



North Tyneside Council

Cabinet

7 October 2021

Monday, 18 October 2021 Room 002, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 6.00pm** (Due to Covid precautions 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 20 September 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>	

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Agenda Item	Page(s)
<p>5. Audit Committee Annual Report 2020/21</p> <p>To consider the Audit Committee Annual Report covering the work performed by the Audit Committee in 2020/21.</p>	5 - 20
<p>6. North Tyneside Local Flood Risk Management Strategy</p> <p>To seek approval for a North Tyneside Local Flood Risk Management Strategy.</p>	21 - 42
<p>7. The Gambling Act 2005 - Draft Statement of Licensing Policy (Gambling) 2022 - 2025</p> <p>To consider the final proposals for a revised Statement of Licensing Policy (Gambling) prior to consideration by Full Council on 25 November 2021.</p>	43 - 124
<p>8. North Tyneside Transport Strategy</p> <p>To seek approval for a revised North Tyneside Transport Strategy.</p>	125 - 162
<p>9. Procurement Plan 2021/22</p> <p>To proceed with the procurement of additional goods and services as detailed in Appendix 1 to the report, which were not known at the time of Cabinet's approval of the Authority's initial Procurement Plan 2021/22 in April 2021.</p>	163 - 170
<p>10. Date and Time of Next Meeting</p> <p>Monday, 29 November 2021 at 6.00pm.</p>	

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.**

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North Tyneside Council Report to Cabinet Date: 18 October 2021

Title: Audit Committee Annual Report 2020/21

Portfolio(s): Finance and Resources	Cabinet Member(s): Councillor Martin Rankin
Report from Service Area: Resources	
Responsible Officer:	Janice Gillespie, Director of Resources (Tel: (0191) 643 5701)
Wards affected:	All

PART 1

1.1 Executive Summary:

The purpose of this report is to present an Annual Report to Cabinet from Audit Committee, covering the work performed by the Committee during 2020/21.

The Report explains the role of Audit Committee; summarises the outcomes of a review of the effectiveness of the Audit Committee, led by the co-opted Chair; explains the progress which has already been made in implementing the recommendations from this review; and sets out areas recommended for further development of the effectiveness of Audit Committee. The report also summarises highlights from the substantive business considered by the Committee in 2020/21.

1.2 Recommendation(s):

It is recommended that Cabinet notes the Audit Committee Annual Report for 2020/21, attached as Appendix A to this report.

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 20 August 2021.

1.4 Council Plan and Policy Framework

The work of Audit Committee supports the entire framework of governance, risk management and control within the Authority, and all service responsibilities as identified within the Our North Tyneside Plan.

1.5 Information:

Background

- 1.5.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) views audit committees in local government as a key component of each local authority's governance framework¹. The Authority has a dedicated Audit Committee, which is independently chaired by Mr Kevin Robinson, with Mr Malcolm Wilkinson as independent Deputy Chair.
- 1.5.2 CIPFA also recommends that the Audit Committee should regularly assess its own effectiveness and has prepared guidance which Audit Committees can use for this purpose. The Authority's Audit Committee arrangements have therefore been reviewed in line with this guidance, led by the Audit Committee Chair, with actions identified to improve the arrangements continuing throughout 2020/21 to date.
- 1.5.3 One recommendation from the review was that the Authority would benefit from greater interaction between Audit Committee and Cabinet. The review recommended that an annual report from Audit Committee to Cabinet should be prepared, in accordance with good practice recommended by CIPFA.
- 1.5.4 An annual report from Audit Committee to Cabinet, in line with the recommendations from the review of Audit Committee Effectiveness, is attached. This report demonstrates how the Audit Committee has met its Terms of Reference during the year and summarises some of the key highlights of work undertaken in 2020/21.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet notes the Audit Committee Annual Report 2020/21 (Appendix A).

Option 2

Cabinet does not note the Audit Committee Annual Report 2020/21 (Appendix A).

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

Noting the Audit Committee Annual Report 2020/21 will demonstrate that Cabinet has received and considered the outcomes of the Audit Committee's review of its own effectiveness, which is good practice recommended by CIPFA; and will help to ensure that Cabinet is aware of the main governance matters which have been considered by Audit Committee in 2020/21.

• ¹ CIPFA Position Statement on Local Authority Audit Committees, *Audit Committees – Practical Guidance for Local Authorities and Police, CIPFA 2018*

1.8 Appendices:

Appendix A: Audit Committee Annual Report 2020/21.

1.9 Contact officers:

Kevin McDonald, Acting Chief Internal Auditor, 0191 643 5738

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:

- CIPFA Position Statement on Local Authority Audit Committees, Audit Committees – Practical Guidance for Local Authorities and Police, CIPFA 2018
https://www.cipfa.org/media/files/publications/Fau059_audit_cttee_position-statement_2018.pdf&usq=AOvVaw1_xtbeZFhZ0FXN1ckz9kqZ
- Review of Audit Committee Effectiveness – Report to Audit Committee, 24 March 2021
<https://democracy.northtyneside.gov.uk/documents/s5644/Audit%20Committee%20Effectiveness%20Report%20March%202021.pdf>
- Reports to Audit Committee 2020/21
<https://democracy.northtyneside.gov.uk/ieListMeetings.aspx?CIId=157&Year=0>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

Audit Committee's remit covers the Authority's entire framework of governance, risk management and control, including financial governance and control. The work of the Committee supports and promotes effective financial control throughout all parts of the organisation.

There are no direct financial implications arising from the recommendations in this report. Should any financial implications associated with these risks emerge that cannot be contained within current budgets, then these will be reported to Cabinet.

2.2 Legal

There are no legal implications arising from the recommendations in this Report.

2.3 Consultation/community engagement

Consultation on the analysis against CIPFA's good practice guidance, taken from the 2018 publication "Audit Committees – Practical Guidance for Local Authorities and Police", was undertaken with Audit Committee during 2019. The Chair of Audit Committee also engaged with serving elected members of Audit Committee and senior officers on an individual basis.

An updated self-assessment of Audit Committee Effectiveness, including proposals for preparation of a report to Cabinet from Audit Committee, was discussed with all serving Audit Committee members at the meeting of Audit Committee on 24 March 2021.

Individual reports from Internal Audit, External Audit or the Head of Resources (referenced in the Audit Committee Annual Report 2020/21) have all been discussed with the relevant client identified for that work, at the time that this was completed.

2.4 Human rights

There are no human rights act implications arising from the recommendations in this Report.

2.5 Equalities and diversity

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

2.6 Risk management

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

2.7 Crime and disorder

There are no crime and disorder implications arising directly from this report. The work of the Audit Committee in considering the arrangements in place for an effective framework of governance, risk management and control helps to mitigate against the risk of certain types of crime (e.g. fraud) towards the Authority.

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X

Audit Committee Annual Report 2020/21

September 2021



Introduction from Co-opted Chair of Audit Committee

Since I was appointed into the independent role of co-opted Chair of North Tyneside Council's Audit Committee, I have enjoyed learning about the Council, and comparing the challenges it faces with those which I encountered during my career in the financial sector. The scale and breadth of what the Council does continues to impress, and the 2020/21 year has seen the unprecedented impact of the Coronavirus pandemic on all public sector organisations. The provision of independence assurance to the Council on its changing and evolving risk profile has, arguably, never been more important.

At their core, audit committees can play a vital role in supporting and maintaining a culture and environment to support the integrity of governance arrangements and the provision of information for decision making for the organisation. At times of uncertainty, transparency can be of heightened importance and, I hope this annual report from Audit Committee on its work and how it has met its agreed Terms of Reference during 2020/21 is a genuine source of assurance to Cabinet.

In addition to summarising highlights from the substantive business considered by Audit Committee in 2020/21, this report details the outcomes from reviewing our Audit Committee arrangements and its effectiveness. The report details progress we have made as a Committee, with regard to reflecting good practice recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA) and further developments identified to improve Audit Committee's effectiveness further.

An annual report to Cabinet on the work of the Committee is one action identified and I am pleased to introduce this annual report to Cabinet on behalf of the Audit Committee. I hope that this report is of interest and helpful to Cabinet and any views from Cabinet can be used to help guide the work of Audit Committee to ensure we can continue to develop a vital assurance link for the organisation and in turn, residents, businesses, and all those who live or work within the borough.

Kevin Robinson
Co-opted Chair of Audit Committee

Role of Audit Committee

Audit committees in local government have grown and developed extensively in recent years. The main professional body which issues guidance regarding local government audit and financial governance matters is the Chartered Institute of Public Finance and Accountancy (CIPFA). CIPFA has published a Position Statement on Audit Committees in Local Authorities. This sets out seven main principles which CIPFA recommends should be evident in a good local authority audit committee.

The seven principles are:

- 1 Audit committees are a key component of an authority's governance framework.** Their function is to provide an independent and high-level resource to support good governance and strong public financial management.
- 2 The purpose of an audit committee is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.** By overseeing internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place.
- 3 Authorities should adopt a model that establishes the committee as independent and effective.** The committee should:
 - Act as the principal non-executive, advisory function supporting those charged with governance.
 - Be independent of both the executive and the scrutiny functions and include an independent member where not already required to do so by legislation.
 - Have clear rights of access to other committees / functions, for example, scrutiny and service committees, corporate risk management boards and other strategic groups.
 - Be directly accountable to the authority's governing body.
- 4 The core functions of an audit committee are to:**
 - Be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievements of the authority's objectives.
 - In relation to the authority's internal audit functions:
 - oversee its independence, objectivity, performance and professionalism
 - support the effectiveness of the internal audit process
 - promote the effective use of internal audit within the assurance framework.

- Consider the effectiveness of the authority's risk management arrangements and the control environment, reviewing the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships and collaborations with other organisations.
- Monitor the effectiveness of the control environment, including arrangements for ensuring value for money, supporting standards and ethics and for managing the authority's exposure to the risks of fraud and corruption.
- Consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control.
- Support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process.
- Review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

5 An audit committee can also support its authority by undertaking a wider role in other areas including:

- Considering governance, risk or control matters at the request of other committees or statutory officers.
- Working with local standards and ethics committees to support ethical values.
- Reviewing and monitoring treasury management arrangements in accordance with 'Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes' (CIPFA, 2017).
- Providing oversight of other public reports, such as the annual report.

6 Good audit committees are characterised by:

- A membership that is balanced, objective, independent of mind, knowledgeable and properly trained to fulfil their role. The political balance of a formal committee of a council will reflect the political balance of the council, however, it is important to achieve the right mix of apolitical expertise.
- A membership that is supportive of good governance principles and their practical application towards the achievement of organisational objectives.
- A strong independently minded chair – displaying a depth of knowledge, skills and interest. There are many personal qualities needed to be an effective chair, but key to these are:
 - Promoting apolitical open discussion
 - Managing meetings to cover all business and encouraging a candid approach from all participants
 - An interest in and knowledge of financial and risk management, audit, accounting concepts and standards, and the regulatory regime.
- Unbiased attitudes – treating auditors, the executive and management fairly.
- The ability to challenge the executive and senior managers when required.

7 To discharge its responsibilities effectively the committee should:

- Meet regularly – at least four times a year, and have a clear policy on those items to be considered in private and those to be considered in public.
- Be able to meet privately and separately with the external auditor and with the head of internal audit.
- Include, as regular attendees, the Chief Finance Officer(s), the Chief Executive, the head of internal audit and the appointed external auditor. Other attendees may include the Monitoring Officer (for standards issues) and the head of resources (where such a post exists). These officers should also be able to access the committee, or the chair, as required.
- Have the right to call any other officers or agencies of the authority as required.
- Report regularly on its work to those charged with governance, and at least annually report an assessment of their performance. An annual public report should demonstrate how the committee has discharged its responsibilities.

Review of North Tyneside’s Audit Committee

It is good practice to undertake an annual review of the effectiveness of our Audit Committee arrangements. Using CIPFA’s Position Statement as a foundation for a review of the Audit Committee, our existing arrangements were compared with CIPFA’s stated best practice and considered by Audit Committee during 2019/20. The Chair of Audit Committee subsequently engaged with serving elected members of Audit Committee on an individual basis, in addition to senior officers, to examine the arrangements in place for our Audit Committee. Several ideas to develop Audit Committee arrangements were discussed and agreed during that review.

A self-assessment of our Audit Committee arrangements undertaken during March 2021 was considered by Audit Committee and demonstrated that our Audit Committee arrangements reflect the good practice areas recommended by CIPFA. There are some identified areas for development which have been delayed during 2020/21, due primarily to circumstances relating to the pandemic, but actions planned to address these areas during 2021/22 are already in progress.

Summary of Key Findings from the Review, and Progress Made during to date

Review of our Audit Committee arrangements concluded that:

- The Audit Committee arrangements largely reflect the good practice suggested by CIPFA and Audit Committee can be a real cornerstone for governance within North Tyneside Council. It is uniquely placed to provide an assurance overview, drawing from the whole range of activities that the Authority is engaged in, and all outcomes which the Council hopes to deliver for the people of North Tyneside. The Audit Committee is a source of constructive challenge on where the organisation is maximising opportunities, and where there is scope to manage risks more effectively.

- The Terms of Reference for the committee required some slight updating, to reflect changes in CIPFA's updated Position Statement and guidance for local authorities' Audit Committees. The Terms of Reference for Audit Committee were therefore amended and agreed by Council in September 2020, to fully reflect CIPFA's latest guidance. The updated Terms of Reference were then used as a basis for the preparation of the Audit Committee Work Programme for 2021/22, agreed by Audit Committee in March 2021, in order to help ensure that Audit Committee meets its Terms of Reference
- In recent years, Audit Committee has felt somewhat isolated in its operation within the wider organisation. Previously there was limited interaction with the Senior Leadership Team, as the management board of the organisation; and without a formal link to Cabinet, or to other committees. As such, the Audit Committee was felt to have inputs but no measurable outputs or outcomes, which could limit its effectiveness.

Steps have been taken to improve the interaction between the Audit Committee Chair and the Senior Leadership Team, and a regular programme of briefings is now established for the Chair, with the Chief Executive, Chief Finance Officer and Chief Internal Auditor. The Chief Executive attended the March 2021 meeting of Audit Committee to outline the work which he had commissioned regarding a full fundamental review of our corporate risks and explain in detail to Audit Committee each risk within the corporate risk register. It was agreed that as Audit Committee receive reports on matters of governance, risk management and control throughout the course of the year, Audit Committee can determine the benefit of appropriate Heads of Service attending a meeting of the Committee and this is also being considered by the Senior Leadership Team in conjunction with the Chief Finance Officer. Together with the introduction of Audit Committee's annual report to Cabinet, it is hoped that this will further help to improve the Audit Committee's visibility, effectiveness and usefulness within the Authority.

Areas Recommended for Further Development

To build on the findings from the review and progress made to date, the following areas have been highlighted for further action during 2021/22.

- Annual Reporting to Cabinet: This annual report has been prepared for presentation to Cabinet, to demonstrate how Audit Committee currently meets its Terms of Reference and provide a summary of the work of the committee during the year. The annual report is also intended to support a dialogue between Audit Committee and Cabinet. Greater interaction at the commencement of each municipal year between Audit Committee and Cabinet, regarding the Audit Committee's work programme, would help ensure that this is optimising the assurance provided to the organisation and reflecting the needs of Cabinet. This will be discussed further with the Cabinet Member for Finance and Resources.

- Member Development Programme: A development programme for Audit Committee members, but also for non-members of Audit Committee to raise awareness on what the Committee's role is, and its remit, would be beneficial.

At the first meeting of Audit Committee in 2021/22, in May 2021, a successful initial training session was held with our new membership of Audit Committee, with a great deal of interaction from all members. This will be supplemented with additional briefings / training to be developed as required throughout the remainder of the year, in conjunction with Audit Committee members and Audit Committee's annual agreed Work Programme.

As part of briefings / training developed and the next regular review of Audit Committee arrangements, consideration will also again be given to CIPFA's recommended 'core knowledge and skills framework for Audit Committee members'.

- Wider Attendance at Audit Committee Meetings: As detailed above, attendance by appropriate Senior Leadership Team members at Audit Committee would be welcomed and attendance in connection with relevant items of Audit Committee work is being considered.

It would also improve the scope for debate and challenge on key risk matters if the Cabinet member risk owner could also be present for such risks, on a rolling basis, for consideration of key risk matters by Audit Committee.

Audit Committee Substantive Business – Key Highlights

In addition to considering how we might improve Audit Committee's delivery of its role and remit, the Committee's business during 2020/21 also proceeded largely as planned, subject to the impact of the Coronavirus pandemic, and a number of interesting and important reports were received and discussed. A summary of reports received by the Committee is set out at Appendix A. Key highlights from the Committee's work during the year included:

Internal Audit

Annual Opinion

The Chief Internal Auditor's Annual Opinion on the Framework of Governance, Risk Management and Control for 2019/20 was 'satisfactory overall, which is a very positive outcome for the organisation. The opinion reflected that no 'no assurance' audit opinions, and no 'critical' audit recommendations, had been issued by Internal Audit during the year.

The opinion highlighted that a number of the organisation's fundamental financial systems, and high value / high volume transactional systems, were amongst those awarded a 'significant assurance' audit opinion. This included the audits of Council Tax, Business Rates, and Rent Assessment & Collection. Attention was also drawn to 'significant assurance' opinions provided by Internal Audit in respect of the Implementation of the General Data Protection Regulation (GDPR) across the Authority.

