



North Tyneside Council

5 October 2018

Monday, 15 October 2018 Room 0.02, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside **commencing at 6.00pm.**

Cabinet

Agenda Item

Page(s)

1. **Apologies for Absence**

To receive apologies for absence from the meeting.

2. **To Receive any 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 meeting held on 10 September 2018 (previously circulated).

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.

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

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

Agenda Item		Page(s)
	Key (and non-key) Decisions	
5.	Domestic Abuse Services – Procurement exercise (All Wards)	5 - 14
(a)	To seek approval to undertake a procurement exercise for specialist domestic abuse services provision in North Tyneside.	
(b)*	Equality and Diversity Policy (All Wards)	15 - 30
	To seek approval for an amendment to the Authority's Equality and Diversity Policy to incorporate the International Holocaust Remembrance Alliance's definition of Anti-semitism and its supporting guidelines.	
(c)	The Gambling Act 2005 – Draft Statement of Licensing Policy (Gambling) 2019 – 2022 (All Wards)	31 - 99
	To consider the final proposals for a revised Statement of Licensing Policy (Gambling) prior to consideration by Full Council on 22 November 2018.	
(d)	Tackling Rogue Landlords under the Housing and Planning Act 2016 (All Wards)	100-106
	To seek approval to exercise new powers under the Housing and Planning Act 2016 for dealing with 'rogue landlords'.	
(e)	North Tyneside Highway Inspection Policy (All Wards)	107-123
	To seek approval for the updated North Tyneside Highway Inspection Policy.	
(f)	North Tyneside Highway Asset Management Plan Annual Information Report 2018 (All Wards)	124-158
	To consider an annual report outlining the highway and infrastructure work undertaken over the last 12 months, future planned work activities and associated matters.	
(g)	North Tyneside Network Management Plan (All Wards)	159-179
	To seek approval to adopt the proposed new Network Management Plan which sets out the Authority's future approach to managing the operation of the local highway network.	
(h)	Electric Vehicle Charging Infrastructure Procurement (All Wards)	180-185
	To seek approval for the Authority to participate in a procurement exercise together with the North East Combined Authority (NECA) and other local authorities and public bodies led by NECA for a supplier to maintain, manage and expand existing electric vehicle charging infrastructure.	

Agenda Item	Page(s)
<p>(i) Reviewing Contributions and Payments to Customers (All Wards)</p> <p>To seek approval for the review of contributions and payments to customers in relation to services provided by the Authority's Court of Protection, non-residential services provided by the Authority and direct payments for support via a personal assistant.</p>	186-203
<p>(j) North Tyneside Council Apprenticeship Strategy 2018-2021 (All Wards)</p> <p>To seek approval for the North Tyneside Council Apprenticeship Strategy 2018–2021.</p>	204-226
<p>(6) Exclusion Resolution</p> <p>This is to give further notice in accordance with paragraphs 5(4) and 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to consider items 6(a), (b) and (c) 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3, 1 and 3 respectively of Part 1 of Schedule 12A to the Act.</p> <p>Reasons for taking the items in private: The reports referred to in items (a) and (c) contain information relating to the financial or business affairs of any particular person (including the authority holding the information). The report referred to in item (b) contains information relating to individuals.</p>	
<p>(a)* Proposed Insourcing of the Procurement Function and Procurement Strategy Update (All Wards)</p> <p>To seek approval to progress plans to insource the procurement service and to refresh the Procurement Strategy.</p>	227-232
<p>(b)* Senior Structure (All Wards)</p> <p>To seek approval to re-shape the Senior Leadership Team of the Authority to support the plans of the Elected Mayor and Cabinet for the coming years as part of a refreshed Our North Tyneside Plan.</p>	233-238
<p>(c) Corporate Risk Management (All Wards)</p> <p>To consider a report on the latest review of key corporate risks undertaken by the Senior Leadership Team.</p>	239-296

(7) Date and Time of Next Meeting(s)

Monday 26 November 2018 at 6.00pm

*Note: In accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice is given that the following items have not been subject to 28 days' notice for the reasons indicated:

Item 5(b) – the report was requested to be submitted to the next meeting of Cabinet following approval of a Motion at the Full Council meeting held on 27 September 2018.

Item 6(a) – to enable relevant contractual negotiations to take place with a view to insourcing the procurement function to the Authority by April 2019.

Item 6(b) - recruitment to two vacant senior posts needs to begin immediately and some temporary arrangements need to be regularised as quickly as possible.

Circulated to Members of Cabinet: -

N Redfearn (Elected Mayor)
Councillor G Bell
Councillor C Burdis
Councillor S Cox
Councillor S Day
Councillor P Earley
Councillor R Glindon
Councillor M Hall
Councillor C Johnson
Councillor B Pickard (Deputy Mayor)

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

Poppy Arnold, Young Mayor
Alma Caldwell, Age UK
Mark Adams, North Tyneside Clinical Commissioning Group
Janice Hutton, Northern Area Commander, Northumbria Police
Roger Layton, North Tyneside Joint Trade Union Committee
Simeon Ripley, Voluntary and Community Sector Representative
Karen Goldfinch, Business Representative

North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM: 5(a)

Domestic Abuse Services – Procurement Exercise

Portfolio(s): Children, Young People and Learning

Community Safety and Engagement

Adult Social Care

Finance and Resources

Cabinet Member(s): Councillor Peter Earley

Councillor Carole Burdis

Councillor Gary Bell

Councillor Ray Glindon

Report from Service

Area: Commissioning and Investment

Responsible Officer: Mark Longstaff

Tel: (0191) 643 8089

Wards affected: All

PART 1

1.1 Executive Summary:

Domestic abuse is a complex and challenging social problem within families. It is largely hidden and underreported, and its victims are, disproportionately, women and children. The impact of domestic abuse is not only felt by individuals but across families, communities, schools, health services, the Police, social services, the criminal justice system, housing services, voluntary sector services and many others.

The Children Act 2004 and the Care Act 2014 require Local Authorities and partner agencies to work together to safeguard children and vulnerable adults at risk of abuse and neglect. Local Authorities have a key role, working in partnership with the Police and other statutory agencies, to safeguard victims of domestic abuse and their children.

The current commissioned services in North Tyneside provide an integrated service for victims of domestic abuse, including refuge accommodation, outreach support, an independent domestic violence advisory service and a specialist children's therapeutic service.

The contracts for the delivery of Domestic Abuse Services commissioned by the Authority are due to end on 31 March 2019, with no further options to extend available to the Authority. In accordance with Contract Standing Order 8(4), this report requests approval to proceed with a procurement exercise as the estimated potential total contract value to be procured will exceed £500,000.

1.2 Recommendation(s):

It is recommended that Cabinet delegate authority to the Head of Commissioning and Investment in consultation with the Head of Health, Education, Care and Safeguarding, the Head of Finance and the Senior Manager for Legal Services and Information Governance and the Cabinet Members for Children, Young People and Learning, Community Safety and Engagement, Adult Social Care and Finance and Resources to:

- i. undertake an open procurement exercise for specialist domestic abuse services in North Tyneside to identify a provider(s);
- ii. award a contract/contracts for the provision, following the procurement exercise to the successful bidder(s), of Specialist Domestic Abuse Services across the borough for an initial contract period of 2 years, with an option for the Authority to extend the contract/contracts for a further 12 month period.

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 24 August 2018.

1.4 Council Plan and Policy Framework

This report directly links to the Our North Tyneside Plan 'People' Theme and to the priorities of 'Our people will be cared for, protected and supported, be healthy and well, be ready for school and be ready for work and life.'

Tackling Domestic Abuse is a key priority for the Safer North Tyneside Partnership and the Children, Young People and Learners Partnership.

1.5 Information:

1.5.1 Background and context

Domestic abuse includes a range of abusive behaviours which can exist within an adult intimate relationship or within other relationships between adults (those aged 16 years or over). Domestic abuse is not limited to physical violence. It can include repeated patterns of abusive behaviour to maintain power and control in a relationship. The current cross-government definition of domestic violence and abuse recognises this and defines domestic abuse as:

"Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality."

It can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

National issues

The key issues highlighted by national reviews and inspections are:

- Domestic abuse is a widespread public health issue that needs a long-term strategy to reduce its prevalence;
- The impact of domestic abuse is not only felt by individuals but across families, communities, schools, health services, the Police, social services, the criminal justice system, housing services, voluntary sector services and many others;
- Too little is being done to prevent domestic abuse and repair the damage that it does;
- Due to the nature of domestic abuse many families are affected for a number of years before they access any support;
- Work with families can often be reactionary to individual crises rather than preventative;
- Keeping children safe over time takes long-term resolutions;
- Agencies are not always focusing enough on the perpetrator;
- There is still a lack of clarity about how to navigate the complexities of information sharing;
- The financial cost of not addressing domestic abuse is significant.

National Policy Context

Government strategy

In March 2016 the Government published the new Ending Violence against Women and Girls Strategy. This strategy committed to achieving on going reductions in the prevalence of domestic abuse by breaking the intergenerational cycle of abuse; giving greater attention to the risk of becoming a perpetrator; challenging attitudes and beliefs about abuse; and improving awareness among children and young people about healthy relationships. Relationship education is to be made compulsory in primary schools, and sex and relationship education will be compulsory in secondary schools in 2020.

Domestic Homicide Reviews

Domestic Homicide Reviews (DHRs) were established on a statutory basis under Section 9 of the Domestic Violence, Crime and Victims Act (2004), which came into force in April 2011. A DHR is a review of the circumstances of the death of a person due to violence, abuse or neglect due to domestic violence. DHRs aim to identify lessons learned and how policies and procedures can be changed to improve support and services to victims and their children.

National Institute for Health and Care Excellence

The National Institute for Health and Care Excellence (NICE) has developed guidance on multi-agency working to tackle Domestic Abuse. This highlights the need for co-ordinated partnership working at operational and strategic levels, along with training and organisational support.

Joint inspections of the response to children living with domestic abuse

The Joint Targeted Area Inspection (JTAI) programme is led by Ofsted and began in September 2016 to examine the multi-agency response to children living with domestic abuse. JTAIs consider the extent to which children's social care, health professionals, the police and probation officers are effective in safeguarding children who live with domestic abuse. A domestic abuse JTAI has not yet taken place in North Tyneside.

