



North Tyneside Council

Overview, Scrutiny & Policy Development Committee

Tuesday, 29 June 2021

Wednesday, 7 July 2021 Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 6.00 pm.**

Agenda Item	Page
1. Appointment of Substitute Members	
To receive a report on the appointment of Substitute Members	
2. Declarations of Interest and Dispensations	
You are invited to declare any registerable and/or non registerable interests in matters appearing on the agenda, and the nature of that interest.	
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.	
Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
3. Minutes	5 - 8
To confirm the minutes of the meeting held on 14 June 2021.	
4. Gambling Act 2005 Draft Statement of Licensing Policy (Gambling)	9 - 80
To consider a report on the draft Statement of Licensing Policy (Gambling).	

Members of the public are welcome to attend this meeting and receive information about it. However, in order to enable the meeting to be held in a Covid-secure manner, places for members of the public are limited. Please email democraticsupport@northtyneside.gov.uk or call 0191 643 5318 if you wish to attend or require further information.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

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<p>5. Council Plan Refresh</p> <p>To consider Cabinet's initial proposed wording for the refreshed Our North Tyneside Plan</p>	81 - 86
<p>6. Efficiency Savings Programme 2020/21 Quarter 4: Progress Report</p> <p>To receive a report to update Overview, Scrutiny & Policy Development Committee on the full year outturn of key 2020/21 projects and business cases within the overall Efficiency Savings Programme.</p>	87 - 108
<p>7. Review of Parking Strategy</p> <p>To receive an update report on parking services in North Tyneside and proposals to review the operation of the North Tyneside Parking Strategy.</p>	To Follow
<p>8. Technical Services Partnership - Capita Performance Update</p> <p>To receive a update report to the performance of the Capita-Technical Services Partnership.</p>	To Follow

Circulation overleaf ...

Members of the Overview, Scrutiny & Policy Development Committee

Councillor Jim Allan (Deputy Chair)
Councillor Brian Burdis
Councillor Julie Cruddas
Councillor Janet Hunter (Chair)
Councillor Andy Newman
Councillor Erin Parker-Leonard
Councillor Willie Samuel
Councillor Matt Wilson

Councillor Mrs Linda Arkley
Councillor Debbie Cox
Councillor Muriel Green
Councillor Joe Kirwin
Councillor Pat Oliver
Councillor Matthew Thirlaway
Councillor Judith Wallace

Mrs Michelle Ord, Parent Governor Representative
Mr Stephen Fallon, Church Representative
Rev Michael Vine, Church Representative

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Overview, Scrutiny & Policy Development Committee

Monday, 14 June 2021

Present: Councillor Janet Hunter (Chair)
Councillors J Allan, L Arkley, B Burdis, D Cox, J Cruddas,
M Green, J Kirwin, A Newman, P Oliver, E Parker-
Leonard, M Thirlaway, W Samuel, M Wilson and S Fallon

In attendance: Councillors C Johnson

Apologies: Councillors J Wallace and Rev M Vine

OV1/21 Appointment of Substitute Members

There were no substitute Members

OV2/21 Declarations of Interest and Dispensations

There were no Declarations of Interest.

OV3/21 Minutes

Resolved that the minute of the meeting held on 15 March 2021 be confirmed.

OV4/21 Covid Recovery Update

The Committee received a Covid Recovery update presentation delivered by the Customer Service and Digital Strategy Manager, Senior Manager Technical & Regulatory Services and Senior Manager Public Health.

The recovery programme started in June – September 2020, progressing through to the transition phase in October 2020 – March 2021 and April – July 2021 to focus on further recovery to come back better.

The Committee was informed of the recovery programme objectives from the Local, Regional and National perspective.

At the start of the programme there were 33 workstreams objectives that had been identified to be delivered, which 27 had been delivered, leaving 6 workstreams where activity was continuing.

The recovery when assessed at the end of phase 2 was rated Green/Amber, where all remaining workstreams could proceed to the next phase, with actions in place to mitigate risks identified. It was stated that the majority of services were now open with staff working either in council locations or from their homes following national guidance.

The Authority follows 4 tests in its progress tracking of the Government's road map. Tests 1-

3 for vaccine deployment, effectiveness and infection rates were very strong and graded Green. With regards to test 4 - risks of the new variants of concern was graded Amber. It was stated the Authority would follow data and not dates in its progress in recovery.

The Committee was informed of the planning assumptions at the Phase 3 stage which began in April 2021, which provided detail to what was required for the recovery. The presentation also provided information to what had been delivered through the recovery programme workstreams.

Information to the Variant of Concern response plan was provided for the Delta variant, which included

- Mobile testing units
- Door-knocking in targeted areas
- Enhanced contact tracing
- Focus on supporting self-isolation
- Increased vaccination through pharmacies and use of a vaccination van.

A Member questioned the progress and spend of the Business Restriction Support Grants since COVID-19 restrictions came into force. In response officers indicated that further information would be provided to the member directly.

A Member questioned the reporting of the impact of different Covid-19 variants where reference was made to a newly published Lancet research report.

In response the Senior Manager Public Health stated the information provided was based on hospital admissions locally and regionally, where the data had suggested that Delta variant cases are not yet translated into significant hospital admissions.

Reassurance was given that all research was continually being reviewed by Public Health England to ensure the most appropriate response.

The Member also raised, and confirmation was provided that the 2nd dose vaccination was available and accessible through pharmacy clinics.

Agreed that (1) the Covid recovery Update be noted; and (2) further information in relation to Business Restriction Support Grants be provided.

OV5/21 Engie sub-group Report

The Committee received a report that provided the findings of the Engie Sub-group, which had carried out an in-depth review of the Authority's partner Engie on behalf of the Overview, Scrutiny & Policy Development Committee.

Members of the sub-group were in attendance and presented the report to the Committee.

The report detailed the work that the sub-group had undertaken, which it proposed 3 recommendations to be referred to Cabinet for consideration.

A Member questioned the timeline it took the sub-group to undertake its work. In response it

was stated that work commenced in late 2019, where all non-Executive Members were invited to be part of the review. The established sub-group then held meetings with officers that took place in early 2020, however, due to the outbreak of the covid-19 pandemic work ceased.

In December 2020, work resumed, the sub-group met on 10 occasions, where it received information from senior officers of the Authority and its Engie Partner. The review was concluded in March 2020, with the findings being presented at the first opportunity at the meeting.

Agreed that (1) the Engie sub-group report be approved; and (2) the Engie Sub-group report be referred to Cabinet 28 June 2021 for its consideration.

OV6/21 Cabinets Response to Children. Educations and Skills - Children's Readiness for School Scrutiny Sub-Group

The Committee received the response report from Cabinet to the recommendations submitted by the sub-group of the Children, Education and Skills Sub-committee to its review into Children's Readiness for School.

Appended to the report were the actions to be taken with associated timescale for the completion of each of the recommendations

Agreed that the recommendation response from Cabinet in relation to the work of the sub-group of the Children, Education and Skills Sub-committee into Children's Readiness for School be noted.