In terms of the areas where a 'limited assurance' opinion was determined, Internal Audit drew attention to their audit of Debt and Income Management and Cash and Non-Credit Income. This reflected the implementation of the new debtors system and the subsequent significant changes to working practices, which needed to be incorporated into a revised Sundry Income Collection and Debt Policy. With respect to cash arrangements, good practice was identified with controls in place within central corporate systems, but some weaknesses in cash-handling procedures within a sample of satellite establishments visited as part of the review were highlighted. A raft of measures aimed at strengthening controls had been agreed and was in the process of being implemented within the Authority.

A number of matters contained within the Chief Internal Auditor's annual report were discussed in detail by Audit Committee, with a number of intelligent and probing questions asked by Audit Committee members. Internal Audit has agreed to keep these areas under review and further updates will be brought back to Committee.

Audit Committee receives regular summaries of the outcomes of Internal Audit's reports. These summaries highlight:

- the audit objectives of each audit assignment
- the number of high, medium and low priority recommendations made
- any areas of good practice in the area under audit
- key findings / issues identified from the audit, and recommendations
- a management comment on action taken in response to the audit recommendations made.

Audit Committee considered the issues contained within these reports and sought clarification and further assurance in a number of areas. Particular interest is paid by Audit Committee to information regarding the successful implementation of agreed recommendations following completed internal audit assignments. The format of this work and subsequent reporting to Audit Committee has been discussed with the Chief Internal Auditor with a view to developing this area of work further and providing greater assurance to Audit Committee.

During 2020/21 the Audit Committee received regular updates from Internal Audit and Risk Management, with information regarding the impact of the Coronavirus pandemic. Reports were considered by Audit Committee on the Authority's corporate risks and the impact on the organisation's risk profile from the pandemic, with resulting changes to Internal Audit's Strategic Audit Plan for 2020/21, to reflect the evolving nature of risks and subsequent assurance coverage required during the year.

External Audit

In the Annual Financial Report for 2019/20, the External Auditor provided an unqualified opinion on the accounts and arrangements in place to secure value for money within the Council. This is a very positive outcome and reflects well on the financial processes and financial governance procedures in place within the Authority. Due to the Coronavirus pandemic, Ministry of Housing, Communities and Local Government (MHCLG) made changes to the Regulations governing the statutory accounts. These national changes were made in the Accounts and Audit

(Coronavirus) Amendments Regulations 2020 (SI 2020/404) and extended the statutory deadline for the 2019/20 accounts for all local authorities. The changes resulted in the deadline for the Chief Finance Officer to certify the draft accounts changing to 31 August 2020 (previously 31 May each year) and for the consideration and approval of the accounts taking place no later than 30 November 2020 (previously 31 July each year).

The External Auditor's audit of grant claims was summarised in the Annual Grants Report presented to the July 2020 meeting of Audit Committee. The report provided a full analysis of the claims and returns which had been certified relating to 2018/19.

Audit Committee considered a report providing an update on a number of key regulatory and independent reviews of local (external) audit market arrangements. The report also set out the potential outcomes of the regulatory reviews and the potential implications for the Committee, the Authority and auditors. It was explained that the implementation of some of the recommendations required parliamentary time to be set aside before any changes could be made. Any implications for the Authority will continue to be reviewed by Audit Committee.

An Audit Quality Report was considered by Audit Committee in November 2020, which provided details of the findings of the Financial Reporting Council's monitoring of the quality of Major Local Audits undertaken nationally during 2019/20. Monitoring is undertaken by the Financial Reporting Council's Audit Quality Review ('AQR') team and is intended to promote the overall quality of local auditing in the United Kingdom. As part of the process the Authority's 2019/20 audit was chosen as part of the inspection. Audit Committee considered the report and findings, noting that the review of the external auditor's audits, including the audit of the Authority, "were assessed as requiring no more than limited improvement and there were no key findings."

Finance

The Annual Statement of Accounts was received by the Committee, in accordance with the updated statutory accounts deadlines resulting from the Accounts and Audit (Coronavirus) Amendments Regulations 2020 (SI 2020/404). Audit Committee members' attention was drawn to a number of the notes to the Authority's financial statements, including a reduction in the gains linked to assets and the pension fund valuation. The Audit Committee sought clarification on how the external auditor verified the references to cash and cash equivalents and obtained assurance that third party confirmation was utilised in addition to reconciliations being undertaken and individual transactions examined.

The Annual Governance Statement, which explained how the Council delivered good governance and reviewed the effectiveness of its arrangements, was co-ordinated by the Head of Resources and considered in some detail by the Committee. Having reviewed the evidence underpinning the Annual Governance Statement, the Senior Leadership Team had taken the view that governance arrangements in operation were effective. Audit Committee considered the contents of the Annual Governance Statement in conjunction with the Authority's corporate risks which are regularly reviewed by the Committee, with reference to the impact on the organisation's risk profile from the Coronavirus pandemic.

Future Work of Audit Committee: 2021/22 and Beyond

Building on the work already undertaken and outlined in this report, some of the tasks required of Audit Committee in the coming year are already clear.

A further assessment of the Audit Committee's performance will be undertaken, in accordance with CIPFA's recommendation that such a review takes place annually. This review will include all serving Audit Committee members and the outcomes will be reported to Audit Committee and to Cabinet in the next annual report.

An appropriate skills development programme for Audit Committee members will continue to be developed in conjunction with the Audit Committee's Work Programme and CIPFA's recommended 'core knowledge and skills framework for Audit Committee members'. Consideration will also be given on how the role and remit of Audit Committee can continue to be promulgated more widely, in order that there is greater clarity for officers and those elected members who do not serve (or have not yet served) on the Committee as to its purpose and rationale.

Under the Public Sector Internal Audit Standards, the Internal Audit service will again need to be externally assessed during 2022/23. The form of this external assessment and its outcomes will be reported to Audit Committee and will form part of the Committee's work programme during next year.

Conclusion

Audit Committee is pleased to present this annual report to Cabinet, and hopes that this will give a flavour of some of the issues which have been considered over the last year as Audit Committee has met its updated Terms of Reference. The Committee looks forward to developing its work programmes and in assuring and supporting Cabinet as the current year progresses.

Summary of Reports considered by Audit Committee in 2020/21

Meeting Date	Governance Matters Considered
27 May 2020	Meeting cancelled due to pandemic
29 July 2020 (virtual meeting)	2018/19 Annual Certification of Claims and Returns Report 2019/20 Audit Planning Report Audit Market Reform and Revised Auditing Standards and Guidance 2019-20 Draft Statement of Accounts Annual Governance Statement 2019/20 2019/20 Opinion on the Framework of Governance, Risk Management and Control Key Outcomes from Internal Audit Reports Issued between November 2019 and July 2020 Strategic Audit Plan 2019/20 Final Monitoring Statement Internal Audit Charter Update on the Strategic Audit Plan 2020/21
18 November 2020 (virtual meeting)	Audit Quality Inspection Report (Financial Reporting Council) 2019/20 Annual Financial Report 2019/20 Annual Governance Statement Key Outcomes from Internal Audit Reports Issued between July and November 2020 Corporate Risk Management Summary Report Strategic Audit Plan 2020/21 – Interim Monitoring Statement
24 March 2021 (virtual meeting)	Annual Audit Letter Accounting Policies to be used in the compilation of the 2020/21 Annual Statement of Accounts Annual Statement of Accounts 2020/21 Process Proposed Audit Committee Work Programme 2021/22 Review of Audit Committee Effectiveness Strategic Audit Plan 2021/22 Corporate Risk Management Summary Report

North Tyneside Council Report to Cabinet Date: 18 October 2021

Title: North Tyneside Local Flood Risk Management Strategy

Portfolios: Community Safety and Public Protection Environment	Cabinet Members: Councillor Carole Burdis Councillor Sandra Graham
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Report from Service Areas: **Environment, Housing & Leisure**

Responsible Officer: **Phil Scott, Director of Environment, Housing and Leisure** **Tel: (0191) 643 7295**

Wards affected: **All**

PART 1

1.1 Executive Summary:

In 2012, North Tyneside experienced a series of devastating storm events that caused extensive flooding to homes and infrastructure across the borough. In response to this, the North Tyneside Surface Water and Drainage and Partnership was established to develop a programme of flood risk reduction initiatives including the development of a formal management strategy which, at the time was a legislative requirement.

North Tyneside’s first Local Flood Risk Management Strategy (‘the Local Strategy’) was approved by Cabinet in July 2014. This paved the way for the delivery of a successful programme of major schemes and drainage work. This was supported by an overall regional investment of around £20million (including a £4.75m investment from the Authority) which has greatly reduced the risk of flooding in communities across North Tyneside.

The Local Strategy now requires updating to take into account the extensive work that has been completed, changing circumstances, and the emergence of new national strategies relating to flood alleviation.

1.2 Recommendation:

It is recommended that Cabinet:

- (1) notes the information presented in this report; and

(2) approves the North Tyneside Local Flood Risk Management Strategy which is attached to this report as **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 3 September 2021.

1.4 Council Plan and Policy Framework

The proposals in this report relate to a number of themes in Our North Tyneside, the Council Plan 2021 to 2025, in particular:

- A secure North Tyneside
- A green North Tyneside

1.5 Information:

1.5.1 Background

North Tyneside experienced extensive flooding in 2012 which highlighted such events can occur at anytime and anywhere with potentially devastating consequences.

The Flood and Water Management Act 2010 and the Flood Risk Regulations 2009 placed certain duties on local authorities. The Authority, as a lead local flood authority (LLFA), has a responsibility for leading the co-ordination of local flood risk management within the North Tyneside area.

The Authority has the duty, under Section 9 of the Flood and Water Management Act 2010 (FWMA), to have in place a Local Flood Risk Management Strategy to manage all sources of flooding using a risk-based approach.

North Tyneside's first Local Flood Risk Management Strategy ('the Local Strategy') was approved by Cabinet in July 2014. The Local Strategy now requires updating to take into account the extensive work that has been completed, changing circumstances, and the emergence of new national strategies relating to flood alleviation.

The updated Local Strategy, included as Appendix 1 of this report, sets out the roles and responsibilities of flood risk management partners along with the Authority's position as the LLFA for North Tyneside. It sets out the strategic objectives for managing flood risk and functions alongside the national Flood and Coastal Risk Management Strategy 2020.

1.5.2 The Current Strategy

The current strategy, approved in 2014, was the Authority's first Local Strategy. It contained a number of local objectives to tackle flood risk and was supported by an implementation plan which resulted in the successful delivery of over 30 flood alleviation schemes. Other objectives related to improving community engagement, strengthening partnership working and making our emergency response operations more resilient. The objectives of the Strategy were largely met and it is was later decided that there was no longer a need to continue with the Surface Water and Drainage Partnership. It was

therefore dissolved in 2020. The achievements made during the lifetime of the first Local Strategy are summarised below:

- Numerous successful community engagement initiatives including the introduction of a flood warden scheme
- Financial investment of around £20million for schemes to reduce the risk of flooding in the borough with North Tyneside contributing £4.75million
- Completion of 8 major flood risk reduction schemes. Examples include Green Lane, Dudley; Shiremoor; Fairfield Green, Monkseaton and Briar Vale, Monkseaton
- Completion of the £6m Killingworth and Longbenton Sustainable Drainage Project
- Completion of around 30 further drainage improvement schemes
- Installation of property level protection to homes at Oak Grove, Wallsend and Murton Village
- Improvements to emergency flood response procedures to increase resilience
- Improving links between partner drainage agencies and regional bodies such as the Northumbria Region Flood and Coastal Committee
- Investment in 2 new gully cleansing vehicles with associated silt level measuring ICT
- Completion of numerous studies and drainage modelling to better understand surface water issues and risks
- Administering the DEFRA Repair and Renewal grant funding to support residents and businesses affected by flooding

1.5.3 The Revised Strategy

Although much has been achieved since 2012, the Authority remains fully committed to flood risk management. The updated Local Strategy therefore largely continues with the original policy direction and objectives. The way the Authority will achieve these is set out on within Section 2.9 of the revised strategy. The objectives are shown below.

- 1) We will continue to encourage direct involvement in decision making through partnership working with key organisations and communities.
- 2) We will target resources where they have the greatest effect by continuation with a risk-based approach.
- 3) We will contribute to wider social, economic and environmental outcomes by encouraging sustainable multi benefit solutions for the management of local flood risk.
- 4) We will continue to encourage and support communities and local landowners to take action and contribute to the reduction of flood risk.
- 5) We will continue to ensure that emergency plans and responses to flood incidents are effective and that communities are able to respond properly to flood warnings.
- 6) We will ensure that our infrastructure is resilient to flooding and be ready to adapt to flooding change.
- 7) We will provide further support to local residents to increase their own resilience to flooding.

These objectives align with those included within the latest national DEFRA strategy for flood risk management which was developed in 2020. The revised Local Strategy will provide the strategic framework for the Authority to continue its programme of surface water management work from now until 2032 in line with the timescales of similar engineering strategies and plans such as the Highway Asset Management Plan.

1.5.4 Funding

The majority of flooding hotspots identified within the borough were addressed during the lifetime of the current Local Strategy. As such, at this time, there is no need for the Authority to provide further capital investment. Future schemes and studies will be smaller scale and will normally be funded through external grants, in particular from the Environment Agency. With regard to new housing, developers will be required to fund drainage systems in line with the conditions of detailed flood risk assessments which they are required to undertake. The Authority and partner agencies will work with housing developers to ensure this is done in the most sustainable manner.

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

Not to 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:

Approving the recommendations in paragraph 1.2 will ensure the Authority's ongoing commitment to tackling surface water issues and will fulfil the statutory requirement to have a published Local Strategy in place to manage this.

1.8 **Appendices:**

Appendix 1 – North Tyneside Local Flood Risk Management Strategy 2021

1.9 **Contact officers:**

Mark Newlands, Highways & Infrastructure Manager, 0191 643 6129
Colin MacDonald, Senior Manager, Technical & Regulatory Services, 0191 643 6416
Nick Preston, Capita Operations Manager, 07594 522116
Cathy Davison, Principal Accountant Investment (Capital) and Revenue, 0191 643 5727

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:

North Tyneside Local Flood Risk Management Strategy 2014
<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Local%20Flood%20Risk%20Management%20Strategy%202014.pdf>

Cabinet Report - Surface Water and Drainage Partnership Annual Update, January 2020

<https://democracy.northtyneside.gov.uk/documents/s1967/North%20Tyneside%20Surface%20Water%20and%20Drainage%20Partnership%20Annual%20Update.pdf>

Department for Communities and Local Government (2012) National Planning Policy Framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Defra / Environment Agency National Flood and Coastal Erosion Risk Management Strategy for England

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/920944/023_15482_Environment_agency_digitalAW_Strategy.pdf

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The Authority's capital investment in surface water work ended in 2020 following the dissolution of the Surface Water and Drainage Partnership. As such, any new capital work associated with the updated Local Strategy will be funded by external Environment Agency grants such as the local levy and contributions from other partner organisations. Day to day activities such as investigations, routine maintenance and community engagement will be funded from service budgets.

2.2 Legal

The Flood Risk Regulations 2009 translate the EU Floods Directive into law for England and Wales. The Regulations require the Environment Agency, county councils and unitary authorities together with partners such as water companies, to manage flood risk from all sources and to reduce the impact of flooding on human health, economic activity, cultural heritage and the environment.

The Flood and Water Management Act 2010 is designed to put in place the changes recommended by Sir Michael Pitt in his review of the summer floods of 2007.

The 2009 Regulations and the 2010 Act carry with them duties for local authorities, including:

- the duty to produce a Local Flood Risk Management Strategy;
- the duty to produce and maintain a register of assets which have a significant effect on the flood risk in the area. Such assets need to be designated and works to those assets subsequently controlled through a consent procedure;
- a responsibility to investigate and publish reports on flood incidents in their area; and
- the duty to establish a Sustainable Urban Drainage Schemes (SuDS) approval body.

In accordance with the requirements of the Local Government Act 2000 and the Regulations made under that Act, Cabinet is responsible for considering and determining this matter.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation has involved the Cabinet Member for Community Safety & Public Protection, the Cabinet Member for Environment and the Director of Environment, Housing and Leisure.

2.3.2 External Engagement

External engagement has been carried out with our primary partner drainage agencies, Northumbrian Water Limited and the Environment Agency. Both organisations were given an opportunity to comment on the draft Local Strategy and have indicated their support.

2.4 Human rights

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

2.5 Equalities and diversity

The Local Strategy is a continuation of an existing strategy and as such there are no equality and diversity issues directly arising from this report.

2.6 Risk management

There are no risk management implications arising directly from this report. Strategic and operational risks associated with works delivered under the Local Strategy will be managed on a project by project basis using individual risk registers.

2.7 Crime and disorder

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

2.8 Environment and sustainability

The updated Local Strategy strongly supports improvements to the environment such as habitat improvement, reduction in pollution incidents and improvements to water quality. Additionally, wherever possible, surface water schemes will be designed using sustainable methods to mimic natural drainage features – for example, the use of natural drainage basins and earthworks.

PART 3 - SIGN OFF

- Chief Executive X
- Director of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X

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North Tyneside Local Flood Risk Management Strategy

October 2021



Contents

1	EXECUTIVE SUMMARY	1
2	THE LOCAL FLOOD RISK MANAGEMENT STRATEGY.....	2
2.1	What is a Local Flood Risk Management Strategy?	2
2.2	Purpose of the Local Strategy	3
2.3	How we will work with others.....	3
2.4	Sources of Flooding – Local Flood Risk	4
2.5	Historic Flooding	5
2.6	Risk of Flooding	6
2.6.1	Flooding Interactions	6
2.6.2	Prioritisation of Risk Areas	7
2.7	Management of Other Sources of Flooding	7
2.7.1	Main Rivers – Catchment Flood Management Plans	7
2.7.2	Sewer Flooding – Northumbrian Water Ltd.....	7
2.7.3	Artificial Sources – Reservoirs and Canals.....	8
2.8	National Objectives	8
2.9	Local Objectives.....	9
3	FUNDING.....	10
4	MONITORING AND GOVERNANCE.....	11
5	STRATEGY REVIEW.....	11

1 EXECUTIVE SUMMARY

North Tyneside experienced extensive flooding in 2012, these events highlighted that flooding can occur at anytime and anywhere with potentially devastating consequences. The 2012 flood events, along with other historic events demonstrated that North Tyneside can be susceptible to flooding. The risk of flooding is expected to increase as the effects of climate change are realised.