1.5.2 Domestic Abuse in North Tyneside

The latest data from Northumbria Police for North Tyneside 2017/18 indicates:

- There were 4,648 reported incidents of domestic abuse in North Tyneside. This represents a 4% increase from the previous year, compared with a regional increase of 4.3% over the same period;
- North Tyneside recorded a rate of 26.9% domestic abuse incidences per 1000 population, compared with 44.4% for the North East and a rate of 22.5% for England;
- Women were the victims in 76% of incidents with men being the victim in 24%;
- 47% of incidents had children involved;
- 40% of individuals were repeat victims of sustained domestic abuse;
- Partners or ex-partners accounted for 79% of offenders;
- 19% of incidents were committed under the influence of alcohol.

1.5.3 A multi-agency approach to tackling domestic abuse in North Tyneside

North Tyneside's Domestic Abuse Partnership (DAP) is the multi-agency group that co-ordinates the local approach to domestic abuse and ensures there is adequate support in place for victims, perpetrators and their families. The DAP reports into the North Tyneside Community Safety Partnership.

A North Tyneside Domestic Abuse Needs Assessment is currently being updated and will inform the partnership's strategic direction and priorities, including the specification for commissioning a new domestic abuse service for North Tyneside.

The commissioned services are an integral part of the wider multi-agency approach to tackle domestic abuse. This is focused on prevention and early intervention as well as support for victims. Targeted action includes:

- Preventative work in schools as part of Sex and Relationships Education (SRE) and with young people around healthy relationships;
- Awareness raising and training to ensure multi-agency staff are equipped to identify domestic abuse and sign-post or support victims. This includes children's centres, health services e.g. GPs, Health Visitors and Schools Nurses, schools and our voluntary sector organisations;
- Locality Teams providing early help and intervention to identify and support families who are at risk of domestic abuse;
- The Multi Agency Safeguarding Hub North Tyneside (MASH) as the single front door for all safeguarding concerns, including those related to domestic abuse;
- Multi Agency Risk Assessment Conferences (MARACs) in North Tyneside. MARACS are nationally recognised as best practice in multi-agency working to assess and support high risk victims of domestic abuse and reduce the risk of domestic homicide;
- The delivery of Perpetrator Programmes across the Northumbria police force area to address offending behaviour. These are funded by the Northumbria Police and Crime Commissioner.

1.5.4 The Current Commissioned Services in North Tyneside

Integrated Domestic Abuse Service

The integrated domestic abuse service provision in North Tyneside is currently delivered by Harbour. It includes refuge based accommodation (14 units, including crèche facilities and office space), 3 dispersed properties, and a range of support services such as outreach and an Independent Domestic Violence Advisory Service (IDVA) to support those victims who are assessed as high risk.

The integrated service is a single point of contact for all self and agency referrals, and provides services to address all levels of risk, and severity of domestic abuse. It is accessible for all victims, regardless of age, as well as ensuring support is available for children and young people who have witnessed domestic abuse.

During 2017/18:

- There were a total of 1,657 referrals into Harbour with most referrals from the Police, followed by self-referrals and those from MARAC multi-agency conferences. 92% of service users were female;
- The refuge units were occupied for 97% of the year;
- 192 service users requiring immediate crisis and outreach were successfully supported and completed their programme.

Children's Therapeutic Service

The specialist therapeutic service for children and young people (aged 4-18) who have witnessed domestic abuse is currently delivered by Acorns. This includes counselling, play therapy and wider prevention work through awareness-raising and information events. The service works to the accredited standards of the British Association for Counselling and Psychotherapy (BACP).

In 2017/18 Acorns supported 144 children and young people who received therapeutic one-to-one support (counselling or play therapy). The majority of referrals come from Children's Services and from Schools. A scaling tool is used to collect baseline data from children in five areas of their lives. This information is recorded by the counsellor and repeated at four-week and eight-week reviews to measure change and identify areas for further work. On completion of the programme, 98% of children reported that their situation had improved.

1.5.5 Consultation findings

Three separate consultation events have been held during June and July 2018 to gather the views of service users, stakeholders and providers into the services and support available to tackle domestic abuse. Overall the feedback on the current service model was positive. Key feedback reported included:

- The importance of children and young people being able to access a specialist domestic abuse counselling service and the positive impact it had on their health and wellbeing was highlighted in all three sessions;

- The lack of play workers within the refuge was noted as a gap in all three sessions;
- The need for additional support for older children while in the refuge and access to refuge provision out of hours was highlighted;
- Providers and Stakeholders noted that it had been a positive addition to the contract to have an IDVA staff presence in the Multi Agency Safeguarding Hub (MASH) but highlighted the need to review the capacity of the IDVAs moving forward;
- Stakeholders recognised the need to further develop the links between the current commissioned services and the non-mandatory perpetrator services currently commissioned by Northumbria Police Crime Commissioner to ensure no gaps in provision or duplication of support offered;
- Stakeholders and providers thought it was positive that the integrated services were available for both male and female victims but recognised that referrals for male victims remain low;
- Service users confirmed that following referral they were generally offered rapid and easy access to services such as those provided by Harbour. Some service users highlighted concerns about the waiting times to access the specialist children's therapeutic services.

1.5.6 Proposal for Domestic Abuse Services from 1 April 2019

The proposal for Domestic Abuse Services from 1st April 2019 is to commission an integrated service model which provides refuge based accommodation and other placements options, outreach support and an Independent Domestic Violence Advisor Service. Findings from recent consultation events highlighted the need for more activities and support sessions for children and young people whilst resident in the refuge. This will be addressed in the proposed service specification.

The integrated service will be the single point of contact for all self and agency referrals and provide services to address all levels of risk, and severity of domestic abuse, and be accessible for all victims, regardless of age. The new enhanced model will ensure the service is also fully integrated with the Multi Agency Safeguarding Hub (MASH).

Also included in the proposal is the commissioning of a specialist therapeutic provision for children and young people aged 4-18 years old who have witnessed domestic abuse. Findings from recent consultation events highlighted the need for more interventions to be available for those children and young people who have witnessed domestic abuse or are at risk from unhealthy relationships.

The Indicative timetable for the procurement is as follows:

Consultation Period – June 2018 – September 2018
 Draft Service Specification complete – October 2018
 Publication of Tender via NEPO - October 2018.
 Deadline for submission of completed Tender – November 2018
 Evaluation of Tender Submissions – November 2018 – December 2018
 Award of Contract – December 2018

1.5.7 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Agree the recommendation set out at section 1.2.

Option 2

Not agree the recommendation set out at section 1.2. and request that Officers look at alternative options for the delivery of domestic abuse services in North Tyneside.

Option 1 is the recommended option.

1.5.8 Reasons for recommended option:

Option 1 is recommended for the following reasons:

1. The Authority has a duty, alongside statutory partners, to safeguard children and vulnerable adults at risk of abuse and neglect including domestic abuse;
2. The proposed service model will be informed by needs analysis including evidence from consultation exercises;
3. The current domestic abuse contracts will terminate on 31 March 2019. If approved, the Authority will be in a position to commence a tendering exercise to re-procure the services and award the new contract to start in April 2019. This will ensure no break in provision for those accessing support.

1.5.9 Appendices:

None.

1.5.10 Contact officers:

Mark Taylor, Strategic Commissioning Manager - Children's and Families,
Commissioning and Investment, Tel. (0191) 643 8755

Lesley Pyle, Domestic Violence Co-ordinator, Commissioning and Investment, Tel.
079891697170

Denise Pearson, Procurement Manager, Engie. Tel. (0191) 643 5660

Claire Emmerson, Senior Manager - Financial Strategy and Planning, Finance and
Commercial Services. Tel. (0191) 643 8109

1.5.11 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;

[Ending Violence against Women and Girls Strategy, 2016-2020](#), Home Office;

[NICE Guidelines Domestic violence and abuse, 2016](#)

[Ofsted Joint Targeted Area Inspection \(JTAI\) programme, 2018](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The current annual contract value for the integrated service is £0.330m.

The current annual contract value for the specialist children's therapeutic service is £0.058m. This is jointly funded between the Authority and North Tyneside Clinical Commissioning Group (CCG).

Procurement decisions will be made within the envelope of the funding available.

2.2 Legal

The procurement of a provider to deliver Domestic Abuse Services will be a contract for services and as such will be governed by the Public Contracts Regulations 2015 (PCR 2015). The Authority will carry out an open procurement exercise through the North East Procurement Organisation portal to determine the most suitable provider for this service. In doing so, the Authority will comply with the PCR 2015.

The nature of this service fits within the definition of health, education and social services as defined by the PCR 2015, which means the Authority will be able to apply the 'Light Touch Regime' to this procurement. This regime gives the Authority a greater degree of flexibility in the procurement process (including over the time periods for the procurement) provided that the Authority complies with the European Commission's overarching principles of fairness and transparency.

If Cabinet agrees to the recommendations contained in this report, a further delegated officer decision will need to be taken by the Head of Commissioning and Investment in consultation with the Head of Health, Education, Care and Safeguarding, the Head of Finance and the Senior Manager for Legal Services and Information Governance and the Cabinet Members for Children, Young People and Learning, Community Safety and Engagement, Adult Social Care and Finance and Resources prior to the award of the contract to the successful provider(s). Twenty eight days notice on the Forward Plan of the delegated officer decision must be given and a record of the decision taken together with the report to the officer making the decision will need to be produced and published on the Authority's website (unless the matter for decision involves exempt or confidential information in accordance with Part 1 of Schedule 12A to the Local Government Act 1972).

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation on the proposals contained within this report has been undertaken with the Senior Management Team across Health, Education, Care and Safeguarding. Officers have also participated in the external engagement events outlined below.

2.3.2 External Consultation/Engagement

External consultation on the proposals of the report has been undertaken with current service users and service providers in the following ways:

- 19 June 2018 - Consultation session for North Tyneside Harbour and Acorns service users both past and present
- 29 June 2018 - Stakeholder Event
- 3 July 2018 - Supplier Event for potential service providers

2.4 Human rights

The proposals contained in this report relate to the following human rights:

- Right to liberty and security
- Right to respect for private and family life
- Freedom of thought, belief and religion
- Freedom of expression
- Protection from discrimination

2.5 Equalities and diversity

The procurement of the domestic abuse service will be progressed in accordance with the aims and requirements of the 2010 Equality Act and the Public Sector Equality Duty.