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Meeting: Overview, Scrutiny and Policy Development Committee

Date: 7 July 2021

Title: Gambling Act 2005 Draft Statement of Licensing Policy (Gambling)

Author: Joanne Lee, Public Protection Manager

Tel: 0191 643 6901

Service: Environment, Housing and Leisure

Wards affected: All

1. Purpose of Report

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

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

2. Recommendations

The Committee is asked to consider the draft Statement of Licensing Policy (Gambling), and if necessary, make recommendations and observations to Councillor Carole Burdis, the Cabinet Member for Community Safety and Public Protection on the draft Policy and advise if a report is to be brought to a future Committee at the conclusion of the consultation exercise

3. Details

On 28 June 2021 Cabinet received a report from the Head of Housing, Environment and Leisure in relation to the draft Statement of Licensing Policy (Gambling) that must be published by the Authority as a Licensing Authority under Section 349 of the Gambling Act 2005 and be in force by the 31 January 2022. The revised Policy will replace the existing Policy that came into force on the 31 January 2019.

The draft Policy statement is subject to a 6 week period of consultation commencing on 5 July 2021 and ending on 15 August 2021. The 6 week period of consultation is considered appropriate for a document that forms part of the Authority’s policy

framework. Members of the public, members of the trade, all North Tyneside MPs, Councillors and Heads of Service will have an opportunity of commenting on the draft Policy statement.

As the Statement of Licensing Policy (Gambling) forms part of the Authority's Policy Framework the process set out in the Authority's Constitution for the preparation, consideration and approval of such plans must be followed. With that in mind, the initial proposals were presented to Cabinet on 28 June 2021. This Committee is now being presented with the initial proposals and final proposals will be presented to this Committee as required. Thereafter, the final proposals will be presented to Cabinet on 18 October 2021 together with any comments from this Committee and details of any consultation responses and then full Council on the 25 November 2021.

Appendices:

Appendix 1 – Report to Cabinet 28 June 2021

Appendix 2 – Draft Statement of Licensing Policy (Gambling)

4. Background Information

The following documents have been used in the compilation of this report and may be inspected at the offices of the author.

- Report to Cabinet – 28 June 2021
- Minutes of Cabinet – 28 June 2021
- Gambling Act 2005
<https://www.legislation.gov.uk/ukpga/2005/19/contents>
- Gambling Commission's Guidance issued under section 25 of the Gambling Act 2005
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>
- The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006
<http://www.legislation.gov.uk/uksi/2006/636/contents/made>
- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)
<https://www.legislation.gov.uk/uksi/2000/2853/contents/made>

North Tyneside Council

Report to Cabinet

Date: 28 June 2021

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

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

PART 1

1.1 Executive Summary:

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

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

1.2 Recommendation:

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

1.3 Forward Plan:

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

1.4 Council Plan and policy framework:

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

Our Places will:

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

Our People will:

- be healthy and well

Our Economy will

- Grow by supporting new businesses and building on our strengths

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

1.5 Information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) an introductory section that should include:-

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

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

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

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

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

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

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

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

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

1.6 Decision Options:

The following decision options are available for consideration by Cabinet:

Option 1

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

Option 2

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

Option 1 is the recommended option.

1.7 Reasons for Recommended option:

Option 1 is recommended for the following reasons:

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

1.8 Appendices:

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

1.9 Contact Officers:

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

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

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

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

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

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

1.10 Background Information:

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

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

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

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

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

2.2 Legal:

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

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

2.3 Consultation/Community Engagement:

2.3.1 Internal Consultation

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

Cabinet – 28 June 2021 – Presentation of initial proposals

Overview, Scrutiny and Policy Development Committee – 19 July 2021– Presentation of initial proposals

Overview, Scrutiny and Policy Development Committee – 6 September 2021– Presentation of initial proposals

Cabinet – 18 October 2021 – Presentation of final proposals

Council – 25 November 2021 – Presentation of final proposals

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

2.3.2 External Consultation

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

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

2.4 Human Rights:

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

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

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

2.5 Equalities and Diversity:

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

2.6 Risk Management:

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

2.7 Crime and Disorder:

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

2.8 Environment and Sustainability:

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

PART 3 – SIGN OFF

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

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

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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.

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

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

Liquor.licensing@northtyneside.gov.uk

Part A General

Section 1 Introduction

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

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

- Spread betting

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

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

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

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

1.6 Consultation took place between 5 July 2021 and 15 August 2021 thus allowing 6 weeks for responding to the consultation.

1.7 The full list of comments made and the consideration by the Authority of those comments is available by request to: Licensing, The Killingworth Site, Harvey Combe, Killingworth, Newcastle upon Tyne, NE12 6UB, or via the Authority's website at: www.northtyneside.gov.uk

1.8 Publication of the policy is advertised on the Authority's website, local newspapers as well as by way of Notices at Customer First Centres.

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

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

Name: Joanne Lee

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

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

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

1.10 Declaration

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

Section 2 The Statement of Licensing Policy (Gambling)

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

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

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

2.2 In dealing with the grant, renewal, variation, transfer, revocation, reinstatement and review of premises licences, and in considering whether to permit premises to be used for gambling under a Temporary Use Notice the Authority is required to aim to permit the use of premises for gambling in so far as the Authority thinks it is: -

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

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

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

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

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

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

Signs to look out for include:

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

Section 3 Local Risk Assessment

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

- 3.7 In addition to being required to undertake a Local Risk Assessment and to submit the same to the Authority when applying for a new Premises Licence, a Local Risk Assessment will also be required to be submitted to the Authority when:
- Applying for a variation of a Premises Licence
 - There have been significant changes in local circumstances. A 'significant change' may include (but is not limited to):
 - An educational establishment at which persons under 18 years of age attend being established within 200 metres of the premises
 - An establishment at which persons addicted to gambling, vulnerable adults or children are known to be regularly in attendance is established within 200 metres of the premises
 - There is a particular risk identified to premises offering gambling facilities in the location of the premises
 - The Authority receives information that in the view of the Authority amounts to a significant change in local circumstances. Such information will be shared with the Licence Holder by the Authority as soon as reasonably practicable.
 - There have been significant changes at the premises that may affect the mitigation of local risks.
- 3.8 A Licence Holder will be required to undertake a review of its Local Risk Assessment at least every 3 years. A copy of the revised Local Risk Assessment will be made available to the Authority on completion of the review.
- 3.9 When the Authority officers undertake an inspection of premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is therefore a requirement that the Local risk Assessment, or a copy thereof, is kept at the Premises at all times.

Section 4 Responsible Authorities

4.1 Responsible Authorities

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

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

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

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

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

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

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

- 6.1 The principles that have been applied in determining whether a person is likely to be an “Interested Party” under section 158 of the Act in relation to a particular premises, and therefore entitled to make a relevant representation in relation to a Premises Licence application or to apply for a review of an existing licence include the matters set out in paragraphs 6.3 to 6.4 having regard to whether a person:
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
 - b) has business interests that might be affected by the authorised activities; or
 - c) represents persons who satisfy a) or b).