The Flood and Water Management Act 2010 and the Flood Risk Regulations 2009 placed certain duties on local authorities. As a Lead Local Flood Authorities (LLFA), North Tyneside Council has a responsibility for leading the co-ordination of local flood risk management within the North Tyneside area. This includes ensuring that flood risks from all sources, including surface runoff, groundwater and ordinary watercourses are identified and managed. North Tyneside Council has the duty, under Section 9 of the Flood and Water Management Act 2010 (FWMA), to put in place a Local Flood Risk Management Strategy to manage all sources of flooding using a risk-based approach.

North Tyneside's first Local Flood Risk Management Strategy (the Local Strategy) was approved by Cabinet in July 2014. The document requires updating to take into account changing circumstances, the emergence of new national strategies and the work completed over the lifetime of the first Local Strategy.

This updated Local Strategy sets out the roles and responsibilities of flood risk management partners along with North Tyneside Council's position as a Lead Local Flood Authority. It functions alongside the national Flood and Coastal Risk Management Strategy 2020 and also makes reference to the former North Tyneside Flood Risk Implementation Plan which outlined which sites should be prioritised for flood risk reduction work.

There are seven key objectives within the updated Local Strategy. The objectives, set out below, reflect how North Tyneside will continue to manage flood risk across the borough.

North Tyneside Council Local Objectives

- 1) We will continue to encourage direct involvement in decision making through partnership working with key organisations and communities.
- 2) We will target resources where they have the greatest effect by continuation with a risk-based approach.
- 3) We will contribute to wider social, economic and environmental outcomes by encouraging sustainable multi benefit solutions for the management of local flood risk.
- 4) We will continue to encourage and support communities and local landowners to take action and contribute to the reduction of flood risk.
- 5) We will continue to ensure that emergency plans and responses to flood incidents are effective and that communities are able to respond properly to flood warnings.
- 6) We will ensure that our infrastructure is resilient to flooding and be ready to adapt to flooding change
- 7) We will provide further support to local residents to increase their own resilience to flooding.

The Local Strategy also outlines the various funding options available to North Tyneside for flood risk management. It highlights the ongoing need for a partnership approach in delivering local flood risk reduction schemes. Although flooding cannot be prevented entirely, the risk of flooding can be reduced. Through the implementation of this Local Strategy it is intended that the effects of flooding can be minimised and managed in a co-ordinated way.

2 THE LOCAL FLOOD RISK MANAGEMENT STRATEGY

2.1 What is a Local Flood Risk Management Strategy?

The Flood and Water Management Act 2010 (FWMA) places a responsibility upon Local Authorities, as Lead Local Flood Authorities (LLFAs), to develop, maintain, apply and monitor a strategy for local flood risk management (a 'Local Strategy').

The Local Strategy forms the framework within which communities can have a say in local risk management decisions. In combination with the national Flood and Coastal Erosion Risk Management Strategy 2020 (led by DEFRA and the Environment Agency), the Local Strategy encourages continued effective risk management by enabling people, communities, business and the public sector to work together to:

- Ensure a clear understanding of the risks of flooding and erosion, nationally and locally, so that investment in risk management can be prioritised more effectively;
- Set out clear and consistent plans for risk management so that communities and businesses can make informed decisions about the management of the residual risk;
- Encourage innovative management of flood and coastal erosion risks, taking account of the needs of communities and the environment;
- Form links between the local flood risk management strategy and local spatial planning;
- Ensure that emergency plans and responses to flood incidents are effective and that communities are able to respond properly to flood warnings;
- Help communities to recover more quickly and effectively after incidents;
- Support local residents and businesses to increase their own resilience to flooding

The Local Strategy will do this by acting as the evidence base for the decisions and actions required for managing flood risk. The main requirements for a Local Strategy are summarised below:

- Identify risk management authorities in the local authority's area
- Describe the flood and coastal erosion risk management functions that may be exercised by those Authorities in relation to the area
- Set objectives for managing local flood risk
- Describe the measures proposed to achieve those objectives
- Define how the objectives are to be achieved
- Identify funding sources for delivery of the objectives
- Show how the strategy contributes to the achievement of wider environmental objectives
- Consider how flooding assets are managed over the long term and what adaptations may be required to deal with future changes
- State how and when the strategy is to be reviewed

2.2 Purpose of the Local Strategy

The Local Strategy is an important tool to help understand and manage flood risk within North Tyneside. The management of flood risk will be marked by better knowledge of the risks in the region, continued good co-operation between organisations involved in flood risk management and communication with the public about those risks and what can be done.

North Tyneside Council, as a Lead Local Flood Authority, is only responsible for management of local flood risk. Local flood risk is defined as surface water flooding, ordinary watercourse flooding and groundwater flooding. This area of responsibility is defined by the Flood and Water Management Act. Therefore, this Local Flood Risk Management Strategy only addresses local flooding and the interactions it might have with other sources of flood risk.

The risk of flooding from the sea and coastal erosion is covered separately by the North Tyneside Coastal Strategy.

2.3 How we will work with others

Several organisations have a role to play in minimising the risk and impact of flooding in the North Tyneside. The North Tyneside Drainage & Surface Water Partnership was established in 2013 and this brought together the key organisations such as the Environment Agency and Northumbrian Water so that we could work together to address flooding issues. The Partnership oversaw the delivery of the Flood Risk Implementation Plan which delivered over 30 flooding schemes over the lifetime of the 2014 Local Strategy with a total value of over £20 million. It also developed a number of successful initiatives such as the flood warden scheme. Having achieved its aims and objectives, the Partnership was dissolved in January 2020. However, the good working relationships that were developed became firmly embedded and still operate as part of daily business. This includes the Northumbria Integrated Drainage Partnership which will continue to develop joint solutions to surface water and flooding problems.

The Local Strategy clarifies the responsibilities of the above partner organisations involved in flood risk management including how they work together and what their role should be.

North Tyneside Council's Responsibilities

North Tyneside's roles and responsibilities relating to flood risk management are as follows:

- As the Lead Local Flood Authority and a Risk Management Authority we have legal duties and powers to investigate flooding events, maintain a register of significant flood risk assets and manage flood risk from ordinary watercourses,
- As the Highway Authority we are responsible for ensuring that highways are drained of surface water and carry out maintenance of drainage systems,
- As an emergency responder, along with other organisations, we are responsible for maintaining emergency plans and business continuity plans for use during an emergency,
- As the Local Planning Authority we need to consider flood risk associated with new developments and to advise the Planning Committee on flood risk relating to planning applications,
- As an asset owner for flood risk assets on our own land, we have responsibility to manage and maintain these to ensure they operate as required and do not increase flood risk. We also need to adopt a long term plan for monitoring and managing these assets and adapt them if necessary if things change in the future (for example, if the climate changes or there is a change brought about by adjacent new developments). This is known as "adaptive pathway development"

2.4 Sources of Flooding – Local Flood Risk

There are several potential sources of flooding within the North Tyneside. They are summarised in the table below. The local flood risk sources that are addressed by the Local Strategy are surface water flooding, ordinary watercourse flooding and highways flooding. The non-local sources of flooding are the responsibility of the stated Risk Management Authorities (RMAs). Further information on the roles and responsibilities of RMAs for flood risk is provided in Section 3.

The various sources of flooding can interact with each other and can create complex flooding mechanisms in certain areas. This can make it difficult to determine the overall responsibility for flooding in a specific area and it is often concluded that flooding is caused by multiple sources. While the Local Strategy is focussed on reducing the consequences of surface water flooding, it also facilitates partnership working to manage risk with other organisations where multiple sources of flooding have occurred historically or are predicted to occur in the future.

Table 1: Sources of Flooding

Flood Source and Mechanism	Responsibility					
	North Tyneside Council	Environment Agency	Northumbrian Water Limited	NTC Highways	National Highways	Riparian Owner
<u>Surface Water</u> - Runoff as a result of high intensity rainfall when water is ponding or flowing over the ground surface before it enters the underground drainage network or a watercourse.	●					
<u>Ordinary Watercourse</u> - Flooding which occurs as a result of the capacity of the ordinary watercourse being exceeded resulting in out of bank flow (water coming back out of rivers and streams).	●					●
<u>Groundwater</u> - Occurs when the water level within the groundwater aquifer rises to the surface.	●					
<u>Main Rivers</u> - Occurs when a designated 'Main River' cannot cope with the volume water draining into it from the surrounding		●				●

land and it spills onto the surrounding area.						
Coastal - Occurs when a high astronomical tide and / or storm (tidal surge) exceeds the level of coastal land or coastal flood defences. Inland flooding can also be caused by 'tide locking' of rivers or estuaries.		●		●		
Reservoirs – Occurs when a reservoir / canal embankment or control fails and releases a large volume of retained water into the downstream area.	●	●	●			
Sewer - Flooding which occurs when the capacity of the adopted underground drainage system is exceeded, resulting in flooding inside and outside of buildings.			●			
Burst pipes or water mains – Occurs when water supply or drainage infrastructure fails			●			
Highways Flooding – A combination of sewer and surface water flooding located on a highway				●		

2.5 Historic Flooding

North Tyneside has a history of flooding, the risk of which has been considerably reduced over the lifetime of the 2014 Local Strategy. Flooding has typically been as a result of uncontrolled surface water run-off and inundation of ordinary watercourses. There is no significant flood history from fluvial or tidal sources in the council area.

While there have been regular storm events over the last 20 years, the Borough suffered from exceptional rainfall in June and September 2012 which resulted in widespread surface water flooding. The return period for the short duration two hour event on June 28th 2012 was recorded as 1 in 160 year event in Whitley Bay. Flooding was experienced at a number of other locations including Dudley, Shiremoor, Murton Gap and key road networks including the A1056/A189 Weetslade Roundabout. Again, the successful implementation of schemes identified in the first Local Strategy has greatly reduced the risk to a point where all of the major flooding hotspots have dealt with.

No groundwater flooding incidents have been reported to North Tyneside Council. Although there are extensive records of surface water flooding captured by the Environment Agency and North Tyneside Council, it is not thought that groundwater was a significant contributing factor.

Despite the good work done over the last few years, the risk of localised flooding will continue to be present in areas of North Tyneside and the measures recently put in place will be tested under severe weather conditions which climate change is likely to make more frequent. The aim of this Local Strategy is to continue to reduce the risks where possible and continue to have our emergency plans in place to deal with exceptionally severe events to make the borough and our communities more resilient to the risk of flooding.

2.6 Risk of Flooding

North Tyneside is at greatest risk of flooding from surface water run-off and it is predicted that this will increase in the future, influenced by climate change and increasing pressures on development and housing need.

Risks from river flooding are relatively well understood and have been managed at a catchment level for many years by the Environment Agency. These risks are mapped and delineated into Flood Zones, which are available through the Environment Agency's website and are used to guide planning decisions. However, flood risk from local sources is less well understood; these are typically very localised events which are often difficult to predict and there are few historical records available to provide supporting evidence. This is the case for flooding from ordinary watercourses, which is overall considered to be a low risk across the Borough.

Flood risk from groundwater is less well understood within the borough than that from surface water, rivers or sewers but is not considered to be a significant source of flooding in North Tyneside.

Sewer flooding is recorded and mapped by Northumbrian Water Limited under their role as the sewerage undertaker in North Tyneside. Climate change is anticipated to increase the potential risk from sewer flooding as summer storms become more intense and winter storms more prolonged. This combination may increase the pressure on the existing efficiency of sewer systems, thereby increasing the risk of flooding from the public sewer network.

North Tyneside Council, in partnership with the Environment Agency, Northumbrian Water Ltd and other partners, have identified, designed and constructed over 30 flood alleviation schemes within our Borough over the last 6 years and some examples are listed below. These schemes have been constructed to reduce the risk of flooding to property and infrastructure and provide resilience to areas within North Tyneside:

1. Fairfield Green, Monkseaton - Flood alleviation scheme
2. Briar Vale, Monkseaton - Flood alleviation scheme
3. Wellfield - Flood alleviation scheme
4. Nelson Road, Wellfield - Culvert diversion
5. Nexus Culvert Repairs – Fairfield Green, Monkseaton and Etal Lane, Shiremoor
6. Backworth Golf Course – Culvert repair
7. Green Lane, Dudley – Flood alleviation scheme
8. Shiremoor area - Culvert repairs
9. Murton Village – Flood alleviation scheme
10. Otterburn Avenue / Rocket Way, Forest Hall – Flood alleviation scheme
11. Gerrard Road, Whitley Bay – Culvert improvement scheme
12. Astley Drive, Whitley Bay – Culvert renewal
13. Killingworth & Longbenton – Integrated sustainable drainage project (national award winning scheme)

2.6.1 Flooding Interactions

Whilst the primary focus of this strategy is local flooding (from surface run-off and ordinary watercourses), flooding can arise from a combination of different sources. Where the source can be clearly identified, the responsible organisation will be the main point of contact. However, it is often not easy to determine the source or where multiple sources are involved. In these cases, North Tyneside

Council, as LLFA will take the lead and work with partners to investigate and deal with the issue in a manner appropriate to the level of risk.

The partner drainage agencies will continue to share data to assist with the identification of sources of flooding and potential solutions.

Investigations will take into account all elements of information such as stakeholders' historic records, hydraulic model outputs and information obtained from members of the public at the time of the flooding incident. Local communities, landowners and the public will be crucial to helping us increase our knowledge and understanding of localised flooding.

2.6.2 Prioritisation of Risk Areas

The work undertaken during the course of the 2014 Local Strategy was done using a system of prioritisation using criteria such as number of homes flooded, frequency of flooding and so on. The major hotspot areas have now been dealt with but there are still many localised areas that will benefit from further smaller scale work. Having successfully delivered the 2014 Flood Implementation Plan, the council has reduced its capital investment in flooding work and schemes are now more dependent on grant funding from the Environment Agency and other external contributors. The demand for resources to manage flood risk will usually exceed what is available and we will therefore continue to prioritise locations where the focus of effort will derive the maximum benefit in terms of overall flood risk reduction in North Tyneside.

2.7 Management of Other Sources of Flooding

2.7.1 Main Rivers – Catchment Flood Management Plans

Flooding caused by Main Rivers (eg the River Tyne) is the responsibility of the Environment Agency. The Environment Agency has produced Catchment Flood Management Plans (CFMPs) which provide an overview of the Main River Flood risk across each river catchment. They recommend ways of managing those risks now and over the next 50-100 years.

North Tyneside is located within the Tyne CFMP. As part of the CFMP a policy appraisal was carried out a number of years ago. Six standard policies for managing flood risk within the Tyne catchments were considered. North Tyneside falls within the Lower Tyne Policy Unit. The Policy chosen for the policy unit was "Take further action to sustain flood risk at the current level in future". Whilst the Environment Agency is responsible for this area of work, North Tyneside will continue to provide support if there are any interactions with drainage activities under our control.

2.7.2 Sewer Flooding – Northumbrian Water Ltd

Water and sewerage companies are responsible for making appropriate arrangements for the drainage of foul water, the treatment of waste, surface water sewers and combined sewers. They have primary responsibility for flooding from water and sewerage systems, which can include sewer flooding, burst pipes or water mains or floods caused by system failures.

Flooding from sewer systems can occur for a number of different reasons. This includes capacity of the network being exceeded or blockage. The impact of sewer flooding is usually confined to relatively small areas. Flood incidents can be rapid and unpredictable when flooding is associated with blockage or failure of the sewer network. A flood from a sewer can pose a risk to health particularly from a combined or foul sewer.

A key distinction between the responsibility for surface water and sewer flooding between Northumbrian Water Ltd and North Tyneside Council is that Northumbrian Water Ltd have an agreed level of service with their industry regulator, Ofwat for sewerage capacity.

The agreed level of service states that “Increased demands on the sewerage system should not put properties at risk of flooding from storm events with a return period less than 1 in 20 years”. Storm events in excess of this return period are classed as “extreme events” and whilst Northumbrian Water will still have involvement in dealing with the customers after the event, the flooding itself may not alone be used to justify investment in a flood risk reduction scheme.

If flooding occurs during an event that exceeds this defined level of service, then it is classified as surface water flooding. North Tyneside Council as the Lead Local Flood Authority has a responsibility for the investigation of these events. This will involve an assessment of the problem and the identification of who is responsible for remediation work. It is important to note that the cause of flooding could be different sources and could ultimately fall under different organisations to provide mitigation, including the Highway Authority or private landowners for example. In all cases all parties including NWL will work together to present, where possible, workable solutions to the flooding issue. North Tyneside Council will aim to investigate and publicly report on significant flood incidents within two months of their occurrence. This investigation will include the identification of all responsible parties for mitigation.

Northumbrian Water Ltd is responsible for internal and external property flooding caused by sewer systems not operating to their normal design conditions. Causes for flooding may include blockage or other operational problems with the sewer network. When problems occur because of hydraulic flooding, Northumbrian Water is required to maintain a register of locations that incur damage from the flooding and prioritise funding for works to alleviate the problem. Funding priorities are defined using a five year cycle called Asset Management Plans (AMP). The AMP is the programme of work agreed with the Regulator (Ofwat). Northumbrian Water Ltd are currently in the AMP period (2020 – 2025).