An Equality Impact Assessment will be undertaken as part of the Domestic Abuse Needs Analysis and will inform the service specification.

The Tender documentation will require potential providers of services to confirm that they comply with all legal obligations for those with protected characteristics; an assurance that they are up to date with all relevant legislation and that they have not been the subject of formal investigation on the grounds of unlawful discrimination.

The Contract will also contain a specific section in relation to equity of access, equality and non-discriminatory practice which outlines the obligation on the provider to assure the Authority on how it will comply with the requirements of the 2010 Equality Act and Public Sector Equality Duty.

The procurement process and on-going performance monitoring against the requirements set out in the service specification, will be used to assess and monitor the values and practices of providers in relation to equal opportunities.

2.6 Risk management

The Domestic Abuse needs assessment and feedback from stakeholder consultation will be used to inform the service specification and ensure that the service is fit for purpose.

Expectations regarding service standards, delivery, monitoring and contract compliance will be an integral part of the specification.

Undertaking this procurement exercise will ensure effective market testing is undertaken and the Authority is able to source a suitable provider/s.

There may be some risks associated with a change of provider for example there may be service disruption during any transition period; a negative impact on the relationship with the current provider and there could be potential TUPE implications. Any risk associated with a change of provider will be managed by the Strategic Commissioning Manager.

2.7 Crime and disorder

The Commissioned Services will be an integral part of the North Tyneside Domestic Abuse Partnership's multi agency approach to tackle domestic abuse and support victims. This will include working together through the MASH to share intelligence with the Police and other statutory partners, to safeguarding children and vulnerable adults and to tackle offending behaviour by perpetrators.

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

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

North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM: 5(b)

**Title: Equality and
Diversity Policy**

Portfolio(s): Deputy Mayor

**Cabinet Member(s): Councillor B
Pickard**

Report from Service

Area: Corporate Policy

Responsible Officer: Jacqueline Laughton

Tel: (0191) 643 5724

Wards affected: All

PART 1

1.1 Executive Summary:

At the Council Meeting on 27 September 2018 Council requested Cabinet to amend the Authority's Equality and Diversity Policy to include the International Holocaust Remembrance Alliance's (IHRA) definition of Antisemitism and its supporting guidelines to demonstrate and give assurance that the Authority is totally opposed to Antisemitism.

1.2 Recommendation(s):

It is recommended that Cabinet approve the proposed amendment to the Authority's Equality and Diversity Policy as set out at Appendix 1 to incorporate the IHRA definition of Antisemitism and its supporting guidelines.

1.3 Forward Plan:

This report first appeared on the Forward Plan on 28 September 2018. It has not been practicable to give twenty eight days notice of this report. However, it is required to be considered without the twenty eight days notice being given because it was referred from the Council Meeting on 27 September 2018 to the next meeting of Cabinet.

1.4 Council Plan and Policy Framework

This report directly links to the Our North Tyneside Plan 'People' Theme and to the priorities of 'Our people will be cared for, protected and supported, be healthy and well, be ready for school and be ready for work and life.'

1.5 Information

At the Council Meeting held on 27 September 2017 the following motion was approved unanimously:

"The Cabinet adopted a new Equality and Diversity Policy on the 10th April 2017. Since then there has been an annual review, the latest being 30th June

2018. Since this review and in light of recent media coverage of antisemitism, I have been contacted by residents and representatives of North Tyneside Council's Holocaust Memorial Day Committee to ask if the Authority will sign up to the non-legally binding International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism, and the supporting guidelines.

I requested that the officers review our policy and advise how we could give assurances that we totally opposed Antisemitism. As a result of my review, I will be asking Cabinet at its next meeting to amend our Equality and Diversity Policy to include the IHRA definition and supporting guidelines (as set out below). Although alterations to this policy are an executive function I am asking the Council Meeting to endorse this action so that we can present a unified position that we will not tolerate Antisemitism.

The International Holocaust Remembrance Alliance Definition of Antisemitism and supporting guidelines:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.

- Holding Jews collectively responsible for actions of the state of Israel.”

Proposed amendment to the Equality and Diversity Policy

The proposed amendment to the Authority's Equality and Diversity Policy to incorporate the IHRA's definition of Antisemitism and the supporting guidelines is set out at appendix 1, highlighted in yellow. The reference provided to the definition of Antisemitism and the supporting guidelines contains an internet hyperlink to the IHRA's website where further detailed information on the definition and guidelines is available.

Cabinet are requested to approve the amendment to the Authority's Equality and Diversity Policy set out at Appendix 1.

Review of the Equality and Diversity Policy

The Cabinet adopted a new Equality and Diversity Policy on 10 April 2017 and the Authority published its most recent Annual Equality and Diversity Review of its performance against its equality targets in accordance with the requirements of Equality Act 2010, on 30 June 2018.

Notwithstanding the above amendment to the Equality and Diversity Policy which Cabinet are requested to approve at this meeting, the Policy is subject to regular review to ensure it provides the guidance and assurance that is necessary for the Authority to meet its statutory obligations in relation to equality and diversity. Work has already commenced to review the Policy and a report will be submitted to Cabinet in January 2019 to update the Policy where necessary following appropriate consultation.

Consultation process linked to the review of the Equality and Diversity Policy

A working group of the Corporate Equality Group began to review the Equality and Diversity Policy in August 2018 to ensure the Authority continues to meet its statutory obligations in relation to equality and diversity.

As Cabinet Equality Champion the Deputy Mayor has been briefed on the proposed amendments. Following consultation with members of Corporate Equality Group (whose members include representatives of service areas, trades unions and business partners – Kier, Engie and Capita), Senior Leadership Team and Cabinet, the revised policy will be subject to wider consultation.

Those to be consulted will include North Tyneside Council Staff Panel and trades union representatives. The draft policy will also be published on the North Tyneside Council Intranet and promoted via Teamwork to ensure all staff aware of the opportunity to comment on the draft document.

Details of the consultation will be posted on the Authority's 'Have your say' web pages and promoted via a range of communication channels. In addition organisations representing residents with protected characteristics will be invited to comment on the draft policy. This will include: AgeUK, Barnardos, North Tyneside Youth Council, faith representatives, North Tyneside Women's Voices, North Tyneside Disability Forum, North Tyneside Coalition of Disabled People, the Learning Disability Federation, representatives from organisations representing people with sensory impairments and North Tyneside Carers Centre.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Agree the recommendation set out at section 1.2.

Option 2

Not agree the recommendation set out at section 1.2. and request that Officers look at alternative options.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

- To give effect to the Motion considered at the Council Meeting on 27 September 2018; and
- To amend the Authority's Equality and Diversity Policy to include the International Holocaust Remembrance Alliance's (IHRA) definition of Antisemitism and its supporting guidelines to demonstrate and give assurance that the Authority is totally opposed to Antisemitism.

1.8 Appendices:

Appendix 1 – Equality and Diversity Policy with amendment.

1.9 Contact officers:

Wendy Burke – Director of Public Health. Tel. 0191 643 2104

Anne Foreman – Policy and Performance Manager. Tel 0191 643 2225

Stephen Ballantyne – Legal Manager, Governance and Employment. Tel. 0191 6435329

Carol Murphy - HR Specialist, Pay, Reward & Partnerships, Human Resources. Tel. 07968239266

Claire Emmerson, Senior Manager - Financial Strategy and Planning, Finance and Commercial Services. Tel. (0191) 643 8109

1.10 Background information:

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

None

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The costs of delivery are included in existing service budgets and no additional costs are anticipated.

2.2 Legal

The amended policy states North Tyneside Council's commitment to equality and diversity and to compliance with the requirements of the Equality Act 2010 and the Public Sector Equality Duty.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

As outlined in section 1.5 Council were consulted on the proposal to make the amendment. In addition the Deputy Mayor (as portfolio holder for Human Resources and Cabinet Equality Champion), Cabinet Members and the Corporate Equality Group have also been consulted.

2.3.2 External Consultation/Engagement

The amendment to the Equality and Diversity Policy proposed in this report has been in light of both recent media coverage of Antisemitism and contact by residents and representatives of North Tyneside Council's Holocaust Memorial Day Committee asking if the Authority will sign up to the non-legally binding International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism, and the supporting guidelines.

2.4 Human rights

The Equality Act 2010 created a legal framework to protect the rights of individuals and advance equality of opportunity for all. The human characteristics protected by the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Act is therefore of particular pertinence to the Human Rights of freedom of thought, belief and religion; freedom of expression; the right to marry; and protection from discrimination.

2.5 Equalities and diversity

The amendment to the Equality and Diversity Policy further strengthens and clarifies the Authority's commitment to 'not tolerate discrimination, harassment and victimisation on any grounds' and makes clear this relates to anyone with a characteristic protected under the Equality Act 2010.

2.6 Risk management

The effectiveness of the Authority's equality and diversity processes are monitored every quarter as part of North Tyneside Council's risk management processes and are reported via the Corporate Strategic Risk Register.

2.7 Crime and disorder

There are no crime and disorder implications arising directly from this report. However the amended policy does highlight that the Authority will not tolerate discrimination, harassment or victimisation on any grounds.

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

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

Equality and Diversity Policy

1. Our Commitment to Equality

We want North Tyneside to be a place where people feel safe and no one experiences discrimination or disadvantage because of their [characteristics](#), background or personal circumstances.

As one of the borough's leading service providers and employers, we are committed to developing North Tyneside to be an inclusive place in which to live, work, visit and invest.

Our commitments

To achieve this North Tyneside Council will:

- Proactively embed equality and diversity considerations in everything we do and challenge others to do the same.
- Meet all our legal equality duties under the [2010 Equality Act](#), the [Public Sector Equality Duty](#) and follow codes of practice published by the [Equality and Human Rights Commission](#).
- Not tolerate discrimination, harassment and victimisation on any grounds. This includes all forms of hatred including Antisemitism as defined by the [International Holocaust Remembrance Alliance \(IHRA\) definition and supporting guidance](#), racism, Islamophobia, homophobia and transphobia (this is not an exhaustive list).
- Publish our equality objectives, equality data and report progress in [our Annual Equality and Diversity Review](#).
- Undertake and implement the actions from [Equality Impact Assessments](#) on significant decisions, policies, plans, practices and procedures
- Ensure people with protected characteristics feel listened to and have the opportunity to be involved in making decisions about our services.
- Work to build understanding amongst residents, employees, partners and elected members of the needs of different protected groups across North Tyneside.
- Take account of, and respond to, the needs of residents and customers with protected characteristics when delivering our services.
- Work to create an environment where employees, elected members, residents and visitors are confident to be themselves.
- Strive to make our workforce more representative of the borough's population and the residents it serves, by ensuring equal access to jobs, training and career progression.
- Ensure that others providing services on our behalf follow our approach to equality.

