



North Tyneside Council

Cabinet

9 February 2023

Monday, 20 February 2023 0.02 Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 6.00 pm.**

Agenda Item	Page(s)
1. Apologies for Absence To receive apologies for absence from the meeting.	
2. Declarations of Interest and Notification of any Dispensations Granted 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 To confirm the minutes of the meetings held on 23 January (Ordinary), 30 January (Extraordinary) and 6 February 2023 (Extraordinary).	5 - 30
4. Report of the Young Mayor To receive a verbal report on the latest activities of the Young Mayor and Young Cabinet.	

Members of the public are welcome to attend this meeting and receive information about it.

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For further information about the meeting please call (0191) 643 5320.

Agenda Item	Page(s)
<p>5. Determination of School Admission Arrangements September 2024</p> <p>To seek approval for the proposed admission arrangements for all Community Schools in North Tyneside for the 202342025 academic year including the co-ordinated admissions schemes.</p>	<p>31 - 76</p>
<p>6. Review of the North Tyneside Statement of Licensing Policy (Sex Establishments)</p> <p>To seek approval for the adoption of a revised draft North Tyneside Council Statement of Licensing Policy (Sex Establishments) at Appendix 1 to the report.</p>	<p>77 - 126</p>
<p>7. Disability Employment Charter</p> <p>To seek approval for the Authority to become a signatory organisation to the Disability Employment Charter; and delegate the Director of Resources to take all necessary steps to implement the Charter.</p>	<p>127 - 138</p>
<p>8. Land at Centurion Park, Rheydt Avenue, Wallsend</p> <p>To consider representations that have been made to the Authority in relation to a statutory notice confirming the Authority's intention to dispose of an area of land within its freehold ownership at Centurion Park, Rheydt Avenue in Wallsend, part of which is classed as public open space.</p>	<p>139 - 148</p>
<p>9. Exclusion Resolution</p> <p>This is to give further notice that by virtue of Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2011 and paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 of the intention to consider Item 10 below in private.</p> <p>Cabinet is requested to consider passing the following resolution:</p> <p>Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.</p> <p>Reasons for taking the item in private: the report in Item 10 contains information to the financial or business affairs of any</p>	

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particular person (including the authority holding the information).	
10. Street Lighting PFI Deed of Variation	149 - 160
To seek approval to conclude amendments to the Street Lighting PFI Project Agreement by way of a Deed of Variation to reflect the change to LED lighting.	
11. Date and Time of Next Meeting	
6.00pm on Monday 27 March 2023.	

Circulation overleaf ...

Circulated to Members of Cabinet: -

N Redfearn (Elected Mayor)
Councillor C Johnson (Deputy Mayor)
Councillor C Burdis
Councillor K Clark
Councillor S Graham
Councillor J Harrison
Councillor H Johnson
Councillor A McMullen
Councillor S Phillips
Councillor M Rankin

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

Cabinet

Monday, 23 January 2023

Present: Dame N Redfearn DBE (Elected Mayor) (in the Chair)
Councillors C Johnson, C Burdis, K Clark, S Graham,
J Harrison, H Johnson, A McMullen, S Phillips and
M Rankin

In Attendance: M Godfrey (Young Mayor)
R Layton (North Tyneside Joint Trades Union
Committee)
V Smith (Voluntary and Community Sector)

Apologies: M Hall (Northumbria Police)

CAB78/23 To Receive any Declarations of Interest and Notification of any Dispensations Granted

Councillor K Clark declared a registerable personal interest in agenda Item 5: 2022/23 Financial Management Report to 30 November 2022 (CAB81/23), as she was a Director and Employee at Justice Prince CIC (Working Roots), which had contracts with North Tyneside Council funded to deliver community-based programmes.

Councillor C Johnson declared a registerable personal interest in agenda Item 12: Regeneration of 11/12 Northumberland Square (CAB88/23), as he was a Director of North Tyneside Trading Company and its subsidiary companies.

Councillor S Graham declared a registerable personal interest in agenda Item 12: Regeneration of 11/12 Northumberland Square (CAB88/23), as she was a Director of North Tyneside Trading Company and its subsidiary companies.

CAB79/23 Minutes

Resolved that the Minutes of the previous meetings held on 28 November 2022 (Ordinary) and 16 January 2023 (Extraordinary) be confirmed and signed by the Chair.

CAB80/23 Report of the Young Mayor

In his announcements the Young Mayor referred to the sudden loss of Youth Councillor, Daniel Taylor, who passed away suddenly on the 18 December 2022. He would be sadly missed by North Tyneside Youth Councillors who had offered their condolences to his family. Daniel was standing as Member of Youth Parliament for North Tyneside and as a powered wheelchair user, had pledged to work with decision makers to increase awareness and provide more accessible activities, and work was being done to continue his ideas.

The Young Mayor reported on the following activities in which he and Young Cabinet Members and/or Youth Councilors had been involved:

- The Swap Shop held in North Shields Library on the 10 December 2022 coincided with Northumberland Square Christmas Fayre, and Youth Councillors were looking at ways in which to develop their plans.
- Many Youth Councillors had taken part in the Christmas wrapping of gifts for the Make Christmas Special Project so that isolated people living in North Tyneside could receive a Christmas meal and a gift provided by the social action project.
- Youth Councillors had taken part in North Tyneside Council's budget consultation.
- Youth Councillors had held another collection at Morrisons in Whitley Bay on the 11 December 2022 with 50 bags of groceries and over £100 donated which would be added to the running total and presented to Walking With at the March Youth Council meeting.
- Youth Councillors had visited Walking With in Wallsend to find out more about the work they did during the stay and chat session where they met with volunteers and asylum seekers, with more visits planned over the coming weeks.
- The first stage of online voting in the two elections for Young Mayor and Member of Youth Parliament had concluded and candidate numbers had been reduced to the top four in each election. Young people from all areas of the borough were still in the race, with candidates from George Stephenson, St Thomas More, Marden High, Monkseaton High, and Burnside. The second stage of voting on paper ballots would take place in schools and colleges in February.

The Elected Mayor thanked the Young Mayor for the update and the Young People for their excellent work, she also paid tribute to Daniel Taylor for his contributions in helping raise awareness for more accessible activities.

CAB81/23 2022-23 Financial Management Report to 30 November 2023

Cabinet considered the fourth monitoring report outlining the 2022/23 financial position. It provided an early indication of the expected revenue and capital financial position of the Authority as at 31 March 2023.

The report covered the forecast outturn of the Authority's General Fund and Housing Revenue Account (HRA) revenue budget including management mitigations where issues had been identified; the delivery of 2022/23 approved budget savings plans; and an update on the Capital Investment Plan, including details of variations and reprogramming, that was recommended for approval.

The Authority's finances were complex in any year given the range of services that were delivered; the picture this financial year was even more volatile given the national and global economic challenges. At a Service level, before the application of planned contingencies and central funding, the gross pressure would be £23.511m. However, the budget for the year included contingencies of £6.752m and other central funding of £1.006m (both shown within the Central Items figure in Table 1). As a result, the total forecast year-end pressure for the General Fund, shown in Table 1 reduces to £15.753m. Table 1 sets out the initial variation summary across the General Fund, with a detailed commentary of variances included in Annex 1 to the report.

Included within the position for Central Items is £6.752m of contingencies. Whilst held in Central Items, its use was identified as: £3.116m to offset the pressures in Children's Social Care; £1.301m was supporting the under achievement of savings targets; and £2.325m to support the inflationary pressures being faced by the Authority. In September's report, a £0.316m saving was included reflecting the part year reversal of the national insurance increase along with a £4.927m of Minimum Revenue Provision (MRP) savings following the conclusion of External Audit work into the methodology change; these items remained in the forecasts. In 2021/22 these savings were set aside in a new MRP reserve, which remained on the balance sheet, but it was likely that the in-year saving would be required to support the bottom-line position in 2022/23, so was currently included in the forecast position. This gave a total underspend for Central Items of £13.002m.

Table 2 added further detail to the information in Table 1. The top half of table 2 breaks down the forecast £15.753m pressure into the main factors of covid legacy, utility, other inflation and other pressures. The covid pressures of £8.021m arose primarily from fees and charges income not yet returning to pre-pandemic levels and additional fixed term staff employed to cover increased demand or to enable front-line service provision to continue.

The lower half of Table 2 included details of funding set aside to support known pressures. As part of the 2022-2026 Medium-Term Financial Plan (MTFP) agreed by full Council in February, £2.200m was set aside from the Change Reserve to support additional pressures in Home to School Transport (£0.400m), Special Educational Needs (£0.400m), additional children's social care provision (£1.200m) and for the development of the Customer Relationship Management programme (£0.200m). The £0.400m relating to Home to School Transport had now been allocated to Commissioning & Asset Management and was reflected in the services projected position, with the remaining £1.800m supporting the overall corporate pressure, in Table 2. In addition, £2.000m was also set aside to create a Covid-19 Reserve as part of the 2022-2026 MTFP, this included £0.650m to support additional caseloads within Children's Services, £0.350m to support Home to School Transport and £1.000m to support reduced fees and charges income following the pandemic. The £0.350m relating to Home to School Transport had now been allocated to Commissioning & Asset Management and was reflected in the services projected position, leaving £1.650m to support the overall corporate pressure in Table 2.

Within the 2022-2026 MTFP, £0.150m was identified as planned use of the Insurance Reserve to support additional Repairs and Maintenance costs. The use of this funding had been included in Table 2. A further £1.300m of contingencies had not been applied to specific service areas/central items, so could support the overall corporate position.

Following the on-going review of provisions, the Authority had been able to release a provision of £0.300m relating to Special Guardianship Order costs, reported previously, along with a further £0.428m included in this report, giving an underspend of £0.728 in total. £1.925m of funding previously reported in July had now been allocated to help cover the cost of the Pay Award, which was now approved at £1,925 for every full-time equivalent employee. Despite this additional allocation, the cost of the pay award was higher than the funding set aside and was reflected in the overall forecast for the year, which was reflected in individual service areas in the top part of Table 2. The Authority carried forward £2.962m of Covid-19 related central Government grants from 2021/22. Of this £1.462m had been committed and was reflected in the £15.753m position reported in

Table 1. The remaining balance of £1.50 was available to support on-going Covid-19 legacy pressures and was reflected in the revised position (Table 2).

Taking all of the above into account, the result was a forecast year-end pressure of £8.625m, which was an improvement of £0.175m since the previous Cabinet report.

The main service areas facing forecast overspends were those most exposed to the new, emerging pressures, which were impacting on top of the residual covid-impacts. Environment, which included Sports and Leisure activities, was experiencing income shortfalls from fees and charges, which continued to be at lower than pre-pandemic levels. That Directorate was significantly affected by energy costs, given it included streetlighting, leisure centres and customer first centres which were all energy intensive activities. In addition, higher inflation rates were significantly impacting on the waste management contract.

Children's and Adults' Services were forecasting significant pressures, as the impact of Covid-19 had seen the need to increase staffing levels to manage increases in both the complexity and volume of demand for services. This was also resulting in increased payments to external providers. This was not unique to North Tyneside and was being seen across the region and nationally. Commissioning & Asset Management was forecasting overspends in catering supplies and the cost of Home to School Transport, with the cost of supplies and fuel rising rapidly in this period of high inflation. The Resources Directorate was experiencing overspends in Legal Services, associated with the level of locum solicitors dealing with a combination of increased demand and job vacancies, as well as the impact of the recovery of benefit overpayments in the Revenues and Benefits Service.

Finance officers were continuing to work with Cabinet, the Senior Leadership Team and other senior officers across the Authority to review Business as Usual activity as well as challenging and reviewing the current projected risks the authority was facing in a number of key areas including 'Children's Services; High needs/SEND; Adults Social Care; Unachieved savings targets; Commissioning & Asset Management; Law & Governance; and Revenues & Benefits'. The aim of this work would be to ensure actions were in place to bring the outturn forecast for normal activities in on balance and it was anticipated the position would improve over the course of the financial year as planned remedial actions began to impact on both expenditure and income. Should any balance remain at year-end then this would need to be supported from the Strategic Reserve, significantly reducing the level of un-ringfenced reserves the Authority had available.

New savings of £4.720m were agreed as part of the Budget approved by full Council in February 2022 taking the total savings the Authority had had to find in the eleven years following the 2010 Comprehensive Spending Review (CSR) to £134.268m.

The governance structure of the Efficiency Savings Programme included a monthly review of progress by the Senior Leadership Team (SLT). In addition, in-year budget and performance progress meetings were held between officers and Cabinet Members to consider progress and actions being taken to deliver savings. The variations in relation to the savings were outlined in the sections below, with more detail included in the regular reports on this topic to the Overview, Scrutiny and Policy Development Committee.

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The new savings of £4.720m were combined with £2.537m of brought forward targets that still required a permanent solution from previous years, meaning the overall target to achieve in 2022/23 was £7.257m. These savings were factored into Tables 1 and 2 of the report but were shown separately in section 1.5.3.3 for transparency.

Adults Services were projecting to achieve the full £0.950m target. Within the CYPL pressure of £13.477m reported earlier, £2.800m related to the non-achievement of savings targets. In the previous financial year these savings had been significantly impacted by Covid-19 and as such, achievement had been supported by Central Government Covid-19 grants. With these grants not available in 2022/23 and on-going demand-led pressures already impacting the service, current projections were for these CYPL savings to remain unachieved in 2022/23.

Within Commissioning & Asset Management, £0.400m of cross-cutting 2022/23 savings were held with £0.036m projected to be achieved and £0.026m of the Procurement saving projected to be achieved to date by in year actions, with work on-going across the Authority to achieve the balance by the year end. The unachieved savings were included in the forecast pressure in the report (Table 1).

All savings in the other service areas were forecasted to be achieved.

Schools were required to submit their rolling three-year budget plan by 31 May each year and as reported previously the total planned in-year deficit for 2022/23 is £5.533m. The Authority had been working with schools for a number of years with regard to the long-term strategic issue of surplus secondary places and the associated financial pressures, which continued to be compounded by rising employment costs. Finance officers were working with schools to produce an update on 2022/23 school finances position which would be presented to Cabinet in the next financial report.

The High Needs Block ended 2021/22 with a pressure of £13.511m. The forecast of the Budget position for 2022/23 indicated an anticipated in-year pressure of £4.416m reflecting continued demand for special school places, producing a cumulative deficit balance of £17.927m.

The Housing Revenue Account was forecast to have year-end balances at 31 March 2023 of £0.281m. These balances were £0.090m lower than budget which was set at £0.371m.

Universal Credit was fully implemented across North Tyneside on 2 May 2018. As of the end of November 2022, 4,049 North Tyneside Homes tenants had moved on to Universal Credit and a team was working proactively with tenants to minimise arrears. This position would be closely monitored as the year progressed to identify any adverse impacts on the Budget position.

The approved 2022-2027 Investment Plan totalled £331.281m (£103.523m in 2022/23) and was detailed in the Annex (Table 20) to the report. The Annex also set out (Section 4) delivery progress to date, planned delivery for 2022/23, reprogramming and other variations identified through the Investment Programme Governance process.

An officer led review of the Investment Plan had resulted in proposals for variations of £0.152m and reprogramming of (£10.942m) of which more details were set out in the Annex (Section 4). The revised Investment Plan stood at £92.733m for 2022/23 and to the

end of November 2022 spend of £40.858m had been incurred which represented 44.06% of the revised plan.

The Investment Plan continued to face significant inflationary pressure and Senior Officers within the Authority had undertaken a review of the expected financial impact on approved schemes with the relevant project managers. The review had confirmed that for the majority of schemes there had been an ability to re-profile planned works to future years given supply issues and rising costs. However, in some cases it was proposed to utilise the Authority's contingency allocation within the Investment Plan in order to maintain delivery plans. The use of the contingency was managed as part of the Investment Programme Board governance arrangements. The corporate risk register included risks for such inflationary pressures to the investment plan and the position was monitored on an ongoing basis.

The 2021-2025 Our North Tyneside Plan (Council Plan) sets out the overall vision and policy context within which the Medium-Term Financial Plan and Budget were set. The Council Plan, "Building A Better North Tyneside", had five key themes – 'A caring North Tyneside; A thriving North Tyneside; A secure North Tyneside; A family-friendly North Tyneside; and; A green North Tyneside. For each theme there was a set of policy outcomes which the Authority was seeking to deliver; these were detailed in the Council Plan itself. The Authority had plans in place to deliver all elements of the Plan and performance against delivery was carefully monitored. An update report on the progress of delivering the 2021-2025 Our North Tyneside Plan was presented to Cabinet in September 2022.

Cabinet considered the following decision options: to approve the recommendations set out in paragraph 1.2 of the report; or alternatively, to not accept the recommendations.

Resolved that (1) the forecast budget monitoring position for the General Fund, Schools' Finance and Housing Revenue Account (HRA) and as at 30 November 2022 (Annex sections 1, 2 and 3), be noted;
(2) the receipt of (£1.134m) new revenue grants (as outlined in section 1.5.4 of the report), be approved;
(3) the Authority's Investment Plan spend of £40.858m to 30 November 2022 and the financing of the Plan to the end of the year (Annex Section 4), be noted;
(4) variations of £0.152m and reprogramming of (£10.942m) for 2022/23 within the 2022-2027 Investment Plan (Annex Section 4), be approved;
(5) the information on the Collection Fund (Annex section 6), be noted; and
(6) the write-offs of business rates identified in Table 29 (Annex section 6 paragraph 6.5.1), be approved.

(Reasons for decision: It is important that Cabinet continues to monitor performance against the Budget, especially given the current level of financial pressures faced by the public sector.)

CAB82/23 Calculation of the 2023/24 Council Tax Base for North Tyneside Council

Cabinet considered a report which provided an explanation of how the proposed North Tyneside Council Tax Base for 2023/24 had been calculated and requested approval of the calculation for 2023/24.

The detailed Council Tax Base calculation for North Tyneside for 2023/24 was attached as Appendix A to the report, together with an explanation of the specific elements that formed part of this calculation. Within this calculation, adjustments had been made to reflect the effect of exempt properties, disabled relief, discounts and premiums. Specifically, these adjustments included:

- The estimated number of dwellings to be demolished during 2023/24;
- Assumed growth from anticipated new build properties during 2023/24 based on current estimates from the Planning Department;
- The estimated number of dwellings where the liable person qualifies for a disabled reduction;
- The estimated number of exempt dwellings during 2023/24;
- The Council Tax Support scheme in 2023/24; and
- The estimated number of premiums which apply to long term empty properties in 2023/24.

Applying the factors above adjusts to total number of properties to a common base for each band, in terms of full year equivalents.

The Council Tax Base Regulations ensured that the Council Tax Base for an area took into account the effect of disability reductions in respect of dwellings which fell within Band A. They introduced an additional 'alternative valuation band' to allow Band A properties to qualify for a disabled reduction. Previously, properties adapted to meet the needs of a disabled person were charged at a rate equal to the next lowest valuation band, so for example a qualifying Band D property would be charged at a Band C rate, but this had not applied to Band A properties. Instead of paying the normal Band A charge (six-ninths of the Band D) a qualifying Band A property was now charged five-ninths of the Band D charge.

For the purpose of the Council Tax Base calculation, it was now necessary to show Band A properties which qualified for a disabled reduction as if it were an additional valuation band. Deductions were then made for exempt dwellings and the estimated impact of the Council Tax Support scheme for 2023/24.

The Council Tax Base calculation for 2023/24 converted the number of dwellings within each of the Council Tax Bands into , A – H, had been Band D equivalents, using the appropriate proportions. The result of this calculation for 2022/23 was to produce a total number of properties prior to an allowance for non-collection and contributions in lieu of 63,596.

The next stage of the Council Tax Base calculation involved making a deduction for the non- collection of Council Tax. This non-collection element of the calculation was made in respect of the amounts that were legally due, but which, for varying reasons, may not be collected. The assumed Council Tax collection rates for North Tyneside had improved significantly since 1993/94, when the assumed collection rate was 95%. The assumed North Tyneside Council Tax collection rates for each year from when Council Tax had been introduced in 1993/94 were detailed in the report.

A fundamental issue for the Council Tax Base calculation was the assumed percentage Council Tax collection rate to apply. The Authority's performance on Council Tax collection had been improving for many years, reaching a peak of 99.20% in setting the Council Tax Base for 2012/13. However, since 2013/14, a lower collection rate of 98.50% was proposed and agreed to reflect the estimated impact of the Council Tax Support Scheme, the estimated impact of other Welfare Reform changes and changes to Exemptions and Discounts applied. This assumed collection rate continued, but in 2021/22 for one year, a lower rate of 98% was agreed to reflect the impact of Covid 19.

Council Tax in year collection had been challenging in recent years due to the impact of Covid-19, and it was likely that 2023/24 would continue to see in year collection being difficult due to the rising cost of living and the impact this was having on resident's incomes. As at the end of November 2022 the in-year collection for 2022/23 is 0.10% ahead of 2021/22 at the same point, which was an improvement against the 2020/21 figure. However, the Authority was still behind by 0.40% against the collection rate at the same point in 2019/20. The collection rate at this point was only an approximate indicator of the assumed Council Tax collection performance, given the significant time lag effect between in year and ultimate/long-term Council Tax collection performance. Whilst the Authority did see an increase in residents claiming Local Council Tax Support during 2020/21, the number claiming was now reducing.

Having considered various issues in relation to the collection rate for 2023/24, which were detailed in the report, it was proposed that an assumed Council Tax Collection Rate of 98.50% was set as part of the 2023/24 Council Tax Base calculation, which was the same assumed collection rate that was in place when setting the 2022/23 budget and was still considered to be achievable long term. In-year collection has improved against 2021/22 at the same point, recovery of Council Tax debt was ongoing, and the number of Council Tax Support claims are reducing. The Authority was still mindful that, since 2020/21, working age Council Tax Support claimants have been further assisted with up to £150.00 additional support against their Council Tax, and this would continue in 2023/24.

The final stage of the Council Tax Base calculation involved adding an estimated amount in respect of contributions in lieu of Council Tax to be made to the Authority, which was expressed in terms of the number of Band D equivalent properties. For 2023/24 this figure for the Authority, which related to Ministry of Defence properties, was 50 Band D equivalent properties.

An increase in the collection rate increased the Council Tax Base and a reduction in the collection rate reduced the Council Tax Base. An illustrative example of the impact of different Council Tax collection rates was shown in section 1.6.1 of the report. There were no increases shown beyond 98.5% as this was not felt viable in the current economic situation.

The 2023/24 Council Tax Base for the whole of North Tyneside after the allowance for non-collection and payments in lieu is 62,692 Band D equivalent properties. This equated to an increase of 463 Band D equivalent properties compared to the 2022/23 figure.

Cabinet considered the following decision options: to set the 2023/24 Council Tax Base for North Tyneside Council using an assumed Council Tax collection rate of 98.50% and

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agrees the change to the Council Tax Support Scheme, or alternatively, not to agree the proposed Council Tax Base calculation and asks officers to undertake further work on the proposal.

Resolved that (1) the report on the calculation of North Tyneside's Council Tax Base for 2023/24, be approved; and
(2) the assumed Council Tax collection rate for 2023/24 is set at 98.50% and therefore the amount calculated by North Tyneside Council as its Council Tax Base for 2023/24 will be 62,692 Band D equivalent properties, pursuant to this report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, be agreed.

(Reasons for decision: The proposed 98.50% assumed Council Tax collection rate, is felt to be achievable for the reasons set out in paragraph 1.5.13 of this report.

The risk of setting a Council Tax collection rate too high is that this can result in a deficit position for the Council Tax element of the Collection Fund, which in turn will have to be funded by the Authority's General Fund.

This collection rate is reviewed as part of the annual Council Tax Base calculation, and the 98.50% collection rate will be reviewed in determining the Council Tax Base for 2024/25.)

CA83/23 North Tyneside Air Quality Strategy

Cabinet received a report seeking approval to consult on the draft North Tyneside Air Quality Strategy 2023-2028.

Air quality had an effect on the environment, human health and global warming. The National Clean Air Strategy indicated that air pollution was the top environmental risk to human health in the UK, and the fourth greatest threat to public health after cancer, heart disease and obesity. According to the latest data published in the Public Health Outcomes Framework (PHOF) 5% of deaths in England were attributable to long-term exposure to particulate air pollution. Poor air quality shortens lives and contributes towards chronic illness as long-term exposure to air pollution can cause chronic conditions such as cardiovascular and respiratory diseases as well as lung cancer, leading to reduced life expectancy.

In recognition of the impacts of air quality on health, the Local Air Quality Management (LAQM) policy guidance 2022 ('the guidance') published by the Department for Environment Food and Rural Affairs requires local authorities that have not had to designate an area an 'Air Quality Management Area' and thereafter been required to produce an 'Air Quality Action Plan' to now produce a local Air Quality Strategy for addressing air pollution in their area from 2023. This Strategy is intended to bring together all existing policies and strategies into one comprehensive focused document.

As the Authority had not had to declare an Air Quality Management Area and produce a resulting Air Quality Action Plan, it is one of the local authorities required to produce a local Air Quality Strategy. There is no set format for the Air Quality Strategy and in developing

the Strategy the Authority has been able to draw on the content in the last Annual Status Report on Air Quality and other plans such as the Authority's Transport Strategy.

The guidance encouraged local authorities to take early preventative action to improve local air quality, avoid exceedances of the air quality objectives set out in The Air Quality (England) Regulations 2000 and reduce the long-term health impacts associated with air pollution. It was anticipated that this approach would enable local authorities to adopt measures that reduced the need for costly health interventions at a later date.

The Air Quality Strategy was intended to set out the aims of the Authority to maintain and improve air quality and show how collectively the Authority would work to improve air quality. The aims included how to encourage change to achieve good air quality. As well as setting out actions to reduce pollutants which would improve health, the Air Quality Strategy would set out the actions which would be taken to help to reduce global warming associated from gases such as carbon dioxide, nitrogen dioxide and particulates. The Air Quality Strategy would provide greater focus on how small improvements in air quality would impact public health outcomes.