2.7.3 Artificial Sources – Reservoirs and Canals

There are no canals within the North Tyneside boundary. A review of the Environment Agency reservoir flood maps indicates there are no ‘large raised reservoirs’ (i.e. a reservoir that holds over 25000m³) directly located within the boundaries of North Tyneside or surrounding Councils. There are two underground reservoirs that NWL maintain. Chirton Service has a capacity of 14,500 m³ and Billy Mill service reservoir which as capacity of 20,000 m³.

2.8 National Objectives

One of the statutory requirements of a Local Flood Risk Management Strategy is that it is consistent with the National Strategy for Flood and Coastal Risk Management. The overall aim of the National Strategy is to ensure the risk of flooding and coastal erosion is properly managed by using the full range of options in a coordinated way. The National Strategy outlines three long-term ambitions concerning future risk and investment; these have been used to develop the seven local objectives listed below for North Tyneside. The Local objectives are supported by a series of more detailed measures which outline more specifically how North Tyneside Council will implement the objectives of the strategy.

The three long-term Ambitions from the National Strategy are: -

1. Climate resilient places: working with partners to bolster resilience to flooding and coastal change across the nation, both now and in the face of climate change
2. Today’s growth and infrastructure resilient in tomorrow’s climate: making the right investment and planning decisions to secure sustainable growth and environmental improvements, as well as infrastructure resilient to flooding and coastal change
3. A nation ready to respond and adapt to flooding and coastal change: ensuring local people understand their risk to flooding and coastal change, and know their responsibilities and how to take action

2.9 Local Objectives

A key aim of the Local Strategy is to establish a series of local objectives that can be taken forward to deliver effective risk management through local measures and actions. The following local objectives have been developed based on the guiding principles of the national strategy, interpreting them for the specific North Tyneside context. This will also enable North Tyneside Council to effectively work with the Government, the Environment Agency and neighbouring Lead Local Flood Authorities as they will all be aiming to achieve a similar set of objectives. The following sections detail the local flood risk management objectives for North Tyneside along with the measures that will be used to achieve them. These objectives will complement the National Strategy which states that between now and 2030, owners of flood defences will understand and take responsibility for achieving flood and coastal resilience.

North Tyneside Council Local Objectives: -

- 1) We will continue to encourage direct involvement in decision making through partnership working with key organisations and communities.

HOW WILL WE DO THIS? We will actively participate in the Northumbria Region Flood and Coastal Committee and seeking funding for schemes. We will continue our partnership working with the other drainage agencies using the relationships built up through the North Tyneside Drainage & Surface Water Partnership. This will include the continuation of the Northumbria Integrated Drainage Partnership.

- 2) We will target resources where they have the greatest effect by continuation with a risk-based approach.

HOW WILL WE DO THIS? We will use objective data gathered through detailed studies to prioritise work and adhere to the criteria set out by the Environment Agency to maximise our chances of securing grant funding. We will monitor the performance of schemes completed during the 2014 Local Strategy period to assess whether further work may be required. We will continue to invest in intelligent gully cleansing systems and operate the service using a risk-based approach in order to ensure the best use of resources and prioritise flooding hotspots.

- 3) We will contribute to wider social, economic and environmental outcomes by encouraging sustainable multi benefit solutions for the management of local flood risk.

HOW WILL WE DO THIS? We will clearly identify all the beneficiaries from proposed flood risk management work and seek financial contributions accordingly. We will work with our partner agencies and housing developers to make sure that drainage measures are sustainable and integrated to provide multiple benefits such as environmental improvements and removal of surface water from the public sewerage system. In line with the National Strategy, we will look to use nature-based solutions to improve the environment. We will encourage environmental net gain in new developments to support resilience to flooding.

- 4) We will continue to encourage and support communities and local landowners to take action and contribute to the reduction of flood risk.

HOW WILL WE DO THIS? We will continue to engage with residents and businesses to seek their support and involvement in flood risk management issues. We will work with the Environment Agency Engagement Team in order to access all areas of the community.

- 5) We will continue to ensure that emergency plans and responses to flood incidents are effective and that communities are able to respond properly to flood warnings.

HOW WILL WE DO THIS? We will keep our emergency response plans under constant review and undertake advance maintenance work ahead of severe weather at critical drainage locations such as culvert grilles. We will continue with the flood warden scheme. We will aim to carry out investigations into flooding incidents and report on these within 2 months.

- 6) We will ensure that our infrastructure is resilient to flooding and be ready to adapt to flooding change.

HOW WILL WE DO THIS? We will make sure our schemes are designed to factor in future climate change. We will adopt a long term approach to managing our assets and consider how these may need to be adapted to take into account future changes.

- 7) We will provide further support to local residents to increase their own resilience to flooding.

HOW WILL WE DO THIS? We will keep our website updated with the latest flood resilience information and offer residents and businesses advice on what they can do to protect their properties. We will support those affected by flooding so they can get back to normal quicker after recovery.

3 FUNDING

This section outlines the funding mechanisms that are available to North Tyneside Council to support its delivery of the Local Strategy.

It is often the case that funding will need to be sought from a variety of sources in order to deliver projects as central government funding is limited each year and may only provide a contribution towards the costs of planned schemes. Additional local funding may be required to facilitate projects going ahead. Current sources of funding include:

Flood and Coastal Risk Management Grant in Aid (FCRM GiA)

The 2007 Pitt Review recommended that a new funding scheme should be implemented to allow community and third party groups to invest in flood risk management. The resulting funding mechanism has now been active for a number of years with grants money based primarily on how many properties will be protected by the project. This payment is made from the Government's main pot of annual funding which is called 'Flood and Coastal Risk Management Grant in Aid' and is administered by the Environment Agency.

North Tyneside Council, in its role as lead local flood authority will normally make a submission annually to the Environment Agency setting out a forward plan of schemes where grant funding is requested. In July 2020, the government announced that nationally, £5.2 billion was being made available for a 6 year plan to better protect 336,000 homes with works for new flood and coastal defences, improvements to existing defences and the implementation of sustainable drainage systems.

Local Levy

Local levies are paid by upper tier authorities, such North Tyneside Council, to the Environment Agency for additional flood risk management schemes that would not otherwise proceed. The funds can be used to support projects relating to any source of flooding, as well as coastal erosion. Local levy can top up Flood Defence Grant in Aid funding.

The Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is an important new funding source. It is intended to ensure that developers contribute to the cost of the infrastructure necessary to offset the impact of the development. Local planning authorities, which levy the charge, are required to focus CIL revenues on the provision of new infrastructure. It is not intended to remedy existing infrastructure deficiencies.

Developer Based Contributions

Section 106 Agreements provide a means of securing developer contributions towards schemes that are necessary for a development to be acceptable in planning terms and directly relates to the development. North Tyneside is responsible for negotiating, collecting and managing funding secured through this route. Section 106 contributions must be directly linked to the specific development and therefore there is limited opportunity for reallocation of funds.

Northumbrian Water contribution

Northumbrian Water Limited maintains a database of properties at risk of flooding due to incapacity of the public sewer network. This is known as the DG5 register. Often the areas that are highlighted as having surface water problems also appear on the DG5 register. Therefore, there is an opportunity for North Tyneside Council and Northumbrian Water Limited to continue to work together to deliver effective flood risk management collaboratively. Some schemes may attract part funding from Northumbrian Water Limited; this would be decided as specific schemes come forward.

Local fundraising / private contributions

In addition to the above, contributions from the local communities and businesses that benefit from schemes may be an important source of funding for local schemes.

North Tyneside has an excellent record of securing grant funding and other external contributions and will continue to explore all the above opportunities throughout the duration of this Local Strategy.

4 MONITORING AND GOVERNANCE

Since 2014 the council has delivered a wide range of flood risk reductions schemes which are now being managed and maintained as part of daily business. The performance of these schemes will be monitored on an ongoing basis. As further schemes are delivered through this updated Local Strategy, they will be added for monitoring. Operational reviews will also be undertaken annually with a view to identifying service improvements and ongoing efficiency savings. This will include ICT systems.

Progress will be reported regularly to the lead cabinet member and ward members will be consulted on any plans for new work in their wards.

5 STRATEGY REVIEW

The work undertaken under the previous 2014 Local Strategy was delivered at pace and with large levels of capital investment in order to address some serious flooding issues in the Borough. It was therefore deemed necessary to undertake a strategy review within a relative short period of time. The worst flooding hotspots have now been dealt with and the aims of the Drainage and Surface Water Partnership have been met.

This updated Local Strategy has been developed at a time of relative stability with regard to surface water and flooding issues and future works will be of a smaller scale. Whilst the effort to further reduce the risk of flooding in the Borough will not diminish in any way, this latest version of the Local Strategy will be reviewed and updated in 2032. This approach aligns with review dates for other related engineering strategies such as the Transport Strategy and Highway Asset Management Plan.

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North Tyneside Council Report to Cabinet Date: 18 October 2021

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

Portfolio: Community Safety and Public Protection	Cabinet Member: Councillor Carole Burdis
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Report from Service Area: **Environment, Housing and Leisure**

Responsible Officers: **Phil Scott** **Tel: (0191) 643 7295**
Director of Environment, Housing and Leisure

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 Act before it is approved by the Authority.

Cabinet considered initial proposals for the draft Policy at it’s meeting on 28 June 2021. This report outlines the final proposals to Cabinet for the formal approval of the revised Policy which forms part of the Authority’s Budget and Policy Framework.

1.2 Recommendation:

It is recommended that the Cabinet:

- (1) endorse the final proposals in connection with the formulation and approval of the draft revised Statement of Licensing Policy (Gambling) at Appendix 1 to this report, including the ‘no casino resolution’ included in the Policy; and
- (2) refer the draft Statement of Licensing Policy (Gambling) to Council for consideration on 25 November 2021.

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 17 September 2021.

1.4 Council Plan and policy framework:

This report relates to the following priorities in the **2021 – 2025 Our North Tyneside Plan**:

A thriving North Tyneside :

- We will bring more good quality jobs to North Tyneside – by helping local businesses to sustain and grow, making it attractive for new businesses to set up or relocate in the borough;

A caring North Tyneside:

- People will be cared for, protected and supported if they become vulnerable, including if they become homeless;

A secure North Tyneside:

- Council wardens will work in partnership with Northumbria Police to prevent and tackle all forms of antisocial behaviour.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, specify that the Policy is the shared responsibility of Cabinet and full Council. Accordingly, the Policy forms part of the Authority's Budget and Policy Framework and this report is submitted to Cabinet in pursuance of the established process set out in Part 4.7 of the Constitution in relation to the formulation and approval of plans and strategies comprised in the Budget and 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 is responsible for issuing statutory guidance to Licensing Authorities on how to exercise their licensing 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. 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:
- 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 exercising its functions under Part 8 of the Act which relates to Premises Licences. It states that:
- (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 [of the Act]
- (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 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 In preparing this draft Policy, 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 Policy 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.

1.5.12 Consultation

The draft Policy was subject to a six week period of public consultation that began on 5 July 2021. The six week period of consultation is considered an appropriate period of time to consult on this Policy document.

In total 55 responses were received to this consultation exercise from a mix of residents and agencies. Officers have considered each response. Summaries of the responses received are attached at **Appendix 2** to this report. The majority of responses focussed on support for a further "no casino" resolution. One response requested a definition of children be added to the Policy. The Policy has been amended in response to this.

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 the Quadrant. Before the Policy comes into effect the Authority must also advertise the publication of the Policy 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.

1.5.13 'No Casino' Resolution

Council on 22 November 2018 passed a 'no casino' resolution which meant that the Authority could not grant any Casino Premises Licences in the Borough even 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 increases (see section 1.5.7 of this report).

The decision whether or not to pass a further 'no Casino' resolution formed part of the consultation process concerning the revision of the Policy. If Council passes a 'no Casino' resolution, then it will remain in force 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. Of the 55 consultation responses received 45 consultees said that they were in favour of the Authority passing a 'no Casino' resolution.

1.6 **Decision Options:**

The following decision options are available for consideration by Cabinet:

Option 1

Endorse the final proposals for the draft Statement of Licensing Policy (Gambling) attached at **Appendix 1** to this report.

Option 2

Not endorse the initial proposals for the draft Statement of Licensing Policy (Gambling) attached at **Appendix 1** to this report.

Option 1 is the recommended option.

1.7 **Reasons for Recommended option:**

Option 1 is recommended for the following reasons:

The draft Policy has been developed by an Officer Working Group with oversight from the Cabinet Member for Community Safety and Public Protection. The Policy contains the information required by legislation and the Gambling Commission's statutory guidance. It has been subject to extensive consultation involving, in addition to members of the public, those involved in the gambling trade, North Tyneside MPs, and all councillors. Consultees were given the opportunity of providing feedback and comments on the draft Policy during the consultation period.

1.8 **Appendices:**

Appendix 1 – Draft Statement of Licensing Policy (Gambling)

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

1.9 Contact Officers:

Phil Scott, Director 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](#)
- [Gambling Commission's Guidance issued under section 25 of the Gambling Act 2005](#)
- [The Gambling Act 2005 \(Licensing Authority Policy Statement\) \(England and Wales\) Regulations 2006](#)
- [The Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 \(as amended\)](#)
- [Equality Impact Assessment The Gambling Act 2005](#)

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 draft Policy must be brought into effect by 31 January 2022. The revised Policy must however be formally approved by full Council no later than 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 Cabinet and full Council as stated in paragraph 1.4 above.

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 were advised that the Policy has been consulted upon. The timetable for 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 – 4 October 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 in detail at the request of any Member.

2.3.2 External Consultation

As highlighted in this report, the draft Policy has been widely consulted upon. Members of the public, the gambling trade, all councillors and North Tyneside MPs all have had an opportunity of commenting on the draft revised Policy statement. The 6 week consultation period commenced on 5 July 2021 and notice of this consultation was given through a press release and copies of the draft Policy was 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 Policy has been drafted having regard to the Authority's public sector equality duty. An Equality Impact Assessment was produced to inform the consultation process and it has been updated to assess the potential impact of the policy.. Individual decisions taken under the Policy will also have to be taken having regard to the public sector equality duty

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 overseen by the established 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 environment and sustainability issues directly arising from this report.

PART 3 – SIGN OFF

- Chief Executive X

- Director (EHL) X

- Mayor/Cabinet Member(s) X

- Chief Finance Officer X

- Monitoring Officer X

- Assistant Chief Executive X

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

INDEX

Preface

Part A – General

1. Introduction
2. The Licensing Policy (Gambling)
3. Local Risk Assessment
4. Responsible Authorities and Interested Parties
5. Principles to be Applied in Exercising Inspection Rights and Enforcement
6. Complaints against Licensed Premises
7. Principles to be Applied in the Exchange of Information
8. Administration, Exercise and Delegation of Functions
9. Licensing Committee and Hearings
10. Integrating Strategies and Avoiding Duplication
11. Partnership Working
12. Fees
13. Equal Treatment
14. Small Lotteries

Part B – Premises Licences

1. Types of Licences
2. General Principles – Premises Licences
3. Definitions
4. Location
5. Licensing Objectives
6. Conditions
7. Adult Gaming Centres
8. (Licensed) Family Entertainment Centres
9. Casinos

10. Credit
11. Bingo Premises
12. Betting Premises
13. Tracks
14. Travelling Fairs
15. Provisional Statement
16. Reviews
17. Appeals

Part C – Permits/ Temporary and Occasional Use Notices

1. General Principles - Permits
2. Unlicensed Family Entertainment Centre Gaming Machine Permits
3. (Alcohol) Licensed Premises Gaming Machine Permits
4. Prize Gaming Permits
5. Club Gaming and Club Machines Permits
6. Temporary Use Notices
7. Occasional Use Notices

Part D – Miscellaneous

1. Contact Details
2. Licensing Authority Delegations

Part E – Statement of Principles

1. Statement of Principles

APPENDIX 1 Local Risk Assessment Template

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.

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
 - 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:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
 - has business interests that might be affected by the authorised activities; or
 - 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 Date 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 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 Licences 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 (Persons under 18 years of age)

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.

6.6 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.]