2. Equality and Diversity in Employment

This section applies to all employees and people seeking work with us. As a local employer we have a key role to play in tackling inequality and discrimination. We aim to positively promote equality of opportunity through all of our employment policies and practices: including recruitment, terms and conditions, learning and development, promotion and when ending employment.

We will:

- Provide equality of opportunity to all applicants and prospective applicants through fair recruitment and selection procedures.
- Recognise that people with particular protected characteristics, including people with disabilities or from BME communities, may experience discrimination in employment, and therefore seek to take positive and proportionate action to recruit and retain employees from such groups, while taking into consideration the duty to appoint on merit.
- Make reasonable adjustments to enable the employment and redeployment of employees with disabilities.
- Use the information and feedback we collect to understand more about, and respond to, employee's experience of working for North Tyneside Council.
- Ensure that all employees are considered for promotion on the basis of their merits, abilities and skill, and are given equal opportunities to progress within the Authority.
- Create an appropriate balance between work and home commitments to maximise equal opportunities for all.
- Wherever possible, give employees the training and development opportunities needed to attain their full potential to the benefit of North Tyneside Council and themselves.
- Ensure that all employees undertake equality training so that they understand its importance in the work place and in service delivery and know how to challenge any inappropriate behaviour.
- Develop an anti-discriminatory and supportive culture where employees are aware of their rights and enjoy working for North Tyneside Council.
- Respond to any allegations of discrimination, victimisation or harassment through appropriate internal processes, including our [resolution](#) and [discipline](#) procedures.

3. Equality and Diversity in Service Provision

We will seek to provide appropriate, accessible and effective services and facilities to all current and potential service users.

We will:

- Use our equality impact assessment process to help us challenge, review, monitor and improve our services, working practices and resource allocation.
- Use a range of channels to enable service users to access our services independently and appropriately.

- Ensure that the information we provide can be read or received and understood by the people for whom it is intended.
- Ensure that all buildings, facilities and services used by our customers are welcoming and accessible.
- Work with our partners to tackle any discrimination affecting groups within our communities.
- Use the equality data we collect to identify and take action to address the needs of under represented groups, those who are disadvantaged or have particular needs due to their characteristics.
- Involve residents in shaping our services through inclusive engagement and consultation.

4. Equality and Diversity in Procurement and Commissioning

We will ensure that our procurement and commissioning practices fulfil our equality duties by ensuring that:

- Contractors, suppliers, volunteers and partners:
 - are aware of the authority's position on equality, we will include a commitment to equality in tender specifications
 - have an equality policy that is compliant with national and European public procurement legislation and understand their obligation to provide services that are free from discrimination, harassment or victimisation.
- Our selection and tendering processes address and include equality considerations.
- Our contract monitoring processes are inclusive of equalities considerations.
- Relevant employees receive guidance on equality issues for procurement.

5. Our responsibilities

Equality, and the implementation of this policy, is the responsibility of all employees, elected members and everyone who represents North Tyneside Council or delivers services on its behalf. More specifically:

5.1 As Individuals

All employees and elected members have an individual responsibility to:

- ensure their equality training and awareness is up to date
- promote and deliver equality in the workplace and in serving local communities
- behave in a way that supports this policy and is compliant with relevant legislation and codes of practice
- report, and if they consider it safe to do so, challenge any discriminatory behaviour or practices they encounter in the course of their work.

5.2 As Elected Members

Elected members also have a responsibility to:

- lead the equality and diversity agenda of North Tyneside Council
- represent and provide leadership for all groups and communities across North Tyneside
- provide a scrutiny role
- demonstrate '[due regard](#)' to the equality implications of the decisions they make.

5.3 As Managers

Managers are responsible for ensuring the implementation of this policy in their service areas via their service planning process, this includes ensuring:

- the identification and elimination of discriminatory practices
- equality objectives and improvement actions identified in the Annual Equality and Diversity Review are included in service plans
- processes are in place to systematically collect and report equality performance management data
- effective equality impact assessment of significant decisions, policies, plans, practices and procedures is undertaken
- service delivery demonstrates due regard to the needs of people with protected characteristics
- employees are fully aware of their individual equality responsibilities, and those of the organisation, under the 2010 Equality Act.

5.4 Trades Unions

Unions have a responsibility to:

- represent the views and concerns of their members on equality and diversity issues
- support the continuous improvement of equality policy and practice.

6. Complaints

We regard any comments and complaints as an opportunity to examine the quality of our services, and to proactively address the issues that have been raised. We are therefore committed to:

- dealing with all complaints of discrimination, harassment and victimisation, seriously, promptly and confidentially
- ensuring that any person who feels they have suffered any form of discrimination by North Tyneside Council is given guidance in making a [complaint](#).

In relation to specific types of complaints:

- Employee complaints - should an employee have any complaint in respect of their treatment in relation to this policy, this should be taken up through internal processes, such as our resolution or discipline processes.
- Public complaints - information on how to make a complaint can be found in our libraries, leisure centres, customer first buildings and Quadrant headquarters or at www.northtyneside.gov.uk.

7. Monitoring

We assess and monitor our progress through:

- Regular performance and progress reports to the Cabinet Champion for Equality and Diversity, the Senior Leadership Team and Service Management Teams.
- [Corporate Equality Group](#), which has representatives from each of our services and our strategic partners. It meets to co-ordinate, identify and support the successful implementation of practical solutions to help the Authority fulfil its equality duties in accordance with the requirements of the 2010 Equality Act and Public Sector Equality Duty.
- Our equality impact assessment process to ensure we properly consider the potential impact of Cabinet and Full Council decisions on protected groups
- The identification of the equality and engagement implications of the decisions recommended in our Cabinet and Full Council reports.
- Publication on our website of our Annual Equality and Diversity Review, which includes
 - profiles of our service users and workforce compared to the borough population*
 - progress reports against our Corporate Equality Objectives and service equality actions and is evaluated by the Equality and Human Rights Commission to check accessibility and compliance with the 2010 Equality Act and public Sector Equality Duty.

Equality information*

Where we ask employees and service users to provide us with personal information, this will only be used to improve access to and the quality of the services we provide.

Collecting equality information helps us to:

- understand the needs of our residents
- design policies and services which are effective and meet those needs
- demonstrate compliance with the 2010 Equality Act, the public Sector Equality Duty and other statutory duties
- measure more effectively how we are improving as an employer and a service provider.

We will only collect information when it is relevant and will be used by managers to develop an understanding of take up and need. While employees and service users are encouraged to provide equality information, it is their choice whether or not to answer all the questions. Confidential information will be handled in accordance with the strict controls of the Data Protection Act 1998 and the information gathered will be used to inform North Tyneside Council policy and planning, and to report on performance.

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Our commitments

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North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM 5(c)

Title: The Gambling Act 2005 –
Draft Statement of
Licensing Policy
(Gambling) 2019 - 2022

Portfolio: Community Safety and
Engagement

Cabinet Member: Councillor Carole Burdis

Report from Service Area: Environment, Housing and Leisure

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

Wards affected: All

PART 1

1.1 Executive Summary:

Local authorities are required by the Gambling Act 2005 (“the Act”) to publish a Statement of Licensing Policy and to revise the Policy at least every three years. The Statement of Licensing Policy provides guidance as to how the Authority will exercise its functions under the Act. The Policy has proved to be a vital part of the licensing of gambling activities and has had a positive impact on licensing. Cabinet considered initial proposals at it’s meeting on 14 May 2018. This report outlines the final proposals to Cabinet for the formal approval of the revised Policy, following appropriate consultation, which forms part of the Authority’s Budget and Policy Framework.

1.2 Recommendations:

It is recommended that the Cabinet:

- (1) endorse the final proposals in connection with the formulation and approval of the draft revised Statement of Licensing Policy (Gambling), including the ‘no casino resolution’ attached at **Appendix 1** to this Report; and
- (2) refer the draft Statement of Licensing Policy (Gambling) to Council for consideration on 22 November 2018.

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 14 July 2018.

1.4 Council Plan and policy framework:

This report relates to the following priorities in the 2018-20 Our North Tyneside Plan:

Our Places will:

- Provide a clean, green, healthy, attractive, safe and sustainable environment
- Our People will: be healthy and well

Our Economy will

- Grow by supporting new businesses and building on our strengths

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

1.5 Information:

- 1.5.1 The Gambling Act 2005 ("the Act") gives responsibility for the granting of Premises Licences and Permits to local authorities who act as licensing authorities when discharging functions under the Act.
- 1.5.2 The Act established a regulatory body for gambling in Great Britain, namely, the Gambling Commission (the "Commission"). The Commission shares the responsibility for licensing and regulation under the Act with the Licensing Authorities. The Commission has been responsible for issuing statutory guidance to Licensing Authorities as to how to exercise their functions under the Act (including the compilation of a Statement of Licensing Policy) and has issued Codes of Practice to the gambling trade.
- 1.5.3 The administration of the Act by both the Commission and Licensing Authorities has to be in such a manner as to promote the three licensing objectives laid down by the Act, which are:-
- Preventing crime from being a source of crime and disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protection of children and other vulnerable persons from being harmed or exploited by gambling.
- 1.5.4 The Authority is required to produce and publish a Statement of Licensing Policy under the Act and the initial Policy came into force on 31 January 2007 and has been reviewed and where necessary amended every three years thereafter.
- 1.5.5 The revised Statement of Licensing Policy (Gambling) must be in force by 31 January 2019 when the existing Policy will expire. The three year period for each Policy runs from 31 January as determined by the Gambling Act 2005 (Licensing Authority Policy Statement)(First Appointed Day) Order 2006.