The Air Quality Strategy linked into existing policies including planning, transport and the Carbon Net Zero 2030 policies adopted by the Authority aimed at improving air quality across the Borough. All policies adopted by the Authority must consider the impact on the environment and the Authority recognised the need to reduce its own carbon footprint, and to consider measures that would promote and support a reduction in greenhouse gases. The policies and teams would assist as follows: 'Transport Strategy - aims to reduce congestion and promote cleaner transport. Planning Policy - seeks to maintain and improve air quality with the expectation that developers will assess the impact of any development on air quality and the environment and to provide mitigation measures. Environmental Health will act as the consultees on reviewing such air quality assessments. Public Health will provide an important role in demonstrating how pollutants impact on health and ensure adequate focus given to health inequalities. Development of the draft Strategy involved the establishment of a steering group made up of officers from different areas of the Authority who were currently involved with actions that contributed towards the improvement of air quality of the Borough. This included officers from Environmental Health, Public Health, Transport, Planning and Sustainability. The aim of the group was to identify aims and actions that regulated or encouraged reductions in air pollution and ensured appropriate mitigation measures were in place to reduce emissions and air quality exposure.

Progress on the Strategy would be reported annually through the Annual Air Quality Status Report which it proposed would be produced and published by the Director of Public Health. The draft Air Quality Strategy was attached at Appendix 1. The aims of the strategy were:

- To maintain and improve air quality and health
- To reduce transport related emissions
- To review air quality in planning policy, development and land use
- Reviewing and promoting reductions in emission from industrial processes
- Promoting public health and improving health outcomes linked to air quality
- Encouraging public participation and Informed choices on air quality and Health
- To review and promote benefits of carbon Net Zero Action Plan on air quality

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- To ensure the Authority works collaboratively.

The Annual Status Report in addition to providing a review of the air quality in the borough, would provide a progress report on the actions set out in the local Air Quality Strategy. The Annual Status Report would consider new or changing sources of emissions and monitoring would be focused on any polluting areas.

The Strategy would be reviewed at least every 5 years. Currently, local authorities had a duty under the Environment Act 1995 to monitor and review air quality against short and long-term exposure objectives and to publish an Annual Status Report that was submitted each year to the Secretary of State. This report had consistently established that the pollutants of main concern in the Borough were fine particulates and nitrogen dioxide that arose from the burning of fossil fuels. Traffic was the predominant source of pollution in the Borough. The monitoring of air quality in North Tyneside between 2017 to 2021 had shown that North Tyneside had no exceedances in the UK air quality objectives set out in the Regulations referred to above.

The Environment Act 1995 requires local authorities to declare an Air Quality Management Area if exceedances in the air quality objectives are found in their area and to produce an Air Quality Action Plan. Although the Authority had not needed to declare an Air Quality Management Area within the Borough, it continued to actively monitor air quality through 29 indicative monitoring sites located in the Borough. The locations were chosen based on potential exposure to high levels of pollutants and were predominantly sites located in residential areas adjacent to roads that had a high traffic flow.

An engagement period of six weeks from 30 January 2023 to 6 March 2023 would enable responses to be received from those wishing to comment on the draft Strategy. External engagement would involve consultation with the members of the public, businesses and interest groups with responses reported back to Cabinet at the conclusion of the consultation exercise.

Cabinet considered the following decision options: to approve the recommendations set out in paragraph 1.2 of the report; or alternatively, to not accept the recommendations; or to instruct officers to make amendments to the Strategy and to bring a further report to Cabinet to consider those amendments before consultation commences.

Resolved that (1) the Director of Public Health be authorised to commence public consultation on the draft North Tyneside Air Quality Strategy 2023-2028 attached at Appendix 1 to the report;
(2) a further report be received by Cabinet at the conclusion of the public consultation process when Cabinet having regard to any consultation responses will be asked to agree to the adoption of the Air Quality Strategy; and
(3) the Director for Director of Public Health, in consultation with the Cabinet member for Environment, be authorised to approve and publish an Annual Status Report on Air Quality and to submit the report to the Secretary of State on behalf of the Authority.

(Reason for decision: To allow engagement to be commenced which will enable the Authority to have a considered and approved Strategy in place. This will ensure that the Authority meets the requirements set out in the Local Air Quality Management Policy

guidance and that the subject of air quality is promoted and remains high on local agendas.)

CAB84/23 Storm Arwen Task & Finish Group

A report was received seeking approval for the proposed response to the recommendations made by the Storm Arwen Task & Finish Group established by the Overview, Scrutiny and Policy Development Committee to undertake a review into the Authority's handling of the emergency response to Storm Arwen.

The Authority had a responsibility to respond and recover from emergency events that occurred in the borough. The majority of these were minor but significant incidents could, and did, occur that tested the arrangements in place and the resources available.

Emergency preparedness was a key priority for the Authority. Plans were in place, key people were trained, and regular exercising took place, most often on a multi-agency basis locally, regionally and nationally. This had enabled the Authority to respond strongly to what the borough had faced. In addition to the series of storms last winter, significant events in recent times requiring an emergency response had included 'Thunder Thursday' in 2012 and the global coronavirus pandemic in 2020.

Last winter the borough experienced the impact of six named storms over a period of eleven weeks. Storm Arwen was the most significant. A rare 'Red' weather warning was issued and the impact for the borough and the wider Northumbria area was the worst since 1953.

The handling of the emergency response was debated by full Council in January 2022 leading to the Storm Arwen Task & Finish Study Group being established by Overview, Scrutiny and Policy Development Committee to undertake a review. The Committee reported its findings to Cabinet in November 2022 and this report provided Cabinet's proposed response to the recommendations made by the Storm Arwen Task & Finish Study Group. It was noted that the Group:

- Recognised the comprehensive information on the Authority's emergency planning obligations in relation to weather events that exists,
- Recognised the extent of the storms and how the Authority prepared, communicated, co-ordinated response activity for each storm, which included identified good practice and what lessons had been learned,
- Understood the primary priority in any emergency event should, and will always be, to ensure the safety of life,
- Established there was a clear understanding that the Authority would carry out its statutory duty to carry out all recovery works.

In addition, the Group concluded that:

- The Authority was able to rapidly mobilise staff with the necessary specialist technical skillset to support the range of requirements needed to keep residents and property safe,
- This activation and effective mobilisation reduced possible further impacts to residents and business within the borough, and

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- By its very nature, resilience and emergency planning practice constantly evolves through experience.

The Storm Arwen Task & Finish Group identified four recommendations. These were outlined in the Appendix (Action Plan) to the report along with officer commentary and responses.

In terms of next steps, every service area within the Authority had their own business continuity plan and, where appropriate, emergency response plan(s) in preparedness for providing a resilient response to disruption events. The Director of Public Health had corporate responsibility for the coordination of this and the Authority's overall approach to emergency planning and resilience. An Emergency Planning Leadership Group (EPLG) had been established to provide appropriate governance arrangements and assurance that the statutory responsibilities contained within the Act were being met and supported the themes of the Our North Tyneside Plan.

It was proposed that Cabinet delegate authority to the Director of Public Health to address the recommendations made by the Storm Arwen Task & Finish Study Group via the Emergency Planning Leadership Group (EPLG).

The Cabinet Member for Community Safety and Public Protection thanked the Storm Arwen Task & Finish Group for their work, the Overview, Scrutiny & Policy Development Committee for making it happen, and the Authority's officer teams who worked tirelessly over the weekend of the storm and coordinated the considerable recovery effort over several weeks later.

Cabinet considered the following decision options: to approve the recommendations set out in paragraph 1.2 of the report; or alternatively, to not accept the recommendations.

Resolved that (1) the responses by Cabinet to the recommendations from the Overview, Scrutiny and Policy Development Committee in relation to its study into Storm Arwen as set out in the Appendix (Action Plan) to the report, be agreed; and (2) the Director of Public Health be authorised to deliver the proposed actions set out in the Appendix through the Emergency Planning Leadership Group, as set out in paragraph 1.5.6 of the report.

(Reason for decision: This will provide confidence that the Authority continues, in a healthy way, to learn from emergency events and to ensure it complies with its statutory duties under the Civil Contingencies Act 2004.)

CAB85/23 North Tyneside Highway Asset Management Plan Annual Information Report 2022

Cabinet received the North Tyneside Highway Asset Management Plan (HAMP) 2017-2032 Annual Information Report 2022 which summarised the work undertaken to demonstrate progress against delivery of performance of the Highway Management Plan during the past 12 months, future planned work activities and other items of relevant interest.

North Tyneside Council was responsible for an extensive highway network and feedback from its residents had consistently told the Authority that the maintenance of roads and footpaths was a top priority.

In September 2017, Cabinet had adopted a new HAMP 2017 - 2032, setting out the Authority's approach to maintaining North Tyneside's highways and responding to the Elected Mayor and Cabinet's policy direction which included providing a greater emphasis on footways. The HAMP included a commitment to provide Cabinet with an annual information report outlining progress and key issues associated with the maintenance of the Authority's public highway network.

Currently the highway maintenance activities delivered through the HAMP were funded through a number of funding streams as detailed in the report.

Since the introduction of the HAMP, the Authority had been able to maintain the highway network to a good standard, mainly due to its commitment to provide additional investment. However, this had not been without its challenges, most notable of which was in adequate funding from Central Government coupled with increased costs of materials arising from inflation and other world events. Improvement of the network would not have been possible had the Authority been solely reliant on Government funding.

The requirement to operate within government funding restraints and the increased costs of highway maintenance due to recent world events were significant challenges. However, in response to these challenges, the HAMP provided a structured programme of targeted investment into the highway network with the objective of ensuring it was maintained in a serviceable condition to meet the needs of the travelling public and businesses.

The Authority had also seen a change in how it managed and invested in the highway network. In line with the Authority's commitment to increase active travel, the Authority had introduced schemes that had reallocated road space to cycling. This included improvements to Rake Lane Roundabout together with the introduction of cycle lanes on Middle Engine Lane. These, together with other planned works would see a greater use of the highway by a broader mix of users.

The Authority had also secured around £5.5m funding for schemes through Active Travel England and Transport North East which had enabled delivery on the ground. This had ensured that active travel and the reallocation of highway space to accommodate sustainable travel modes had been embedded in the Authority's regeneration plans for North Shields.

However, this opportunity to increase active travel and investment in the Authority's highway infrastructure would also bring increased maintenance liabilities that would need to be factored into the Authority's future financial planning. Based on current funding trends, there was a concern that it would be difficult to sustain the condition of the network in future years. In addition to limited Government funding for core maintenance works, the issue had been exacerbated by the sudden increase in construction costs due to the inflation crisis and the war in Ukraine. The cost of surfacing materials were now 22% higher than they were 12 months ago. This translated to around 10 less roads being resurfaced in 2022/23 compared to previous recent years. As such, as the Authority

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looked ahead, it would need to align its core maintenance funding with external investment and targeted interventions where they would have the maximum impact.

Over the last 12 months, a number of positive changes to the highway maintenance service had been made such as improvements to operational processes and initiatives that would assist the Authority in achieving its policy objectives around carbon reduction.

The HAMP Annual Information Report 2022 attached as Appendix 1, would be used to inform investment choices and address the current challenges of maintaining the highway network. The report was aimed at supporting those investment choices so that any decisions about changes in highway maintenance priorities and resources could be made in an informed manner having regard to the Authority's policy objectives.

Following the Cabinet meeting, all Ward councillors would be invited to view the HAMP Annual Information Report via the members intranet. The report would also be published on the Authority's website so it could be viewed by the public.

The following key highlights could be drawn from the annual report:

- The highway network was the most extensive and valuable asset in the Authority's ownership.
- The highway network is a strategically important asset, and a well-maintained network is vital to support the local economy. Every day, thousands of residents are reliant on the highway network to travel to work and school. Visitors to the borough also use the network to access the Authority's various tourist attractions which further stimulates the local economy.
- The current total value of highway assets was £1,840,000,000 (£1.84 billion).
- The successful implementation of the HAMP and the adoption of asset management principles by the Authority was demonstrating that, over the years, the condition of the road network was improving. However, the Authority was now at a point where if improvement was to continue on the current trajectory, further investment would be required.
- Due to continued additional Authority investment over the years, the highway network was currently in a serviceable state. However, the constraints around Government funding coupled with concerns around inflation and other recent world events would continue to have a serious impact on the cost of highway maintenance.
- The report suggests that consideration should be given to reviewing investment and maintenance priorities in light of the emerging funding and inflation issues. The report advises that highway officers will commence discussions with the Elected Mayor, the Cabinet Member for the Environment and the Senior Leadership Team around what options might be available for the future management of the network in the most effective way.
- With regard to reactive maintenance and core services, the Technical Services Partnership continued to largely achieve its Key Performance Indicator targets and

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through its Annual Service Plan was identifying innovative ways of working and service improvements which was evident in the report.

- Continued customer engagement was providing better intelligence concerning resident satisfaction and new initiatives were being developed to better understand customer priorities. Feedback received from customers on their investment priorities would be used to inform forward programmes of improvement work.
- The Authority had successfully delivered all programmed highway asset improvement schemes to date.

Resolved that the content of the Highway Asset Management Plan Annual Information Report 2022 attached as Appendix 1, be noted.

CAB86/23 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB87/23 Strategic Partnership Update

Cabinet considered a report seeking approval for the proposals to the variation to the Business Services Partnership.

The Authority had a vast and diverse supply chain; its purchasing power and influence to deliver Policy Priorities were strong. It was a Council Plan priority to review how it procured goods and services. As part of this, negotiations had been undertaken with the Authority's strategic partner Equans, which followed previous discussions that resulted in elements of the ICT and finance service being returned to the management of the Authority. It was now proposed that the remaining ICT and finance functions return to the Authority, together with the human resources, and the print and post room functions. This would provide the Authority with the opportunity to deliver further savings and deliver operational priorities.

The report set out the basis to conclude those commercial negotiations.

Cabinet considered the following decision options: to either approve the recommendations as set out in section 1.2 of the report, or alternatively, to not accept the recommendations.

Resolved that (1) the variation to the Business Services Partnership as set out in paragraph 1.5 of the report, be agreed;
(2) the Director of Resources, in consultation with the Cabinet Member for Finance and Resources and Director of Commissioning and Asset Management, be authorised to conclude all necessary arrangements to finalise commercial arrangements as detailed in the report, where this would represent value for money for the Authority;
the Director of Resources, be authorised to novate, extend and procure any associated third-party contracts associated with the transfer; and
the Director of Resources, in consultation with the Cabinet Member for Finance

and Resources, Director of Commissioning and Asset Management, be authorised to re-procure and award a contract to the bidder who was the most economically advantageous for occupational health services.

(Reason for decision: The Authority needs to continue to deliver value for money. The return of staff to the Authority will maximise value for money, flexibility of services and there is potential to improve service delivery within the transferring services.)

(Note: Councillor C Johnson and Councillor S Graham declared a registerable personal interest in the following item of business, left the meeting and did not take part in any discussions).

CAB88/23 Regeneration of 11/12 Northumberland Square

Cabinet considered a report seeking approval for the Authority to refurbish and regenerate the long-term derelict property at 11-12 Northumberland Square (as marked on the Site Plan at Appendix 1 to the report), to agree to sell the completed scheme in order to achieve best value, and to support the delivery of the Our North Tyneside Plan.

The historic Grade II listed property had been vacant since 2011 and was in significant need of repair. As a direct result of current economic pressures and high levels of inflation, Aurora Properties (Sale) Limited, (Aurora), had informed the Authority that they were unable to acquire the Property and proceed with a scheme of residential conversion, as it was not economically viable.

Therefore, to reduce the liability to the Authority, it was proposed that the Authority intervenes and secures the regeneration and preservation of the property, addresses market failure and improves the surrounding area. To achieve this, it was proposed that the Authority benefits from a procurement exercise already undertaken by the Authority on behalf of Aurora where tenders were sought from contractors for the conversion scheme at the property in addition to a new build scheme at the site of the former Unicorn House at Stephenson Street in North Shields.

Cabinet considered the following decision options: to either approve the recommendations as set out in section 1.2 of the report, or alternatively, to not accept the recommendations.

Resolved that (1) the Director of Commissioning and Asset Management, in consultation with the Director of Resources and Cabinet Member for Finance and Resources and the Assistant Chief Executive, be authorised to review the tenders received in response to the procurement exercise undertaken by the Authority on behalf of Aurora for the refurbishment of the properties at 11-12 Northumberland Square and, to progress to award the contract to the most economically advantageous tenderer;

(2) subject to (1) above, the Director of Commissioning and Asset Management, in consultation with the Director of Resources and Cabinet Member for Finance and Resources and the Assistant Chief Executive, be authorised to develop a sales strategy for the developed scheme to achieve best value for the Authority; and

(3) the Director of Commissioning and Asset Management, be authorised to take all necessary steps to implement the resolutions set out in (1) and (2) above.

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(Reasons for decision: It will allow for the completion of the Authority's regeneration ambitions at Northumberland Square. It will reduce derelict properties and supports the Authority's ambition for improving North Shields Town Centre; and it will provide new homes into North Shields and reduce the Authority's liability with regards to its ownership of a listed building that is in significant need of improvement).

CAB89/23 Date and Time of Next Meeting

6.00pm on Monday 30 January 2022 (Extraordinary).

Minutes published on Thursday, 26 January 2023.

Minutes published on Thursday 26 January 2023. The decisions contained within these Minutes may be implemented (unless called in by 3 Non-Executive Members for consideration by the Overview, Scrutiny and Policy Development Committee) immediately following the expiry of the call-in period; i.e. 5.00pm on Thursday 2 February 2023.

**Cabinet
(Extraordinary Meeting)**

Monday, 30 January 2023

Present: Dame N Redfearn DBE (Elected Mayor) (in the Chair)
Councillors C Johnson, C Burdis, K Clark, S Graham,
J Harrison, H Johnson, A McMullen, S Phillips and
M Rankin

In Attendance: Roger Layton (North Tyneside Joint Trades Union
Committee)
D McNally (Age UK, North Tyneside)

Apologies: T Bridges (Business Representative)
S Rennison (Northumbria Police)

**CAB90/23 To Receive any Declarations of Interest and Notification of any
Dispensations Granted**

Councillor J Harrison declared a registerable personal interest in agenda Item 3: 2023-2027 Financial Planning and Budget Process: Cabinet's Final Budget proposals (CAB89/23), as he was appointed as co-opted Governor of Northumbria Healthcare NHS Foundation Trust.

Councillor K Clark declared a registerable personal interest in agenda Item 3: 2023-2027 Financial Planning and Budget Process: Cabinet's Final Budget proposals (CAB89/23), as she was a Director and Employee at Justice Prince CIC which had contracts with North Tyneside Council funded from the Housing Revenue Account (Working Roots).

**CAB91/23 2023-2027 Financial Planning and Budget Process: Cabinet's Final
Budget proposals**

Cabinet considered a report on the 2023-2027 final Budget and Council Tax proposals and final budget proposals for the Housing Revenue Account (HRA) Business Plan and Budget. The report presented proposals to cover a four-year planning period from 2023-2027 for the revenue Budget and a five-year planning horizon for the Investment Plan.

On 19 September 2022, the Elected Mayor and Cabinet agreed its 2023-2027 Financial Planning and Budget Process incorporating the associated Engagement Strategy. This report represented a key milestone in the development of the 2023/24 Budget and 2023-2027 Medium-Term Financial Plan (MTFP), as it sets out Cabinet's draft Budget proposals for the next financial year and beyond.

The Budget was driven by the Authority's key priorities that made up the Our North Tyneside Plan – a thriving, secure, family friendly, caring and green North Tyneside. North Tyneside Council has a very clear and ambitious plan to ensure anyone who needs support can access it, to help the most vulnerable members of the community and to continue investment in all parts of the Borough.

The Authority's Budget was already challenging following years of Government funding cuts and uncertainty, with the long-term impact of the covid pandemic, general demand for services, rising energy costs, inflation and the long-term impact of the war in Ukraine exacerbating this. However, the Authority has a robust and fair approach to Budget-setting meaning that wherever possible, these challenges had been foreseen and provided for as the Authority headed into the current financial year.

The Medium-Term Financial Plan (MTFP) position had been updated to include the impact of the Provisional Local Government Finance Settlement (the Settlement) for 2023/24, which was announced on 19 December 2022. Full details of the Settlement were included in Annex A, Section 3 to the report. The allocation from the Settlement had been included in Table 2 of this report and noted the movement to income and expenditure since the last report to Cabinet in November.

The Settlement confirmed that Core Spending Power (CSP) for local authorities would increase nationally by 9.9% in cash terms for 2023/24. The Government's assumption to achieve this increase was that all authorities would implement the maximum allowed Council Tax increase of 4.99%, made up of a 2.99% increase for general Council Tax and a 2% increase for the Adult Social Care Precept. In calculating the CSP, the Government had assumed that each authority's Council Tax Base, used to calculate the total level of Council Tax resources, had increased in line with their average Council Tax Base growth since 2017/18.

The Elected Mayor and Cabinet's draft Budget proposals therefore included for consideration, an increase of 2.99% for general Council Tax and 2% for the Adult Social Care Precept in line with the Government's assumptions. However, the current level of support to residents to pay Council Tax was maintained at £1.520m. For 2023/24 the Government announced an additional one-off Council Tax Support Fund grant of which the Authority would receive £0.427m, this would be used to partially fund the additional support to vulnerable residents.

In its report of 28 November 2022, Cabinet set out the estimates for proposed spending and resource plans for the Housing Revenue Account (HRA) Budget for 2023-2027 and associated Investment Plan 2023-2028. In addition, the report outlined the proposed changes to housing rent, garage rent and service charges for 2023/24.

Cabinet was now formally asked to approve the proposed spending and resource plans for the HRA Revenue Budget for 2023/24 in accordance with the responsibilities of Cabinet pursuant to the Local Government Act 2000. Cabinet was also asked to approve the housing element of the 2023-2028 Investment Plan, a proposed 7% rent increase from April 2023 (in line with Government policy), and the proposals in relation to housing service charges and garage rents for 2023/24.

The proposed spending plans had been updated to reflect the 2022/23 in-year monitoring position for the HRA as reported to Cabinet on 23 January 2023 and the updated balances position now anticipated for the beginning of the 2023/24 financial year. In recognition of the impact that a 7% rent increase could have on tenants not supported via the Benefits system, Cabinet's proposals also included the creation of a £3m budget to support tenants facing financial hardship over the next 3 years.

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The Elected Mayor thanked Cabinet Members and Officers for producing the Budget proposals in challenging circumstances.

Cabinet considered the following decision options:

Option 1 – Agree the proposals detailed in the report.

Option 2 – Suggest that further or different options are considered by the Senior Leadership Team and be reported back for further consideration before submission to full Council on 16 February 2023.

Resolved that (a) in relation to the General Fund Revenue Budget, Dedicated Schools Grant and Investment Plan:

(1) the key principles being adopted in preparing the Medium-Term Financial Strategy for the Authority, subject to an annual review, be agreed;

(2) it be noted that Cabinet's estimates of amounts in the setting of the Council Tax requirement will be submitted to full Council for its meeting on 16 February 2023, in accordance with the Authority's Constitution and Budget and Policy Framework Procedure Rules;

(3) it be noted that Cabinet's proposals for the 2023-2028 Investment Plan, including the draft Capital Investment Strategy and Prudential Indicators for 2023-2027, in accordance with the Chartered Institute of Public Finance and Accountancy's (CIPFA'S) Prudential Framework and the proposed Minimum Revenue Provision (MRP) Policy in line with capital finance regulations, will be submitted to full Council for its meeting on 16 February 2023;

(4) the estimates of amounts in relation to the 2023-2028 Investment Plan, including prudential indicators for 2023-2027 in accordance with CIPFA's Prudential Framework and a proposed MRP Policy in line with capital finance regulations, be agreed;

(5) it be noted that all approved schemes within the 2023-2028 Investment Plan will be kept under review by the Investment Programme Board;

(6) it be noted that Cabinet's proposals for the Treasury Management Statement and Annual Investment Strategy for 2023/24 will be submitted to full Council for its meeting on 16 February 2023;

(7) the Treasury Management Statement and Annual Investment Strategy for 2023/24 be approved;

(8) the proposals in relation to the Treasury Management Statement, Annual Investment Strategy for 2023/24 and Treasury Management Practices, be agreed;

(9) it be noted that any implications that affect the information in the report arising from decisions of Cabinet on 30 January and 6 February would be provided as a supplementary report to full Council on 16 February 2023;

(10) the outcomes from the engagement process on both the Council Plan and Budget proposals, be noted;

(11) the formal Reserves and Balances Policy for the Authority, subject to review at least annually, be agreed;

(12) the key aspects of the 2023/24 Provisional Local Government Finance Settlement announced on 19 December 2022 and how these had been incorporated into the Medium-term Financial Strategy and Medium-term Financial Plan of the Authority be noted; in addition, the outstanding information required to allow the Elected Mayor and Cabinet to finalise the proposals be also noted;

(13) the medium-term financial challenges and financial risks facing the Authority be noted and they be addressed as part of the Efficiency Programme for the Authority, to

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deliver continued financial stability and prudent management of the Authority's financial resources;

(14) the estimates of amounts for the 2023/24 setting of the Council Tax requirement, including the General Fund Revenue Budget, thereby calculating the proposed level of Council Tax to be recommended to full Council for approval, including an assessment in relation to the current year's budget monitoring information (2022/23) and indications for the Financial Plan for 2023/24, be agreed;

(15) the Chief Finance Officer be requested to prepare the appropriate Council Tax Requirement and Budget Resolution document for full Council's consideration at its meeting on 16 February 2023;

(16) the conclusions of the Overview, Scrutiny and Policy Development Committee's review of the 2023/24 initial Budget proposals and any impact the recommendations may have on the General Fund Budget proposals be noted; and it be also noted that any recommendations of the Overview, Scrutiny and Policy Development Committee in relation to Cabinet's final budget proposals would be considered by Cabinet on 6 February 2023;

(17) the Provisional Statement by the Chief Finance Officer be noted;

(18) the Elected Mayor be authorised to make any final amendments to Cabinet's proposals in relation to any outstanding information to enable due consideration to be given to the final level of Council Tax that Cabinet proposes to full Council for approval for 2023/24;

(19) the Chief Executive, in consultation with the Elected Mayor, Deputy Mayor, Cabinet Member for Finance and Resources and the Senior Leadership Team, be authorised to manage the overall Efficiency Programme and it be noted that decisions made under this delegated authority would be reported to Cabinet as part of the regular budget monitoring information provided; and

(20) delegated authority be given to the Chief Executive, in consultation with the Elected Mayor and Director of Resources, to authorise the purchase of homes, on the open market, providing value for money is demonstrated and the cost can be contained within existing financial resources of the Authority; this was to ensure the programme of delivery of affordable homes and homes at market rent was progressed in line with Cabinet's priorities.