Two options listed in the draft policy until decision taken by full Council

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-tack 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. Clear line of sight from counter to only public entrance to the premises.</i>	<i>January 2019 Review 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 Regular staff training Challenge 25 materials displayed 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. 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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Appendix 2 -Schedule of Responses in relation to Statement of Licensing Policy (Gambling)

Reference	Respondent	Comments	Response
GP/1	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/2	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/3	Resident	Council should retain a 'No Casino' resolution Too many gambling premises	No change to Policy required
GP/4	Resident	Council should not pass a 'No Casino' resolution additive to young people	No change to Policy required
GP/5	Resident	Council should retain a 'No Casino' resolution The council should ensure that all licenced properties have a trained licence holder approved by council	No change to Policy required
GP/6	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/7	Resident	Council should retain a 'No Casino' resolution Gambling ruins lives	No change to Policy required

GP/8	Resident	<p>Council should retain pass a 'No Casino' resolution</p> <p>We hear all the time about the misery caused by indiscriminate gambling by members of the public. Surely, we have enough gaming machines in the area without introducing a casino as well.</p>	No change to Policy required
GP/9	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>I don't think our area needs casinos, there are some in Newcastle which is near enough</p>	No change to Policy required
GP/10	Resident	<p>Council should not pass a 'No Casino' resolution</p>	No change to Policy required
GP/11	Resident	<p>Council should not pass a 'No Casino' resolution</p> <p>A casino in the right location could bring in well needed investment into the area</p>	No change to Policy required
GP/12	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>In my experience gambling regularly and without real control can lead to misery for the gambler and their children/families - and often to criminal acts as debts mount, so the more regular gambling can be discouraged the better - so encouraging machines</p>	No change to Policy required

		<p>in pubs and clubs to have limits and no cash machines nearby, and limiting betting premises - especially in high poverty areas - and making sure child protection policies are adhered to are key, One off or low level activities are less problematic I guess but local research with gambling helplines would give some hard information on what are the most risky activities and if any fall within the councils governance</p>	
GP/13	Resident	<p>Council should not pass a 'No Casino' resolution</p> <p>Rather than a blanket 'no casino' resolution, I would like to see each application for a casino considered on it's own merits - undoubtedly the 'wrong' kind of casino in the wrong location could be very detrimental to the area, it's residents and the casino's customers & their family. However, an up market casino (& perhaps a multi purpose venture) in our newly refurbished Whitley Bay (as an example) could be an attraction to those within & without our area.</p>	No change to Policy required
GP/14	Resident (Member of a number of Women's Organisations)	<p>Council should retain a 'No Casino' resolution</p> <p>Gambling is already ruining lives in England, so I feel very strongly that we should retain the No Casino policy in North Tyneside</p>	No change to Policy required

GP/15	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>No call for this kind of establishment in North Tyneside</p>	No change to Policy required
GP/16	Resident	<p>Council should retain a 'No Casino' resolution</p>	No change to Policy required
GP/17	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>I believe that the gambling industry is a criminal rip-off and should be discourage as exploitation. I would love to see advertising for gambling banned nationally - the amount on TV is a disgrace to the country. Unfortunately, banning gambling itself would only drive it underground and make it harder to control.</p>	No change to Policy required
GP/18	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>There is a need to restrict gambling in order to protect society from it's downfalls ie debt and addiction there is enough available online</p>	No change to Policy required
GP/19	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>Gambling is a problem already and more opportunities to gamble would</p>	No change to Policy required

		encourage more financial difficulties for vulnerable people	
GP/20	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/21	Ward Councillor	Council should retain a 'No Casino' resolution People are losing a lot of money on gaming machines so they should be restricted	No change to Policy required
GP/22	Resident	Council should retain a 'No Casino' resolution As you have no powers to ban high level gaming machines I have no comments.	No change to Policy required
GP/23	Resident	Council should retain a 'No Casino' resolution I support the Licencing Authority on it's No Casino policy simply because of the level of policing that is now in place within the borough and the number of liquor licensed premises already established in the area. The addition of a further high risk number of Gambling / liquor licences premises would stretch the enforcement of the borough's enforcement capabilities as well as that of the local police force	No change to Policy required

		which is clearly under manned at present.	
GP/24	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/25	Resident	Council should not pass a 'No Casino' resolution Let residents make their own choices	No change to Policy required
GP/26	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/27	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/28	Resident	Council should retain a 'No Casino' resolution As a socially aware council we should support people in avoiding the negative issues surrounding gambling and addiction.	No change to Policy required
GP/29	Resident	Council should retain a 'No Casino' resolution	No change to Policy required

GP/30	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/31	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/32	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/33	Resident	Council should retain a 'No Casino' resolution I feel there is enough gambling available online and a casino would not help the area without considerable problems	No change to Policy required
GP/34	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/35	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/36	Resident	Council should not pass a 'No Casino' resolution	No change to Policy required

GP/37	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/38	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>Dependent on location, a casino will attract a percentage of undesirables, and increase the likelihood of anti-social behaviour. In turn, this puts extra pressure on emergency services, and decreases the quality of life for residents.</p>	No change to Policy required
GP/39	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>I breathe a sigh of relief at the council's intention. North Tyneside should be an area encouraging people away from gambling and not towards it. I also have concerns about the other associated businesses that tend to follow casinos into an area, which generally means strip clubs and unregulated sex work.</p>	No change to Policy required
GP/40	Resident	Council should retain a 'No Casino' resolution	No change to Policy required

GP/41	Resident	Council should retain a 'No Casino' resolution I agree with the policy as presented	No change to Policy required
GP/42	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/43	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/44	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/45	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/46	Resident	Council should retain a 'No Casino' resolution I do not believe this would improve North Tyneside at all. Gambling destroys lives. I would feel strongly enough to vote against any party proposing changes to increase gambling/casinos this in an election.	No change to Policy required

GP/47	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/48	Resident	Council should not pass a 'No Casino' resolution	No change to Policy required
GP/49	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/50	Resident	Council should not pass a 'No Casino' resolution	No change to Policy required
GP/51	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/52	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/53	Resident	Council should not pass a 'No Casino' resolution	No change to Policy required
GP/54	Responsible Authority	Council should retain a 'No Casino' resolution	No change to Policy required

GP/55	Responsible Authority	Agree with content of Policy. (pg 33) Protecting children and other vulnerable persons from being harmed or exploited by gambling – consider the age or definition of child/young person in that part to confirm who it applies to.	Policy amended. Definition of children added to section.
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North Tyneside Council Report to Cabinet Date: 18 October 2021

Title: North Tyneside Transport Strategy

Portfolio: Deputy Mayor	Cabinet Member: Councillor Carl Johnson
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Report from Service Areas:	Regeneration and Economic Development
Responsible Officer:	John Sparkes, Director of Regeneration and Economic Development Tel: (0191) 643 6091
Wards affected:	All

PART 1

1.1 Executive Summary:

The purpose of this report is to seek Cabinet's approval for the revised North Tyneside Transport Strategy ('the Strategy').

The Strategy, which was originally approved by Cabinet in May 2017, has been revised to more fully reflect subsequent developments such as the Authority's declaration of a climate emergency, the adoption of the North East Transport Plan by the regional Joint Transport Committee, and the priorities of the 'Our North Tyneside Council Plan 2021 to 2025'.

The revised strategy will explain the Authority's transport vision and will continue to be used to shape future decisions of the Authority, influence sub-regional, regional and national issues, support future funding bids for transport-related projects or initiatives, and support the implementation of the North Tyneside Local Plan.

Cabinet is also asked to note the work that is underway to update, where appropriate, a number of policies and strategies specific to transport matters which sit under this overarching strategy.

1.2 Recommendation:

It is recommended that Cabinet:

- i. approves the revised North Tyneside Transport Strategy attached as Appendix 1 to this report; and

- ii. notes the work that is underway, as outlined in section 1.5.6 below, to update, where appropriate, the Authority's policies and strategies specific to transport matters to ensure their continued alignment with the North Tyneside Transport Strategy.

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 6 August 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 2021 to 2025, in particular:

- A thriving North Tyneside
 - We will regenerate the high streets of North Shields and Wallsend, and in addition to the Master Plan for North Shields, we will bring forward Master Plans for Wallsend and Whitley Bay town centre areas. 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
- A secure North Tyneside
 - We will continue to invest an additional £2m per year on fixing our roads and pavements
- A green North Tyneside
 - We will increase opportunities for safe walking and cycling, including providing a segregated cycleway at the coast
 - 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 Information:

1.5.1 Background

Transport is an important part of everyone's lives. It supports the economy, society and communities. It is important that the Authority has a clear policy direction to guide its strategic planning and day-to-day responsibilities. This is reflected in a number of priorities in the 'Our North Tyneside Council Plan 2021 to 2025', which relate to matters including regeneration, roads and pavements, safe walking and cycling, and taking steps and seeking investment to make the borough carbon net-zero by 2030 (see section 1.4 above).

The North Tyneside Transport Strategy was adopted by Cabinet in May 2017. The strategy has been revised and updated, taking account of recent developments such as the adoption of the North East Transport Plan by the regional Joint Transport Committee in March 2021. The revised version of the strategy is attached to this report as Appendix 1.

The strategy sets out the Authority's transport vision and will be used to shape its future decisions; influence sub-regional, regional and national issues; support future funding bids for transport-related projects or initiatives; and support the implementation of the North Tyneside Local Plan.

1.5.2 National and Regional Context

This local strategy has been prepared with a clear eye on the national and regional context. Transport policy is set nationally and includes economic development and planning policy guidance, as well as guidance issued by the Department for Transport.

In addition, the statutory sub-national transport body, Transport for the North (TfN), brings together the local transport authorities across Northern England to develop and deliver strategic transport priorities.

At regional level, the North East Transport Plan, which covers the period 2021 to 2035, was prepared by Transport North East (TNE) and, following public consultation, was approved by the North East Joint Transport Committee in March 2021. This links to the Strategic Economic Plan for the North East developed by the North East Local Enterprise Partnership (LEP).

1.5.3 Evidence base

In addition to the national and regional policy context described above, the draft North Tyneside Transport Strategy has been developed using an evidence base. This includes, for example, feedback received from enquiries made to the Authority, including social media, and enquiries made by ward councillors; the views of residents as expressed in successive Residents' Surveys; the objectives of the 'Our North Tyneside' Council Plan; data from the Office of National Statistics, such as census data; and technical data relating to the borough's transport networks.

For example – taking account of the Our North Tyneside Plan's aim to take steps and seek investment to make the borough carbon net-zero by 2030; the Authority's climate emergency declaration; and technical data showing the borough's transport CO₂ emissions showed less of a decrease than its overall CO₂ emissions – one of the Strategy's five principles now relates specifically to reducing carbon emissions from transport.

Reflecting this, and also taking account of National Statistics data which shows how the number of zero-emission vehicles (ZEVs) registered in the borough is increasing, a specific aim has also been included to support the shift to ZEVs in place of petrol and diesel vehicles. Equally, the 2019 residents' survey highlighted that keeping the borough's roads and pavements well maintained continues to be an important consideration for residents, and accordingly this has been retained as an aim within the Strategy.

1.5.4 Context and challenges

North Tyneside is already very well connected locally, regionally, nationally and internationally. Alongside the Authority's economic, environmental, housing offer and its education system, the borough is already a destination of choice for people, businesses and visitors. There are challenges ahead in order to maintain the Authority's success which needs to be addressed through the Strategy.

It is known through the lifetime of the Local Plan, adopted in 2017, the Borough is set to grow with more people, more jobs and more homes. The population is set to grow to 219,500 by 2032. More homes will be required to support this. Significant employment sites are being developed and town and district centres will continue to play a vital role.

The Covid-19 pandemic had wide-ranging impacts – including on public transport patronage, movement towards a digital commute and wider changes in working patterns – and recovering from the pandemic will pose a number of challenges. The Authority has declared a climate emergency and transport emissions currently make up 35% of the borough’s carbon footprint.

Car ownership has increased and many historic areas of North Tyneside were constructed before the era of widespread car ownership, which can present challenges in balancing the travel needs of residents, local businesses and visitors. In addition, most people travel to work by car which puts the road network under pressure. Travel to work involves two-way flows with residents travelling out of the borough and those that live elsewhere travelling in.

The types of transport people use however is changing, for example cycling in the borough has shown a pronounced increase. Public transport patronage declined following the Covid-19 pandemic and associated changes to working practices: while it has since shown some recovery, the ‘Vision for Buses’ approved by the North East Joint Transport Committee in July 2021 notes that there is more to be done to encourage more people on to public transport in preference to car travel.

The 2019 residents’ survey highlighted that keeping the Borough’s roads and pavements well maintained continues to be an important consideration for residents. Safe, affordable transport has been identified as a priority by young people’s representatives, recognising that this supports young people’s ability to travel independently and access education and work.

1.5.5 Definition and Principles

Reflecting the priorities of the ‘Our North Tyneside Council Plan 2021 to 2025’; the North East Transport Plan; and the Authority’s declaration of a climate emergency, the vision for the North Tyneside Transport Strategy is:

“Moving to a green, healthy, dynamic and thriving North Tyneside”

This has been translated into five principles that will guide the Authority’s actions and against which the Authority will measure performance. The updated five principles are:

i. Reduce carbon emissions from transport

This relates to the climate emergency and the Authority’s commitment to publish an action plan of the steps it will take and the national investment it will seek to make North Tyneside carbon net-zero by 2030. The Authority aims to deliver this by, for example, supporting a change in culture which prompts people to use more sustainable forms of transport, and supporting a shift to electric vehicles and other zero-emission vehicles in place of petrol or diesel vehicles.

ii. Improve health outcomes

This relates to people, communities and the local environment. The Authority aims to deliver this by, for example, encouraging a shift to more sustainable modes of transport by giving them greater priority in design, promotion and partnerships. Traveller safety will also be key to the Authority’s thinking.

iii. Support inclusive economic growth

This addresses effective movement for people, businesses and goods and seeks to support the aims of the Authority's Inclusive Economy Strategy, the North of Tyne Inclusive Economy Policy Statement and the North East LEP's Strategic Economic Plan, which sets out the regional aim of 'more and better jobs'. The Authority aims to deliver this by, for example, further enhancing the attractiveness of town and district centres for residents and visitors and implementing targeted major transport improvement schemes.

iv. Improve connectivity

This ensures that North Tyneside is connected with all parts of the region, the rest of the country and the world. The Authority aims to deliver this by means such as improving interchange between different forms of transport. For example, the construction of a rail station alongside Northumberland Park Metro station will present improved opportunities for interchange with bus and Metro for travel to employment destinations in North Tyneside.

v. Manage demand and enable smart choices for all

This ensures a focus on demand management on transport networks and assets and addressing current and future transport challenges. The Authority aims to deliver this by, for example, supporting the use of smart technology to improve travel information, putting walking and cycling first, and enabling parking at the right time in the right place at the right price.

1.5.6 Next Steps

The Authority's policies and strategies specific to transport matters are currently being updated, where appropriate, to ensure their continued alignment with the North Tyneside Transport Strategy. These are outlined in Annex 2 of the document. Approval will be sought by Cabinet and/or the appropriate decision-maker.

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

Not to 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:

Approval of the updated strategy will allow the Authority to shape its future decisions, influence sub-regional, regional and national issues, support future funding bids for

transport-related projects or initiatives and support the implementation of the North Tyneside Local Plan.

1.8 Appendices:

Appendix 1 – North Tyneside Transport Strategy (final draft for approval)

Appendix 2 – Equality Impact Assessment (EIA)

1.9 Contact officers:

Paul Dowling, Service Manager Regeneration and Transport, 0345 2000 101

Andrew Flynn, Integrated Transport Manager, 0191 643 6083

John Cram, Integrated Transport Officer, 0191 643 6122

Cathy Davison, Principal Accountant Investment (Capital) and Revenue, 0191 643 5727

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) [North Tyneside Transport Strategy](#) (existing strategy approved by Cabinet on 8 May 2017)
- (2) [North Tyneside Local Plan](#)
- (3) [North East Transport Plan](#)
- (4) [North East Vision for Buses](#)

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. 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.

Specified transport functions of the Authority must be exercised through the North East Joint Transport Committee which is a joint committee of the Durham, Gateshead, South Tyneside and Sunderland Combined Authority (known as the “North East Combined Authority”) and the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (known as the “North of Tyne Combined Authority”) established in accordance with the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018. Some of Authority’s

transport functions are exercised through the Joint Transport Committee's 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. The regional North East Transport Plan was approved by the Joint Transport Committee in March 2021.

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 Highways Act 1980, the Road Traffic Act 1988, the Traffic Management Act 2004 or the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 that indicates that the Transport Strategy is not to be a matter for Cabinet.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation has involved the Deputy Mayor, the Cabinet Member for Environment, the Director of Regeneration and Economic Development and the Director of Environment, Housing and Leisure.

2.3.2 External Engagement

The strategy has been developed using an evidence base. This is outlined in section 1.5.3 of the report.

2.4 Human rights

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

2.5 Equalities and diversity

The Strategy has been formulated having regard to the public sector equality duty imposed on the Authority by section 149 of the Equality Act 2010. An Equality Impact Assessment has been undertaken and is appended to this report at Appendix 2.

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

The strategy aims to improve environmental sustainability through promoting active travel, encouraging a shift to more sustainable modes of transport and improving safety for all road users while increasing cycling and walking. The strategy also aims to improve public transport and connectivity. Collectively these actions will help to reduce transport-related carbon emissions in the borough.

PART 3 - SIGN OFF

- Chief Executive X
- Director of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X

“North Tyneside on the Move”

The Transport Strategy for North Tyneside, 2017-32

Revised 2021

(Final draft for approval)



Contents

Introduction	3
Vision	4
Governance and Policy Framework	5
Context and Challenges	7
Our Principles.....	10
Governance and performance reporting.....	13
Annex 1 - Transport Strategy context.....	15
Annex 2 - Plans and Policies which support the delivery of our Transport Strategy.	17
Annex 3 - Transport Investment Programme	19

“North Tyneside on the Move”

The Transport Strategy for North Tyneside, 2017-32 (revised 2021)

Introduction

1. The Our North Tyneside Plan 2021 outlines the priorities which the Mayor and Cabinet aim to ensure are delivered, based around five themes: a thriving, family-friendly, caring, secure and green North Tyneside. Critical to delivering this ambition is transport.
2. Transport is an important part of everyone’s lives. It supports the economy, society and communities. It is important that the Authority has a clear policy direction to guide its strategic planning and day to day responsibilities.
3. The North Tyneside Transport Strategy, first adopted in 2017 and revised in 2021, sets out the overall vision for transport in North Tyneside. It describes the policy context, the challenges North Tyneside faces and the principles to be applied to the Authority’s work on transport. An annual update will be provided to Cabinet to measure progress.
4. However, the strategy does not exist in a vacuum; there are national, sub-regional and local relationships that must be considered. Most importantly, residents, businesses and visitors expect local authorities to work together to achieve the right outcomes for the wider place. This strategy has therefore been prepared with a clear eye on the regional and national context. But it has also been done understanding transport can be a very personal issue, for example feeling safe; and it can be a very local issue with significant impact on communities, for example parking.
5. The North East Transport Plan was prepared by Transport North East (TNE) and was adopted in March 2021, following a public engagement exercise. Its vision is “Moving to a green, healthy, dynamic and thriving North East.”
6. The North Tyneside Local Plan was adopted in July 2017 and extends to 2032. Subsequently, ‘Our Ambition for North Tyneside’, the regeneration strategy for the borough, was approved in November 2018. A Climate Emergency was declared in July 2019 and the Our North Tyneside Council Plan makes the commitment that the Authority 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.