- 1.5.6 Under the Act, the Authority as a Licensing Authority is responsible for issuing Premises Licences and Permits. Premises Licences are specific to the type of premises offering gambling to the public and include:-
- Casino Premises
 - Bingo premises
 - Adult Gaming Centre Premises
 - Family Entertainment Centre Premises
 - Betting Premises
- 1.5.7 This Authority does not have the authority from the Secretary of State to issue Casino Premises Licences. Section 175 of the Act limits the overall numbers and types of casinos that are permitted in Great Britain and, until such time as the current limit on the number of casinos is increased, no further Casino Premises Licences will be issued.
- 1.5.8 In terms of Permits, the Authority as a Licensing Authority can issue the following types of Permit:-
- Unlicensed Family Entertainment Centre Gaming Machine Permit
 - Club Gaming Permit
 - Club Machine Permit
 - Alcohol Licensed Premises Gaming Machine Permits
 - Prize gaming Permits.
- 1.5.9 Section 153 of the Act sets out the principles to be applied by the Authority as Licensing Authority when considering an application for a Premises Licence. It states:-
- (1) In exercising their functions under this Part [of the Act] a Licensing Authority shall aim to permit the use of the premises for gambling in so far as the authority think it –
- (a) in accordance with any relevant code of practice [issued by the Gambling Commission]
- (b) in accordance with any relevant guidance issued by the Commission under Section 25
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b), and
- (d) in accordance with the Statement [of Policy] published by the authority under section 349 (subject to paragraphs (a) to (c))'
- Section 153(1)(d) of the Act therefore emphasises the importance of the Authority's Statement of Licensing Policy (Gambling) in determining any application for a Premises Licence made to the Authority as Licensing Authority.
- 1.5.10 The draft revised Statement of Licensing Policy (Gambling) attached to this Report at **Appendix 1** contains the information that The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 have prescribed should be included in the policy document. Such information includes:-
- (a) an introductory section that should include:-

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

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

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

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

The draft revised Policy statement includes the following additions:

- Reference to the new Council Plan
- New section on Child Sexual Exploitation awareness and information on safeguarding policies
- New responsible authority added for vessels
- New Local Risk Assessment template attached
- Updated website information.

1.5.12 Consultation

The draft revised Policy was subject to a six week period of public consultation that began on 1 June 2018. The six week period of consultation is considered an appropriate period of time to consult on this Policy document.

The draft revised Policy statement once approved must be published at least 4 weeks before it comes into effect (31 January 2019) and be available for inspection on the Authority's website, public libraries and Quadrant. Before the Policy comes into effect the Authority must also advertise the publication of the Policy statement by publishing a public notice on the Authority's website and in a local newspaper indicating when the Policy will be published and when it comes into effect.

In total 22 responses were received to this consultation exercise from a mixture of residents, residents associations and members and the gambling trade. Officers have considered each response and amended the draft policy as required. A summary of the responses received and the amendments made are attached at **Appendix 2** to this report. The majority of responses focussed on support for a further "no casino" resolution.

1.5.13 Casino resolution

Council on 19 November 2015 passed a 'no casino' resolution which meant that the Authority would not grant any Casino Premises Licences in the Borough if it was given

the power to do so. This resolution remains in place for the duration of the Policy, even if the number of national Casino licences increase (see section 1.5.8 of this report).

The decision whether or not to pass a further 'no Casino' resolution formed part of the consultation process concerning the revision of the Licensing Policy. If Council passes a 'no Casino' resolution, then it will remain in force for a further three years (unless another resolution is passed in the interim) and will prohibit the Authority from issuing Casino Premises Licences in that period. Of the 22 consultation responses received 20 consultees said that they were in favour of the Authority passing a 'no Casino' resolution.

1.6 Decision Options:

The following decision options are available for consideration by Cabinet:

Option 1

Endorse the draft revised Policy statement in its current form

Option 2

Not endorse the draft revised Policy statement.

Option 1 is the recommended option.

1.7 Reasons for Recommended option:

Option 1 is recommended for the following reasons:

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

1.8 Appendices:

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

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

1.9 Contact Officers:

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

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

Colin MacDonald, Senior Manager, Technical & Regulatory Services,
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John Barton, Lawyer, Tel: (0191) 643 5354

1.10 Background Information:

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

- Gambling Act 2005
<https://www.legislation.gov.uk/ukpga/2005/19/contents>
- Gambling Commission's Guidance issued under section 25 of the Gambling Act 2005
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>
- The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006
<http://www.legislation.gov.uk/uksi/2006/636/contents/made>
- The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended)
<https://www.legislation.gov.uk/uksi/2000/2853/contents/made>
- Equality Impact Assessment
<https://my.northtyneside.gov.uk/sites/default/files/meeting/related-documents/Gambling%20Act%20EIA.pdf>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

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

2.2 Legal:

The Authority is required to produce and publish a Statement of Licensing Policy under the Gambling Act 2005. This statement must be reviewed, and if necessary revised, at least every three years. This new draft Policy must be brought into effect by 31 January 2019. The revised Policy must however be formally approved by Council before December 2018 to enable the revised Policy to be publicly advertised at least 4 weeks prior to the date it comes into effect.

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

2.3 Consultation/Community Engagement:

2.3.1 Internal Consultation

The content of this draft Statement of Licensing Policy (Gambling) is driven by statutory requirements. Consultation with Members provides a key element to the formulation of the Policy. Members were advised that the Policy has been consulted upon. The timetable for the approval of the Policy, having regard to the Constitution, is as follows:-

Cabinet – 14 May 2018 – Presentation of initial proposals

Overview, Scrutiny and Policy Development Committee – June 2018 – Presentation of initial proposals

Overview, Scrutiny and Policy Development Committee – September 2018 – Presentation of final proposals

Cabinet – 15 October 2018 – Presentation of final proposals

Council – 22 November 2018 – Presentation of final proposals

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

2.3.2 External Consultation

As previously stated, the draft Policy has been widely consulted upon. Members of the public, the gambling trade, North Tyneside MPs and MEPs all have had an opportunity of commenting on the draft revised Policy statement. The 6 week consultation period commenced on 1 June 2018 and notice of this consultation was given through a press release and copies of the draft Policy statement were made available on the North Tyneside Council website.

2.4 Human Rights:

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

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

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

2.5 Equalities and Diversity:

The Authority ensured that all persons, groups and organisations wishing to take part in the consultation process had an opportunity to participate including those with protected characteristics. Any decision taken under the Act should not in any way discriminate against any person, group or society and every decision taken under the Act must be taken having regard to the Public Sector Equality Duty. An Equality Impact Assessment was prepared prior to the policy being consulted on. Actions as a result of the EIA included a requirement for all staff to be aware that Applicants and Licence holders can have access to an interpretation service and to documents in different formats and languages on request.

2.6 Risk Management:

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

2.7 Crime and Disorder:

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

2.8 Environment and Sustainability:

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

PART 3 – SIGN OFF

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

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



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1. Statement of Principles

APPENDIX 1 Local Risk Assessment Template

Where appropriate the word ‘Council’ has been replaced with the word ‘Authority’ and any out of date Partnerships or Legislation has been updated throughout the Policy

Preface

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

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

DRAFT

Part A **General**

Section 1 Introduction

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

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

- Spread betting

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

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

- 1.3 North Tyneside is one of five metropolitan districts that comprise the County of Tyne and Wear. It covers an area of 8,367 hectares and has a growing population of around 203,000. North Tyneside has met the challenge of regional decline and deprivation by rebuilding and stabilising communities. New high-tech industries have been attracted to the area and shipbuilding and the marine industry have made a partial revival. There are around 97,000 households in the Borough.

Updated figures for population and households and 1.3 – 1.8 moved to this Section following an updated Statutory Instrument

- 1.4 The evening economy of the Borough is principally centred around Tynemouth and Whitley Bay. Activity is also centred in areas such as, North Shields and Wallsend. These activities support the cultural diversity of the Borough and contribute to its economy. However, they may have a negative impact in some areas where crime and disorder can affect residents.
- 1.5 North Tyneside Council consulted widely in producing this Statement of Licensing Policy (Gambling) including with the following:-
- Northumbria Police
 - The Northumbria Police and Crime Commissioner
 - Owners of premises where gambling activities occur on the premises
 - Representatives of persons carrying on gambling businesses
 - Tyne and Wear Fire and Rescue Service
 - Environmental Health
 - Social Services (Adult Services and Children's Services)
 - Local Planning Authority
 - Her Majesty's Revenue and Customs
 - All holders of current gaming permits
 - CIU Clubs
 - CIU Regional Office
 - Local Solicitors
 - Primary Care Trust
 - Chambers of Trade
 - Citizen's Advice Bureau
 - Disability Organisations
 - All residents in North Tyneside through North Tyneside Council's internet site; the Public Notice Boards at Council offices and local libraries; and through the local press
 - Residents Panel
 - All North Tyneside Councillors
 - Young Mayor
 - Local MPs
 - Local MEPS

- Colleges / Education Welfare
- Probation Service
- Residents Associations
- Trade Unions
- Gamblers Anonymous
- GambleAware
- Trade Associations connected with the Licensing and Gambling Industry

1.6 Consultation took place between 1 June 2018 and 13 July thus allowing 6 weeks for responding to the consultation.

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

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

The Policy was approved by the Council on ?? November 2018 and was published via the Authority's website on ?? December 2018.

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

Name: Joanne Lee

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

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

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

1.10 Declaration

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

Section 2 The Licensing Policy (Gambling)

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

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

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

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

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

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

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

2.4 This Policy takes effect on 31st January 2019 and will remain in force for a period of not more than three years but the Licensing Authority may review and alter the Policy during this period. Any revision of the Policy will only take place after consultation. This Statement will then be re-published.

2.5 In order to achieve the licensing objectives the Licensing Authority will actively promote partnership working with other local authorities, the police, fire service,

local businesses, local people and those involved with child protection in addition to the Gambling Commission.

- 2.6 The Policy reflects the aims of Our North Tyneside Plan and in particular Our People, Our places, Our Economy and Our Partners

Updated to reflect the new plans of the Authority

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

Signs to look out for include:

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

2.9 – 2.11 added to reflect the Authority's position on Child Sexual Exploitation Awareness

Section 3 Local Risk Assessment

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

3.6 – 3.7 added in relation to risk assessment information and template as per the Gambling Commission guidance

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

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

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

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

3.10 If there are risks identified as a result of undertaking a Local Risk Assessment, the Licensing Authority would encourage the Applicant or Licence Holder to have regard to the sample of Premises Licence conditions appearing on the Gambling Commission's website. The sample conditions could be of assistance in mitigating any specific local risks to the licensing objectives identified in the Local Risk Assessment.

