear secretive or are trying to hide the fact that they are with a young person
- Adults befriending young people, including buying them food and drinks
- Young people being picked up and taken to hotels, particularly at odd times of the day and night
- Adults who frequently come into premises with different young people
- Young people who, although with peers, look uncomfortable or under duress

Section 3 Local Risk Assessment

- 3.1 In line with the Gambling Commission's Licence Conditions and Codes of Practice (Code of Practice Provisions 10.1.1 and 10.1.2) the Authority requires the holder of a Premises Licence or Applicant for such a Licence to consider local risks to the licensing objectives posed by the provision of gambling facilities at their premises.
- 3.2 The Licence Holder or Applicant will be required to have policies, procedures and control measures in place to mitigate the risks posed by the gambling facilities offered at the premises.
- 3.3 The matters to be taken into consideration by the Licence Holder or Applicant when undertaking a Local Risk Assessment include:
- The location of any educational establishment, for persons under 18 years of age, that is within 200 metres of their premises;
 - The location of any establishment at which vulnerable adults or children are known to be regularly in attendance that is within 200 metres of their premises. Such establishments would include (but are not limited to) vulnerable adult centres, residential children's homes, hostels providing accommodation for persons leaving care or establishments of similar characteristics at which vulnerable persons or children are known to be regularly in attendance;
 - The location of any establishment at which persons who are addicted to gambling are known to be regularly in attendance. Such establishments would include (but are not limited to) treatment centres or places where such persons regularly meet;
 - The layout of the local area and physical environment in which the premises are situated including any crime and disorder hotspots.
- 3.4 The Authority would encourage the Licence Holder or Applicant in preparing a Local Risk Assessment to have regards to:
- The crime mapping website
 - Neighbourhood statistics website.
- 3.5 If the Local Risk Assessment identifies particular areas of concern in relation to the premises, the Authority would expect the Licence Holder or Applicant to contact the most appropriate Responsible Authority (as identified in section 157 of the Gambling Act 2005) for guidance before submitting an application for a Licence or a variation of a Licence. For example, if the Risk Assessment identifies that the premises are situated in an area that is noted for problems with disorder or organised criminal activity the Licence Holder or Applicant should contact Northumbria Police or the North Tyneside Safeguarding Partnership if an establishment at which children are known to be regularly in attendance is within 200 metres of the premises.
- 3.6 Applicants or Licence Holders who do not have their own form of Local Risk Assessment may like to use the Local Risk Assessment template attached to this Policy at **Appendix 1**.

3.7 In addition to being required to undertake a Local Risk Assessment and to submit the same to the Authority when applying for a new Premises Licence, a Local Risk Assessment will also be required to be submitted to the Authority when:

- Applying for a variation of a Premises Licence
- There have been significant changes in local circumstances. A 'significant change' may include (but is not limited to):
 - An educational establishment at which persons under 18 years of age attend being established within 200 metres of the premises
 - An establishment at which persons addicted to gambling, vulnerable adults or children are known to be regularly in attendance is established within 200 metres of the premises
 - There is a particular risk identified to premises offering gambling facilities in the location of the premises
 - The Authority receives information that in the view of the Authority amounts to a significant change in local circumstances. Such information will be shared with the Licence Holder by the Authority as soon as reasonably practicable.
- There have been significant changes at the premises that may affect the mitigation of local risks.

3.8 A Licence Holder will be required to undertake a review of its Local Risk Assessment at least every 3 years. A copy of the revised Local Risk Assessment will be made available to the Authority on completion of the review.

3.9 When the Authority officers undertake an inspection of premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is therefore a requirement that the Local risk Assessment, or a copy thereof, is kept at the Premises at all times.

Section 4 Responsible Authorities

4.1 Responsible Authorities

The 2005 Act defines certain 'Responsible Authorities' in relation to premises. These are given certain rights of involvement and consultation in relation to applications for Premise Licences (and other procedures in relation to Premises Licences e.g. review). The following are Responsible Authorities for the purposes of the 2005 Act:

- An Authority in whose area the premises are wholly or partially situated. If premises are wholly within North Tyneside's area then it will be a "Responsible Authority". If the premises are also partly situated in another authority's area, that Authority will also be a "Responsible Authority"
- The Gambling Commission
- The Chief Officer of Police for any police area in which the premises are wholly or partly situated
- The Fire and Rescue Authority for an area in which the premises are wholly or partly situated
- The Local Planning Authority for an area in which the premises are wholly or partly situated
- Environmental Health Authority (i.e. an authority which has functions in relation to pollution of the environment or harm to human health) for an area in which the premises are wholly or partly situated
- A body designated in writing by the Authority for an area in which the premises are wholly or partly situated as competent to advise the authority about the protection of children
- Her Majesty's Commissioners of Customs and Excise
- Any other body prescribed by the Secretary of State.

The Responsible Authorities will be provided with a notice of any application for a licence received by the Authority and may make representations on such applications. In certain defined circumstances a premise licence may be granted for a vessel and if the premises are a vessel then Responsible Authorities would also include:

- a) The Navigation Authorities within the meaning of Section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually berthed or moored or any waters where it is proposed to be navigated at a time when it is used for licensable activities.
- b) The Environment Agency
- c) The Canal and River Trust
- d) The Secretary of State.

Section 5 Principles Applied in the Designation of a Body Competent to Advise the Authority About the Protection of Children from Harm

- 5.1 The principles that have been applied in designating the body that is competent to advise the Authority about the protection of children from harm under Section 157(h) are:
- the need for the body to be responsible for an area covering the whole of the Authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group and to be multi – disciplinary in it's composition.
- 5.2 The Authority has therefore determined that the body competent to advise them on the protection of children is the North Tyneside Safeguarding Partnership. This body is made up of professionals representing the Health Authority, the Police, Education Services and Social Services. The expertise that the Safeguarding Partnership has as a result of agencies working together from different fields of expertise is deemed by the Authority to be the most appropriate body to give competent advice regarding the protection of children from harm in relation to gambling issues.

Section 6 Principles to be Applied in Determining Whether a Person is an “Interested Party” in relation to a Premises Licence or an Application for, or in respect of, a Premises Licence

6.1 The principles that have been applied in determining whether a person is likely to be an “Interested Party” under section 158 of the Act in relation to a particular premises, and therefore entitled to make a relevant representation in relation to a Premises Licence application or to apply for a review of an existing licence include the matters set out in paragraphs 6.3 to 6.4 having regard to whether a person:

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

In determining if a person is an Interested Party the Authority will reach such a decision on a case by case basis judging each case on its own particular facts.

6.2 Persons who represent Interested Parties for this purpose will include residents’ or tenants’ associations, trade associations or trade unions. These persons or bodies will ordinarily only be permitted to make representations on behalf of Interested Parties if they can demonstrate that they represent members who meet the criteria in paragraph 4.3 (a) or (b) above and have written confirmation to that effect, save for democratically elected persons who do not need to produce such written confirmation.

6.3. In determining whether an Interested Party lives “sufficiently close” to the premises the Authority will consider the following factors on a case by case basis: -

- the size of the premises
- the nature of the activities taking place at the premises
- the distance of the premises from the location of the person making a representation
- the potential impact of the premises (for instance numbers of customers, routes likely to be taken by those visiting the establishment)
- the circumstances of the person who lives close to the premises. This does not mean their personal circumstances but rather their interests which may be relevant to the distance from the premises.

Relevant factors will also depend on the particular application. For example, it could be reasonable for the Authority to consider that living “sufficiently close to premises to be likely to be affected” could have a different meaning for a) a private resident, b) a residential school for children with truancy problems and c) a residential hostel for vulnerable adults.

Persons with Business Interests that could be affected

6.4 To satisfy the test of being “a person with business interests that might be affected by the premises” the Authority would normally expect that person to show that the

relevant business is likely to be affected. It would not usually be sufficient for a person to lodge a representation in relation to an application made by a rival business simply because they are in competition within the same gambling sector. Factors that the Authority may consider to be relevant in determining the test include:

- the size of the premises;
- the 'catchment' area of the premises (i.e. how far people travel to visit the premises) and;
- whether the person making the representation has business interests in that catchment area that might be affected.

The term "business interests" will be given a broad meaning and will include partnerships, charities, faith groups, medical practices and similar bodies.

6.5. People Representing Interested Parties

Interested Parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an Interested Party will be required as long as the Councillor/MP represents the constituency/ward likely to be affected.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillor in question is not a member of the Licensing Committee/Sub-Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.

Representations could also be made by a School Head or Governor acting in the interests of pupils or parents or a Community Group that might represent vulnerable people living in the vicinity of the premises.

Representations

- 6.6 All representations made in relation to an application must be "relevant". For a representation to be relevant it must relate to issues raised under the Gambling Commission's Codes of Practice or Guidance, relate to the three licensing objectives or raise issues regarding the Authority's own Licensing Policy Statement.
- 6.7 The Authority will be aware at all times that moral objections to gambling are not a valid reason to reject applications for premises licences as they would not relate to any of the licensing objectives or to the matters which the Authority are required to consider set out at clause 2.2 above.
- 6.8 The Authority as a Responsible Authority will not act as a Responsible Authority on behalf of other parties (for example local residents, local councillors or community groups) although there may be occasions when the Authority may do so. This is because such parties can make representations or applications in their own right and it is reasonable for the Authority to expect them to make such applications or representations should they wish to do so. If such parties however fail to take action and the Authority is aware of relevant grounds to make a representation it may choose to do so in its capacity as a Responsible Authority.

- 6.9 In cases where the Authority is also acting as a Responsible Authority the Authority will allocate different licensing officers within the Authority to ensure a proper separation of responsibilities. The officer advising the Licensing Committee/Sub-Committee will be a different individual to the officer who is acting for the Authority in its capacity as a Responsible Authority. The officer acting for the Authority in its capacity as a Responsible Authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination on behalf of the Authority. Any communication that there has to be between such officers will remain professional and will be consistent with communication with other Responsible Authorities.

Section 7 Principles to be Applied in Exercising the Right of Inspection of Premises

- 7.1 Prior to the grant of a Premises Licence the Police and any authorised person as defined by the Act may at any reasonable time enter the premises to which the application relates to assess the effect of the grant of the licence on the licensing objectives.
- 7.2 Once premises are licensed it is essential that they are maintained and operated so as to ensure the continued promotion of the licensing objectives, compliance with the Act and any conditions attached to the licence. The Authority will make arrangements to risk assess licensed premises and take appropriate enforcement action.
- 7.3 The Authority will be guided by the Gambling Commission's Guidance to Licensing Authorities in the exercise of its functions under the Gambling Act. The Authority when exercising a specified regulatory function, including an inspection function under Part 15 of the Gambling Act, or the instigation of criminal proceedings under section 346 of the Act, will also have regard to the statutory principles of good regulation when exercising such functions in accordance with the Legislative and Regulatory Reform Act 2006. The Authority will also have regard to the requirements of the Regulators' Code published by the Department for Business, Energy and Industrial Strategy. The regulatory activities of the Authority will be carried out in a way that is **transparent, accountable, proportionate, consistent and targeted** at cases in which action is required.
- 7.4 In accordance with the Gambling Commission's Guidance to Licensing Authorities the Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.5 The main enforcement and compliance role for the Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operating and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 7.6 The Authority will also keep itself informed of developments in relation to the work of Regulatory Delivery in its consideration of the regulatory functions of local authorities.
- 7.7 The Authority's enforcement protocols will be available upon request to the Licensing department. The Authority's risk methodology will also be available upon request. The Authority will also have regard to good practice in regulation contained in The Regulator's Code introduced by the Department for Business, Energy and Industrial Strategy.
- 7.8 The Authority will also, as recommended by the Gambling Commission's Guidance to Licensing Authorities, adopt a risk-based inspection programme. The Authority will liaise with Northumbria Police, Tyne and Wear Fire and Rescue Service and Planning and Regulatory Services to co-ordinate and maximise the effect of

inspection and enforcement under the Act. This protocol will provide for the targeting of resources towards problem and high risk premises.

- 7.9 The Authority will risk rate all premises and inspection will be carried out on the following basis: -

<u>Type of Premises</u>	<u>Frequency of Inspections *</u>
Bingo premises	Once a year
Betting premises	Once a year
Adult gaming centres	Once a year
Family entertainment centres	Once a year

*This column only gives an indication of the likely frequency of inspections. The frequency may vary depending on factors such as the Authority's confidence in the management of the premises, the number of complaints received and any other relevant factor.

Inspections will be carried out through co-ordination between the Authority and other authorised persons as defined by the Gambling Act 2005.

At the date of publication of this Statement of Policy there are no existing casinos in North Tyneside. If this should change the Authority will review this part of the policy to determine what inspection regime should apply in the case of casinos.

Section 8 Complaints against Licensed Premises

- 8.1 The Authority will investigate complaints about licensed premises where appropriate. In the case of a valid complaint the Authority where appropriate will endeavour to seek a resolution through mediation.
- 8.2 Where considered appropriate, the Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

Section 9 Principles to be Applied in the Exchange of Information

- 9.1 In respect of exchange of information between the Authority and the Gambling Commission under Sections 29 and 30 of the Gambling Act and the exchange of information under Section 350 of the Act with the other persons listed in Part 1 of Schedule 6 of the Act, the Authority will act in accordance with not only the provisions of the Gambling Act 2005 but also the Data Protection Act 2018 and The General Data Protection Regulation. The Authority will have regard to any guidance issued by the Gambling Commission and / or Secretary of State on this matter. Should any protocols be established as regards the exchange of information with other bodies then they will be made available.
- 9.2 Details of those persons making representations in relation to applications will ordinarily be made available to applicants to allow mediation to take place if appropriate, and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premise licence will be informed that their details will be disclosed save in exceptional circumstances.
- 9.3 If a person feels unable to make a representation on their own behalf then that person should consider approaching another relevant body such as the Police, if for example that person has concerns about the gambling at the premises being a source of crime or disorder.

Section 10 Administration, Exercise and Delegation of Functions

- 10.1 Under the Act all decisions relating to Premises Licences, Temporary Use Notices, Occasional Use Notices and the granting of permits for gaming machines and prize gaming are to be exercised by the Licensing Committee of the Authority unless such decisions are delegated to Officers of the Authority.
- 10.2 Appreciating the need to provide a speedy, efficient and cost effective service to all and in line with the Act it is proposed that the Licensing Committee will delegate certain decisions and functions and will establish a number of sub-committees to deal with them.
- 10.3 Further, with many of the decisions and functions under the Act being administrative in nature it is proposed that the granting of non-contentious applications, including for example those licences and permits where no representations have been made, are delegated to the Authority's Licensing Officers. It is proposed that all matters dealt with by officers will be reported for information and comment to the following meeting of the Licensing Committee.
- 10.4 The table shown at Part D sets out the scheme of delegation of decision making and functions of the Licensing Committee, Sub-Committee and officers.
- 10.5 This form of delegation will be without prejudice to officers referring an application to a Sub-Committee, or to a Sub-Committee referring an application to the full Committee, if considered appropriate in the circumstances of a particular case.

Section 11 Licensing Committee and Hearings

- 11.1 The Authority's Licensing Committee is composed of a membership between 10 and 15 Councillors. The Committee will be responsible for discharge by the Authority of the licensing functions under the Act.

Hearings

- 11.2 A Sub-Committee consisting of three members of the Licensing Committee will be convened to hear every application where:
- a) an Interested Party or Responsible Authority has made representations about an application; or
 - b) the Licensing Authority proposes to attach a condition to the licence under Section 169(1)(a); or
 - c) the Licensing Authority proposes to exclude under Section 169(1)(b) a condition that would otherwise be attached to a licence under Section 168 of the Act.
 - d) a review has been applied for by a Responsible Authority or Interested Party under Section 197 of the Gambling Act 2005 or a review has been initiated by the Licensing Authority under Section 200 Gambling Act 2005
- 11.3 See Part D for full list of matters to be dealt with by the Licensing Committee and Licensing Sub-Committees.

Section 12 Integrating Strategies and Avoiding Duplication

- 12.1 In determining applications the 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.
- 12.2 Section 210 of the 2005 Act prevents 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 control.
- 12.3 The Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.
- 12.4 When dealing with a Premises Licence application for finished buildings, the Authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety matters will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the Premises Licence.
- 12.5 As referred to in Section 2.8 the Authority has a duty under the Human Rights Act 1998 and under Article 8 of the European Convention of Human Rights not to breach the rights of individuals to respect for their private and family life. Similarly, under Article 1 of the First Protocol of the Convention individuals should not be deprived of peaceful enjoyment of possessions, should have the right to a fair hearing under Article 6 and a right to freedom of expression under Article 10.
- 12.6 The Authority acknowledges the right of businesses in the Borough to operate, but this consideration must be balanced against the rights of others such as residents.

Section 13 Partnership Working

- 13.1 The Authority will work in partnership with the following agencies and individuals to promote the licensing objectives:
- Northumbria Police
 - Tyne and Wear Fire and Rescue Service
 - Planning Authority
 - Environmental Health Authority
 - Crime & Disorder Reduction Partnership
 - Local businesses
 - Agencies involved in child protection
 - Local residents
 - Organisations concerned with safeguarding the interests of vulnerable adults.
- 13.2 The Authority will consider any relevant protocols made with Northumbria Police. The Police have the right to make representations in relation to licence applications and reviews of licences and make reference to relevant strategies and protocols adopted by them under that Act.
- 13.3 The Authority will have regard to the Safer North Tyneside Community Safety Partnership where appropriate.

Section 14 Fees

- 14.1 The maximum level of fees to be charged by the Authority for exercising its licensing functions has been set nationally by the Secretary of State for Culture, Media and Sport. An annual fee will apply to all licences.
- 14.2 Details of the current level of fees can be found on the Authority's website at <http://my.northtyneside.gov.uk/category/933/gambling-premises-licence>.

Section 15 Equal Treatment

- 15.1 The Authority is working to eliminate discrimination, promote equality of opportunity and good community relations through its employment practices and through its service delivery.
- 15.2 The Authority is aware that it must have regard to its public sector equality duty in accordance with section 149 of the Equality Act 2010 . This means that in exercising its functions under the Gambling Act 2005 it must have due regard to the need to: -
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act ;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and that those using premises.
- 15.3 Each applicant, licence/permit holder will need to make an assessment of its own practices and policies which should promote equality and diversity.
- 15.4 When considering applications and taking enforcement action the Authority is also subject to the Regulators Code.

Section 16 Lotteries

- 16.1 A lottery will be illegal under the Act unless it is either a licensed lottery or an exempt lottery. The Act does not apply to the National Lottery which is governed separately by the National Lottery Act 1993 and National Lottery Act 2006.
- 16.2 A licensed lottery will either be a large society lottery or a lottery run for the benefit of a Local Authority. In each case the Gambling Commission will regulate such lotteries and an Operating Licence will be required. The Authority does not as such have functions with respect to licensed lotteries. However among the “exempt lotteries” provided by the Act are “Small Society Lotteries”. Societies running such lotteries are required to be registered with a Local Authority for the area in which the principal premises of the society are situated. North Tyneside Council will accordingly be the relevant Local Authority for the registration of Small Society Lotteries where appropriate
- 16.3 In determining lottery registration applications and other matters involving lotteries the Authority will have regard to the Gambling Act 2005, the licensing objectives, Guidance issued by the Gambling Commission, any Code of Practice issued by the Gambling Commission and this Statement of Licensing Policy (Gambling).
- 16.4 To qualify for registration a Society must be "non-commercial". To be considered non-commercial the Society must be established and conducted for:
- charitable purposes; or
 - the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
 - any other non-commercial purpose other than that of private gain.
- 16.5 If the total value of tickets that a Society puts on sale in any one lottery exceeds £20,000, or tickets in separate lotteries in one calendar year are to exceed £250,000 in aggregate, the lottery is a large lottery and the Society will require an Operating Licence from the Gambling Commission.
- 16.6 The promoting Society of a small lottery must be registered with the Authority throughout the period of the lottery being promoted. The details of the Society will be kept in the Register and in accordance with the recommendation of the Gambling Commission the Authority will make the Register available for inspection by the public on request. Once a Society is registered the Society will be notified by the Authority accordingly and the Authority will inform the Gambling Commission of the Registration.
- 16.7 An application by a Society to register a small lottery must be refused by the Authority if:
- During the period of five years ending with the date of the application an Operating Licence held by the applicant for registration has been revoked under section 119(1); or
 - An application for an Operating Licence made by the applicant for registration has also been refused within the same five year period.
- 16.8 The Authority may refuse an application for registration if it considers that:
- The applicant is not a non-commercial society,

- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided with or in the application for registration is false or misleading.

- 16.9 If the Authority is minded to refuse an application for registration of a Small Society Lottery the applicant will be given an opportunity to make either written or oral representations that will be considered by a Licensing Sub-Committee before any refusal is determined.
- 16.10 The Authority may revoke the registration if the Authority considers that it would have had to do so or would be entitled to refuse an application for Registration if it were being made at that time. If the Authority is minded to revoke the registration the Society will have an opportunity to make oral or written representations for consideration by a licensing Sub-Committee before any revocation takes place.
- 16.11 An applicant for registration of a Small Society Lottery which is refused, or where revocation has taken place has a right of appeal to the Magistrates' Court within 21 days of the decision.
- 16.12 Within three months of any Small Society Lottery draw the promoting Society will forward to the Authority a return signed by two members of the Society that gives the prescribed information set out in the Act. If after receipt of the return it is apparent that the ticket sales are above the permitted limits for a Small Society Lottery, the Authority will notify the Gambling Commission. A copy of that notification will be provided to the Society.
- 16.13 In addition to small lotteries, there are other types of exempt lottery namely an incidental non-commercial lottery, a private lottery, a residents' lottery and a customer lottery. To determine if a lottery is an exempt lottery, the promoter of any such lottery is recommended to contact the Senior Licensing Officer of North Tyneside Council if they are in any doubt as to whether or not their lottery is an exempt lottery. (Contact details appear at section D of this Statement.) It is an offence to promote or facilitate a non-exempt lottery.
- 16.14 If for any reason the Authority suspects that there has been an offence committed under the Act in relation to lotteries the Authority may commence an investigation and along with the Gambling Commission and the Police, have the authority to prosecute any suspected offender.

Part B

Premises Licences

1. Types of Licences

The Gambling Act 2005 creates three types of licence as follows:

- Operating Licence

Such a licence is issued to an individual, company or association of persons by the Gambling Commission and authorises them to operate or provide facilities for gambling. The Authority does not issue such licences.

- Personal Licence

Such a licence is issued to individuals by the Gambling Commission to enable them to perform the specified functions of a specified management office or to perform a specified operational function to facilitate gambling. The Authority does not issue such licences.

- Premise Licence

Such a licence is issued by Authorities to authorise the use of premises for various forms of gambling. There are five different kinds of premise licence authorising premises to be used as casino premises, bingo premises, adult gaming centre premises, family entertainment centre premises and betting premises.

2. General Principles – Premises Licences

2.1 Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions which will also be detailed in Regulations issued by the Secretary of State. Authorities are able to exclude default conditions and also attach other conditions, where it is considered to be appropriate.

2.2 This Authority is aware that in making decisions in relation to Premises Licences it should aim to permit the use of premises for gambling in so far as the Authority thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission; and
- in accordance with any relevant guidance issued by the Gambling Commission; and
- reasonably consistent with the licensing objectives subject to the matters set out in the above two bullet points; and
- in accordance with the Authority's Statement of Licensing Policy (Gambling) subject to the matters set out in the above three bullet points.

3. Definitions

3.1 In the Act, “premises” is defined as including “any place”. Section 152 of the Act prevents more than one Premises Licence applying to any place. But, there is no reason in principle why a single building could not 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 large, multiple unit premises such as a pleasure park, tracks or shopping malls to obtain discrete Premises Licences, where appropriate safeguards are in place. However, the Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

3.2 The Guidance to Licensing Authorities from the Gambling Commission states “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 authority.”

The Commission also states in its Guidance “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. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit.” The Guidance also states “The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence – with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises.”

The Authority will have particular regard to these paragraphs of the Guidance when considering an application relating to any premises that may be described as being sub-divided.

3.3 The Authority takes particular note 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 they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling
- entrances to and exists 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.

3.5 The Guidance also gives a list of factors which the Authority should be aware of, when determining whether two or more proposed premises are truly separate and includes:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

The Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

3.6 The mandatory relevant access provisions for each premises type are reproduced below:

Adult Gaming Centre

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

Betting Shops

- Access must be from a 'street' or from another premises with a betting premises licence.
- 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 unless that shop is itself a licensed betting premises.

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, Adult Gaming Centre or a betting premises, other than a track.

Family Entertainment Centre

- 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.

4. **Location**

- 4.1 The Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Gambling Commission's Guidance to Licensing Authorities, the Authority 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. Due regard will be given to the Local Risk Assessment that will be required where appropriate as referred to in Section 4 of Part A of this Policy.
- 4.2 In having regard to the location of a premises the Authority will consider:
- the proximity of the premises to schools and vulnerable adult centres
 - the proximity of the premises to residential areas where there may be a high concentration of families with children
 - the size of the premises and the nature of the activities taking place therein
 - any levels of organised crime in the area.

5. **Licensing Objectives**

- 5.1 A Premises Licence can only be granted if to do so would be reasonably consistent with the licensing objectives. With regard to these objectives, the Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

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

The Authority 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 Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The requirement for conditions might be determined by the Operator's own Local Risk Assessment and the local area profile for the area in which the premises are located.

The Authority is aware that disorder is intended to mean activity that is more serious than mere nuisance. In deciding whether disturbance is serious enough to constitute disorder consideration will be given to issues 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.

5.3 **Ensuring that gambling is conducted in a fair and open way -**

The Authority has noted that the Gambling Commission's Guidance has stated in Part 5 "Principles to be applied by licensing authorities" that "Generally the Commission would not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of

an individual and therefore subject to the personal licence. However if the licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.”

The Authority also notes, however, that the Gambling Commission states in Part 5 “In relation to the licensing of tracks the licensing authorities’ role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable”.

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

Children

The Authority has noted in the Gambling Commission’s Guidance that this objective means preventing children from taking part in gambling (as well as there being restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children). The Authority will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, adequate staffing levels with adequate supervision, CCTV, segregation of areas etc. Applicants, Licence Holders and the Authority must also consider the need to protect children from child abuse and sexual exploitation.

The Authority may consider the use of proof of age schemes or restricting access at certain times.

The Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as bingo premises.

Vulnerable Persons

The Guidance issued by the Commission in relation to vulnerable persons states:

“The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define ‘vulnerable persons’ but it does, 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, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.”

The Authority will also consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. This could be a local risk referred to in this Policy.

Applicants and Licence Holders may like to have regard to the Safeguarding document entitled North Tyneside and Northumberland Multi-Agency Adult Safeguarding Policy” which provides extensive guidance on identifying vulnerable

people and what can be done to reduce risk to this group. The document can be found at <http://my.northtyneside.gov.uk/category/1033/safeguarding-adults>.

Applicants and Licence Holders should consider using the following measures for protecting and supporting vulnerable persons, for example:

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets.
- Training for staff members that build on an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable.
- Trained personnel for the purpose of identifying and providing support to vulnerable persons
- Self-exclusion schemes
- Applicants and Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Posters with **BeGambleAware** Helpline and website in prominent locations
- Windows, entrances and advertisements not to be positioned or designed so as to entice passers-by.

6. **Licence Conditions**

6.1 Conditions may be attached to Premises Licences in a number of ways:

- They may attach automatically, having been set out on the face of the Act;
- They may attach through Regulations made by the Secretary of State; or
- Attached to the licence by the Authority.

6.2 Any conditions attached to licences by the Authority 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 (including the locality and any identified local risks) and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

6.3 Decisions upon the application of any individual condition imposed by the Authority will be made on a case by case basis, although there will be a number of control measures the Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. The Authority will also expect the applicant for a licence to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

6.4 It is noted that there are conditions that the Authority cannot attach to premises licences, which are:

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

Premises Licences will have mandatory conditions attached as well as default conditions as specified in Regulations issued by the Secretary of State.

- 6.5 The Authority 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; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 6.5 The Authority will also ensure that where Category C or above machines are on offer in premises to which children are admitted:
- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - Only adults are admitted to the area where these machines are located;
 - Access to the area where the machines are located is supervised;
 - The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

- 6.7 The Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Authority 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.
- 6.8 Given the fact that the mandatory conditions have been set by the Secretary of State with the intention that no further regulation in relation to that matter is required it will be extremely unlikely that the Authority will need to impose conditions that would create a more restrictive regime in relation to matters already dealt with by the mandatory conditions. The Authority will however consider imposing such conditions where there are regulatory concerns of an exceptional nature.

- 6.9 In relation to the default conditions the Authority may exclude a condition and substitute it with a more or less restrictive condition following a licensing hearing. Each application will be determined on its own merits in terms of any need to exclude and/or substitute any of the default conditions. The Authority will however have to have clear regulatory reasons for excluding default conditions which are replaced with more restrictive ones.
- 6.10 The Authority can, as noted above, impose specific conditions on any Premises Licence in determining whether or not to do so will have regard to the relevant code of practice issued by the Gambling Commission; the Guidance issued by the Gambling Commission; the need to be reasonably consistent with the licensing objectives and this Policy.
- 6.11 Where relevant objections are made to an application for a Premise Licence the Authority will consider whether the objections can be dealt with adequately through the use of conditions.
- 6.12 The Gambling Commission advises in its Guidance that if a Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then 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.

7. Adult Gaming Centres

- 7.1 This Authority 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 the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover such issues as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours.

This list is not exhaustive.

- 7.2 As regards the protection of vulnerable persons, the Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as **BeGambleAware**.

8. Licensed Family Entertainment Centres

- 8.1 The Authority 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 the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

- 8.2 With regard the protection of vulnerable persons, the Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as **BeGambleAware**.
- 8.3 The Authority will, in accordance with the Gambling Commission's Guidance to Licensing Authorities, have regard to the conditions that apply to Operating Licences dealing with preventing access to Category C machines by under 18's. The Authority will also make itself aware of any mandatory or default conditions on these Premises Licences.

9. **Casinos**

- [9.1 The Authority passed a no casino resolution on xxx, such resolution taking effect on xxx. This resolution will remain in force for a period of 3 years commencing on xxx, unless the Authority passes a further resolution revoking the no casino resolution.]

Or

- [9.1 The Licensing Authority has not passed a no casino resolution under section 166 of the of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of the resolution.]

10. **Credit**

- 10.1 The Authority has noted that the Gambling Commission has stated in its Guidance at Part 9 that, "s.177 [of the Gambling Act 2005] does not prevent the licensee from contracting a third party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so (Part1(5) of the Gambling Act 2005 (Mandatory and Default Conditions) Regulations)."

11. **Bingo Premises**

- 11.1 The Authority notes the Gambling Commission's Guidance at Part 18 which states that "Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises."

12. **Betting Premises**

- 12.1 It is noted that the Gambling Commission's Guidance at Part 19 states that: "Section 181 [of the Gambling Act 2005] contains an express power for licensing authorities to restrict the number of SSBTs [Self Service Betting Terminals], their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the licensing authority, amongst other things, should take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people."

13. **Tracks**

- 13.1 A track is defined under the Act as a horse racecourse, greyhound track or other premises or any part of which a race or other sporting event takes place or is intended to take place.
- 13.2 The Act does not give a list of premises that are officially recognised as 'tracks' but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of racks include:
- a horse racecourse (referred to in this Guidance as 'racecourses')
 - a greyhound track
 - a point-to-point horserace meeting
 - football, cricket and rugby grounds
 - an athletics stadium
 - a golf course
 - venues hosting darts, bowls, or snooker tournaments
 - a premises staging boxing matches
 - a section of river hosting a fishing competition
 - a motor racing event.

This list is not exhaustive.

- 13.3 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the

Authority would expect Premises Licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

13.4 Appropriate licence conditions may be:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- The location of gaming machines.

This list is not exhaustive.

13.5 With regard to the protection of vulnerable persons, the Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as **BeGambleAware**.

14. **Travelling Fairs**

14.1 It will fall to the Authority to decide if category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs. It is a statutory requirement that the facilities for gambling must amount to no more than an ancillary amusement at the fair.

14.2 The Authority will also consider whether the fair falls within the statutory definition of a travelling fair under the Act.

14.3 It has been noted by the Authority that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

15. **Provisional Statements**

15.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling, would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the project can be started. Once works are complete a premises licence will still be required.

- 15.2 If a potential operator does not have a right to occupy premises but expects to acquire a right to occupy then an application for a provisional statement should be considered.
- 15.3 In terms of representations about a Premises Licence application, following the grant of a Provisional Statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless they concern matters which could not have been addressed at the time of the application for the Provisional Statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the Premises Licence (or grant it on terms or conditions not included in the Provisional Statement) only by reference to matters:
- a) which could not have been raised by objectors at the application for the provisional licence stage; or
 - b) which in the Authority's opinion reflect a change in the applicant's circumstances; or
 - c) 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 licensing authorities can discuss any concerns they have with the applicant before making a decision.
- 15.4 Section 210 of the Gambling Act 2005 makes it clear that the Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law
16. **Reviews**
- 16.1 Application for a review of a Premise Licence can be made by Interested Parties or Responsible Authorities. In addition the Authority itself may in certain circumstances decide to conduct a review. Where application for a review is made by an Interested Party or Responsible Authority it is for the Authority to decide whether the review is to be undertaken. This will be determined on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration being given as to whether the request is frivolous, vexatious or repetitious, or will certainly not cause the Authority to wish to take action of a kind open to it on completing a review, or are substantially the same as grounds specified in an earlier application for a review or in relation to the application for the relevant Premise Licence. In determining any request for a review application the Authority will determine the matter as far as the Authority thinks it:
- 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 subject to the matters set out in the above two bullet points and
 - in accordance with the authority's statement of licensing policy subject to the matters set out in the above three bullet points
- 16.2 If the Authority intends to undertake a review of the Premises Licence notice of such review will be given in accordance with the Regulations.