7. The Our North Tyneside Council Plan, adopted in September 2021, is based around five themes and a list of priorities, a number of which are associated with transport.
8. The North Tyneside Transport Strategy will be used to explain the overall vision to residents and businesses and other stakeholders, as well as shaping future decisions and supporting future funding bids for transport-related projects or initiatives.
9. Finally, the strategy contains the governance and performance management arrangements which will be in place in order to judge success.

Vision

10. The strategic vision for North Tyneside is contained in the Our North Tyneside Plan. This Plan is based around five themes – a thriving, family-friendly, caring, secure and green North Tyneside – and a list of priorities. Priorities associated with transport relate to matters including regeneration, roads and pavements, safe walking and cycling, and taking steps and seeking investment to make the borough carbon net-zero by 2030.
11. Reflecting the priorities of the ‘Our North Tyneside Council Plan 2021 to 2025’; the North East Transport Plan; and the Authority’s declaration of a climate emergency, the vision for the North Tyneside Transport Strategy is:

“Moving to a green, healthy, dynamic and thriving North Tyneside”

12. Within the context of the vision, we have updated the principles which will guide our action and against which we will measure our performance. These are:

i. Reduce carbon emissions from transport

This relates to the climate emergency and the Authority’s commitment to publish an action plan of the steps it will take and the national investment it will seek to make North Tyneside carbon net-zero by 2030. The Authority aims to deliver this by, for example, supporting a change in culture which prompts people to use more sustainable forms of transport, and supporting a shift to electric vehicles and other zero-emission vehicles in place of petrol or diesel vehicles.

ii. Improve health outcomes

This relates to people, communities and the local environment. The Authority aims to deliver this by, for example, encouraging a shift to more sustainable modes of transport by giving them greater priority in design, promotion and partnerships. Traveller safety will also be key to the Authority's thinking.

iii. Support inclusive economic growth

This addresses effective movement for people, businesses and goods and seeks to support the aims of the Authority's Inclusive Economy Strategy, the North of Tyne Inclusive Economy Policy Statement and the North East LEP's Strategic Economic Plan, which sets out the regional aim of 'more and better jobs'. The Authority aims to deliver this by, for example, further enhancing the attractiveness of town and district centres for residents and visitors and implementing targeted major transport improvement schemes.

iv. Improve connectivity

This ensures that North Tyneside is connected with all parts of the region, the rest of the country and the world. The Authority aims to deliver this by means such as improving interchange between different forms of transport. For example, the construction of a rail station alongside Northumberland Park Metro station will present improved opportunities for interchange with bus and Metro for travel to employment destinations in North Tyneside.

v. Manage demand and enable smart choices for all

This ensures a focus on demand management on transport networks and assets and addressing current and future transport challenges. The Authority aims to deliver this by, for example, supporting the use of smart technology to improve travel information, putting walking and cycling first, and enabling parking at the right time in the right place at the right price.

Governance and Policy Framework

13. This strategy fits within a complex broader governance and policy structure

- **National**

Transport policy is set in a national context which includes economic development and planning policy guidance, as well as guidance issued by the Department for Transport.

Transport for the North is the sub-national transport body, with representation from across the North of England on its board. It seeks to drive economic growth by connecting fast, frequent and reliable transport links across the North of England in the context of its Strategic Transport Plan. Its Long-Term Rail Strategy supports its work with the Department for Transport on rail services in the North of England and the delivery of rail improvements.

- **Regional**

Transport North East acts to develop and deliver transport strategy at regional level. This is based on direction from the statutory North East Joint Transport Committee (JTC), which is a joint committee of the North East Combined Authority (NECA, covering the four authorities south of the Tyne) and the North of Tyne Combined Authority (NoTCA, covering Newcastle, North Tyneside and Northumberland). The transport plan for the region is the North East Transport Plan, adopted in March 2021.

Further regional strategies are to be prepared for specific aspects of transport: this will include a Bus Services Improvement Plan (BSIP), to set the context for the development of an Enhanced Partnership for bus services, as well as a new regional rail strategy which will replace the existing adopted North East Metro and Local Rail Strategy.

The North East Local Enterprise Partnership has adopted a Strategic Economic Plan (SEP) for the region which is based on the aim of “more and better jobs”.

- **Local**

Within North Tyneside this strategy links with a range of key strategies and policies, which are regularly reviewed and relate to specific aspects of transport. In particular these are

- Our North Tyneside Plan
- North Tyneside Health and Wellbeing Strategy
- North Tyneside Local Plan
- Climate Emergency Action Plan
- ‘Our Ambition for North Tyneside’ Regeneration Strategy
- Inclusive Economy Strategy

12. Annex 1 describes how these inform this strategy and its supporting documents.

Context and Challenges

13. North Tyneside is already very well connected locally, regionally, nationally and internationally. Alongside our economy, our environment, our housing offer and our education system, this makes us a destination of choice for people, businesses and visitors. But to maintain this in the medium to long term there are some challenges that we must address through this transport strategy. This section sets out the current context for North Tyneside and goes on to outline some of the challenges in relation to transport.

- **The Borough is growing:** over the lifetime of the Local Plan, adopted in 2017, there will be more people, more jobs and more houses. The population is expected to grow from 201,000 in 2011 to 219,500 by 2032. That will mean an average of 790 more houses are required each year
- **Covid-19 recovery:** the Covid-19 pandemic had wide-ranging impacts including on public transport patronage, movement towards a digital commute and wider changes in working patterns. Recovering from the pandemic will pose a number of challenges in terms of transport, particularly public transport, and the wider economy, and there will be a role for the Authority in supporting this recovery process
- **The North Tyneside economy is growing:** North Tyneside's town and district centres play a vital role in the Borough's economy. North Tyneside is also home to several substantial employment developments, including Cobalt Business Park, Quorum Business Park, Tyne Tunnel Trading Estate and the Tyneview Park government offices. Growing employment sectors include offshore energy and subsea provided by the scale of opportunity on the bank of the River Tyne. North Tyneside offers significant sites to international investors looking to maximise the opportunities presented by the UK Offshore Renewable Energy market, including two Enterprise Zone sites at the Port of Tyne and the 'Swans' site, which are in private ownership. Digital technology and advanced manufacturing are also key sectors that will continue to experience growth. Transport options will be key to ensuring this growth is inclusive and provides access to all in terms of employment and skills opportunities.
- **We have declared a Climate Emergency:** full Council formally declared a Climate Emergency at its meeting on 25 July 2019. Between 2005 and 2019 carbon dioxide (CO₂) emissions in North Tyneside have decreased by 41%, however CO₂ emissions from transport have declined by only 13%. Transport emissions now make up 35% of the Borough's carbon footprint, up from 24%. The number of cars and vans

in the borough shows a rising trend, having increased by 4.6% between 2017 and 2020. The number which are zero-emission vehicles is also rising, although from a low base, and doubled between Spring 2018 and Autumn 2020.

- **Our transport assets are diverse and important:** the Port of Tyne provides an important international link, with its international ferry and cruise ship terminal being located in the borough. North Tyneside also sits under the Newcastle Airport flight path and is crossed by the East Coast Main Line: the Metro network links the borough to both the airport and Newcastle's Central Station, while the Northumberland Line major project will see passenger trains re-introduced on a currently freight-only line. Important local links are provided by the Tyne Tunnels, Tyne Pedestrian and Cycle Tunnels and the Shields Ferry. North Tyneside has an extensive network of public rights of way and of traffic-free paths suitable for cycling, walking and horse riding such as the Waggonways
- **More people are cycling:** cycling is becoming even more important as a way of getting around North Tyneside, with indications that, following the Covid-19 pandemic, more people are participating in cycling. Cycling trips in the borough increased by 59% from 2019 (pre-Covid) to 2020, much higher growth than the 32% seen in Tyne and Wear as a whole
- **Public transport remains important:** North Tyneside is served by a network of bus routes, including local and longer-distance services; the Shields Ferry; and a loop of the Metro network, linking 17 stations around the borough and offering scope for passenger growth. Public transport patronage declined following the Covid-19 pandemic and associated changes to working practices: while it has since shown some recovery, seeking to raise passenger numbers up to and beyond pre-Covid levels may involve greater focus on discretionary or leisure travel. The £362m full replacement of the Metro fleet, and £94m investment in the Metro Flow project to remove constraints on the network, will support improved Metro connectivity and reliability. The Northumberland Line major project, to reintroduce passenger trains on the existing freight line to Ashington, will provide North Tyneside's only station on the national rail network, adjacent to Northumberland Park Metro, bus and park and ride interchange
- **Most people travel to work by car:** work travel shows a complex pattern, with many people travelling into as well as out of the borough for work. By May 2021, total daily motor traffic levels were 5% greater than previous levels (March 2019 baseline), although distributed

differently throughout the day, with a less pronounced morning peak, increased traffic levels through the middle of the day and the evening peak ending earlier than previously. This is likely to relate to changing commuter patterns and increased working from home among those who are able to do so

- **Greater car usage puts increased pressure on our parking arrangements:** a significant proportion of North Tyneside was built before the car was invented and certainly before it became common. For that reason many of our streets do not cope easily with greater car ownership. Added to that, employment, visitors, events and other factors make parking a significant challenge
- **Roads, pavements and travel are important to our residents;** the 2019 residents' survey highlighted that road and pavement repairs remain an important concern for residents, having been the most widely cited matter in the survey since 2016. Six in ten residents felt that the condition of roads and pavements needed to be improved. The issue of traffic congestion continues to be cited as a concern by around one in three responses to the survey (32% of residents in 2019 compared with 39% in 2018)
- **The transport network should reflect personal security concerns:** design and staffing of transport systems can have a significant bearing on the extent to which people feel comfortable travelling independently
- **Many residents are above working age:** North Tyneside's population is aging and by the end of the Local Plan period (2032) approximately 25% will be over the age of 65. The implications of this will need to be considered as part of managing the transport network
- **Travel is very important to our young people:** successive Young Mayors, Members of the Youth Parliament and our Youth Councillors have been clear that safe, affordable transport is a priority for them. Specifically travel means independence, the ability to travel to education, to work, to socialise and to enjoy what the area has to offer. They also care passionately about travellers feeling safe. It is important that the borough's transport plans are designed to also reflect young people's travel needs, ensuring access for all. In relation to access to education this links to the North Tyneside Home to School/College Transport Policy

14. Based on the policy framework, the context and the challenges we have developed five principles to guide our work on transport.

Our Principles

15. Our current work programme and future activity will be judged against the following principles and the success of our aims. Our transport investment programme is set out in Annex 3: it is this which will be reported against each year to Cabinet and against which our success will be judged.

- i. **Reduce carbon emissions from transport:** We will seek to
 - a. implement the actions set out in our Climate Emergency Action Plan to decarbonise transport and work towards carbon net-zero 2030
 - b. support a change in culture which prompts people to adapt their travel behaviour to use more sustainable forms of transport other than car travel
 - c. support the substantial shift to zero-emission vehicles (ZEVs), in place of petrol or diesel vehicles, which is necessary to meet national and local climate targets

- ii. **Improve health outcomes:** We aim to contribute to improved health and fitness through increasing active travel; by addressing safety concerns for transport users and by contributing to improved local air quality. We will seek to
 - a. support health, fitness and mental wellbeing, through promoting active travel and in line with the North Tyneside Health and Wellbeing Strategy and support the commitments within the Healthy Weight Declaration
 - b. encourage a shift to more sustainable modes of transport by giving them priority in design, promotional and partnership working
 - c. improve safety for all road users, address road safety concerns and reduce casualties while increasing cycling and walking, through design, promotional and partnership working
 - d. broaden out our road safety work to consider the safety of travellers across our network, e.g. working with partners, seek to improve personal security for people travelling by public transport
 - e. through the Local Plan and associated guidance, support developments which reduce the need for travel, encourage low car dependence and are accessible by walking, cycling and public transport networks
 - f. support safeguarding of vulnerable people, e.g. through our hackney carriage and private hire licensing policies and the design of infrastructure
 - g. working with partners, seek to reduce pavement parking
 - h. monitor local air quality and seek opportunities to deliver air quality improvements

- i. be aware of ecological and environmental effects, e.g. on biodiversity, of our transport system and works, and seek opportunities to minimise adverse impacts and secure improvements where possible
 - j. enable North Tyneside to cope better with significant weather events and other emergency situations, e.g. through partnership working, improving network resilience and our Flood Action Plan
- iii. **Support inclusive economic growth:** Linking to our Local Plan, our Inclusive Economy Strategy and the North East Strategic Economic Plan, we seek to continue to grow by building on our strengths, including our world class companies and small and growing businesses. Our aim is to have the right skills and infrastructure, such as transport links, to support investment and inclusive economic growth, to create and sustain new, good-quality jobs and apprenticeships. A significant barrier to some participating in the economy is a lack of affordable transport options. It is therefore important to ensure the provision of good, high quality, affordable and reliable public transport in helping people access jobs and to reduce inequalities. We will seek to
- a. connect people with jobs and economic opportunities, through targeted transport investment, continued promotion of sustainable transport initiatives and the Local Plan
 - b. connect people with education, skills development and training, in line with the North Tyneside Employment and Skills Strategy, and reduce levels of deprivation through supporting access to education, training, jobs and services
 - c. further enhance the attractiveness of our town and district centres as a place to spend time for residents and visitors, supporting accessibility, particularly by more sustainable modes, and sense of place
 - d. support the travel needs of tourists and visitors
 - e. support the movement of freight into and out of the borough, through the effective management of and investment in our transport networks and through partnership working
 - f. through targeted major transport improvement schemes, support the aims of the Inclusive Economy Strategy by encouraging inclusive economic growth in the borough including existing business expansion and new inward investment
- iv. **Improve connectivity:** Our aim is to ensure people are connected to a wide range of opportunities and are able to access them by the most sustainable means, and to ensure our national and international transport links remain competitive with other areas. We will seek to:

- a. link people to workplaces and destinations in the region and the rest of the North of England, through partnership working and implementation of the Local Plan
 - b. ensure that our transport links remain competitive at national level, with the rest of Europe and internationally, through partnership working locally and in the region
 - c. improve interchange between forms of transport, through targeted investment and partnership working: including e.g. ticketing options which support interchange between bus, Metro and ferry, and improved links between cycling and public transport
 - d. support equalities and diversity and help to make transport more accessible for all
 - e. build on wider work to tackle isolation by helping people feel connected and able to get to where they want to and working with partners on options to support connectivity in areas less well connected by conventional transport services
 - f. addressing local connectivity in areas which are less accessible from main centres, including working with providers to address issues where transport services are limited
 - g. through partnership working, ensure that a range of affordable and accessible transport options are available to residents and visitors of all levels of income and mobility
- v. **Manage demand and enable smart choices for all:** Our aim is to use technology to provide improved information, promote more sustainable transport and make our transport networks function more effectively; shape transport demand to encourage and address increased demand for cycling and walking; and have effective, well maintained public transport and highway networks which can continue to serve changing travel demands. We will seek to
- a. enable and encourage informed choice and the wider use of active and sustainable ways to travel, including working with partners to provide improved information and inclusive access to information to help people plan their journeys more effectively
 - b. manage our transport network effectively, considering all forms of travel including public transport, cycling (including e-bikes), scooters, walking, wheelchairs and mobility scooters, horse riding, motorcycling, hackney carriages and private hire vehicles
 - c. use digital information to improve the operation of our highway network and support cycling and walking, e.g. improving co-ordination of traffic signals and travel time monitoring
 - d. enable parking at the right time, right place and right price

- e. manage future demand through integration between transport and land use planning strategies
- f. ensure the overall highway network is well maintained, including off-road cycling and walking routes, and adopt asset management principles to ensure we efficiently maintain our network in good condition
- g. support the use of smart technology, e.g. to simplify public transport ticketing
- h. improve bus priority and work with partners to support an integrated public transport network, including Metro and local rail, and increase public transport capacity to meet peak-time travel demand
- i. encourage and address increased demand to cycle and walk by improving the street network and putting cycling and walking first

16. North Tyneside has a clear commitment to be a listening Authority and to listen to what our residents and businesses tell us they want. Transport features highly in terms of residents' priorities, particularly in relation to managing transport demand and the condition of our roads and pavements. Public transport is one of the top ten issues that local residents believe is key to making the place a good place to live. Cycling in North Tyneside has shown a pronounced increase. Listening to local residents and businesses is essential in ensuring that we can manage our transport networks to ensure North Tyneside is inclusive and continues to be a great place to live, work and visit.

Governance and performance reporting

17. Progress against the delivery of this Strategy will be reported annually to Cabinet. In addition, some of the delivery of this plan lies with our Technical Services partner, Capita: during the annual review of the Service Plan we will ensure that appropriate measures and action plans are in place.