Section 4 Responsible Authorities and Interested Parties

4.1 Responsible Authorities

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

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

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

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

Canal and River Trust added to the list of Responsible Authorities in relation to vessels

4.2 Designation of a Body Competent to Advise the Licensing Authority about the Protection of Children from Harm

The principles that have been applied in designating the body that is competent to advise the Licensing Authority about the protection of children from harm under Section 157(h) are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group to be multi – disciplinary in it's composition.

The Licensing Authority has therefore determined that the body competent to advise them on the protection of children is the Local Safeguarding Children Board. This body is made up of professionals representing the Health Authority, the Police, Education Services and Social Services. The expertise that the Local Safeguarding Children Board has as a result of agencies working together from different fields of expertise is deemed by the Licensing Authority to be the most appropriate body to give competent advice regarding the protection of children from harm in relation to gambling issues.

4.3 Determination of Whether a Person is an "Interested Party" in relation to a Premises or an Application for or in respect of a Premises Licence.

The principles that have been applied in determining whether a person is likely to be an "Interested Party" under section 158 of the Act in relation to a premises and therefore entitled to make a relevant representation in relation to a Premises Licence application or to apply for a review of an existing licence include the matters set out in paragraphs 4.2 to 4.5 having regard to whether a person:

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

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

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

4.5 In determining whether an Interested Party lives "sufficiently close" to the premises the Licensing Authority will consider the following factors on a case by case basis:-

- the size of the premises
- the nature of the activities taking place at the premises
- the distance of the premises from the location of the person making a representation

- the potential impact of the premises (for instance numbers of customers, routes likely to be taken by those visiting the establishment)
- the circumstances of the person who lives close to the premises. This does not mean their personal characteristics but rather their interests which may be relevant to the distance from the premises.

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

4.6 Persons with Business Interests that could be affected

To satisfy the test of being “a person with business interests that might be affected by the premises” the Licensing Authority would normally expect that person to show that the relevant business is likely to be affected. It would not usually be sufficient for a person to lodge a representation in relation to an application made by a rival business simply because they are in competition within the same gambling sector. Factors that the Licensing Authority may consider to be relevant in determining the test include:-

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

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

4.7 People Representing Interested Parties

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

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

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

4.8 Representations

All representations made in relation to an application must be “relevant”. For a representation to be relevant it must relate to issues raised under the Gambling Commission’s Codes of Practice or Guidance, relate to the three licensing objectives or raise issues regarding the Authority’s own Licensing Policy Statement.

- 4.9 The Licensing Authority will be aware at all times that moral objections to gambling are not a valid reason to reject applications for premises licences as they would not relate to any of the licensing objectives or to the matters which the Authority are required to consider set out at clause 2.2 above.
- 4.10 The Licensing Authority as a Responsible Authority will not act as a Responsible Authority on behalf of other parties (for example local residents, local councillors or community groups) although there may be occasions when the Licensing Authority may do so. This is because such parties can make representations or applications in their own right and it is reasonable for the Licensing Authority to expect them to make such applications or representations should they wish to do so. If such parties however fail to take action and the Licensing Authority is aware of relevant grounds to make a representation it may choose to do so in its capacity as a Responsible Authority.
- 4.11 In cases where the Licensing Authority is also acting as a Responsible Authority the Licensing Authority will allocate different licensing officers within the Licensing Authority to ensure a proper separation of responsibilities. The officer advising the Licensing Committee/Sub-Committee will be a different individual to the officer who is acting for the Authority in its capacity as a Responsible Authority. The officer acting for the Authority in its capacity as a Responsible Authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination on behalf of the Licensing Authority. Any communication that there has to be between such officers will remain professional and will be consistent with communication with other Responsible Authorities.

Wording of 4.2 – 4.7 all updated following guidance from Gambling Commission

Section 5 Enforcement

- 5.1 Prior to the grant of a Premises Licence the Police and any authorised person as defined by the Act may at any reasonable time enter the premises to which the application relates to assess the effect of the grant of the licence on the Licensing Objectives.
- 5.2 Once premises are licensed it is essential that they are maintained and operated so as to ensure the continued promotion of the licensing objectives, compliance with the Act and any conditions attached to the licence. The Licensing Authority will make arrangements to risk assess licensed premises and take appropriate enforcement action.
- 5.3 The Licensing Authority will be guided by the Gambling Commission's Guidance to Licensing Authorities in the exercise of its functions under the Gambling Act. The Licensing Authority when exercising a specified regulatory function, including an inspection function under Part 15 of the Gambling Act, or the instigation of criminal proceedings under section 346 of the Act, will also have regard to the statutory principles of good regulation when exercising such functions in accordance with the Legislative and Regulatory Reform Act 2006. The Licensing Authority will also have regard to the requirements of the Regulators' Code published by the Department for Business, Energy and Industrial Strategy. The regulatory activities of the Licensing Authority will be carried out in a way that is transparent, accountable, proportionate, consistent and targeted at cases in which action is required.

In accordance with the Gambling Commission's Guidance to Licensing Authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 5.4 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operating and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 5.5 This Licensing Authority will also keep itself informed of developments in relation to the work of Regulatory Delivery in its consideration of the regulatory functions of local authorities.
- 5.6 The Licensing Authority's enforcement protocols will be available upon request to the Licensing department. Our risk methodology will also be available upon request. The Licensing Authority will also have regard to good practice in regulation contained in The Regulator's Code introduced by the Department for Business, Energy and Industrial Strategy.
- 5.7 The Licensing Authority will also, as recommended by the Gambling Commission's Guidance to Licensing Authorities, adopt a risk-based inspection programme. The Licensing Authority will liaise with Northumbria Police, Tyne and Wear Fire and Rescue Service and Planning and Regulatory Services to co-ordinate and maximise the effect of inspection and enforcement under the Act. This protocol will provide for the targeting of resources towards problem and high risk premises.

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

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

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

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

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

Section 6 Complaints against Licensed Premises

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

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Section 7 Exchange of Information

- 7.1 In respect of exchange of information between the Licensing Authority and the Gambling Commission under Sections 29 and 30 of the Gambling Act and the exchange of information under Section 350 of the Act with the other persons listed in Part 1 of Schedule 6 of the Act, the Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 and the Data Protection Act 1998 (or any replacement legislation concerning data protection). The Licensing Authority will have regard to any guidance issued by the Gambling Commission and / or Secretary of State on this matter. Should any protocols be established as regards the exchange of information with other bodies then they will be made available.
- 7.2 Details of those persons making representations in relation to applications will ordinarily be made available to applicants to allow mediation to take place if appropriate, and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premise licence will be informed that their details will be disclosed save in exceptional circumstances.
- 7.3 If a person feels unable to make a representation on their own behalf then that person should consider approaching another relevant body such as the Police, if for example that person has concerns about the gambling at the premises being a source of crime or disorder.

Section 8 Administration, Exercise and Delegation of Functions

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

Section 9 Licensing Committee and Hearings

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

Hearings

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

Section 10 Integrating Strategies and Avoiding Duplication

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

Section 11 Partnership Working

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

Section 12 Fees

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

Details of website added

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Section 13 Equal Treatment

- 13.1 The Licensing Authority is working to eliminate discrimination, promote equality of opportunity and good community relations through its employment practices and through its service delivery.
- 13.2 To achieve the above standard the Licensing Authority is aware of its duties under the Equality Act 2010 and the Human Rights Act 1998.
- 13.3 To achieve these duties the Licensing Authority will consult on and monitor the impact of this Policy to ensure that those making applications are treated in accordance with their needs.
- 13.4 When considering applications and taking enforcement the Licensing Authority is also subject to the Regulators Code.

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Section 14 Lotteries

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

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

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

Part B

Premises Licences

1. Types of Licences

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

- **Operating Licence**

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

- **Personal Licence**

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

- **Premise Licence**

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

2. General Principles – Premises Licences

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

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

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

3. Definitions

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

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

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

3.3 This Licensing Authority takes particular note of the Gambling Commission’s Guidance which states that: “Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. The plan of the premises should clearly denote entrances and exits”

3.4 With the exception of Bingo Clubs, tracks on race-days and Licensed Family Entertainment Centres, children are not permitted to enter licensed gambling premises. Businesses seeking to develop multi-purpose sites which include parts of the building in which non-gambling activities will take place will have to carefully consider how they will configure their buildings. In this regard, the Licensing Authority notes the Gambling Commission’s Guidance to Licensing Authorities

which states that in relation to applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes the Authority should be aware of the following:-

- The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling. Therefore premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

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

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

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

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

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

- No customer must be able to access the premises directly from:
- A casino
- An adult gaming centre
- A betting premises, other than a track.

Family Entertainment Centre

- No customer must be able to access the premises directly from:
- A casino
- An adult gaming centre
- A betting premises, other than a track.

4. Location

- 4.1 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Gambling Commission's Guidance to Licensing Authorities, the Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Due regard will be given the Local Risk Assessment that will be required where appropriate as referred to in Section 4 of Part A of this Policy.

5. Licensing Objectives

- 5.1 Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

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

This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The requirement for conditions might be determined by the operator's own risk assessment and the local area profile for the area in which the premises are located.

This Licensing Authority is aware that disorder is intended to mean activity that is more serious than mere nuisance. In deciding whether disturbance is serious

enough to constitute disorder consideration will be given to issues such as whether police assistance was required and how threatening the behaviour was to those who could see it so as to make that distinction.

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

This Licensing Authority has noted that the Gambling Commission's Guidance has stated in Part 5 that "Generally the Commission would not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. However if the licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence."

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

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

Children

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

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

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

Vulnerable Persons

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

"The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons' but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond

their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.”“Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. This could be a local risk that is reflected in the licensing authority’s objective to aim to permit the use of premises for gambling.”

Applicants and Licence Holders may like to have regard to the Safeguarding document entitled North Tyneside and Northumberland Multi-Agency Adult Safeguarding Policy” which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk to this group. The document can be found at <http://my.northtyneside.gov.uk/category/1033/safeguarding-adults>.