- 16.3 Any Interested Party or Responsible Authority (other than the Authority) will need to state their reasons for seeking a review and produce supporting information or documents.
- 16.4 Once a valid application for a review has been received by the authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Authority, who will publish notice of the application within 7 days of receipt.
- 16.5 The Authority must carry out a review hearing as soon as possible after the 28 day period for making representations has passed.
- 16.6 It will be for the Authority to determine what action to take, if any, following a review hearing in accordance with Section 202 of the Act. The Authority may:
- Add, remove or amend a condition imposed by the Authority
 - Exclude a default condition or remove or amend an exclusion
 - Suspend the premises licence for up to three months
 - Revoke the premises licence
- 16.7 In determining what action if any, should be taken following a review, the Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 16.8 In particular, the Authority 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 matter without intending to use them.
- 16.9 Once the review has been completed, the Authority must, as soon as possible, notify the 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 Revenue and Customs

17. **Appeals**

- 17.1 Where a Premises Licence application is refused the Applicant may appeal against the decision of the Authority. Where a Premises Licence is granted an Applicant and any Interested Party or Responsible Authority who made relevant representations can appeal. Appeal is to the Magistrates Court within 21 days of receipt of the decision notice.
- 17.2 Following a review application, the licensee, an interested person or a Responsible Authority who made representations in relation to the review, the person (if any) who applied for the review and Gambling Commission have a right of appeal to the Magistrates' Court within 21 days of receipt of the decision notice.

- 17.3 In relation to a transfer application and decision the licensee and the applicant for transfer have a right of appeal to the Magistrates' Court within 21 days of a decision notice.
- 17.4 In relation to an Application for a Temporary Use Notice either the applicant or person entitled to receive a copy of such notice has a right of appeal to the Magistrates' Court within 21 days of a decision notice.

Part C

Permits/temporary and Occasional Use Notice

1. General Principles – Permits

- 1.1 The Gambling Act 2005 introduces a range of permits which are granted by Authorities. Permits as opposed to Premises Licences are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
- 1.2 This Authority has adopted a Statement of Principles which is found at Part E of this Statement in relation to applications for certain Family Entertainment Centre Gaming Machine Permits and Prize Gaming Permits. Applicants for those types of Permit should refer to Part E of this Statement of Licensing Policy.

2. Unlicensed Family Entertainment Centre Gaming Machine Permits (Schedule 10 of the Gambling Act 2005)

- 2.1 These Permits relate to unlicensed Family Entertainment Centres (uFECs) which can only offer category D gaming machines. Any number of such gaming machines can be offered under the Permit (subject to fire regulations and health and safety regulations). If the Application for a Permit is made by an individual that person must be over 18 years of age.
- 2.2 The Chief Officer of Police will be consulted in relation to such applications. Any Permit issued will last for 10 years unless it lapses or is surrendered or forfeited.
- 2.3 Where premises do not have the benefit of a Premise Licence and the occupier wishes to provide gaming machines from that premises, an application may be made to the Authority for a Family Entertainment Centre Gaming Machine Permit. 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.
- 2.4 An application for a Family Entertainment Gaming Machine Permit may be granted only if the Authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability, such as any previous convictions that they may have that would make them unsuitable to operate a uFEC; and the suitability of the premises in relation to their location and issues about disorder.
- 2.5 In making its decision on an application for a Family Entertainment Centre Gaming Machine Permit, the Authority need not, but may, have regard to the licensing objectives. It shall have regard to any Gambling Commission's Guidance to Licensing Authorities.
- 2.6 The Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not

limited to harm from gambling but includes wider child protection considerations including child abuse and sexual exploitation.

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

2.5 With regard to renewals of these Permits, the Authority may refuse an application for renewal only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

3. **Alcohol Licensed Premises Gaming Machine Permits – (Schedule 13 of the Gambling Act 2005)**

3.1 The holder of a Premises Licence issued under the Licensing Act 2003 which entitles the holder to supply alcohol for consumption on the premises will automatically be entitled to up to 2 gaming machines on those premises of categories C or D. To take advantage of this entitlement the licence holder must give notice of their intention to make gaming machines available for use to the Authority and pay the prescribed fee. The Authority has no discretion and cannot refuse this entitlement if notification is satisfactorily given.

3.2 The Authority can remove the automatic authorisation in respect of any particular premises by way of order 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.
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

3.3 Before making such an order however the licence holder will be given at least 21 days' notice of the intention to make the order. The Authority will consider any representations made by the licence holder and hold a hearing before a licensing sub-committee if they request this. The licence holder can appeal to the Magistrates' Court against the order removing the automatic entitlement to two gaming machines on licensed premises.

3.4 Where an On-Premises Alcohol Licence Holder wishes to offer more than 2 gaming machines from licensed premises, that licence holder must apply to the Authority for a Licensed Premises Gaming Machine Permit. That application will state the category and number of gaming machines being sought under the Permit. The Authority in determining the application will have regard to the licensing objectives and the Guidance to Licensing Authorities published by the Gambling Commission. If the Authority is minded to refuse an application for a Permit, or to grant a Permit but with a different category or number of machines sought by the applicant, the applicant will be notified of the reasons and will be given an opportunity to make representations either orally or in writing, or both, to the Authority.

3.5 The Permit will cease to have effect if the On-Premises Alcohol Licence ceases to have effect for those premises, the Permit holder ceases to be the holder of the On-Premises Alcohol licence or if the Permit is surrendered, cancelled or forfeited.

- 3.6 In addition to considering the licensing objectives and the Guidance to Licensing Authorities published by the Gambling Commission when determining an application for a Alcohol Licensed Premises Gaming Machine Permits, the Authority can also have regard to “such other matters” as it thinks relevant. The Authority considers that “such other matters” will be decided on a case-by-case basis but generally there will be regard given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Authority will expect the applicant to satisfy it that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures that will satisfy the Authority that there will be no access to such machines may include the machines being in clear sight of the bar, or in the clear sight of staff who will monitor those machines to ensure that they are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as **BeGambleAware**.
- 3.7 When an Alcohol Licensed Premises Gaming Machine Permit is granted this effectively replaces, and is not in addition to, the automatic entitlement to two gaming machines.
- 3.8 The Authority cannot attach conditions to this type of Permit.
- 3.9 The applicant may appeal to the Magistrates’ court against the Authority’s decision not to issue a Permit, to issue a Permit with a smaller number of machines applied for, a different category of machine than applied for or the cancellation of a Permit. Any appeal must be made within 21 days of receipt of the notice of the decision.
- 3.10 It should also be noted that the holder of a permit must comply with The Code of Practice for gaming machines in clubs and premises with an alcohol licence published by the Gambling Commission concerning the location and operation of the machines.
4. **Prize Gaming Permits – (Schedule 14 of the Gambling Act 2005)**
- 4.1 An application for a Prize Gaming Permit cannot be made if there is Premises Licence or Club Gaming Permit in force in relation to the premises.
- 4.2 Any individual who applies must be over 18 years. The application will specify the nature of the gaming for which the permit is sought. The Chief Officer of Police will be consulted in relation to such applications.
- 4.3 If the Authority is minded to refuse an application then reasons for the refusal will be given to the applicant who will be given an opportunity to make oral or written representations or both before any decision is formally taken to refuse the application or not. Upon receipt of such representations a licensing sub-committee will determine the matter.
- 4.4 In determining the application for this type of Permit the Authority need not, but may, have regard to the licensing objectives and to the Guidance to Licensing Authorities published by the Gambling Commission.
- 4.5 A permit will last for 10 years unless it lapses, is surrendered or is forfeited.

- 4.6 It should be noted that the Authority cannot attach conditions to the Permit. There are however four conditions that section 293 of the Gambling Act 2005 specifies should apply in relation to prize gaming (whether authorised by a Permit, taking place in an Adult Gaming Centre, Family Entertainment Centre or travelling fair namely:
- the limits on participation fees, as set out in regulations (The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2009) must be complied with
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
 - the prize for which the game is played must not exceed the amount set out in Regulations (if a money prize), or the prescribed value (if non-monetary prize)
 - participation in the gaming must not entitle the player to take part in any other gambling.
- 4.7 The applicant may appeal to the Magistrates' court against the Authority's decision not to issue a Permit or to renew the Permit. Any appeal must be made within 21 days of receipt of the notice of the decision.

5. **Club Gaming and Club Machines Permits (Schedule 12 of the Gambling Act 2005)**

Club Gaming Permits

- 5.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance in accordance with The Gambling Act 2005 (Club Gaming Permits) (Authorised Gaming) Regulations 2007.
- 5.2 The Club Gaming Permit will enable the premises to provide no more than three gaming machines from categories B3A, B4, C or D but only one B3A can be used under this entitlement.
- 5.3 Where a club has gaming machines, it is required to comply with the code of practice issued by the Gambling Commission on the location and operation of gaming machines.
- 5.4 There are limits on stakes and prizes for poker played in those clubs and institutes that do not hold a club gaming permit issued by their local Authority. The holder of a Club Gaming Permit is advised to refer to The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007 to understand the limits on stakes and prizes.

Club Machine Permits

- 5.5 If a Members' Club or a Miners' Welfare Institute does not wish to have the full range of facilities permitted by a Club Gaming Permit, they may apply to the Authority for a Club Machine Permit. This authorises the holder of the Permit to have up to three category B3A, B4, C or D gaming machines.
- 5.6 Premises which operate membership-based social clubs (often work premises) can apply for a Club Machine Permit. The permit will allow up to three machines of category B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.

Applications for Club Gaming Permits and Club Machine Permits

- 5.7 Applications for Club Gaming Permits and Club Machine Permits must be made to the Authority with the fee. A copy of the application must be sent to the Gambling Commission and the Chief Officer of Police. The Commission and the Police have 28 days, beginning on the date on which the application was made to the Authority, to object to the granting of either type of Permit.
- 5.8 If a valid objection is received the Authority will hold a hearing before a Licensing Sub-Committee to determine the application.
- 5.9 The Authority in granting a Permit cannot add conditions to it.
- 5.10 The Authority may only refuse an application on the grounds that it is satisfied that:
- The applicant is not a Members' Club or a Miners' Welfare Institute, or
 - that the premises on which the applicant conducts its activities are used wholly or mainly by children, by young persons or by both,
 - that an offence, or a breach of a condition of a Permit, has been committed in the course of gaming activities carried on by the applicant,
 - that a permit held by the applicant has been cancelled during the period of ten years ending with the date of the application, or
 - that an objection to the application has been made by the Gambling Commission or by the Chief Officer of Police.
- 5.11 In determining whether a club is a genuine Members' Club, the Authority will take account of a number of matters, including (but not limited to):
- Is the primary purpose of the club's activities something other than the provision of gaming to its members? This is an indicator that it's a genuine Members' Club.
 - Are the profits retained in the club for the benefit of the members? This is the key difference between a Members' Club and a commercial club
 - Are there 25 or more members? This is the number of members a club has to have to qualify.
 - Are there genuine domestic addresses on the register of members? Are domestic addresses listed for every member? Are members local to the club? These are all indicators that the member lists are bona fide and are made up of genuine members.
 - Do members participate in the activities of the club via the internet? It is less likely to be a genuine Members' Club if this is the case.

- Do guest arrangements link a member to every guest? Is there evidence of a signing-in register for guests? Guests must be genuine guests of members and not members of the general public.
- Is the 48-hour rule between applying for membership and participating in any gaming properly applied? This is an indication that the club has a proper membership scheme.
- Are there annual accounts for more than one year? This would indicate that the club is permanent in nature, rather than temporary.
- How is the club advertised and listed in directories, including on the internet? If the club is categorised under 'gaming' or 'poker', it is less likely to be genuine Members' Club.
- What information is provided on the club's website? This can be a useful source of information about the club.
- Are children permitted into the club? Appropriate access to the premises by children may indicate that it is less likely that the club is primarily for gambling activities.
- Does the club have a constitution, and can it provide evidence that the constitution was approved by the members of the club? This provides further evidence that it is a properly constituted Members' Club.
- Is there a list of committee members and evidence of their election by the members of the club? Can the club provide minutes of committee and other meetings? These are further evidence that the club is a properly constituted Members' Club.

5.12 The Authority will also have regard to the constitution of a club as this could also indicate whether it is a legitimate Members' Club. the Authority will take account of a number of matters, including (but not limited to):

- Who makes commercial decisions on behalf of the club and what are the governance arrangements? Clubs are normally run by a committee made up of members of the club, rather than individuals or managers, who make decisions on behalf of the members. There will normally be a system (consultation, voting, paper ballots, annual general meetings, special meetings etc) which allows members to be involved in major decisions concerning the management and running of the club. Such arrangements would normally be spelt out in the constitution.
- Are the aims of the club set out in the constitution? A lack of aim or aims which involve gaming could indicate that it is not a genuine Members' Club.
- Are there shareholders or members? Shareholders would indicate a business enterprise linked to a commercial club.
- Is the Members' Club permanently established? Clubs can't be temporary and must be permanent in nature.
- Can people join with annual or quarterly membership? This would indicate that the club is permanent in nature.
- Are there long-term membership benefits? This would also indicate that the club is permanent in nature and that it is a genuine Members' Club. The benefits of membership would normally be set out in the rules of membership.

5.13 The Authority must satisfy itself that the gaming on offer at a club meets the conditions set out in the Gambling Act 2005 and the relevant Regulations. To do

this, the Authority may wish to ask questions of the applicant or ensure that the exempt gaming complies with these conditions.

- 5.14 Once the Authority has issued a Club Gaming Permit, various aspects need to be considered by the Authority in monitoring the Club Gaming Permit. In addition to monitoring whether the club continues to meet the requirements of the Gambling Act 2005 for a Club Gaming Permit (that is, whether it remains a genuine Members' Club) and whether the gaming meets the conditions set out in the Act and the relevant Regulations.
- 5.15 A Permit will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. A Permit granted under the fast-track procedure to a club or institution holding a Club Premises Certificate granted under section 72 of the Licensing Act 2003 does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

The Fast-Track Procedure

- 5.16 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under section 72 of The Licensing Act 2003. As the Gambling Commission's Guidance to Licensing Authorities states at in Part 6 at paragraph 25.41: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced". This is because the Club or Institute has been through a licensing process. As commercial clubs cannot hold a Club Premises Certificate under the Licensing Act 2003 the fast-track procedure is not available to such establishments.
- 5.17 The grounds on which an application under the fast-track procedure process may be refused are:
- that the club is established primarily for gaming, other than gaming prescribed under section 266 of the Gambling Act 2005;
 - 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.
- 5.18 If the Authority rejects an application for either type of Permit or refuses to renew a Permit the applicant has 21 days from notification of the decision to appeal to the Magistrates' court.

The grounds on which an application under the process may be refused are:

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

Cancellation of a Permit

5.19 The Authority may cancel the Permit if:

- the premises are used wholly by children and/or young persons
- an offence or breach of a Permit condition has been committed in the course of gaming activities by the Permit holder.

5.20 Before cancelling a Permit, Authority must give the Permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make. The Authority must hold a hearing if the Permit holder so requests. The Authority must notify the permit Holder, the Gambling Commission and Chief Officer of Police that the Permit has been cancelled and the reasons for the cancellation.

5.21 If the Authority cancels a Permit, the applicant has 21 days from notification of the decision to appeal to the Magistrates' court.

6. Temporary Use Notices (Part 9 of the Gambling Act 2005)

6.1 A Temporary Use Notice is not as such granted by the Authority. Rather the person seeking to rely on the Temporary Use Notice serves the Notice on the Authority (and on certain specified authorities) and the Authority endorses the Notice (provided it complies with the requirements of the Gambling Act 2005) . Where there are objections to the Notice, the Authority will hear the objections and then either serve a Counter-Notice that the Temporary Use Notice should not have effect, or should have effect subject to modifications, or dismiss the objections and endorse the Temporary Use Notice.

6.2 A Temporary Use Notice may only be given by the holder of a relevant Operating Licence. Where a Temporary Use Notice has effect, it allows the use of a "set of premises" for gambling where there is no Premises Licence and allows premises such as hotels, conference centres or sporting venues to be used temporarily for providing facilities for gambling.

6.3 The holder of an Operating Licence will give the Temporary Use Notice to the Authority and will specify in that Notice:

- the gambling activities to be carried on
- the premises where it will take place
- the dates and times that gambling will take place
- the period of time during which the Notice is to have effect
- specify any periods during the previous 12 months that a Temporary Use Notice had had effect for the same premises
- specify the date on which the Notice is given
- contain any other information that the Secretary of State prescribes.

6.4 The same set of premises may not be the subject of a Temporary Use Notice for more than 21 days in any 12 months period but may be subject to several Notices provided that the total does not exceed 21 days. The Authority must issue a Counter Notice if the above limit of 21 days is exceeded. However, the Authority

will, where the Notice could have effect for part of the period in the Notice, after consultation with the Applicant to issue a Counter-Notice limiting the number of days under the Notice to bring it within the 21 days permitted.

- 6.5 The applicant must give the Temporary Use Notice with the Authority not less than three months and one day before the day on which the gambling event will begin. The Notice must be copied to:
- the Gambling Commission
 - the Police
 - HM Revenues and Customs; and, if applicable
 - any other Authority in whose area the premises are situated.
- 6.6 If there are no objections (see below) the Authority must endorse the Notice whereupon it will become valid.
- 6.7 Within 14 days of being given the Temporary Use Notice the Authority and the Authorities to which the Notice has been copied can give a Notice of Objection, if they think that having regard to the licensing objectives the Notice should not have effect, or should have effect only with modification. Any Notice of Objection (not given by the Authority) is copied to the Authority. Upon receipt of any Notice of objection there will be a hearing before the licensing sub-committee (unless all relevant parties agree in writing that a hearing is unnecessary). Following consideration of the objections the Authority may either give a Counter-Notice that the Temporary Use Notice should not have effect, or should have effect only with specified modifications or dismiss the objections. If the objections are dismissed they will endorse the Temporary Use Notice.
- 6.8 An appeal against the Authority's decision may be made by the applicant, or any person entitled to receive a copy of the Temporary Event Notice, to the Magistrates' court within 14 days of receiving notice of the Authority's decision. There is a further right of appeal to the High Court on a point of law.

7. Occasional Use Notices (Section 39 of the Gambling Act 2005)

- 7.1 This type of Notice permits betting on a track on eight days or less in a calendar year without the need for a Premises Licence.
- 7.2 Occasional Use Notices are designed to allow licensed betting operators to provide betting facilities at genuine sporting events (such as point-to point racecourses and golf courses for major competitions) within the boundaries of the identified venue on a specific date.
- 7.3 Any such Notice must be served by a person responsible for the administration of events on the track or by an occupier of the track.
- 7.4 The following should be noted in relation to this type of Notice:
- The Notice can only be relied upon for eight days or fewer in a calendar year and therefore authorities should keep a record of the number of notices served in relation to each track. The period of eight days applies to the venue and not the individual who has submitted the notice.

- The Notice must be submitted for each day that betting activity will be conducted on the premises. If betting activity is to be held over a period of eight consecutive days, the operator will be required to submit eight separate notices.
- The Notice must specify the day on which it has effect. An event running past midnight and ending on the following day accounts for two occasional use days, even though in practice it is one event.
- No objection or counter notice (refusal) is possible unless the maximum number will be exceeded.
- The Notice must be given to the Authority and the Chief Officer of Police, in writing, before the event starts.
- No premises licence can exist for the place which is the subject of the Notice.
- Land can be used temporarily as a track, for example for a point-to-point race, provided that sporting events or races take place there. There is no need for a track to be permanently established.

7.5 While tracks are normally thought of as permanent racecourses, the Authority notes that the meaning of ‘track’ in the Gambling Act 2005 covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place (s.353(1)). This means that land which has a number of uses, one of which fulfils the definition of track, can qualify for the occasional use notice provisions, for example agricultural land upon which a point-to-point meeting takes place.

7.6 Part 20 of The Gambling Commission’s Guidance to Licensing Authorities which relates to guidance on “tracks” should be consulted.

7.7 It must be noted that an Occasional Use Notices do not permit betting operators to provide gaming machines at tracks by virtue of this type of Notice.

Part D

Contact and Applications

For further information on this Statement of Licensing Policy as well as information about the application process please contact:

Licensing
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

The Licensing Section can be contacted on the following telephone number:
(0191) 643 2175

E-mail address: liquor.licensing@northtyneside.gov.uk

Summary of Licensing Authority delegations permitted under the Gambling Act

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission and / or Responsible Authorities	X Where no representations received from the Commission and / or Responsible Authorities
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Review of premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made (and not withdrawn)	X Where no objections made/ objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits		X If there is an initial minded to decision to refuse a permit application by officers and oral or written representations are received from the applicant	X Where no objections made/ objections have been withdrawn

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Cancellation of licensed premises gaming machine permits		X If requested by applicant	X If no request received
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Order disapplying Section 279 or Section 282(1) of a specified premises holding an on premises alcohol licence		X	
Refusal to register a Small Lottery and representations are received from the Society		X	
Revocation of Small Lottery Registration and representations are received from the Society		X	
Any other Licensing functions under the Gambling Act 2005 except those not capable of such delegation			X

X indicates the lowest level to which decisions can be delegated

Part E

Statement of principles applied by North Tyneside Authority when applications are received for permits for Family Entertainment Centre Gaming Machine Permits, and Prize Gaming Permits

1. This Statement of Principles has been prepared in order to provide guidance to applicants, the Responsible Authorities, members of the public, Members and Officers. The Statement of Principles will assist applicants with the preparation of their applications for Permits and state the documentation and information which they are required to produce in support of their application and assist Responsible Authorities in making any representations as well as setting out the matters which members and officers will take into consideration when determining such applications.
2. This Statement of Principles relates to applications made for the following types of permit:
 - i) Applications for Family Entertainment Centre Gaming Machine Permits.
 - ii) Applications for Prize Gaming Permits.
3. This Statement of Principles does not apply to Club Gaming Permit, Club Machine Permit or Licensed Premises Gaming Machine Permit applications as the Gambling Act 2005 sets out different requirements in relation to applications for those types of permit.
4. The Licensing Officer has the delegated authority to consider all applications for Permits and can either grant an application for a Permit or make an initial decision to refuse to grant any such Permit.
5. As soon as reasonably practicable after the initial decision to refuse an application for a Permit is made, the Licensing Officer will write to the Applicant notifying him of the refusal and provide reasons for that decision.
6. In such circumstances the Licensing Officer will invite an applicant to make oral representations, written representations or both within 28 days of receipt of notification of the refusal. If such representations are received they will be referred to a Licensing Sub-Committee for consideration and the Applicant if they wish to do so can request a hearing before the Licensing Sub-Committee to make oral representations.
7. The Licensing Sub-Committee will forward a written notice of its decision and reasons for that decision to the Applicant within five working days of the Licensing Sub-Committee's determination of the application.

8. The type of permit being applied for will determine the documentation and information which needs to be submitted to the Authority in support of any application for a permit. The documentation and information which needs to be submitted is as follows:

(a) Family Entertainment Centre Gaming Machine Permit

The Authority will have regard to:

- the application form duly completed in full
- a plan of the premises showing the number and location of any gaming machines, points of access for the public, location of fire extinguishers, location of smoke detectors
- insurance certificate (or certified copy certified by a Solicitor/Commissioner for Oaths or notary) confirming the availability of public liability insurance
- appropriate fee
- that the applicant has demonstrated the following: -
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible
 - has no relevant convictions
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
 - An awareness the need to prevent child abuse and sexual exploitation and how to spot the possible signs of such abuse and what action should be taken in that regard.

The Authority will consider any representations made by the Police and the North Tyneside Safeguarding Partnership in relation to such matters and will attach such weight to those representations as considered appropriate. An applicant will also need to show that he has the right to occupy the premises or prove to the Authority's satisfaction that he/she proposes to occupy the premises in question. In the case of an individual applicant they will need to be over 18 years of age.

- The Authority in determining the application for a permit has a discretion as to whether or not to consider the licensing objectives. The Authority will determine whether or not to consider the licensing objectives on a case-by-case basis but it is anticipated that the licensing objectives will be considered with most applications for a Permit. The Authority will consider the Guidance to Licensing Authorities issued by the Gambling Commission.
- The Authority will give notification of applications to the Tyne & Wear Fire & Rescue Service and to the North Tyneside Safeguarding Partnership.

(b) Prize Gaming Permits

- application form provided by the Licensing Department of North Tyneside Council duly completed in full
- a plan of the premises showing the location of each gaming activity to take place on the premises, points of access for the public, location of fire extinguishers and location of smoke detectors
- insurance certificate (or certified copy certified by solicitor/commissioner for oaths or notary) confirming the availability of public liability insurance

- the applicant will be asked to specify the types of gaming that he or she is intending to offer and should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations
- that the gaming offered is within the law
- Appropriate fee
- An awareness the need to prevent child abuse and sexual exploitation and how to spot the possible signs of such abuse and what action should be taken in that regard.
- The Authority will give notification of applications to the Tyne & Wear Fire & Rescue Service and to the North Tyneside Safeguarding Partnership.

The Authority will consider any representations made by the Police and the North Tyneside Safeguarding Partnership in relation to such matters and will attach such weight to those representations as considered appropriate. An applicant will also need to show that he has the right to occupy the premises or prove to the Authority's satisfaction that he proposes to occupy the premises in question. In the case of an individual applicant they will need to be over 18 years of age.

- The Authority in determining the application for a permit have a discretion as to whether or not to consider the licensing objectives. The Authority will determine whether or not to consider the licensing objectives on a case-by-case basis, but it is anticipated that the licensing objectives will be considered with most applications for a permit. The Authority will consider the Guidance issued by the Gambling Commission.

9. If an application does not contain all of the information as outlined in this Statement of Principles, the application will be returned requesting that the Application be re-submitted with the full information being provided.
10. When a Authority rejects an application for the issue or renewal of a permit the applicant may appeal to North Tyneside Magistrates Court within 21 days of receiving notification of the decision not to grant the application for a permit.

APPENDIX ONE

Local Risk Assessment Template

Local Risk Assessment

When completing this Risk Assessment, the Applicant or Operator should have regard to Section 3 “Local Risk Assessment” of the Authority’s Statement of Licensing Policy. The Authority’s Statement of Licensing Policy is available at:

<https://my.northtyneside.gov.uk/category/936/statement-gambling-policy>

Premises Name:	Premises Licence Number (If Applicable):
Premises Address:	
Post Code:	
Category of Gambling Premises Licence:	
Name of Person Completing Assessment:	
Operating Company/Operator:	
Operating Licence Number (If Applicable):	
Date Assessment Completed:	

Requirement to comply with requirement to undertake a local Risk Assessment

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences must assess local risks.

Social Responsibility Code Provision 10.1.1

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the Authority’s Statement of Licensing Policy.
2. Licensees must review (and update as necessary) their local risk assessments:
 - a. To take account of significant changes in local circumstances, including those identified in a Authority’s Statement of Licensing Policy;
 - b. When there are significant changes at a licensees premises that may affect their mitigation of local risks;
 - c. When applying for a variation of a premises licence; and
 - d. In any case, undertake a local risk assessment when applying for a new premises licence.

Licensing Objectives

When completing this local Risk Assessment the Applicant or Operator should have regard to the licensing objectives set out in the Gambling Act 2005 namely:

- a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, (code **CD** for this Assessment)
- b. Ensuring that gambling is conducted in a fair and open way, (code **FO** for this Assessment) and
- c. Protecting children and other vulnerable persons from being harmed or exploited by gambling (code **PC** for this Assessment).

Local Area Profile

The Applicant/Operator should set out here the local area in which the premises are located including the sort of premises there are within the vicinity of the premises, particularly if there are any establishments of the type (or similar) listed in Section 3, Paragraph 3.3 of the Authority's Statement of Licensing Policy.

Regard should also be had to the crime mapping website and neighbourhood statistics website.

If there are any known problems with crime or anti-social behaviour in the area of the premises this should be stated here.

Risk Assessment

Risk Assessment	Licensing Objective	Level of Risk	Impact	Control System	Risk Management	Date of Assessment and Review Date
<i>e.g. children entering premises</i>	<i>PC</i>	<i>Low</i>	<i>Severe to child and severe for the business</i>	<i>Interior Design</i>	<i>Effective monitoring of entrance by "floor walking" staff.</i> <i>Clear line of sight from counter to only public entrance to the premises.</i>	<i>January 2019 Review</i> <i>January 2020</i>
				<i>Exterior Design</i>	<i>Shop frontage designed not to be attractive to children.</i>	
				<i>Physical</i>	<i>CCTV system with cove</i>	
				<i>Systems</i>	<i>Use of a Challenge 25 Age Verification Policy</i> <i>Regular staff training</i> <i>Challenge 25 materials displayed</i> <i>No wearing of hoods policy</i>	
<i>e.g. Failure to deal properly with customers making complaints about the outcome of a bet</i>	<i>FO</i>	<i>Low</i>	<i>Moderate to business severe to customer</i>	<i>Systems</i>	<i>Complaints procedure and complaints form on premises.</i> <i>Staff trained on handling complaints</i>	
<i>e.g. Awareness of educational establishment within 200 metres of premises.</i>	<i>PC</i>			<i>Systems</i>	<i>No educational establishments are in the vicinity of the premises but monitoring of the entrance will be increased between 3.00p.m. and 4.00p.m.</i>	

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North Tyneside Council Report to Cabinet Date: 28 June 2021

Title: Private Sector Housing Enforcement and Civil Penalties Policy

Portfolio:	Community Safety and Public Protection	Cabinet Member:	Councillor Carole Burdis
<hr/>			
Report from Service Area:	Environment, Housing and Leisure		
Responsible Officers:	Phil Scott Head of Environment, Housing and Leisure	Tel: (0191) 643 7295	
Wards affected:	All		

PART 1

1.1 Executive Summary:

The Housing and Planning Act 2016 gave Local Housing Authorities additional powers for dealing with landlords and property agents who have failed to maintain the standards expected of them. This includes the ability to issue civil penalties of up to £30,000 as an alternative to the prosecution of landlords, letting agents or property managers for relevant housing offences. The 2016 Act also permitted the inputting of problematic landlord's data onto a national database. In relation to prolific offenders, the Authority has the ability to apply for banning orders, banning a person from the letting or management of property.

In October 2018 Cabinet agreed to permit the use of these additional powers. At that time it was envisaged consideration would be given to developing of a Housing Enforcement and Civil Penalties Policy as good practice to support the use of these powers. Cabinet provided the necessary delegated authority to enable that. Since then officers have worked regionally with other Local Housing Authorities to shape a new policy, taking into account other new legislation subsequently introduced and undertake a comprehensive consultation exercise which has been affected by the national lockdown restrictions to prevent the spread of Covid-19.

This report outlines the final proposals to Cabinet for the formal approval of the Policy, following appropriate consultation and seeks delegation to Head of Environment, Housing and Leisure in consultation with the Head of Resources and the Head of Law and Governance for the setting of civil penalty charges.

Recommendations:

It is recommended that the Cabinet:-

- a) Approve the draft Private Sector Housing Enforcement and Civil Penalties Policy attached at **Appendix 1** and the charges for housing enforcement actions attached at **Appendix 3** to this report; and
- b) Delegate any future setting of charges for housing enforcement actions to the Head of Environment, Housing and Leisure in consultation with the Head of Resources and the Head of Law and Governance.

1.3 Forward Plan:

Twenty eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 19 March 2021.

1.4 Council Plan and policy framework:

This report relates to the following priorities in the **2020 – 2024 Our North Tyneside Plan**:

Our Places will:

- Provide a clean, green, healthy, attractive and safe environment

Our People will:

- Be healthy and well

Our Economy will

- Grow by supporting new businesses and building on our strengths

1.5 Information:

1.5.1 Background

The private rented sector in North Tyneside plays a significant role in the Borough's diverse and vibrant housing market which has grown steadily over the last two decades. The sector now represents more than 12% of the Authority's housing stock (2001 Census and North Tyneside Council tax data) and for the majority of private tenants their landlords offer good quality, affordable accommodation.

Nevertheless there is a small minority of landlords that operate below the level of professionalism expected leading to some, often vulnerable residents, living in substandard accommodation.

The Authority investigates over 600 complaints from residents about housing disrepair per annum, the most common being condensation, damp and coldness. The majority result in the cooperation of landlords to resolve the problems without recourse to formal action. However it is necessary to take formal action in some cases. Action taken has

included Awareness Notices, Improvement Notices and Prohibition Notices being served on landlords. This is a lengthy process and as such the new powers are a welcome tool.

Officers work with internal agencies including Community Protection and Social Care, as well as Tyne and Wear Fire and Rescue Service and Northumbria Police to offer support and assistance to residents. The Authority directly engages with landlords and provides support in partnership with the National Landlords Association through training and specific advice.

As well as responding to complaints targeted proactive joint working is undertaken to tackle unlicensed Houses in Multiple Occupation, houses in disrepair and where overcrowding is suspected.

The government now recognises the impact non-compliant landlords have and has now provided local authorities with increased powers to deal with them more swiftly through the introduction of measures included in the Housing and Planning Act 2016.