(b) in relation to the Housing Revenue Account:

(1) the conclusions of the Overview, Scrutiny and Policy Development Committee's consideration of Cabinet's proposals for the 2023/24 Housing Revenue Account (HRA) Business Plan and Budget proposed by Cabinet on 28 November 2022 be noted;

(2) the final proposals in relation to the 2023/24 Housing Revenue Account Budget and associated Business Plan be agreed;

(3) individual housing rents be increased by 4.1% as outlined in Annex 1 HRA to the report and in the HRA section of 29 November 2021 Cabinet report in line with the Government's policy for social rent, based on rent increases of Consumer Price Index (CPI) + 1%;

(4) the creation of funding totalling £3.0m over the next 3 years to create a temporary package of measures which would address some of the difficulties being faced by tenants during the current cost of living crisis be agreed;

(5) the Director of Housing and Property Services, in consultation with the Lead

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Member for Housing, be authorised to develop and agree full package of measures and criteria to be implemented within above temporary funding; as part of the process, Tenant engagement representatives would be fully involved and consulted in developing the package of measures;

(6) service charges for 2023/24 be increased in line with the rent increase, reducing from the previous approach of increasing by CPI which would have seen a 10.1% increase in service charge;

(7) a fundamental review of service charges in view of the increasing costs being experienced in heating and communal energy costs be agreed; in addition, with the return of the Sheltered Housing Officer (SHO) service into Housing and Property Services from Health, Education, Children's and Safeguarding (Adults), there is also a need to review the SHO service charge to ensure that the costs of the service are being recovered appropriately;

(8) garage rents for 2023/24 be increased by 7.0%;

(9) the assessment in relation to the current year's budget monitoring information (2022/23), and indications of financial plans for 2023-2027 for the Housing Revenue Account be noted;

(10) the Capital Investment Strategy (Appendix D (iv)) which sets out the general Principles followed by both the General Fund and HRA in relation to the Authority's approach to capital investment be noted; and it be noted that this draft will be due for approval by full Council at its meeting on 16 February 2023 as part of the overall Financial Planning and Budget process; and in relation to the HRA, it be noted that the principles of the Investment Strategy will apply to the updated 2023-2028 Asset Management Strategy for the HRA;

(11) the draft Treasury Management Statement and Annual Investment Strategy for 2023/24 Appendix E (i) which sets out the general principles followed by both the General Fund and HRA in relation to the Authority's management of investments, cash flows, banking, money market and capital transactions be noted; and the continued policy of paying off existing debt where affordable and appropriate within the HRA Business Plan, which will see an estimated further £71.500m reduction in loans attributed to the HRA over the life of this 30-year Plan be also noted;

(12) the HRA Investment Plan 2023-2028 (Annex 1 HRA and Appendix D (ii)) be agreed;

(13) it be noted that 2017/18 saw the end of the 5-year transitional arrangements for the use of a "proxy" for calculating a depreciation charge, and that 2023/24 will see the continuation of the current method to calculate a "true" depreciation charge; and

(14) the Prudential Indicators which are specific to the Housing Revenue Account as set out in Appendix D (iii) to the report, be approved.

(Reason for decision: Due to external information still to be received, Cabinet is not able to formally finalise its proposed Council Tax level for 2023/24 in relation to the General Fund. However, information is suitably advanced to allow the budget proposals to be set out for the General Fund revenue and Investment Plan for consideration by Overview, Scrutiny and Policy Development Committee.

The recommendations also include the proposals to agree the final rent, service charge and other elements in relation to HRA to allow updates to tenants billing to commence in advance of the new financial year.)

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CAB92/23 Date and Time of Next Meeting

Monday 6 February 2023 at 6.00pm (Extraordinary meeting).

Minutes published on Friday 3 February 2023.

**Cabinet
(Extraordinary Meeting)**

Monday, 6 February 2023

Present: Dame N Redfearn DBE (Elected Mayor) (in the Chair),
Councillors C Johnson, C Burdis, K Clark, S Graham,
J Harrison, H Johnson, A McMullen, S Phillips and
M Rankin

In Attendance: Councillor W Samuel (Overview, Scrutiny and Policy
Development Committee – Budget Sub-group)
D Hodgson (Business Representative)
D McNally (Age UK, North Tyneside)
R Layton (North Tyneside Joint Trades Union Committee)

**CAB93/23 To Receive any Declarations of Interest and Notification of any
Dispensations Granted**

Councillor K Clark declared a registerable personal interest in agenda Item 3: 2023-2027 Financial Planning and Budget Process: Consideration of Overview and Scrutiny's Response to Cabinet's Budget Proposals (CAB94/23), as she was a Director and Employee at Justice Prince CIC which had contracts with North Tyneside Council funded from the Housing Revenue Account (Working Roots).

Councillor J Harrison declared a registerable personal interest in agenda Item 3: 2023-2027 Financial Planning and Budget Process: Consideration of Overview and Scrutiny's Response to Cabinet's Draft Budget Proposals (CAB94/23), as he was appointed by the Authority as co-opted Governor of Northumbria Healthcare NHS Foundation Trust.

**CAB94/23 2023-2027 Financial Planning and Budget Process: Consideration
of Overview and Scrutiny's Response to the Cabinet's Draft
Budget Proposals**

A report was received which presented the considerations of the Overview, Scrutiny and Policy Development Committee and Budget Scrutiny Sub-group in relation to Cabinet's draft budget proposals as part of the 2023-2027 Financial Planning and Budget Process.

The Budget Scrutiny sub-group met on 1 December 2022 where the Director of Resources and Senior Officers presented the 2023-2027 Financial Planning and Budget Process: Cabinets Initial Budget proposals. The sub-group reported its views to Overview, Scrutiny & Policy Development Committee at its meeting on the 16 January 2023, which were then considered by Cabinet at its meeting on 30 January 2023.

In response to Cabinet's Initial Budget proposals there were no recommendations for Cabinet to consider. The report received by Cabinet at its meeting on 30 January 2023 outlined considerations of the approach to Budget-setting for 2023/24.

Cabinet

There were no formal recommendations made in relation to Cabinet's engagement approach or the initial Budget proposals for the General Fund, HRA, the 2023-2027 Investment Plan and the 2023/24 Treasury Management Statement and Annual Investment Strategy, although constructive suggestions were made about how engagement could be further encouraged in future years, which Officers would take into account.

On agreement of the Overview, Scrutiny & Policy Development Committee at its meeting on the 16 January 2023, gave delegation to the Budget Scrutiny sub-group to consider and make any further recommendations in relation to Cabinet's Draft Budget Proposals. The draft proposals were considered at a meeting of the sub-group on 31 January 2023. There were no recommendations made following this meeting.

The appended report from the Sub-group noted the overall agreement to the Budget proposals for the General Fund revenue and Investment Plans, with reference to a Member who expressed a differing view or abstained.

Councillor W Samuel, who was a member of the Budget Scrutiny Sub-group, attended the meeting on behalf of the Chair of the Overview, Scrutiny and Policy Development Committee, to present the views of the Committee and the sub-group from its meetings held as part of the 2023-2027 Financial Planning and Budget Process, as set out in the report.

Councillor Samuel thanked all officers for their attendance at the Budget Sub-group meetings and for the support given throughout the scrutiny process.

The Elected Mayor thanked Councillor Janet Hunter, Chair of the Overview, Scrutiny and Policy Development Committee and members of the Budget Sub-group and all parties involved in the budget setting and engagement process.

Cabinet considered the following decision options: to either approve the recommendations as set out in section 1.2 of the report, or alternatively, to not accept the recommendations.

Resolved that the considerations of the Overview, Scrutiny and Policy Development Committee and Budget Scrutiny Sub-group in relation to Cabinet's draft budget proposals as part of the 2023-2027 Financial Planning and Budget Process be noted.

(Reason for decision: The Budget proposals have been worked through with all Cabinet Members and have taken due consideration of the Budget Engagement suggestions. The reasons for recommendations are mainly legal in nature, as stated in paragraphs 2.1 and 2.2 of the report.)

CAB95/23 Date and Time of Next Meeting

6.00pm on Monday 20 February 2023.

Minutes published on Tuesday 7 February 2023.

North Tyneside Council Report to Cabinet Date: 20 February 2023

Title: Determination of School Admission Arrangements September 2024

Portfolio(s): Children, Young People and Learning	Cabinet Member(s): Cllr Steven Phillips
Report from Service Area:	Commissioning and Asset Management
Responsible Officer:	Mark Longstaff, Director of Commissioning and Asset Management (Tel:(0191) 6438089)
Wards affected:	All

PART 1

1.1 Executive Summary:

This is an annual report submitted to Cabinet to meet a statutory requirement to determine school admission arrangements before publication. This report is to approve the proposed admission arrangements for all Community Schools in North Tyneside for the 2024/2025 academic year including the co-ordinated admissions schemes.

The Authority has a duty to consult on all aspects of its proposed admission arrangements if there are any proposed changes to the arrangements.

There are no changes proposed.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) approve the 2024 proposed admission arrangements and limits for Community Schools, as outlined in Appendices 1 to 5, subject to the appropriate publication of Statutory Notices;
- (2) authorise the Director of Commissioning and Asset Management to proceed in administering admission arrangements for the 2024/2025 academic year, subject to the publication of Statutory Notices and compliance with obligations required by the Secretary of State in accordance with the timescales set: and
- (3) authorise the Director of Commissioning and Asset Management, in consultation with the Cabinet Member for Children, Young People and Learning, to formally seek approval, as necessary, from the Schools Adjudicator in accordance with the School Admissions Code 2021 for any necessary variations to the determined arrangements for the 2024/25 academic year should these arise.

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 2 December 2022.

1.4 Council Plan and Policy Framework

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

A family friendly North Tyneside:

- We will ensure all children are ready for school including through poverty proofing the school day – giving our kids the best start in life

1.5 Information:

1.5.1 Co-ordinated Admission Schemes (The Scheme)

All Local Authorities are required to formulate and consult on a scheme for each academic year for co-ordinating admission arrangements for all maintained schools within their area. This requirement includes maintained boarding schools but excludes maintained special schools and maintained nursery schools. Co-ordinated schemes are intended to simplify the admission process for parents whilst reducing the likelihood of any child being left without a school place. Co-ordination establishes a mechanism that ensures that, as far as is practical, every child living in a Local Authority (LA) area who has applied in the normal admissions round receives one, and only one, offer of a school place on the same day. While it is for each LA to decide the scheme that best suits its residents and its schools, authorities must ensure that they:

- a. comply with law and regulations, including all the process requirements (for example, the common application form allowing at least 3 preferences, information sharing with other Local Authorities, sending out not more than one offer to all seeking places at its maintained schools or academies on the same day); and
- b. do not disadvantage applications to their schools from families resident in other Local Authority areas.

The Scheme applies to applications received from September 2023 for entry into maintained schools in September 2024. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations) require the LA to exchange specified information on applications with neighbouring Authorities.

The purpose of the Scheme is to co-ordinate admissions into all mainstream maintained first and primary, middle and high schools in North Tyneside. The Regulations also place a duty on all Local Authorities to make arrangements within their Scheme for cross-Authority border co-ordination of admissions.

The Co-ordinated Admissions Schemes are shown in Appendices 1 and 2.

1.5.2 Admissions Numbers

All schools must have an admission number for each 'relevant age group'. This is defined in law as 'an age group in which pupils are or will normally be admitted' to the school in question. Admission Authorities of maintained schools must set admission numbers with regard to the capacity assessment for the school under the Regulations.

The Planned Admission Numbers are shown at Appendix 3

1.5.3 Admission Policies

Pupils will be able to go to their preferred school unless there are more applications to that school than there are places available. If there are more applications than places available at a school, oversubscription criteria will be used to allocate places after any children with an Education, Health and Care Plan have been provided for where the Education, Health and Care Plan names a specific school.

Admissions Policies for admission to North Tyneside Community Schools and Nurseries for which the LA is the Admissions Authority are shown at Appendices 4 and 5.

1.5.4 Oversubscription Criteria

The oversubscription criteria used by the LA where there are more applications than places available are set out in Appendices 4 and 5 of this report.

1.5.5 Admissions to Year 12 (sixth form)

Where a secondary school operates a sixth form and admits pupils from other schools at age 16, for instance, an admission number will be required for Year 12 as well as for the main year or years. Admission numbers must refer to pupils being admitted to the school for the first time and not transferring from earlier age groups. The entry requirements for sixth form are largely dependent on the course of study that a student wishes to access. Details of specific requirements and courses available may be obtained for individual schools. All schools publish information about their post 16 provision.

1.5.6 Community Schools

The Authority is responsible for consultation and determining the admission arrangements for community schools in the North Tyneside area in accordance with the School Admissions Code 2021.

1.5.7 The Learning Trust Schools

The North Tyneside Learning Trust was established in September 2010 and currently comprises 44 schools. The governing bodies of these schools are responsible for determining their arrangements in accordance with the School Admissions Code 2021. Five of the schools in the Learning Trust are Special Schools and these arrangements do not apply to them.

1.5.8 Voluntary Aided Schools

There are 3 Church of England Voluntary Aided Schools and the governing bodies of these schools are responsible for consultation and determining their own admission arrangements in accordance with the School Admissions Code 2021.

1.5.9 Academies

There are 13 academies in North Tyneside. The governing bodies/Trust boards of these schools are responsible for consultation and determining their own admission arrangements in accordance with the School Admissions Code 2021.

Any school which subsequently changes their status and becomes an academy will be responsible for determining their own admission arrangements in accordance with the School Admissions Code 2021 following the change.

1.6 **Decision options:**

The following decision options are available for consideration by Cabinet/Council/ Title of Cabinet Member/Title of Officer (delete as appropriate):

The following decision options are available for consideration by Cabinet:

Option 1

Approve the recommendations set out in section 1.2 of the report.

Option 2

Do not approve the recommendations set out in section 1.2 of the report and request Officers undertake further work to change proposed admission arrangements.

Option 1 is the recommended option.

1.7 **Reasons for recommended option:**

Option 1 is recommended for the following reasons:

There are no changes to the admission arrangements.

The recommendations contained in this report are made to secure compliance with statutory requirements as outlined in Section 2.2 of this report.

If the recommended option is not approved, the Authority may not be in compliance with statutory requirements as outlined in Section 2.2 of this report.

1.8 **Appendices:**

If there is only one Appendix, this should be referred to as follows:

Appendix 1: Proposed Co-ordinated Admissions Scheme First and Primary Schools 2024

Appendix 2: Proposed Co-ordinated Admissions Scheme Middle and High Schools 2024

Appendix 3: Proposed Admissions Numbers Community First and Primary Schools
September 2024

Appendix 4: Proposed Admissions to Nursery Policy September 2024

Appendix 5: Proposed Admissions to Community First and Primary Schools Policy
September 2024

1.9 Contact officers:

Mark Longstaff, Director of Commissioning and Asset Management tel: 0191 643 8089
Barbara Patterson, Head of Service – Catering, Cleaning and Fair Access tel: 0191 643 8340

Val Johnson, Access Manager, tel: 0191 6438721

Claire Emmerson, Senior Manager Financial Strategy and Planning tel: 0191 643 8109

1.10 Background information:

The following background papers/information have been used in the compilation of this report:

1. [School Admissions Code December 2021](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications directly arising from this report.

2.2 Legal

The School Admissions Code 2021 (the Code) applies to admissions to all maintained schools and sets out certain mandatory requirements and prohibited practices according to the relevant law. The LA's determined admission arrangements must comply with the mandatory provisions of the Code. The Code is made under section 84 of the School Standards and Framework Act 1998.

The LA is only required to consult on the admission arrangements for those schools for which it is the Admissions Authority by 31 January 2023 if there are any changes to the previously agreed arrangements. The admission arrangements for 2024 must be determined by 28 February 2023.

In accordance with the Local Government Act 2000 and the Regulations made under that Act in relation to responsibility for functions, Cabinet is responsible for determining this matter.

Each year, the LA is required to have in place a scheme for co-ordinating admission arrangements for maintained schools in the area (section 88M of the School Standards and Framework Act 1998). There is no requirement to co-ordinate applications for places in any other year groups including school sixth forms/year 12.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Cabinet Member responsible for Children, Young People and Learning has been consulted in relation to the proposals.

2.3.2 External Consultation/Engagement

No consultation required

2.4 Human rights

The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admissions Authorities, however, do need to consider parents' reasons for expressing a preference when they make decisions about the allocation of school places, to take account of the rights of parents under the Human Rights Act 1998, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' right to ensure that their child's education conforms to their own religious or philosophical convictions (so far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

2.5 Equalities and diversity

Under section 85 of the Equality Act 2010, it is unlawful for any education provider, including a private or independent provider, to discriminate between pupils on grounds of disability, sex, race, gender reassignment, sexual orientation, pregnancy and maternity, religion or belief. Discrimination on these grounds, which are known as 'protected characteristics', is unlawful in relation to admission arrangements. There are exceptions to these requirements set out in Schedule 11 of the 2010 Act, including in respect of admissions to single sex schools, schools with a religious character and in respect of other types of education providers such as further and higher education. In addition, the Equality Act 2010 introduces the following duties on the responsible bodies of schools:

- (a) A duty not to harass a pupil or a person who has applied for admission (on the basis of protected characteristics, harassment or less favourable treatment);
- (b) A duty not to victimise a person in its admission arrangements;
- (c) A duty to make reasonable adjustments in respect of the admission of prospective pupils who may be disabled and not to discriminate in respect of the same.

The arrangements that North Tyneside Council has in place are fully compliant with Section 85 of the Equality Act 2010. In addition, all maintained schools are also fully aware of their responsibilities associated with the Act.

2.6 Risk management

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

2.7 Crime and disorder

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

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

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

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Co-ordinated Admissions Scheme for First and Primary Schools in the area of North Tyneside Local Authority 2024

Introduction

1. This Scheme is made by North Tyneside Council under the Education (Co-ordination of Admission Arrangements) (Primary) (England) Regulations 2008 and applies to all First and Primary Schools in North Tyneside.

Interpretation

2. In this Scheme -

"The LA" means North Tyneside Council acting in their capacity as Local Authority;

"The LA area" means the area in respect of which the LA is the Local Authority;

"Primary education" has the same meaning as in section 2(1) of the Education Act 1996;

"Secondary education" has the same meaning as in section 2(2) of the Education Act 1996;

"Primary school" has the same meaning as in section 5(1) of the Education Act 1996;

"Secondary school" has the same meaning as in section 5(2) of the Education Act 1996;

"School" means a community, foundation or voluntary school (but not a special school), which is maintained by the LA;

"VA schools" means such of the schools as are voluntary aided schools;

"Trust schools" means such of the schools have a trust status;

"Academy" means such of the schools have academy status;

"Admission Authority" in relation to a community school means the LA and, in relation to Trust and VA schools means the governing body of that school and in relation to an Academy means the Academy Trust of that school.

"The equal preference system" the scheme operated by North Tyneside Council whereby all preferences listed by parents/carers on the common application form are considered under the over-subscription criteria for each school without reference to parental rankings. Where a pupil may be offered a place at more than one school, the rankings are used to determine the single offer by selecting the one ranked highest on the common application form;

"The specified year" means the school year beginning at or about the beginning of September 2024;

"Academic year" means a period commencing with 1st August and ending with the next 31st July.

“The determination year” in relation to the proposed admission arrangements for a school, means the academic year beginning two years before the academic year to which the arrangements relate.

"Admission arrangements" means the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered;

“Parent/Carer” means any person who holds parental responsibility, as defined under the 1989 Children Act, and with whom the child normally resides;

“Direct distance” means the distance measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council’s Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority;

“Appropriate school” means the nearest school identified by the authority in accordance with the home to school transport policy;

“Home” local authority means the local authority in whose area the parents live;

The Primary “National Offer Day” is 16 April or the next working day;

“In year “admission means any application for a place other than the normal year of entry;

School Admissions Code refers to the code published in September 2021;

“Eligible for a place” means that a child has been placed on a school’s ranked list at such a point, which falls within the school’s published admission number.

Commencement and extent

This scheme applies in relation to the admission arrangements for the schools for admission year 2024-2025 (the specified year).

The LA will include in its admission arrangements for the specified year the provisions set out in Schedule 1 to this scheme, or provisions having the same effect.

The governing body of each of the Academies, VA and Trust schools will include in its admission arrangements for the specified year the provisions set out in the Schedule, so far as relevant to that school, or provisions having the same effect.

The Scheme

1. The Scheme shall be determined in accordance with the provisions set out in Schedule 1 and processed in accordance with the timetable set out in Schedule 2.
2. The scheme shall apply to every school in the LA area as identified in Appendix 1 (except special schools).
3. The Scheme will also include applications from parents seeking admission to North Tyneside schools who live within the following neighboring LA’s:

- Newcastle Local Authority
- Northumberland Local Authority

We will also co-ordinate our admission process with any other Admission Authorities where relevant.

SCHEDULE 1

PART I -THE SCHEME

1. There will be a standard form known as the Common Application Form.
2. The Common Application Form will be used for the purpose of admitting pupils into the first year of First and Primary education in the specified year, and for applications made outside the normal year of entry i.e. 'In year' admissions leading up to, and during, the academic year 2024/2025.
3. The Common Application Form must be used as a means of expressing up to 3 preferences for the purposes of section 86 of the School Standards and Framework Act 1998, by parents resident in the LA area wishing to express a preference for their child-
 - a To be admitted to a school within the LA area (including Academies, VA and Trust schools);
 - b To be admitted to a school located in another LA's area (including Academies, VA, and Trust schools)
4. **The Common Application Form will -**
 - a Allow parents to express up to 3 preferences, including, where relevant, any schools outside the LA's area, in the rank order in which they wish their child to receive an offer of a place at the respective schools,
 - b Specify the closing date and where the application form must be returned in accordance with paragraph 10.
5. **The LA will make appropriate arrangements to ensure:**
 - a That the Common Application Form is available on request from the LA and on-line at www.northtyneside.gov.uk/schooladmission until the closing date and
 - b That the Common Application Form is accompanied by a written explanation of the key features of the co-ordinated admissions scheme.
6. **The LA will take all reasonable steps to ensure that:**
 - a Every parent resident in the LA area who has a child attending a nursery class or early years setting and is eligible to commence primary education receives a written explanation of how to apply either online or paper copy (on request only); and
 - b Every parent whose application falls within the category of an 'In Year' transfer receives a copy of the Common Application Form (and written explanation), on request, and understands the process.

Parents will be advised that they will receive no more than one offer of a school place and that:

- (i) If more than one school is nominated and two or more preferences can be offered the parent will be regarded as having ranked the schools in the order appearing on the form (the first-mentioned being ranked the highest); and
 - (ii) Places at any oversubscribed school will be offered on the basis of equal preference rank order and that where an offer is made it would be for the highest ranked school.
 - (iii) If a place cannot be offered at a nominated school, a place will be offered at an alternative school.
7. The Common Application Form will include an extra section to be completed by parents who express a preference for a Voluntary Aided School to enable them to provide additional relevant information.
8. Where a school receives a supplementary information form from a North Tyneside resident it will not be regarded as a valid application unless the parent has also completed a Common Application Form and the school is nominated on it. Where supplementary information forms are received directly by schools the school must inform the LA immediately so it can verify whether a Common Application Form has been received from the parent and, if not, the LA will contact the parent and ask them to complete a Common Application Form. Under the requirements of the scheme parents will not be under any obligation to complete an individual school's supplementary information form where this is not strictly required for the governing body to apply their oversubscription criteria.
9. Any school which operates criteria for selection by ability or aptitude must ensure that its arrangements for assessing ability or aptitude, to enable decisions to be made on nominations, conform to the timing requirements of the scheme as set out in Schedule 2. (N.B. no Community, Academy, Trust or Voluntary Aided School in North Tyneside operates criteria for selection based on ability or aptitude)

Processing of Common Application Forms

10. It will be the responsibility of parents to ensure that Common Application Forms are received directly to the LA by the closing date of **13 January 2024**. Common Application Forms may also be completed on-line by the closing date.

Determining offers in response to the Common Application Form

11. The LA will act as a clearinghouse for the allocation of places by the relevant admission authorities in response to the Common Application Forms. The LA will only make any decision with respect to the offer or refusal of a place in response to any preference expressed on the Common Application Form where-
- (a) It is acting in its separate capacity as an admission authority, or
 - (b) An applicant is eligible for more than one place and is allocated a place at the highest ranked school, or
 - (c) An applicant is not eligible for a place at any school that the parent has nominated.

The LA will allocate places in accordance with the provisions set out in paragraph 18 of this Schedule.

12. Completed application forms must be received by the closing date of **13 January 2024**.
13. Completed application forms, which are received after the closing date will be marked '**LATE**' and considered on an individual basis except that the procedure must not prevent the proper processing under the Scheme of application forms received on time.
14. The LA will process all application forms; any completed application forms must be treated as a confidential communication between the parent and the LA. All ranked applications received by the closing date will be considered before any ranked applications received after this closing date unless exceptional circumstances apply.
15. **By 3 February 2024** the LA will notify the admission authority for each of the schools of every nomination that has been made for that school, including all relevant details and any supplementary information received by this date, which schools require in order to apply their oversubscription criteria. Where parents have nominated a school outside the LA area, the LA will also similarly notify the relevant authority/authorities by this date.
16. **By 24 February 2024** the admission authority for each Trust, VA and Academy school will provide the LA with a list in rank order, in accordance with their admission criteria of all pupils who applied for a place at the school.
17. **By 6 March 2024** the LA will exchange responses to preferences with other LAs.
18. **By 10 March 2024** the LA will match the provisional offers of places against each parent's ranking and proceed as follows:
 - Where the child is eligible for a place at only one of the preferred schools, a place at that school will be offered to the child.
 - Where the child is eligible for a place at two or more of the preferred schools they will be offered a place at whichever school is the highest ranked and any lower offers will be disregarded.
 - Where none of the preferences can be met, the child will be offered a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy, measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority
 - The LA will allocate a school place to those pupils who have not submitted a Common Application Form once all other pupils who submitted a Common Application Form have been considered and after 8 May 2023. The LA will allocate a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy, as measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority
19. **24 March 2024** -The LA informs its First and Primary Schools of the pupils to be offered places at their schools, and informs other LAs of places in North Tyneside schools to be offered to their residents.

20. **On 16 April 2024** parents will be notified by email of the outcome of their application if they applied online and requested an email notification. If the parent completed a paper application form a letter will be posted 2nd class informing them of the school place allocated. This letter will give the following information

- The name of the school at which a place is offered;
- The reasons why the child is not being offered a place at any of the other higher ranked schools nominated on the Common Application Form;
- Information about their statutory right of appeal against the decisions to refuse places at the other nominated schools;
- Allow parents to request that their child's name is placed on a waiting list for any schools that they were refused that were ranked higher on the application form than the place that was offered.
- Contact details for the schools (in the case of nominated VA schools where they were not offered a place) so that they can lodge an appeal, with the governing body, and the relevant LAs.