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

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

Additional information added to 5.4 including reference to Safeguarding Policies and links to relevant websites

6. Licence Conditions

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

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

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

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;

- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects

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

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

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

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

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

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

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

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

- 6.7 The Licensing Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 6.8 Given the fact that the mandatory conditions have been set by the Secretary of State with the intention that no further regulation in relation to that matter is required it will be extremely unlikely that the Licensing Authority will need to impose conditions that would create a more restrictive regime in relation to matters already dealt with by the mandatory conditions. The Licensing Authority will however consider imposing such conditions where there are regulatory concerns of an exceptional nature.
- 6.9 In relation to the default conditions the Licensing Authority may exclude a condition and substitute it with a more or less restrictive condition following a licensing hearing. Each application will be determined on its own merits in terms of any need to exclude and/or substitute any of the default conditions. The Licensing Authority will however have to have clear regulatory reasons for excluding default conditions which are replaced with more restrictive ones.
- 6.10 The Licensing Authority can, as noted above, impose specific conditions on any Premises Licence in determining whether or not to do so will have regard to the relevant code of practice issued by the Gambling Commission; the Guidance issued by the Gambling Commission; the need to be reasonably consistent with the licensing objectives and this Policy.
- 6.11 Where relevant objections are made to an application for a Premise Licence the Licensing Authority will consider whether the objections can be dealt with adequately through the use of conditions.
- 6.12 The Gambling Commission advises in its Guidance that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition to this effect.

7. Adult Gaming Centres

- 7.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover such issues as:
- Proof of age schemes
 - CCTV
 - Door supervisors
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry

- Notices / signage
- Specific opening hours.

This list is not exhaustive.

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

8. **Licensed Family Entertainment Centres**

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

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

This list is not exhaustive.

- 8.2 With regard the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GambleAware.

- 8.3 This Licensing Authority will, in accordance with the Gambling Commission's Guidance to Licensing Authorities, have regard to the conditions that apply to Operating Licences dealing with preventing access to Category C machines by under 18's. This Licensing Authority will also make itself aware of any mandatory or default conditions on these Premises Licences.

9. **Casinos**

- 9.1 [The Licensing Authority passed a no casino resolution on [date of Council meeting to be inserted], such resolution taking effect on 31 January 2019. This resolution will remain in force for a period of 3 years commencing on 31 January 2019, unless the Licensing Authority passes a further resolution revoking the no casino resolution.

Or

- 9.1 The Licensing Authority is aware that it has the ability to pass a no casino resolution but at this time has chosen not to pass such a resolution. If such a resolution is passed it will appear in this Policy]

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

10. **Credit**

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

11. **Bingo Premises**

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

12. **Betting Premises**

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

13. **Tracks**

- 13.1 A track is defined under the Act as a horse racecourse, greyhound track or other premises or any part of which a race or other sporting event takes place or is intended to take place.
- 13.2 The Act does not give a list of premises that are officially recognised as 'tracks' but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of racks include:
- a horse racecourse (referred to in this Guidance as 'racecourses')
 - a greyhound track
 - a point-to-point horserace meeting

- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- a premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event.

This list is not exhaustive.

13.3 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this Authority would expect Premises Licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

13.4 Appropriate licence conditions may be:

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

This list is not exhaustive.

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

14. **Travelling Fairs**

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

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

14.3 It has been noted by the Licensing Authority that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its

neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

15. Provisional Statements

- 15.1 Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land or judge whether a development is worth taking forward in light of the need to obtain a premises licence.
- 15.2 The Act allows a person to apply for a provisional statement if construction of premises is expected or alterations to premises are expected.
- 15.3 If a potential operator does not have a right to occupy premises but expects to acquire a right to occupy then an application for a provisional statement should be considered.
- 15.4 The Licensing Authority notes from the Gambling Commission's Guidance at Part 7 that "operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered as a two stage process; first, local authorities must decide whether, as a matter of substance after applying the principles in Section 153 of the Act whether the premises ought to be permitted to be used for gambling; secondly, in deciding whether or not to grant the application a licensing authority will need to consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place. However, if changes are made to the pre-grant plans, any party who has made a representation in relation to the application will be able to comment on the changes made."
- 15.5 In terms of representations about a Premises Licence application, following the grant of a Provisional Statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless they concern matters which could not have been addressed at the time of the application for the Provisional Statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the Premises Licence (or grant it on terms or conditions not included in the Provisional Statement) only by reference to matters:
- a) which could not have been raised by objectors at the application for the provisional licence stage; or
 - b) which in the Authority's opinion reflect a change in the applicant's circumstances; or
 - c) where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and licensing authorities can discuss any concerns they have with the applicant before making a decision.
- 15.6 This Licensing Authority has noted the Gambling Commission's Guidance at Part 11 that "A Licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law."

15.2 – 15.4 amended to reflect updated Guidance from the Gambling Commission

16. **Reviews**

- 16.1 Application for a review of a Premise Licence can be made by Interested Parties or Responsible Authorities. In addition the Licensing Authority itself may in certain circumstances decide to conduct a review. Where application for a review is made by an Interested Party or Responsible Authority it is for the Licensing Authority to decide whether the review is to be undertaken. This will be determined on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration being given as to whether the request is frivolous, vexatious or repetitious, or will certainly not cause the Authority to wish to take action of a kind open to it on completing a review, or are substantially the same as grounds specified in an earlier application for a review or in relation to the application for the relevant Premise Licence. In determining any request for a review application the Licensing Authority will determine the matter as far as the Authority thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives subject to the matters set out in the above two bullet points and
 - in accordance with the authority's statement of licensing policy subject to the matters set out in the above three bullet points
- 16.2 If the Licensing Authority intend to undertake a review of the Premises Licence notice of such review will be given in accordance with the Regulations.
- 16.3 Any Interested Party or Responsible Authority (other than the Licensing Authority) will need to state their reasons for seeking a review and produce supporting information or documents.
- 16.4 Once a valid application for a review has been received by the licensing authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 16.5 The Licensing Authority must carry out a review hearing as soon as possible after the 28 day period for making representations has passed.
- 16.6 It will be for the Licensing Authority to determine what action to take, if any, following a review hearing in accordance with Section 202 of the Act. The Authority may:
- Add, remove or amend a condition imposed by the Licensing Authority
 - Exclude a default condition or remove or amend an exclusion
 - Suspend the premises licence for up to three months
 - Revoke the premises licence
- 16.7 In determining what action if any, should be taken following a review, the licensing authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

16.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative matter without intending to use them.

16.9 Once the review has been completed, the licensing authority must, as soon as possible, notify the decision to:

- The licence holder
- The applicant for review (if any)
- The Commission
- Any person who made representations
- The Chief Officer of Police or Chief Constable; and
- Her Majesty's Revenue and Customs

17. **Appeals**

17.1 Where a Premises Licence application is refused the Applicant may appeal against the decision of the Licensing Authority. Where a Premises Licence is granted an Applicant and any Interested Party or Responsible Authority who made relevant representations can appeal. Appeal is to the Magistrates Court within 21 days of receipt of the decision notice.

17.2 Following a review application, the licensee, an interested person or a Responsible Authority who made representations in relation to the review, the person (if any) who applied for the review and Gambling Commission have a right of appeal to the Magistrates' Court within 21 days of receipt of the decision notice.

17.3 In relation to a transfer application and decision the licensee and the applicant for transfer have a right of appeal to the Magistrates' Court within 21 days of a decision notice.

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

Part C

Permits/temporary and Occasional Use Notice

1. General Principles – Permits

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

2. Unlicensed Family Entertainment Centre Gaming Machine Permits (Schedule 10)

- 2.1 These permits relate to unlicensed Family Entertainment Centres (FECs) that can only offer category D gaming machines. Any number of such gaming machines can be offered under the permit (subject to fire regulations and health and safety regulations). If the Application for a permit is made by an individual that person must be over 18 years of age.

The Chief Officer of Police will be consulted in relation to such applications. Any permit issued will last for 10 years unless it lapses or is surrendered or forfeited.

- 2.2 Where premises do not hold a Premise Licence but wishes to provide gaming machines, application may be made to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 2.3 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a FEC; and the suitability of the premises in relation to their location and issues about disorder.
- 2.4 In making its decision on an application for this permit the Licensing Authority may have regard to the licensing objectives. It must have regard to any Gambling Commission Guidance.
- 2.5 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 2.6 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 2.7 With regard to renewals of these permits, a Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable

excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

3. Alcohol Licensed Premises Gaming Machine Permits – (Schedule 13)

- 3.1 The holder of a Premises Licence issued under the Licensing Act 2003 which entitles the holder to supply alcohol will automatically be entitled to up to 2 gaming machines on those premises of categories C or D. To take advantage of this entitlement the licence holder must give notice of their intention to make gaming machines available for use to the Licensing Authority and pay the prescribed fee. The Licensing Authority has no discretion to refuse this entitlement if notification is satisfactory.

A premises alcohol licence holder may apply to the Licensing Authority for a Licensed Premises Gaming Machine Permit. That application will state the category and number of gaming machines being sought under the permit. The Licensing Authority in determining the application will have regard to the licensing objectives. If the Licensing Authority are minded to refuse an application or grant it but with a different category or number of machines sought the applicant will be notified of the reasons and be given an opportunity to make representations either orally or in writing or both. The permit will cease to have effect if the premises alcohol licence ceases to have effect for those premises, the permit holder ceases to be the holder of the premises alcohol licence or is surrendered cancelled or forfeited.

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

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

- 3.3 Before making such an Order however the licence holder will be given at least 21 days notice of the intention to make the Order. The Licensing Authority will consider any representations made by the licence holder and hold a hearing before the sub-committee if they request this.

- 3.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, the Guidance issued by the Gambling Commission issued under Section 25 of the Act 2005, and “such matters” as they think relevant. The Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and the Authority will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons

applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GambleAware.

- 3.5 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as a Family Entertainment Centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

- 3.6 It should also be noted that the holder of a permit must comply with The Code of Practice for gaming machines in clubs and premises with an alcohol licence published by the Gambling Commission concerning the location and operation of the machines.