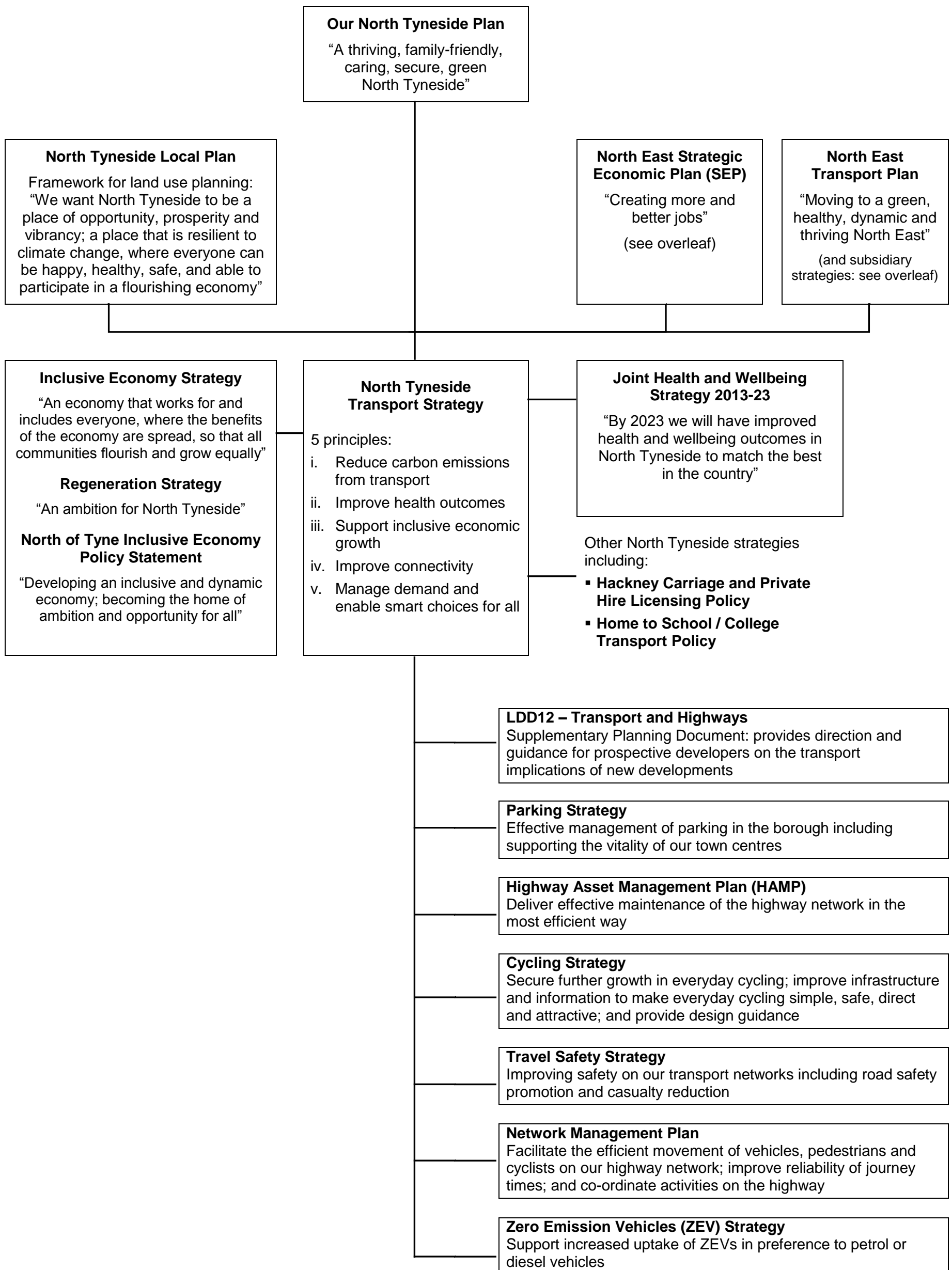
18. We will update, where appropriate, the strategies and plans which fit within the context of the Transport Strategy:

- Local Development Document 12 – Transport and Highways
- North Tyneside Parking Strategy
- North Tyneside Highway Asset Management Plan
- North Tyneside Cycling Strategy and Design Guide
- North Tyneside Travel Safety Strategy

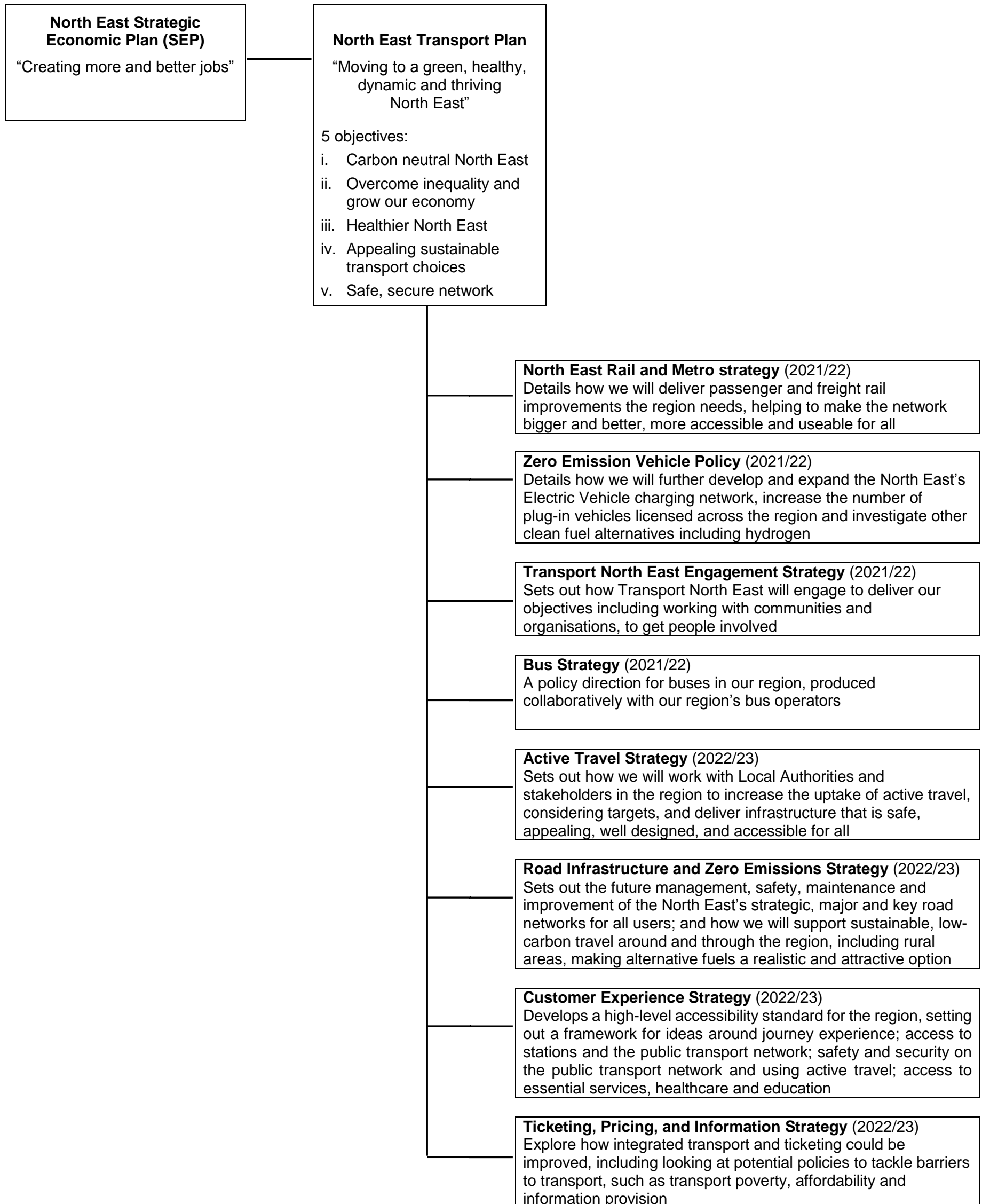
- North Tyneside Network Management Plan
- North Tyneside Zero Emission Vehicles Policy (in development)

Annex 1 – Transport Strategy context

North Tyneside policy context



Regional North East policy context



Annex 2

Plans and Policies which support the delivery of our Transport Strategy

Regional transport strategies

North East Transport Plan

- This is the statutory 'Local Transport Plan' for the North East (Durham, Northumberland and Tyne and Wear) and sets out the transport priorities for the region for the period 2021 to 2035. It includes a delivery plan of schemes which may be brought forward, subject to business case, set out by time period.

Sub-national transport strategies

Transport for the North (TfN) Strategic Transport Plan

- This explains the need for investment in transport across the North of England and identifies the priority areas for improved connectivity.

North Tyneside strategies and sub-documents

LDD12 – Transport and Highways

- This document provides direction and guidance for prospective developers on the transport implications of new developments.

- Engineering adoptable specification for developments
 - Sets out the standards which streets and roads constructed by developers should meet in order for the Authority to consider their adoption.

North Tyneside Parking Strategy

- This sets the framework for effective management of parking in the borough, including supporting the vitality of our town centres.

North Tyneside Highway Asset Management Plan (HAMP)

- This sets out how the Authority will deliver effective maintenance of the highway network in the most efficient way.

- Code of Practice for Highway Inspections (to be reviewed in line with Government guidance)
 - Sets out the Authority's approach to highway inspections in accordance with relevant guidance.

North Tyneside Cycling Strategy: 'everyday cycling'

- This sets out how the Authority will secure further growth in everyday cycling, provide information and training, and improve the cycling network.

- North Tyneside Cycling Design Guide
 - Sets out the design standards which street and road infrastructure schemes are expected to meet in order to support and facilitate cycling.
- Local Cycling and Walking Implementation Plan (LCWIP: in preparation)

- Sets out details and timescales for a range of measures to cater for, support and encourage cycling and walking in the borough.

North Tyneside Travel Safety Strategy

- This sets out how the Authority will support safety on our transport networks, including road safety promotion and casualty reduction
 - Speed Management Policy and review of traffic management safety policies
 - Sets out the Authority's approach to speed management and safety-related traffic management.

North Tyneside Network Management Plan

- This sets out how the Authority will facilitate the efficient movement of traffic (including cycling and walking) on our highway network, improve reliability of journey times, and co-ordinate activities on the highway.
 - Review of Signage Policy
 - Sets out the Authority's procedures in relation to signage.
 - Objects on the Highway scheme
 - Sets out the Authority's procedures in relation to objects placed on the highway.
 - Rights of Way Definitive Map programme of missing routes (statutory requirement, ongoing until 2026 legal deadline)
 - Sets out the Authority's approach to meeting statutory requirements to ensure that public rights of way are recorded on the Definitive Map and Statement.

North Tyneside Hackney Carriage and Private Hire Licensing Policy

- This seeks to protect consumers, clarify expectations to licensees, encourage environmental sustainability and encourage high standards of service.

North Tyneside Home to School/College Transport Policy

- This gives guidance on the procedures to be followed in the provision of Home to School/College transport.

Annex 3

Transport Investment Programme

Theme	Scheme	Description	Delivery Period (indicative)		Policy Alignment	Possible Funding
			Year	Duration		
Housing Growth	Murton Gap Strategic Link Road	Single carriageway road with adjacent segregated cycleway between A186 and A191 including bridge over Metro track	2027	Medium	Local Plan	Developer S.38
	Murton Gap Metro Station	New Metro Station between West Monkseaton and Shiremoor	2024-2025	Medium	Local Plan	Developer S.38
	Killingworth Moor Strategic Link Road	Single carriageway road with adjacent segregated cycleway between A1056 and B1505 Great Lime Road including bridge over Metro track	2025	Medium	Local Plan	Developer S.38
	Killingworth Moor Metro Station	New Metro Station between Northumberland Park and Palmersville	2030	Long	Local Plan	tbc
	A19 Killingworth Interchange Upgrade	Remodelling of interchange to mitigate traffic flows associated with Killingworth Moor strategic site	2023	Short	Local Plan	Developer S.278
	A191 / A192 Foxhunters Upgrade	Provision of additional highway capacity between two Foxhunters Roundabouts with widening on A192 Seatonville Road approach	2023	Short	Local Plan	Developer S.278
	A1056/A189 Weetslade Roundabout	Introduction of Traffic Signal control with widening to circulatory and several approach arms	2021-2022	Short	Local Plan	Developer S.106
	A189/A188 West Moor Roundabout	Introduction of Traffic Signal control with widening to circulatory	2021-2022	Short	Local Plan	Developer S.106
	A186/A1058 Station Road Roundabout	Widening of A1058 Coast Road off-slip and A186 Station Road North approach with associated crossing upgrades and cycle links on the Coast Road Cycle Route	2023	Short	Local Plan	Developer S.278
Sustainable Travel	LCWIP (Local Cycling and Walking Infrastructure Plan)	Strategic Walking and Cycling Network improvements across North Tyneside	2021-2031	Short - Long	Transport Strategy	ongoing
	A191 Strategic Cycle Corridor (Rake Lane)	Cycling and walking improvements on section of A191 corridor between A192 Foxhunters and Norham Road	2021-2022	Short	Cycling Strategy	Active Travel Fund Tranche 2 (ATF2)
	Sea Front Sustainable Route	Sustainable travel improvements along the sea front	2022	Short	Cycling Strategy	ATF3
	Links to Metro	Enhanced walking/cycling links to 5 Metro Stations (Four Lane Ends, Northumberland Park, Percy Main, Shiremoor, Whitley Bay)	2022-2023	Short	Transport Strategy	Transforming Cities Fund (TCF) ref NT10
	Riverside Embankment Walkway	Step-free route between North Shields Town Centre and Fish Quay and proposed new Ferry Landing	2023	Short	North Shields Masterplan	TCF NT02
	A192 Strategic Cycle Corridor (Preston North Road)	Segregated off-road cycling and walking route between A191 Foxhunters and A1058 Beach Road	2023	Short	Cycling Strategy	Developer S.278
Public Transport	Bus Service Improvement Plan (BSIP)	Strategic Bus Corridor Network improvements (Bus Priority)	2021-2022	Short	Regional bus partnership work	Transport North East / Dept for Transport
	Smart Signals	Regional traffic signals upgrades to enable smart bus priority operation	2023	Short	Transport Strategy	TCF ITS01
	Four Lane Ends Bus Priority	Southbound bus lane on A188 approach to Four Lane Ends interchange including reworked site access roundabout and Bus Gate operation at Four Lane Ends signals	2022 - 2023	Short	Transport Strategy	TCF NT08
	North Shields Transport Interchange	New Transport Interchange in centre of North Shields providing access to bus services with adjacent Metro and cycling link opportunities	2023	Short	North Shields Masterplan	TCF NT02
	North Shields Ferry Relocation	Relocated Shields Ferry Terminus at Western Quay (North Shields Fish Quay)	2023	Short	North Shields Masterplan	tbc

Theme	Scheme	Description	Delivery Period (indicative)		Policy Alignment	Possible Funding
Support the regeneration of the borough	Various	Transport works which align with the aspirations of the Our Ambition regeneration strategy and the Our North Tyneside Council Plan 2021-2025	2021 - 2025	Short - Medium	Our Ambition regeneration strategy Our North Tyneside Council Plan 2021-2025	tbc
Strategic Improvement	Northumberland Line	Reopening of the Northumberland Line to passenger trains linking directly between Ashington and Newcastle via Northumberland Park	2024	Short	North East Transport Plan	DfT
	Cobalt Metro Extension	Creation of 'inner' loop on Yellow Metro line between Northumberland Park and Percy Main with new stations serving Cobalt, Silverlink, and Tyne Tunnel Trading Estate	2030	Long	North East Transport Plan	tbc
	Benton Curve (SW)	Provision for direct Airport heavy rail (passenger and/or freight) link from East Coast Main Line	2032	Long	Local Plan	tbc
	A19 Moor Farm Interchange (GSJ)	Grade separated junction (GSJ) to replace existing at grade signal controlled roundabout	2035	Long	North East Transport Plan	NH RIS (National Highways Road Investment Strategy)
	A19 Seaton Burn Interchange (GSJ)	Grade separated junction (GSJ) to replace existing at grade signal controlled roundabout	2035	Long	North East Transport Plan	NH RIS
	A19 Widening (3 lanes)	Widening of A19 between A1058 Silverlink and A189 Moor Farm to 3 narrow lanes	2035	Long	North East Transport Plan	NH RIS
	A19 Howdon Interchange (Full Signals)	Further upgrading of grade separated roundabout arrangement with full signal control of all movements	2035	Long	North East Transport Plan	NH RIS
Climate Change	Electric Vehicle (EV) charging expansion	Targeted expansion of EV charging provision in the borough	2021 - 2025	Short / Medium	Climate Action Plan	n/a
	Zero Emission Bus upgrades	Arrangements for bus operators, with Government support, to upgrade buses in their fleet to fully zero emission or hybrid vehicles. (Initial phase short term; potential subsequent phases.)	2021 - 2030	Short / Long	Climate Action Plan North East Transport Plan	ZEBRA (Zero Emission Bus Regional Areas)
	Climate Emergency Action Plan	Package of measures to decarbonise activities including transport	2030	Short - Long	Climate Action Plan	tbc
Strategic Maintenance	Borough Road Bridge	Demolition of footbridge (subject to Planning Inspectorate decision)	2021 - 2022	Short	Highway Asset Management Plan (HAMP)	Local Transport Plan (LTP)
	B1319 Weetslade Bridge	Concrete repairs and re-waterproofing	2022 - 2024	Short	HAMP	LTP
	A193 Wallsend Road Bridge	Phase 2 – deck refurbishment	2024 - 2025	Short / Medium	HAMP	tbc

Equality Impact Assessment (EIA)

Before completing this form, please refer to the supporting guidance documents which can be found on the equality page of the intranet. The page also provides the name of your Corporate Equality Group member should you need any additional advice.