The letter will not inform parents of places still available at other schools.

21. **2 May 2024: (1)** the deadline for parents to accept the place offered. If they do not respond by this date the LA will assume that the offer of the school place is accepted and will notify the school accordingly where possible the LA will also continue to pursue parents for written confirmation of acceptance for oversubscribed schools. **(2)** the deadline for parents to request to place their child's name on a waiting list for any school they ranked higher on their Common Application Form than the school they were offered.

WAITING LISTS

Parents may ask for their children to be kept on a waiting list of children to be re-allocated places if they become available **after 16 April 2024** at any school they have ranked higher on their Common Application Form than the school they were offered. Where a parent has been offered a place at a school, which they did not nominate on their Common Application Form they may be placed on the list of all the schools they did nominate and can then be considered for places at those schools. If pupil numbers fall below the published admission number then children will be admitted from the waiting list according to the admission criteria regardless of when their application form was received. The LA will hold all waiting lists where requested. Waiting lists for schools will be kept for **one term** in the academic year i.e. **31 December 2024**. No list will be kept for any school thereafter either by the Local Authority or by any individual school.

22. **8 May 2024:** The LA re-allocates any places that may have become vacant since 16 April, in accordance with the school admission criteria, which will include the following:

- Those who have not yet been offered any school place, for example, late applications from parents who have just moved into the area and have not been offered a school place.
- Those who have not been offered a school place at any of the schools they nominated on the Common Application Form and the place that has become available is at a school originally nominated on the Common Application Form.

- Those who have been offered a school place but who ranked the school at which a place has now become available higher on the Common Application Form.

Where there are more applicants than places available then the priorities used within the schools admission criteria will also be applied to all applicants on the waiting list to determine the allocation of places.

23. Where a parent has been allocated a place at their second ranked school, they may be placed on a waiting list of their first ranked school but not their third and so on. Where a parent has been offered a place at a school, which they did not nominate on their Common Application Form, they may be placed on the list of all the schools they did nominate, and can then be considered for places at those schools.
24. Waiting lists for schools will be kept by the Local Authority for **one term** in the academic year i.e. **31 December 2024**. No lists will be kept for any school thereafter, either by the LA or by individual schools.
25. Where parents have not returned their acceptance slip for oversubscribed schools or responded to the offer the LA will assume that the place has been accepted and the school will be notified accordingly.

PART 2 – LATE APPLICATIONS

26. The closing date for applications in the normal admissions round is **13 January 2024**. As far as is reasonably practicable applications for places in the normal admissions round that are received late for a good reason or in exceptional circumstances may be considered provided they are received before **31 January 2024**, the date the allocation procedures begin. Examples of what may be considered as good reason and exceptional circumstances include: when a lone parent has been ill for some time, or has been dealing with the death of a close relative; a family has just moved into the area or is returning from abroad (proof of ownership or tenancy of a North Tyneside property will be required in these cases). Other circumstances may be considered and each case will be decided on its own merits by each individual admission authority.

CHANGE OF SCHOOL PREFERENCE AFTER 13 January 2024:

27. Once parents have submitted their Common Application Form they cannot change their preferences without a genuine reason, for example if the family has recently moved address, proof of ownership or tenancy of a North Tyneside property will be required.

LATE APPLICATIONS RECEIVED AFTER 31 January 2024

28. Late applications received after 31 January 2024, which, are not deemed to be exceptional by the Authority, will not be processed until after 16 April.

NO COMMON APPLICATION FORM RECEIVED BY 16 APRIL 2024

29. Where no Common Application Form is submitted the child will **not** be offered a school place on 16 April 2024. The Local Authority will not offer a place until a form has been completed and after **8 May 2024**. The parent will then be offered a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy.

APPLICATIONS RECEIVED AFTER 16 APRIL 2024

30. Applications received after 16 April at any school must be forwarded to the LA immediately. Where only the supplementary information form is received the school must inform the LA immediately so it can verify whether a Common Application Form has been received from the parent and, if not, contact the parent and ask them to complete a Common Application Form. The LA will enter the details onto its Education Management System (EMS) and, after consultation with the relevant admission authority, offer a place as soon as possible at the school highest in the parent's order of preference that has a vacancy or if this is not possible, at the nearest appropriate school with a vacancy (as defined in paragraph 18).

CHANGE OF SCHOOL PREFERENCE AFTER 16 APRIL 2024

31. Parents cannot change their original school preference(s) without a genuine reason, for example if the family has recently moved address. Where the LA agrees to accept a change of preference application the original school preference will be cancelled and a new application must be submitted which will be considered as 'Late'. Any place previously offered at a school in North Tyneside on 16 April 2024 will be withdrawn and the parent will be notified in writing of the outcome.

YEAR OF ENTRY APPEALS

32. All Admission Authorities must publish their appeals timetable on their website by **28 February each year**.
33. Where schools are their own admission authority i.e. Academies, VA and Trust the school will be responsible for presenting the schools case for any appeals lodged. However, for Academies and Trust Schools the LA can be present for stage 1 of the appeal to answer any questions on the admission process.

PART 3 - 'IN YEAR' ADMISSIONS**APPLICATIONS RECEIVED AFTER 16 APRIL 2024**

34. Applications received after 16 April 2024, and for places in year groups other than the normal year of entry to First and Primary schools, will be treated as 'In Year' admissions.

APPLYING FOR A SCHOOL PLACE OUTSIDE THE NORMAL YEAR OF ENTRY

35. Parents must apply to their 'home' local authority regardless of the school they are applying for.
36. The 'home' local authority will process all Common Application Forms and inform parents of the outcome of their application even if the school is an Academy, Trust or Voluntary Aided.
37. The local authority is unable to process applications for schools where the date that the place is required from, is more than 2 months from the date of the application (Service and Crown Personnel are exempt).
38. Children must be resident in the country before a Common Application Form can be considered (Service and Crown Personnel are exempt).
39. School places cannot be allocated on the basis of intended future changes of address unless a house move has been confirmed through the exchange of contracts or a rental

agreement. The admission authority reserves the right to seek further documentary evidence to support the claim to residence.

LOOKED AFTER CHILDREN

A Local Authority has the power to direct an admission authority (including Academies, Trust and Voluntary Aided schools) to admit a child who is Looked After by the Local Authority, even when the school is full. The Local Authority must not choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size. In respect of admissions for key stage 1 a Looked After Child would be admitted as an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit.

RESPONDING TO COMMON APPLICATION FORMS

40. If the application is for an Academy, Trust or Voluntary Aided school, the local authority will refer the application to the Governing Body of the school. In the case of applications for schools outside North Tyneside, the LA will contact the relevant authority.
41. All admission authorities must respond to the local authority within 5 working days of receiving the Common Application Form informing them of the decision. If there is a place available pupils **must** be admitted within 20 school days of the application being received by the local authority or at the beginning of a half term if appropriate.
42. Where a place is not available at the highest ranked school the local authority will co ordinate with the second and third preference schools until a place can be offered at one of the preferences.
43. If the pupil is not on the roll of a North Tyneside school and a place cannot be offered at any of the nominated schools, the parent will be informed of places available at other schools in the area.
44. If there are more applications than places available the published admission criteria must be applied.
45. Pupils can only be refused a place at a school if one of the statutory reasons in the School Admissions Code applies.
46. Pupils should not be placed outside the normal age group without written recommendation from an Educational Psychologist.
47. The LA will keep a track of any pupils who apply for 'In Year' admissions, and intervene as appropriate to ensure that they are placed in a school without undue delay particularly in respect of Looked After Children and disadvantaged children moving into the area i.e. Gypsy, Roma and Traveller children.
48. Where schools are their own admission authority i.e. Academy, Trust or VA, the school will be responsible for presenting the schools case for any in-year appeals lodged. The school should liaise directly with the Clerk to the Independent Appeal Panel, Legal, Governance and Commercial Services, North Tyneside Council, NE27 0BY. Tel: (0191) 643 5316.

DETERMINING OFFERS IN RESPONSE TO THE COMMON APPLICATION FORM

Pupils living in North Tyneside and applying for a school in the area (including Academies, Trust and Voluntary Aided Schools) The LA will notify the parent of the outcome of the place for all schools including Academies, Trust and VA schools.

Pupils living in North Tyneside applying for a school out of the area

The 'Home' authority (NorthTyneside) must contact the maintaining authority to confirm the availability of a place. The 'Home' authority (NorthTyneside) would then confirm the offer of the place in writing to the parent, with a copy to the maintaining authority.

Pupils living out of the area applying for a North Tyneside school

The 'Home' authority must contact North Tyneside LA to confirm the availability of a place. The 'Home' authority would then confirm the offer of a place to the parent, with a copy of the offer to North Tyneside LA.

Acceptance of the school place

Parents will be expected to respond to accept or decline the offer within 10 working days, failure to do so will result in the school place being assumed as accepted and the school notified accordingly.

WAITING LISTS

The LA will hold the waiting list where requested. The waiting list will be held for the year of entry only i.e. reception class for oversubscribed schools. The list will be held for **one term** in the academic year. No list will be held by the Local Authority for any school after **31 December 2024**.

SCHEDULE 2**TIMETABLE OF CO-ORDINATED SCHEME
FIRST AND PRIMARY SCHOOLS**

DATE	EVENT
11 September 2023	Application Process begins for 2024/25
13 January 2024	Closing date for all applications to be received by the Local Authority
3 February 2024	Details of preferences to be sent to Trust, VA, Academies and other Local Authorities where preferences stated are for schools other than the home LA.
24 February 2024	The admission authority for each Trust, VA and Academy School will provide the LA with a list in rank order in accordance with their admission criteria of all pupils who applied for a place at the school.
6 March 2024	The LA will exchange responses to preferences with other LAs.
24 March 2024	The LA will inform all North Tyneside schools of children to offered places at their schools.
16 April 2024	National Offer Day for places
2 May 2024	Last date for parents to accept or refuse the offer that has been made.
2 May 2024	Last date for parents to request in writing that they want to place their child's name on the waiting list for any schools which they have applied for and been refused.
8 May 2024	The LA reallocates any places that have become available since offer day.
June/July 2024	Appeals to be heard

CO-ORDINATED ADMISSIONS SCHEME – FIRST AND PRIMARY SCHOOLS**Admission Authorities in the Area of North Tyneside to which the scheme applies****The Scheme applies to the Governing Body as the Admission Authority for the following Voluntary Aided Schools:**

Christ Church C of E Primary School	Keilder Terrace North Shields NE30 2AD
St Bartholomew's C of E Primary	Goathland Avenue Longbenton NE12 8FA
Wallsend St Peter's C of E Primary School	North Terrace Wallsend NE28 6PY
St Aidan's RC Primary School	Coniston Road Wallsend NE28 0EP
St Bernadette's RC Primary School	Rising Sun Cottages Wallsend NE28 9JW
St Columba's RC Primary School	Station Road Wallsend NE28 8EN
St Cuthbert's RC Primary School	Lovaine Place North Shields NE29 0BU
St Joseph's RC Primary School	Wallsend Road North Shields NE29 7BT
St Mary's RC Primary School	Farringdon Road North Shields NE30 3EY
St Mary's RC Primary School	Great Lime Road Forest Hall NE12 7AB
St Stephens' RC Primary School	Goathland Avenue Longbenton NE12 8FA
Star of the Sea RC Primary School	Seatonville Road Whitley Bay NE25 9EG

The Scheme applies to the Governing Body as the Admission Authority for the following Learning Trust Schools:

Amberley Primary School	East Bailey Killingworth NE12 6SQ
Appletree Gardens First School	Appletree Gardens Whitley Bay NE25 8XS
Balliol Primary	Chesters Avenue Longbenton NE12 8QP
Battle Hill Primary School	Berwick Drive, Battle Hill Wallsend NE28 9DH
Benton Dene Primary School	Hailsham Avenue, Longbenton NE12 8FD
Burradon Primary School	Burradon Road Cramlington NE23 7NG
Carville Primary School	The Avenue Wallsend NE28 6AX
Denbigh Primary	Denbigh Avenue Wallsend NE28 0DS
Fordley Primary	Dudley Drive, Fordley Cramlington NE23 7AL
Forest Hall Primary School	Delaval Road Forest Hall NE12 9BA
Greenfields Primary School	Taylor Avenue Wideopen NE13 6NB
Hadrian Park Primary School	Addington Drive Wallsend NE28 9RT
Hazlewood Primary School	Canterbury Way, Woodlands Park Wideopen NE13 6JJ
Ivy Road Primary	Forest Hall Newcastle NE12 9AP
King Edward Primary	Preston Avenue North Shields NE30 2BD
Monkhouse Primary School	Wallington Avenue North Shields NE30 3SH

Preston Grange Primary	Chiltern Road North Shields NE29 9QL
Redesdale Primary School	Wiltshire Drive Wallsend NE28 8TS
Richardson Dees Primary	High Street East Wallsend NE28 7RT
Rockcliffe First School	Grafton Road Whitley Bay NE26 2NR
Stephenson Memorial Primary	Martin Road Wallsend NE28 0AG
Wallsend Jubilee Primary School	Mullen Road Wallsend NE28 9HA
Western Primary School	Rutland Road Wallsend NE28 8QL
Westmoor Primary School	Southgate Killingworth, NE12 6SA
Whitehouse Primary School	Whitehouse Lane North Shields NE29 7PE

The Scheme applies to the Governing Body as the Admission Authority for the following Academies:

Grasmere Academy	Grasmere Court Killingworth NE12 6TS
Kings Priory School	Huntington Place North shields NE30 4RF

Community Schools where the Local Authority is the Admission Authority

Coquet Park First	The Links Whitley Bay NE26 1TQ
Langley First	Drumoyne Gardens West Monkseaton NE25 9DL
Marine Park First	Park Road Whitley Bay NE26 1LT
Southridge First	Cranleigh Place Whitley Bay NE25 9UD

South Wellfield First	Otterburn Avenue Whitley Bay NE25 9QL
Whitley Lodge First	Woodburn Drive Whitley Bay NE26 3HW
Backworth Park Primary	Hotspur North Backworth NE27 0FZ
Bailey Green Primary	West Bailey Killingworth NE12 6QL
Collingwood Primary	Oswin Terrace North Shields NE29 7JQ
Cullercoats Primary	Marden Avenue, Cullercoats North Shields NE30 4PB
Holystone Primary	Whitley Road, Holystone Newcastle NE27 0DA
New York Primary	Lanark Close, New York North Shields NE29 8DP
Percy Main Primary	Nelson Terrace North Shields NE29 6JA
Preston Grange Primary	Chiltern Road, Preston Grange North Shields NE29 9QL
Riverside Primary	Minton Lane North Shields NE29 6DQ
Shiremoor Primary	Stanton Road, Park Estate Shiremoor NE27 0PW
Spring Gardens Primary	Brightman Road North Shields NE29 0HP
Waterville Primary	Waterville Road North Shields NE29 6SL

Determined

Co-ordinated Admissions Scheme for Middle and High Schools in the area of North Tyneside Local Authority 2023

Introduction

1. This Scheme is made by North Tyneside Council under the Education (Co-ordination of Admission Arrangements) (Primary) (England) Regulations 2008 and applies to all Middle and High Schools in North Tyneside.

Interpretation

2. In this Scheme -

"The LA" means North Tyneside Council acting in their capacity as Local Authority;

"The LA area" means the area in respect of which the LA is the Local Authority;

"Primary education" has the same meaning as in section 2(1) of the Education Act 1996;

"Secondary education" has the same meaning as in section 2(2) of the Education Act 1996;

"Primary school" has the same meaning as in section 5(1) of the Education Act 1996;

"Secondary school" has the same meaning as in section 5(2) of the Education Act 1996;

"School" means a community, foundation or voluntary school (but not a special school), which is maintained by the LA;

"VA schools" means such of the schools as are voluntary aided schools;

"Trust schools" means such of the schools have a trust status;

"Academy" means such of the schools have academy status;

"Admission Authority" in relation to a community school means the LA and, in relation to Trust and VA schools means the governing body of that school and in relation to an Academy means the Academy Trust of that school.

"The equal preference system" the scheme operated by North Tyneside Council whereby all preferences listed by parents/carers on the common application form are considered under the over-subscription criteria for each school without reference to parental rankings. Where a pupil may be offered a place at more than one school, the rankings are used to determine the single offer by selecting the one ranked highest on the common application form;

"The specified year" means the school year beginning at or about the beginning of September 2023;

"Academic year" means a period commencing with 1st August and ending with the next 31st July.

Appendix 2

“The determination year” in relation to the proposed admission arrangements for a school, means the academic year beginning two years before the academic year to which the arrangements relate.

"Admission arrangements" means the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered;

“Parent/Carer” means any person who holds parental responsibility, as defined under the 1989 Children Act, and with whom the child normally resides;

“Direct distance” means the distance measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council’s Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority;

“Appropriate school” means the nearest school identified by the authority in accordance with the home to school transport policy;

“Home” local authority means the local authority in whose area the parents live;

The Secondary “National Offer Day” is 1 March or the next working day;

“In year “admission means any application for a place other than the normal year of entry;

School Admissions Code refers to the code published on 19 December 2014;

“Eligible for a place” means that a child has been placed on a school’s ranked list at such a point, which falls within the school’s published admission number.

Commencement and extent

This scheme applies in relation to the admission arrangements for the schools for admission year 2023-2024 (the specified year).

The LA will include in its admission arrangements for the specified year the provisions set out in Schedule 1 to this scheme, or provisions having the same effect.

The governing body of each of the Academies, VA and Trust schools will include in its admission arrangements for the specified year the provisions set out in the Schedule, so far as relevant to that school, or provisions having the same effect.

The Scheme

1. The Scheme shall be determined in accordance with the provisions set out in Schedule 1 and processed in accordance with the timetable set out in Schedule 2.
2. The scheme shall apply to every school in the LA area as identified in Appendix 1 (except special schools).
3. The Scheme will also include applications from parents seeking admission to North Tyneside schools who live within the following neighbouring LA’s:

- Newcastle Local Authority
- Northumberland Local Authority

We will also co-ordinate our admission process with any other Admission Authorities where relevant.

SCHEDULE 1

PART I -THE SCHEME

1. There will be a standard form known as the Common Application Form.
2. The Common Application Form will be used for the purpose of admitting pupils into the first year of Middle and High School education in the specified year, and for applications made outside the normal year of entry i.e. 'In year' admissions leading up to, and during, the academic year 2023/2024.
3. The Common Application Form must be used as a means of expressing up to 3 preferences for the purposes of section 86 of the School Standards and Framework Act 1998, by parents resident in the LA area wishing to express a preference for their child-
 - a to be admitted to a school within the LA area (including Academies, VA and Trust schools);
 - b to be admitted to a school located in another LA's area (including Academies, VA, and Trust schools)
4. **The Common Application Form will -**
 - a Allow parents to express up to 3 preferences, including, where relevant, any schools outside the LA's area, in the rank order in which they wish their child to receive an offer of a place at the respective schools,
 - b Specify the closing date and where the application form must be returned in accordance with paragraph 10.
5. **The LA will make appropriate arrangements to ensure:**
 - a That the Common Application Form is available on request from the LA and on-line at www.northtyneside.gov.uk/schooladmission until the closing date and
 - b That the Common Application Form is accompanied by a written explanation of the key features of the co-ordinated admissions scheme.
6. **The LA will take all reasonable steps to ensure that:**
 - a Every parent resident in the LA area who has a child attending year 4 of a First School year 6 of a Primary and year 8 of a Middle School and is eligible to commence secondary education receives a written explanation of how to apply either online or paper copy (on request only); and
 - b Every parent whose application falls within the category of an 'In Year' transfer receives a copy of the Common Application Form (and written explanation), on request, and understands the process.

Parents will be advised that they will receive no more than one offer of a school place and that:

- (i) If more than one school is nominated and two or more preferences can be offered the parent will be regarded as having ranked the schools in the order appearing on the form (the first-mentioned being ranked the highest); and
 - (ii) Places at any oversubscribed school will be offered on the basis of equal preference rank order and that where an offer is made it would be for the highest ranked school.
 - (iii) If a place cannot be offered at a nominated school, a place will be offered at an alternative school.
7. The Common Application Form will include an extra section to be completed by parents who express a preference for a Voluntary Aided School to enable them to provide additional relevant information.
 8. Where a school receives a supplementary information form from a North Tyneside resident it will not be regarded as a valid application unless the parent has also completed a Common Application Form and the school is nominated on it. Where supplementary information forms are received directly by schools the school must inform the LA immediately so it can verify whether a Common Application Form has been received from the parent and, if not, the LA will contact the parent and ask them to complete a Common Application Form. Under the requirements of the scheme parents will not be under any obligation to complete an individual school's supplementary information form where this is not strictly required for the governing body to apply their oversubscription criteria.
 9. Any school which operates criteria for selection by ability or aptitude must ensure that its arrangements for assessing ability or aptitude, to enable decisions to be made on nominations, conform to the timing requirements of the scheme as set out in Schedule 2. (N.B. no Community, Academy, Trust or Voluntary Aided School in North Tyneside operates criteria for selection based on ability or aptitude)

Processing of Common Application Forms

10. It will be the responsibility of parents to ensure that Common Application Forms are received directly to the LA by the closing date of **31 October 2022**. Common Application Forms may also be completed on-line by the closing date.

Determining offers in response to the Common Application Form

11. The LA will act as a clearinghouse for the allocation of places by the relevant admission authorities in response to the Common Application Forms. The LA will only make any decision with respect to the offer or refusal of a place in response to any preference expressed on the Common Application Form where-
 - (a) It is acting in its separate capacity as an admission authority, or
 - (b) An applicant is eligible for more than one place and is allocated a place at the highest ranked school, or
 - (c) An applicant is not eligible for a place at any school that the parent has nominated.

The LA will allocate places in accordance with the provisions set out in paragraph 18 of this Schedule.

12. Completed application forms must be received by the closing date of **31 October 2022**.
13. Completed application forms, which are received after the closing date will be marked '**LATE**' and considered on an individual basis except that the procedure must not prevent the proper processing under the Scheme of application forms received on time.
14. The LA will process all application forms; any completed application forms must be treated as a confidential communication between the parent and the LA. All ranked applications received by the closing date will be considered before any ranked applications received after this closing date unless exceptional circumstances apply.
15. **21 November 2022** the LA will notify the admission authority for each of the schools of every nomination that has been made for that school, including all relevant details and any supplementary information received by this date, which schools require in order to apply their oversubscription criteria. Where parents have nominated a school outside the LA area, the LA will also similarly notify the relevant authority/authorities by this date.
16. **9 January 2023** the admission authority for each Trust, VA and Academy school will provide the LA with a list in rank order, in accordance with their admission criteria of all pupils who applied for a place at the school. The LA will then match this ranked list against the ranked lists of the other schools nominated.
17. **23 January 2023** the LA will exchange responses to preferences with other LAs.
18. **23 January 2023** the LA will match the provisional offers of places against each parent's ranking and proceed as follows:
 - Where the child is eligible for a place at only one of the preferred schools, a place at that school will be offered to the child.
 - Where the child is eligible for a place at two or more of the preferred schools, they will be offered a place at whichever school is the highest ranked and any lower offers will be disregarded.
 - Where none of the preferences can be met, the child will be offered a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy, measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority
 - The LA will allocate a school place to those pupils who have not submitted a Common Application Form once all other pupils who submitted a Common Application Form have been considered and after 20 March 2023. The LA will allocate a place at the catchment area school if a vacancy exists, or at the nearest appropriate school with a vacancy, as measured in a straight-line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographic Information System (GIS/ONE) those living closer to the school will receive higher priority
19. **13 February 2023** -The LA informs its Middle and High Schools of the pupils to be offered places at their schools and informs other LAs of places in North Tyneside schools to be offered to their residents.

20. **1 March 2023** parents will be notified by email if the parent applied online and if the parent completed a paper application a letter will be posted 2nd class informing them of the school place allocated. This letter will give the following information
- The name of the school at which a place is offered;
 - The reasons why the child is not being offered a place at any of the other higher ranked schools nominated on the Common Application Form;
 - Information about their statutory right of appeal against the decisions to refuse places at the other nominated schools;
 - Invite parents to contact the LA if they want to be considered for any places that might become available in schools, they ranked higher than the school they are offered, in the re- allocation process on 20 March 2023;
 - Contact details for the schools (in the case of nominated VA schools where they were not offered a place) so that they can lodge an appeal, with the governing body, and the relevant LAs.

The letter will not inform parents of places still available at other schools.

21. **13 March 2023: (1)** the deadline for parents to accept the place offered. If they do not respond by this date the LA will continue to pursue parents for written confirmation of acceptance for oversubscribed schools. **(2)** the deadline for parents to request to place their child's name on a waiting list for any school they ranked higher on their Common Application Form than the school they were offered.

WAITING LISTS

Parents may ask for their children to be kept on a waiting list of children to be re-allocated places if they become available after 1 March 2023 at any school, they have ranked higher on their Common Application Form than the school they were offered. Where a parent has been offered a place at a school, which they did not nominate on their Common Application Form they may be placed on the list of all the schools they did nominate and can then be considered for places at those schools. If pupil numbers fall below the published admission number, then children will be admitted from the waiting list according to the admission criteria regardless of when their application form was received. The LA will hold all waiting lists where requested. Waiting lists for schools will be kept for **one term** in the academic year i.e. **31 December 2023**. No list will be kept for any school thereafter either by the Local Authority or by any individual school.

22. **20 March 2023:** The LA re-allocates any places that may have become vacant since 1 March, in accordance with the school admission criteria, which will include the following:
- Those who have not yet been offered any school place, for example, late applications from parents who have just moved into the area and have not been offered a school place.
 - Those who have not been offered a school place at any of the schools they nominated on the Common Application Form and the place that has become available is at a school originally nominated on the Common Application Form.
 - Those who have been offered a school place but who ranked the school at which a place has now become available higher on the Common Application Form.

Appendix 2

Where there are more applicants than places available then the priorities used within the school's admission criteria will also be applied to all applicants on the waiting list to determine the allocation of places.