The Housing and Planning Act 2016 amended the Housing Act 2004 by introducing a number of measures designed to assist local authorities, acting as local housing authorities, in tackling “rogue landlords and property agents”. These measures include:-

- The imposition of civil penalties of up to £30,000 as an alternative to prosecution for relevant housing offences; and
- The extension of rent repayment orders to cover illegal eviction, breach of a banning order and other relevant housing offences.

In April 2018, new guidance was published to enable the implementation of the following powers:-

- Banning orders for the most serious offenders; and
- A database of non-compliant landlords and property agents against whom a banning order has been made, which may also include persons convicted of a banning order offence or who have received two or more financial penalties.

On the 1 June 2020, the new Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (“the Regulations”) came into force to strengthen the protection of tenants by requiring all landlords to ensure all assured shorthold tenancies for all new tenancies granted on or after 1 June 2020 have safe electrics checked by periodic electrical standard inspections. Failure to maintain standards can now potentially lead to Local Housing Authorities serving a Remedial Notice, carry out the works in default and applying a civil penalty to failing landlords.

The aim of implementing civil penalties and rent repayment orders is to improve housing standards and protect vulnerable tenants within the Borough. Civil penalties are a powerful deterrent and are hoped to encourage landlords to reconsider poor practices.

1.5.2 Policy

The Government has made it clear in guidance that it expects each Local Housing Authority to have a Housing Enforcement Policy so that the public, tenants and landlords and agents are aware of how it is likely to use its new powers under the relevant pieces of legislation.

The aim of the Policy is to support good landlords and set out policies and procedures in place for tackling those landlords who do not comply with their legal obligations. This Policy will fit into the wider work that the Authority is undertaking to ensure North Tyneside is a great place to live, work, and visit. The Policy will provide a framework to ensure consistency and proportionality in decision-making.

The Head of Environment, Housing and Leisure was given authority to develop and consult on a specific Housing Enforcement Policy in accordance with the legislation and to bring a further report to Cabinet to seek approval for the adoption of such a Policy at a time when the guidance and supporting information was available to develop it. Government has since made this information available which has enabled a draft Policy to be developed. In accordance with the guidance advising of a consistent approach, the draft Policy has been shaped by liaising on a regional basis with all Local Housing Authorities in the North East of England. The draft Policy was further updated to incorporate the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Consultation on the draft Policy was affected by the national lockdown restrictions to prevent the spread of Covid-19 and deferred from Spring 2020.

The Private Sector Housing Enforcement and Civil Penalties Policy as set out in **Appendix 1** provides a staged approach to enforcement action that can be taken against landlords and property agents. The Policy has been developed in line with the principles set out in the published North Tyneside Statement of Enforcement Policy.

The Housing Enforcement Policy is required to comply with the Ministry of Housing Communities and Local Government (MHCLG) guidance documents issued under the Housing and Planning Act 2016.

1.5.3 Charging for Housing Enforcement Actions

The Housing Enforcement and Civil Penalties Policy sets out the level of charge that will be applied by the Authority as a means of recovering administrative and other expenses incurred for taking any of the enforcement actions set out in section 49 of the Housing Act 2004. The taking of enforcement action will be proportionate to the hazard and risk posed to the occupants, and in accordance to the HM Government Enforcement Guidance for the Housing Health and Safety Rating System. The details of the charges are set out in **Appendix 3**.

The statutory guidance makes it clear that Local Housing Authorities are expected to develop and document in a Policy setting out when they would consider it appropriate to prosecute and when it would be considered appropriate to issue a civil penalty.

The statutory guidance, whilst indicating that prosecution may be the most appropriate option for particularly serious offences or where the offender has committed similar offences in the past, does not rule out the use of a civil penalty for serious offences. If a civil penalty is imposed where there is evidence of a serious offence having been committed, then a penalty of up to £30,000 can be imposed. It could therefore be appropriate where there has been a serious offence for the Authority to impose a significant financial penalty rather than prosecuting the offender. New regulations on electrical standards provides for the use of a civil or financial penalty for non compliance as the only punitive punishment option available. The determination of the level of penalty to be imposed by the Authority will be in line with the proposed Housing Enforcement and Civil Penalties Policy as set out in **Appendix 1**.

1.5.4 Consultation

A comprehensive six-week consultation process on the Policy has been undertaken. The consultation was carried out between 8 February and 22 March 2021. The consultation was available on line via the Engagement Hub, placed on the Authority's website and issued directly to local landlords and resident groups, Independent bodies such as Citizens Advice, and charities such as Shelter.

Officers have attended the local Landlord Forum to provide information on the legislation changes with regard to the different enforcement options available in the Policy, from informal advice and support through prosecution to civil penalties.

1.5.5 Response and Actions

In total 20 responses were received to this consultation exercise. A summary of the responses received and the amendments made to the Policy as a result of those responses are attached at **Appendix 2** to this report.

Respondents confirmed that they were 100% in agreement with the Policy and that the content was clear and comprehensive. In total, 95% of the responses were from residents and 5% from independent landlord and resident support groups and Citizens Advice.

Residents raised the need to ensure that the Policy was well publicised and queried the availability of landlord support and advice in relation to problem tenants. Citizens Advice welcomed the Policy and the ability to issue civil penalties when dealing with problematic landlords. Respondents welcomed the clarity provided by the Policy.

1.6 **Decision Options:**

The following decision options are available for consideration by Cabinet:

Option 1

To approve the final proposals in relation to the Policy and the delegation of future setting of charges to the head of Environment, Housing and Leisure in consultation with the Head of Resources and the Head of Law and Governance..

Option 2

To not approve the final proposals in relation to the Policy.

Option 1 is the recommended option.

1.7 **Reasons for Recommended option:**

Option 1 is recommended for the following reasons:

The powers provided by the Housing and Planning Act 2016 and the Housing Act 2004 will enable the Authority to help improve the quality of private rented accommodation in the Borough and to act against landlords, letting agents and property managers who

knowingly rent out unsafe and substandard accommodation. The use of the Policy will assist in achieving these goals.

1.8 Appendices:

Appendix 1 – Draft North Tyneside Council Private Sector Housing Enforcement and Civil Penalties Policy

Appendix 2 - Summary table of consultation responses and amendments to Policy

Appendix 3 - Charges for housing enforcement actions

1.9 Contact Officers:

Joanne Lee, Public Protection Manager, Tel: (0191) 643 6901

Frances McClen Environmental Health Group Leader; Tel 0191 6436640

Colin MacDonald, Senior Manager, Technical & Regulatory Services,
Tel: (0191) 643 6620

John Barton, Lawyer, Tel: (0191) 643 5354

David Dunford, Senior Business Partner, (0191) 643 7027

1.10 Background Information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author.

- [Civil Penalties Under the Housing and Planning Act 2016 statutory guidance](#)
- [Rent Repayment Orders Under the Housing and Planning Act 2016 statutory guidance](#)
- [Housing and Planning Act 2016](#)
- [Housing Act 2004](#)
- [The Rent Repayment Orders and Financial Penalties \(Amounts Recovered\)\(England\) Regulations 2017](#)
- [Banning Order Offences under the Housing and Planning Act 2016 statutory guidance](#)
- [Housing and Planning Act 2016 \(Banning Order Offences\) Regulations 2017](#)
- [Housing and Planning Act 2016 \(Banning Order Offences\) Regulations 2018](#)
- [Database of rogue landlords and property agents under the Housing and Planning Act 2016 statutory guidance](#)
- [The new Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#)
- [Tackling Rogue Landlords under the Housing and Planning Act 2016, Cabinet October 2018](#)
- [Equality Impact Assessment](#)
- [Statement of enforcement policy | North Tyneside Council](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

Income received from imposing a civil penalty will be paid to the local housing authority. The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017 permits the Authority to apply any financial penalty recovered or amount received by way of a rent repayment order under the Housing Act 2004 to meet the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector. Any amount which is not used to meet the costs and expenses in such a way must be paid into a centrally held Government fund.

The civil penalties guidance is not prescriptive in its determination of financial penalty. The financial penalties will be considered on a case by case basis.

2.2 Legal:

Schedule 9 of the Housing and Planning Act 2016 amends the Housing Act 2004 to allow Local Housing Authorities to impose financial penalties as an alternative to prosecution for certain housing related offences. The 2016 Act also expanded the offences for which an application can be made by a local housing authority to the First-tier Tribunal for a rent repayment order.

By virtue of section 9D of the Local Government Act 2000 unless there is provision to the contrary in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 or other legislation, any function of the Authority is to be the responsibility of Cabinet. There is nothing in the 2000 Regulations, the Housing Act 2004 or the Housing and Planning Act 2016 that indicates that the approval of the Housing Enforcement Policy is not to be a matter for Cabinet.

2.3 Consultation/Community Engagement:

2.3.1 Internal Consultation

Internal consultation was undertaken with officers of the Authority.

2.3.2 External Consultation

As highlighted in the main body of the report, the draft Policy has been widely consulted upon. Members of the public, local landlord and residents group, professional bodies such as Citizen Advice Group, Shelter and other Authorities all have had an opportunity of commenting on the draft Policy. The 6 week consultation period commenced on 8 February 2021 and notice of this consultation was given through a press release and copies of the draft Policy were made available on the North Tyneside Council website. A summary of responses received are attached at **Appendix 2** to this report.

2.4 Human Rights:

There are no human rights implications directly arising from this report.

2.5 Equalities and Diversity:

The Equality Impact Assessment has identified that the decision to implement the use of civil penalties and rent repayment orders will not have an adverse impact on people with characteristics protected under the 2010 Equality Act. It is recognised that the Orders may have a positive impact on younger people within the Borough. The English Housing Survey 2019/20 shows that more younger people rent privately, 67% under 45 years old. 42% young people aged 25-34 live in private rented sector, which is overrepresented. A third of households have dependent children and a quarter have a long term condition or disability. Younger people find it harder to get on the housing ladder and get a mortgage. The average age of first time buyers is 32 years old.

2.6 Risk Management:

There are no risk management implications directly arising from this report. Risks associated with delivery of the Authority's Public Protection function are monitored via the Technical Services Partnership risk arrangements included within the strategic partnership governance framework.

2.7 Crime and Disorder:

The purpose of the legislation referred to in the report is to deal with offenders by way of civil penalty as opposed to prosecution. The use of the powers given to the Authority referred to in the report are designed at punishing and deterring offending by landlords, letting agents and property managers.

2.8 Environment and Sustainability:

The ability to use the powers referred to in the report will assist in maintaining a suitable standard of living for those living in private rented properties and bring about necessary improvements to those properties in the Borough that provide sub-standard accommodation for tenants.

PART 3 – SIGN OFF

- | | |
|---------------------------------------------------|--------------------------------------------|
| • Chief Executive | <input checked="checked" type="checkbox"/> |
| • Head of Service | <input checked="checked" type="checkbox"/> |
| • Mayor/Cabinet Member(s) | <input checked="checked" type="checkbox"/> |
| • Chief Finance Officer | <input checked="checked" type="checkbox"/> |
| • Monitoring Officer | <input checked="checked" type="checkbox"/> |
| • Head of Corporate Strategy and Customer Service | <input checked="checked" type="checkbox"/> |

Private Sector Housing Enforcement and Civil Penalty Policy

Draft Issue Date: 28 June 2021

Executive Summary

The aim of this Policy is to protect tenants against rogue landlords and the public from poor housing conditions. This is done by ensuring that all persons involved in the supply of private sector housing are aware of their responsibilities to maintain and manage properties to avoid nuisance and to keep the properties free from significant health and safety issues.

The objectives of this Policy are as follows:

- To ensure tenants and landlords are treated in a fair and proportionate manner to ensure tenants live in homes free of significant health and safety risks;
- To encourage the re-occupation of empty homes;
- To deal with statutory nuisance arising from act or default of owner or occupier of property;
- To meet our statutory duties as a local housing authority.

The policy supports the priorities in the 2020-2024 Our North Tyneside Plan to provide a clean, green, healthy, attractive, safe and sustainable environment and support people remaining healthy and well and is in line with National Housing guidance and legislation.

This policy is intended to provide guidance for officers, business and members of the public on the principle and processes which will apply when enforcement action is considered or taken to allow the Authority to achieve its objectives and aims.

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1. INTRODUCTION

This policy is intended to provide guidance for officers, businesses and members of the public on the principle and processes which will apply when enforcement action is considered or taken due to poor housing conditions or nuisance impacting adversely on occupiers and neighbouring residents.

The aim of this Policy is to protect tenants against rogue landlords and the public from poor housing conditions. This is done by ensuring that all persons involved in the supply of private sector housing are aware of their responsibilities to maintain and manage properties to avoid nuisance and to keep the properties free from significant health and safety issues.

This Authority follows the principles laid down in the Regulators' Compliance Code and is incorporated into the North Tyneside's Statement of Enforcement Policy when investigating complaints, responding to service requests, carrying out inspections, reviewing and granting licences and completing proactive project work. It is also the policy of the Authority to promote awareness and understanding of our regulatory and licensing issues through education and working in partnership with other organisations.

Any departure from this enforcement policy will be exceptional, recorded and the circumstances and reasoning noted and will comply with all relevant laws.

Note 1 – In this Policy, the term “landlords” also includes “property agents”, “managing agents” and “letting agents” unless otherwise specified

2. OUR OBJECTIVES

The objectives of this housing enforcement guidance and financial penalty policy are:

- To ensure tenants and landlords are treated in a fair and proportionate manner to ensure tenants live in homes free of significant health and safety risks;
- To encourage the re occupation of empty homes;
- To deal with statutory nuisance arising from act or default of owner of property;
- To meet our statutory duties as a local housing authority.

3. IMPLEMENTATION AND REVIEW

This Policy will take effect on XXXX.

The Authority will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every five years from the date of effect above.

Upon implementation of this Policy, the Authority will implement the powers to charge for enforcement action and penalise landlords and agents for non-compliance in line with this Policy, North Tyneside's Statement of Enforcement Policy and any statutory guidance notes.

The Authority may make decisions to change the content of this Policy. The changes may have immediate effect or be expressed as coming into effect on a given date. Amended copies of the Policy will be available from Environmental Health Section and via the internet at www.northtyneside.gov.uk.

4. CONSULTATION

In preparing the Policy the Authority has consulted with and taken into account the views of amongst others:

- Residents
- Neighbouring Authorities
- Landlords and tenants
- Relevant tenancy support groups. Citizen Advice Group, Shelter.

The views of all these persons and bodies have been taken into account in determining this Policy.

5. AREA AND IMPACT

North Tyneside is one of the five metropolitan districts that comprise the county of Tyne and Wear. North Tyneside is bounded by Newcastle Upon Tyne to the west, the North Sea to the East, the River Tyne to the South and Northumberland to the North.

According to the 2011 Census there were a total of 94,528 dwellings in North Tyneside and a total of 91,295 households. The number of dwellings had risen to 95,750 in 2014. Over a third of these properties were built before 1945 (37.4%) whilst 40.5% were built between 1945 and 1984. The remainder (22%) was constructed more recently.

68.3% of properties in North Tyneside are houses, 21.7% are flats and maisonettes and 9.5% are bungalows. 10.5% of homes are 1 bed, 32.7% are 2 bed, 48.4% are 3 bed and 8.3% are four or more bed properties.

In general, North Tyneside has a well-balanced housing market which generally offers a good choice of properties across all tenure types. Owning your own home remains the most popular choice of tenure (66%). Council housing stock represents a further 16% of all properties ahead of the private rented sector (12%) and registered providers of Social Housing (6%).

North Tyneside has a diverse mix of areas. The council wards of St Mary's and Monkseaton North are among areas of prosperity, whereas Chirton, Riverside and Wallsend have been identified as being within the most deprived areas of the country. This Policy forms a key objective 'Great Places to Live' of the Housing strategy 2016 – 2021 'A Great Place To Live' by outlining North Tyneside's regulatory processes for tackling poor housing and rogue landlords.

6. DECISION MAKING

Enforcement action will be based on risk and we will also have full regard to any statutory duty. Assessment of risk will be based on current legislation and specific guidance.

Enforcement Officers are required to make informed judgements and will be suitably trained for this responsibility. They will decide on appropriate action after considering the criteria within this Policy and any relevant written procedures. A Senior Officer will give prior approval to all formal action falling outside the scope of this policy.

Where the investigating Enforcement Officer believes that legal action may be required, evidence will be collected, and the case will be reviewed by Senior Officers before it proceeds.

Any person subject to potential prosecution action will be invited to a formal interview or asked to send written representations to the Authority for consideration prior to any final decision being made.

7. PRINCIPLES OF GOOD ENFORCEMENT

When discharging its duties in relation to private sector housing, the Authority will follow the principles of good enforcement set out in the following:

- Regulators Compliance Code;
- North Tyneside Statement of Enforcement Policy;
- The Police and Criminal Evidence Act 1984 (as amended);
- Criminal Procedures and Investigations Act 1996;
- Regulation of Investigatory Powers Act 2000;
- Civil penalties under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities;
- Rent Repayment Orders Under the Housing and Planning Act 2016- Guidance for Local Housing Authorities;

- Banning Order Offences under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities.

The guidance states that the Authority must develop its policy on determining when to apply a Rent Repayment Order or Civil Penalty. This Policy sets out when such actions will be taken.

8. PRINCIPLES UNDERPINNING ENFORCEMENT ACTION

Enforcement actions are determined by the statutory legislation and guidance provided for private sector housing and principles of good enforcement. Private sector housing enforcement activity will be:

Targeted at properties and people that pose the greatest risk, including the owners and landlords that evade licensing and regulation, and those whose properties cause a nuisance or put people's health and safety at risk.

Proportionate, reflecting the nature, scale and seriousness of any breach or non-compliance.

Fair and objective, based on the individual circumstances of the case, taking all available facts into account.

Transparent, communications will be easy to understand, with clear reasons being given for any enforcement action taken.

Consistent, undertaken by well-trained investigators to ensure consistency in the interpretation and enforcement of legislation. We will work with other regulatory agencies and share and develop good practice.

Accountable, undertaken in a responsible manner that has a clear purpose.

9. DEALING WITH COMPLAINTS

The Private Sector Housing Team will respond to complaints from tenants and other residents about private housing, prioritising the complaints based on an assessment of the risk and seriousness.

Unless the matter appears to present an imminent risk to health the tenant is expected to contact their landlord first about the problem. Tenants are expected to keep copies of all correspondence with their landlord and this should be given to the officers on request.

10. HOUSING, HEALTH AND SAFETY RATING SYSTEM (HHSRS) AND HOUSING ACT ENFORCEMENT

The HHSRS is set out in Part 1 of the Housing Act 2004 (the Act). It is a method of assessing how likely it is that the condition of a property will cause an unacceptable hazard to the health of the occupant(s). There are two categories of possible hazards:

- **Category 1 hazards** represent a serious danger to health and the Authority has a duty to take appropriate action to deal with these.
- **Category 2 hazards** represent a lesser danger and, although it has no duty to take action, the Authority will exercise its power to reduce category 2 hazards through appropriate action.

If the Officer considers formal inspection for disrepair is required, the Authority will provide notice of intended entry for inspection under section 239 of the Act on all interested parties unless the complaint is urgent. If it is not possible to gain entry, an application for warrant will be made to magistrate's court.

Enforcement action will be determined based upon the hazards on a case by case basis and the statutory national housing enforcement guidance. The cost for the determination and issuing of the enforcement action will incur a charge except for Hazard Awareness Notice upon the landlord or property management agent. The notices available are:

- Hazard Awareness Notice;
- Improvement Notice;
- Emergency Remedial action;
- Prohibition Order;
- Emergency Prohibition Order;
- Demolition Order.

The Authority may, at their discretion, waive the charge for enforcement action, particularly when dealing with vulnerable persons.

11. CHARGING FOR HOUSING ACT 2004 ENFORCEMENT ACTION

Section 49 of the Act gives Authorities the right to make such reasonable charges, as they consider appropriate as a means of recovering certain administrative and other expenses incurred. The Authority will charge for the following enforcement actions:

- Serving an Improvement Notice;
- Making a Prohibition Order;
- Taking Emergency Remedial action;
- Making an Emergency Prohibition Order;

- Making a Demolition Order.

The fees for enforcement action are available on the Authority's website and cover reasonable administrative expenses to include:

- Determining the appropriate course of action;
- Identifying actions to be specified in a notice;
- Serving the notice;
- Reviewing suspended improvement notices and prohibition orders.

Section 50 of the Act relates to the recovery by the Authority of a charge made under section 49 of the Act. From the time that the demand becomes operative until it is recovered the demand will be submitted to the land registry as a local land charge on the property.

12. REGULATORY AND ENFORCEMENT OPTIONS

North Tyneside Council sets out its approach for regulatory action to ensure transparency and consistency. The Authority will take account of legislation, relevant statutory guidance and the general Enforcement Policy.

The options available for complaints will be considered on a case by case basis and can be:

- Use of informal action, written guidance and advice;
- Statutory notices or orders under part 1 of the Act and other relevant legislation;
- Works in default;
- Revoking or varying licences;
- Simple Cautions;
- Penalty Charge;
- Civil Penalty Notice;
- Prosecution;
- Interim or Final Management Orders;
- Banning Orders.
- By compulsory purchase or enforced sale.

One or more of the above actions may be taken depending upon circumstances. The Authority in deciding upon enforcement options will also have due regard to statutory guidance, approved codes of practice and relevant industry or good practice guides.

ENFORCEMENT DECISION TABLE

The following table contains some examples of situations where different types of action may be taken. Decisions are made, however, on a case-by-case basis.

ACTION	GENERAL CIRCUMSTANCES
No Action	<p>Where formal action may not be appropriate.</p> <p>In such cases, customers may be directed to other sources of advice and support.</p>
Informal Action and Advice includes verbal advice and advisory letters	<p>Where it may be appropriate to deal with the issues through informal action and advice.</p> <p>In such cases, the pre-formal stage of the HHSRS may be followed, with the Authority working collaboratively with responsible landlords to address and resolve any problems.</p>
Service of Notice requiring repairs or specific legal requirements	<ul style="list-style-type: none"> • Where a person refuses or fails to carry out works through the pre-formal HHSRS process; • Where there is a lack of confidence or there is positive intelligence that the responsible individual or company will not respond to a pre-formal approach; • Where there is risk to the health, safety and wellbeing of a household or a member of the public (dangerous gas or electrical services; no heating in the winter; no hot water for personal hygiene or to wash and prepare food safely; etc); • Where standards are extremely poor and the responsible individual or company shows little or no awareness of the management regulations or statutory requirements; • Where the person has a history of non-compliance with the Authority and/or other relevant regulators; • Where the person has a record of criminal convictions for failure to comply with the housing requirements (which may include housing management);

	<ul style="list-style-type: none"> • Where it is necessary to safeguard and protect the occupiers' future health and safety; and/or • Where it is necessary to bring an empty property back into use and informal requests either fail or are not appropriate.
Powers to require information and/or documents	Where it is necessary for documents and information to be provided to enable officers to carry out their powers and duties.
Emergency Remedial Action / Emergency Prohibition Order	Where there is an imminent risk of serious harm to the health and safety of any occupiers of the premises or any other residential premises.
Works in Default for non-compliance with notice	<p>The Authority may carry out works if they have not been complied with.</p> <p>The above may be taken in conjunction with, or followed by prosecution, issuing a Penalty Charge, issuing a Penalty Charge, issuing a Civil Penalty Charge or seeking a Rent Repayment Order.</p>
Revocation of HMO Licenses and Approvals	Where the Manager is not a 'fit and proper person' and/or where there are serious breaches of the licensing conditions and/or serious management offences.
Simple Caution	Where an offence is less serious and the person who has committed the offence has admitted their guilt.
Penalty Charge	For failure to comply with a Remedial Notice under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
Civil Penalty Charge	As an alternative to prosecution where an individual or company has deliberately, negligently or persistently breached legal obligations under the Housing Act 2004 and as only non compliance option specified in the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
Rent Repayment Order	Where an individual or company has breached specific legal obligation under the Housing Act 2004, the Housing and

	Planning Act 2016, the Criminal Law Act 1977 or the Protection from Eviction Act 1977.
Prosecution	Where the authority consider that the offence is not suitable to be dealt with by way of a Civil Penalty or a Civil Penalty is not available for the type of offence.

13. INFORMAL ACTION

Informal action includes:

- Offering advice/education;
- Giving verbal and written warnings;
- Negotiating agreements between complainants and other residents or businesses;
- The negotiation of specific conditions with licences; and
- The use of informal notices.

It is generally considered appropriate to take informal action in one or more of the following circumstances:

- The act or omission is not serious enough to warrant formal action;
- From history of landlord or letting agent, it can be reasonably expected that informal action will achieve compliance with the law;
- The consequences of non-compliance will not pose a significant risk.

14. PENALTY CHARGE NOTICES

An authorised officer may issue fixed penalty charge notices, where there is reason to believe an offence has been committed for failure to comply with a Remedial Notice under the Smoke and Carbon Monoxide Alarm (England) Regulations 2004.

A penalty charge notice will be issued only where landlord has failed to comply with remedial notice and is unable to provide a satisfactory explanation or defence. The notice will be issued with written advice. The Statement of Principles for Penalty Charges for Smoke and Carbon Monoxide is attached in **Appendix 1**.

15. CIVIL PENALTY CHARGE

The issuing of civil penalty charge may be used as an alternative to prosecution for certain specified housing offences as set out in the Department for Communities and Local Government (DCLG) guidance 'Civil penalties under the Housing and Planning Act 2016 - Guidance for Local Housing Authorities' set out by the government under schedule 9 of the Housing and Planning Act 2016.

The Electrical Standards in Private Rented Properties Regulations 2020 places a requirement on landlords to maintain safe electrical standards and gives the local authority the power to apply a Civil Penalty charge for punishing non-compliant landlords who fail to meet their duty to maintain electrical standards in private rented property. Civil penalty will be considered if demonstrated in balance of probabilities that the landlord failed in their duty. Civil Penalty charge will be considered particularly if landlord fails to comply with remedial notices. The civil penalty charge can be issued in addition to the Authority recharging if they decide to carry out works in default on expiry of remedial action notice.

Civil penalties are intended to be used against landlords who are in breach of one or more of the sections of the Act and Regulations listed below:

- Section 30 – Failure to comply with an Improvement Notice;
- Section 72 – Offences in relation to licensing of Houses in Multiple Occupation;
- Section 95 – Offences in relation to licensing of houses under Part 3 of the Act;
- Section 139 – Offences of contravention of an overcrowding notice;
- Section 234 – Failure to comply with management regulations in respect of Houses in Multiple Occupation.
- Regulation 3 Failure of Landlords to comply with duties to maintain and test fixed electrical installations in a safe and satisfactory state under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Civil Penalties are intended to be used against a landlord either as an individual or company who has deliberately, negligently or persistently breached legal obligations under the Act or Regulations and can be fined up to £30,000.

Each decision on when to prosecute and when to impose a financial penalty will be determined on its own merits having regard to DCLG guidance 'Civil penalties under

the Housing and Planning Act 2016' and the 'Code for Crown Prosecutors' issued by the Director of Public Prosecutions.

The Factors determining the decision for prosecution or financial penalty are:

- Seriousness of the offence;
- Where the landlord has committed similar offences in the past;
- A financial penalty will be preferred option when it is the landlord's first offence, unless so serious that prosecution is most appropriate option.

The housing authority must be satisfied that the burden of proof for prosecution is met and the setting of charge is proportionate based on specific factors as follows:

- Severity of the offence;
- Culpability and track record of landlord;
- Harm caused to the tenant;
- Punishment of the offender;
- Deterring the landlord of repeating the offence;
- Deterring others of committing offences;
- Removing any financial benefit, the landlord may obtain as result of offence;

The level of financial penalty imposed is based on the factors above and are set out in the North Tyneside Council's Civil Penalties Guidance in **Appendix 2**.

In setting the Civil Penalty, the Authority may consider financial position of the offender to reasonably afford to pay. It is for the offender to provide reliable information on offender's financial means to the satisfaction of the Authority including other properties or assets that they can sell or borrow against.

16. MANAGEMENT ORDERS

A Management Order will be made in the following circumstances:

- Where it appears to Officers that there is no reasonable prospect of a House in Multiple Occupation (HMO) or a property in a selective licensing area being licensed in the near future and that it is necessary to protect the health and safety or welfare of persons occupying it or having an estate or interest in any premises in the vicinity;
- On expiry of the Interim Management Order where the house would be required to be licensed but Officers consider that they are unable to grant a licence a Final Management Order will be made.

17. STATUTORY NOTICES

The majority of statutory notices legally require the execution of works, the removal of statutory nuisances or the protection of public health and/or safety. Only Officers specifically authorised are permitted to serve statutory notices.

Notices will normally be served where:

- informal action has not achieved the desired effect;
- there is a lack of confidence that the individual/company will respond to an informal approach;
- there is a history of non-compliance with informal action;
- standards are generally poor with little management awareness of statutory requirements;
- the consequences of non-compliance could be potentially serious to the health and safety of the public.

Realistic time limits will be attached to notices and wherever possible these will be agreed in advance with the person or business on which they are served. In some circumstances, requests for extension of time can be made. These should be made in writing to the Officer issuing the notice, prior to the expiry date, explaining the reason for the request.

Statutory notices may also be served in conjunction with prosecutions and civil penalties. Accompanying every notice served will be notes explaining the appeal procedure, schedules where appropriate and each notice will include Officer contact details.

Having regard to statutory powers, and where the law allows, a charge will apply to statutory notices. All charges will be levied on the person upon whom the notice is served and will be made at a level fixed within the Authority's agreed charges having regard to a written record assessing costs reasonably incurred. In all cases the Authority will instigate debt recovery action.

Where a notice is not complied with by the expiry date, a prosecution may be considered appropriate. In these circumstances a report, in accordance with the Constitution, will be made to decide what further enforcement action is appropriate.

18. SIMPLE CAUTIONS

The use of Simple Cautions is advocated by the Home Office in situations where there is evidence of a criminal offence, but the public interest does not require a prosecution.

It may be used for cases involving first time, low-level offences where a Simple Caution can meet the public interest. Decisions to issue Simple Cautions must be made in accordance with the Director of Public Prosecutions' Guidance on Charging.

Before a Simple Caution can be given, it is important to try to establish:

- The views of the victim about the offence;
- The nature and extent of any harm or loss, and its significance, relative to the victim's circumstances;
- Whether the offender has made any form of reparation or paid compensation.

A Simple Caution must be accepted in writing by the offender (or officer of a limited company which is the alleged offender), who is then served a copy of the caution. A second copy is held as the official record. Failure to accept a Simple Caution leaves the Authority with an option to instigate legal proceedings instead.

Simple Cautions are viewed as valuable enforcement tools because they can be cited in court if the same person or organisation, within three years of the original offence, commits similar offences and typically both save officer time and reduce the burden placed upon the court system.

19. WORK IN DEFAULT

In some circumstances, failure to comply with a notice may result in the Authority arranging for the necessary works to comply with the notice to be carried out (works in default). The cost to the owner will usually be more than if the owner carries out the works themselves as they will be charged for the full cost of the works plus a 15% administrative cost for officer time. We reserve the right not to complete works in default if considered excessive or difficulties in recovering costs.

Works in default may be carried out in conjunction with formal legal action such as prosecution, or civil penalties.

The Authority will actively pursue debts incurred. Enforced sale of empty properties may be considered where appropriate in line with The Law of Property Act 1925 where a debt has been incurred for example following works undertaken to an empty home in the default of work. All debts will be registered with the local Land Charges Registry as a financial charge and will accrue compound interest one month from registration.

20. PROSECUTIONS

Prosecution will be reserved where one or more of the following circumstances apply:

- It is warranted by virtue of the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender;
 - There have been repeated breaches of legal requirements and it appears that business proprietors or members of the public are neither willing nor able to deal adequately with the causes of the offence;
 - There has been a reckless disregard for the safety and health of people, or where a contravention has caused serious public alarm;
 - There has been failure to comply with a legal notice or a repetition of a breach that was subject to a Formal Caution, or failure to pay a Fixed Penalty Notice within the permitted payment period;
 - There is a blatant disregard for the law;
 - False information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk;
 - Officers have been intentionally obstructed in the lawful course of their duties.
- Where Inspectors are assaulted, we will seek prosecution of offenders.

In all cases, alleged offenders will be invited to send written comments or explanations for consideration.

21. RENT REPAYMENT ORDERS

A Rent Repayment Order is an order made by the First-tier Tribunal requiring a landlord to repay a specified amount of rent.

The 2004 introduced Rent Repayment Orders to cover situations where the landlord of a property had failed to obtain a licence for a property that was required to be licensed, specifically offences in relation to licensing of houses in multiple occupation (HMOs).

Rent Repayment Orders have now been extended through the Housing and Planning Act 2016 and cover the following offences set out below:

- Failure to comply with an Improvement Notice (section 30 of the Act);
- Failure to comply with a Prohibition Order (section 32 of the Act);
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016;
- Using violence to secure entry to a property (section 6 of the Criminal Law Act 1977);

- Illegal eviction or harassment of the occupiers of a property (section 1 of the Protection from Eviction Act 1977).
- Having control of, or managing, an unlicensed property, under s.95 Housing Act 2004
- Having control of, or managing, an unlicensed house in multiple occupation, under s.72 Housing Act 2004.

Rent Repayment Orders can be granted to either the tenant or the Local Housing Authority. If the tenant paid their rent themselves, then the rent must be repaid to the tenant. If rent was paid through Housing Benefit or through the housing element of Universal Credit, then the rent must be repaid to the Local Housing Authority. If the rent was paid partially by the tenant with the remainder paid through Housing Benefit/Universal Credit, then the rent should be repaid on an equivalent basis.