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

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

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

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

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

Persons with Business Interests that could be affected

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

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

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

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

6.5. People Representing Interested Parties

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

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

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

Representations

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

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

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

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

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

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

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

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

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

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

Section 8 Complaints against Licensed Premises

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

Section 9 Principles to be Applied in the Exchange of Information

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

Section 10 Administration, Exercise and Delegation of Functions

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

Section 11 Licensing Committee and Hearings

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

Hearings

11.2 A Sub-Committee consisting of three members of the Licensing Committee will be convened to hear every application where:

- a) an Interested Party or Responsible Authority has made representations about an application; or
- b) the Licensing Authority proposes to attach a condition to the licence under Section 169(1)(a); or
- c) the Licensing Authority proposes to exclude under Section 169(1)(b) a condition that would otherwise be attached to a licence under Section 168 of the Act.
- d) a review has been applied for by a Responsible Authority or Interested Party under Section 197 of the Gambling Act 2005 or a review has been initiated by the Licensing Authority under Section 200 Gambling Act 2005

11.3 See Part D for full list of matters to be dealt with by the Licensing Committee and Licensing Sub-Committees.

Section 12 Integrating Strategies and Avoiding Duplication

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

Section 13 Partnership Working

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

Section 14 Fees

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

Section 15 Equal Treatment

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

Section 16 Lotteries

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

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

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

Part B

Premises Licences

1. Types of Licences

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

- Operating Licence

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

- Personal Licence

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

- Premise Licence

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

2. General Principles – Premises Licences

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

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

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

3. Definitions

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

3.2 The Guidance to Licensing Authorities from the Gambling Commission states “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority.”

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

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

3.3 The Authority takes particular note of the Gambling Commission’s Guidance which states that: “Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling
- entrances to and exists from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling

area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

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

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

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

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

Adult Gaming Centre

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

Betting Shops

- Access must be from a 'street' or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

Tracks

- No customer should be able to access the premises directly from a Casino or an Adult Gaming Centre.

Bingo Premises

- No customer must be able to access the premises directly from a casino, Adult Gaming Centre or a betting premises, other than a track.

Family Entertainment Centre

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

4. **Location**

4.1 The Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Gambling Commission's Guidance to Licensing Authorities, the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Due regard will be given 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

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

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

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

Vulnerable Persons

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

“The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define ‘vulnerable persons’ but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.”

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

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

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

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

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

6. **Licence Conditions**

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

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

6.2 Any conditions attached to licences by the Authority will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

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

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

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

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

6.5 The Authority will also consider specific measures which may be required for buildings which are subject to multiple Premises Licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

6.5 The Authority will also ensure that where Category C or above machines are on offer in premises to which children are admitted:

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

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

6.7 The Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

6.8 Given the fact that the mandatory conditions have been set by the Secretary of State with the intention that no further regulation in relation to that matter is required it will be extremely unlikely that the Authority will need to impose conditions that would create a more restrictive regime in relation to matters already dealt with by the mandatory conditions. The Authority will however consider imposing such conditions where there are regulatory concerns of an exceptional nature.

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

7. **Adult Gaming Centres**

7.1 This Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover such issues as:

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

This list is not exhaustive.

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

8. **Licensed Family Entertainment Centres**

8.1 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

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

This list is not exhaustive.

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

9. **Casinos**

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

Or

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

10. **Credit**

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

11. **Bingo Premises**

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

12. **Betting Premises**

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

13. **Tracks**

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

This list is not exhaustive.

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

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

13.4 Appropriate licence conditions may be:

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

This list is not exhaustive.

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

14. **Travelling Fairs**

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

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

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

15. **Provisional Statements**

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

- 15.2 If a potential operator does not have a right to occupy premises but expects to acquire a right to occupy then an application for a provisional statement should be considered.
- 15.3 In terms of representations about a Premises Licence application, following the grant of a Provisional Statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless they concern matters which could not have been addressed at the time of the application for the Provisional Statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the Premises Licence (or grant it on terms or conditions not included in the Provisional Statement) only by reference to matters:
- a) which could not have been raised by objectors at the application for the provisional licence stage; or
 - b) which in the Authority's opinion reflect a change in the applicant's circumstances; or
 - c) where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and licensing authorities can discuss any concerns they have with the applicant before making a decision.
- 15.4 Section 210 of the Gambling Act 2005 makes it clear that the Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law

16. **Reviews**

- 16.1 Application for a review of a Premise Licence can be made by Interested Parties or Responsible Authorities. In addition the Authority itself may in certain circumstances decide to conduct a review. Where application for a review is made by an Interested Party or Responsible Authority it is for the Authority to decide whether the review is to be undertaken. This will be determined on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration being given as to whether the request is frivolous, vexatious or repetitious, or will certainly not cause the Authority to wish to take action of a kind open to it on completing a review, or are substantially the same as grounds specified in an earlier application for a review or in relation to the application for the relevant Premise Licence. In determining any request for a review application the Authority will determine the matter as far as the Authority thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives subject to the matters set out in the above two bullet points and
 - in accordance with the authority's statement of licensing policy subject to the matters set out in the above three bullet points
- 16.2 If the Authority intends to undertake a review of the Premises Licence notice of such review will be given in accordance with the Regulations.

- 16.3 Any Interested Party or Responsible Authority (other than the Authority) will need to state their reasons for seeking a review and produce supporting information or documents.
- 16.4 Once a valid application for a review has been received by the authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Authority, who will publish notice of the application within 7 days of receipt.
- 16.5 The Authority must carry out a review hearing as soon as possible after the 28 day period for making representations has passed.
- 16.6 It will be for the Authority to determine what action to take, if any, following a review hearing in accordance with Section 202 of the Act. The Authority may:
- Add, remove or amend a condition imposed by the Authority
 - Exclude a default condition or remove or amend an exclusion
 - Suspend the premises licence for up to three months
 - Revoke the premises licence
- 16.7 In determining what action if any, should be taken following a review, the Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 16.8 In particular, the Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative matter without intending to use them.
- 16.9 Once the review has been completed, the Authority must, as soon as possible, notify the decision to:
- The licence holder
 - The applicant for review (if any)
 - The Commission
 - Any person who made representations
 - The Chief Officer of Police or Chief Constable; and
 - Her Majesty's Revenue and Customs

17. **Appeals**

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

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

Part C

Permits/temporary and Occasional Use Notice

1. General Principles – Permits

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

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

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

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

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

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

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

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

3.2 The Authority can remove the automatic authorisation in respect of any particular premises by way of order if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act.
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

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

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

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

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

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

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

Club Gaming Permits

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

Club Machine Permits

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

Applications for Club Gaming Permits and Club Machine Permits

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

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

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

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

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

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

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

The Fast-Track Procedure

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

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

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

Cancellation of a Permit

5.19 The Authority may cancel the Permit if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part D

Contact and Applications

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

Licensing
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

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

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

Summary of Licensing Authority delegations permitted under the Gambling Act

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

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

X indicates the lowest level to which decisions can be delegated

Part E

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

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

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

(a) Family Entertainment Centre Gaming Machine Permit

The Authority will have regard to:

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

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

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

(b) Prize Gaming Permits

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

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

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

- The Authority in determining the application for a permit have a discretion as to whether or not to consider the licensing objectives. The Authority will determine whether or not to consider the licensing objectives on a case-by-case basis, but it is anticipated that the licensing objectives will be considered with most applications for a permit. The Authority will consider the Guidance issued by the Gambling Commission.
9. If an application does not contain all of the information as outlined in this Statement of Principles, the application will be returned requesting that the Application be re-submitted with the full information being provided.
 10. When a Authority rejects an application for the issue or renewal of a permit the applicant may appeal to North Tyneside Magistrates Court within 21 days of receiving notification of the decision not to grant the application for a permit.