23. Where a parent has been allocated a place at their second ranked school, they may be placed on a waiting list of their first ranked school but not their third and so on. Where a parent has been offered a place at a school, which they did not nominate on their Common Application Form, they may be placed on the list of all the schools they did nominate and can then be considered for places at those schools.
24. Waiting lists for schools will be kept by the Local Authority for **one term** in the academic year i.e. **31 December 2023**. No lists will be kept for any school thereafter, either by the LA or by individual schools.
25. Where parents have not returned their acceptance slip for oversubscribed schools the LA will give the parent a further opportunity to respond however, the LA will explain that the offer may be withdrawn if they do not accept.

PART 2 – LATE APPLICATIONS

26. The closing date for applications in the normal admissions round is **31 October 2022**. As far as is reasonably practicable applications for places in the normal admissions round that are received late for a good reason or in exceptional circumstances may be considered provided they are received before **21 November 2022**, the date the allocation procedures begin. Examples of what may be considered as good reason and exceptional circumstances include: when a lone parent has been ill for some time or has been dealing with the death of a close relative; a family has just moved into the area or is returning from abroad (proof of ownership or tenancy of a North Tyneside property will be required in these cases). Other circumstances may be considered, and each case will be decided on its own merits by each individual admission authority.

CHANGE OF SCHOOL PREFERENCE AFTER 31 OCTOBER 2022:

27. Once parents have submitted their Common Application Form, they cannot change their preferences without a genuine reason, for example if the family has recently moved address, proof of ownership or tenancy of a North Tyneside property will be required.

LATE APPLICATIONS RECEIVED AFTER 21 November 2022

28. Late applications received after 21 November 2022, which, are not deemed to be exceptional by the Authority, will not be processed until after 1 March. Parents will, nevertheless receive an offer of a school place on 1 March 2023 in accordance with the terms of the scheme.

NO COMMON APPLICATION FORM RECEIVED BY 1 March 2023

29. Where no Common Application Form is submitted the child will not be offered a place on 1 March 2023.

APPLICATIONS RECEIVED AFTER 1 March 2023

30. Applications received after 1 March at any school must be forwarded to the LA immediately. Where only the supplementary information form is received the school must inform the LA immediately so it can verify whether a Common Application Form has been received from the parent and, if not, contact the parent and ask them to complete a Common Application Form. The LA will enter the details onto its Education Management

System (EMS) and, after consultation with the relevant admission authority, offer a place as soon as possible at the school highest in the parent's order of preference that has a vacancy or if this is not possible, at the nearest appropriate school with a vacancy (as defined in paragraph 18).

CHANGE OF SCHOOL PREFERENCE AFTER 1 March 2023

31. Parents cannot change their original school preference(s) without a genuine reason, for example if the family has recently moved address. Where the LA agrees to accept a change of preference application the original school preference will be cancelled, and a new application must be submitted which will be considered as 'Late'. Any place previously offered at a school in North Tyneside on 1 March 2023 will be withdrawn and the parent will be notified in writing of the outcome.

YEAR OF ENTRY APPEALS

32. All Admission Authorities must publish their appeals timetable on their website by **28 February each year**.
33. Where schools are their own admission authority i.e. Academies, VA and Trust the school will be responsible for presenting the schools case for any appeals lodged. However, for Academies and Trust Schools the LA can be present for stage 1 of the appeal to answer any questions on the admission process.

PART 3 - 'IN YEAR' ADMISSIONS

APPLICATIONS RECEIVED AFTER 1 March 2023

34. Applications received after 1 March 2023, and for places in year groups other than the normal year of entry to Middle and High schools, will be treated as 'In Year' admissions.

APPLYING FOR A SCHOOL PLACE OUTSIDE THE NORMAL YEAR OF ENTRY

35. Parents must apply on their 'home' local authority form regardless of the school they are applying for. The Local Authority will deal with all school applications unless the school has opted to deal with the forms directly. (New School Admissions code September 2021)
36. The 'home' local authority will process Common Application Forms were requested to do so and inform parents of the outcome of their application even if the school is an Academy, Trust or Voluntary Aided.
37. The local authority is unable to process applications for schools where the date that the place is required from, is more than 2 months from the date of the application (Service and Crown Personnel are exempt).
38. Children must be resident in the country before a Common Application Form can be considered (Service and Crown Personnel are exempt).
39. School places cannot be allocated on the basis of intended future changes of address unless a house move has been confirmed through the exchange of contracts or a rental agreement. The admission authority reserves the right to seek further documentary evidence to support the claim to residence.

Looked After Children

Appendix 2

A Local Authority has the power to direct an admission authority (including Academies, Trust and Voluntary Aided schools) to admit a child who is Looked After by the Local Authority, even when the school is full. The Local Authority must not choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size. In respect of admissions for key stage 1 a Looked After Child would be admitted as an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit.

RESPONDING TO COMMON APPLICATION FORMS

40. If the application is for an Academy, Trust or Voluntary Aided school, the local authority will refer the application to the Governing Body of the school. In the case of applications for schools outside North Tyneside, the LA will contact the relevant authority.
41. All admission authorities must respond to the local authority within 5 school days of receiving the Common Application Form informing them of the decision. If there is a place available pupil **must** be admitted within 20 school days of the application being received by the local authority or at the beginning of a half term if appropriate.
42. Where a place is not available at the highest ranked school the local authority will coordinate with the second and third preference schools until a place can be offered at one of the preferences.
43. If the pupil is not on the roll of a North Tyneside school and a place cannot be offered at any of the nominated schools, the parent will be informed of places available at other schools in the area.
44. If there are more applications than places available the published admission criteria must be applied.
45. Pupils can only be refused a place at a school if one of the statutory reasons in the School Admissions Code applies.
46. Pupils should not be placed outside the normal age group without written recommendation from an Educational Psychologist.
47. The LA will keep a track of any pupils who apply for 'In Year' admissions and intervene as appropriate to ensure that they are placed in a school without undue delay particularly in respect of Looked After Children and disadvantaged children moving into the area i.e. Gypsy, Roma and Traveler children.
48. Where schools are their own admission authority i.e. Academy, Trust or VA, the school will be responsible for presenting the schools case for any in-year appeals lodged. The school should liaise directly with the Clerk to the Independent Appeal Panel, Law and Governance, North Tyneside Council, NE27 0BY. Tel: (0191) 643 5316.

DETERMINING OFFERS IN RESPONSE TO THE COMMON APPLICATION FORM

Pupils living in North Tyneside and applying for a school in the area (including Academies, Trust and Voluntary Aided Schools) The LA will notify the parent of the outcome of the place for all schools including Academies, Trust and VA schools.

Pupils living in North Tyneside applying for a school out of the area

Appendix 2

The 'Home' authority (NorthTyneside) must contact the maintaining authority to confirm the availability of a place. The 'Home' authority (NorthTyneside) would then confirm the offer of the place in writing to the parent, with a copy to the maintaining authority.

Pupils living out of the area applying for a North Tyneside school

The 'Home' authority must contact North Tyneside LA to confirm the availability of a place. The 'Home' authority would then confirm the offer of a place to the parent, with a copy of the offer to North Tyneside LA.

Acceptance of the school place

Parents will be expected to respond to accept or decline the offer within 10 working days, failure to do so will result in the school place being assumed as accepted and the school notified accordingly.

WAITING LISTS

The LA will hold the waiting list where requested. The waiting list will be held for the year of entry only i.e. reception class for oversubscribed schools. The list will be held for **one term** in the academic year. No list will be held by the Local Authority for any school after **31 December 2023**.

SCHEDULE 2**TIMETABLE OF CO-ORDINATED SCHEME
MIDDLE AND HIGH SCHOOLS**

DATE	EVENT
12 September 2022	Application Process begins for September 2023/24
31 October 2022	Closing date for all applications to be received by the Local Authority
21 November 2022	Details of preferences to be sent to Trust, VA, Academies and other Local Authorities where preferences stated are for schools other than the home LA.
9 January 2023	The admission authority for each Trust, VA and Academy School will provide the LA with a list in rank order in accordance with their admission criteria of all pupils who applied for a place at the school.
23 January 2023	The LA will exchange responses to preferences with other LAs.
35 February 2023	The LA will inform all North Tyneside schools of children to offered places at their schools.
1 March 2023	National Offer Day for places
13 March 2023	Last date for parents to accept or refuse the offer that has been made.
13 March 2023	Last date for parents to request in writing that they want to place their child's name on the waiting list for any schools which they have applied for and been refused.
20 March 2023	The LA reallocates any places that have become available since offer day.
June/July 2023	Appeals to be heard

CO-ORDINATED ADMISSIONS SCHEME – MIDDLE AND HIGH SCHOOLS**Admission Authorities in the Area of North Tyneside to which the scheme applies****The Scheme applies to the Governing Body as the Admission Authority for the following Roman Catholic Academy:**

St Thomas More RC Academy	Lynn Road North Shields NE29 8LF
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The Scheme applies to the Governing Body as the Admission Authority for the following Learning Trust Schools:

Marden Bridge Middle School	Lovaine Avenue Whitley Bay NE25 8RW
Monkseaton Middle School	Vernon Drive, Monkseaton Whitley Bay NE25 8JN
Valley Gardens Middle School	Valley Gardens Whitley Bay NE25 9AQ
Wellfield Middle School	Kielder Road, South Wellfield Whitley Bay NE25 9WQ
Burnside Business Enterprise College	St Peter's Road Wallsend NE28 7LQ
Churchill Community College	Churchill Street Wallsend NE28 7TN
George Stephenson High School	Southgate Killingworth NE12 6SA
John Spence Community High School	Preston North Road North Shields NE29 9PU
Longbenton High School	Hailsham Avenue Longbenton NE12 8ER
Marden High School	Hartington Road North Shields NE30 3RZ
Monkseaton High	Seatonville Road Whitley Bay NE25 9EQ

Norham High School

Alnwick Avenue
North Shields NE29 7BU

Whitley Bay High School

Deneholm
Whitley Bay NE25 9AS

The Scheme applies to the Governing Body as the Admission Authority for the following Academies:

Kings Priory School

Huntington Place
Tynemouth, North Shields, NE30 4RF

North Gosforth Academy

Dudley Lane
Seaton Burn NE13 6EJ

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NORTH TYNESIDE COUNCIL

Admission Numbers September 2024

North Tyneside Community First and Primary Schools

School No.	School Name	Published Admission Number 2023	Indicated Admission Number	Proposed Admission Number 2024	Comments
392/2032	Backworth Park Primary School	30	45	45 (Reception only)	
392/2054	Bailey Green Primary School	60	60	60	
392/2076	Collingwood Primary School	60	58	60	
392/2059	Coquet Park First School	30	30	30	
392/2000	Cullercoats Primary School	60	58	60	
392/2036	Holystone Primary School	60	60	60	
392/2060	Langley First School	60	60	60	
392/2058	Marine Park First School	75	75	75	
392/2081	New York Primary School	44	45	45	
392/2008	Percy Main Primary School	30	34	30	
392/2021	Riverside Primary School	30	30	30	
392/2031	Shiremoor Primary School	60	60	60	
392/2055	South Wellfield First School	60	58	60	
392/2046	Southridge First School	60	60	60	
392/2016	Spring Gardens Primary School	60	57	60	
392/2004	Waterville Primary School	30	30	30	
392/2074	Whitley Lodge First School	45	45	45	

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**ADMISSION POLICY- SEPTEMBER 2024 for
Sir James Knott Nursery School and
Community and Trust Schools which have
a Nursery Class attached
(Including Grasmere Academy)**

Applications for nursery places should be made directly to the school before the end of January preceding admission in September. Offers of place will be made as soon as possible after this date.

The LA provides nursery education to three year olds and four year olds leading up to their statutory school starting age.

Oversubscription Criteria

1. Looked after children in the care of a local authority or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements (formerly residence) or special guardianship order. **See Note 1 below.**
2. Pupils who live within the catchment area of the nursery school/class (pupils in this category with a sibling link (an older brother or sister) who will be attending the school in September 2024 will be given priority.
3. Sibling link (an older brother or sister) to include adoptive siblings, half siblings, step siblings and long term fostered children residing at the same address and who will be attending the nursery school/class in September 2024.
4. Shortest distance measured as a straight line from a single fixed central point of the home address (including flats) to the central point of the nursery school/class using the Local Land and Property Gazetteer and the Council's Geographical Information System (GIS) system.

N.B The above distance measurement will also be used as a 'tiebreaker' within each criterion, if necessary. In the case of flats if there is more than one home address with the same measurement the flat with the lowest number will be offered the place. In all other cases of the same measurement, random allocation will be used.

NOTE 1

A looked after child is a child who is in the care of a local authority in accordance with section 22 of the Children Act 1989 at the time the application for admission to school is made and whom the local authority has confirmed will still be looked after at the date of admission. This also includes children who appear to the admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.

An **adoption order** is an order made under section 46 of the Adoption and Children Act 2002

A **child arrangements order** (formerly residence order) is an order outlining the arrangements as to the person with whom the child will live under section 8 of the Children Act 1989

It should be noted that places in a nursery school or nursery class should be on a part- time basis (5 mornings or 5 afternoon sessions per week) and this will be the maximum amount of funding allocated. One nursery session is based on three hours in length.

Full time places can only be agreed in exceptional circumstances and in agreement with the Director of Commissioning and Asset Management.

Waiting Lists

Where parents are refused a place schools will keep a waiting list of the names of applicants up to the start of the Autumn Term or ongoing. Children are placed on the waiting list according to the oversubscription criteria regardless of when their application was received. Within each criterion their place is ordered by shortest distance to the school measured in a straight line, from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographical Information System (GIS), with those living closer to the school receiving higher priority.

If a place becomes available, it will be offered to the child at the top of the waiting list. This means a child who is on the waiting list will move down the list if another late application is received that falls within a higher priority under the oversubscription criteria.

There is no appeal procedure for parents refused a place in a nursery school/class but if parents feel that they have been unfairly treated then they can go through the Schools Complaints procedure through the Governing Body.

ADMISSIONS TO COMMUNITY FIRST AND PRIMARY SCHOOLS POLICY 2024

Where the Local Authority receives more applications than places available the following admission criteria are used to decide on admission to Community First and Primary Schools.

All Community First and Primary Schools operate an equal preference system for processing parental preferences.

In accordance with the Education Act 1996, children with an Education Health and Care Plan (EHCP) are required to be admitted to the school named in the EHCP. Thereafter the following oversubscription criteria will apply.

Oversubscription Criteria

1. Looked after children in the care of a local authority or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements (formerly residence) or special guardianship order. **See Note 1 below.**
2. Pupils who live within the catchment area of the school (pupils in this category with a sibling link (an older brother or sister) who will be attending the school in September 2024 will be given priority).
3. Sibling link (an older brother or sister) to include adoptive siblings, half siblings, step siblings and long term fostered children residing at the same address and who will be attending the school in September 2024.
4. Shortest distance measured as a straight line from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographical Information System (GIS) system.

N.B The above distance measurement will also be used as a 'tiebreaker' within each criterion, if necessary. In the case of flats if there is more than one home address with the same measurement the flat with the lowest number will be offered the place. In all other cases of the same measurement, random allocation will be used.

NOTE 1

A looked after child is a child who is in the care of a local authority in accordance with section 22 of the Children Act 1989 at the time the application for admission to school is made and whom the local authority has confirmed will still be looked after at the date of admission. This also includes children who appear to the admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.

An **adoption order** is an order made under section 46 of the Adoption and Children Act 2002

A **child arrangements order** (formerly residence order) is an order outlining the arrangements as to the person with whom the child will live under section 8 of the Children Act 1989

A **special guardianship order** is an order appointing one or more individuals to be a child's special guardian or guardians.

Closing Date

In determining admissions, priority will be given to those applications where the parental application is received by the published deadline date **13 January 2024**.

Late Applications

If you return your application after the closing date your application will be classed as Late unless exceptional circumstances exist. The Governing Body will consider your reasons, provided they are received before 31 January 2023 and if they are exceptional, consider your application along with those received on time. Examples of what may be considered as exceptional circumstances are a family who have just moved into the area (proof of ownership or tenancy agreement will be required). If your reasons are not exceptional then your application will not be processed until after **16 April 2024**. You should be aware that this will reduce your chance at gaining a place at the school you want.

Offer Date

16 April 2024 parents will be notified of the outcome to their application. If you applied online and requested an email response, then you will be sent an email on this day. If you completed a paper application a letter will be sent out by 2nd class post on this day.

Equal Preference System

The Governing Body of each school operates an equal preference system for processing applications. This means at the first stage there will be no distinction between first, second or third preference applications. Therefore, all applications will be considered equally against the admission criteria. If a pupil qualifies for a place at more than one school the parent's highest ranked preference will be offered and any lower ranking offers will be disregarded.

Parental Responsibility

When considering your application, the Local Authority will use the parental home residence of the Parent/Carer who receives or would have received the child benefit for the child/ren.

Waiting lists

If you have been refused your preferred school(s), you will have the opportunity to place your child's name on a waiting list(s) for those schools. You may wish to place your child's name on a waiting list for more than one school. Children are placed on the waiting list according to the oversubscription criteria regardless of when their

application was received. Within each criterion their place is ordered by shortest distance to the school measured in a straight line, from a single fixed central point of the home address (including flats) to the central point of the school using the Local Land and Property Gazetteer and the Council's Geographical Information System (GIS), with those living closer to the school receiving higher priority.

If pupil numbers fall below the published admission number, the place will be offered to the child at the top of the waiting list. This means a child who is on the waiting list will move down the list if another late application is received that falls within a higher priority under the oversubscription criteria.

Waiting lists for schools will be held for one term in the academic year i.e. 31 December 2024; no list will be held by any individual school or the Local Authority after this date.

Catchment Areas

All Learning Trust Schools have a defined geographic area called a catchment area. To find out which catchment area you live in log onto www.northtyneside.gov.uk or contact the Access Team on telephone number 0191 643 8724

Sibling Link

If your child has an older brother or sister residing at the same address (including adoptive siblings, half siblings, step siblings, long term fostered children) attending your preferred school in September 2024, the governing body will consider this as a sibling link. However, no guarantee is given that siblings can transfer to the same school where the school is oversubscribed.

Admission of children below compulsory school age and deferred entry to school

The School Admissions Code requires school admission authorities to provide for the admission of all children in the September following their fourth birthday. However, a child is not required to start school until they have reached compulsory school age following their fifth birthday. For summer born children this is almost a full school year after the point at which they could first be admitted.

Some parents may feel that their child is not ready to start school in the September following their fourth birthday. Parents can request that their child attends part-time until he/she reaches compulsory school age, or that the date their child is admitted to school is deferred until later in the same academic year. The child must, however, start school full time in the term after its fifth birthday.

Parents can request that the date their child is admitted to school is deferred until later in the academic year or until the term in which the child reaches compulsory school age

Further information/advice on the admission of summer born children is available on the school's website and North Tyneside Council's website at www.northtyneside.gov.uk

North Tyneside Council Report to Cabinet Date: 20 February 2023

Title: Review of the North Tyneside Statement of Licensing Policy (Sex Establishments)

Portfolio: Community Safety and Public Protection	Cabinet Member: Councillor Carole Burdis
Report from Service Area:	Regeneration and Economic Development
Responsible Officers:	John Sparkes, Director of Regeneration and Economic Development Tel: (0191) 643 1441
Wards affected:	All

PART 1

1.1 Executive Summary:

At its meeting on 31 September 2022 Cabinet agreed that the North Tyneside Council's Statement of Licensing Policy (Sex Establishments) should be reviewed. Cabinet authorised the Director of Regeneration and Economic Development to commence public consultation on the revised draft Policy and for Cabinet to receive a further report at the conclusion of the consultation process.

The draft Policy has been developed following the conclusion of a six week consultation period. All responses received were in support of the revised Policy and the imposition of a nil limit for licences in the Whitley Bay area, including support from Northumbria Police and the Whitley Bay Ward Councillors.

This report presents to Cabinet a revised draft Policy for its consideration and adoption if considered appropriate to do so.

1.2 Recommendation:

It is recommended that the Cabinet:

- (1) Approve the adoption the revised North Tyneside Council Statement of Licensing Policy (Sex Establishments) as attached at **Appendix 1** to this report.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 18 November 2022.

1.4 Council Plan and policy frameworks

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

A thriving North Tyneside :

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

A caring North Tyneside:

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

A secure North Tyneside:

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

1.5 Information:

1.5.1 Background

The North Tyneside Council Statement of Licensing Policy (Sex Establishments) was first adopted on 20 January 2011 following the formal adoption by the Authority of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the policy has been regularly reviewed thereafter.

In 2010 the Local Government (Miscellaneous Provisions) Act 1982 ('the Act') was amended to include a new category of sex establishment, namely a sexual entertainment venue. The Council adopted Schedule 3 of the 1982 Act in 2011 to enable the Authority to license sexual entertainment venues as well as the existing categories of sex establishments, namely sex shops and sex cinemas.

Although there is no statutory requirement to have a policy concerning the licensing of sex establishments, it has been long established that it is good practice for Licensing Authorities to adopt various non-statutory policies that assists in the promotion of consistency in decision-making. It also informs the licensing trade and the public of the approach of the Licensing Authority to sex establishment licensing in its area.

The existing policy includes a numerical limit on the number of sexual entertainment venues within a specified area of Whitley Bay, namely the area bordered by Whitley Road, Park Avenue, the Promenade and the Esplanade. That limit has been set as nil. That limit does not preclude an application for a licence being made within the specified area that would take the number of licences in the area above the set limit. However, in such a situation the presumption will be to refuse such an application and the applicant will have to make their case as to why the licence should be granted in that particular location contrary to the policy.

There are some statutory exceptions for the need for sexual entertainment venues to be licensed. For example if sexual entertainment takes place in a premises that has the benefit of a Premises Licence issued under the Licensing Act 2003 on no more than 11 occasions in a 12 month period and no such occasion lasts for more than 24 hours, and there is a month between each occasion, no sexual entertainment licence is required by that premises.

1.5.2 Existing licenses in North Tyneside

Since Schedule 3 was adopted by the Authority, there have been no applications received for a sexual entertainment venue licence. There are no licences currently issued in relation to sex shops or sex cinemas.

1.5.3 Review of licensing policy and public engagement

A draft Statement of Licensing Policy has been prepared and is attached at Appendix 1. The numerical limit of nil for the specified area of Whitley Bay was retained for the purposes of the draft policy and consultees were specifically asked to comment on this aspect of the Policy.

The draft Policy has been updated to include the following:

- Updated references to Council Plan
- Reference to Public Sector Equality Duty
- Need for Basic Disclosure Certificate for applicants
- Safeguarding training for applicants.

An engagement period of six weeks took place from 10 October to 20 November 2022. An online survey was developed for individuals or businesses to make consultation responses as well as being able to make written responses. Information was made available on the Engagement Hub. At the conclusion of this consultation 16 responses were received. A summary of the responses is attached at Appendix 2.

Of the 16 responses received, all were in support of the revised Policy. In addition, every response received agreed with the imposition of a nil limit for licences in the Whitley Bay area. Northumbria Police commented that all premises previously providing adult entertainment on South Parade are no longer trading.

In consideration of the responses, no further amendments to the draft Policy were made.

1.5.4 Fees

The fees are reviewed annually against any rise or reduction in the cost of administering the licensing regime.

1.6 **Decision Options:**

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet approves the recommendations at paragraph 1.2 of this report.

Option 2

Cabinet does not approve the recommendations at paragraph 1.2 of this report.

Option 3

To instruct officers to make amendments to the Policy and to bring a further report to Cabinet for it to consider those amendments.

Option 1 is the recommended option.

1.7 Reasons for Recommended option:

Option 1 is recommended to ensure that the existing Policy is updated and remains transparent, accountable, proportionate and consistent. The Policy has been subject to a six week consultation exercise and views expressed during that period have been considered in formulating the final draft document.

1.8 Appendices:

Appendix 1: Draft Statement of Licensing Policy (Sex Establishments)

Appendix 2: Summary of responses

1.9 Contact Officers:

Joanne Lee, Head of Public Protection, (0191) 643 6901

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

John Barton, Lawyer, (0191) 643 5354

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

1.10 Background Information:

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

- 1) Sex establishments | North Tyneside Council
- 2) Schedule 3 Local Government (Miscellaneous Provisions) Act 1982
- 3) Cabinet report Sept 2022
- 4) Equality Impact Assessment

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications directly arising from the report. The costs of preparing the revised Licensing Policy and the associated consultation arrangements can be met from existing revenue budgets.

2.2 Legal:

Section 27 of the Policing and Crime Act 2009 came into force on 6 April 2010. This amended Schedule 3 of the 1982 Act and created a new category of sex establishment, namely sexual entertainment venues in addition to the existing two categories of sex establishments, namely, sex shops and sex cinemas.

Whereas the actual determination of an application for a Licence under the Local Government (Miscellaneous Provisions) Act 1982 is a Council function, the function of formulating and adopting a Licensing Policy in relation to this type of licensing is a Cabinet function because neither the Act nor the Local Authorities (Functions and

Responsibilities) (England) Regulations 2000 preclude Cabinet from approving such a Policy.

The Authority has the power under the 1982 Act to prescribe standard conditions that will apply to each type of licence. It will be for the Regulation and Review Committee to determine whether all or some of those conditions should apply to any individual application for a licence that may be received. The standard conditions are included within the policy.

2.3 Consultation/Community Engagement:

2.3.1 Internal Consultation

Internal consultation has taken place with the Cabinet Members, Members and service areas.

2.3.2 External Consultation

As outlined in section 1.5.3 of the report, an engagement process has concluded. An online response form was made available for respondees to make consultation responses. In addition, written responses could be made to the Licensing Office or via Customer First Contact Centres. Details of all responses received are attached at Appendix 2 to this report.

2.4 Human Rights:

There are aspects of the administration of licences 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.

Article 6 of the European Convention also entitles an individual to a fair hearing. Any individual appearing before a Regulation and Review Panel will be given an opportunity to express their views.

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

2.5 Equalities and Diversity:

The Policy has been drafted having regard to the Authority's Public Sector Equality Duty. An Equality Impact Assessment has been undertaken in relation to the formulation of the Policy and to inform the consultation process. The Assessment has been updated to assess the potential impact of the Policy. The consultation process was undertaken to ensure that all persons, groups and organisations had an opportunity to participate, including those with protected characteristics. Individual decisions taken under the Policy will also have to be taken having regard to the Public Sector Equality Duty.

2.6 Risk Management:

There are no risk management implications directly arising from this report. Risks associated with delivery of the Authority's Public Protection function are monitored via the Public Health and Regeneration and Economic Development risk arrangements.