A Rent Repayment Order can be made against a landlord who has received a civil penalty in respect of an offence, but only at a time when there is no prospect of the landlord appealing against that penalty. An advice leaflet is available for tenants on Rent Repayment Orders.

The Authority must consider a Rent Repayment Order after a person is the subject of a successful civil penalty and the Authority may make an application for a Rent Repayment Order to recover monies paid through Housing Benefit or through the housing element of Universal Credit.

Section 48 of the Housing and Planning Act 2016 places an obligation on a Local Housing Authority to consider applying for a rent repayment order when it becomes aware of a landlord being convicted of a relevant offence.

A Local Housing Authority must have regard to the statutory guidance published by MHCLG "Rent repayment orders under the Housing and Planning Act 2016" in the exercise of their functions in respect of rent repayment orders. The First-tier Tribunal whilst not bound by the guidance will have regard to it.

Where a landlord has been convicted of an offence the First-Tier Tribunal must order the maximum amount of rent to be repaid, capped at 12 months.

Where a landlord has been convicted, the following factors should be considered when determining how much rent a Local Housing Authority should seek to recover:

- Punishment of the offender;
- Deter the offender from repeating the offence;
- Dissuade others from committing similar offences;

- Remove any financial benefit the offender may have obtained as a result of committing the offence.

The amount of a Rent Repayment Order that the First-tier Tribunal applies, will depend on the offence committed, the amount of rent paid from date of offence up to a 12-month period, and whether it is a tenant or Local Housing Authority that is applying for the order. The amount ordered to be paid must not exceed the amount of rent paid by the tenant or the amount of Housing Benefit or housing component of Universal Credit that the landlord received from the Local Authority in respect of rent. Note for offences involving unlawful eviction / violent entry, it is the 12 months preceding the offence that counts.

Tenants have a right to apply to the Tribunal for a Rent Repayment Order. The application for a Rent Repayment Order must be made within 12 months of the date that the offence has been committed.

This Authority has produced an advice leaflet for tenants advising on Rent Repayment Orders which is available at www.northtyneside.gov.uk.

The Authority if considering applying for Rent Repayment Order must provide notice of intended proceedings to inform the landlord of proposal, stating amount of rent seeking to recover, and inviting landlord to make representations within 28 days. The Authority must consider representations and may only apply to First-tier Tribunal on expiry for representation has passed. All parties must bear its own costs and the First-tier Tribunal may award costs if person acting unreasonably.

In determining the amount of rent to be repaid, the First-tier Tribunal must consider:

- The conduct of the landlord;
- The financial circumstances of the landlord; and
- Whether the landlord has committed a relevant offence.

A landlord can appeal against the decision of the First-tier Tribunal to the Upper Tribunal provided that they have permission to do so.

22. LICENSING

HOUSES IN MULTIPLE OCCUPATION (HMO)

A licence is required for a house which is occupied by 5 or more persons in two or more households with shared facilities. The application form and fees are available at www.northtyneside.gov.uk.

As HMOs are higher risk than single family homes, the conditions, facilities and management are regulated. All HMOs are subject to the Management of Houses in Multiple Occupation Regulations 2006.

There are two types of HMO licences:

- Mandatory HMO Licensing; and
- Selective Licensing. The Authority does not currently impose selective licensing.

The licence given to a landlord for a mandatory licence will be for a 5 year period.

23. FEES AND CHARGES

The Local authority is permitted to recover costs for regulatory actions and for setting fees for licensing of houses in multiple occupation.

Under section 49 of the Housing Act, the Authority can recover costs for any formal enforcement action taken to remedy health and safety hazards identified from an inspection of a residential premises. The full details for the determination of enforcement action charges are set out in chapter 11,

The setting of fees for licencing issues and the management of houses in multiple occupation is permitted under section 63(2) and 63(7) of the Housing Act. The fee for licence is separated into two parts, the processing of the application and the regulatory effort for inspection and enforcement of HMO's over the period of the licence.

Section 126 of the Housing and Planning Act 2016 introduced financial civil penalties as an alternative to prosecution for non-compliance with housing related notices. The fines are up to £30,000. The methodology for setting the level of civil penalty charges is outlined in chapter 15 and **Appendix 2**.

Variation of Fees and Charges

The fees and enforcement action charges will be reviewed annually as part of the Authority's budgetary process and will be published on the North Tyneside website at www.norhtyneside.gov.uk.

Any minor variations to the guidance for determining of civil penalty will be updated and available to view on the North Tyneside website.

Payments

Details of payments required will usually be issued via an invoice however payments by phone using credit or debit card or by cheque can be made.

Refunds

There is no refund of Licensing fees as there is staged process of fees to reimburse for officer time. Fees are charged as an application fee and as a maintenance fee.

Housing Act Enforcement Action Charges may only be reimbursed or varied if the enforcement action is subject to an appeal by the Housing Tribunal who consider it appropriate to reduce, quash or require repayment of a charge made in respect to the enforcement action. e.g. Notice or Order.

24. ENFORCED SALES

If a charge has been recorded in the Authority's Land Charges register, the Authority may opt to recover the charged debt by way of an enforced sale of the charged property.

The criteria for carrying out an enforced sale would be:

- It is a residential or commercial property or land;
- It has been empty for more than 6 months;
- The total debt on the property should normally exceed £1000;
- The debt has been owned to the Authority for more than 3 months and less than 12 years;
- The necessary enforcement notices and documents have been served.

If the criteria are met then a Compulsory Purchase or an Empty Dwelling Management Order may be considered.

Upon disposal of the property the Authority will recover all of its debts and costs from the sale proceeds. The balance will be held by the Authority until it is claimed by the owner.

25. EMPTY DWELLING MANAGEMENT ORDERS

The Authority will work with owners to encourage them to bring their empty properties up to an acceptable standard to allow re-occupancy. Details of the current schemes available can be viewed at www.northtyneside.gov.uk.

The Authority discourages empty homes and will charge higher council tax depending upon the period that the property is empty, introduced by the Rating

(Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018. From 1st April 2020, a premium is applied for empty properties based on the period that the property has been empty. The council tax empty homes premium is set out below:

- a) a 100% Council Tax premium for properties that have been empty for more than two years;
- b) a 200% premium on those properties which have been empty for five years or more;
- c) From 1 April 2021 charge a 300% premium on those properties which have been empty for ten years or more.

In line with Government recommendation, the Authority may exempt a property from the premium where the owners of properties can demonstrate that the property is actively being marketed for sale or rent at a reasonable level.

Where the Authority considers there is no reasonable prospect that an empty property will be returned to occupation and is not exempt then serving an Interim Empty Dwelling Management Order may be considered. If after serving the Interim Order the Authority considers that there are no steps it can appropriately take under the Order to ensure that the property becomes occupied, it will either make a Final Empty Property Management Order or revoke the Order without taking any further action.

26. BANNING ORDERS

The Authority may consider applying to the First Tier Tribunal for a Banning Order on a landlord who has been convicted of banning order offences as set out in the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017. The regulations include offences under the Act and Article 32 Regulatory Reform (Fire Safety) Order 2005 for fire safety offences.

A Banning Order is an order by the First Tier Tribunal that bans the landlord from letting houses in England, engaging in English letting agency work, engaging in property management work, or doing two or more of those things. The Banning Order prevents the landlord from holding a licence for an HMO.

The Local Housing Authority may consider applying to the First Tier Tribunal for a Banning Order on a landlord who has been convicted of banning order offences after the 6 April 2018. The Authority shall provide the reasons for the applying for the

Banning Order and recommend the appropriate length of the ban. This decision must be documented and have regard to the statutory MHCLG guidance 'Banning Order Offences under the Housing and Planning Act 2016'. This guidance requires the Authority to have a written Housing Policy. The Authority is expected to pursue a Banning Order for the most serious offenders.

The guidance indicates that the Authority should consider the following factors when determining to seek a Banning Order:

- The seriousness of the offence - seriousness will be based upon the severity of the sentence and offence. The greater the sentence the more appropriate to apply for a Banning Order and lengthen the recommended ban period;
- Previous Convictions - consideration would be given to whether the person has any previous Banning Order offence convictions;
- Rogue Landlord Database - the Rogue Landlord Database would be reviewed for other Banning Order offences or civil penalties;
- Likely effect of the banning order on the person and anyone else affected by the order - the most important factor is to consider the harm or potential harm to the tenant particularly with regard to health and safety of tenants. The length of ban should reflect the severity of the offence and pattern of offending. The Banning Order, like the Rent Repayment Order, should act to deter the offender from repeating the offence and to deter others.

The First Tier Tribunal in determining a Banning Order must have regard to the above factors above in accordance with section 16 of the Housing and Planning Act 2006.

A landlord can appeal against the decision of the First-Tier Tribunal to the Upper Tribunal provided that the landlord have permission to do so from the First-Tier Tribunal.

The Authority must, prior to applying to the First-tier tribunal for a Banning Order, give notice to the person of the intended proceedings:

- Informing the person that the Authority is proposing to apply for a Banning Order and explaining why;
- Stating the length of each proposed ban;
- Inviting the person to make representations within a period specified in the notice of not less than 28 days ('the notice period');
- The Authority must consider any representations made during the notice period;
- The Authority must wait until the notice period has ended before applying for a banning order;

- A Notice of Intended Proceedings must be issued within 6 months, beginning with the day on which the person was convicted of the offence to which the notice relates.

27. NATIONAL DATABASE OF ROGUE LANDLORDS AND PROPERTY AGENTS

A national database of rogue landlords and property agents has been created by the Secretary of State for Housing, Communities and Local Government.

The Authority under section 29 of the Housing and Planning Act 2016 (the Act) must include the person with a Banning Order and under section 30 of the Act has a discretionary power to include a person who has at least two financial penalties for Banning Order offences committed within a 12 month period when the person was a residential landlord or letting agent and are not subject to an appeal period. The Banning Order offences are prescribed in the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017.

The Authority must maintain the entries to the database and must consider the period the entry will be held on the database from a minimum of two years from date of entry.

An Authority must have regard to the statutory guidance published by the MHCLG entitled 'Database of rogue landlords and property agents under the Housing and Planning Act 2016'. This will allow for the maintenance of the register and entering of persons onto the database.

The Authority, prior to entering onto the database, must issue a decision notice to the person to advise that at the end of 21 day period an entry will be made. The person has the right to appeal to the First-Tier Tribunal and entry will occur on expiry of appeal period or appeal decision.

The Authority must have regard to the criteria set out in the MHCLG guidance and section 30 of the Housing and Planning Act 2016 for deciding on entries to the database as follows: -

- **Severity of the Offence:** This will consider if the landlord or letting agent has a history of offences and the seriousness of the offence.
- **Mitigating Factor:** The duration will be reduced if, for example, considered a genuine isolated mistake or if suffering ill-health or bereavement.

- **Culpability:** The duration will consider if the offender knew or ought to have known about the offence and if the offender has a record of offending.
- **Deterrent:** The Authority will consider entry to act as a deterrent to both the offender, and landlords and agents to not commit an offence.

28. COMPLAINTS PROCEDURE

The Authority will work with residents, landlords and agents to ensure properties do not cause a nuisance or put a person's health and safety at risk. The investigation of complaints will be on a risk-based approach and will follow the principles of enforcement.

At the end of the investigation all parties concerned will receive written confirmation of the result and action taken.

If any party is not satisfied as to the outcome or aggrieved by the enforcement of the legislation, they can register a complaint using the Authority's corporate complaints procedure via email cmlo@northtyneside.gov.uk, or by writing to:

Customer and Member Liaison Office
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

APPENDIX 1

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of Principles for Penalty Charges

INTRODUCTION

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 require landlords to install at least one smoke alarm on each storey of their properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance such as a wood burning stove. The landlord must ensure the alarms are in working order on the first day of each new tenancy, commencing after 1st October 2015.

It is the duty of the Authority to serve remedial notices on any landlord that it believes to be in contravention of the regulations and to subsequently ensure that tenants are provided with the appropriate protection by carrying out any work necessary, with the consent of tenants, where a landlord has failed to act in bringing a property up to standard required by the regulations (referred to as 'work in default').

The regulations allow the Authority to issue landlords with penalty notices if they fail to comply with a Remedial Notice. In order to issue penalty notices, the local authority must publish a Statement of Principles which it will follow in determining the amount of a penalty charge.

The Statement of Principles aims to provide a clear and transparent method of charging including the levels of penalty charges based on the history of non compliance by the landlord. It details any possible mitigation that will be considered before a decision is made whether to issue an enforcement action against a landlord who has failed to comply with a Remedial Notice. The purpose of the enforcement regime is to encourage compliance.

ENFORCEMENT

Where local authority has reasonable grounds to believe that:

- There are no or insufficient number of smoke alarms or carbon monoxide detectors in the property as required by the regulations or;
- The smoke alarms or carbon monoxide detectors were not working at the start of a tenancy or licence

The Authority must serve on the landlord within 21 days of determination, a Remedial Notice detailing the actions the landlord must take to comply with the Regulations.

The landlord can within 28 days of service of Remedial Notice, request a written review of notice to an authorised officer.

If after 28 days the Authority is satisfied on the balance of probabilities that the landlord on whom it has served a Remedial Notice is in breach of his duty under the regulations, the Authority may serve the landlord with a penalty charge, the level of which will be determined by this Statement of Principles. The Authority will contact the tenant and the landlord to arrange to revisit the premises to determine if the Remedial Notice has been met. The penalty charge notice must be served within 6 weeks of the Authority deciding a landlord is in breach of their duty under the regulations. The Authority must carry out works in default within 28 days of breach of remedial notice with the consent of the occupiers. The regulations state the amount of the penalty charge cannot exceed £5000.

PRINCIPLES TO BE FOLLOWED IN ENFORCING THE REGULATIONS

Before imposing a requirement on a landlord to pay a penalty charge, the Authority must have completed a number of procedural steps. This process includes opportunities for the landlord to request reviews of decisions. The liability of the landlord may depend on written evidence produced by the landlord in mitigation of any non-compliance which may include the inability to access a property. If the landlord can demonstrate all reasonable steps were taken, other than legal proceedings, to become compliant, they will be exempt from liability. It is expected that a landlord will write to tenants explaining the legal requirement to install the alarms for the tenant's safety.

There are a number of stages in the enforcement process, including opportunities for the landlord to ask for a review of any decision to issue a Remedial Notice and/or serve a Penalty Charge Notice. This ensures the process is fair and proportionate and gives the landlord the opportunity to act. The process is summarised in the table below.

PROCESS SUMMARY

Issue of a Remedial Notice: The Authority will, within 21 days of deciding it is reasonable to do so, issue a Remedial Notice on the landlord at the last known address of the landlord.
Right of Review of Remedial Notice: The landlord has the right to request a review of the decision to issue the Remedial Notice. Any request must be in writing and made within the 28 days the landlord has for compliance. This request must state the grounds the landlord believes require reconsideration. Grounds for consideration would include that the alarms were in fact fitted at the time of issue of the Remedial Notice and checks were made at, or immediately prior to, a new tenancy starting or that the occupier has refused entry.

Review of Remedial Notice: An authorised officer will review the decision to issue the Remedial Notice. Such review will be completed within a reasonable period of time and no longer than 35 days from the issue of the Remedial Notice.
Non- compliance with Remedial Notice: No earlier than 28 days and no longer than 35 days from the service of the Remedial Notice, having received no request for a review or having completed any review and upheld the Remedial Notice, an authorised officer will visit the property to determine compliance with the Remedial Notice. If works have not been undertaken to rectify any breach of the regulations or, on the balance of probabilities considering the circumstances and any representations made by the landlord, it is likely that these works have not been undertaken; the authorised officer will refer the matter to the Environmental Health Group Leader.
Referral for Action: The Environmental Health Group Leader will ensure that the Remedial Action specified in the Notice is carried out within 28 days of the referral.
Penalty Charge Decision: The Environmental Health Group Leader will consider whether it is appropriate to issue a Penalty Charge Notice. They will consider the circumstances of the matter; whether the regulations have been adhered to; whether there are any mitigating circumstances which have prevented the landlord from complying with the Remedial Notice. The decision to serve a Penalty Notice or not will be made with 28 days of any referral and if a penalty is to be issued, it will be served within 4 days of the decision.
Penalty Charge Notice: Where the Environmental Health Group Leader decides that it is reasonable to issue a Penalty Charge Notice, consideration will be given to the past behaviour of the landlord in relation to Remedial Notices and previous Penalty Charges, in determining the level of the Penalty Charge. A Penalty Charge Notice in accordance with the regulations will then be served on the landlord at the last known address of the landlord.
Review of a Penalty Charge Notice: The landlord has the right to request, in writing, a review of a Penalty Charge Notice within 28 days of the issue date. The Environmental Health Group Leader must serve a decision notice on the landlord to confirm, vary or withdraw any notice as soon as reasonably practical after any request is received. Such notice must contain information on how the landlord can appeal the decision to the First-Tier Tribunal.
Payment of Penalty Charge: The landlord has 28 days to pay the amount of the Penalty Charge. If payment is made within 14 days, the amount of the Penalty Charge maybe reduced by an amount determined by the Authority in accordance with the Statement of Principles.
Right of Appeal: The landlord has the right to appeal the issue of the Penalty Charge Notice in writing to the First-Tier Tribunal on the grounds that the decision is unreasonable or wrong in law of that the charge is unreasonable. A Penalty Charge Notice is suspended until the appeal is decided.
Enforcement: The Authority can apply to a County Court for a court order to enforce a Penalty Charge Notice where the landlord has not paid within 28 days of the service of the charge notice and: <ul style="list-style-type: none"> • The landlord has not made an appeal to First-Tier Tribunal; or • Has made an appeal which has since been determined in the Authority's favour. Any application to the court to enforce a Penalty Charge must be supported by a certificate for the Chief Finance Officer that the penalty remains unpaid.

THE PENALTY CHARGE

The penalty charge allows a charge to be imposed on landlords who fail to comply with the regulations and the level of charge is dependent on level of non-compliance.

The Authority considers that a lesser penalty will be merited on a first failure to comply with a Remedial Notice and that prompt payment of the penalty within 14 days of service on that first occasion should attract a reduced penalty in recognition of admission of liability and savings in administration costs.

Repeated failures will attract progressively higher penalty in view of continuing disregard for legal requirements and tenant safety. If, following the service of a first penalty charge notice, further failures are identified but action to enforce was initiated prior to the service of the first penalty charge, these separate failures will be treated as first failures and attract the lowest penalty charge if the landlord complies with the requirements. The penalty charge for a failure will increase for every previous failure by the landlord up to a maximum of £5000.

PURPOSE OF IMPOSING A FINANCIAL PENALTY

The Primary purpose of the Authority in exercising its regulatory power is to protect the interests of the public.

The aims of the financial penalties are:

- To eliminate any financial gain or benefit from landlord's non-compliance with the regulations; and
- To deter future non-compliance.

LEVEL OF PENALTY CHARGE

The Penalty Charge shall be set at £1,000 for the first failure to comply with a Remedial Notice but this will be reduced to £750 if paid within a 14-day period.

Should the landlord not comply with the future Remedial Notices then the fine shall be set according to the table below:

Offence	Fine	Offence	Fine
Second	£2000	Fourth	£4000
Third	£3000	Fifth or More	£5000

No discount will be given for prompt payment on fines arising from repeat failures.

APPEALS IN RELATION TO A PENALTY CHARGE NOTICE

The Authority may recover the penalty charge on the order of a court.

Recovery proceedings may not be started before the end of the period during which a landlord may give written notice to review the penalty charge or, where an appeal has been made, before any appeal to the First-Tier Tribunal against the Authority's decision has been finally determined or withdrawn.

The Authority may revise this Statement of Principles at any time it considers it reasonable to do so but where it does so it will publish the revised statement.

Any person subject to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 will be directed to consider these regulations in full which will be available at www.northtyneside.gov.uk.

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APPENDIX 2

Civil Penalties Guidance

1.1 Introduction

This guidance document supplements the Private Sector Housing Enforcement and Civil Penalty Policy and DCLG guidance 'Civil Penalties under the Housing and Planning Act 2016'.

In this document the term landlord will be used to refer to the owner, person having control, person managing or licence holder, as defined under the Housing Act 2004 (the Act).

The Government guidance advises that the maximum civil penalty of £30,000 is to be 'reserved for the very worst offenders'.

Civil Penalty was introduced by section 126 and Schedule 9 of the Housing and Planning Act 2016.

The use of civil penalties will prevent criminal, rogue and irresponsible landlords from profiteering from illegal and dangerous practices and demonstrate the Authority's commitment to ensuring that it is offenders who pay for the cost of housing enforcement.

The income raised from civil penalties must be retained and used for housing enforcement activity in relation to the private rented sector. Further details can be found at <http://www.legislation.gov.uk/ukxi/2017/367/made>.

1.2 What Is A Civil Penalty?

A civil penalty is a financial penalty of up to £30,000 which can be imposed upon a landlord as an alternative to prosecution. This means that, if a civil penalty has already been imposed, the offender cannot be prosecuted for the same offence. Likewise, a person who has been (or is being) prosecuted for an offence cannot be issued with a civil penalty for the same offence.

Although only one civil penalty can be issued for each of the five offences listed in 1.3 appendix 2, a civil penalty can be issued for each separate breach of the HMO Management Regulations.

Where the letting / managing agent and landlord have committed the same offence, the Authority can impose a civil penalty on both parties. The level of the civil penalty imposed on each offender may differ, depending on the circumstances of the case.

The Government recommends that, in order to ensure that the civil penalty is set at an appropriate level, local housing authorities should consider the following factors:

- The severity of the offence;
- The more serious the offence, the higher the civil penalty should be;
- The culpability and track record of the offender.

A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.

1.3 What Offences Can Civil Penalties Be Imposed For?

A civil penalty can be considered as an alternative to prosecution for any of the following offences under the Act:

- Failure to comply with an Improvement Notice (Section 30);
- Offences in relation to licensing of HMOs (Section 72);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95);
- Contravention of an overcrowding Notice (section 139);
- Failure to comply with management regulations in respect of HMOs (section 234).

1.4 What Is the Burden Of Proof For A Civil Penalty?

The Authority must be satisfied to the same criminal standard of proof that an offence is committed as for a criminal prosecution. This means that before a civil penalty can be imposed it is satisfied that the landlord committed the offence, there is sufficient evidence to prove beyond reasonable doubt that an offence was committed which would lead to a realistic prospect of conviction if prosecuted and it is in the public interest.

The Code for Crown Prosecutors published by the Crown Prosecution Service should be considered by officers as to whether it is reasonable and proportionate to impose a financial penalty as an alternative to prosecution.

Prior to issuing of Civil Penalty the evidence shall be reviewed by the Authority's legal team.

1.5 Determining the Civil Penalty Amount

The Authority will determine the appropriate level of civil penalty by initially considering culpability of the offender and the severity of the offence as well as the

landlord's income and track record. The Civil Penalty will be made up of two distinct components. The first is the penalty calculation which considers the severity of the offence, the landlord's track record and the landlord's income are considered. The second considers the amount of financial benefit, if any, which the landlord obtained from committing the offence. These two components are added together to determine the final penalty amount that will be imposed on the landlord.

This process is broken down into four main stages:

Stage 1 determines the penalty band for the offence. Each penalty band has a starting minimum amount and a maximum amount.

Stage 2 determines how much will be added to the penalty amount as a result of the landlord's income and track record.

Stage 3 is where the figures from stage 2 are added to the penalty band from stage 1. The total amount at this stage cannot go above the maximum amount for that penalty band. If calculated charge goes above the penalty band the default will be to charge only up to the maximum amount for that specific penalty band.

Stage 4 considers any financial benefit that the landlord may have obtained from committing the offence. This amount will be added to the figure from stage 3. This charge will be limited to the maximum penalty band.

Stage 1: Culpability and Seriousness of Harm Risked

This considers the landlord's Culpability and Seriousness of Harm risked to the tenants or visitors to the property.

The penalty will be higher for those landlords with a history of failing to comply with their obligations and /or their actions were deliberate. There are four steps to this process and each step is set out below.

Stage 1 Step 1: Culpability

Table 1 sets out the four levels of culpability that will be considered: each level has accompanying examples of the behaviours that could constitute that particular level. The level of culpability of the landlord is determined on behaviour and actions of landlord. The officers will determine culpability on a case by case basis at their discretion.

Table 1: Culpability of Offender

Culpability	Factors
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Very High	Deliberate Breach of or flagrant disregard for the law
High	Failure to put in place measures that are recognised legal requirements. Ignoring warnings raised by the council, tenant or others. Failure to act after being made aware of risks, breaches or offences. The landlord has been aware of the failure for a long period of time and allowed risk, breach or offence to continue.
Medium	Landlord failed to meet legal duties in a manner that falls between high and low culpability categories, but some mitigating circumstances considered to justify reduced culpability. Systems in place to manage risk or comply with legal duties but poor management or supervision to ensure adhered to or implemented.
Low	Mitigating circumstances to failure because significant efforts were made to address the risk, breach or offences, although they were inadequate. Failings were minor and occurred as an isolated incident.

The landlord's culpability will be considered against the evidence of the offence, the mitigating or aggravating factors and landlords track record. Consideration will be given to past enforcement action against the landlord.

Stage 1 Step 2: Seriousness of Harm Risked

This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be perceived), the higher the amount should be when the local housing authority imposes a civil penalty.

The circumstances of the victim, including their vulnerability are highly relevant. Consideration should be given to the worst possible harm outcomes that could reasonably occur as a result of the offender committing the specific offence that is being considered. This means that even if some harm has already come to tenants, or visitors to the property, consideration should still be given to whether there was the potential for even greater harm to have occurred. This will be determined on a case by case basis.

Harm can include:

- Physical injury, damage to health and psychological distress to individual victims. The nature of the harm will depend on the personal characteristics and circumstances of the victim;
- Harm to the community, including economic loss and harm to public health;
- Some types of harm are difficult to define but can reference public feeling about damage by behaviour to both individuals and society.

The seriousness of harm will be based on the Housing Health and Safety Rating system operating guidance and will be graded according to table 2.

Table 2- Seriousness of Harm

Level	Seriousness of Harm
Level A	Harm would meet the guidance for Class I and II harm outcomes determined via the housing Health and Safety Rating System Operating Guidance and Housing Act 2004.
Level B	Harm would meet the guidance for Class III and Class IV outcomes determined via the Housing Health and Safety Rating System Operating Guidance and Housing Act 2004.
Level C	All other cases not falling within Level A or Level B (Where an offence occurred but the level of harm to the tenants or visitors does not meet the descriptions for Level A or Level B).

Stage 1 Step 3: Penalty Levels

The penalty level as shown in table 3 is determined by comparison of the culpability and the seriousness of harm risk derived from step 1 and step 2 respectively.

Table 3- Penalty Level

Seriousness of Harm Risk	Culpability			
	Very High	High	Medium	Low
Level A	5+	5	4	3
Level B	5	4	3	2
Level C	4	3	2	1

Stage 1 Step 4- Penalty Band for Culpability and the Seriousness of Harm

The Penalty Band is determined from the penalty level obtained from table 3 above. The penalty band determines the starting minimum and upper limit for the penalty calculation. The total civil penalty may not exceed the upper limit when corrected for landlord's income and track record.

Table 4- Penalty Bands

Penalty Level	Penalty Band
1	£600 - £1200
2	£1200 - £3000
3	£3000 - £6000
4	£6000 - £15,000
5/5+	£15,000 - £30,000

Stage 2: Landlord's Income and Track Record

The offender must not gain from the offence and therefore the landlord's income will be considered when calculating a civil penalty.

The landlord's relevant income will be limited to the income received in relation to the property where the offence occurred in most cases.

For property owners this will be the average weekly rental income over a maximum 12 month period as declared on the tenancy agreements for the property where the offence occurred and at the time the offence occurred.

For property agents, the relevant income will be any fees they received for the management of the property as stated on the management contract between the agent and the other parties to the contract. Where the fees include VAT or any other charges the gross amount of the fees will be used.

Consideration may be given for bands 5 and 5+ to consider all sources of income to determine weekly income as 'relevant income' received by the landlord where it considers it reasonable and proportionate. This however would require the additional cost of a financial investigator.

Stage 2 Step 1: Landlord's Income Calculation

Additional financial charge will be applied to the minimum penalty band charge to avoid landlord gaining from the offence. The amount of financial charge will be taken as an increasing percentage of the relevant weekly income with rise in penalty level as set out in table.

Table 5: Percentage of Relevant Weekly Income compared to penalty level derived from Stage 1

Penalty Level	Percentage of Relevant Weekly Income
1	50%
2	100%
3	150%
4	250%

5	400%
5+	600%

The relevant weekly income is taken as the gross rental income or management fees for the property where the offence occurred.

If details of tenancy agreements or property management are not able to be obtained an estimate of income will be used. It will be for the landlord to make representations against this estimated figure.

If this related to an unlicensed HMO only the additional persons' rental income should be considered that lead to the statutory requirement.

Stage 2: Step 2: Landlord's Track Record

A higher penalty will be added based on the landlord's history. The history of the landlord will be assessed from a number of questions and will be weighted depending on the severity of the offence. The overall score will be used to determine the additional charge as percentage of the minimum level of the penalty band. Table 6 gives the weighting score for severity of the contravention while Table 7 gives weighting to questions.

Table 6 Weighting with Severity

Category	Weighting
Category 1(Least Serious)	1
Category 2(Moderate Serious)	5
Category 3(Very Serious)	10
Category 4(Most Serious)	20

Table 7 Track Record Questions and Weightings

Questions	Weighting	Multiply by Number of Occasions?
Has the landlord had any relevant ¹ notices under Part 1 of the Housing Act 2004 over the last 2 years?	1	yes
Has the landlord had any civil penalties imposed on them over the last 2 years?	5	yes
Has the landlord accepted any cautions for relevant offences in the last 2 years?	10	yes
Has the landlord breached any relevant ² notices which resulted in works in default in the last 2 years?	10	yes
Has the landlord owned or managed a property where a licence for the property, under the Housing Act 2004, was revoked due to enforcement action or significant concerns, in the last 2 years?	10	no

Has the landlord been prosecuted for any relevant ³ offences in the last 2 years?	20	yes
Has the landlord owned or managed a property which was subject to an Interim or Final Management Order under the Housing Act 2004 in the last 2 years?	20	no
Has the landlord been the subject of a Banning Order under the Housing and Planning Act 2016 in the last 2 years	20	no
1- Any action under Part 1 of Housing Act 2004 other than a hazard awareness notice. 2- Any notices served under any legislation relating to Housing Community Protection and Environmental Health. 3- Any unspent convictions relating to housing, environmental health or landlord and tenant law which led to civil or criminal proceedings resulting in a judgement against the offender.		

The total score from questions is then used to determine the percentage increase to apply to the penalty band starting level. Table 8 gives percentage increase for penalty band starting level by total score.

Table 8 Percentage Increase of Penalty Band Starting Level by Landlords Track Record Total Score

Score	0	1	3	5	7	9	11	13	15	17	21	23	25	27	29	31	33	35	37	39+
%	0	5	10	15	20	25	30	35	40	45	55	60	65	70	75	80	85	90	95	100

This additional charge calculated for landlord's track record is then added to the civil charge. The final total civil charge will not exceed the maximum level of the Penalty Band.

Stage 3: Adding Income and Track Records Amounts to the Penalty Band

The total amount from stage 2 for income and landlord's track record should be added to the starting point for the penalty band identified in stage 1. The final civil penalty will be the total sum of stage 1 and 2 or the maximum penalty limit if the sum is greater than the penalty band.

1.6 Principles of Civil Penalties

Although the maximum civil penalty that can be imposed for an offence is £30,000, it is for the Authority to determine the level of civil penalty.

This Authority will continue to take robust action against those landlords that flout the law, and it will ensure that its use of civil penalties is consistent, appropriate, proportionate and fair.

Civil penalties can only be used as an alternative to prosecution. This means that, if a civil penalty has already been imposed, the offender cannot be prosecuted for the same offence. Likewise, a person who has been (or is being) prosecuted cannot be issued with a civil penalty for the same offence.

Although only one civil penalty can be issued for each of the first 4 offences listed above, a civil penalty can be issued for each separate breach of the HMO Management Regulations.

Where the letting / managing agent and landlord have committed the same offence, the Authority can impose a civil penalty on both. The level of the civil penalty imposed on each offender may differ, depending on the circumstances of the case.

1.7 The Punishment of the Offender

A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

1.8 Whether It Will Deter the Offender from Repeating the Offence

The issuing of Civil Penalty will deter any further offending and help ensure that the landlord fully complies with all their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

1.9 Whether It Will Deter Others from Committing the Offence

While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

2.0 Whether It Will Remove Any Financial Benefit the Offender May Have Obtained as a Result of Committing the Offence

The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

2.1 Imposing A Civil Penalty and Right of Appeal

Schedule 9 of the Housing and Planning Act 2016 sets out the process for imposing a civil penalty.

2.1.1 Notice of Intent

A Notice of Intent must be served on a landlord before imposing a civil penalty. The Notice must be served within 6 months of the offence occurring is noted by the Authority. The Notice must contain the following information:

- The amount of the proposed civil penalty;
- The reasons for proposing to impose a civil penalty; and
- Information about the Landlord's right to make representations to the Authority.

2.1.2 Representations

Any landlord has the right to make representations against the Notice of Intent within 28 days of receipt. Representations will be considered by Environmental Health Group Leader.

The landlord will need to provide documentary evidence with the representation to challenge the proposed penalty amount to allow it to be considered.