APPENDIX ONE

Local Risk Assessment Template

Local Risk Assessment

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

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

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

Requirement to comply with requirement to undertake a local Risk Assessment

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

Social Responsibility Code Provision 10.1.1

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

Licensing Objectives

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

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

Local Area Profile

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

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

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

Risk Assessment

Risk Assessment	Licensing Objective	Level of Risk	Impact	Control System	Risk Management	Date of Assessment and Review Date
<i>e.g. children entering premises</i>	<i>PC</i>	<i>Low</i>	<i>Severe to child and severe for the business</i>	<i>Interior Design</i>	<i>Effective monitoring of entrance by "floor walking" staff. 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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Meeting: Overview, Scrutiny and Policy Development Committee

Date: 7 July 2021

Title: Council Plan Refresh

Author: Jackie Laughton

Tel: 0191 643 7075

Service: Corporate Strategy and Customer Service

Wards affected: All

1. Purpose of Report

This report seeks to make Overview, Scrutiny and Policy Development Committee aware of Cabinet's initial proposals for an updated Our North Tyneside Council Plan, following the mayoral election in May 2021. It asks the Committee to consider the wording of the proposed plan before giving its recommendations to the relevant Cabinet Member.

The Committee is also asked to establish a sub-group to provide comments to Cabinet on the final proposed changes to the Our North Tyneside Plan, following the public consultation and prior to Cabinet on 2 August 2021.

2. Recommendations

Overview, Scrutiny and Policy Development Committee is recommended to:

- 1). consider Cabinet's initial proposed wording for the refreshed Our North Tyneside Plan and make any recommendations to the relevant Cabinet Member.
- 2). establish a sub-group to provide comments to Cabinet on final proposed changes to the Our North Tyneside Plan prior to Cabinet meeting on 2 August 2021.

3. Details

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

3.1.2 Our North Tyneside Council Plan 2021-24 Proposals

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

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

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

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

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

A thriving North Tyneside

- We will regenerate the high streets of North Shields and Wallsend and will bring forward Master Plans for Wallsend and Whitley Bay town centres. We will also bring investment and improvements to the North West area of the borough and ensure that regeneration delivers ambition, opportunity and benefits for all of our residents
- We will bring more good quality jobs to North Tyneside – by helping local businesses to grow and making it attractive for new businesses to set up or relocate in the borough;
- We will invest in adult education and to support apprenticeships to make sure people have the right skills for the job;
- We will keep our libraries and leisure centres open as part of a vibrant cultural and leisure offering;
- We will continue to be the destination of choice for visitors through the promotion of North Tyneside’s award-winning parks, beaches, festivals and seasonal activities; and
- We will reduce the number of derelict properties across the borough.

A family-friendly North Tyneside

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

A caring North Tyneside

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

A secure North Tyneside

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

A green North Tyneside

- We will keep increasing the amount of waste that can be recycled and introduce food waste collections and deposit return schemes;

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

3.2.1 Engagement Approach

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

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

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

- Inclusive – making sure that everyone can engage in the process;
- Clear – being clear on the aims of the engagement activity at the outset and the extent to which residents and others can be involved;
- Integrated – ensuring that engagement activities are joined up with the relevant decision-making processes;
- Tailored – aiming to better understand our audience and using different methods appropriately to enable and encourage people to be involved;
- Feedback -giving feedback through agreed channels when engagement activity is completed; and
- Timely – aiming to give enough notice to make opportunities available to all and taking into account those times when it is more appropriate to engage depending on the target audience.

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

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

4. Background Information

The following documents have been used in the compilation of this report:

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

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Meeting: Overview, Scrutiny & Policy Development Committee

Date: Wednesday 7th July 2021

Title: Efficiency Savings Programme:
2020/21 Quarter 4: Progress Report

Author: Janice Gillespie

Tel: 0191 643 5701

Service: Resources

Wards affected: All

1. Purpose of Report

The purpose of this report is to update Overview, Scrutiny & Policy Development Committee on the full year outturn of key 2020/21 projects and business cases within the overall Efficiency Savings Programme.

2. Recommendations

The Committee is recommended to note the position of the projects, in terms of both project and savings delivery.

3. Summary

The overall savings requirement for the 2020/21 business cases agreed by Council in February 2020 was £3.622m. This was made up of £0.805m of business cases new to 2020/21, £1.346m for the impact of prior year business cases on 2020/21 and £1.471m of business cases within Health, Education, Care and Safeguarding that were previously achieved by management actions that require permanent delivery in 2020/21.

The delivery of some of the savings proposals in 2020/21 were significantly impacted by the Covid-19 pandemic especially within Health, Education, Care and Safeguarding and Commissioning & Asset Management. All savings were fully achieved, however, when the impact of Covid-19 is taken into account.

The Authority has implemented significant change to support delivery of its Efficiency Savings Programme and its six key priority outcomes:

- Ready for School
- Ready for Work and Life
- Cared for, Safeguarded and Healthy
- Great Place to Live, Work Visit
- Fit for Purpose Organisation
- Maximising Resources

As part of the 2020-2024 financial planning process, the Cabinet and Council agreed an Efficiency Plan which set out a series of projects which would deliver required savings whilst delivering priority outcomes. These projects form the basis of this report.

The financial position at the end of the year is set out in the table below. All projected savings were fully achieved, given the impact of Covid-19 pandemic.

Service	2020/21 Target	Delivery	In Year Management Actions	Impacted By Covid (grant funded)
	£m	£m	£m	£m
HECS	3.069	1.283	0.470	1.316
Commissioning & Asset Management	0.249	0.167	0.000	0.082
Environment Housing & Leisure	0.360	0.360	0.000	0.000
Central Items	(0.056)	(0.056)	0.000	0.000
TOTAL	3.622	1.754	0.470	1.398

- £1.754m has been delivered against the overall target via project activities outlined in associated business cases;
- A further £0.470m was achieved as the direct result of management actions during the course of the financial year;
- £1.398m of the overall target was met as a result of Covid-19 grant funding.

4. Background Information

The following documents have been used in the compilation of this report:

- Efficiency Savings Programme 2020/21 Update Report: Quarter 4 (attached)

Efficiency Savings Programme

2020/21
Quarter 4 Report



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Executive Summary

This is the 2020/21 Quarter 4 Progress Report summarising the delivery status of the Efficiency Savings Programme for the full year to 31 March 2021.