2.7 Crime and Disorder:

A copy of an application for the grant, renewal or transfer of a licence under Schedule 3 of the 1982 Act has to be forwarded to the Chief Officer of Police within 7 days of the application being made. The police will therefore have the opportunity to scrutinise each application and to object if they have concerns from a crime and disorder point of view within 28 days of the application being made. All objections received by the Authority must be considered before determining an application.

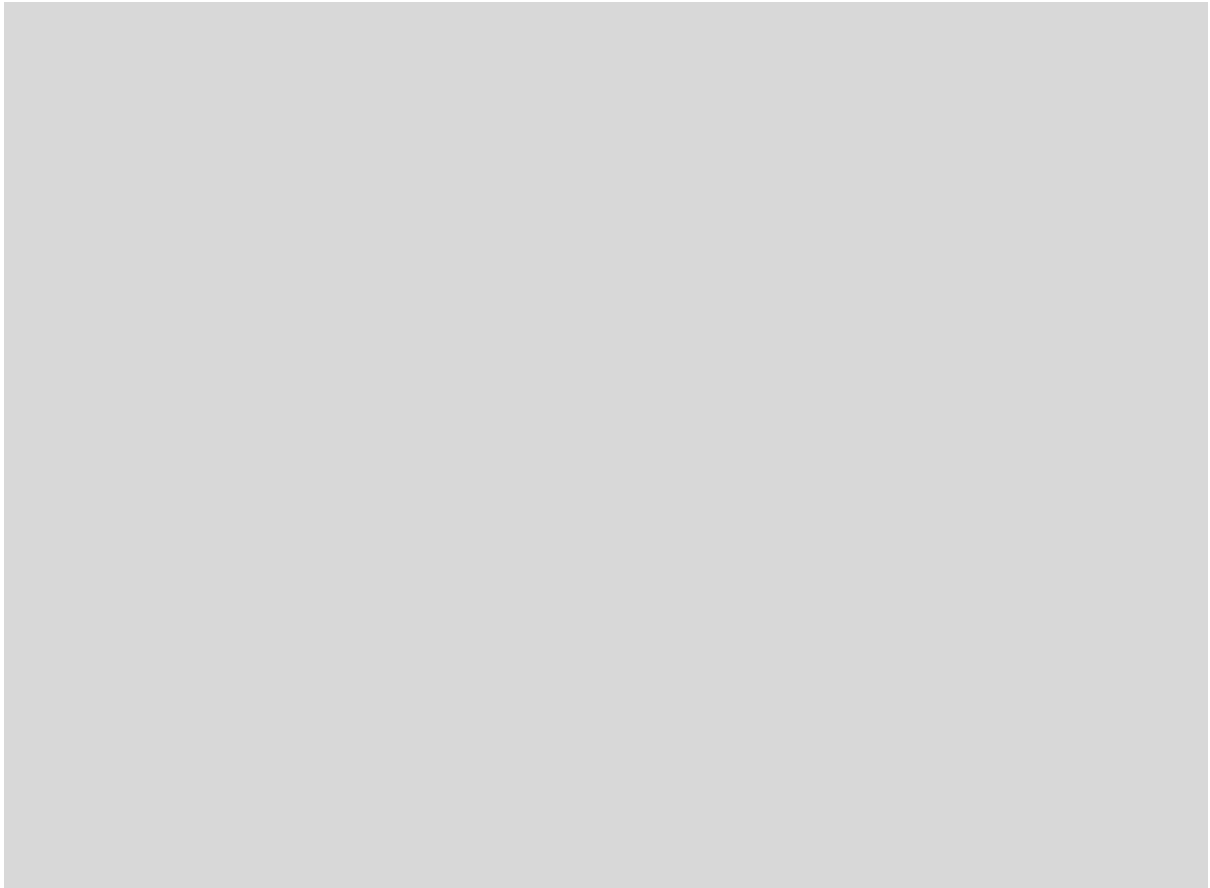
2.8 Environment and Sustainability:

There are no environmental or sustainability issues arising directly from this report.

PART 3 – SIGN OFF

- Chief Executive x
- Director of Service x
- Mayor/Cabinet Member x
- Chief Finance Officer x
- Monitoring Officer x
- Assistant Chief Executive x

NORTH TYNESIDE COUNCIL
STATEMENT OF LICENSING POLICY
(SEX ESTABLISHMENTS)



Preface

This Statement of Licensing Policy sets out the Authority's requirements for premises to be licensed as sex establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

The Authority resolved on 20 January 2011 that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) (the "1982 Act") would apply to the Borough of North Tyneside. By adopting Schedule 3 of the 1982 Act North Tyneside Council can license SEX SHOPS, SEX CINEMAS AND SEXUAL ENTERTAINMENT VENUES in the Borough. In granting such licences, the Authority will be able to set the terms and conditions of such licences, fees for the grant, renewal, transfer or variation of such licences and the number of licences that may be issued for a particular area within the Borough.

The Authority has imposed a limitation on the number of sexual entertainment venue licences that can be issued in a specified area of Whitley Bay (see Section 10 of Part A). This will however not prevent an application being made for such a licence in that area even if that limit has been reached but there will be a presumption that no such licence will be granted. Outside of this area each application for a licence will be considered on its own merits in accordance with the 1982 Act. There may be further restrictions on the number of sex establishment licences issued in a particular area of the Borough in the future if it is considered necessary to do so. Before further restricting the number of licences to be issued or amending the current limitation, the Authority will consult on the issue before taking such a decision.

Definitions of the different types of 'sex establishment' and other important definitions as defined under the 1982 Act can be found at **Appendix B** of this Policy.

This Statement of Licensing Policy for Sex Establishments sets out the requirements that will generally need to be met for premises to be licensed as a 'sex establishment' under the 1982 Act in the Borough. [The Policy was adopted by the Authority on xxx following a 6 week consultation process and comes into force on xxx].

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PART A **GENERAL**

1. Introduction

- 1.1 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 209,000, which is expected to increase by 4.56% by 2030. North Tyneside has a proud industrial heritage and, like many parts of the North East, was a centre of heavy industry including shipbuilding and exporting of coal. Today most of the heavy industry has ceased but the borough has seen, through a strong approach to regeneration, a diverse economy develop comprising of traditional manufacturing and engineering industries as well as a mix of exciting new sectors including digital, health and life sciences and renewable energy. There are around 100,048 households in the Borough. The total labour force of the Borough is 89,000 people working in industrial and international companies alongside the traditional industries that still exist connected with the fish quay.

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.

2. Consultation

- 2.1 In preparing its Statement of Licensing Policy the Authority will take into account the views of:

- Northumbria Police
- Tyne and Wear Fire and Rescue Service
- Members of the trade
- Local businesses, residents and any representative bodies of these.

- 2.2 The Authority will also consult with tourism organisations, performers, unions, Planning Services, Community Safety, Tyne and Wear Passenger Transport Executive, the Local Safeguarding Children Board, Primary Care Trusts and other organisations.

A full list of those consulted in preparing this Policy is set out at **Appendix F**.

- 2.3 The views of all of these persons and bodies have and will be given appropriate weight in determining this Policy.

3. Administration, Exercise and Delegation of Functions

- 3.1 Under the Act the Authority has responsibility for a wide range of licensing decisions and functions and has established a Regulation & Review Committee to administer some of them.
- 3.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, it is proposed that the Regulation & Review Committee will delegate certain decisions and functions and will establish a number of Panels to deal with them.

- 3.3 Further, with many of the decisions and functions being administrative in nature, it is proposed that the grant of non-contentious applications, including for example those licences where no representations have been made, are delegated to Licensing Officers.
- 3.4 The table shown at **Appendix A** sets out the current scheme of delegation of decision-making and functions to the Regulation & Review Committee, Panels and officers.
- 3.5 This form of delegation will be without prejudice to Officers referring an application to the Committee, or a Panel to the Full Committee, if considered appropriate in the circumstances of a particular case.

4. Regulation & Review Committee

- 4.1 The Council's Regulation & Review Committee is comprised of a membership of 18 Councillors. The Committee will be responsible for the discharge by the licensing authority of its licensing functions under the Act.

5. Hearings

- 5.1 A Panel of Councillors from the Regulation & Review Committee will sit to hear every application where representations have been received in relation to a particular application. Ward Councillors will not sit on a Panel involving an application in their ward. The hearings will generally be open to members of the public.
- 5.2 Where a Councillor who is a member of the Regulation & Review Committee or a Panel of the Committee is making or has made representations on behalf of an individual or business, in the interests of good governance they will disclose an interest and disqualify themselves from any involvement in the decision making process affecting the licensing application in question.

6. Partnership Working

- 6.1 The Authority will work in partnership with the following agencies and individuals:-
- Police authority
 - Fire authority
 - Planning authorities
 - Environmental health
 - Health authorities
 - Crime and Disorder Reduction Partnerships
 - Town centre managers
 - Local businesses
 - Agencies involved in child protection
 - Local residents
 - Local transport authorities and committees
- 6.2 The Authority will consider any relevant protocols made with the Police under the Crime and Disorder Act 1998. The Police have the right to make representations on licence applications and make reference to relevant strategies.

6.3 The Authority and partnership agencies will seek to comply with the LGR (Local Government Regulation) partnership working guidance.

7. Related Legislation and Strategies

7.1 There are a number of other local and national policies, strategies, responsibilities, and guidance documents which have been taken into account in drafting this Policy. The Policy reflects the aim of the current Our North Tyneside Plan. This Policy will in particular contribute towards a thriving, secure and family-friendly North Tyneside.

7.2 This Policy will also be integrated with local crime prevention, planning, transport, tourism, 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 6.1 above and through joint working and cross reporting the Authority will ensure that this Policy integrates with the policies of its partner agencies.

8. Interaction with Licensing Act 2003

8.1 Schedule 7 to the Policing and Crime Act 2009 amends the Licensing Act 2003 to ensure that premises for which a sexual entertainment venue licence is held do not also require a premises licence, club premises certificate or temporary events notice in order to provide 'relevant entertainment' under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.

8.2 However, if the premises also carry on other licensable activities as defined in the Licensing Act 2003 they will continue to require a premises licence, club premises certificate or temporary events notice under the 2003 Act for those other activities.

8.3 In practice, this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 for the provision of 'relevant entertainment', and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment under the Licensing Act 2003.

9. Location of Licensed Premises

9.1 The Authority acknowledges that a concentration of premises licensed under the 1982 Act in a particular area could result in a potential fear of crime, anti-social behaviour, noise pollution and general disturbance to residents. In such cases, the amenity of local residents and businesses could be adversely affected.

9.2 The Authority has imposed a limit of nil on the number of premises that may be licensed in a defined area of Whitley Bay (appendix G).

In other areas of the Borough the Authority will determine each application on its own merits and will not generally grant a licence for a premises in close proximity to:-

- (a) a predominantly residential area
- (b) a school, nursery or other premises used primarily by or for children under 16 years of age

- (c) a park or other recreational area used by or for children under 16 years of age
- (d) a church or other place of worship
- (e) a community centre, day centre or other similar buildings.

10. Numerical Limits

- 10.1 The Authority can refuse applications for licences (whether new or renewal applications) where the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which is considered appropriate for that locality.
- 10.2 The Authority recognises that different parts of North Tyneside have different characteristics. The number of sexual entertainment venues considered appropriate for a specified area of Whitley Bay is set out below:

Numerical Limits	
Location	Limit
Whitley Bay - area bordered by Whitley Road, Park Avenue, the Promenade and the Esplanade (see Appendix G)	Nil - sexual entertainment venues

- 10.3 This does not preclude an application for a licence being made within the specified area that would take the number of licences above the set limit. However, in such a situation the presumption will be to refuse such an application and the applicant will have to make their case as to why the licence should be granted in any particular location contrary to this Policy.
- 10.4 Any application received outside the specified area will be considered on its own merits taking into account the particular locality and reference to the Policy.

11. Equality

- 11.1 As an employer and service provider the Authority is committed to ensuring equality in employment and service delivery. To achieve the above standard the Authority is aware of its duties and obligations under the following legislation:-
- Human Rights Act 1998
 - Equality Act 2010.

In formulating this Policy, the Authority has fully considered its Public Sector Equality Duty under Section 149 of the Equality Act 2010; in particular the need to eliminate discrimination, harassment, victimisation etc. in relation to males and females engaged in performing at licensed venues and/or males and females living, working or travelling within the vicinity of such venues.

The Authority will consult on and monitor the impact of this Policy to ensure that those making applications are treated in accordance with their needs. The Authority also recognises the Public Sector Equality Duty as set out in section 149

of the Equality Act 2010 (the 2010 Act) which it must have regard to when exercising its licensing functions.

In applying this Policy, the Authority will at all times endeavour to comply with its obligations under the 2010 Act and the Human Rights Act 1998.

The Public Sector Equality Duty must be exercised with vigour, substance, and rigour and also with an open mind. We fully recognise that when applying the Duty it is necessary to formally assess to allow for fair and equal practices on all levels.

The Authority has also undertaken a detailed Equality Impact Assessment that was carefully considered at the start of the Policy drafting process and was kept under review throughout.

PART B **APPLICATION PROCESS**

1. Making an Application

- 1.1 An application for the grant, renewal or transfer of a licence must be made in writing. Any person, corporate body or incorporated body applying for either a grant, renewal or transfer of a licence must provide all of the information requested in the blank application form at **Appendix C** of this Policy.
- 1.2 An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.
- 1.3 An application can be made:-
 - i) by post or personal service by forwarding the completed application form and appropriate fee to:

Licensing
North Tyneside Council
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6QQ
 - ii) on-line by forwarding the application and appropriate fee to www.northtyneside.gov.uk
 - iii) by e-mail to liquor.licensing@northtyneside.gov.uk. On receipt of the appropriate fee the application will be progressed.
- 1.4 A Basic Disclosure Certificate is to be submitted with an application for a grant, renewal or transfer for all persons named in the application form and to have been issued within 30 days of the application unless the applicant or persons named has signed up to the Update system.
- 1.5 An applicant seeking the grant, renewal or transfer of a sex establishment licence must give public notice of the application by publishing an advertisement in a local

newspaper circulating within the Borough no later than 7 days after the date of the application. The notice shall identify the premises.

- 1.6 An example of a public advertisement is attached to the Policy at **Appendix D**.
- 1.7 If the application relates to a premises, notice of the application must be displayed for 21 days from the date of the application on or near the premises in a place where the notice can be conveniently read by the public. The notice shall identify the premises.
- 1.8 In relation to applications posted, emailed or delivered to the Authority, the applicant will be required to provide a copy of the application to Northumbria Police within 7 days of the date of the application. The Authority will confirm with Northumbria Police that they have received a copy of the application.
- 1.9 The Authority on receipt of an application by electronic means will forward a copy of the application to Northumbria Police no later than 7 days after receipt.
- 1.10 Any person wishing to object to the grant, renewal or transfer of a licence shall give notice to the Authority in writing stating in general terms the grounds for objection no later than 28 days after the date of the application.
- 1.11 On receipt of an application, Officers will carry out an inspection of the premises.

2. Commenting on a licence application

- 2.1 A wide range of people can raise objections to an application, the police being the only statutory consultee.
- 2.2 The identity of any person making an objection will not be given to the applicant without the consent of the person making the objection.
- 2.3 If a valid objection is received to the grant, renewal or transfer of a licence, the Authority will not consider the application until the applicant has been given notice in writing of the general terms of the objection received. A hearing will then be arranged before a Committee who will be provided with a report from a licensing officer concerning the application. The general terms of the objection will be made known to the Committee.
- 2.4 The applicant and objectors, or their representatives, who attend before the Committee, will be given an equal opportunity to state their case before the Committee.
- 2.5 In determining an application for the grant, renewal or transfer of a licence, the Committee will have regard to any observations made by the Chief Officer of Police in addition to what the applicant and objector has to say.
- 2.6 Before refusing to transfer a licence, the licence holder and proposed licence holder will be given an opportunity to appear before the Committee and be heard as well as any objector.
- 2.7 Clear reasons will be given for any decision made by the Committee to the parties.

3. Fees

- 3.1 The fees for applying for the grant, renewal or transfer of a sex establishment licence or sexual entertainment venue are available from the Authority and at www.northtyneside.gov.uk
- 3.2 The fees are paid in two parts. The first fee is for the processing of the application and any associated costs of appearing before a Committee. If the application is successful, the licence holder will be required to pay an additional fee for the maintenance of the licence.
- 3.3 The fees will be reviewed annually against any rise or reduction in cost of administering the licensing regime.

4. Advice and Guidance

- 4.1 The Authority will, when appropriate, liaise with applicants and if appropriate mediate between applicants and those who have made objections where resources permit.

5. Determining applications for grant, renewal or transfer of licences

- 5.1 There are certain grounds on which the Authority must refuse to grant a licence under the 1982 Act. These grounds are:-
- (a) that the applicant is under 18 years of age
 - (b) that the applicant is disqualified from holding or obtaining a licence
 - (c) that the applicant is a person who has not been resident in the European Economic Area for the preceding 6 months before the application was made.
 - (d) that the applicant is a body corporate which is not incorporated in the European Economic Area
 - (e) that the applicant is a person who has within 12 months of making an application been refused the grant or renewal of a licence in respect of the premises, vehicle, vessel or stall subject to the application, unless the decision was reversed on appeal.
- 5.2 The Authority has discretionary grounds for refusing a licence. Such grounds are:-
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason
 - (b) that if the licence were granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself
 - (c) that the number of sex establishments in the relevant locality at the time of the application is equal to or exceeds the number which the Authority consider is appropriate for that locality – “nil” may be considered an appropriate number by the Authority under the 1982 Act
 - (d) That the grant or renewal of the licence would be inappropriate having regard to:-

- the character of the relevant locality, or
- the use to which any premises in the vicinity are put
- the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

5.3 In determining an application for the grant, renewal or transfer of a licence the Authority will have regard to:-

- (a) The Local Government (Miscellaneous Provisions) Act 1982
- (b) Any Regulations or Orders arising from the 1982 Act
- (c) The Home Office Guidance on sexual entertainment venues (or any guidance that supersedes that guidance)
- (d) This Statement of Licensing Policy
- (e) Any other legislation or guidance as considered appropriate.

5.4 In granting, renewing or transferring a licence the Authority may attach such terms and conditions as considered appropriate.

5.5 The Authority in addition to specifying the terms or conditions that shall apply to a particular sex establishment licence has prescribed that there be standard conditions applicable to sex establishment licences in the Borough. Such conditions are made under Paragraph 13 of Schedule 3 of the 1982 Act and are at **Appendix E** of this Policy.

5.6 On the grant, renewal or transfer of a licence, the Authority will forward to Northumbria Police a copy of such licence.

5.7 Any sex establishment licence issued by the Authority will normally remain in force for one year. The Authority do however have a discretion to issue a licence for a shorter period should this be considered appropriate.

6. Revocation of Licence

6.1 A licence can be revoked by the Authority at any time on any one of the grounds set out in 5.1 (a) to (e) or any one of the grounds set out in 5.2 (a) or (b) of the Policy.

6.2 The Authority will not revoke a licence without the licence holder being given an opportunity to appear before a Committee and be heard.

6.3 Where a licence is revoked, its holder will be disqualified from holding or obtaining a licence in the Borough for a period of 12 months from the date of revocation.

7. Cancellation of Licence

7.1 If a licence holder dies, then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.

7.2 The Authority can however on the application of the licence holder's personal representatives extend the three-month period if the Authority is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Authority will only do so where there are no circumstances that make such an extension undesirable.

7.3 The Authority may at the written request of the licence holder cancel the licence.

8. Variation of Licence

8.1 A licence holder may at any time apply to vary a term, condition or restriction of a licence. On receiving such an application, the Authority can either:-

- a) make the variation as requested
- b) make such variations as it thinks fit
- c) refuse the application.

8.2 The applicant will be given an opportunity to attend before a Committee - before a decision is made to make a variation other than that being applied for or to refuse the application.

9. Enforcement

9.1 The Authority will seek to administer the licensing regime in a fair, open and consistent manner having regard to the Regulators' Code published by the Department for Business Innovation and Skills and will have regard to the statutory principles of good regulation as required by the Legislative and Regulatory Reform Act 2006 and the Authority's Enforcement Policy.

9.2 The Authority will act in a proportionate manner and will only intervene when necessary. Any remedies sought by the Authority will be necessary and proportionate.

9.3 The Authority would hope to work closely with its partners, businesses and public so as to ensure as far as possible that licence holders comply with the law and conditions attached to a licence. Where there is a breach of the law or breach of conditions identified then the Authority will take appropriate action which may include prosecution having regard to the facts, seriousness of the offence and Authority's enforcement protocol.

9.4 The Authority will risk-rate all premises and any inspection will be on the following basis:

Type of premises	Frequency of inspections*
High risk (e.g. sex entertainment venues)	Every 3-6 months
Medium risk (e.g. sex cinema)	Every 6-12 months
Low risk (e.g. sex shop)	Every 12 months

*This column only gives an indication of the likely frequency of inspections. The frequency may be altered 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.

10. Appeals

10.1 Any decision made by the Authority can be appealed against to North Tyneside Magistrates' Court. Any such appeal must be made within 21 days of the decision of the Authority.

10.2 Those who can appeal are:-

- a) an applicant where the application for the grant, renewal or transfer of a licence is refused
- b) an applicant for the variation of the terms, conditions or restrictions of a licence which is refused
- c) a holder of a licence who is aggrieved by any term, condition or restriction imposed on the licence by the Authority
- d) a holder of a licence that has been revoked.

11. **Safeguarding**

11.1 The licence holder will ensure that all members of management and staff attend training regarding safeguarding children, vulnerable adults and licensing.

11.2 This training is provided in partnership with the Authority and Northumbria Police. Such training is designed to support management and staff to recognise vulnerability and take appropriate safeguarding actions. This will include training to implement an age verification scheme and how to recognise and respond to vulnerable adults, as employees or customers. The training will also include a session regarding licensing law, conditions and expectations.

PART C **SEX SHOPS**

1. **Significant Degree**

1.1 A licence for a sex shop is required when 18R films are being sold from the premises or where there is a 'significant degree' of 'sex articles' being sold from the premises.

1.2 The term 'sex article' is defined by the 1982 Act (see **Appendix B**) but the phrase 'significant degree' is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, the Authority will have regard to:-

- The ratio of sex articles to other aspects of the business
- The absolute quantity of sales
- The character of the remainder of the business
- The nature of the displays in the business
- The turnover of the business
- Any other factors that appear to be materially relevant.

2. Relevant Localities

- 2.1 There are specific discretionary grounds that the Authority has for refusing to grant or renew licences including the locality of the premises as specified in paragraph 5.2. The Authority in determining an application may have regard to whether:-
- (a) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Authority consider appropriate for that locality
 - (b) the character of the relevant locality, or
 - (c) the use to which any premises in the vicinity are put, or
 - (d) to the layout, character or condition of the premises.
- 2.2 In considering the characteristics of a locality the Authority will have regard to the density and proximity of:-
- (a) residential accommodation
 - (b) parks and children's play areas
 - (c) other retail units (and their uses)
 - (d) schools
 - (e) religious and communal buildings
 - (f) alcohol or entertainment licensed premises.

3. Length Of Licence

- 3.1 Any licence will usually be granted for a year although the Authority in exceptional circumstances may grant a licence for such shorter period as considered appropriate.

4. Waivers

- 4.1 The Authority do not consider that it would be appropriate to permit waivers from the requirements to hold a sex shop licence except in extreme circumstances that would be considered by the Licensing Committee.

5. Application Form and Notices

See **Appendices C and D**

6. Licence Conditions

See **Appendix E** for the conditions applying to a sex shop.

7. Fees

- 7.1 The fees for applying for the grant, renewal or transfer of a sex shop are available from the Authority and at www.northtyneside.gov.uk
- 7.2 The fees are paid in two parts. The first fee is for the processing of the application and any associated costs of appearing before a Committee. If the application is successful, the licence holder will be required to pay an additional fee for the maintenance of the licence.
- 7.3 The fees will be reviewed annually against any rise or reduction in cost of administering the licensing regime

PART D

SEXUAL ENTERTAINMENT VENUES

1. Relevant Entertainment

- 1.1 A licence for a sexual entertainment venue is required in relation to 'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer'.
- 1.2 'Relevant entertainment' is defined in Schedule 3 of the 1982 Act as 'any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)'. An audience can consist of just one person e.g. in a private booth.
- 1.3 In deciding whether entertainment is 'relevant entertainment' the Authority will judge each case on its merits, but such entertainment will generally apply to:-
- lap dancing
 - pole dancing
 - table dancing
 - strip shows
 - peep shows
 - live sex shows.

Adult entertainment that is not classed as 'relevant entertainment' under the 1982 Act may still require licensing under the Licensing Act 2003.

2. Relevant Localities

- 2.1 There are specific discretionary grounds that the Authority has for refusing to grant or renew licences including the locality of the premises as specified in paragraph 5.2. The Authority in determining an application may have regard to whether:-
- (a) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Authority consider appropriate for that locality
 - (b) the character of the relevant locality, or
 - (c) the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises
 - (d) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Authority consider appropriate for that locality
 - (e) the character of the relevant locality, or
 - (f) the use to which any premises in the vicinity are put, or
 - (g) to the layout, character or condition of the premises.
- 2.2 In considering the characteristics of a locality the Authority will have regard to the density and proximity of:-

- (a) residential accommodation
- (b) parks and children's play areas
- (c) other retail units (and their uses)
- (d) schools
- (e) religious and communal buildings
- (f) alcohol or entertainment licensed premises.

3. Length of Licence

Any licence will usually be granted for a year although the Authority in exceptional circumstances may grant a licence for such shorter period as considered appropriate.

4. Waivers

The Authority do not consider that it would be appropriate to permit waivers from the requirements to hold a sexual entertainment venue licence, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than 11 occasions within a 12-month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

5. Application Form and Notices

See **Appendices C and D**

6. Licence Conditions

See **Appendix E** for the conditions applying to a sexual entertainment venues

7. Fees

7.1 The fees for applying for the grant, renewal or transfer of a sexual entertainment venue are available from the Authority and at www.northynteside.gov.uk

7.2 The fees are paid in two parts. The first fee is for the processing of the application and any associated costs of appearing before a Committee. If the application is successful, the licence holder will be required to pay an additional fee for the maintenance of the licence.