A written response will be provided to the representative.

2.1.3 Final Notice

On ending of the 28 day period from Notice of Intent, or the conclusion of the representation, the Authority will decide, taking into consideration any representations, whether to impose a civil penalty and the final amount of the civil penalty.

The final Notice imposing a civil penalty must contain the following information:

- The amount of the financial penalty;
- The reasons for imposing the penalty;
- Information about how to pay the penalty;
- The period for payment of the penalty;
- Information about rights of appeal, and;
- The consequences of failure to comply with the notice.

The period of payment for the civil penalty must be 28 days beginning with the day after that on which the notice was given, unless that Notice is suspended due to an appeal.

2.1.4 Appeals to the Tribunal

A person who has been issued with a civil penalty has a right of appeal to the First-Tier Tribunal and this will involve a re-hearing of the Authority's decision to impose the civil penalty. The Tribunal has the power to confirm, vary (increase or reduce) or cancel the civil penalty that the Authority has issued.

The First-Tier Tribunal can dismiss an appeal if it is satisfied the appeal is frivolous, vexatious or an abuse of process, or it has no reasonable prospect of success.

The Authority intends to defend its decision to issue civil penalties rigorously and this will involve not only Officer time and resources but also specialist legal support.

The Authority will seek to recover its legal costs if required to defend its decision at a Tribunal.

2.2 Recovering Unpaid Civil Penalty

The Authority will consider all legal options for the collection of unpaid civil penalties and to pursue unpaid penalties through the county courts as follows:

- A warrant of Control for amounts up to £5000;
- A Third Party Debt Order;
- A Charging Order; and
- Bankruptcy or insolvency.

A certificate signed by the Chief Finance Officer for the Authority and stating that the amount due has not been received by the date of the certificate, will be accepted by the courts as conclusive evidence of the payment due.

Where a Charging Order has been made, and the amount of the order is over £1000, the Authority can consider applying for an Order for Sale against the property or asset in question. When considering which properties to apply for a Charging Order the Authority can consider all properties owned by the landlord and not just the property to which the offence relates.

Where the civil penalty was appealed and the Authority has a tribunal decision confirming or varying the penalty, the decision will be automatically registered on the Register of Judgments, Orders and Fines, once accepted by the County Court. Inclusion on this Register may make it more difficult for the Landlord to get financial credit.

2.2 Financial Means to Pay A Civil Penalty

In setting a financial penalty, the Authority may conclude that the offender is able to pay any financial penalty imposed, unless the offender has supplied suitable and sufficient financial information to the contrary.

It is for the offender to disclose to the Authority such data relevant to his financial position as will enable the Authority to assess what s/he can reasonably afford to pay.

Where the Authority is not satisfied that it has been given sufficient reliable information, it will be entitled to draw reasonable inferences as to the offender's financial means from the evidence it holds and from all of the circumstances of the case which may infer that the offender can afford to pay any financial penalty.

As some offenders will own one or more properties in North Tyneside, it is likely that they will have assets that they can sell or borrow against. After considering any mortgages on the property, the Authority will determine the amount of equity that could be released from the property. If an offender claims that they are unable to pay a financial penalty and shows that they have only a low income, consideration will be given to whether any of the properties can be sold or refinanced.

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Appendix 2 – Consultation Responses

Table 1: Housing Policy Consultation Responses

Respondent	Policy Clear and Understood	Agreement with policy	Amendments	Actions/ Response
Resident	Y	Y	<p>Section 5 phrase below doesn't win a plain English award. "North Tyneside has some areas which display issues related to deprivation and some areas of prosperity, such as St Mary's and Monkseaton North. Areas such as Chirton, Riverside and Wallsend have been identified as being within the most deprived areas of the country."</p> <p>Suggest "North Tyneside has a diverse mix of areas. The council wards of St Mary's and Monkseaton North are among the least deprived in the country, whereas Chirton, Riverside and Wallsend have been identified as being within the most deprived areas of the country."</p>	Amendments made
			<p>Section 27</p> <p>A national database of rogue landlords and property agents has been created by the Secretary of State for Housing, Communities and Local Government.</p> <p>Highly unlikely the Secretary of State has created the database by inputting data - suggest referring to Ministry of Housing, Communities and Local Government (MHCLG)</p>	Section 28 of Housing and Planning Act 2016 gave secretary of State powers to establish a database of rogue landlords.

Appendix 2 – Consultation Responses

Respondent	Policy Clear and Understood	Agreement with policy	Amendments	Actions/ Response
Resident (SR)	y	Y	<p>I agree wholeheartedly with the new legislation and hope this brings about all the necessary needs of tenants in private housing as well as removing the blight of ugly neglected properties especially in older building areas. I agree wholeheartedly with the new legislation and hope this brings about all the necessary needs of tenants in private housing as well as removing the blight of ugly neglected properties especially in older building areas.</p> <p>Hopefully in the not too distant future there might be legislation to adapt neglected shopping areas and introduce a new look into town centres where people can choose to live near shops and transport. Many town centres and suburbs could be greatly improved and brought up to date with new colourful modern buildings making a more pleasant environment for all and providing housing to suit single persons in need or for short term lets for visitors.</p>	Comments noted
Resident	y	y	That properties are not used for overcrowding of one or more families.	legislation protects against overcrowding and a new minimum space requirement has been set for HMOs.

Appendix 2 – Consultation Responses

Respondent	Policy Clear and Understood	Agreement with policy	Amendments	Actions/ Response
Resident	y	y	I do not think private landlords should be able to evict tenants without good reason which is happening a lot lately. Also some do not do repairs which tenants ask for	There are safe guards in legislation against illegal evictions and eviction notices would not be enforceable if issued within 6 months of issuing of category 1 improvement notice for disrepair.
Resident	y	y	Does the Council have a robust policy to deal with disputes between the parties and are all parties have knowledge of how to access this assistance? I presume that when a dispute occurs then two officers should attend the disputed premises and take note of all findings so that a peaceful resolution can be found. Both Landlords and Tenants need to feel assured that quick and fair arbitration can occur so as to give all parties faith in the system. Private Landlords are an essential part of public housing at this time and void properties are to be avoided whenever possible, but not at any cost.	Policy advises how we would progress a complaint based on risk and a stepped approach from informal to formal actions. Disagreements can be considered under the corporate complaint process or via housing tribunal.

Appendix 2 – Consultation Responses

Resident Chair	y	y	<p>Thank you for sending the draft proposals put forward by North Tyneside Council as regards Private Landlord Enforcement which I firmly believe will provide much needed support especially for low- income families who are currently at risk from poorly maintained and potentially dangerous properties within the borough.</p> <p>As Chairman of the Northumberland and Newcastle Society I would also like to take the opportunity to suggest that the Council's Planning Department should also be mindful of any current and future applications to convert existing buildings for residential use. As a matter of general principle, the Society welcomes and supports planning applications where approval is sought for conversion from commercial / retail use to dwellings for vacant sites in all our local authority areas. It is our belief that such change of use should be encouraged as part of the generic desire to revitalise both urban and semi-rural communities where the proposed developments will sustainably deliver good quality living accommodation created sympathetically from redundant buildings especially on brown field sites.</p> <p>However, we are aware that promoters of some developments often have little regard for prospective occupants of these dwellings and provide inadequate floor areas allocated to individual units within buildings of multi-occupancy which will certainly not be compliant with forthcoming Government minimum standards for floor space. We all have recognised during the current pandemic the importance of personal space in our homes which is often at a premium. Permitting poor quality densely packed developments by any of our local authorities sends completely the wrong message and in the case of North Tyneside Council would be counter-productive in view of the welcome initiative to encourage and enforce continued improvement of properties let out by private landlords. What we do not need is the creation of slums for the future.</p>	<p>Comments noted. Agreed</p>
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Appendix 2 – Consultation Responses

Respondent	Policy Clear and Understood	Agreement with policy	Amendments	Actions/ Response
Resident	Y	N	<p>Firstly I welcome the framework to establish clearly a policy and accompanying and complementary set of civil enforcement powers.</p> <p>Secondly I don't believe the prescribed measures are adequately clear, or fair, or are ample in their scope. I'll elaborate. Nothing is more fair than three strikes. In the first instance landlords found responsible for defects, frauds and refusals should expect a fair and proportionate response. Mistakes happen and lessons must be learned. Thus they should be aware that instead of a gradual increase in penalties for serial offences that, instead, the first will be monetarily proportionate to the offense, plus an significant fine owed to the council. This should only be allowed to happen twice, with the second fine drastically more punitive to reflect the landlord's unacceptable conduct.</p>	Comments noted. Civil penalty fines are determined by severity of risk and harm and culpability of landlord. The final sanction against landlord can be the removal of his right to rent by Banning order.
Resident	Y	Y	A really good initiative - much needed no doubt - well written and with good decision making systems and criteria and appropriate proportionate actions suggested.	Comments noted.
Resident	Y	Y	General comments regarding their experiences with poor landlords and importance of good housing.	Noted

Appendix 2 – Consultation Responses

Respondent	Policy Clear and Understood	Agreement with policy	Amendments	Actions/ Response
Resident			Query if response time is working day or inclusive of all days. Pg20 query if who approves appeal from lower to upper housing tribunal.	Timescales are inclusive of all days of week. An appeal from lower to upper tribunal would be agreed by the lower housing tribunal amendments made.
Resident	Y	Y	Excellent presentation, agree with policy. How will it be implemented and how will poor workmanship be dealt with?	Work will be reactive or intelligence lead. Poor workmanship may lead to landlord failing to meet the requirements of Notice.
Resident	y	Y	Thorough policy. Query how derelict garages and empty homes deal with regard to spoiling the enjoyment of the amenity	Issues regarding visual appearance of properties would be addressed by planning legislation on visual appearance.

Appendix 2 – Consultation Responses

Respondent	Policy Clear and Understood	Agreement with policy	Amendments	Actions/ Response
Resident	y	y	Agrees that there is a need for stricter laws to ensure landlords accountable	Introduction of civil penalties and guidance on fines ensures proportionate to landlords' culpability and seriousness of offence.
Resident	y	y	Agrees with policy but concerned about staffing.	The policy will give staff tools to address rogue landlords and any finds will be directed on private sector housing.
Resident	y	y	Format of policy could not be improved, clear and understandable. How will tenants be made aware of policy	The policy has been publicised to charities and citizen advice groups who support tenants as well as being made available on council website
Resident	y	y	Repetitive but very thorough, everything covered	noted

Appendix 2 – Consultation Responses

Respondent	Policy Clear and Understood	Agreement with policy	Amendments	Actions/ Response
Resident	y	y	Agree with policy but queries support for landlords for bad tenants	North Tyneside Website links to useful sites for support.
Resident	Y	Y	Good policy	noted
Resident	Y	Y	Good policy	noted
Independent Body	y	y	<p>Citizens Advice broadly welcome the civil penalties policy that empower local authorities to tackle bad landlords and letting agencies in the Private Rented Sector by giving the local authority powers to issue civil penalties. This may deter offenders as its likely more civil penalties will be issued as the alternative was a criminal prosecution. However, it appears that the local authority will not be able to prosecute for the same offence if they have issued a civil penalty.</p> <p>We welcome changes including: Rent Repayment Orders; Banning Order and a local database of 'rogue' landlords. We understand that much of the implementation will be on a case by case basis and look forward to observing how this works in practice.</p>	Comments noted.

Appendix 3 Charging for Housing Act 2004 Enforcement Action

Section 49 of the Housing Act 2004 gives local authorities the power to make a reasonable charge to recover administrative and other expenses incurred by them when taking enforcement action under the Act.

The local authority will charge for regulatory effort made in accordance section 40 of the Act for enforcement action upon landlords and owners of properties run by agents except in the case of hazard awareness notice. The charge will recover officer time for determination of appropriate action which will include the Housing Health and Safety Rating System (HHSRS) assessment and review of options in accordance with the Office of the Deputy Prime Minister HHSRS Enforcement Guidance as well as the preparation and service of notice /order.

Charge may be waived for owner occupiers and in exceptional circumstances upon landlords. This will be determined on a case by case basis by the Environmental Health Group Leader.

Charges have been determined based on the estimate of regulator effort involved as follows:

Enforcement Action	Section	Charge £
Improvement Notice (inc. Suspended)	11 and 12	360
Prohibition Order (inc. suspended)	20 and 21	360
Emergency Remedial Action	40	360
Emergency Prohibition Order	43	360
Review Suspended Improvement Notice or Improvement Order	17 and 26	160

Breakdown of costs are set out in the table below:

General Charge for the Determination of Actions for Improvement Notice and Prohibition Order					
Action	Grade	Time in minutes	Basic cost per activity	Overheads - Support Service costs at 25%	Total cost per activity
HHSRS Inspection of premises.	EHO	120	51.24	12.81	64.05

Review of information collated from inspection e.g. pictures, deficiencies, and comparison with the HHSRs inspection guidance	EHO	120	51.24	12.81	64.05
Scoring of Hazards based on inspection guidance	EHO	60	25.62	6.405	32.03
Determination of appropriate action statement 8 reason for decision to take enforcement action	EHO	120	51.24	12.81	64.05
Preparation of Notice or Order, Identifying actions. Review of building control approved documents, Service of notice	EHO	120	51.24	12.81	64.05
Review of determination and appropriate action by the authorised officer for service of notice	EHGL	120	60.00	15.00	75.00
Total Cost Improvement Notice, Prohibition Order, Emergency Remedial Action, Emergency Prohibition Order	£363.23				
Total Cost Review of Suspended Improvement notice or suspended prohibition order Includes inspection reassessment	£160				

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North Tyneside Council Report to Cabinet Date: 28 June 2021

Title: North Tyneside Transport Strategy Annual Report

Portfolio: Environment	Cabinet Member: Councillor Sandra Graham
Report from Service Area: Environment, Housing and Leisure	
Responsible Officer: Phil Scott, Head of Environment, Housing and Leisure	Tel: (0191) 643 7295
Wards affected: All	

PART 1

1.1 Executive Summary:

The Authority is responsible for managing the borough's network of highways and cycling and walking routes, alongside a range of other transport responsibilities. The North Tyneside Transport Strategy, adopted by Cabinet on 8 May 2017, sets out the Authority's vision for transport in the borough.

The strategy seeks to ensure that "North Tyneside will have a safe, easy to use, healthy, affordable, accessible and integrated travel and transport infrastructure that works for residents, businesses and visitors effectively and efficiently", and sets out five principles which are key to achieving this. As transport is a major contributor to carbon emissions, it has a vital part to play in the Authority's response to its declaration of a Climate Emergency.

The purpose of this report is to fulfil the commitment within the Transport Strategy to provide Cabinet with an annual report outlining activities and trends relating to transport in the borough over the last year.

The report outlines that North Tyneside's transport network is becoming safer reflecting the Authority's significant and targeted investment in major schemes over recent years. Cycling is becoming even more prevalent as a way of getting around North Tyneside and air quality in the borough has been confirmed as compliant with legal standards.

The impact of the Covid-19 pandemic on travel patterns has made securing the shift away from car use difficult in the short term due to lower use of public transport, but this is recovering.

1.2 Recommendation:

It is recommended that Cabinet notes the content of this report and associated supporting information contained within **Appendix 1**.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 19 February 2021.

1.4 Council Plan and Policy Framework

The proposals in this report relate to a number of priorities in Our North Tyneside, the Council Plan 2020 to 2024, in particular:

- Our people will:
 - Be ready for school
 - Be ready for work and life
 - Be healthy and well
- Our places will:
 - Recognise the climate emergency by further reducing the Borough's overall carbon footprint
 - Have an effective transport and physical infrastructure

1.5 Information:

1.5.1 Background

The North Tyneside Transport Strategy was adopted by Cabinet on 8 May 2017 and sets out the Authority's vision for transport in the borough. It seeks to ensure that "North Tyneside will have a safe, easy to use, healthy, affordable, accessible and integrated travel and transport infrastructure that works for residents, businesses and visitors effectively and efficiently". It sets out five principles which are key to achieving this. In order to provide regular information about transport in North Tyneside, the Transport Strategy contains a commitment to provide an annual information report to Cabinet.

Since the adoption of the Transport Strategy, the following policies and strategies relating to transport in North Tyneside have been revised:

- Supplementary Planning Document – Transport and Highways (LDD12) – adopted May 2017
- North Tyneside Parking Strategy – adopted February 2018
- Highway Asset Management Plan (HAMP) – adopted September 2017
- North Tyneside Cycling Strategy – adopted March 2018
- North Tyneside Travel Safety Strategy – adopted March 2018
- North Tyneside Network Management Plan – adopted October 2018
- North Tyneside Hackney Carriage and Private Hire Licensing Policy – adopted February 2020

- North Tyneside Home to School/College Transport Policy – refreshed 2020

One of the Transport Strategy's key principles involves reducing carbon emissions, by encouraging modal shift and taking part in regional initiatives to encourage wider adoption of low-carbon technologies in both vehicles and transport infrastructure.

The importance of this objective was magnified when full Council formally declared a Climate Emergency at its meeting on 25 July 2019. In declaring the climate emergency full Council set a target to halve the Authority's and the borough's carbon footprint by 2023. It also committed the Authority and the borough to being carbon neutral by 2050 in line with the national target.

Transport accounts for just over a third (34% in 2019) of the UK's carbon dioxide emissions, and since 2016 transport, rather than energy supply, has been the largest source of carbon dioxide emissions in the UK. In order to deliver the Authority's Climate Emergency aims it is therefore vital that the Authority meets its objectives and makes transport more sustainable. As part of ongoing efforts to reduce carbon emissions and improve local air quality, the Climate Emergency Action Plan sets out several key initiatives that the Authority will seek to deliver in the coming years.

1.5.2 Performance

The annual report, attached as Appendix 1, covers the period 1 April 2020 to 31 March 2021 and sets out relevant local transport data over that period of time. A Transport Strategy Data Factsheet summarising the key performance data for 2020/21 is included as Appendix B to the annual information report. A further factsheet which highlights the changes in travel following the Covid-19 pandemic is included as Appendix C to the annual information report.

The five principles of the Transport Strategy guide the Authority's actions and act as a framework for measuring performance. The annual information report summarises the Authority's performance against each of the principles below:

- Principle 1 – Improve safety, health and well-being outcomes and sustainability; in relation to people, communities and the environment;
- Principle 2 – Support economic growth; through effective movement for people, businesses and goods and to support the regional aim of "more and better jobs";
- Principle 3 – Improve connectivity; with all parts of the borough, the region, the rest of the country and the world;
- Principle 4 – Enable smart choices for all; help people, businesses and visitors find out how to get to where they need to; and
- Principle 5 – Manage demand; on transport networks and assets and address current and future transport challenges.

1.5.3 Summary of performance

Road safety, cycling and walking

The report indicates that North Tyneside's transport network is becoming safer: the number of road accident cluster sites continues to decrease, from six in 2019 to five in 2020, which reflects the Authority's targeted major scheme investment over recent years. The total number of road collisions decreased by 17% in 2020, having shown a broadly steady trend over the previous three years, while collisions involving cycling were below the 2018 level, although higher than 2019 against a background of increased cycling. 2020 also saw a decrease of 32% in pedestrian casualties, which, except for a c.30% lower figure in 2017, had been at a similar level over recent years.

Cycling is becoming even more important as a way of getting around North Tyneside, with cycling trips increasing by 59% in the last year, much higher growth than was seen in Tyne and Wear as a whole. This was enabled in part by temporary cycling schemes including the 4km pop-up cycleway along the coastal strip. To support the growth in everyday cycling in North Tyneside, the Authority continues to invest in cycling infrastructure and continues to seek opportunities to improve our cycling network. This is demonstrated through the upcoming investment in the 14km of new strategic cycle network to be delivered between 2021 and 2023.

Air quality throughout the borough has been confirmed as compliant with legal standards, assisted by recent measures such as retrofitting technology to reduce emissions from buses on the A1058 Coast Road.

However, the impact of the Covid-19 pandemic on travel patterns means that securing a shift away from car use has been difficult in the short term, and overall motor traffic volumes in April-May 2021 were slightly greater than pre-Covid levels. Public transport use, although still generally below half of pre-Covid levels, is showing a recovering trend.

Supporting our economy and improving connectivity

The Authority's investment has helped North Tyneside's transport network to flow better, with £18m invested over recent years, largely from external funding, in targeted major schemes. This has addressed pressures at specific locations on the network and improved accessibility to destinations including major employment sites, helping to support the borough's economy and assist in the delivery of the Local Plan objectives.

Alongside this, the Authority continues to deliver an annual programme of local transport improvements which helps to address issues identified from transport data or raised by members or residents, with 14 local road safety schemes being delivered in the past year.

Enabling smart choices

The Authority's work with local schools has seen a substantial rise in sustainable travel, from 69% to 88%, at the four schools where 'School Streets' have been introduced on an 18-month trial basis, with the streets outside the school gates reserved for walking and cycling at the start and end of the school day, with children and their parents encouraged to travel actively or use 'park and stride'.

Work with schools also involves helps to develop young people's skills to walk and cycle safely. The Authority offers national standard 'Bikeability' cycling training to schools across the borough and, although impacted by Covid-19 restrictions, 651 training places

were delivered in 2020/21; road safety education is also offered in schools. Through its ongoing 'Go Smarter' programme, the Authority promotes the use of sustainable and active transport in schools, as well as involving children in identifying improvements to cycling and walking infrastructure.

The Authority has also secured funding for a fleet of pedal-powered, electrically assisted e-Cargo bikes to help improve air quality, promote sustainable travel and support local businesses in making smarter travel choices.

Managing demand and addressing challenges

Following the first national lockdown to prevent the spread of Covid-19 in March 2020, the Authority moved promptly to re-start the provision of highways services, including highway maintenance, car park management and the School Crossing Patrol service, helping to address challenges around Covid-19 recovery.

In addition, the Authority helped local businesses to resume trading by introducing a temporary 'pavement licence' for cafés, pubs and restaurants to place chairs and tables outside their premises to assist in the hospitality sector's Covid-19 recovery.

1.6 Decision options:

No decision is being taken by Cabinet. It is asked to note the content of the Transport Strategy Annual Information Report for 2020/21.

1.7 Appendices:

Appendix 1 – Transport Strategy Annual Information Report

1.8 Contact officers:

Andrew Flynn, Integrated Transport Manager, 0191 643 6083
John Cram, Integrated Transport Officer, 0191 643 6122
Colin MacDonald, Senior Manager Technical and Regulatory Services, 0191 643 6620
Cathy Davison, Principal Accountant Investment (Capital) and Revenue, 0191 643 5727

1.9 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) [North Tyneside Transport Strategy](#) (approved by Cabinet on 8 May 2017)
- (2) [North East Transport Plan](#)
- (3) [North Tyneside Local Plan](#)
- (4) [Supplementary Planning Document LDD12 – Transport and Highways](#)
- (5) [North Tyneside Travel Safety Strategy](#)
- (6) [North Tyneside Cycling Strategy](#)
- (7) [North Tyneside Parking Strategy](#)

- (8) [North Tyneside Highway Asset Management Plan \(HAMP\)](#)
- (9) [North Tyneside Network Management Plan](#)
- (10) [North Tyneside Joint Health and Wellbeing Strategy 2013-2023](#)
- (11) [North Tyneside Hackney Carriage and Private Hire Licensing Policy](#)
- (12) [North Tyneside Home to School/College Transport Policy](#)
- (13) [Equality Impact Assessment](#) – North Tyneside Transport Strategy
- (14) [Cabinet report 29 June 2020](#) – Covid-19 – A Framework for Recovery in North Tyneside
- (15) [Bike Life Tyneside 2019 report](#)
- (16) [Cabinet report 20 January 2020](#) ‘Tyne and Wear Air Quality Plan’
- (17) [2019 UK greenhouse gas emissions, provisional figures](#) (National Statistics and Department for Business, Energy and Industrial Strategy)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial and resource implications directly arising from this report. This report provides the Annual Information Report relating to the North Tyneside Transport Strategy.

It is envisaged that all actions within the Transport Strategy itself can be delivered within existing budgets (the Local Transport Plan capital budget and Technical Services Partnership managed budget) or using specific external grant funding, where applicable. Any expenditure which cannot be contained within existing budgets will be reported to Council / Cabinet, as appropriate for a decision before any expenditure is incurred or committed.

2.2 Legal

The Authority is responsible for undertaking a number of transport-related functions and statutory duties under relevant pieces of legislation and those obligations are discharged via specific policies, plans and programmes which are approved by the relevant decision-making forum.

Some of the Authority’s transport functions must be discharged through the North East Joint Transport Committee which is a joint committee established by the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 or the Joint Transport Committee Tyne and Wear Sub-Committee. The Authority works with the Joint Transport Committee and its Tyne and Wear Sub-Committee on a range of transport-related matters.

By virtue of section 9D of the Local Government Act 2000 any function of the Authority is the responsibility of the Executive unless there is a contrary intention expressed in legislation. There is nothing in the Acts referred to in this section or the Local Authorities

(Functions and Responsibilities) (England) Regulations 2000 that indicate that the Transport Strategy is not to be a matter for Cabinet.

2.3 Consultation/community engagement

There are no consultation or community engagement implications directly arising from this report. This report provides the Annual Information Report relating to the North Tyneside Transport Strategy.

Actions within the Transport Strategy itself involve engagement as appropriate: for example, the Authority continues to engage with schools in the borough to encourage children and their parents to travel actively to school or use 'park and stride' as described in section 1.5.3.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity issues directly arising from this report. An Equality Impact Assessment was undertaken at the time of the approval of the Transport Strategy and was reviewed in June 2020 in light of the Covid-19 pandemic.

2.6 Risk management

There are no risk management implications arising directly from this report. Strategic and operational risks associated with transport matters are assessed via the established corporate process.

2.7 Crime and disorder

There are no crime and disorder implications arising directly from this report.

2.8 Environment and sustainability

There are no environment and sustainability issues directly arising from this report.

PART 3 - SIGN OFF

- | | |
|---------------------------------------------------|--------------------------|
| • Chief Executive | <input type="checkbox"/> |
| • Head(s) of Service | <input type="checkbox"/> |
| • Mayor/Cabinet Member(s) | <input type="checkbox"/> |
| • Chief Finance Officer | <input type="checkbox"/> |
| • Monitoring Officer | <input type="checkbox"/> |
| • Head of Corporate Strategy and Customer Service | <input type="checkbox"/> |

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North Tyneside Transport Strategy Annual Information Report 2020/21



North Tyneside

Transport Strategy Annual Information Report 2020/21

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1. Introduction

The North Tyneside Transport Strategy was adopted by Cabinet on 8 May 2017 and sets out the Authority's vision for transport in the borough. It seeks to ensure that "North Tyneside will have a safe, easy to use, healthy, affordable, accessible and integrated travel and transport infrastructure that works for residents, businesses and visitors effectively and efficiently". It sets out five principles which are key to achieving this. In order to provide regular information about transport in North Tyneside the Transport Strategy contains a commitment to provide an annual information report to Cabinet.

Strategic policies that feed into the Transport Strategy are the:

- Our North Tyneside Plan 2020 – 2024;
- Local Plan 2017 – 2032;
- Health and Wellbeing Strategy 2013 – 2023; and
- North East Transport Plan 2021 – 2035.

The Authority's policies and strategies specific to transport matters, which are aligned with the Transport Strategy, are the:

- Local Development Document LDD12 – Transport and Highways;
- North Tyneside Cycling Strategy;
- North Tyneside Travel Safety Strategy;
- North Tyneside Parking Strategy;
- North Tyneside Highway Asset Management Plan (HAMP);
- North Tyneside Network Management Plan;
- North Tyneside Home to School/College Transport Policy; and
- North Tyneside Hackney Carriage and Private Hire Licensing Policy.

1.1 The Transport Strategy Annual Information Report

The purpose of the annual information report is to demonstrate progress against delivery of the North Tyneside Transport Strategy. This report covers the period 1 April 2020 to 31 March 2021 and sets out relevant local transport data over that period of time.

In July 2019 the Authority declared a Climate Emergency, and seeks to halve its own and the borough's carbon footprint by 2023 and commits that itself and the borough will be carbon neutral by 2050 in line with the national target. This is in line with the first of the Transport Strategy's five principles, which includes a commitment to assist in reducing carbon emissions, by encouraging modal shift and taking part in regional initiatives to encourage wider adoption of low-carbon technologies in vehicles and transport infrastructure.

A summary of the Authority's detailed transport policies and strategies which sit beneath the Transport Strategy is provided as Appendix A to this report.

1.2 Performance 2020/21

The five principles of the Transport Strategy guide the Authority actions and act as a framework for measuring performance. The annual information report summarises the Authority's performance against each of the principles below:

- Principle 1 - Improve safety, health and well-being outcomes and sustainability; in relation to people, communities and the environment;
- Principle 2 - Support economic growth; through effective movement for people, businesses and goods and to support the regional aim of "more and better jobs";
- Principle 3 - Improve connectivity; with all parts of the borough, the region, the rest of the country and the world;
- Principle 4 - Enable smart choices for all; help people, businesses and visitors find out how to get to where they need to; and
- Principle 5 - Manage demand; on transport networks and assets and address current and future transport challenges.

A "Transport Strategy Data Factsheet" summarising general performance data for 2020/21 has also been produced and is included in Appendix B to this report. Data specific to the effects on transport usage of the Covid-19 pandemic and associated restrictions is included as Appendix C to this report.

2. Effects of Covid-19

The Covid-19 pandemic created a profound economic and social shock that will not be straightforward or quick to recover from. During the past year, it has reshaped travel patterns, with motor traffic volumes distributed more to the middle of the day rather than the traditional peak hours; much reduced public transport patronage combined with reduced capacity on board public transport to support social distancing; increased participation in cycling and walking; increased home working and more vehicle movements associated with home delivery.

Following the start of the first Covid-19 lockdown motor traffic flows in North Tyneside decreased to 58% below previous levels (March 2019 baseline). As at May 2021 the total motor traffic flows in North Tyneside were 5% greater than previous levels (March 2019 baseline), although distributed differently throughout the day, with the return of a morning peak but less of an evening peak.

Bus patronage in April 2021 was 44% of pre Covid-19 expected levels (provisional figure) and Metro patronage was 43% of pre Covid-19 levels: these figures compare with 11% and 5% respectively in April 2020. Shields Ferry patronage in April 2021 was 54% of pre Covid-19 expected levels compared with 5% in April 2020 (previously the ferry service was suspended in February-March 2021 for repairs to the ferry landing; a reduced timetable with no Sunday service was introduced in part of 2020/21 when travel was limited by Covid-19 restrictions). For public transport services, the loss of revenue from ticket sales has been substantial, with most being sustained by temporary Covid-related grant funding: operators now face the challenge of attracting customers back to public transport.

Cycling in North Tyneside from calendar year 2019 to 2020 increased by 59% whereas in Tyne and Wear as a whole it increased by 32%. It is also understood that more people may also be walking for local journeys, although there are no comparable figures.

Please see Appendix C to this report for further details.

2.1 Covid-19 Response

2.1.1 Lockdown phase (March – May 2020)

The Authority acted to support the immediate Covid-19 response. For example, town centre car parking restrictions were suspended to support travel by key workers and the Authority supported the implementation of key worker parking permits for NHS staff. Car parks at mainly leisure destinations, e.g. at coastal locations, were closed in order to support social distancing.

Parking enforcement services were suspended, with staff reallocated to other activities to support Covid-19 response, and enforcement agent (bailiff) services were also suspended. Other than immediate response services, other highway services were initially stood down until the appropriate Covid-secure working practices could be introduced.

2.1.2 Immediate “**restart**” phase (May – September 2020)

Road safety and parking

Public car parks were re-opened, with safety notices installed to highlight social distancing requirements, and a phased approach was taken to the re-introduction of parking enforcement. The School Crossing Patrol (lollipop person) service was re-introduced, working with the schools and with Covid-secure working practices in place. The Authority also worked with schools and transport providers to promote walking and cycling to school, in order to manage the demand for increased car use and recognise that the capacity of school bus services was limited despite the provision of some additional vehicles.

Emergency Active Travel Fund (EATF)

The Authority introduced a number of temporary schemes in our town centres and along the coastal strip to support local businesses, provide space for outdoor queuing and seating, assist with social distancing and recognise the greater numbers of people cycling and walking. These included reserving a section of the Fish Quay mainly for walking and cycling with limited motor vehicle access, and reallocating road space along the coastal strip to create a protected cycle route suitable for family cycling until the end of the Summer-Autumn season in November 2020.

Pavement licensing

Following the introduction of new legislation in July 2020, the Business and Planning Act, in order to support the hospitality sector a new fast-track procedure was brought into immediate effect. This allows cafés, pubs and restaurants to apply for a ‘pavement licence’ to place removable chairs and tables outside their premises up to September 2021 (details available on [the Authority’s website](#)). As of May 2021, 50 such applications have been approved.

2.1.3 Medium “**transition**” phase (October 2020 to March 2021)

Since then the Authority has continued to keep transport services under review and, working with partners, respond to local and national Covid-19 restrictions.

2.1.4 Long term “**rebuild and grow**” phase (April 2021 – July 2021 linked to Government guidance)

The focus on this period has been on opportunities to support ‘An Ambition for North Tyneside’, the Authority’s Regeneration Strategy; working with regional partners on the delivery of the objectives in the recently adopted North East Transport Plan; responding to develop and implement local transport schemes which provide bus, cycling and walking improvements; and working with bus operators and the public transport sector on the future development of services.