The overall savings requirement for the 2020/21 business cases agreed by Council in February 2020 is £3.622m. This is made up of £0.805m of business cases new to 2020/21, £1.346m for the impact of prior years' on 2020/21 and £1.471m of business cases within Health, Education, Care and Safeguarding that were previously achieved by management actions that require permanent delivery in 2020/21.

The delivery of some of the savings proposals in 2020/21 were significantly impacted by the Covid-19 pandemic especially within Health, Education, Care and Safeguarding and Commissioning & Asset Management. All savings were fully achieved, however, when the impact of Covid-19 is taken into account.

This report shows the outcome of both the project work and the realisation of associated savings, broken down by the six key outcomes: Ready for School; Ready for Work and Life; Cared for, Safeguarded & Healthy; Great Place to Live, Work and Visit; Fit for Purpose Organisation; and Managing Resources.

The Q4 financial position at the end of the year is set out in the table below. All projected savings were fully achieved, given the impact of Covid-19 pandemic.

Service	2020/21 Target	Delivery	In Year Management Actions	Impacted By Covid (grant funded)
	£m	£m	£m	£m
HECS	3.069	1.283	0.470	1.316
Commissioning & Asset Management	0.249	0.167	0.000	0.082
Environment Housing & Leisure	0.360	0.360	0.000	0.000
Central Items	(0.056)	(0.056)	0.000	0.000
TOTAL	3.622	1.754	0.470	1.398

- £1.754m has been delivered against the overall target via project activities outlined in associated business cases;
- A further £0.470m was achieved as the direct result of management actions during the course of the financial year;
- £1.398m of the overall target was met as a result of Covid-19 grant funding.

As part of the Council's programme management arrangements, all business cases and projects within the Efficiency Savings Programme are monitored on a regular basis. Each project is given a RAG rating for project delivery and savings delivery. The definitions and numbers of projects falling into those categories are shown in the table below.

Work Delivery			Savings Delivery			£m
Blue	All milestones complete	14	Blue	Full saving realised	12	1.754
Green	All milestones are forecasted to be met within timescales; no concerns about delivery of future milestones	2	Blue	Saving achieved as a result of management actions	2	0.470
Amber	Some milestones delayed and/or minor concern about delivering some future milestones	4	Blue	Target achieved through Covid-19 grant income	9	1.398
Red	Milestones significantly delayed and/or major concern about delivering future milestones	3				
Total Savings Target						3.622

All savings delivery targets are shown at the year end as having been achieved, by one of the three means shown above.

For comparative purposes, in the previous quarters, the relevant financial RAG ratings were as follows:

Blue	Full saving realised and coded in the General Ledger
Green	Full saving forecasted to be realised but not yet coded in the General Ledger.
Amber	Projected shortfall in savings up to a value of £0.050m.
Red	Projected shortfall in savings in excess of £0.050m

Ready for School

Continue to Redesign 0-19 Services (2020/21 target: £0.153m)

Starting with ante-natal services this proposal aims to continue our work to target our services at need and to manage demand for more specialist services. Critical to delivery will be the Healthy Child Programme and the work to increase the richness and consistency of the Early Help offer. This approach links to Government Policy and best practice through concentrating on prevention and developing more schools to deliver Early Years, which, in turn, saves money and avoids cost.

Savings from Full Year Effect of 2019/20 Saving

(£0.265m)

Troubled Families Income ((£0.265m))

This proposal from 2019/20 represented a continuation of the effective redesign and delivery of 0-19 services that had previously included the introduction of locality teams in 2015 and their expansion in 2017, the establishment of a Ready for School Centre in 2018, and a partnership approach to helping turn around troubled families. In addition to the attachment fees and transformation grant linked to the national Troubled Families programme, there was an opportunity to secure additional “payment by results” income for the work done with children and families, when a series of success measures were met. North Tyneside’s programme achieved payment by results income for 100% of the families that it worked with and secured £0.265m of income linked to this. This was a one-off income proposal in 2019/20, separate to the core transformation grant that the Authority receives, and this represents the removal of the £0.265m in 2020/21.

Savings Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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The removal of the £0.265m of the prior year savings target was completed and coded into the base budget for 2020/21 and is therefore completed.

Work Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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The saving was fully achieved in 2019/20 and as planned has been removed in the 2020/21 base budget.

Savings carried forward from 2019/20

£0.065m

A. Early Help & Vulnerable Families (£0.065m)

A review will be carried out of the range of partnership services commissioned to deliver 0-19 services and seek opportunities to maximise their efficiency and ensure they are aligned to the overall delivery model in North Tyneside.

Savings Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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The full savings target of £0.065m has been achieved.

Work Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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Contracts have been reviewed and re-negotiated or ceased and, therefore, the savings are achieved.

B. Selling Capacity at Riverdale (£0.025m)

Savings Delivery Status

RAG (last period)	Amber	RAG (this period)	Complete
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The full saving target of £0.025m is met only through Covid-19 grant income, and not via the original intention of generating income from selling capacity, however, there is evidence that the use of this internal provision, as opposed to the use of externally commissioned care, is significantly more cost-effective and is, therefore, avoiding significantly increased costs.

Work Delivery Status

RAG (last period)	Amber	RAG (this period)	Amber
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The demand for and sufficiency of placements for children in care will continue to be closely monitored and managed. There has not been any internal capacity in 2020/21 as a result of caring for children in North Tyneside homes, including Riverdale. This is more cost-effective than commissioning external placements, where this is appropriate, but the position will continue to be closely monitored and, where there is internal capacity, this may be sold via regional commissioning arrangements.

C. Public Health (£0.328m)

Savings Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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The entire £0.328m has been achieved in 2020/21. The original milestone aimed for the saving to be coded in the General Ledger in April 2019 however, this was mitigated in 2019/20 and has now been realised in this financial year.

Work Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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This proposal was agreed as part of the 2018/19 budget and related to plans to renegotiate contracts relating to drug and alcohol, 0-19 service, sexual health, stop smoking, health checks, and health promotion within the Public Health service.

Ready for Work and Life

Delivering Whole System Support to Children with Additional Needs (2020/21 target: £0.228m)

Changes in legislation and national policy regarding children with Special Educational Needs and Disabilities (SEND) have placed significant additional demands on local authorities. These changes also place an additional emphasis on the role of “local areas” to meet the needs of children with additional needs, including the full range of partners involved.

Rising demand has created significant pressures for all local authorities and their partners and reinforced the need for a whole-system response. We will build resilience in the universal offer to prepare young people with additional needs for adult life by developing an integrated approach across education, health and care services.

Savings carried forward from 2019/20	£0.100m
Savings from Full Year Effect of 2019/20 Business Case	£0.100m

Children’s Health Funding (£0.200m)

As part of a wider strategy, this budget proposal is particularly concerned with ensuring needs are appropriately funded by the relevant agency, in line with statutory responsibilities and policy. The Service will ensure that there is a clear policy for funding decisions and a consistently applied process for ensuring funding is appropriate and that the source of funding is in line with the agreed policy. This will ensure that the Authority maximises the levels of Continuing Care funding received from the CCG where health needs have been clearly identified and are being met by packages of care commissioned by the Authority.