7.3 The fees will be reviewed annually against any rise or reduction in cost of administering the licensing regime.

PART E

SEX CINEMAS

1. Significant Degree

'Sex cinema' means a premises, vehicle or vessel or stall used to a 'significant degree' for the exhibition of moving pictures, by whatever means produced which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:-

- (a) sexual activity; or
- (b) acts of force or restraint which are associated with sexual activity; or
- (c) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

There is no definition of the term 'significant degree' in the 1982 Act and when considering whether or not a business or individual is exhibiting moving pictures that requires a sex cinema licence the Authority will have regard to:-

- (a) The ratio of exhibitions of moving pictures shown at the premises, vehicle, vessel or stall that portray or primarily deal with or relate to material that is designed to stimulate or encourage activity described in (a) to (c) in paragraph 1 above to the other types of moving pictures shown at that location
- (b) The number of exhibitions of such moving pictures shown at the premises, vehicle, vessel or stall that portray or primarily deal with or relate to material that is designed to stimulate or encourage activity described in (a) to (c) in paragraph 1 above
- (c) The overall character of the business
- (d) The turnover of the business
- (e) Any other factors that appear to be materially relevant.

2. Relevant Localities

There are specific discretionary grounds that the Authority has for refusing to grant or renew licences including the locality of the premises as specified in paragraph 5.2 of Part B. The Authority in determining an application may have regard to whether:-

- (a) The number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Authority consider appropriate for that locality
- (b) The character of the relevant locality, or
- (c) The use to which any premises in the vicinity are put, or to the layout, character or condition of the premises
- (d) The number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Authority consider appropriate for that locality
- (e) The character of the relevant locality, or
- (f) The use to which any premises in the vicinity are put, or
- (g) To the layout, character or condition of the premises.

In considering the characteristics of a locality the Authority will have regard to the density and proximity of:-

- (a) residential accommodation
- (b) parks and children's play areas
- (c) other retail units (and their uses)
- (d) schools
- (e) religious and communal buildings
- (f) alcohol or entertainment licensed premises.

3. Length of Licence

Any licence will usually be granted for a year although the Authority may in exceptional circumstances grant a licence for such shorter period as considered appropriate.

4. Waivers

The Authority do not consider that it would be appropriate to permit waivers from the requirements to hold a sex cinema licence, given the nature of the material contained in the exhibitions of moving pictures shown at the premises, vehicle, vessel or stall.

5. Application Form and Notices

See **Appendices C and D**

6. Licence Conditions

See **Appendix E** for the conditions applying to a sex cinema.

7. Fees

- 7.1 The fees for applying for the grant, renewal or transfer of a sex cinema are available from the Authority and at www.northynteside.gov.uk
- 7.2 The fees are paid in two parts. The first fee is for the processing of the application and any associated costs of appearing before a Committee. If the application is successful the licence holder will be required to pay an additional fee for the maintenance of the licence.
- 7.3 The fees will be reviewed annually against any rise or reduction in cost of administering the licensing regime.

APPENDIX A

Scheme of Delegation of decision-making and functions

Regulation and Review Committee is responsible for making decisions with officers having delegated powers to make some decisions. The table below describes how it is proposed licensing decisions will be made.

<i>Matter to be dealt with:</i>	<i>Decision to be made by:</i>		
	<i>Full Committee</i>	<i>Panel of the Committee</i>	<i>Officers</i>
<i>Application for grant, renewal or transfer licence</i>		<i>If a relevant objection made</i>	<i>If no relevant objection made</i>
<i>Application to vary licence</i>		<i>If officer minded to refuse</i>	<i>If officer minded to grant</i>
<i>Possible revocation of Licence</i>		<i>If holder of licence wishes to appear before it or makes written representations</i>	<i>All other cases</i>
<i>Cancellation of Licence</i>			<i>All cases</i>
<i>Power prescribe/amend Standard Conditions</i>	<i>All cases</i>		
<i>Setting of fees</i>			<i>All cases</i>
<i>All licensing functions in connection with Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 except those not capable of such delegation</i>			<i>All cases</i>

APPENDIX B

DEFINITIONS

of terms found within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and North Tyneside Council's Statement of Licensing Policy for Sex Establishments.

"Sex Establishment"	means a sex cinema, sex shop or sexual entertainment venue
"Sexual Entertainment Venue"	means any premises at which, "relevant entertainment" takes place before a live audience for the financial gain of the organiser or entertainer.
"Relevant Entertainment"	means any live performance or any display of nudity which is of a nature that ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience, whether by verbal or other means).
"Audience"	this includes an audience of one.
"Display of nudity"	means in the case of a woman, exposure of her nipples, pubic area, genitals or anus and in the case of a man exposure of his pubic area, genitals or anus.
"Organiser"	means in relation to the provision of relevant entertainment at a premises of any person who is responsible for the organisation or management of the relevant entertainment or the premises.
"Premises"	includes any vessel, vehicle or hall but does not include any private dwelling to which the public is not admitted.
"Sex Cinema"	means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures by whatever means produced and are concerned primarily with the portrayal of, or primarily deal with or relate to or are intended to stimulate or encourage sexual activity or acts of force or restraint which are associated with sexual activity or are covered primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions. It does not include a dwelling house to which the public is not admitted.
"Sex Shop"	means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

“Sex Article”	means anything made for use in connection with or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity and to any article containing or embodying matter to be read or looked at or anything intended to be used either alone or of one of a set, for the reproduction or manufacture of such article and to any recording of vision or sound, connected primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity or is concerned primarily with the portrayal of, or primarily deals with or relates to genital organs, or urinary or excretory functions.
“Appropriate Authority”	means in relation to any area for which a resolution has been passed under Schedule 3 of the 1982 Act, the local authority who passed it.
“Chief Officer of Police”	means the Chief Officer of Police for the police area in which the locality is situated.
“Vessel”	includes any ship, boat, raft, hovercraft or other apparatus constructed or adapted for floating on water.
“Standard Conditions”	means the regulations made prescribing the standard conditions applicable to sex establishments.

APPENDIX C
APPLICATION FORM



North Tyneside Council

**LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR GRANT/RENEWAL/TRANSFER
OF LICENCE FOR (A) SEX ESTABLISHMENT
(B) SEX SHOP
(C) SEX CINEMA**

PLEASE COMPLETE IN BLOCK CAPITALS

SECTION A – ABOUT THE APPLICANT

Is the applicant:	a) An individual <input type="checkbox"/> b) A partnership or other unincorporated body <input type="checkbox"/> c) A body corporate <input type="checkbox"/>
Give the full name of the applicant(s), or body applying for the licence. If an individual or partnership, please state any previous name(s), date name changed together with date and place of birth.	
Telephone number on which the applicant can be contacted during office hours	
Address to which any Communications for the applicant are to be sent	
Applicants permanent address. If a company, please give the registered or principal address	
If the applicant is a company, please supply the following on a separate sheet in respect of each Director and persons who will manage or otherwise be involved in running the establishment or who have an interest/will benefit	Forename, Surname, Former Names (and date name changed), Permanent Address, Date of Birth, Place of Birth
What is the nature of the applicant's interest in the premises? Please state whether it is:	Freehold <input type="checkbox"/> Leasehold <input type="checkbox"/>

If the applicant's interest in the premises is leasehold, please supply the following information:	a) Is the lease headlease <input type="checkbox"/> underlease? <input type="checkbox"/> b) Landlord's name and address:
Has the applicant been resident in the UK throughout the period of 6 months preceding the date of this application?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the applicant or any persons named in this form have any Convictions/Cautions? Please include a copy of the Basix Disclosure Certificate for all persons named in this form	Yes <input type="checkbox"/> No <input type="checkbox"/>

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SECTION B – ABOUT THE PREMISES

Trading name, address, telephone number and internet address (where applicable) of premises to be licensed	Name: Address: Tel: e-mail/website:
Part of premises to be licensed (e.g. ground floor, first floor etc)	
Please provide details of what form of relevant entertainment will be performed on the premises	
If only part of the premises are to be used, to what use are the other parts of the premises put?	
Please state the name(s) of the person(s) responsible for running the part(s) of the premises that are <u>not</u> to be used as a sexual entertainment venue	
If the premises are already used as a sexual entertainment venue, please give the name and address of the persons or body who now operate the business, and the date on which the premises were first used as a	

sexual entertainment venue	
Is the application in respect of a premises, vehicle or vessel?	Premises <input type="checkbox"/>
	Vehicle <input type="checkbox"/>
	Vessel/Staff <input type="checkbox"/>
If the application is in respect of a vehicle, stall or vessel, please state where it is to be used as a sexual entertainment venue	
Are the premises fitted with a CCTV system	
Please confirm the number of SIA doorstaff to be present on the premises whilst relevant entertainment is being performed	

SECTION C – ABOUT THE LICENCE

FIRST APPLICATION Choose this option if this is the first time this premises has been licensed or if the previous licence held by the premises has lapsed. You MUST provide a copy of a plan of the premises with the application to enable it to be processed	
RENEWAL APPLICATION Choose this option if you already hold a licence for the premises that is due to expire	
VARIATION APPLICATION Choose this option if you are proposing to change the hours of operation, or the premises layout etc	
TRANSFER APPLICATION Choose this option to transfer the licence from one licence holder to another	

SECTION D – ABOUT THE PREMISES

Under what name is or will the business be known?		
What means are to be taken to prevent the interior of the premises being viewed by passers by?		
State which days and hours you intend to open the premises	Monday	
	Tuesday	
	Wednesday	
	Thursday	
	Friday	
	Saturday	
	Sunday	

SECTION E – OTHER PARTICULARS TO BE PROVIDED

Scale plan of the premises in respect of which the licence is sought with relevant licensed area highlighted	<input type="checkbox"/>
Copy of the newspaper in which the notice of the application has been published (this must be sent within 7 working days of making the application)	<input type="checkbox"/>

SECTION F - DECLARATION

I/We enclose the requisite fee	<input type="checkbox"/>
I/We confirm that a copy of this application has been served on the Chief Officer of Police within 7 days of the application being submitted	<input type="checkbox"/>
I/We confirm that a Notice publicising this application will be displayed for 21 days beginning with the date of the application on or near the premises and in a place where it can be conveniently be read by the public	<input type="checkbox"/>
I/We confirm that a Notice of application has been given by publishing an advertisement in a Local Newspaper circulating in the local area. The publication of the Notice shall not be later than 7 days after the date of application	<input type="checkbox"/>

DECLARATION BY APPLICANT FOR LICENCE

I understand that any person who, in connection with an application for the grant, renewal or transfer of a licence makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence punishable on summary conviction by a fine not exceeding £20,000.

I declare that the information I have given in this form is true and complete in every respect.

Where the application is made on behalf of a limited company, the company secretary or director(s) should sign this form, in the case of a partnership each partner should sign.

Signed	Signed	
Name	Name	
Capacity	Capacity	
Date	Date	

ONCE COMPLETED, THIS FORM SHOULD BE RETURNED TO:-

Licensing, Block A, Killingworth Site, Harvey Combe, Killingworth, Newcastle upon Tyne, NE12 6QQ or emailed to liquor.licensing@northtyneside.gov.uk.

APPENDIX D
NOTICES

Notice to be displayed at Premises

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1982 (AS AMENDED)

NOTICE OF APPLICATION FOR GRANT/RENEWAL/TRANSFER OF A LICENCE

Application today been made to North Tyneside Council in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) for the grant/renewal/transfer of a sexual entertainment venue/ sex shop / sex cinema licence in respect of the premises named below

Address of Premises

.....

Name of Applicant

Signature of Applicant

Date

Any objections to this application should be made not later than 28 days after the date hereon in writing stating the general terms the grounds for objection to:

Licensing
Block A
North Tyneside Council
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6QQ

PLEASE NOTE: Objections will be sent to the applicant and will become public documents. However, personal details such as name, address and telephone number will be removed.

THIS NOTICE IS TO BE PROMINENTLY DISPLAYED ON THE OUTSIDE OF THE PREMISES FOR A PERIOD OF 21 DAYS AFTER THE DATE HEREON

Newspaper Notice

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1982 (AS AMENDED)

NOTICE OF APPLICATION FOR GRANT/RENEWAL/TRANSFER OF A
LICENCE

Take notice that on

I/We

Of

Made application to North Tyneside Council for the grant/renewal/transfer of
a sexual entertainment venue/ sex shop / sex cinema licence at (address of
proposed premises)

Any objections to this application should be made to:

**Licensing
Block A
North Tyneside Council
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6QQ**

Within 28 days from the date of this advertisement stating in general terms
the grounds of objection.

PLEASE NOTE: Objections will be sent to the applicant and will become public
documents. However, personal details such as name, address and telephone number
will be removed.

APPENDIX E

Regulations prescribed under Regulation 13 of the Local Government (Miscellaneous Provisions) Act 1982

In these Regulations, except when the context otherwise requires, the following expressions shall have the following meanings:-

- (i) "Sex Establishment", "Sex Cinema", "Sex Shop", and "Sex Article" shall have the meanings given to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
- (ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the Third Schedule.
- (iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
- (iv) "Approved" means approved by the Council in writing.
- (v) "The Authority" means the Council of the Borough of North Tyneside.

In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.

The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

Sex shop – Standard Conditions

1. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
2. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire, exchange or loan and a notice to this effect is to be prominently displayed within the Sex Shop.
3. No film or video film shall be exhibited, sold or supplied unless it has (a) been passed by the British Board of Film Censors and bears a certificate to that effect or (b) approved by the Authority and is a reproduction authorised by the owner or the copyright of the film or video film so certified.
4. The Licensee shall without charge display and make available in the Sex Shop such free literature on counselling on matters related to sexual problems as may be published by the FPA and by such other similar organisations as may be specified by the Authority. Such literature is to be displayed in a prominent position approved by the Authority adjacent to all cash collection points in the Sex Shop.

5. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-
 - (a) Any notice of a size and in a form approved by the Authority which is required to be displayed so as to be visible from outside the Premises by law or by any condition of a licence granted by the Authority.
 - (b) Such display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Authority.
6. The entrances to the Premises shall be of a material or covered with a material which will render the interior of the Premises invisible to passers by.
7. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Authority but shall have suspended behind them, in a position and at an attitude approved by the Authority, opaque curtains of a type and size approved by the Authority. This regulation shall not be construed as lessening the obligations of the Licensee.
8. The external appearance shall be of a colour and design approved by the Authority.
9. The Premises shall be maintained in good repair and condition.
10. Lighting in all parts of the Premises as approved by the Authority shall be in operation continuously during the whole of the time that the Sex Shop is open to the public.
11. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Authority and shall comply with the following requirements:-
 - (a) All such doors or openings approved by the Authority shall be clearly indicated on the inside by the word "exit".
 - (b) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".
 - (c) Except in the case of emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.
12. The external doors to the Sex Shop shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
13. The Licensee shall make provision in the means of access both to and within the Sex Shop for the needs of members of the public visiting the Sex Shop who are disabled.
14. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.

15. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the Premises shall not be made except with the prior approval of the Authority.
16. All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Authority.
17. No person under the age of 18 shall be admitted to the Premises or employed in the business of the sex establishment. A sign shall be displayed at the entrance to the Premises stating, "No admission to any persons under the age of 18 years."
18. The licensed premises shall not open or be used for which the licence is granted except between the hours of 9am and 6pm.
19. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Authority.

Sexual Entertainment Venue – Standard Conditions

1. A Nominated Person must remain in personal control of the Premises at all times.
2. Any individual employed on the Premises to conduct a security activity (within the meaning of section paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
3. The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") whilst performances are being given under this licence.
4. No children under the age of 18 shall be admitted to the Premises whilst relevant entertainment is taking place. Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The Licensee must provide prominent notices at each entrance to the Premises to this effect.
5. Performers shall be aged not less than 18 years whilst relevant entertainment is taking place. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
6.
 - (a) The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment on the Premises unless they are approved by the Authority.
 - (b) Where the Authority have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.
 - (c) The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the premises.

- (d) The Licensee shall ensure to the Authority's satisfaction (including, where required, necessary planning or building control consents) that the entertainment area of the Premises is not visible from the outside of the Premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible whilst performing from outside the Premises.
7. The Licensee shall ensure that no more members of the public shall be present on the Premises at any time whilst sexual entertainment takes place to which this licence relates where the Authority has specified a number in writing on the grounds of public safety (excluding fire safety), public nuisance or crime and disorder.
 8. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed premises as may be agreed in writing with the Authority.
 9. The Licensee is to implement a Policy to ensure the safety of the Performers when they leave the premises after a period of work.
 10. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Authority as where sexual entertainment may be provided.
 11. Performers must dress fully at the end of each performance.
 12. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the premises.
 13. Performers must never be alone in the company of a customer except in an area open to the public within the premises.
 14. The Licensee is to ensure a sufficient number of SIA registered security staff are employed at the Premises whilst sexual entertainment is provided to supervise the Performers and customers.
 15. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
 16. Performers are never to be in the company of a customer except in an area open to the public within the Premises (excluding the toilets).
 17. The Licensee must ensure that during the performance of a table dance:-
 - (1) Customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance
 - (2) Customers must remain seated during the entire performance of the dance
 - (3) For the purpose of restraint only, Performers may only touch a customer above the customer's chest with their hands only
 - (4) Performers must not sit on or straddle the customer
 - (5) Performers must not place their feet on the seats.

18. The Licensee must ensure that during performances to which this Licence relates:
 - (1) Performers may not perform any act that clearly simulates any sexual act
 - (2) Performers may not intentionally touch a customer any time during the performance
 - (3) Performers may not use inappropriate, suggestive or sexually graphic language at any time
 - (4) Performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts
 - (5) Performers must not conduct themselves in such a manner that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act
 - (6) Performers may only perform nude or semi-nude dancing (of any description) within areas specified by the Authority.

19. The Licensee must ensure that during performances to which this Licence relates:
 - (1) Customers may not dance at any time except in areas specifically designated by the Authority as being separate from areas for sexual entertainment.
 - (2) Customers must remain appropriately clothed at all times.

20. The Licensee shall ensure that CCTV is installed and maintained to the satisfaction of Northumbria Police and that any images are
 - (a) retained for a period of at least 31 days and
 - (b) made available on request to a police officer or authorised officer of the Authority.

21. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Authority in relation to compliance with this Licence.

22. No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.

23. Neither the Licensee, nor any employee or other person, shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the premises.

24. Only the performers shall provide the entertainment, no audience participation shall be permitted.

25. During any lap dancing performance, performers may not:
 - a) touch customers in any way
 - b) approach closer than 30cms (12") from any part of a patron
 - c) remove underwear or otherwise so as to expose their genitalia
 - d) climb onto furniture provided for patrons or
 - e) simulate sex acts.

26. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
27. A copy of the Sex Establishment Licence must be kept exhibited in the public area of the premises.
28. The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to any sexual entertainment taking place at the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts except any notice displaying the name or trading title of the Licensee, any notice indicating the times of opening of the premises or for business, any notice required by statute, regulation or byelaw applicable to the premises or business carried thereon or any notice prescribed by these conditions.
29. Nudity shall only be permitted by performers and not by customers.
30. A warning notice must be displayed in a prominent place at or near to the entrance of the premises to indicate that adult entertainment is taking place.

Sex Cinema – Standard Conditions

1. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Authority.
2. The licensed premises shall not be open or used for the purpose for which the licence is granted except between the hours of 9am and 11pm, Monday to Saturday.
3. The licensed premises shall not be open on Sunday or any Bank Holidays or Public Holidays.
4. All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Authority.
5. A copy of the licence must be kept exhibited within the premises and be clearly visible to customers in the premises at all times.
6. The names of the proprietor of the business and of any person who is in charge of day to day running thereof shall be prominently displayed within the premises throughout the period when he is responsible for its conduct, and such names should be shown alongside the licence and be clearly visible to the customer in the premises at all times.
7. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and any displays shall not be visible to persons outside the building in a manner satisfactory to the Authority.
8. The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

The external door shall only be opened at such time or times as person(s) require access and egress to the interior of the premises.

9. There shall be provided within the entrance of the premises a partition screening the interior of the premises from passers by at all times whilst the entrance doors may be opened.
10. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
11. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect, and is a reproduction authorized by the owner of the copyright of the film or video film so certified. Any such film or video film shall comply with the Video Recordings Act 1984.
12. The windows, doors fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for the following in the form approved by the Authority:-
 - a) The address of the premises
 - b) The Licensed name of the premises
 - c) A notice fixed to the entrance to the premises clearly stating "WARNING – persons passing beyond this notice will find material on display which they may consider indecent. No admittance under 18 years of age."
 - d) A notice stating the opening hours of the establishment
 - e) In the case of a licence granted to a body corporate:-
 - (i) If the licence name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the Company that such is the case.
 - f) The wording "ADULT CINEMA" but no other indication as to the nature of the business carried on at the licensed premises.
13. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises shall not be made except with the prior approval of the Authority.
14. The premises shall be conducted primarily for the purpose of the exhibition of moving picture.
15. The Licensee shall comply with all Statutory Provisions and any Regulations made thereunder.
16. No person under the age of 18 shall be admitted to the premises or employed in the business of the premises, and the Licensee or person in charge shall make all necessary enquiries to this end.
17. No part of the Premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling.

18. Neither the Licensee, nor any employee or other person, shall seek to obtain custom from the Sex Cinema by means of personal solicitation outside or in the vicinity of the Premises.
19. Neither sex articles nor other things intended for use in connection with, or for the purpose of simulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be sold, hired, exchanged, or loaned in a Sex Cinema.

APPENDIX F

LIST OF CONSULTEES

Residents and businesses council website
All licence holders within North Tyneside
All pub watch schemes within North Tyneside
Specialist trade organisations
Stakeholder groups
Councillors/MP's
Elected Mayor of North Tyneside
Northumbria Police
Director of Public Health
Tyne & Wear Fire & Rescue Service
Relevant Council Officers

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Appendix 2 – Consultation responses

Reference	Category	Comments	Please provide any comments you have on the amendments to the Licensing Policy:	Please outline any final comments you may have on the Licensing Policy:
001	Northumbria Police	From a policing point of view, the policy does not require any changes.		There is a foot note, that the policy with regards to south parade may not now be required, as all the premises that provided adult entertainment have now closed or moved on.
002	Anonymous	Whitley Bay is a family resort and a residential area and should not be a venue for sex establishments (in my opinion).	Should remain at nil.	Whitley Bay is a residential area. If residents or councillors wouldn't want such an establishment next door to their own home they should be wary of allowing such licenses to operate near other residents homes.
003	Anonymous	I believe the current licensing policy does not need altered by the council.	I agree with the councils current limit of nil for sex establishments in the area of Whitley Bay, we don't need them.	I think the council are doing well with keeping control of shall we say "dodgy" establishments and entertainment venues, we have enough problems with some of the "guests" the coast have to accommodate.
004	Anonymous		I agree with the current limit of Nil.	

005	Anonymous		As it should be. Don't want the residential area to be something else	
006	Anonymous	Less pubs needed reached saturation point I do not agree with night clubs open all hours what about residents who live nearby.	Do not want sex establishments in North Tyneside these places attract wrong sort of people.	Should go back to 11.00am to 11.00pm any later than that causes serious disturbance to residents of area.
007	Anonymous	Sex establishments are inappropriate in the vicinity of residential areas or those used for recreational purposes, and in particular areas that may be frequented by under 18s.	Should stay at nil.	Inappropriate in the designated area.
008	Anonymous		Nil is absolutely fine.	In the days when Whitley Bay had a night-time economy it was degrading to find strippers in so many bars. Thankfully those days have gone, and as long as the limit remains at nil, changes to the policy to keep it relevant would seem to be necessary but academic.
009	Anonymous		In the days when Whitley Bay had a night-time economy it was degrading to find strippers in so many bars. Thankfully those days have gone, and as long as the limit remains at nil, changes to the policy to keep it	

			relevant would seem to be necessary but academic.	
010	Anonymous	There must be very strong safeguards put in place to monitor any establishment.	If any establishments are approved a limit must be agreed by council per area.	The establishments if agreed should not be in the main foot walk areas of our towns.
011	Anonymous	My belief is that these premises are always going to exist. It is better that they are open and licensed so that they can be controlled and inspected by the council. It should prevent those taking part being exploited and should add an element of protection to the participants and the wider public.	As this area is a centre for the night time economy then they should be allowed and strictly controlled.	I appreciate that it is a difficult subject but should be licensed.
012	Anonymous	I think the council has made it as difficult as possible to obtain a licence and I agree with that stance, I do not want this type of venue in any community in our Borough. We must safeguard all of our residents from this type of venue.	Agree wholeheartedly and wish it applied to the entire Borough. When I see adverts for this type of venue in other boroughs or the actual venue itself it makes me feel extremely vulnerable as a woman. I have deep concerns about the message (that this is an acceptable venue) to our young people. Well done North Tyneside for taking such a strong stance and I welcome any approach by the council to tighten the rules further.	

013	Anonymous	Don't think they are suitable for this family oriented area.	Don't think they are suitable for this family oriented area.	Such establishments lower the attraction of the area for normal tourists and families.
014	Anonymous	The Licensing Policy needs amended and not become an imposition.	In the present political situation and reduced standard of living of residents of North Tyneside I agree that there is no place for sex establishments in any form in Whitley Bay.	The Licensing Policy should not apply for this form of entertainment or employment mainly because sex entertainment is not relevant to all residents. It would be an imposition.
015	Anonymous		I support the current limit of nil for sex establishments within the specified area.	
016	Anonymous		I believe the number should remain at nil.	The current policy as amended should remain in place - i.e the current limit should remain at nil.

- (1) Agrees that the Authority becomes a signatory organisation to the Disability Employment Charter; and
- (2) Authorises the Director of Resources to take all necessary steps to implement recommendation (1) above.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 19 January 2023.

1.4 Council Plan and Policy Framework

1.4.1 This report relates to the following priorities in the 2021/25 Our North Tyneside Plan:

A thriving North Tyneside

- We will invest in adult education and to support apprenticeships to make sure people have the right skills for the job
- We will review how the council purchases and contracts for goods and services to maximise value for money, social value and environmental sustainability

A caring North Tyneside

- We will work to reduce inequality, eliminate discrimination and ensure the social rights of the people of North Tyneside are key to council decision making
- We will invest in adult education and to support apprenticeships to make sure people have the right skills for the job

1.4.2 The Authority has a set of corporate equality objectives that guide the Authority's work on equality, diversity and inclusion, three of which align with the aims of the Charter:

1.4.3 Equality Objective 2 is to "Create a more inclusive colleague experience within the Authority". Actions under this objective include the introduction of a Disability Policy, a review the Authority's Attendance Management Procedure to ensure a wider focus on health and wellbeing, and a commitment to make the Authority's workforce more representative of the borough's population through a Workforce Development Plan, delivery of an Equality and Diversity Calendar of events and activities and the delivery of an 'Embedding Equality Programme' to make equality and diversity "everyone's business", including the introduction of staff networks with one for staff with disabilities.