Equality Impact Assessments (EIAs) are a planning tool that enable us to build equality into mainstream processes by helping us to:

- consider the equality implications of our policies (this includes criteria, practices, functions or services - essentially everything we do) on different groups of employees, service users, residents, contractors and visitors
- identify the actions we need to take to improve outcomes for people who experience discrimination and disadvantage
- fulfil our commitment to public service.

The level of detail included in each EIA should be proportionate to the scale and significance of its potential impact on the people with protected characteristics.

This assessment may be published on the Authority’s website as part of a Council or Cabinet Report. It can also be requested under the Freedom of Information Act 2000 and can be used as evidence in complaint or legal proceedings.

Proposal details

Page 153

1. Name of the policy or process being assessed	North Tyneside Transport Strategy (2021 revision)	
2. Version of this EIA (e.g. a new EIA = 1)	1	
3. Date EIA created	13 September 2021	
	Name	Service or organisation
4. Principal author of this EIA	Colin MacDonald	Environment, Housing and Leisure
5. Others involved in writing this EIA <i>EIAs should not be completed by a sole author. Think about key stakeholders and others who can support the process and bring different ideas and perspectives to the discussion.</i>	John Cram	Environment, Housing and Leisure

6. What is the purpose of your proposal, who should it benefit and what outcomes should be achieved?

The North Tyneside Transport Strategy was first adopted by Cabinet in May 2017. The Strategy explains our transport vision and is used to: shape our future decisions, influence sub-regional, regional and national issues, support future funding bids for transport-related projects or initiatives and support the implementation of the North Tyneside Local Plan.

The outcomes to be achieved are reflected in the Transport Strategy’s five principles, which are (in the refreshed 2021 version): reduce carbon emissions from transport; improve health outcomes; support inclusive economic growth; improve connectivity; and manage demand and enable smart choices for all. The Transport Strategy seeks to benefit all users of the transport networks in the borough.

The Transport Strategy is the overarching strategy for the Authority, which refers to subject-specific policies and strategies within it. Equality Impact Assessments will be undertaken as appropriate as those subject-specific documents are brought forward. An Annual Report on the Transport Strategy is presented to Cabinet, usually in June, to update on progress against the five principles above.

The Transport Strategy has now been refreshed, for consideration by Cabinet on 18 October 2021. As such, this is a new EIA which has been prepared in respect of the revised Strategy.

7. Does this proposal contribute to the achievement of the Authority’s public sector equality duty? Will your proposal:

Write your answers in the table

Aim	Answer: Yes, No, or N/A	If yes, how?
Eliminate unlawful discrimination, victimisation and harassment	No	
Advance equality of opportunity between people who share a protected characteristic and those who do not	Yes	Elements of the Strategy will contribute to advancing equality of opportunity between people with a disability and those who do not have a disability, e.g. the provision of signalised crossing facilities as part of transport projects.
Foster good relations between people who share a protected characteristic and those who do not	No	

Evidence Gathering and Engagement

8. What evidence has been used for this assessment?

In carrying out the refresh of the Transport Strategy we have used evidence from a range of sources, including national statistics and regional and local data, details of which are set out in the Transport Strategy Annual Report which is presented to Cabinet each year, usually in June. We have also used evidence from various forms of ongoing engagement activities as described in section 9.b.

9.a Have you carried out any engagement in relation to this proposal?

	√
Yes - please complete 9b	✓
No	

9.b Engagement activity undertaken	With	When
In carrying out the refresh of the Transport Strategy we have taken into consideration engagement such as: the views of residents expressed in successive Residents' Surveys; feedback received from enquiries made to the Authority, including social media, and enquiries made by Ward Councillors; consultation responses made during the development of the North East Transport Plan; the Our North Tyneside Plan; views expressed at the North Tyneside Transport Forum; and views of the Young Mayor, the Member of the Youth Parliament and Youth Councillors.	See box to left	On an ongoing basis

Page 155

9. Is there any information you don't have?

	√	Please explain why this information is not currently available
Yes - please list in section A of the action plan at Q13		
No	✓	

Analysis by protected characteristic

	A	B	C
11. Protected characteristic	Does this proposal and how it will be implemented have the <u>potential</u> to impact on people with this characteristic? (Answer – Yes or No)	If ‘Yes’ would the <u>potential</u> impact be positive or negative? (Answer – positive or negative)	Please describe the <u>potential</u> impact and the evidence (including that given in Q8 and 9) you have used
All Characteristics	No		
Sex – male or female	Yes	Positive	The Transport Strategy aims to ensure that it has a positive impact on this characteristic in the actions that will stem from the five principles, particularly relating to safety, health and well-being; improving connectivity; and enabling smart choices. The Transport Strategy identifies a number of specific policies and strategies which will support its aims: each of these will be Equality Impact Assessed.
Pregnancy and maternity – largely relates to employment, but also to some aspects of service delivery e.g. for breastfeeding women	No		

Age – people of different ages, including young and old	Yes	Positive	The Transport Strategy aims to ensure that it has a positive impact on this characteristic in the actions that will stem from the five principles, particularly relating to safety, health and well-being; improving connectivity; and enabling smart choices. The Transport Strategy identifies a number of specific policies and strategies which will support its aims: each of these will be Equality Impact Assessed
Disability – including those with visual, audio (BSL speakers and hard of hearing), mobility, physical, mental health issues, learning, multiple and unseen disabilities	Yes	Positive	The Transport Strategy aims to ensure that it has a positive impact on this characteristic in the actions that will stem from the five principles, particularly relating to safety, health and well-being; improving connectivity; and enabling smart choices. The Transport Strategy identifies a number of specific policies and strategies which will support its aims: each of these will be Equality Impact Assessed
Gender reassignment - includes trans, non-binary and those people who do not identify with or reject gender labels	No		
Race – includes a person’s nationality, colour, language, culture and geographic origin	No		
Religion or belief – includes those with no religion or belief	No		
Sexual orientation – includes gay, lesbian, bisexual and straight people	No		

Marriage and civil partnership status - not single, co-habiting, widowed or divorced– only relates to eliminating unlawful discrimination in employment	No		
Intersectionality - will have an impact due to a combination of two or more of these characteristics	No		

If you have answered **'Yes'** anywhere in column A please complete the rest of the form, ensuring that all identified negative impacts are addressed in either Q12 'negative impacts that cannot be removed' or Q13 'Action Plan' below

If you have answered **'No'** in all rows in column A please provide the rationale and evidence in the all characteristics box in column C and go to Q14 'Outcome of EIA'.

12.a Can any of the negative impacts identified in Q11 not be removed or reduced?

Yes - please list them in the table below and explain why	
No	✓

12.b Potential negative impact	What alternative options, if any, were considered?	Explanation of why the impact cannot be removed or reduced or the alternative option pursued.
-	-	-

Action Planning (you do not need to complete the grey cells within the plan)

13. Action Plan	Impact: (Answer remove or reduce)	Responsible officer (Name and service)	Target completion date
Section A: Actions to gather evidence or information to improve NTC's understanding of the potential impacts on people with protected characteristics and how best to respond to them (please explain below)		John Cram, Environment, Housing and Leisure	June 2022
Evidence and information is gathered as part of the preparation of the Transport Strategy Annual Report. This will also inform the monitoring and review of the implementation of the Transport Strategy.			
Section B: Actions already in place to remove or reduce potential negative impacts (please explain below)	-	-	
Not applicable			
Section C: Actions that will be taken to remove or reduce potential negative impacts (please explain below)	-	-	-
Not applicable			
Section D: Actions that will be taken to make the most of any potential positive impact (please explain below)		John Cram, Environment, Housing and Leisure	Ongoing
Evidence and information which is gathered as part of the preparation of the Transport Strategy Annual Report can be used to identify opportunities to make the most of any potential positive impact as part of the development of transport plans and programmes.			

Section E: Actions that will be taken to monitor the equality impact of this proposal once it is implemented (please explain below)		John Cram, Environment, Housing and Leisure	May 2022
Monitoring of the equality impact of the Transport Strategy will be carried out as part of the preparation of the Transport Strategy Annual Report, which involves the gathering and analysis of relevant data and applying this to the future development of transport plans and programmes.			
Section F: Review of EIA to be completed		John Cram, Environment, Housing and Leisure	Sep 2025

14. Outcome of EIA

Based on the conclusions from this assessment:

Outcome of EIA	Tick relevant box	Please explain and evidence why you have reached this conclusion:
The proposal is robust, no major change is required.	✓	Identified potential impacts are positive
Continue but with amendments		
Not to be pursued		

Now send this document to the [Corporate Equality Group member for your service](#) for clearance.

Quality assurance and approval

Questions 15-18 are only for completion by the Corporate Equality Group Member for your service

15. Do you agree or disagree with this assessment?	Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>
16. If disagree, please explain:				
17. Name of Corporate Equality Group Member:	Melissa Nilson, <i>in David Cunningham's absence</i>			
18. Date:	17.09.2021			

Conclusion:

- If the assessment is agreed, please send the document to the Head of Service for sign off.
- If you disagree return to author for reconsideration.

Page 161

Questions 19-22 are only for completion by the Head of Service

19. Do you agree or disagree with this assessment?	Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>
20. If disagree, please explain:				
21. Head of Service:	John Sparkes, Director of Regeneration and Economic Development			
22. Date:	23 September 2021			

Please return the document to the Author and Corporate Equality Group Member.

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North Tyneside Council Report to Cabinet Date: 18 October 2021

Title: Procurement Plan 2021/2022

Portfolio(s): Finance and Resources	Cabinet Member(s): Councillor Martin Rankin
Report from Service Area: Commissioning and Asset Management	
Responsible Officer:	Mark Longstaff, Director of Commissioning and Asset Management Tel: (0191) 6438089
Wards affected:	All wards

PART 1

1.1 Executive Summary:

The Authority undertakes a wide variety of duties and delivers a vast range of services to the people of North Tyneside via third parties. In turn this means that the Authority continues to spend a significant proportion of its budget on goods and services.

A report was approved by Cabinet in April 2021 which detailed procurements that will individually exceed £500,000. This report concerns additional procurements not mentioned in that report. This report seeks approval to proceed with relevant procurement exercises throughout the financial year and award contracts in accordance with UK public procurement legislation to the most advantageous tenders. This will ensure contracts are procured efficiently and ensure value for money is achieved.

1.2 Recommendation(s):

It is recommended that Cabinet:

- 1) approve the procurement of the goods and services as detailed in appendix 1 of this report;
- 2) delegate authority to the relevant Director in consultation with the relevant Cabinet Member, Director of Resources and Director of Law and Governance to commence the procurements identified and award contracts to those bidders who submit the most advantageous tenders in accordance with UK public procurement legislation.

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 20 August 2021.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2021-2025 Our North Tyneside Plan:

- 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
- We will review how the council purchases and contracts for goods and services to maximise value for money, social value and environmental sustainability.
- We will work with the care provision sector to improve the health and well-being working conditions of our care homes.

1.5 Information:

The Authority continues to spend a considerable sum on third party goods and services. The Authority's Constitution requires that prior to commencing any procurement exercise which exceeds £500,000 Cabinet approval must be obtained. Previously, individual reports were presented for Cabinet approval for each procurement exercise; once the budget is approved by Council supplies which are required from third-party are known and can be planned in advance. The procurement exercises which will commence in the financial year 2021/2022 have been identified and are set out at appendix 1, the contract start date may be in the subsequent year due to the procurement lead in time. This approach will ensure timely procurements whilst continuing to maintain value for money.

Cabinet approved the initial procurement plan in April 2021, this report seeks to approve subsequent procurements which were not known at that time.

1.5.1 Procurement Process

The Authority adopted its Procurement Strategy in 2017, this will be refreshed and presented to Cabinet at a later date for adoption. Utilising the social value principles within the Procurement Strategy, the Authority will gain commitments of local employment and apprenticeships whenever applicable. The social value principles will be updated following full Council's approval of the Council Plan. This will contribute to the economic recovery of North Tyneside in the wake of the Covid crisis. The Authority's tendering process will be streamlined, and better information will be provided to the market. Where appropriate, lower value tenders will be issued. This will give Small and Medium Enterprises (SME's) the chance to work with the Authority, enabling and encouraging smaller businesses to bid for tenders. Working with the Business Forum and the North East Procurement Organisation (NEPO), bespoke workshops will be developed to support SME's. The principles set out in the Authority's Responsible Procurement Charter will be embedded in the tender requirements.

The relevant service area will develop tender packages and robust specifications to ensure that the Authority is protected in terms of financial and commercial risk. The duration of the contract will be considered to help shape new and emerging markets; lessons learned from any previous contracts will be considered when developing the tender package. Relevant existing frameworks will be explored if appropriate to the contract. Collaborative regional working will be explored if appropriate to the contract. The contract award criteria will be developed considering social value as appropriate. Packages will be developed to support the economy in the recovery of Covid-19.

1.5.2 Consultation

Consultation with the relevant Cabinet Members prior to commencing a procurement is key, this will ensure that the Council Priorities are achieved through our contracting arrangements. Our finance team will be engaged to identify any budgetary risks associated with the delivery of the service and any potential mitigations. The Authority's legal team will review the terms and conditions for each procurement to ensure the Authority mitigates any commercial risk. Consultation and engagement with the market and any relevant associations will take place to ensure that the offer to the market is attractive and that a market exists to deliver the goods and services.

1.5.3 Award of contracts

An evaluation team consisting of subject matter experts and the procurement team will evaluate each bid received against the published award criteria and in accordance with UK public procurement legislation. Prior to award of any contract the evaluation result will be provided to the Director of Service to approve the award together with financial assurance that the contract value will remain within existing budgets.

1.6 **Decision options:**

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet may approve the recommendations set out in paragraph 1.2 to carry out the necessary procurement exercises during the 2021/2022 financial year.

Option 2

Cabinet may not approve the recommendations and continue to consider individual reports for each package of works and/or services. This may delay implementation of essential services and works being carried out.

Option 1 is the recommended option.

1.7 **Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The Authority has a duty to obtain value for money. Tendering the opportunities identified in the report will meet the priorities contained within the Procurement Strategy and Our North Tyneside Plan.

1.8 **Appendices:**

Appendix 1: Procurement Plan 2021/2022

1.9 **Contact officers:**

Mark Longstaff– Director of Commissioning and Asset Management. Tel 0191 6438089
Sarah Heslop – Strategic Commercial and Procurement Manager. Tel 0191 6435456
David Dunford – Acting Senior Finance Business Partner. Tel 0191 6437027

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:

[Report to Cabinet 6 April 2021.](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The procurement of suppliers and contractors to complement the Authority's delivery needs is a critical part of the process to enable the successful delivery of key services.

The budgets to pay for the costs of suppliers of goods and services are provided for either via the Housing Revenue Account Business Plan, the General Fund or the Capital Investment Plan.

2.2 Legal

The procurements will be carried out in compliance with the Authority's Contract Standing Orders and Public Procurement Regulations 2015 and all other procurement legislation that may be enacted or in force from time to time.

Where appropriate, and in accordance with the Openness of Local Government Bodies Regulations 2014, delegated decisions taken by the relevant Director to award contracts to those bidders who submit the most advantageous tenders under the specific delegation given to them by Cabinet will be duly recorded in accordance with Regulation 7 of the Regulations.

2.3 Consultation/community engagement

Consultation has been carried out with Cabinet Members. Consultation will take place with relevant business associations regarding the tender opportunities.

Where appropriate market engagement events will be undertaken prior to the tender process commencing.

2.4 Human rights

There are no human rights issues directly arising from this report

2.5 Equalities and diversity

Equality and diversity issues will be assessed when developing the individual service specifications. The social value policy will be updated in January, the new Our North Tyneside priorities will be included and this will monitor the impact of reducing inequalities. Public Sector Equality Duties will also be adhered to when drafting specifications and awarding contracts

2.6 Risk management

Any risk management issues are included within the Authority's risk register and will be managed by this process.

2.7 Crime and disorder

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

2.8 Environment and sustainability

Where appropriate tenderers will be obliged to commit to social value outcomes including carbon reduction and recycling to assist with the climate emergency declaration.

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X

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Title	Contract Description	Service Area	Contract Start Date
Decarbonisation and energy efficiencies	Contract(s) to support the Authority deliver energy efficiencies	Environment, Housing and Leisure	01/12/2021
NEPO232 Electric Vehicle Charging Infrastructure	contract(s) to install electric charging infrastructure within the borough	Environment, Housing and Leisure	01/04/2022
Procurement of Home Energy Efficiency Partner	Contract(s) for a delivery partner to support home energy efficiency measures (e.g. solar panels)	Environment, Housing and Leisure	01/04/2022
Advocacy Support	Contract(s) for advocates to support children make informed decisions	Commissioning and Asset Management	01/04/2022
Childrens Community Framework	Contract(s) for day services within the community to support children with learning disabilities and mental health issues	Commissioning and Asset Management	01/04/2022
Adults Forensic Services Framework	Contract(s) for treatment, rehabilitation and aftercare for people who are mentally unwell	Commissioning and Asset Management	01/04/2022
Adult Learning Disability and Mental Health Community Framework	Contract(s) for day services within the community to support adults with learning disabilities and mental health issues	Commissioning and Asset Management	01/05/2022
NEPO6050 Independent Fostering Services	Contract(s) to support childrens adoption services	Children and Adult Services	01/04/2022
Short breaks framework	Contract(s) to provide respite/short breaks for children with disabilities and additional needs	Children and Adult Services	01/04/2022
Domestic Abuse Service	Contract(s) to support victims of domestic	Children and Adult Services	01/04/2022
Assistive technology	Contract(s) for assistive technologies to assist	Children and Adult Services	01/01/2023
ICT network connectivity	Contract(s) to provide connectivity to public buildings	Resources	01/01/2023

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