Savings Delivery Status

RAG (last period)	Amber	RAG (this period)	Complete
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£0.097m of the target has been achieved, and the remaining £0.103m has been funded through Covid-19 grants. still to be achieved. The proposal’s original target was for the saving to be reflected in the general ledger by the end of Quarter 1, however due to the Covid-19 pandemic this has not been achieved.

Work Delivery Status

RAG (last period)	Green	RAG (this period)	Green
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The Service has worked on ensuring there is a clear policy for funding decisions in place and a consistently applied process for ensuring funding is appropriate and the source of funding is in line with the agreed policy. This work will ensure the Authority can maximise the levels of Continuing Care funding it receives from the CCG or the wider NHS where health needs have been clearly identified and are being met by packages of care commissioned by the Authority.

School Improvement (£0.028m)

School Improvement currently make use of external School Development Partners to carry out specific school development projects. This proposal involves ceasing the contracting of external partners and the performing of the role using resources within the existing staffing establishment.

Savings Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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The entire £0.028m savings target has been achieved. The proposal's original target was for the saving to be reflected in the general ledger by the end of Quarter 1; whilst this target was not met, the saving has been fully coded in Quarter 2.

Work Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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The offer can be delivered by a skilled team of staff with differing backgrounds and who are able to offer a wide range of effective interventions. This work will see a universal offer for schools but also a more bespoke offer to individual schools depending on their needs and the needs of their communities.

Cared for, Safeguarded & Healthy

Responding to Rising Complex Needs (2020/21 target: £0.850m)

Whilst there will be a continuing clear focus on preventing health and social needs from occurring and escalating, the need for formal care and support will continue. Complexity of need is increasing and the cost of providing services is rising exponentially. From a public health perspective, the Service will continue to focus on the principal preventable causes of ill health – tobacco, obesity, alcohol misuse and poor mental health (including social isolation). The Service will seek to reduce costs by ensuring that the Authority secures the appropriate contributions from our partners in accordance with the legislative framework, balancing the need to mitigate against the rising costs of care whilst still ensuring that people are ‘cared for and safeguarded’. The Service will carry out a review of all current funding to voluntary organisations not currently on a commissioned framework. This will provide an opportunity to review the total spend holistically and ensure any work complements and is not duplicated by the work to create new community hubs. Over the past five years the number of people supported in extra care and independent supported living schemes has continued to rise in the Borough and we know that using this approach can delay and prevent the use of more costly residential care and that our residents prefer to be supported in their own homes. This journey will continue with increased provision of specialist housing in the Borough, which is affordable now and in the longer term.

Savings from Full Year Effect of 2018/19 Saving

£0.350m

A. Responding to Rising Complex Needs (£0.250m)

Savings Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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The entire savings target has been achieved. New processes and governance were implemented during 2018/19 that helped secure additional CHC and S117 funding in both 2018/19 and 2019/20 however, the Service are working to ensure that additional funding is still possible due to the impact of Covid-19.

During the initial Covid-19 period, CHC assessments were stayed. In addition, from 19 March to 31 August, where people needed a new or higher package of care to prevent admission to hospital or to facilitate a faster discharge, this was allocated to the Covid-19 funding and not from base budget. This cohort of people are known as being in scheme 1. Government issued a letter on 31 July 2020 indicating the requirement to resume CHC assessments from 1 September 2020. The detailed guidance around this was not issued until 21 August 2020. This guidance identified that people in scheme 1 needed to be assessed and transferred onto either social care or CHC funding streams as soon as practicable. This work has been completed and North Tyneside is the only regional local authority at this point to have completed the work.

People needing a new or higher package of care to prevent admission to hospital or to facilitate a faster discharge from 1 September 2020 would be classed as being in schedule 2 and these people would have their package allocated to Covid funding for up to 6 weeks. The Authority and the CCG have had to commit to fully assessing and agreeing ongoing funding within that 6-week window.

In addition to this work, consideration needs to be given to people who received Fast Track CHC funding that are still alive 12 weeks after that agreement who also need a full assessment as well as review of ongoing CHC and shared care cases and identifying people whose needs have deteriorated as part of the progression of the disease. Therefore whilst there are risks, the Service has a robust and clear plan in place that is starting to bear fruit and is confident to report the achieved status at the end of quarter 3, as there are currently 58 people from schemes 1 and 2 where full CHC funding has been agreed with the CCG.

Work Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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Significant work has been undertaken. The Service has identified 6 experienced staff to work as Champions. These staff, along with the case worker have a pre-meet with the Assistant Director to discuss each individual’s needs and to agree the narrative around the Authority’s position at the Multi-Disciplinary Team (MDT) in relation to where a person’s needs are more than incidental and ancillary to social care. Two other managers are supporting with this work. The Champion then represents the Authority at the MDT. This ensures that the Authority’s position is clearly articulated and hopefully helps to build a trusted relationship with the nurse assessors. There is early evidence that this is a successful strategy. The Service has had to pull this together at short notice and the hard work of the teams is noticeable and to be commended. The teams themselves are articulating the benefit of this way of work, although it is time consuming. In addition, amendments have been made to the documentation to succinctly evidence areas of need that sit outside the Care Act domains and therefore are ineligible for social care. This not only helps evidence the Authority’s position for the CCG, it helps ensure that the Authority remains Care Act compliant and does not exceed the remit of the Care Act. Work is now being extended to clients who’s care needs are funded jointly by the Authority and the CCG.

B. Disability and Mental Health (£0.100m)

Savings Delivery Status

RAG (last period)	Red	RAG (this period)	Complete
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The entire £0.100m savings target has been met through Covid-19 grants. The milestone set out in the proposal was for the saving to be recognised by year end.

Work Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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Both the Charlton Court and Bonchester sites were opened for clients in July 2019. This completes the work the Service set out to achieve this proposal.

C. Learning Disability (£0.500m)**Savings Delivery Status**

RAG (last period)	Red	RAG (this period)	Complete
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This is the continuation of a budget proposal agreed and implemented during 2018/19. This target relates to the development of in-house or Local Authority Trading Company delivery model for complex non-residential packages, plus on-going work re partnerships and governance, which was anticipated to deliver further savings by March 2021. At the end of the year, £0.235m of the target has been achieved through management mitigation actions, with the remaining £0.265m being met by Covid-19 grants.

Work Delivery Status

RAG (last period)	Red	RAG (this period)	Red
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Whilst an in-house trading company model has not been established, the Service has delivered this saving in previous years by achieving additional CCG income. A review of all current funding to voluntary organisations, not currently on a commissioned framework has taken place to provide an opportunity to review expenditure holistically and ensure the work complements and is not duplicated by the work on the community hubs.