3. Principle 1 - Improve safety, health and well-being outcomes and sustainability; in relation to people, communities and the environment

3.1 Road Collisions

For the North East region, 2020 has seen the lowest collision and casualty numbers since records began in 1979. This largely reflects Covid-19 related restrictions and the associated changes in how people travel.

As would be expected, the overall average speed of motor traffic was higher while traffic volumes were substantially lower. During this period the Police continued to enforce speed limits. In May 2020, average traffic speeds had returned to pre-Covid levels.

As shown in the Collisions by Year and Severity 2016-2020 graph included in the Data Factsheet in Appendix B, the total number of collisions in North Tyneside decreased in 2020 having shown a broadly steady trend over the previous three years.

The figures for North Tyneside, like those for all other local authorities in the region, have been affected by the change in Police reporting methods which took place in 2016. This has resulted in a change in the proportions of Serious and Slight collisions. The change in reporting has resulted in an increased number of collisions being interpreted as Serious, e.g. where casualties are detained in hospital or suffer from a fracture, concussion or burn. Serious collisions are reported within the category of KSI (those in which one or more individual is killed or seriously injured).

The standard practice is to record an authority's performance based on a rolling 3-year average, which gives a clearer picture of the underlying trend despite possible annual variation in the data.

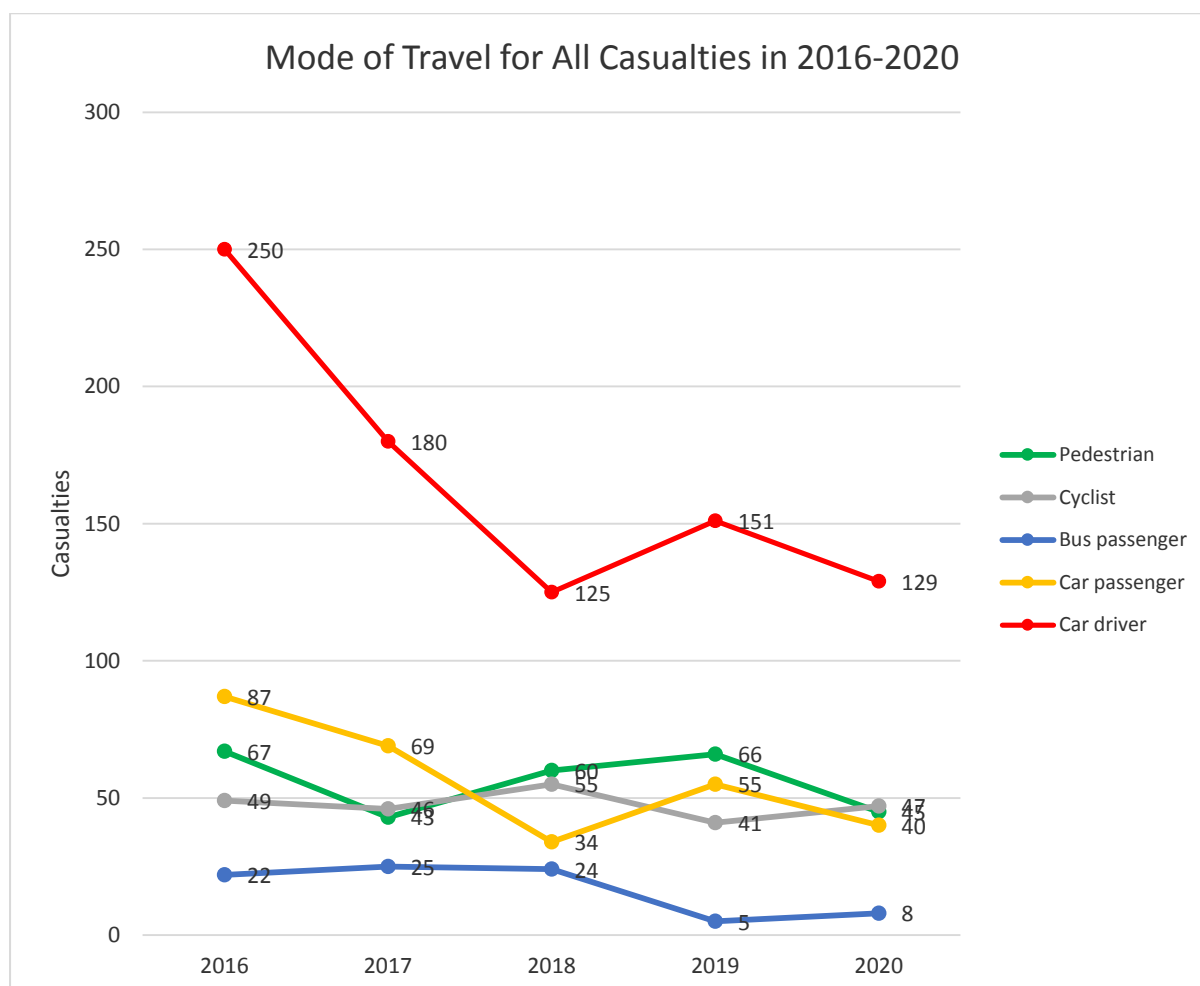
For the three types of collision recorded:

- Collisions in which one or more individual is killed or seriously injured (KSI) – following the change in Police reporting of Serious collisions described above, the 3-year average figure for KSI for 2018-20 was 55. For comparison, the baseline average figure for 2005-09 was 63 (note that this was before a change in Police reporting which affected which collisions were classed as Serious).
- There was a decrease of around 23% in collisions in which a child is killed or seriously injured (Child KSI) compared with the baseline – over the period 2018-20 there was an annual average of 10 such collisions, compared with an annual average of 13 during the baseline years 2005-09.
- Collisions classified as Slight – the 3-year average figure for 2018-20 was 239, which has more than halved (60% lower) since the 2005-09 baseline average figure of 603.

3.1.1 Casualties by mode of travel

The graph below shows how all casualties are distributed across different travel modes, specifically walking, cycling, as a passenger (car or public transport), and as a car driver. The data shows that in 2020 around a third (34%) of casualties were walking or cycling, around one in six (18%) were a passenger and just under half (48%) were driving.

Figure 3.1: Mode of Travel for All Casualties



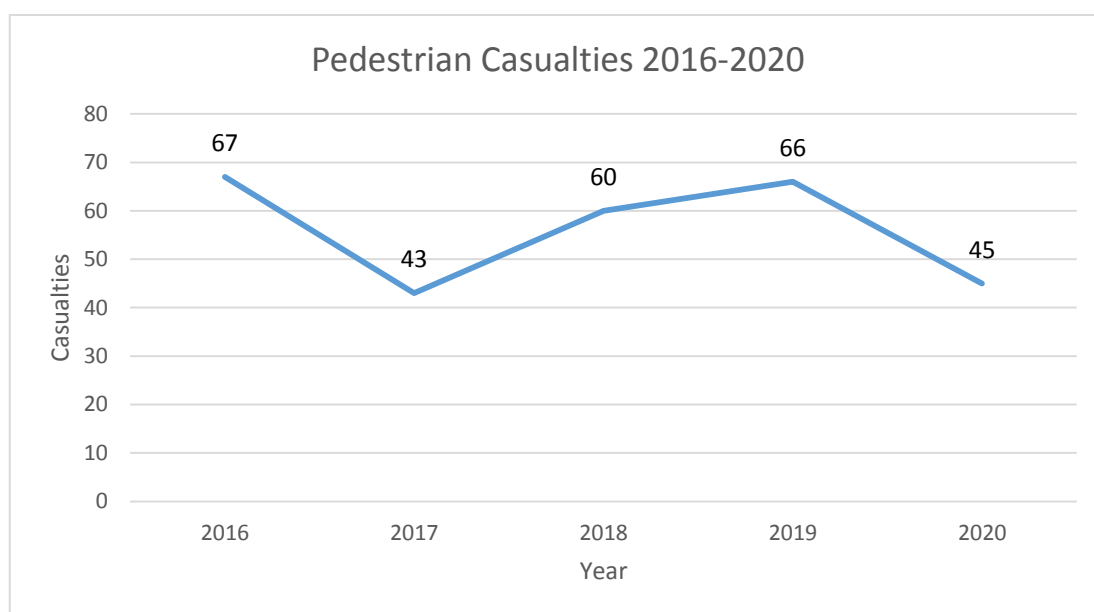
The numbers of casualties involving car drivers and car passengers both increased in 2019 then decreased in 2020, over recent years these have shown a clear decreasing trend and both remain substantially below 2017 levels. By contrast, casualties involving bus passengers decreased substantially in 2019 with a slight increase in 2020, having been largely static over previous years. However, the trend in pedestrian and cycling casualties is less clear, despite a notable decrease in cycling casualties in 2020: these are discussed in more detail below.

3.1.2 Casualties involving pedestrians

The graph below emphasises how the number of pedestrian casualties on the highway network decreased in 2020, having been at a similar level over recent years, except for 2017 when the number was lower. The average annual number of

pedestrian casualties during the period 2016-2020 was 56.2. In 2020, 17% of the recorded casualties were pedestrians. Pedestrians are vulnerable road users and are almost always injured when in a collision with a vehicle. The Authority continues to invest in upgrading and introducing additional crossings across the network to support the safe interaction of pedestrians and highway traffic. The Authority continues to review the details of pedestrian-related collisions that have occurred to assist in directing funds to the appropriate interventions.

Figure 3.2: Pedestrian Casualties



3.1.3 Collisions involving cycling

The graph below shows how the number of collisions involving cyclists since 2016 has followed a broadly static trend, with some variation between years; note that this is against a background of increasing cycling: see section 3.5 for NT growth in cycling. As identified in the [North Tyneside Cycling Strategy](#), the Authority has ambitious growth targets for cycling of 7% per year and aims to develop a Network of Strategic Cycle Routes (“Tube Map”): see Appendix D. In view of this it is essential to support people in feeling confident that they can safely cycle to destinations in the borough.

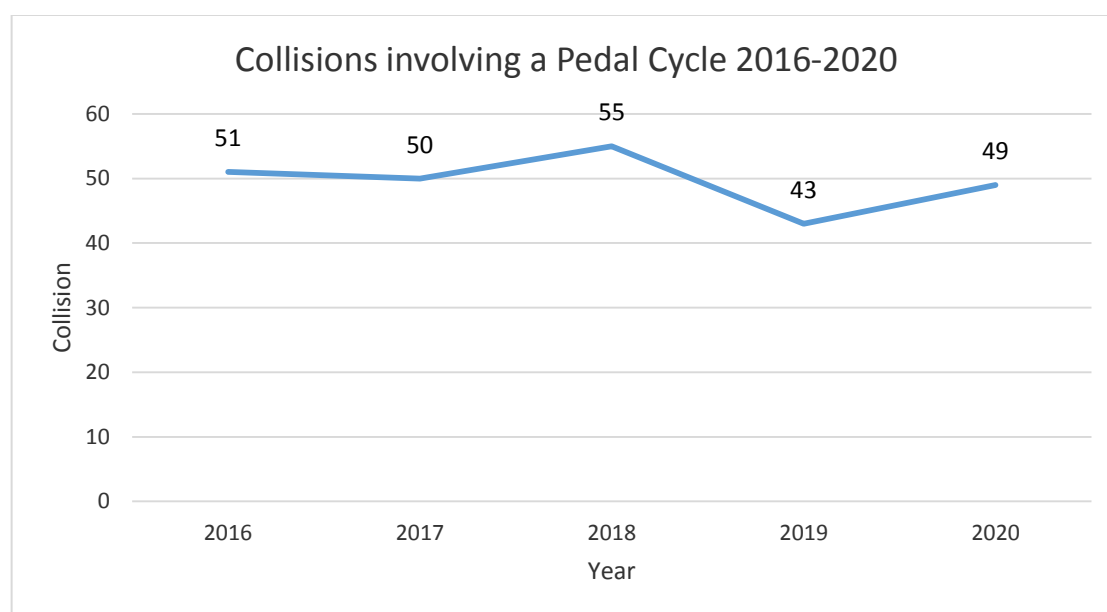
In 2020, 22.6% of collisions in North Tyneside involved a cyclist. This remains a disproportionately high figure, although it should be seen in the context of the 59% increase in cycling in North Tyneside recorded from calendar year 2019 to 2020. During the Covid-19 pandemic there have been increases in everyday cycling for personal business and leisure, with more people participating in cycling. Given Covid-19 travel restrictions and home working requirements, there will understandably have been a decrease in peak-hour cycling to work and long-distance leisure cycling. The Authority continues to review the details of cycling-related collisions that have occurred to assist in directing funds to the appropriate interventions.

The Authority is part of the Northumbria Safer Roads Initiative (NSRI) Partnership which in addition to speed camera enforcement undertakes a wide range of education, training and publicity initiatives, including media campaigns, to promote road safety. The Authority is also a partner in the North East Freight Partnership. Through its Fleet Operator Recognition Scheme (FORS), in 2019/20 the Freight Partnership offered two Safe Urban Driving courses, which provided HGV drivers with classroom-based training on how to behave safely around people cycling and offered the opportunity for the drivers to experience the road from a cycling viewpoint: this may be repeated once Government restrictions allow.

The Authority continues to deliver cycling training to school children through the Department for Transport's (DfT) Bikeability programme: the number of training places delivered rose to 2,238 in 2019/20 compared with 1,978 the previous year. Demand for Bikeability training remains high, although in the context of Covid-19 restrictions the number of training places delivered in 2020/21 was lower, at 651. The Authority continues to examine which Bikeability training modules are offered and how best it can deliver this.

The North Tyneside Cycling Design Guide supports the delivery of appropriate infrastructure that supports increased cycling numbers and design considerations that improve safety.

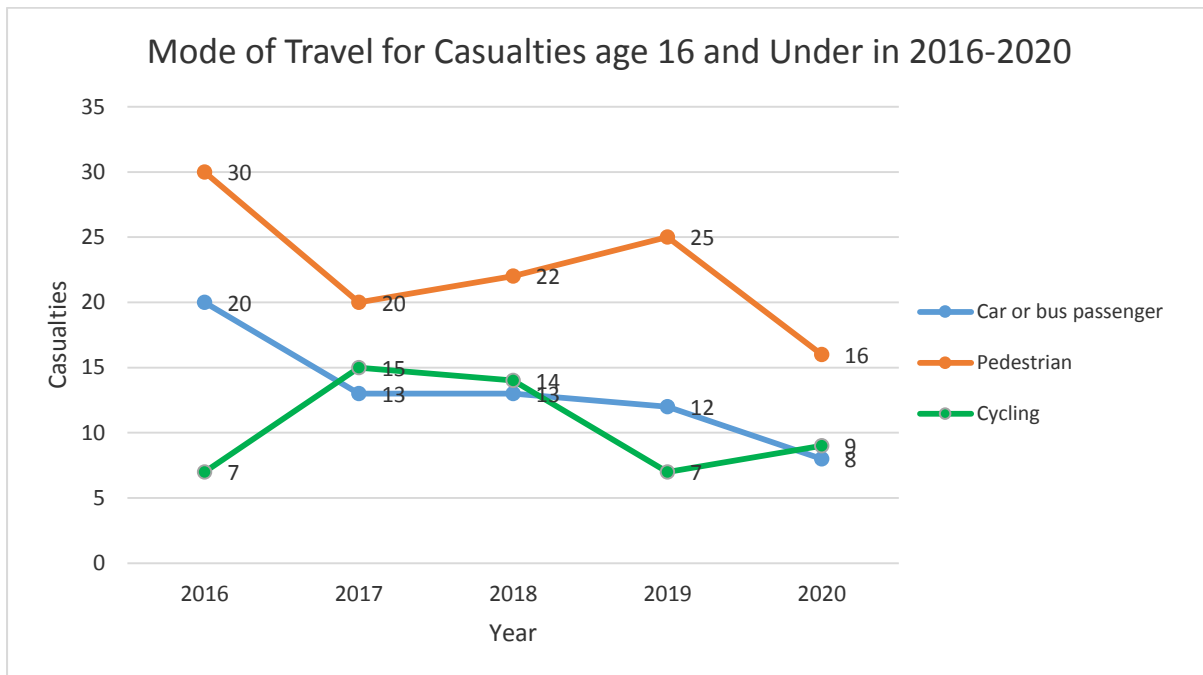
Figure 3.3: Collisions involving a Pedal Cycle



3.1.4 Casualties involving children

The graph below shows how those casualties involving children (16 and under) are distributed across different travel modes, specifically walking, cycling, and as a passenger (car or public transport). In the wider context of Covid-19 restrictions on travel, there were substantial decreases in the numbers of casualties involving children as pedestrians or vehicle passengers, although for children cycling this was not the case.

Figure 3.4: Mode of Travel for Casualties age 16 and under



As part of the Go Smarter North Tyneside behavioural change programme (see details under Principle 4 below) the Authority is investing in infrastructure along routes to schools to support more sustainable travel choices. The Authority's Go Smarter work is coordinated with road safety training such that pupils are made aware of how to safely use the new and existing infrastructure and become confident in travelling by foot, child's scooter, or cycle. Continuously improving the safety record outside and around schools is a key focus in encouraging parents and children to travel more sustainably. The Authority produces an Annual Go Smarter Report which reports the shift to sustainable travel: the rate of sustainable travel to schools (for which the Authority has data) has risen by 11% to 71% since the Authority started its Go Smarter work, however when looking at the primary schools engaged by Go Smarter, the increase is 19%.

3.1.5 Collisions by speed limit

The charts below show 2020 collisions based on the speed limit and classification of the roads where they occurred. The chart shows that only 10% of collisions occurred on a road subject to a 20mph limit, some of which will be outside of a residential 20mph zone, despite around three-quarters of the local highway network being subject to a 20mph limit.

While the risk of a collision occurring is more closely related to traffic volumes than traffic speeds, traffic speeds have a significant bearing on the severity of a subsequent collision. The chart shows that most collisions occur on 30mph roads which only account for around 15% of the local highway network, the majority of which are A and B roads where traffic volumes are substantially higher.

Figure 3.5: Collisions by Speed Limit 2020

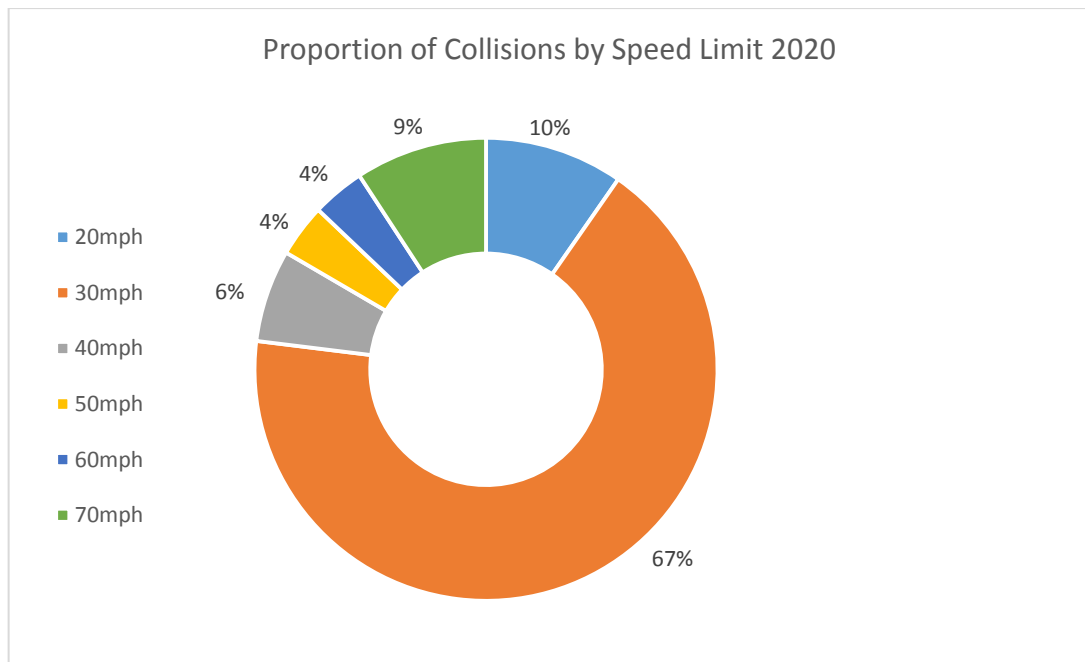
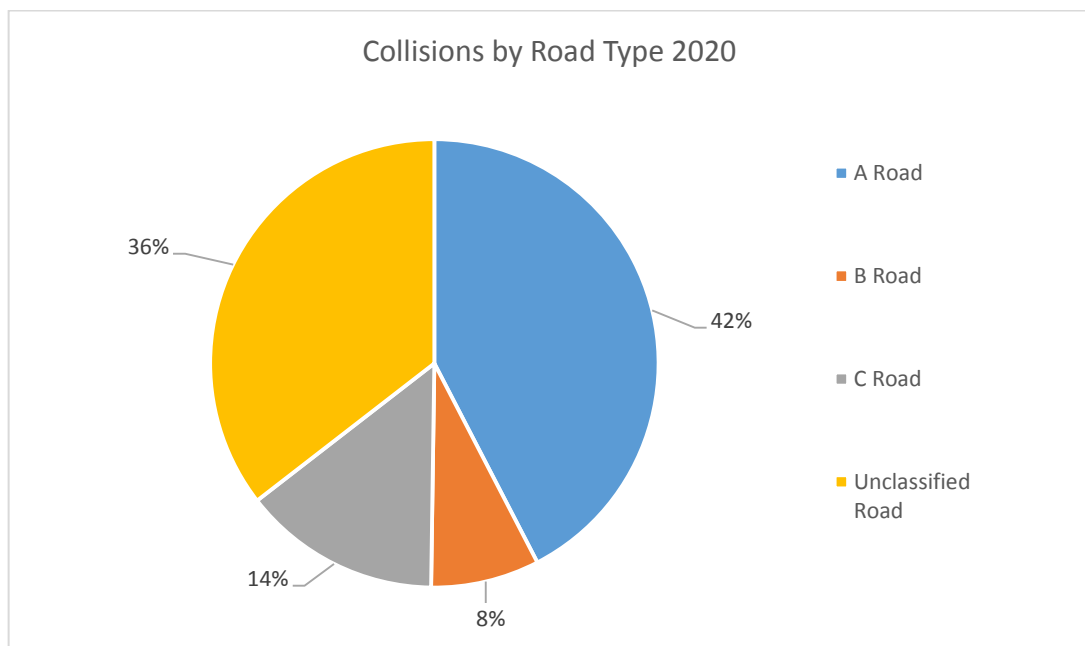


Figure 3.6: Collisions by Road Type 2020



3.1.6 Collision cluster locations

The Authority has delivered a significant highway investment programme which started in 2014. The majority of the main highway congestion hot-spots and locations of road safety concern have been subject to junction improvements by way of major

schemes. This has had a profound effect upon the latest collision cluster analysis, which was previously dominated by these locations.

A cluster site is identified as a location where more than 5 collisions have occurred over a 3 year period within a 50m radius. The table below identifies the five locations where these criteria were met (for the period 2018-2020) and identifies what current and future schemes will seek to address them. This is a decrease on the six cluster locations identified last year (2017-2019). Three of the clusters remain from last year (2017-2019) while two are new. A plan of the Collision Cluster Locations is included in Appendix E.

Table 3.2: Cluster Locations within North Tyneside

(where more than 5 collisions have occurred over a 3 year period within a 50m radius)

Cluster Location	Cluster Rank	Slight	Serious	Fatal	Daily Traffic Volume (Est.)	Proposed Scheme or Measures
A188-A191 Four Lane Ends junction	1	4	3	0	30,000	Following major scheme investment, number of collisions in the vicinity of the junction decreased from 10 in 2014 to 4 in 2015 (year scheme was completed) and 2 in 2016. Since then, the junction and links have experienced a significant increase in traffic volumes associated with A189 Killingworth Road Bridge closure. Continue to monitor following A189 reopening. Scheme proposed for improved bus priority via Transforming Cities Fund
A1058-Churchill Street roundabout	2	6	1	0	24,000	New cluster site: further investigation required. Potential future LTP scheme if appropriate.

A193-High Flatworth roundabout	3	7	0	0	17,000	As part of a recent major scheme, improvements were made to the roundabout to improve access to and egress from the Household Waste Recycling Centre and Tyne Tunnel Trading Estate, with signalised Toucan crossings installed for people cycling and walking. The performance of the junction will continue to be monitored as road users become more familiar with the new junction arrangement.
B1317 Station Road, Station Road Nth & Lansdowne Road (Forest Hall)	4	3	3	0	15,000	Recently completed public realm improvement scheme including reallocating space to pedestrians and cyclists, new raised table at the junction, new zebra crossing on Station Road and enhanced parking allocation.
A19-A1058 Silverlink interchange	5	5	1	0	70,000	Highways England Major Scheme substantially completed March 2019. The data demonstrates that the scheme has helped to reduce the number of collisions at this junction. In 2016-2018 there was 1 serious and 15 slight collisions at this cluster location whereas in 2018-2020 there was 1 serious and 5 slight collisions, of which 5 collisions were in 2018, no collisions in 2019 and 1 collision in 2020.

3.1.7 Benchmarking of Road User Casualties

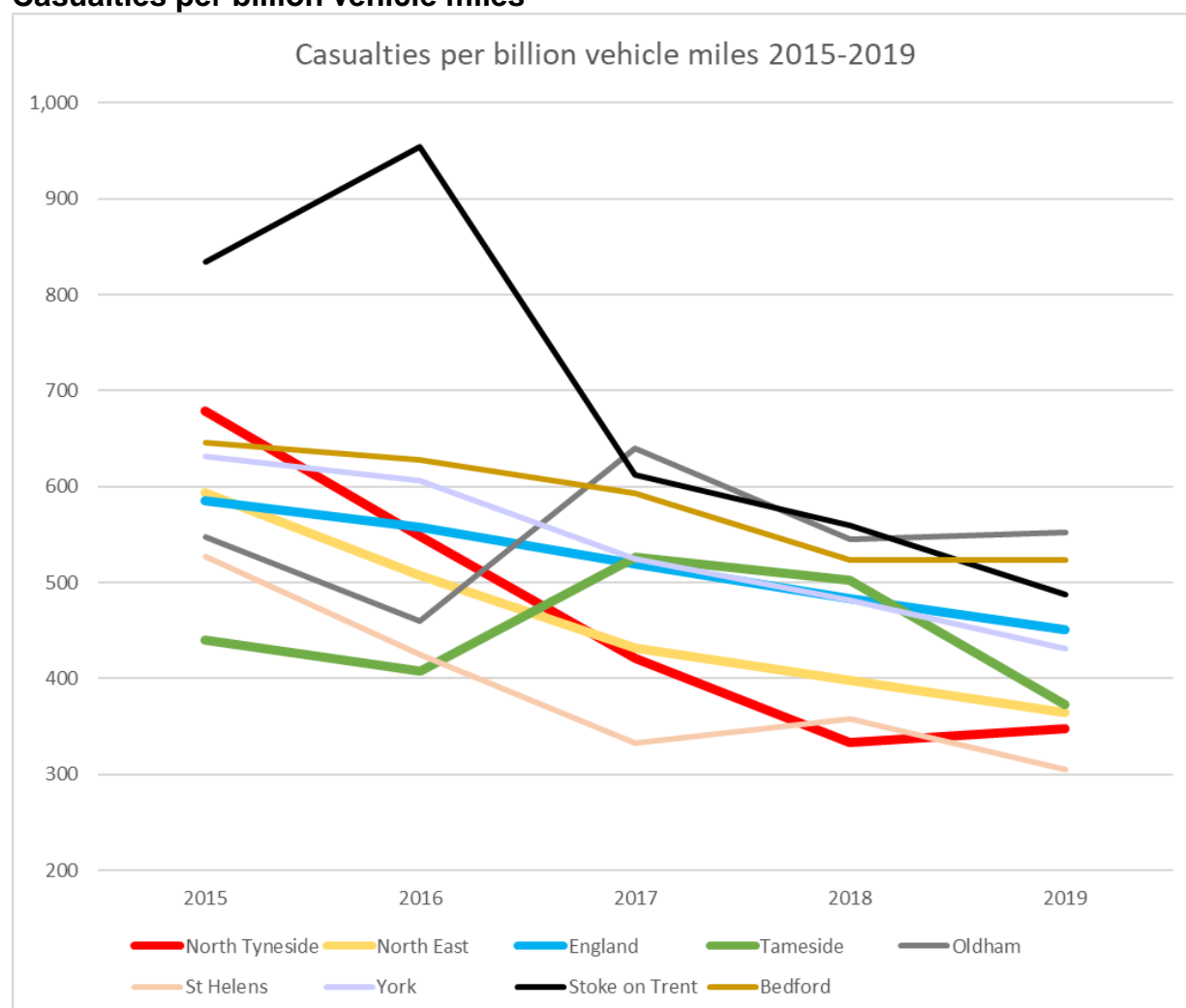
In September 2020 the Department for Transport released their Reported Road Casualties Great Britain: 2019 Annual Report, which provides the number of

personal injury road traffic accidents in Great Britain, as reported to the police in 2019 using the STATS19 reporting system. This includes all accidents that were reported by the police and that occurred on a public highway involving at least one motor vehicle, horse rider or pedal cyclist, and where at least one person was injured.

Benchmarking of North Tyneside Road User Casualties against elsewhere in England, 2015-2019

To assist in benchmarking the trends in road casualties against other areas, a comparison was undertaken against six local authorities with similar characteristics in terms of population and vehicle miles (Tameside and Oldham in Greater Manchester, St Helens in Merseyside, Stoke-on-Trent, York and Bedford) as well as the North East (12 local authorities, including the Tees Valley area) and England (all local authorities) – see figure below.

Figure 3.7: Benchmarking North Tyneside against comparable authorities – Oldham, St. Helens, Tameside, York, Stoke-on-Trent and Bedford – as well as the North East (12 local authorities) and England (all local authorities) for Casualties per billion vehicle miles



Against this measure, North Tyneside is performing well in comparison to the six similar local authorities, North East and England in recent years, having seen a substantial reduction since 2015 to a lower level than most of the comparator authorities – over this time the level in North Tyneside decreased to below the England average, and more recently has also been below the North East average.

This reflects the targeted investment in the network by the Authority and its partners over recent years, with multi-million pound investment having been made in a programme of targeted major schemes on the borough's transport network, with a focus on improving junction operation and safety for residents, businesses and visitors.

3.2 Scheme delivery

During 2020/21 the Authority delivered:

- 14 LTP road safety schemes aimed at e.g. addressing local sections of highway subject to excessive speeding and improving crossing provision on busy roads;
- 3 schemes aimed at improving access to public transport;
- 28 parking improvement schemes (double yellow lines, etc.);
- 19 advisory disabled bays;
- 6 LTP sustainable travel schemes aimed at improving sustainable links: many of these were delivered in conjunction with the Go Smarter programme to improve links around schools;
- 6 schemes improving Public Rights of Way; and
- cycling infrastructure:
 - approximately 2.6km of new or upgraded cycle route infrastructure (through major transport schemes and the Authority's Local Transport Plan, LTP, programme);
 - approximately 5.5km of improvements to dust-surfaced paths such as the Waggonways; and
 - 12 heavy vegetation cuts.

Two major schemes have been delivered which includes developer funded works, see Table 4.1 for more details.

Highway maintenance work delivered in the borough is reported separately as part of the HAMP (Highway Asset Management Plan) Annual Report, which is provided to Cabinet in Autumn each year.

3.3 Road safety and speed monitoring

The Authority has a rotation programme for driver speed feedback signs ('your speed' indicators), also known as Variable Message Signs (VMS), which covers a total of 127 locations. This data can be used if any issues are highlighted at these locations. In such cases the Authority undertakes a review of existing highways infrastructure at these locations and identifies if any additional mitigation measures are required. The feedback signs themselves usually achieve a reduction of approximately 3-4mph bringing speeds into compliance with the signed speed limit and therefore provide a positive effect for local residents.

Some of the Authority's VMS signs are approaching the end of their functional life and the Authority is two-thirds of the way through a three-year replacement programme. The Authority have purchased 'Smiley Face' VMS units for use in the School VMS Programme: these units display the driver's speed as well as a green happy face or red angry face as appropriate. An example of the sign is shown below.

Figure 3.8: 'Smiley face' driver feedback sign



Below are the different Driver Speed Feedback Sign rotation programmes which the Authority is currently running:

- Residents' VMS Programme

This programme was developed to reduce speeds in locations where there was a perceived speeding problem. These VMS are at each location 4-5 times per year.

- School VMS Programme

In addition to 20mph zones and associated signage these units are rotated around schools in the borough. These VMS are at each location 6 times per year. During school holiday times these units are used at various locations in Tynemouth and Beacon Drive in Wideopen.

The Authority also has Permanent VMS 'flashing 20' units at nine school sites: owing to the age of these units the Authority is currently considering options for these locations.

- Ward Rotational Programme

This programme involves the VMS being at each location up to 10 times a year.

- **Ad-Hoc VMS Programme**

This programme is the most utilised programme and was developed for one-off requests to deal with potential issues around speeding in various locations across the borough and enables us to receive data regarding the volume and speed of vehicles. The Authority has two sets of units which remain on site for two weeks so they can cover 52 sites per year.

In addition, the Authority has fixed feedback signs at the following locations:

- Beaumont Drive (St Mary's ward);
- Park Lane (Valley ward);
- Park Avenue (Whitley Bay ward);
- Battle Hill Drive (Battle Hill ward); and
- Seatonville Road (Monkseaton South ward).

The Authority undertakes an analysis of the DfT Trafficmaster data for the borough to identify roads where speeds are in excess of DfT recommended tolerances. For each of the identified roads the Authority reviews the locations to assess whether it is appropriate for any physical measures to be introduced, and to add the location to the Ad-Hoc VMS Programme and review the data collected from the VMS units.