1.4.4 Equality Objective 4: "Improve the collection and use of workforce and external equality data". The actions under this objective are to ensure a corporate approach to the collection, publication and use of employee, customer, and resident equality data and to develop, monitor and report equality and diversity performance measures.

1.4.5 Equality Objective 5: "Ensure the Authority's buildings, services and communications are accessible", which includes the implementation of an action plan based on Access Able's findings.

1.4.6 These actions under these objectives align with the aims of the Disability Employment Charter to support the objective of being a more inclusive employer.

1.5 Information:

Background

- 1.5.1 The Disability Employment Charter was founded by Disability Rights UK, Disability@Work, the University of Warwick, the DFN Charitable Foundation, Leonard Cheshire, Scope, Shaw Trust Foundation, and UNISON.
- 1.5.2 129 organisations within the public, private and voluntary sectors have become signatories to the Charter. Public sector organisations who have signed up to the Charter include Adur & Worthing Councils, Kent Fire & Rescue Service, Lancashire & South Cumbria NHS Trust and Lancashire Teaching Hospitals.
- 1.5.3 The Charter consists of nine areas that will create a framework of good practice that the Authority can support. It can be used as a tool to assist the Authority in its aim to be an inclusive workplace which integrates equality, diversity and inclusivity into its people policies and practices.
- 1.5.4 Set out below are the areas included in the Charter and the work the Authority is undertaking which already meets the measures outlined in the Charter.

Employment and pay gap reporting

- 1.5.5 The Charter states that the Government should require all employers with 250+ employees to publish data annually on the number of disabled people they employ as a proportion of their workforce, their disability pay gap; and the percentage of disabled employees within each pay quartile.
- 1.5.6 A key priority for the Authority in 2023/24 will be to improve the declaration rates against all protected characteristics. This will enable more valid reporting on the data with the plan to publish a Disability Pay Gap Report which will comply with these requirements.

Supporting disabled people into employment

- 1.5.7 The Charter states that the Government should increase disabled people's access to employment programmes and apprenticeships; increase the scale, quality and awareness of supported employment programmes and supported internships; and increase the provision of tailored careers advice to disabled people.
- 1.5.8 Human Resources is working with the Employment and Skills Team, increasing access to employment opportunities and apprenticeships through work experience opportunities being made available for those on supported employment programmes as well as care leavers. This entails work experience applications being considered as a priority along with guaranteed interviews for those applying for apprenticeships from identified groups who meet the essential criteria.

Reform of Access to Work (AtW)

- 1.5.9 The Charter states that the Government should remove the AtW support cap; ensure application/renewal processes are efficient, personalised, and flexible; entitle disabled job

-seekers to 'in principle' indicative awards; facilitate passporting of awards between organisations and from Disabled Student's Allowance to AtW; and increase awareness of AtW support.

1.5.10 Below are recent pieces of work that have been undertaken in respect of Access to Work and other support measures for colleagues with disabilities:

- The Access to Work Scheme has been promoted to managers recently, with new guidance, as part of a drive to raise awareness of what support is available to colleagues with disabilities.
- A Workforce Support Profile was also introduced last year following consultation with colleagues with disabilities which outlines what support is needed and agreed to with the individual's manager. This can also be used by the individual to outline their needs if a new manager is appointed; a job changes or they move to another job role or team within the Authority; and
- Guidance on what reasonable adjustments can be put in place to support colleagues who have existing disabilities or become disabled during their employment.

1.5.11 The Authority has plans to introduce a Disability Policy to ensure colleagues with disabilities know where and how to get support.

Reform of Disability Confident

1.5.12 The Charter states that the Government should require all employers at Disability Confident Levels 2 and 3 to meet minimum thresholds regarding the percentage of disabled people in their workforce; and remove accreditation from employers that do not move up within 3 years from Level 1 to Levels 2 or 3.

1.5.13 The Authority submitted and were successful in retaining Disability Confident Employer status in January 2021 at Level 2. This accreditation lasts for 3 years and during this time it is the Authority's ambition to achieve Level 3 status.

Leveraging Government procurement

1.5.14 The Charter states that the Government should ensure award decisions for all public sector contracts take into account the percentage of disabled people in the workforce of tendering organisations; require Government contractors to work towards a minimum threshold regarding the percentage of disabled people in their workforce; and take failure to achieve this threshold into account in future contract award decisions.

1.5.15 In March 2021 the Authority agreed a Responsible Procurement Charter 2021-2025. The Procurement Charter ensures that the Authority incorporates legal, ethical, environmental, and social considerations into its spending decisions whilst maximising value for residents of North Tyneside.

1.5.16 It is underpinned by a set of values and principles expected from suppliers. In relation to Equality, Diversity and Inclusion the Charter states:

North Tyneside Council celebrates the value that different backgrounds, experiences and perspectives can bring to our communities and businesses. In all activities we recognise the importance of ensuring no-one is treated in a way that excludes or discriminates, this includes identifying any practices that may disadvantage any specific group of residents and doing everything we can to prevent them.

1.5.17 Starting in January 2023 the Authority will be contacting all contractors to collate data on all protected characteristics to identify which sectors the Authority needs to work with to improve inclusivity.

Workplace Adjustments

1.5.18 The Charter states that the Government should require employers to notify employees on decisions regarding reasonable adjustment requests within two weeks; make the option to work flexibly from day one the legal default for all jobs; introduce stronger rights to paid disability leave for assessment, rehabilitation and training; and fund an increase Statutory Sick Pay to the European average.

1.5.19 The Authority's policy already allows colleagues the right to request flexible working from day one. Other requirements will be considered as part of the Authority's Wellbeing Programme.

Working with disabled people and their representatives

1.5.20 The Charter states that the Government should require employers to consult and negotiate with disabled people and their representatives on disability equality matters; and provide trade union equality representatives and disability champions with statutory rights to time off to perform their role.

1.5.21 The Authority launched four staff networks in 2021 including the Disability & Long-Term Condition Network (including carers) (DisLoC). These staff networks have the support of the Senior Leadership Team and are designed to:

- Create a supportive space to discuss issues and find solutions
- Provide tools and signposting for members
- Provide a social space for groups with a shared characteristic
- Support knowledge sharing
- Provide development opportunities for members
- Inform and educate
- Shape policy and procedure
- Be a critical friend to the council

1.5.22 The Authority also launched its Diversity Allies Programme in 2021 encouraging colleagues to sign up to champion equality, the role includes:

- Answering questions colleagues have on equality issues
- Signpost colleagues to resources for support and education
- Helping create a supportive culture where colleagues feel comfortable discussing issues/uncertainties
- Promote training and events around equality, diversity and inclusion.

1.5.23 Being a Diversity Ally, running a staff network or attending staff network meetings can all be undertaken, where possible, within work time

Advice and support

1.5.24 The Charter states that the Government should create a 'one stop shop' portal to provide information, advice and guidance to employers on recruiting and retaining disabled people, and to disabled people on their employment rights.

National progress on disability employment

1.5.25 The Charter states that the Government should take into account increasing disability prevalence in calculating the disability employment gap, and use the 'prevalence corrected' employment gap measure in monitoring national progress on disability employment.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Agree to become a signatory to the Disability Employment Charter

Option 2

Do not agree to become a signatory to the Disability Employment Charter

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

It supports the Authority's statutory duty under The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 and the reporting requirements imposed by the Regulations. It also helps to meet the Authority's corporate equality objectives that guides the Authority's work on equality, diversity and inclusion and its aim to be an inclusive workspace.

1.8 Appendices:

Appendix: Disability Employment Charter

1.9 Contact officers:

Carol Murphy, Senior HR Business Partner, tel. 07968239266

Louise Robson, Organisation and Workforce Development Manager, tel. (0191) 643 1505

Anne Foreman, Policy and Performance Manager, tel. (0191) 643 2225

1.10 Background information:

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

(1) Disability Employment Charter <https://www.disabilityemploymentCharter.org>

(2) Responsible Procurement Charter
<https://my.northtyneside.gov.uk/category/611/strategy-and-procedures>

(3) The Equality Act 2010
<https://www.legislation.gov.uk/ukpga/2010/15/contents>

(4) The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017
<https://www.legislation.gov.uk/ukdsi/2017/9780111153277/contents>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications linked to becoming a signatory to the Charter. If the Government bring in legislation or regulations as part of their Disability Strategy which adopts any measures requested in the Charter there may be finance or resources implications but these are not able to be quantified at this time.

2.2 Legal

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires Public Bodies to consider all individuals when carrying out their day-to-day work in shaping policy, in delivering services and in relation to their own employees and produce annual information that demonstrates consideration of the public sector equality duty under section 149 of the Equality Act 2010 (“the 2010 Act”).

In accordance with section 149 of the 2010 Act, the Authority when exercising its functions, including, the employment of staff, must have due regard to the need to: -

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited 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 persons who do not share it.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Disability Employment Charter has been considered by the Corporate Employee Joint Consultative Forum who support the Authority becoming a signatory to the Charter.

The Charter has also been discussed by the DisLoC Staff Network who support the proposal to sign up to the Charter.

2.3.2 External Consultation/Engagement

The organisations of the founding members of the Charter support and represent thousands of working aged disabled people within the UK. Throughout 2021 these organisations met regularly to discuss and agree the actions and recommendations included in the Charter.

The proposals in the Charter are drawn from the experiences of the disabled people supported and represented by the founders and signatories of the Charter, and are also backed by research evidence.

2.4 Human rights

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

2.5 Equalities and diversity

The Disability Employment Charter supports the Authority's duty under the Equality Act 2010 (Specific Duties and Public Authority) Regulations 2017. The Authority, as stated in the report, has a duty to have regard to the matters set out in section 149 of the Equality Act 2010 when exercising its functions.

2.6 Risk management

There are no risk management issues arising from this report.

2.7 Crime and disorder

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

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

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

Disability Employment Charter

The labour market disadvantage disabled people encounter is demonstrated by a large and enduring disability employment gap, and disability gaps in pay, job satisfaction, and work-related well-being.

This charter outlines the action the government needs to take to address the disadvantage disabled people encounter in their working lives.

Disability Employment Charter

- 1. Employment and pay gap reporting.** The government should require all employers with 250+ employees to publish data annually on: the number of disabled people they employ as a proportion of their workforce; their disability pay gap; and the percentage of disabled employees within each pay quartile.
- 2. Supporting disabled people into employment.** The government should: increase disabled people's access to employment programmes and apprenticeships; increase the scale, quality and awareness of supported employment programmes and supported internships; and increase the provision of tailored careers advice to disabled people.
- 3. Reform of Access to Work (AtW).** The government should: remove the AtW support cap; ensure application/renewal processes are efficient, personalised, and flexible; entitle disabled job-seekers to 'in principle' indicative awards; facilitate passporting of awards between organisations and from Disabled Student's Allowance to AtW; and increase awareness of AtW support.
- 4. Reform of Disability Confident.** The government should: require all employers at Disability Confident Levels 2 and 3 to meet minimum thresholds regarding the percentage of disabled people in their workforce; and remove accreditation from employers that do not move up within 3 years from Level 1 to Levels 2 or 3.
- 5. Leveraging government procurement.** The government should: ensure award decisions for all public sector contracts take into account the percentage of disabled people in the workforce of tendering organisations; require government contractors to work towards a minimum threshold regarding the percentage of disabled people in their workforce; and take failure to achieve this threshold into account in future contract award decisions.

- 6. Workplace adjustments.** The government should: require employers to notify employees on decisions regarding reasonable adjustment requests within two weeks; make the option to work flexibly from day one the legal default for all jobs; introduce stronger rights to paid disability leave for assessment, rehabilitation and training; and fund an increase Statutory Sick Pay to the European average.
- 7. Working with disabled people and their representatives.** The government should: require employers to consult and negotiate with disabled people and their representatives on disability equality matters; and provide trade union equality representatives and disability champions with statutory rights to time off to perform their role.
- 8. Advice and support.** The government should create a ‘one stop shop’ portal to provide information, advice and guidance to employers on recruiting and retaining disabled people, and to disabled people on their employment rights.
- 9. National progress on disability employment.** The government should take into account increasing disability prevalence in calculating the disability employment gap, and use the ‘prevalence corrected’ employment gap measure in monitoring national progress on disability employment.

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North Tyneside Council Report to Cabinet Date: 20 February 2023

Title: Land at Centurion Park, Rheydt Avenue, Wallsend

Portfolio(s):	Deputy Mayor Finance and Resources	Cabinet Member(s):	Councillor Carl Johnson Councillor Martin Rankin
Report from Service Area:	Commissioning and Asset Management		
Responsible Officer:	Mark Longstaff Director of Commissioning and Asset Management	(Tel:(0191) 6438089)	
Wards affected:	Northumberland and Wallsend		

PART 1

1.1 Executive Summary:

This report asks Cabinet to consider representations that have been made to the Authority in relation to a statutory notice confirming the Authority's intention to dispose of an area of land within its freehold ownership at Centurion Park, Rheydt Avenue in Wallsend, ("the Land"), part of which is classed as public open space. The Land is shown by dark outline on the Appendix Plan.

Under section 123 (2A) of the Local Government Act 1972, there is a legal requirement for the Authority to give notice of its intention to dispose of land consisting or forming part of public open space within its boundaries for two consecutive weeks in a local newspaper circulating within the area, and to consider any objections or representations made.

3 representations were made to the Authority in the response to the press notices and Cabinet is asked to consider the main points of objection made in the representations as summarised in Section 1.5 of the report.

1.2 Recommendation(s):

It is recommended that Cabinet determine whether or not to set aside the objections received in relation to the disposal of the Land and, if appropriate, reaffirm authorisation to the disposal of the Land.

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 2 December 2022.

1.4 Council Plan and Policy Framework

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

A Secure North Tyneside

We will provide 5000 affordable homes

1.5 Information:

1.5.1 Background

The Land which is shown by dark outline on the Appendix Plan was declared surplus to the Authority's requirements by Cabinet on 24 January 2022. Approval was also given for it to be made available for disposal by private treaty to Bellway Homes Limited, ("Bellway"), for the development of 215 new homes, including 54 affordable homes, in respect of which the Authority's Planning Committee gave a "minded to grant" planning approval to the planning application on 17 January 2023, subject to the completion of a Section 106 Planning Agreement.

As the Land is classed as public open space it is subject to the relevant provisions of the Local Government Act 1972. The Authority must therefore give notice of its intention to dispose of the Land in accordance with Section 123 (2A) of the Act and formally consider any representations made.

This must be done by placing notices confirming the proposed disposal for two consecutive weeks in a local newspaper. The Authority's intentions were advertised in the Journal newspaper on 7 November 2022, and 14 November 2022, respectively. The closing date for the receipt of representations was set as 2 December 2022.

Prior to the closing date, 3 representations were made to the Authority all of which were objections to the proposed disposal. These were from a local resident, The Rt Hon Nick Brown, MP, and Wallsend Boys Club.

1.5.2 Representations Objecting to the Proposed Disposal of the Land

The main points of the objections received are numbered 1 to 10 below together with officer responses at appropriate intervals.

1. **The proposed development will result in an unacceptable increase in traffic in the locality.**

Officer Response

A full Transport Assessment was considered in detail as part of the planning process and officers were satisfied that the proposed development would only have a limited impact on the local highway network.

2. **The proposed development will increase the risk of flooding in the locality.**

Officer Response

A Flood Risk Assessment and Drainage Strategy were considered in detail as part of the planning process and officers were satisfied with the surface water attenuation measures put forward by Bellway to mitigate the risk of flooding.

3. Overdevelopment of the site

Officer Response

The density of the development was considered as part of the planning process. A development of 215 new homes represents a density of 22 dwellings per hectare and was considered to be an acceptable level of development.

4. The development will result in loss of amenity to the Wallsend Boys Club

Officer Response judgement

The amenity of surrounding developments including Wallsend Boys Club and nearby existing residential properties was considered as part of the planning process and the conclusion was that this would not be adversely affected by the proposed development.

It should be noted that the Club already occupies an extensive site that is immediately adjacent to existing residential properties, and that was leased to the Club by the Authority in 2012, as part of the changes to the leisure offer in Wallsend.

5. The space identified in plans for disposal has been part of Wallsend Sports Centre since it was opened in 1972. This land, formerly part of the Bigges Main Colliery, was acquired by, as it was then, Wallsend Borough Council with the intention to develop recreational space for use by the public. It is my understanding that such a process is subject to statutory trust which ensures that the open space is held with a view to allow the enjoyment and use of the public and cannot be used for any other purpose.

Officer Response

Detailed land title checks were carried out by lawyers acting on behalf of the Authority and also Bellway as part of the sale process and no restrictions were identified to prevent the land being disposed of for residential purposes. It was recognised however that any disposal of the land would need to be in accordance with the provisions of section 123(2A) of the Local Government Act 1972 and the decision of Cabinet at a later date.

6. As the land has been open, recreational space since at least 1972, with no restrictions to access by the public, I do not understand how the Council can consider disposing of this land for private housing builders.

Officer Response

As stated, the Authority is complying with the necessary legislative requirements for the disposal of the land in accordance with section 123 (2A) of the Local Government Act 1972. Cabinet must consider the objections and either uphold the objections and not dispose of the land or set aside the objections and progress the disposal of the land.

7. The land is still used by the public, even though, since the Council leased the land to a private operator (on, what I believe was a 99-year lease), the previous football and cricket pitches have fallen into disuse. Runners, walkers, children all use the land for recreational purposes and the loss of this land would have a serious detrimental effect on the quality of life for local residents.

Officer Response

It is accepted that the land has not been closed to the public and it is for this reason that the Authority has undertaken the section 123 (2A) procedure as laid down by the Local Government Act 1972.

Through the planning process, Sport England (the statutory planning consultee in relation to development on land used as playing field) was satisfied that all of the sports facilities that were once in this location have already been re-provided elsewhere.

Alternative recreation land is available in the locality at Richardson Dees Park which includes outdoor gym facilities, Wallsend Hall Grounds and Wallsend Dene. Furthermore 2.3 hectares (ha) of public open space is to be provided as part of the redevelopment scheme in addition to 1 hectare provided off site in Wideopen.

Overall, there has been a significant investment in sports and leisure facilities in the Wallsend area over the last 20 years that has seen additional and improved amenity provision for the local community.

8. The proposed development of housing on the open space is contrary to the Council's Local Development Plan Policy DM5.2 (c)

Officer Response

The Open Space Assessment considered as part of the planning process provides information to demonstrate that the criteria set out within Policy DM5.2 can be met. The detailed consideration of the Authority's Development Plan and the policies referred to therein were considered by the Planning Committee on 17 January 2023.

9. The application is also contrary to the following policies:

Policy S1.2 – Spatial Strategy for Health and Wellbeing in that it conflicts with part b, ii, iii, and v – given the substantial and direct conflict with the operation and restriction the development will give rise to in relation to Wallsend Boys Club.

Policy S1.4 – General Development Principles in that the development does not accord with the principles of sustainable development, as it conflicts with the amenity and enjoyment of adjoining premises and land uses, and that it inhibits the continued need and demand for additional infrastructure associated with community sports facilities.

Officer Response

There was no evidence to indicate that the construction of additional houses in close proximity to the Boys Club, which already shares a boundary with established residential streets, would conflict with the operation of the Club.

The application of the Policies referred to above in relation to the land in question would have been a matter for the Planning Committee and planning officers as part of the planning process.

In respect of community sports and leisure infrastructure, the Authority has made a significant investment in the Wallsend area including over £10 million in Hadrian Leisure Centre and £5.046 million in the Wallsend Parks Regeneration project.

10. Policy S5.1 – Strategic Green Infrastructure – Wallsend Boys Club have repeatedly provided evidence to the council of deficiencies in the provision of community sports facilities in this locality, to meet an increasing and growing need and demand, and such the development will inhibit targeted improvements in this locality.

Officer Response

Whilst this Policy will have been taken into consideration as part of the planning application process there is clear evidence of the investment in community sports and leisure provision within the Wallsend area as noted in the response to objection point 9 above, and as detailed in the information provided in Section 1.5.3, below.

1.5.3 Additional Officer Comments on the Provision of Sports and Leisure Facilities in Wallsend

As part of a strategic review of sport and leisure facilities in the Wallsend area a significant amount of public consultation was undertaken by the Authority prior to the closure and lease of existing facilities to Keeping Inns limited and Wallsend Boys Club.

At that time there was a recognised need to replace ageing sport and leisure facilities. This ultimately led to the opening of Hadrian Leisure centre with over £10 million investment in new facilities. This included a state-of-the-art gym, new swimming pools and public access to a new all-weather pitch, multi-use games areas, sports hall, dance studio and a regionally significant climbing wall.

In addition, a new grass football pitch and cricket pitch was provided at Churchill College. The quality and quantity of new facilities available for public use far exceed those closed and subsequently leased out for other use. The new facilities were also built in parts of Wallsend that were much more accessible for the local community.

Since that time, the Authority has also supported both Wallsend Boys Club and Wallsend Rugby Club to establish new, quality, facilities in the Wallsend area. Prior to this both clubs did not have a base for match play in North Tyneside.

As part of the disposal of existing facilities at Bigges Main, the Authority leased the existing site of Wallsend Boys Club on a long-term basis for a term of 80 years from 2012. This has enabled the Club, with the Authority's support, to develop the excellent facilities they now have on site including a new artificial grass pitch and new grass pitches as well as changing facilities and car parking.

In addition, land east of St Peters playing fields was leased to Wallsend Rugby Club and support was given to the club to establish two new full size Rugby pitches and a new base for the club was established.

At the present time, the Authority is also at an advanced stage to provide a new Sports Hub at St Peters playing fields which would include another new artificial grass pitch as well as changing and other community facilities.

Finally, as part of the upgrade of Richardson Dees Park, new and refurbished recreational facilities were provided. This includes tennis courts, bowling facilities, a multi-use games area, an outdoor gym, a skate park and a large children's play site.

Following a strategic review of leisure facilities in Wallsend and across the Borough, significant investment was made in sports, leisure and park facilities for the community..

1.5.4 Conclusion

Cabinet is asked to consider all of the points of objection and the officer responses given in Sections 1.5.2 in respect of the proposed disposal of the Land at Centurion Park.

1.6 Decision options:

Following consideration of the objections Cabinet may decide:

- i) to set aside the objections received in relation to the proposed disposal of the Land at Centurion Park and authorise the disposal of the Land to proceed; or
- ii) to uphold the objections received in relation to the proposed disposal of the Land at Centurion Park in which case the disposal cannot proceed.

1.7 Reasons for recommended option:

There is no recommended option.

1.8 Appendices:

Appendix 1 – Land at Centurion Park, Wallsend Boundary Plan

1.9 Contact officers:

Niall Cathie – Strategic Property Manager – Tel. 0191 643 6517
David Mason – Senior Manager Capital strategy and Planning

1.10 Background information:

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

- (1) Advertisements in the Journal Newspaper (7 & 14 November 2022)
- (2) Objections Received
- (3) The Authority's land ownership records
- (4) [The planning report that was considered by the Planning Committee on 17 January 2023](#) and supplemental report

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

In the event that the disposal of the Land does not proceed, any potential General Fund capital receipt arising from the proposed disposal would be lost.

2.2 Legal

Under section 123(2A) of the Local Government Act 1972, the Authority may not dispose of any land consisting or forming part of open space without having first advertised the proposed disposal for two consecutive weeks in a local newspaper circulating within the area of the land, and having then considered any objections or representations made to that disposal.

This requirement is a means by which local public opinion regarding such proposals can be obtained. Cabinet is required to consider the objections made and to decide whether or not to proceed with the disposal of the land.

Members are advised that legal representatives of Wallsend Boys Club have written to the Authority indicating that they may seek judicial review of the grant of planning permission for the proposed residential development on this site.

The legal process for disposal by the Authority of open space pursuant to section 123(2A) is distinct from the grant of planning permission pursuant to the Town and Country Planning Act 1990 and associated legislation by the Local Planning Authority. Whilst the loss of open space is a relevant consideration under both regimes, Cabinet is asked in this report to consider the objections received against the disposal of open space pursuant to the advertisements placed under section 123(2A) as outlined above.

Where the same or similar objections have been made under both regimes, Cabinet must consider those objections independently on their own merits as objections under the section 123(2A) process, but may have regard to the officer responses, which may include information provided to planning committee in relation to the same or similar objections.

Cabinet will note that matters of planning policy referred to in the objections were considered by the planning committee in January 2023, who were minded to grant planning permission for the proposed development of this land. Cabinet is not, in any way, bound or fettered by the decision reached by the planning committee. Cabinet may also have regard to other relevant factors when considering objections to the open space disposal, which may not have been material considerations for the purpose of the planning application.

The Authority has followed the statutory process for disposal of open space in this matter, and the objections received are open to consideration by Cabinet.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Strategic Property Group confirmed its support for the sale of the Land on 2 November 2021.

2.3.2 External Consultation/Engagement

The Northumberland and Wallsend Ward Members were offered a briefing on the proposed sale of the Land on 14 December 2021.

External consultation has been conducted in relation to the decision required of this report in accordance with the statutory requirements of section 123 of the Local Government Act 1972. This has been through the placement of notices in the local press confirming the Authority's intention to dispose of public open space at Centurion Park.

External consultation took place as part of the planning process for the planning application for the Land.

Extensive public consultation and engagement was undertaken to support the move of sports and leisure facilities to the new Hadrian Leisure Centre and to support the redevelopment of Richardson Dees Park, The Arboretum and Wallsend Hall Grounds.

2.4 Human rights

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

2.5 Equalities and diversity

Bellway will have due regard to the Equality Act 2010 in relation to the proposed development and sale of new homes at Centurion Park.

Should the disposal of the Land proceed, the Authority will also have due regard to the Equality Act 2010 in relation to any project that the Authority may wish to promote through the use of Section 106 planning contributions linked to the development of the Land for residential purposes or through the use of capital receipts linked to the proposed sale of the Land.

2.6 Risk management

There is a risk of a claim for judicial review arising from the disposal and/or grant of planning permission in relation to this land.

2.7 Crime and disorder

Crime and disorder issues were considered as part of the planning process for any proposed development of the Land at Centurion Park.

2.8 Environment and sustainability

Environment and sustainability issues were considered as part of the planning process for any proposed development of the Land at Centurion Park to ensure the development is aligned with the Authority's targets set out in its Net-Zero 2030 Action Plan.

PART 3 - SIGN OFF

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

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