A Focus on the Social Care Customer Experience (2020/21 target: £0.450m)

Health and Social Care is a complex set of systems often governed by distinct pieces of legislature and delivered by multiple services, even within a single organisation such as the Authority. In 2017 the Service reviewed the adult social care customer journey and ensured that our customers had a named worker, based in a local team, who would remain with that person throughout their social care journey. This has proved successful and is enabling better quality customer relationships to develop, as well reducing costly, duplicate processes from occurring. The Service aims to go further and whilst there are limited direct cost savings at this stage, it is clear that getting the right person to do the right thing correctly first time means that the Service is able to direct resources more effectively and mitigate against the increasing demand for good quality advice and information. This proposal will:

- *Continue with the highly successful case management modernisation programme, to ensure that social care payments and processing are accurate, clear and efficient; and,*
- *Make best use of the new 'My Care' portal in the initial screening and contact service gateway to support NHS and other wellbeing professional to self-serve or make online referrals; this will create more time for resident calls. The new community hubs will provide close, comfortable locations for customers to meet with social work teams and reduce the number of costly home-based visits workers current undertake.*

Savings from Full Year Effect of 2019/20 Saving	£0.225m
Savings carried forward from 2019/20	£0.225m

A. Social Care Customer Experience – Assistive Technology (£0.400m)

Savings Delivery Status

RAG (last period)	Red	RAG (this period)	Complete
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At the end of the year, £0.235m of the £0.400m savings target has been achieved through management mitigation actions, with the remaining £0.165m being met by Covid-19 grants. Whilst the strategy over recent years has been successful in reducing admissions to residential and nursing care, and supporting more people to live at home, the costs associated with home care have increased significantly. During 2017/18, officers worked to reduce the number of home care packages that involved two carers visiting a home, through an increased use of equipment, adaptation and technology. The Service plans to take this work further by investing in cutting-edge, modern technology which can help people do more for themselves, maintaining their independence and wellbeing. The associated financial benefit will be a reduction in the number of home care hours commissioned.

Work Delivery Status

RAG (last period)	Amber	RAG (this period)	Amber
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Digital Champions have been identified and a project plan has been established and implemented to cover both the operational and strategic working groups, and further work is underway to explore alternative options for achieving this saving permanently.

A Support Through Technology Strategy has been launched. This focuses on technology being at the heart of the assessment process. The use of devices to meet identified needs is being tested. Officers are looking at ways to work with volunteers through VODA to support with shopping activity, both actual and internet shopping. Officers are also working on a pilot to introduce virtual support to individuals through existing domiciliary care providers. The next step is to incorporate this into Liquid Logic in order to capture the use of technology and track all savings.

B. Social Care Customer Experience – Provider Payments (£0.050m)

Savings Delivery Status

RAG (last period)	Amber	RAG (this period)	Complete
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The whole of this savings target has been met through Covid-19 grants. The Service is exploring all options to ensure this saving is achieved on a permanent basis.

Work Delivery Status

RAG (last period)	Green	RAG (this period)	Green
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In 2018, HECS implemented a new case management system for children’s and adult social care. Alongside this a new payment system called ContrOcc was implemented. The Service continues the development of this system to ensure that all payments, invoices and charges are made via this system. Linked to this is an opportunity to streamline and reduce the amount of staff time currently involved in these processes.

Whilst some of the implementation plan has been completed, several aspects have been delayed due to Covid-19, in particular, the installation of the provider portal which will enable payments on actuals not commissioned services. The plan was to reduce the staffing establishment to meet this saving target.

The risk is if the staff complement is reduced prior to that there will not be enough staff to implement the changes required. This delay and pressure have occurred due to impact of Covid-19, as this work was put on hold while payments and uplifts to providers were processed as part of the Covid-19 response.

Leading Sector-Led Improvement (2020/21 target: £0.200m)

North Tyneside has developed a national reputation for the quality of its children’s services, including receiving Partners in Practice status from the Department for Education and the opportunity to deliver sector-led improvement (SLI) to other authorities in the country. This work will develop a long-term offer for SLI as well as exploring opportunities for North Tyneside to provide ad hoc and bespoke support to authorities that seek it. This will bring additional income.

Savings from Full Year Effect of 2019/20 Saving	£0.100m
Savings carried forward from 2019/20	£0.100m

Savings Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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The total income target is has been achieved via income from the Department for Education for delivery of the Partners in Practice programme.

Work Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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North Tyneside Council continues to work with a number of local authorities through the Partners in Practice programme to share advice, guidance and expertise, and provide practical improvement support. This has continued to be delivered through remote methods during the Covid-19 pandemic.

Delivering our Accommodation Strategy for Social Care (2020/21 target: £0.520m)

Early work on the Cabinet's Affordable Homes Programme has demonstrated the Authority's ability to deliver specialist housing which supports independent living and reduces costs. This proposal aims to continue to shape the Authority's housing growth plans to include specialist housing products and services for children and adults with additional needs, Looked After Children and older people. The Authority has had significant success with recent developments at Mitford Gardens and Elm House, which have also proved better value for money than external options, and the joint team with commissioning, housing and social care expertise that was created for this work will continue to explore opportunities to develop a range of other internal accommodation services in line with the strategy in order to save costs on existing pilot work to deliver at scale. Specifically, the accommodation strategy for children in care and care leavers is focused on keeping children and young people connected to their communities, maintaining relationships with families and support networks, and promoting independent living with specialist housing in the Borough, which is affordable now and in the longer term.

Savings from Full Year Effect of 2018/19 Saving	£0.260m
Savings carried forward from 2019/20	£0.260m

Keeping our Children in Care within the borough - 2019/20 (£0.520m)

Savings Delivery Status

RAG (last period)	Red	RAG (this period)	Complete
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Whilst there continues to be significant pressures on the budget for children in care, there is reduced expenditure compared with the last financial year, demonstrating the impact of some of the measures being taken to reduce cost. Processes to review 'high cost' placements are helping keep costs as low as possible whilst ensuring the safety of children in care, the impact of our Keeping Families Connected service evidences significant cost avoidance, and the Fostering Strategy is contributing to reduced spend on external foster placements as we increase the use of internal placements. Despite this progress, in the context of wider financial pressures relating to children in care placements, the full savings target has been met through Covid-19 grants.

Work Delivery Status

RAG (last period)	Red	RAG (this period)	Red
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The rate of children in care in North Tyneside remains the lowest in the region, with North Tyneside the only local authority in the region to reduce its rate during Covid-19, where regionally and nationally there have significant increases in the number of children entering care. Alongside this, processes to monitor and develop plans for those children in 'high cost' placements continue to demonstrate impact in reducing spend on placements whilst keeping children safe and close to home.

The new Fostering Strategy, agreed in 2019, is continuing to have a positive impact, despite the challenging circumstances of Covid-19, with continued recruitment of new carers and reduced use of external foster placements, with reduced spend as a result.

Great Place to Live, Work and Visit

Profit from Property Development (2020/21 target: £0.260m)

This business case involves three separate projects. Firstly, the increase in the charges made by the Authority to the Trading Companies in respect of Technical and Project Management Services by 2.5% above annual inflation. Secondly, interest income from loans made by the Authority to Aurora Properties (Sales) Limited in line with the latest approved Investment Plan to enable the construction of properties for outright market sale. Loan interest will arise from primarily in respect of the development at 13 – 16 Northumberland Square in North Shields; , the construction phase of the scheme is now complete, with sales now forecast to be complete by the end of the next financial year. A limited amount of interest income will also be generated from costs incurred on the initial stages of the acquisition of land and construction of the site at the former Backworth Primary school, as approved by Cabinet on 14th October 2019. The third project relates to income arising from project management of HIF projects at Killingworth Moor and Murton Gap.