3.4 Perceived Safety

Planning and design is crucial for creating safe and sustainable public transport options. People can be discouraged from using public transport facilities if there are safety and security issues, which reduce their quality of life by creating a barrier to using these facilities.

Nexus undertake Customer Satisfaction Surveys on the Metro and buses operating within Tyne and Wear. The feedback they have received on personal safety is below:

- Metro (average score out of 10)
 - Your personal security approaching the station is 7.7
 - Your personal security at the station is 7.6
 - Your personal security on trains is 6.8
- Bus (Percentage of people who answered yes to the questions) – see table below

Table 3.3: Perceptions of Safety from Nexus Customer Satisfaction Surveys on the bus in Tyne & Wear

Survey question	2017/18	2018/19	2019/20	2020/21	2020/21 sample size
Do you feel safe travelling on the bus in darkness?	94.1%	95.2%	94.9%	88.8%*	346*
Do you feel safe travelling on the bus in daylight?	100.0%	100.0%	99.9%	99.2%	604
Do you feel safe waiting at this bus station in darkness?	94.1%	94.9%	94.7%	83.7%*	312*
Do you feel safe waiting at this bus station in daylight?	96.1%	94.9%	94.5%	99.0%	587
Do you feel safe walking to and from this bus station in darkness?	88.3%	85.9%	83.7%	79.4%*	311*
Do you feel safe walking to and from this bus station in daylight?	99.9%	100.0%	99.9%	98.8%	585
Do you know if this station is covered by CCTV?	51.3%	59.1%	62.9%	N/A	N/A
Have you witnessed any Anti-Social Behaviour?	3.9%	4.1%	4.3%	N/A	N/A

*Values are based on a low sample and are somewhat representative of the bus travelling population (+/-5%)

From 2020/21 Nexus no longer ask the CCTV or the Anti-Social Behaviour questions.

Nexus also have an Insight Panel open to people living in Tyne and Wear, Northumberland and Durham, whose members are asked to complete a short online survey once a month with the results shared on the Nexus website.

In order to support personal security, Nexus, as operator of the Metro network, provides the following:

- regular co-ordination meetings with Police and other partners resulting in targeted interventions;
- displaying security telephone/text number at all stations and trains;
- periodic community reassurance exercises, with mobile staff on the Metro system interacting with the community;
- ensuring all stations meet the standard to comply with the relevant Safer Tram Stop/Station schemes;
- a new generation of advanced CCTV with over 720 cameras installed at all 60 stations providing crystal clear footage (completed spring 2021); and
- train CCTV and body-worn cameras for staff.

In addition, at Nexus-run bus interchange facilities:

- CCTV is installed at all interchanges;

- Nexus works extensively with Youth Offending Teams with regard to intervention and diversionary methods to deter willing individuals not to reoffend; and
- Nexus has a Schools Liaison Officer who works throughout Tyne and Wear.

3.5 Growth in cycling

The Traffic and Accident Data Unit (TADU) holds traffic accident, cycle flow and traffic flow data for the Tyne and Wear area. This information is used by the local authorities, police and other organisations to plan and implement better campaign, education, training, enforcement and engineering activities across the area.

The North Tyneside Cycle Strategy was adopted in March 2018 and set a target to achieve an annual increase in cycling trips of 7%. North Tyneside currently has a limited amount of permanent TADU cycle counting equipment across the network (see section 6.6 for further details).

Looking at the 23 TADU pedal cycle monitoring sites that have been operational every year from 2017 to 2021, the cycling numbers on TADU's North Tyneside network are:

- From 2018 to 2019: Cycling numbers grew by 11.4%
- From 2019 to 2020: Cycling numbers grew by 58.9%

Comparing North Tyneside with the whole of Tyne and Wear (102 TADU pedal cycle monitoring sites), there has been a greater increase in cycling observed at TADU's monitoring sites in North Tyneside (59% rise) than across Tyne and Wear as a whole in 2020 (32% rise).

The widespread changes in travel patterns following the onset of the Covid-19 pandemic will have affected the numbers and type of cycling trips: there is likely to have been an increase in cycling trips for both leisure and personal business and potentially a reduction in commuter trips linked to increased home working.

3.6 Infrastructure for ultra low-emission vehicles

Many owners of electric vehicles (EVs) find it most convenient to charge their vehicles at home and overnight: charging overnight, when overall electricity demand is lower, also helps reduce carbon emissions further by maximising the use of renewable energy. Government grants are available for residents and businesses to install EV charging infrastructure at their premises. However, to encourage the use of EVs in preference to petrol or diesel vehicles, it is important that public charging infrastructure is readily available.

The Authority secured external funding to install EV Rapid charge points, serving four vehicles at once and capable of charging a vehicle in 20-30 minutes, at Beaconsfield car park in Tynemouth and Bournemouth Gardens car park in Whitley Bay.

Funding has been secured for two further Rapid charge points, which will be initially available for public use and subsequently reserved for the taxi trade in line with the grant conditions. The first of these is in place at Norfolk Street car park, North Shields; work to install the second, at Coronation Street car park, Wallsend, is on hold while the car park is in temporary use for a Covid-19 testing centre.

The Authority will continue to review the opportunities for EV charging infrastructure in line with its Climate Emergency declaration.

3.7 Air Quality

Motor vehicles at national level are a major source of local air pollutants, particularly nitrogen dioxide (NO₂), and while North Tyneside has no locations where air quality exceeds national thresholds (exceedances), the Authority will continue to support wider efforts to improve air quality.

In March 2020, it was confirmed that North Tyneside Council was in compliance with legal limits for nitrogen dioxide. This had been assisted by ongoing measures such as a programme to retrofit all buses travelling along the A1058 Coast Road, bringing their emissions in line with the latest 'Euro VI' emissions thresholds, which was concluded in 2020.

While North Tyneside is no longer subject to a legal direction on air quality, the Authority continues to work with Gateshead Council and Newcastle City Council to deliver the Tyneside plan to address NO₂ exceedances.

More broadly, the levels of motor vehicle use contribute to the high-volume, stop-start traffic conditions which particularly generate concentrations of air pollutants at the local level. Vehicles in the North East in general are also older than the national average and therefore more likely to emit higher levels of pollutants.

The recent rise in overall motor traffic flows to above pre-Covid levels emphasises the importance of securing a shift away from the car and van towards more sustainable means of travel. If increased levels of home working and remote working are sustained post-Covid, and there is a move towards people using public transport, cycling and walking in place of motorised travel, there may be improvements more generally in local air quality.

3.8 Carbon emissions

Transport emissions constituted c.32% of carbon emissions in North Tyneside in 2019. The North Tyneside Climate Emergency Board held its first meeting in March 2020 and the associated North Tyneside [Climate Emergency Action Plan](#), presented to Cabinet on 19 October 2020, set out priorities and theme areas to enable the Authority to address key issues including borough-wide carbon emissions from transport.

4. Principle 2 - Support economic growth; through effective movement for people, businesses and goods and to support the regional aim of “more and better jobs”

Through the period of Covid-19 recovery, the Authority has sought to support the borough’s economy by supporting efforts for businesses to recommence trading as national Covid-19 restrictions allowed, while assisting in enabling town centres and open spaces to be Covid-secure. For example, a pavement licensing process was introduced to support cafés and restaurants in continuing to trade while providing more outdoor seating (see section 7.3).

The changes in how people travel during the Covid-19 pandemic will in some cases have resulted in people making more visits to their local town or district centres: given the shorter travel distance involved, this presents opportunities to encourage people to use more sustainable modes of transport to access shopping and other local facilities.

The Authority’s transport investment programme has seen substantial junction and corridor improvements aimed at addressing longstanding road safety, congestion, and sustainable transport issues. The main objective of the majority of these schemes is to support economic growth at local employment sites and provide improved access to these locations by all transport modes.

Two major schemes which have been recently completed or are currently on site, as shown in the table below; these schemes involve works delivered by a developer.

Table 4.1: Recent Major Scheme Delivery Programme in North Tyneside

Scheme	Construction start date	Construction end date
A189 Corridor (Salters Lane) – Cycling & Walking Improvement Scheme Includes developer-funded works to deliver phase 2 expected in 2021/22	September 2018	March 2021 (for phase 1)
Coach Lane / B1318 Great North Road junction, removal of mini roundabout and upgrade to signalised junction including pedestrian crossing facilities, developer-funded works	October 2020	December 2020
A1056 Weetslade Corridor Includes developer-funded works to deliver phase 2 expected in 2021/22	March 2016	August 2017 (for phase 1)

The major schemes completed in previous years which were jointly funded, using external funding from the Local Growth Fund (LGF), are subject to post-scheme monitoring and evaluation.

Going forward we will continue to monitor the major schemes that have been delivered.

The Silverlink major scheme is now complete. It is the responsibility of Highways England, who will undertake the appropriate monitoring for this scheme.

The Silverlink scheme included cycling and pedestrian improvements, notably the construction of two new cycling-pedestrian bridges over the A1058 slip roads on the line of the Coast Road Cycle Route, which is one of the Strategic Cycle Routes defined in the North Tyneside Cycling Strategy, and a new cycling and walking route linking the A1058 with the Tyne Tunnel Trading Estate.

The most recent Covid-19 data is showing that, in Spring 2021, daily motor traffic levels have returned to pre-pandemic baseline levels for the first time since the Covid-19 pandemic started. However, recent data suggests that the distribution of motor traffic flows throughout the day has changed. The local road network is seeing less pronounced morning peaks, with increased traffic levels during the middle of the day and the evening peak ending earlier than previously. Analysts from the Department for Transport's Transport Technology Forum believe this may be driven by changing commuter patterns and increased working from home among those who are able to.

As national 'lockdown' measures are removed, the changes in how people travel during the Covid-19 pandemic are likely to have a significant continued effect on how people travel for work and personal business and how goods are distributed. The Authority will continue to monitor the changing situation as people adjust to a new normal, so as to continue to manage the transport network safely and effectively whilst supporting residents, business and visitors and seeking to better understand the lasting impact of the Covid-19 pandemic on the local transport network.

The Authority will continue to review the recovery of town and district centres to maximise opportunities for outdoor space to be better utilised, facilitate the 'buy local' ethos which has developed during the past year, and support local businesses. To inform the development of policies and initiatives, an understanding will be developed of the long-term transport and carbon effects of changes such as increased home working and home delivery and the currently reduced public transport patronage.

5. Principle 3 - Improve connectivity; with all parts of the borough, the region, the rest of the country and the world

5.1 A connected network for cycling

The Authority, through its highway investment programme, has delivered the provision of new cycling infrastructure to support growth in cycling. Across the major schemes and Local Transport Plan (LTP) programme approximately 2.6km of cycle route infrastructure has been delivered in 2020/21. There have also been approximately 5.5km of improvements to dust surfaced paths such as the Waggonways and 12 heavy vegetation cuts.

Following a major refurbishment, the Tyne Pedestrian and Cyclist Tunnels reopened in August 2019: the tunnels are currently open 24 hours, under a trial in operation since December 2020. As one of the only two cycling and walking links between North and South Tyneside, alongside the Shields Ferry, the tunnels form an important strategic link in the cycling and walking network and facilitate a sustainable journey to work for many commuters as well as numerous trips for personal business and leisure.

As part of the Cycling Strategy a Strategic Cycle Network 'tube map' is published, included at Appendix D. The Authority continues to seek opportunities for the improvement and delivery of sections of the tube map. The Authority has delivered improvements to sections of the tube map in 2020/21, including:

- delivering a high standard two-way cycle track along A189 Killingworth Road-Salters Lane (part of the Red route on the tube map): phase 1 is now completed, with developer-funded phase 2 expected in 2021/22; and
- cycling and walking improvements at Tyne View Terrace, Willington Quay-East Howdon, linking to the Tyne Pedestrian and Cyclist Tunnels (Yellow route).

The Authority is currently developing a North Tyneside Local Cycling and Walking Infrastructure Plan (LCWIP), in accordance with Government advice. The LCWIP has been based on the 'tube map' routes and cycling and walking improvements in town centres, and will be used for future bids for funding and in seeking developer funding.

5.2 Emergency Active Travel Fund (EATF) Tranche 1

Following the national Covid-19 lockdown in spring 2020 there were unprecedented numbers of people visiting the coastline and cycling and walking, with leisure facilities closed. All local authorities were asked by Government to make quick changes to ensure social distancing could be observed and people could walk or cycle safely, in line with Public Health advice.

The pop-up Coastal Strip cycleway was rapidly introduced in July 2020 using Government funding as a cost-effective way to create safe space and reduce conflict between people walking and riding bikes on the seafront between Tynemouth and Whitley Bay during the busy summer months. It was also a way of supporting safe

walking and cycling journeys as an alternative while public transport capacity was reduced.

The Authority is actively seeking funding to deliver a sustainable and enhanced coastal transport scheme (including the provision of a permanent segregated coastal cycle lane). This scheme would be subject to formal consultation and build on feedback received during the operation of the temporary scheme.

There were also temporary measures aimed at creating more space in town centres and shopping areas to support local businesses and observe social distancing which were introduced at the same time as the cycle lane – these were:

- Park View, Whitley Bay, pedestrian zone (Saturday only);
- Fish Quay pedestrian zone; and
- Tynemouth Front Street footpath widening.

These temporary measures were in place from early July 2020 to early November 2020.

The first round of emergency funding was for temporary projects to support the recovery from the Covid-19 pandemic and support social distancing.

5.3 Investment in Cycling Infrastructure

The Authority will continue to invest in cycling infrastructure to allow the propensity to cycle which has been identified during the Covid-19 pandemic to be realised.

The Authority has secured nearly £1.6m from the Government's Active Travel Fund (ATF) Tranche 2 for works which reallocate road space to support cycling and walking and £7.6m (subject to approval of business case) from the Transforming Cities Fund (TCF) for infrastructure measures which support cycling and walking.

The ATF funding is specifically for schemes along commuter routes where public transport provision is reduced, while TCF funding is for public transport improvements that close the gap between the time it takes to travel by car and the time it takes to travel by public transport, therefore the cycling routes must link to employment or public transport destinations such as Metro stations.

We are currently undertaking a public consultation asking for views on a number of new cycling schemes including:

- Around 3km of segregated cycle lanes linking the coast from the 'Foxhunters roundabout' to Cobalt Business Park; 2km of which is along Rake Lane and which would also connect to proposed new housing developments at Murton Gap;
- The first 'Dutch-style' cycling roundabout in the North East and among the first in the country (if selected as the preferred option of two);

- Linking the Coast Road cycle route to Cobalt Business Park, Battle Hill and Howdon, supported by cross-boundary improvements proposed by Newcastle City Council to follow;
- Around 5km of routes linking into Percy Main, Whitley Bay, Northumberland Park, Shiremoor, and Four Lane Ends Metro stations; and
- Up to 6km of links in and around North Shields town centre, including Tynemouth Road, Howard Street and Preston Road, as well as a new ramped Riverside Embankment Walkway between the town centre and Fish Quay as part of the Ambition for North Shields master plan.

6. Principle 4 - Enable smart choices for all; help people, businesses and visitors find out how to get to where they need to

The Authority's approach to responding to the Covid-19 pandemic has included seeking to promote health and wellbeing across communities, identify and respond to inequalities caused by Covid-19, evaluate the broader health and wellbeing impacts from the pandemic and maximise opportunities to address these. Taking opportunities to encourage healthy and active travel, such as cycling and walking for everyday journeys, fits well with this approach.

6.1 Go Smarter in North Tyneside

The Go Smarter in North Tyneside programme ("Go Smarter") aims to promote healthy and active travel options and reduce traffic around schools. The programme was originally launched in the schools with the most car journeys, but now covers all North Tyneside schools. As well as aiming to change pupils', parents' and staff travel behaviour, it can involve physical changes to streets near schools to encourage more sustainable travel.

Go Smarter has helped schools reduce driving, with more children cycling, walking and using other sustainable modes to get to school. It has delivered infrastructure improvements to streets in order to support this.

For some schools, travel survey data has now been collected for four years, showing positive results which indicate that the programme is delivering a shift towards sustainable travel. While the rate of sustainable travel to schools (those for which the Authority has data) has risen by 11% to 71% over the period, when looking at the primary schools engaged by Go Smarter, the increase is 19%.

Please note that survey response has been much lower for 2020/21 to date owing to the Covid-19 pandemic and associated school closures.

The team delivers travel behaviour change activity in schools, including car-free days, site audits with pupils, work with school councils, assembly presentations and in-class sessions.

As part of the Go Smarter programme, the Authority is investing in infrastructure along routes to schools to support more sustainable travel choices. The infrastructure, such as new crossing facilities, is designed in conjunction with schools and pupils in order to improve local road safety, remove severance issues, and enhance routes to schools. Six schools received infrastructure developments during the 2020/21 academic year, with more identified and designed for the following year. In addition to this, four trial School Streets schemes were implemented (see section 6.3 School Streets).

An example of a Go Smarter infrastructure scheme can be seen on Vernon Drive outside Monkseaton Middle School. The team worked with Sustrans on a one-day School Streets trial there, eventually leading to the introduction of an 18-month trial scheme that has converted the street to be no-entry for motor vehicles at one end and prevents pavement parking in front of the school gates.

In addition, the team worked with colleagues on the installation of parking schemes outside five schools.

The Authority's Go Smarter work is coordinated with road safety training such that pupils are made aware of how to safely use the new and existing infrastructure and become confident in travelling by foot, child's scooter, or cycle. Continuously improving the safety record outside and around schools is a key focus in encouraging parents and children to travel more sustainably.

In 2020/21, Covid-19 related restrictions have substantially affected the amount of in-school engagement which the team could carry out: nevertheless 542 school pupils were engaged with, compared with 5,876 in 2019/20; however as national restrictions are eased, bookings are starting to build up.

As a result of these restrictions, Go Smarter activity has been adapted appropriately. The Department for Transport's Travel Demand Management (TDM) funding and toolkit were used as a basis for the team to design and distribute a Go Smarter 'toolkit' to schools: this is a document containing recommended self-delivery activity. TDM funding was also used to help roll out the authority's first 'School Streets' (see below).

The TDM measures, and other activity, allowed communication and engagement with schools in assisting them with social distancing measures outside the school gates.

The team also worked with colleagues to develop social media campaigns around active travel to school.

The Go Smarter project has had numerous successes, offering support for all but concentrating on working with schools where direct assistance is appropriate. The team will support self-delivery, providing an online resource, to schools which have the capacity themselves to promote sustainable transport to pupils and parents.

6.2 Bikeability training and road safety education

In addition, the Authority continues to deliver cycling training to school children through the Department for Transport's (DfT) Bikeability programme. This includes a range of types of training (as and when national Covid-19 restrictions allow), from pedal-free 'balance bikes' for younger children, to standard Level 2 and advanced Level 3 training. The number of training places delivered was 651, a decrease on the previous year owing to Covid-19 related restrictions and school closures; however, demand remains high. 2,238 pupils had been trained in 2019/20, and 1,978 the year before. The Authority continues to examine which Bikeability training modules are offered and how best it can deliver this.

The Road Safety Education programme in North Tyneside is run in conjunction with regional colleagues. Over a six-week period, through both classroom delivery and practical experiences, pupils learn about the 'green cross code', how to approach crossing roads independently, how to navigate junctions safely and how to look out for parked cars. The Authority has delivered road safety training to 573 pupils in the 2020/21 academic year up to May 2021; delivery was impacted by the Covid-19

school closures, with 3,820 pupils having received the training in the 2019/20 academic year.

6.3 School Streets

School Streets – restrictions that reserve the streets outside school gates for walking and cycling at the start and end of the school day by preventing motor vehicle access except for residents – have now been rolled out to four of the borough's schools. This is intended to be the first tranche of a group of trial schemes. Each scheme has been installed on an 18-month trial basis and will be evaluated throughout. The schemes are currently in place at Denbigh Community Primary School, Hadrian Park Primary School, Langley First School and Wellfield Middle School.

The School Streets schemes have been highly successful in creating a safe space outside each school that enables children to complete the final part of their school journey without fear of dangerous driving or parking, with better local air quality, and while enabling social distancing.

The arrangements are running efficiently and effectively with, in some cases, parents volunteering to help school staff with marshalling.

Data shows that active travel to school has increased dramatically at the schools involved. Living Streets data (see section 6.4) shows that the four schools averaged 88%* sustainable travel (March 2021 to 26 May 2021), compared with 69% in the previous year's travel survey. Work is ongoing to address the issue of parking on neighbouring streets, but the first tranche has been a clear success that we intend to build upon.

6.4 2020-21 Walking Back to School Project in North Tyneside

The team have worked with the voluntary sector organisation Living Streets to roll out their walk to school project, using Department for Transport funding, at schools in the borough.

The scheme encourages active travel to school by recording children's journeys and enabling them to earn monthly badges for making the school run by active means.

This has met with considerable success and surveys at the schools involved showed an increase in sustainable travel compared with the previous year.

The schools involved are Amberley Primary school, Backworth Park Primary, Christ Church Primary, Denbigh Primary, Fordley Primary, Hadrian Park Primary, Holystone Primary, Kings Priory School, Langley First, Marine Park First, South Wellfield First, St Columba's Primary School, Star of the Sea Primary, Wellfield Middle and Whitehouse Primary.

* Sustainable travel in the Living Streets work is classed as walk, cycle, scooter and park & stride. The same categories were used for the previous year's data.

6.5 Virtual Summer of Cycling

The Summer of Cycling campaign for 2020 was aimed at people of all ages and abilities and built on the success of the previous year's inaugural campaign.

Owing to the Covid-19 pandemic, it took the form of virtual interaction rather than physical events. This included online information on local cycling and walking routes; advice and tips for those that were new to cycling; stunts and tricks from the Phoenix Detached Youth Project; a series of video guides on basic bike maintenance; and information on where to get bikes repaired or buy bicycles on a budget locally.

6.6 Cycle counter equipment

The Authority has evidence for sustained cycling growth across the borough (see section 3.5). On the back of sustained cycling growth we will be investing in additional and upgraded cycle counting sites throughout the borough. We will work with regional partners to monitor future cycling growth and to explore opportunities to standardise monitoring moving forward.

Included as part of the delivery of our programme of major schemes that include cycling infrastructure are additional permanent cycle counters that will expand the coverage of our data collection.

6.7 e-Cargo bikes

The Authority has secured funding for a fleet of pedal-powered, electrically assisted e-Cargo bikes to help improve air quality, promote sustainable travel and support businesses.

The e-Cargo bikes will be available to businesses, with the involvement of the Chambers of Trade, in town and district centres in North Tyneside and can be used by local businesses and large organisations for deliveries.

Operators at Cobalt Business Park will use bikes to carry out site security patrols and environmental management of the bio-diversity park, replacing diesel utility vehicles.

The Authority will be using the bikes to carry out service operations and making them available for use in Bikeability cycle training for children to raise awareness of them as a viable alternative to cars and vans.

The initial focus of the scheme is on Whitley Bay, and North Shields, where major regeneration plans are currently being progressed. It will see businesses in the towns given access to bikes to help them get around issues with deliveries and accessing their premises and will support the 'Buy Local' initiatives.

Owing to Covid-19 restrictions, the launch of the bikes with businesses has been deferred until restrictions have been removed.

7. Principle 5 - Manage demand; on transport networks and assets and address current and future transport challenges

Following the initial Covid-19 lockdown, the Authority ensured that highways services have been reinstated in line with Government guidance, including highway maintenance; gully cleansing; car park management; and parking enforcement. This has supported wider work by the Authority and its partners to re-open public spaces, town centres and shopping areas in a safe way.

As lockdown rules continue to be relaxed and people adjust to modified patterns of work and travel, the Authority will continue to monitor the situation to recognise the changing demands on the transport network and respond accordingly.

During lockdown periods, North Tyneside experienced a significant increase in the number of people cycling and walking and visiting public open spaces and the borough's award-winning coastline (see section 3.5 for further details), and some of the increased cycling and walking at the local level is likely to be sustained.

Across the country, the Covid-19 pandemic has sparked a so-called "bike boom", with a surge in demand for both traditional and electric cycles owing to factors such as public health benefits, Government support and changes to commuting patterns, although retailers have also experienced difficulties in fulfilling orders owing to factors such as Covid-19 related disruption to their supply chain.

7.1 Cycling infrastructure

North Tyneside adopted its first Cycling Design Guide in March 2018 which sets out minimum requirements for delivering safe, well designed cycling infrastructure that supports the Authority's aspirations for growth in cycling journeys.

A major scheme in the Authority's investment programme has been the delivery of a 2km high standard segregated cycle route along the A189 corridor between the Haddricks Mill junction in Newcastle and West Moor roundabout in North Tyneside: phase 1 is now completed, with the developer-funded phase 2 expected in 2021/22. This was the first major investment that applies the recently adopted design principles in the Cycle Design Guide. The Authority has worked with Newcastle City Council coordinating its cross-boundary cycle infrastructure routes, with its construction works on this route delivered during the closure of Killingworth Road for separate Newcastle City Council works.

Using external funding from the Transforming Cities Fund (TCF), the Tyne View Terrace cycling and walking improvements scheme delivered new infrastructure in the Willington Quay-East Howdon area which links to the Tyne Pedestrian and Cyclist Tunnels. The works complemented the corridor improvements delivered through the North Bank of the Tyne major transport scheme.

7.1.1 Department for Transport cycling standards and policy

2020 saw the publication of the Government's policy paper 'Gear change: a bold vision for cycling and walking', the cycling and walking plan for England, which details a comprehensive, long-term vision to increase active travel. It sets out the

actions required at all levels of government to make England a 'great walking and cycling nation'.

This was accompanied by the 'LTN 1/20 Cycling Infrastructure Design'; a local transport note providing guidance to local authorities on delivering high quality, cycle infrastructure.

LTN 1/20 includes new, higher standards for cycling infrastructure in order to make sure that schemes are better designed around cyclists' needs and to make sure they can support a larger number of cyclists in the future. These higher standards will make clear that schemes which consist mainly of paint, which make pedestrians and cyclists share the same space, or which do not make meaningful change to the status quo on the road, will not be funded. These standards will be overseen by a new inspectorate, Active Travel England, which will be responsible for the cycling budget and help make sure schemes are compliant with the new standards.

7.2 Bike Life 2019 Tyneside report

Bike Life is the biggest assessment of cycling in urban areas in the UK and Ireland. It is delivered by Sustrans in collaboration with 17 cities/urban areas. The report now covers the Tyneside area (North Tyneside, Newcastle and Gateshead): it is a biennial report and was last published in 2019.

The Authority is working with Sustrans to provide data for inclusion in Bike Life 2021.

The full Bike Life 2019 Tyneside report is available online at:

https://www.sustrans.org.uk/media/5955/bikelife19_tyneside_web.pdf

7.3 Managing streetworks

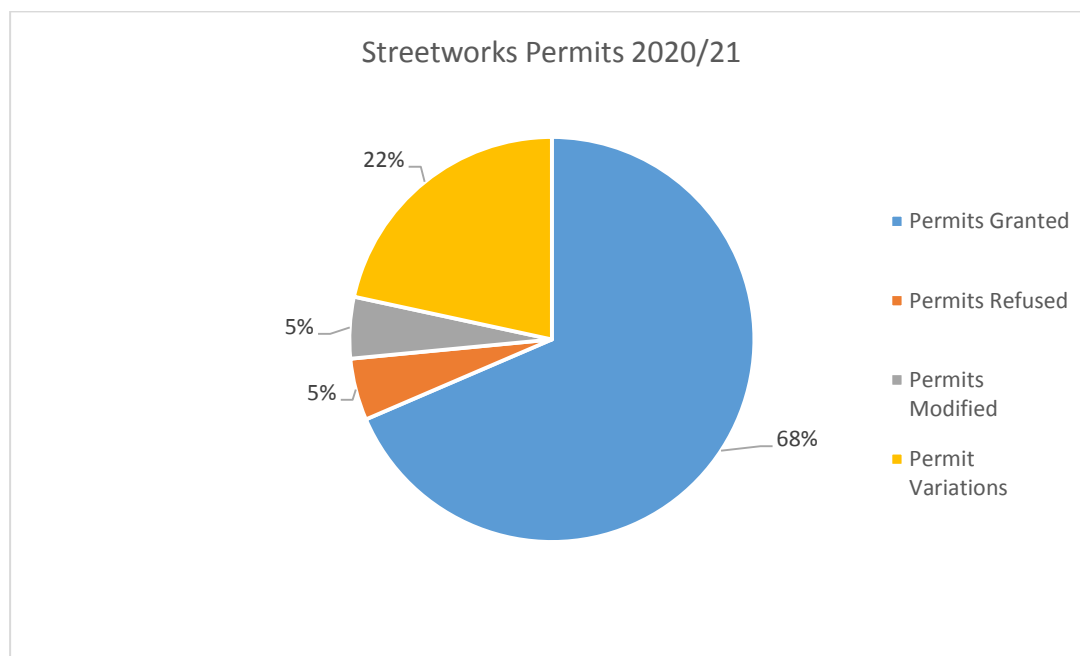
In support of effective management of the highway network, North Tyneside was the first local authority in the region to operate a Streetworks permitting system. This provides greater control over when and how utility companies and their contractors carry out work on the highway network. The utility companies are required to provide three months' advance notice of any major works and submit traffic management proposals, which enables the Authority to challenge the traffic management arrangements if these would cause significant delays on the network or if works in the vicinity are already underway.

During the delivery of North Tyneside's programme of major transport schemes over recent years, the Streetworks permitting system has helped with the operation of the transport network as it enables the Authority to restrict any non-emergency works proposed by utilities on routes affected by major scheme construction.

The chart below shows that 31.5% (4,386) of the 13,941 permit requests received have been challenged or modified through the permitting process. The majority of these are associated with identified conflicts in concurrent road works on the highway network. Those permit requests subject to modification or variation were mostly associated with challenging and changing the traffic management proposals (avoiding the use of 3-way traffic signal control where possible); hours of operation

(limiting works to off-peak hours only); and clarifications around specific works extents and locations. The permit system is working well with very few over-runs occurring on the network. The compliance rate on site is good, with very few Fixed Penalty Notices being issued for non-compliance.

Figure 7.1: Streetworks Permits 2020/21



The Authority has introduced a pavement licensing procedure by which cafés, pubs and restaurants may apply for a temporary 'pavement licence' to place removable chairs and tables outside their premises to assist with Covid-secure requirements as part of the sector's recovery from the Covid-19 pandemic.

7.4 Highway network management technology

The Authority has identified areas where technology can support its network management. This assists in ensuring that traffic signals operate efficiently to the benefit of all road users.

To support this approach, major signal controlled junctions across the 11 corridors defined in the North Tyneside Network Management Plan are being upgraded to be connected to the regional UTMC (Urban Traffic Management and Control) control room. The junctions are also being provided with additional real-time traffic counter equipment that can monitor and analyse fluctuations in demand on each approach, allowing timings to be further refined remotely by the UTMC team.

This technology can be used to link all traffic signals within a corridor, e.g. to prioritise bus movements at peak times. It is proposed that the Authority's first UTC (Urban Traffic Control) corridor will be the A191 between Station Road (Forest Hall) and Four Lane Ends.

VMS (Variable Message Signs), installed at strategic route decision-making points around the highway network, may be used to advise on current journey times being experienced along routes by different modes, advocate alternative routes if congestion is high, and report incidents that are likely to impact network operation. A new VMS sign was installed on A191 Holystone Bypass in 2020/21.

As part of the regional Transforming Cities Fund allocation, a comprehensive smart bus corridor scheme is being delivered (subject to approval of business case). This will see every major bus corridor in the region upgraded such that all traffic signal operations allow for buses to be prioritised based on delay and occupancy. Within North Tyneside this will see corridors, e.g. between Killingworth, Whitley Bay, Wallsend and Newcastle city centre respectively, upgraded.

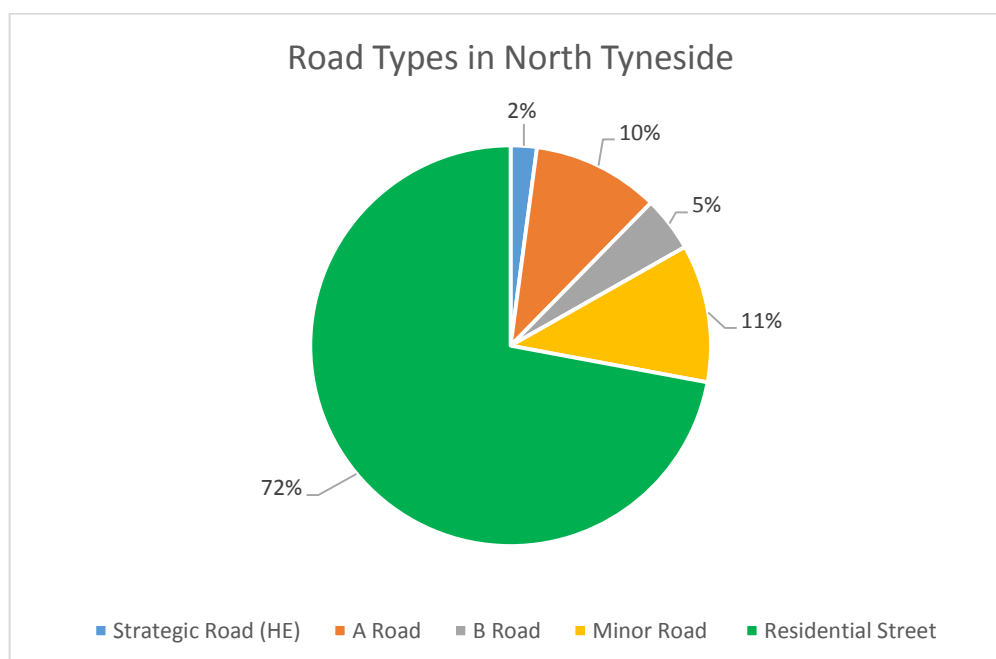
7.5 Highway maintenance

In 2020/21 there was full delivery of the annual road resurfacing programme, which includes the Additional Highway Maintenance project. In brief, delivery in 2020/21 involved:

- 42,000 m² of micro-asphalt, enough to surface 4 miles of road;
- 62,000 m² of full resurfacing schemes, enough to surface 5.25 miles of road; and
- delivery of around 50 footway improvement schemes.