Savings from New 2020/21 Projects	£0.260m
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Savings Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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The full £0.260m savings target has been achieved and has been unaffected by Covid-19.

Work Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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Work has been on plan and will continue in future years year to maintain/increase profits.

10 Year Plan for Waste (2020/21 target: £0.100m)

For ecological and financial reasons, it is imperative that local authorities have long term plans for waste. This proposal aims to establish a 10-year plan to increase recycling and contain the growth of waste costs as well as developing a post 2022 solution for disposal of residual waste.

The Authority has a statutory duty to make arrangements to collect household waste that is capable of being recycled. This responsibility is met primarily by providing householders in the Borough with a grey bin and collecting it at the kerbside. As part of waste operations the material is delivered to a contracted processor who is responsible for separating it and finding markets to secure value from it. The contract arrangements were re-tendered resulting in a new contract commencing with a new contractor in October 2019. This new contract will provide the Authority with efficiencies in operational costs.

Savings Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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Operational costs have been reduced and the savings have been achieved in-line with the business case.

Work Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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The new contract commenced in October 2019. This saving has been achieved through operational changes that the Service was able to implement as a result of the introduction of the new contract, saving on fuel and vehicle costs. The Service is continuing to monitor the impact of Covid-19 on Waste. Volumes of waste collected have increased in 2020/21 due to the Covid-19 restrictions that have been in place during the majority of 2020/21 but this has not had an impact on the delivery of this saving.

A Fit for Purpose Organisation

How We Are Organised (2020/21 target: £0.735m)

As services change the organisation must change with them. This proposal aims to ensure the organisation is reshaped to reflect changes in services and reductions in resources. In addition to changes in service delivery it also aims to ensure the organisation's infrastructure is changed and shrinks in line with the rest of the organisation with resultant changes in overheads and recharges. This will include taking opportunities to streamline the Authority's decision-making infrastructure and processes where appropriate; in addition making sure that infrastructure is tested against best practice, the priorities of the Mayor and Cabinet and the market.

Savings from Full Year Effect of 2018/19 Saving	£0.100m
Savings carried forward from 2019/20	£0.100m

A. Youth Offending and Early Help (£0.200m)

Savings Delivery Status

RAG (last period)	Red	RAG (this period)	Complete
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Apart from £0.005m achieved, almost the entire target was met only through Covid-19 grants. The original milestone was for the permanent saving to be achieved by March of the respective financial years. The saving for 2019/20 was achieved in that year through the holding of vacancies and the generation of external income from delivering services on behalf of other authorities but a permanent solution is being explored for 2020/21. Whilst the target is currently forecast to not be achieved, there are a range of temporary and permanent measures being explored that can contribute to this.

Work Delivery Status

RAG (last period)	Amber	RAG (this period)	Amber
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Officers continue to explore the development of a new Adolescent Service, which will rationalise some existing support provided across early help and youth justice services, and we expect to lead to service efficiencies. In the meantime, vacancies continue to be held across services, as well as continuing to deliver youth justice services on behalf of another local authority, which is generating income for the service.

Savings from Full Year Effect of 2019/20 Saving	£0.200m
Savings carried forward from 2019/20	£0.268m

B. Additional External Income (£0.300m)

Savings Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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The £0.300m target relating to external funding has been achieved in 2020/21 through income received in relation to the Partners in Practice programme.

Work Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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A significant amount of work continues to work with other local authorities, linked to the Partners in Practice programme and the income that is received for this work. North Tyneside Council has also been asked to lead work nationally to evaluate and share learning regarding the response to Covid-19 in children's services.

C. Budget Reductions (£0.168m)

Savings Delivery Status

RAG (last period)	Red	RAG (this period)	Complete
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The £0.168m target relating to legal and professional fees was met in 2019/20 through management actions but has been met in 2020/21 only through Covid-19 grant income due to an increase in requirement for use barristers to support court proceedings relating to children.

Work Delivery Status

RAG (last period)	Red	RAG (this period)	Red
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Work is on-going to identify a permanent solution for this savings target. Prior to the Covid-19 pandemic small savings were being realised in both areas; legal and professional fees. However, this has not been maintained during the pandemic.

Savings from New 2020/21 Projects

£0.067m

Strategic Property & Commissioning (£0.067m)

Savings Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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The entire £0.067m saving has been achieved.

Work Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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The proposal was to reduce 1 FTE post in Strategic Property and 0.6 FTE post in the Commissioning Service.

Maximising Resources

Fees and Charges (2020/21 target: £0.182m)

The Authority has an agreed Fees and Charges Policy that reflects policy priorities, need and the wider market in which we operate. This proposal will continue our work to regularly review our Fees and Charges.

Savings from Full Year Effect of 2018/19 Saving	£0.082m
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Facilities and Fair Access (£0.082m)

Savings Delivery Status

RAG (last period)	Amber	RAG (this period)	Complete
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The full amount of this saving was achieved only through Covid-19 grant income. The service continues to work on the impact of Covid-19 on Schools.

Work Delivery Status

RAG (last period)	Amber	RAG (this period)	Amber
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The fee increase has been postponed due to the impact of Covid-19.

Savings from New 2020/21 Projects	£0.100m
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Facilities and Fair Access (£0.100m)

Savings Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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The full amount of the saving has been achieved through increased income based on SLA charges to schools for Catering and Cleaning services.

Work Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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The fee increase has been applied to school SLA charges in 2020/21.

Treasury Management (2019/20 target: (£0.056m))

The current, sustained, low interest rate climate is allowing some significant work to be done to ensure the Authority's Treasury functions are effective and the debt portfolio optimised. This proposal takes a short, medium and long-term look at the requirement with a view to reducing costs.

Savings from Full Year Effect of 2019/20 Saving**(£0.306m)****Savings Delivery Status**

RAG (last period)	Complete	RAG (this period)	Complete
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The entire £0.306m saving was achieved in 2019/20 and the medium-term financial plan included the reversal of this saving in 2020/21 and as such has been achieved.

Work Delivery Status

RAG (last period)	Complete	RAG (this period)	Complete
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This was a one-off saving in 2019/20 and included a planned reversal in 2020/21. The reversal was fully coded into the 2020/21 base budget and as such the work is complete.

Savings from New 2020/21 Projects**£0.250m****Savings Delivery Status**

RAG (last period)	Green	RAG (this period)	Complete
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The entire £0.250m saving has been achieved via a reduction in interest costs in line with the March 2020 milestone date.

Work Delivery Status

RAG (last period)	Green	RAG (this period)	Complete
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The current, sustained, low interest rate climate is allowing some significant work to be done to ensure the Authority's Treasury functions are effective and the debt portfolio optimised. This saving will be generated by reviewing the maturity structure of the debt and new debt will be taken for a term that will be most advantageous to the overall maturity structure over various terms ranging between 1 and 50 years.