The highway network incorporates roads of differing standard and class as shown in the graph below.

Figure 7.2: Road Types in North Tyneside (HE = Highways England)



The North Tyneside Highway Asset Management Plan (HAMP) includes a commitment as Part 3 to provide an annual report on network performance in terms of maintenance and condition of assets. The annual HAMP report is submitted separately to Cabinet and therefore this report will not include further details of highway maintenance and condition.

8. Summary of performance

The annual report covers the period 1 April 2020 to 31 March 2021 and sets out relevant local transport data over that period of time.

Road safety, cycling and walking

The report indicates that North Tyneside's transport network is becoming safer: the number of road accident cluster sites continues to decrease, from six in 2019 to five in 2020, which reflects the Authority's targeted major scheme investment over recent years. The total number of road collisions decreased by 17% in 2020, having shown a broadly steady trend over the previous three years, while collisions involving cycling were below the 2018 level, although higher than 2019 against a background of increased cycling. 2020 also saw a decrease of 32% in pedestrian casualties, which, except for a c.30% lower figure in 2017, had been at a similar level over recent years.

Cycling is becoming even more important as a way of getting around North Tyneside, with cycling trips increasing by 59% in the last year, much higher growth than was seen in Tyne and Wear as a whole. This was enabled in part by temporary cycling schemes including the 4km pop-up cycleway along the coastal strip. To support the growth in everyday cycling in North Tyneside, the Authority continues to invest in cycling infrastructure and continues to seek opportunities to improve our cycling network. This is demonstrated through the upcoming investment in the 14km of new strategic cycle network to be delivered between 2021 and 2023.

Air quality throughout the borough has been confirmed as compliant with legal standards, assisted by recent measures such as retro-fitting technology to reduce emissions from buses on the A1058 Coast Road.

However, the impact of the Covid-19 pandemic on travel patterns means that securing a shift away from car use has been difficult in the short term, and overall motor traffic volumes in April-May 2021 were slightly greater than pre-Covid levels. Public transport use, although still generally below half of pre-Covid levels, is showing a recovering trend

Supporting our economy and improving connectivity

The Authority's investment has helped North Tyneside's transport network to flow better, with £18m invested over recent years, largely from external funding, in targeted major schemes. This has addressed pressures at specific locations on the network and improved accessibility to destinations including major employment sites, helping to support the borough's economy and assist in the delivery of the Local Plan objectives.

Alongside this, the Authority continues to deliver an annual programme of local transport improvements which helps to address issues identified from transport data

or raised by members or residents, with 14 local road safety schemes being delivered in the past year.

Enabling smart choices

The Authority's work with local schools has seen a substantial rise in sustainable travel, from 69% to 88%, at the four schools where 'School Streets' have been introduced on an 18-month trial basis, with the streets outside the school gates reserved for walking and cycling at the start and end of the school day, with children and their parents encouraged to travel actively or use 'park and stride'.

Work with schools also involves helps to develop young people's skills to walk and cycle safely. The Authority offers national standard 'Bikeability' cycling training to schools across the borough and, although impacted by Covid-19 restrictions, 651 training places were delivered in 2020/21; road safety education is also offered in schools. Through its ongoing 'Go Smarter' programme, the Authority promotes the use of sustainable and active transport in schools, as well as involving children in identifying improvements to cycling and walking infrastructure.

The Authority has also secured funding for a fleet of pedal-powered, electrically assisted e-Cargo bikes to help improve air quality, promote sustainable travel and support local businesses in making smarter travel choices.

Managing demand and addressing challenges

Following the first national lockdown from March 2020, the Authority moved promptly to re-start the provision of highways services, including highway maintenance, car park management and the School Crossing Patrol service, helping to address challenges around Covid-19 recovery.

In addition, the Authority helped local businesses to resume trading by introducing a temporary 'pavement licence' for cafés, pubs and restaurants to place chairs and tables outside their premises to assist in the sector's Covid-19 recovery.

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Appendix A – Transport policies and strategies

The North Tyneside Transport Strategy provides the overall strategic context for transport in the borough, as described in section 1 of the main report.

This is supplemented by the following policies and strategies related to transport:

North Tyneside Local Development Document 12 (LDD12) Supplementary Planning Document (SPD) - adopted May 2017

This document sets out in detail the policies and procedures adopted by the Authority with regards to the traffic and transport impacts of new development. The document focuses on the need to ensure sustainability in all new development and improved connectivity to local centres, schools and employment sites through new and enhanced infrastructure.

The document supports the housing and jobs growth requirements of the Local Plan whilst challenging development to; limit car based travel to 50% of trips, support an increase in public transport to 25% of trips, and sets a minimum target of 10% for walking and cycling trips.

The Travel Plan requirements for new developments have been made more rigorous to encourage developers to deliver on the robust targets outlined above and ensure the opportunity for sustainability travel is maximised from the outset.

The revised LDD12 was adopted by Cabinet in May 2017 and directly supports all of the principles set out in the Transport Strategy.

North Tyneside Parking Strategy – adopted February 2018

On average, 96% of the lifetime of a car is spent parked and parking management is an ongoing challenge. The revised strategy enabled the Authority to review charging levels with a consistent charge rate now applicable along the entire foreshore area with the added flexibility to pay for an all-day ticket that is transferrable for use along the coast.

The North Tyneside Parking Strategy also sets out a transparent and fair assessment procedure for considering requests for restrictions and permits. The new procedure aims to reduce the assessment time and allow prompt decisions to be taken with clear next steps shared with an applicant.

Parking forms an integral part of the Authority's transport strategy for the borough. It is essential that parking controls are transparent and consistently applied. This will become even more important as the regeneration of the borough brings new challenges and opportunities.

The new approach applies a "Solutions Tool" to any request that identifies the source of the problem and seeks to resolve inconsiderate parking through engagement first before resorting to restriction measures. When inconsiderate parking is causing an

acute road safety or access restriction for services these requests will be expedited. If engagement is unsuccessful at reducing the scale of the problem then requests would still result in restrictions being considered.

In relation to the design and provision of new car parking relating to developments brought forward through the planning process, the Authority's approach is set out in LDD12. The revised Parking Strategy was adopted by Cabinet in February 2018 and directly supports the principles set out in the Transport Strategy.

Highway Asset Management Plan (HAMP) – adopted in September 2017

The local highway network is the responsibility of local highway authorities. The local highway network is the largest, most valuable and most visible infrastructure asset for which the Authority is responsible. Well maintained and accessible highway infrastructure is vital and fundamental to the economic, social and environmental wellbeing of the communities of North Tyneside. The aim to maintain a good highway network is complementary to the Our North Tyneside Council Plan and the Authority's commitment to making North Tyneside a great place to live, work and visit. Resident surveys and other feedback show that a well-maintained highway network is a high priority.

The HAMP sets out the Authority's strategic approach to highway and infrastructure maintenance. In order to provide regular information about the highway and infrastructure the HAMP contains a commitment to provide an annual information report to Cabinet. The HAMP annual information report is presented to Cabinet in Autumn each year and provides information on work undertaken within the last 12 months, future planned activities and other items of general interest.

The HAMP supports all of the principles set out in the Transport Strategy.

North Tyneside Cycling Strategy – adopted March 2018

Cycling is a healthy and sustainable way of making everyday journeys, which often replace motorised journeys, and supporting the demand for increased participation in cycling can boost the local economy, people's health and quality of life, helping to make North Tyneside a great place to live, work and visit.

The revised Strategy supports and encourages the growth of cycling in the borough, with a focus on securing further growth in everyday cycling, working in partnership to deliver projects which get more people cycling of all ages and in all areas. Wherever possible, improving the borough's infrastructure and information, delivering a programme of works which makes everyday cycling simple, safe direct and attractive and supports the growth in everyday cycling.

The Cycling Strategy is supported by the North Tyneside Cycling Design Guide which provides design guidance to make sure that cycling is considered as part of all highway and regeneration projects and any new infrastructure is in line with best and emerging good practice.

The Cycling Strategy and supporting Design Guide were adopted by Cabinet in March 2018 and directly support all of the principles set out in the Transport Strategy.

North Tyneside Travel Safety Strategy – adopted March 2018

The refreshed Travel Safety Strategy has broadened the previous road safety remit to consider the safety of all users of the highway including, pedestrians, cyclists, horse riders, motorists and public transport patrons (bus/metro/taxi). A key aim for both the Authority's Transport Strategy and the North Tyneside Local Plan is to provide a safer environment for road users and to continue to reduce the number of people injured on the transport network in North Tyneside.

The Strategy sets out how the Council intends to further improve road safety by reviewing and improving infrastructure, increasing awareness and education of road safety matters and working in partnership to address travel safety concerns on the Authority's transport network.

The Strategy makes a commitment to report on performance against key road safety casualty reduction targets and progress against the actions set within the strategy itself. The Travel Safety Strategy was adopted by Cabinet in March 2018 and directly supports the principles of the Transport Strategy.

North Tyneside Network Management Plan – adopted October 2018

The refreshed Network Management Plan sets out how the Authority intends to “manage the peaks” in highway operations using a corridor-based approach to manage demand on the network through better use of technology, promoting behavioural change and investing in infrastructure improvements when it is appropriate to do so.

The Plan focuses on 11 key routes identified that cater for the majority of journeys undertaken across the Borough. The corridor based approach will seek to deliver a comprehensive network of links between key origins and destinations for all modes of transport and support greater levels of investment, deliver wider local benefits, and increase the opportunity for securing developer contributions through the planning system.

The Authority will develop a service standard that each corridor should aim to operate at based on measurable attributes such as journey time reliability, level of delay, duration and scale of congestion relative to off-peak average journey times, public transport service level, cycling provision and number of cyclists.

North Tyneside Home to School/College Transport Policy – refreshed 2020

Home to school/college transport involves partnership working between the Authority, transport and education providers and parents and carers. The Authority also has a duty to ensure, in certain cases, that suitable travel arrangements are made to facilitate children's attendance at relevant educational establishments.

The policy sets out how the Authority will implement an approach to reflect these considerations and provides guidelines in a clear and comprehensive manner on the procedures which are followed.

North Tyneside Hackney Carriage and Private Hire Licensing Policy – adopted February 2020

The policy sets out how the Authority will discharge its responsibility for the licensing of hackney carriage and private hire vehicles, their drivers, and in the case of private hire vehicles their operators, within the borough.

Among its objectives are to ensure that vehicles are safe, clean, reliable and accessible to meet the varying needs of the public; to provide confidence in the system for assessing whether a person is ‘fit and proper’ to drive a hackney carriage or private hire vehicle; and to encourage the uptake of zero and ultra-low emission vehicles.

The Hackney Carriage and Private Hire Licensing Policy was adopted by Cabinet in February 2020 and directly supports all of the principles set out in the Transport Strategy.

Please see attached the following Appendices to the report:

Appendix B – Transport Strategy Data Factsheet

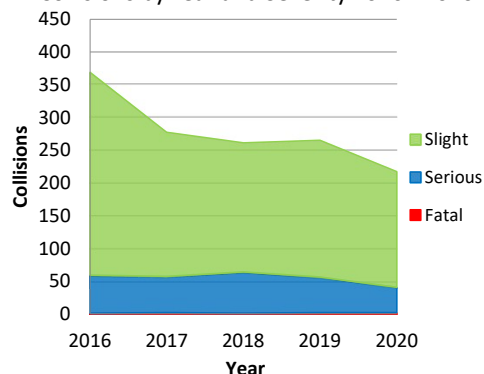
Appendix C – Covid-19 Transport Strategy Data Factsheet

Appendix D – Network of Strategic Cycle Routes (“Tube Map”)

Appendix E – 2018-2020 Collision Cluster Locations

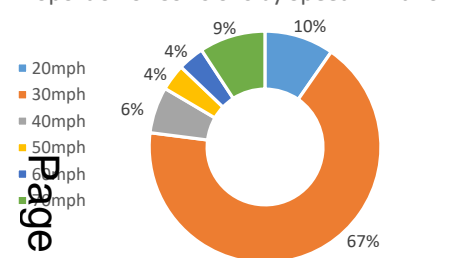
Road Safety

Collisions by Year and Severity 2016 - 2020

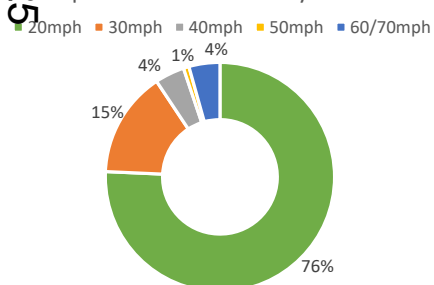


17% reduction in all collisions 2017-19 to 2020

Proportion of Collisions by Speed Limit 2020



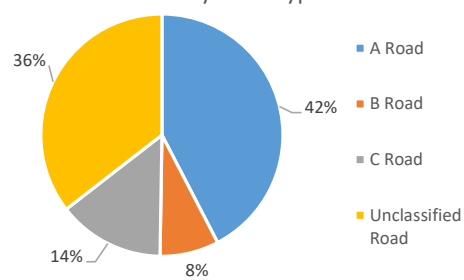
Speed Limits in North Tyneside



There are 5 Cluster Sites in North Tyneside within the 3 year period 2018 - 2020

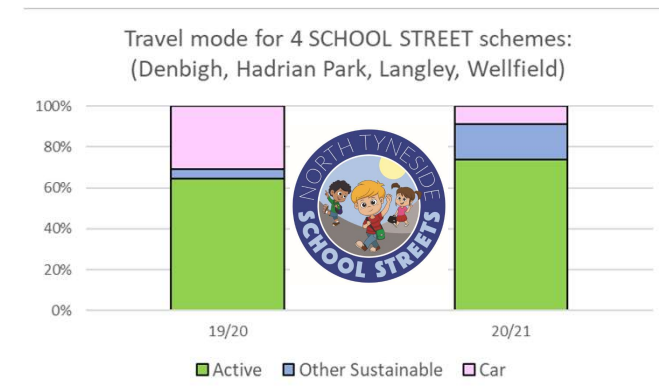
A Cluster Site is defined by more than 5 Collisions within a 50m radius

Collisions by Road Type 2020



Sustainable Travel

Latest surveys show 66% of total school journeys are by sustainable modes, with a future target of 75%. For 2020/21 academic year outside of Covid-19 school closures



Training

Engaged with:

- 632 school pupils through Go Smarter;
- 651 received Bikeability Training; and
- 573 received Road Safety Training.



Cycling

13 Schemes delivering approx. 8.1km new / upgraded infrastructure.

Sustained cycling growth in North Tyneside of 59% from 2019 to 2020 with 32% growth in Tyne & Wear for same period.

Sustrans Regional Cycling Behaviour Survey:



Tyneside residents cycle

9 times

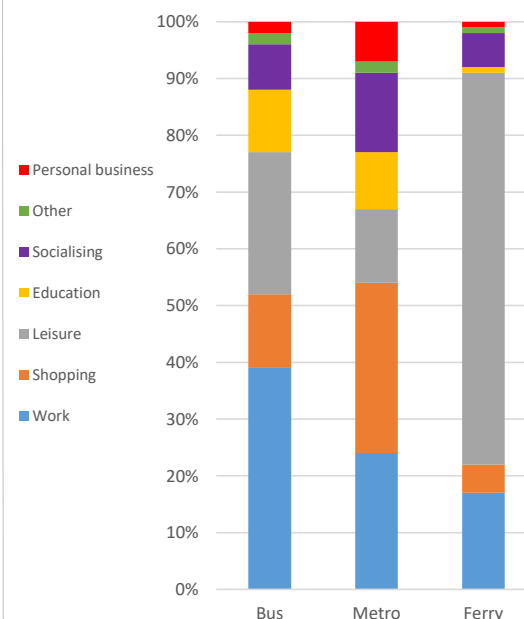
around the world every day

Taken from Sustrans Bike Life Tyneside

Note: The annual report covers the period 1 April 2020 to 31 March 2021, hence the data presented here is impacted by the government restrictions associated with the Covid-19 pandemic

Travel Trends

Journey Purpose in Tyne & Wear 2019/20



Investment

Continued investment in Major Schemes with 2 schemes delivered this year which includes schemes with elements of developer funded works.

Full or partial road resurfacing equivalent to 9.25 miles of road carried out in 2020/21.

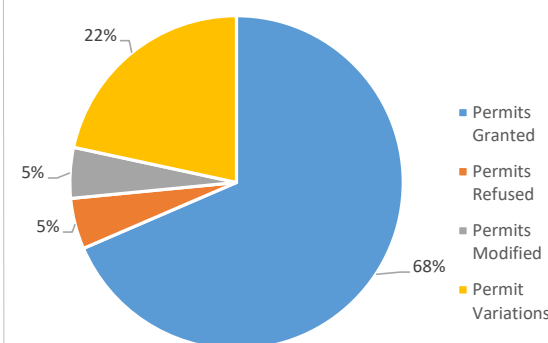
50 footway improvements delivered in 2020/21.

In 2020/21 there were 28 parking improvement schemes delivered (e.g. double yellow lines etc.) and 19 advisory disabled bays.

There were 14 Road Safety Schemes, 3 Public Transport Schemes and 6 Sustainable Travel Schemes installed in 2020/21.

Network Management

Streetworks Permits 2020/21



Public Transport

151,486 trips on the Ferry in 2020/21.

Approx. 6 million miles of bus journeys within North Tyneside in 2019/20 (pre Covid-19).

Approx. 9.388 million trips on the Metro Network in 2020/21.

37% of North Tyneside is within 800m of a Metro Station

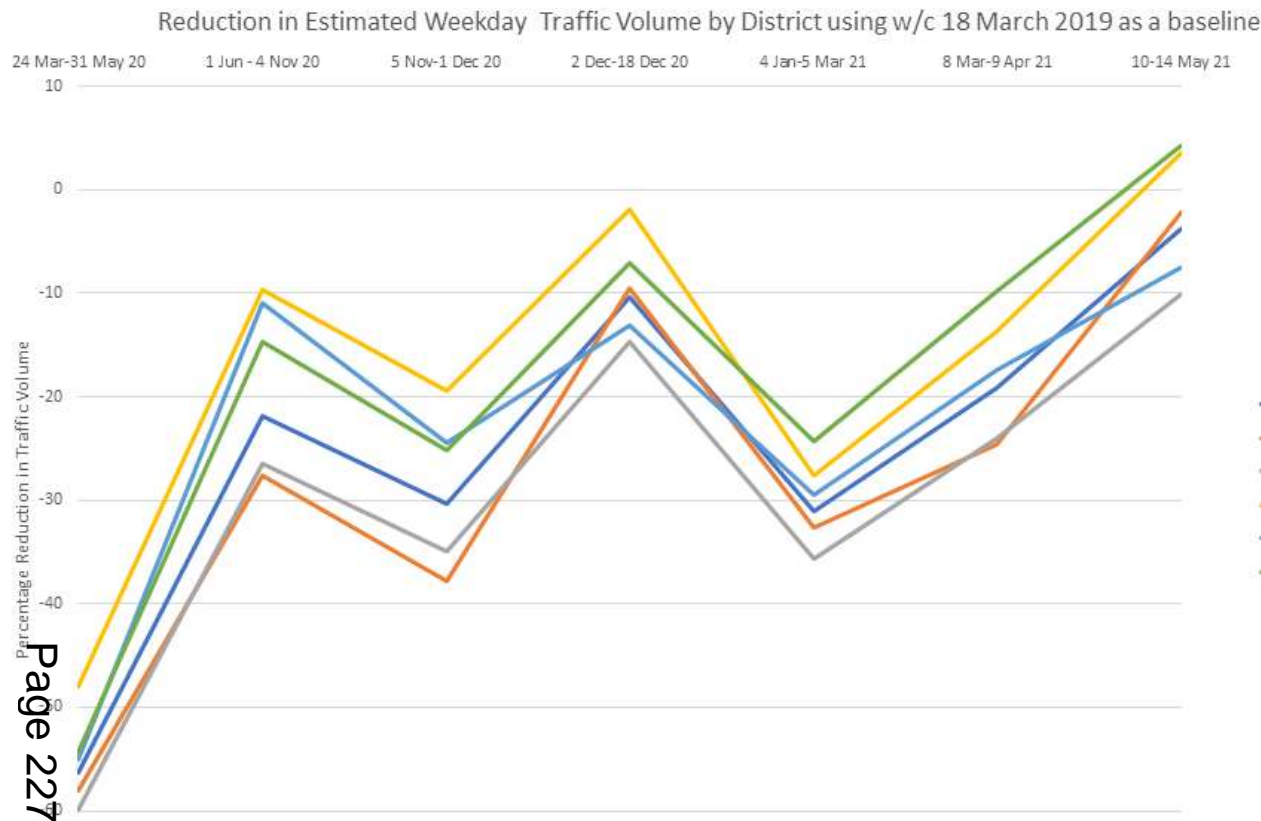
840 Taxis (hackney carriages & private hire vehicles) Registered in North Tyneside

127 locations covered by driver speed feedback sign programme.

3 journey time monitoring corridors with a further 8 to follow.

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Traffic Volumes during Covid-19 in Tyne & Wear



Traffic Volumes during Covid-19

At the start of the Covid-19 pandemic during Lockdown 1 motor traffic flows decreased by 58% below previous levels (March 2019 baseline) in North Tyneside.

In May 2021 motor traffic flows were 5% greater than previous levels (March 2019 baseline) in North Tyneside.

Cycling Growth during Covid-19

Cycling growth in Tyne & Wear of 32% from 2019 to 2020.

Cycling growth in North Tyneside of 59% from 2019 to 2020.

Public Transport Demand during Covid-19

Passenger numbers have fluctuated through the year as Covid-19 restrictions have changed.

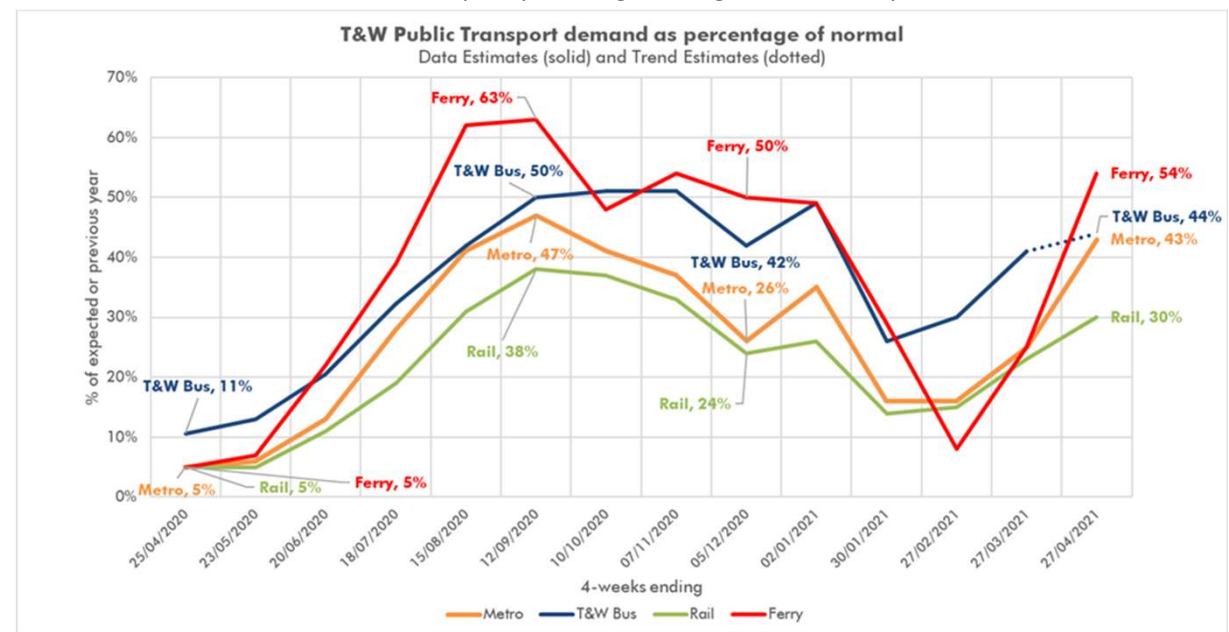
Shields Ferry patronage in April 2021 was 54% of pre Covid-19 levels compared with 5% in April 2020.

Metro patronage in April 2021 was 43% of pre Covid-19 levels compared with 5% in April 2020.

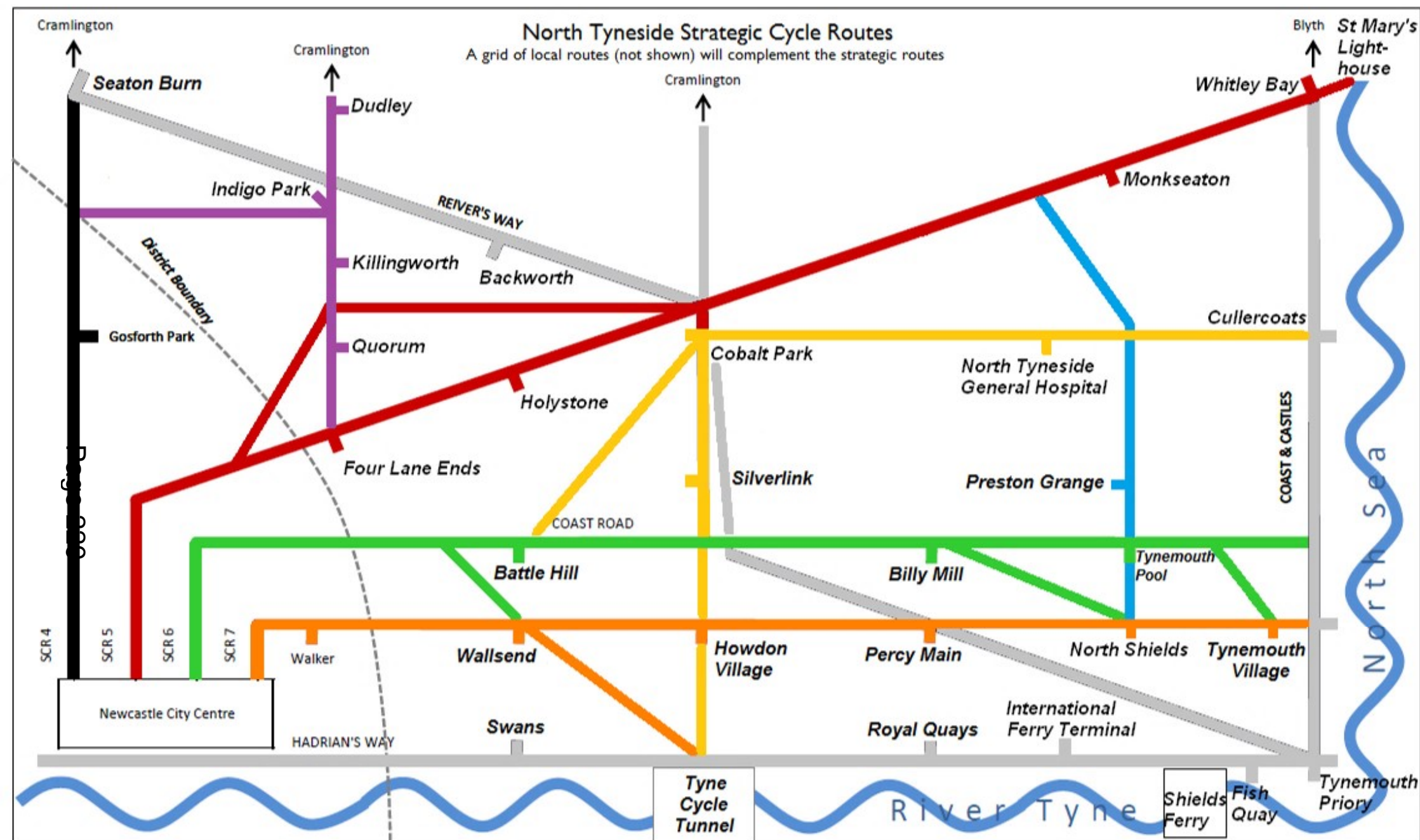
Bus patronage in April 2021 was 44% of pre Covid-19 levels compared with 11% in April 2020.

13% decrease from 2019 to 2020 in Taxis (hackney carriages and private hire vehicles) with 840 Registered in North Tyneside in 2020.

Public Transport patronage during Covid-19 in Tyne & Wear



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How will we deliver this?

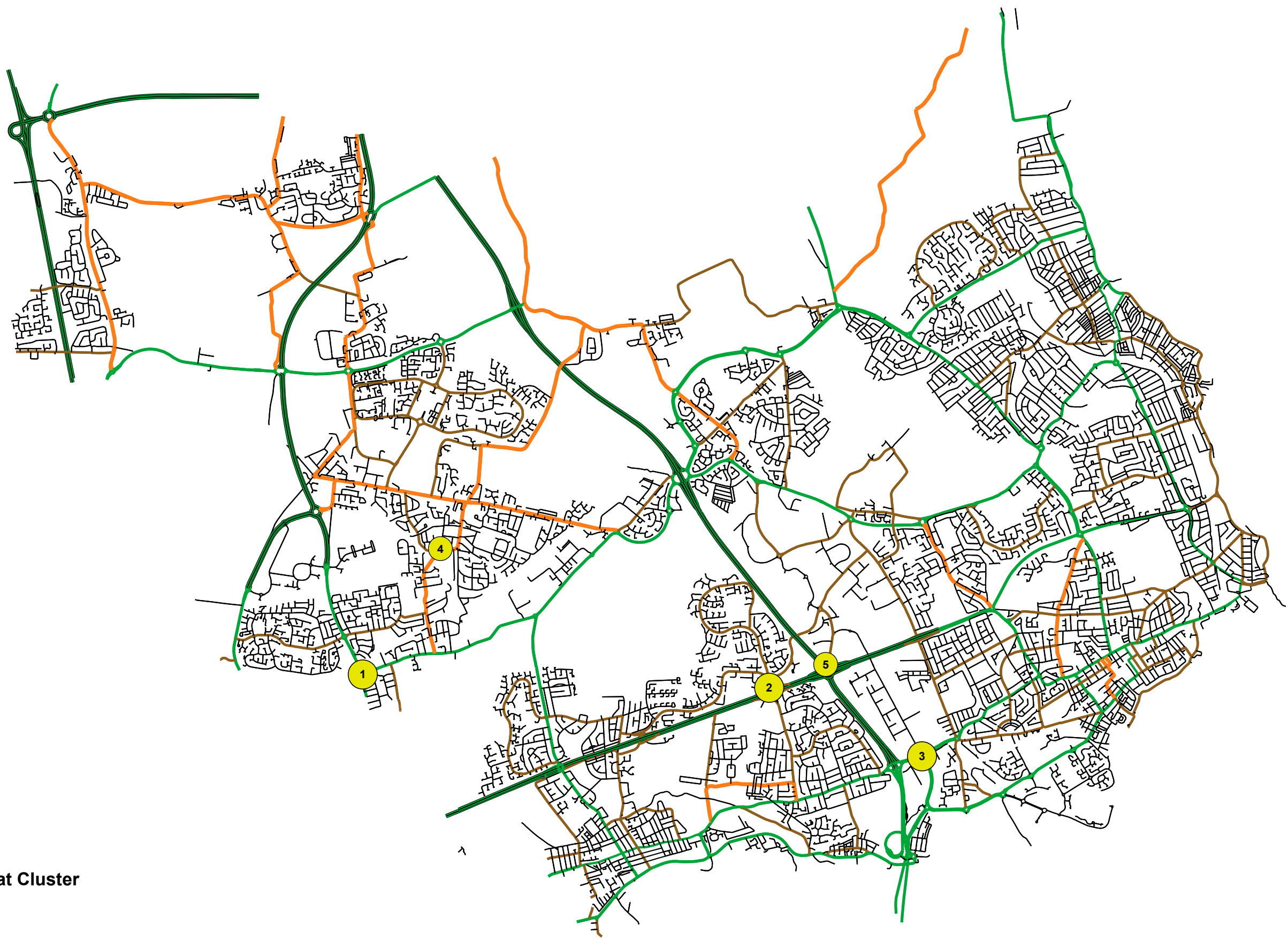
- o Bidding for external funding for sections of route
- o Through the planning process, as new developments are brought forward
- o Through the general programme of highway schemes and regeneration schemes

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Collision Cluster Locations

June 2021

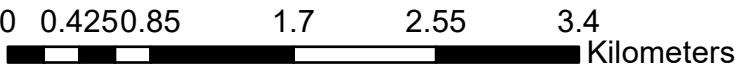
Collision Cluster Sites are for period 2018 to 2020. Clusters are ranked from 1 (more collisions) to 5 (less collisions)



Key

Total Collisions at Cluster

- 6
- 7



A Cluster Site is defined by more than 5 Collisions within a 50m radius

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