4. Prize Gaming Permits – (Schedule 14)

- 4.1 An application for a Prize Gaming Permit cannot be made if there is Premises Licence or Club Gaming Permit in force in relation to the premises. Any individual who applies must be over 18 years. The application will specify the nature of the gaming for which the permit is sought. The Chief Officer of Police will be consulted in relation to such applications. If the Licensing Authority are minded to refuse an application then reasons for the refusal will be given to the applicant who will be given an opportunity to make oral or written representations or both before any decision is formally taken to refuse the application or not. Upon receipt of such representations a Licensing Sub-Committee will determine the matter.
- 4.2 A permit will last for 10 years unless it lapses, is surrendered or is forfeited.
- 4.3 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in Regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

5. Club Gaming and Club Machines Permits (Schedule 12)

- 5.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. Members Clubs, Miners' Welfare Institutes and Commercial Clubs may apply for a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set

out in forthcoming Regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B4, C or D).

- 5.2 The Licensing Authority is the relevant authority for the grant of permits for clubs whose premises are wholly or partly in its area. In exercising its functions the Licensing Authority will have regard to the Gambling Commission Guidance and, subject to the Guidance, the Licensing Objectives. A copy of the application must be given to the Gambling Commission and the Chief Officer of Police. Failure to do so will render any permit issued void. If the applicant is the holder of a Club Premises Certificate under Section 72 of the Licensing Act 2003 then the applicant need not inform the Gambling Commission or the Chief Officer of Police of the application and a permit shall be granted unless the matters listed in Paragraph 10(3) of Schedule 12 of the Act apply. Before refusing an application for a permit the Licensing Authority will arrange for a hearing of the application before a Licensing Sub-Committee. The permit will be issued for 10 years unless it lapses, is surrendered, cancelled or forfeited. If a club does not wish to have the full range of facilities permitted by a club gaming permit or is a commercial club not permitted to provide non machine gaming they may apply for a club machine permit. Such a permit would allow up to 3 machines of category B4, C or D.
- 5.3 Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate Regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.
- 5.4 This Licensing Authority is aware that the Licensing Authority may only refuse an application on the grounds that:
- a. the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - b. the applicant’s premises are used wholly or mainly by children and/or young persons;
 - c. an offence or a breach of a permit condition has been committed by the applicant while providing gaming facilities;
 - d. a permit held by the applicant has been cancelled in the previous ten years; or
 - e. an objection has been lodged by the Gambling Commission or the police
- 5.5 It should be noted that there is a ‘fast-track’ procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. As the Gambling Commission’s Guidance to Licensing Authorities states at paragraph 25.29: “Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced” and at paragraph 25.30 “The grounds on which an application under the process may be refused are:
- a. that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

- b. that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c. that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”

5.6 It should also be noted that the holder of a permit must comply with The Code of Practice for gaming machines in clubs and premises with an alcohol licence published by the Gambling Commission concerning the location and operation of the machines.

6. Temporary Use Notices

6.1 A Temporary Use Notice is not as such granted by the Licensing Authority. Rather the person seeking to rely on the Temporary Use Notice serves the Notice on the Licensing Authority (and on certain specified authorities) and the Licensing Authority will endorse the Notice (provided it complies with the requirements of the Act) or, where there are objections to the Notice, will hear the objections and then either serve a Counter-Notice that the Temporary Use Notice should not have effect, or should have effect subject to modifications, or dismiss the objections and endorse the Temporary Use Notice. A Temporary Use Notice may only be given by the holder of a relevant Operating Licence. Where a Temporary Use Notice has effect it allows the use of a “set of premises” for gambling where there is no Premises Licence but where the gambling operator wishes to use the premises only temporarily for providing gambling facilities.

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

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

6.3 The same set of premises may not be the subject of a Temporary Use Notice for more than 21 days in any 12 months period but may be subject to several Notices provided that the total does not exceed 21 days. The Licensing Authority must issue a Counter Notice if the above limit of 21 days is exceeded. However, the Licensing Authority will, where the Notice could have effect for part of the period in the Notice, after consultation with the Applicant to issue a Counter-Notice limiting the number of days under the Notice to bring it within the 21 days permitted.

6.4 The Applicant must give the Temporary Use Notice with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin. The Notice must be copied to:

- the Gambling Commission
- the Police

- HM Revenues and Customs; and, if applicable
- any other Licensing Authority in whose area the premises are situated.

6.5 If there are no objections (see below) the Licensing Authority must endorse the Notice whereupon it will become valid.

6.6 Within 14 days of being given the Temporary Use Notice the Licensing Authority and the Authorities to which the Notice has been copied can give a Notice of Objection, if they think that having regard to the licensing objectives the Notice should not have effect, or should have effect only with modification. Any Notice of Objection (not given by the Licensing Authority) is copied to the Licensing Authority. Upon receipt of any Notice of objection there will be a hearing before the Licensing Sub-Committee (unless all relevant parties agree in writing that a hearing is unnecessary). Following consideration of the objections the Licensing Authority may either give a Counter-Notice that the Temporary Use Notice should not have effect, or should have effect only with specified modifications or dismiss the objections. If the objections are dismissed they will endorse the Temporary Use Notice.

7. Occasional Use Notices

7.1 This type of Notice permits betting on a track on eight days or less in a calendar year without the need for a Premises Licence.

7.2 A “track” does not just include a horse racecourse or dog track, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place, (eg agricultural land upon which a point to point meeting takes place).

7.3 Any such Notice must be served by a person responsible for the administration of events on the track or by an occupier of the track. The Notice must be served on the Authority and the Chief Officer of Police containing the prescribed information. A Counter Notice can only be issued if the overall limit of eight days will be exceeded.

Part D

Contact and Applications

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

Licensing
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

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

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

DRAFT

Summary of Licensing Authority delegations permitted under the Gambling Act

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

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

X indicates the lowest level to which decisions can be delegated

Part E

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

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

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

(a) Family Entertainment Centre Gaming Machine Permit

The Licensing Authority will have regard to:

- the application form duly completed in full
- a plan of the premises showing the number and location of any gaming machines, points of access for the public, location of fire extinguishers, location of smoke detectors
- insurance certificate (or certified copy certified by a Solicitor/Commissioner for Oaths or notary) confirming the availability of public liability insurance
- appropriate fee
- that the applicant has demonstrated the following: -
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible
 - has no relevant convictions
 - that staff are trained to have a full understanding of the maximum stakes and prizes.

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

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

(b) Prize Gaming Permits

- application form provided by the Licensing Department of North Tyneside Council duly completed in full
- a plan of the premises showing the location of each gaming activity to take place on the premises, points of access for the public, location of fire extinguishers and location of smoke detectors
- insurance certificate (or certified copy certified by solicitor/commissioner for oaths or notary) confirming the availability of public liability insurance
- the applicant will be asked to set out the types of gambling that he or she is intending to offer and should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations
- that the gaming offered is within the law
- Appropriate fee
- The Licensing Authority will give notification of applications to the Tyne & Wear Fire & Rescue Service.

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

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

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

APPENDIX ONE

Local Risk Assessment Template

Local Risk Assessment

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

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

Requirement to comply with requirement to undertake a local Risk Assessment

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

Social Responsibility Code Provision 10.1.1

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

Licensing Objectives

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

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

Local Area Profile

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

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

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

Risk Assessment

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

Appendix 2 -Schedule of Responses in relation to Statement of Licensing Policy (Gambling)

Reference	Respondent	Comments	Response
GP/1	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>States has concerns regarding the availability of gambling and no limit on what a person can spend/lose</p>	No change to Policy required
GP/2	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>Council should not encourage gambling as there are a number of premises where vulnerable people are housed</p>	No change to Policy required
GP/3	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>No casino as Newcastle has them and not needed in North Tyneside</p>	No change to Policy required
GP/4	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>No casino as Newcastle has them and not needed in North Tyneside</p> <p>Gambling can cause serious problems which can lead to people getting in debt</p>	No change to Policy required

GP/5	Gambling Operator	<p>Council should pass a 'No Casino' resolution</p> <p>Gamcare is now called GambleAware</p> <p>Fees for AGC should be reduced and be the same as Betting premises</p>	POLICY AMENDED TO CHANGE REFERENCE FROM GAMCARE TO GAMBLEAWARE
GP/6	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>A casino would spoil the borough particularly Whitley Bay as this is now becoming a family friendly place</p>	No change to Policy required
GP/7	J B	<p>Reference should be made to Regulators Code at Paragraph 1.8. Wording should be similar to other policies which refer to this</p>	POLICY AMENDED TO INCLUDE ADDITIONAL WORDING
GP/8	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>Believes there are too many Betting Shops in the borough and people can use casino in Newcastle</p>	No change to Policy required
GP/9	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>The opening of further gambling establishments in Whitley Bay town could have a negative affect on families which could lead to gambling addiction</p>	No change to Policy required

GP/10	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>It would change Whitley Bay and Newcastle is near enough if anyone wants to visit a casino</p>	No change to Policy required
GP/11	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>Believes if a casino were to open in Whitley Bay it would be detrimental and would have a negative effect on the community</p>	No change to Policy required
GP/12	Resident	<p>Does not want a casino in North Tyneside.</p> <p>Believes it would be unethical for the Council to promote this</p>	No change to Policy required
GP/13	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>Feels strongly about this but has no further comments</p>	No change to Policy required
GP/14	Resident (Member of a number of Women's Organisations)	<p>Council should pass a 'No Casino' resolution</p> <p>To allow a casino would create a nuisance. Gambling should not be encouraged and would be detrimental to the area</p>	No change to Policy required

GP/15	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>Unethical for the Council to promote this. Opposes a casino in the area</p>	No change to Policy required
GP/16	Resident	<p>The opening of further gambling establishments in the town could have a negative affect on families which could lead to gambling addiction</p>	No change to Policy required
GP/17	Local Business	<p>Council should pass a 'No Casino' resolution</p> <p>Council needs to keep a check on what people do</p>	No change to Policy required
GP/18	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>Gambling is addictive and leads people who do it into a lot of debt, so it should be discouraged.</p>	No change to Policy required
GP/19	Local MP	<p>Council should pass a 'No Casino' resolution</p>	No change to Policy required
GP/20	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>Too many addicted gamblers who cause serious financial problems for themselves and their families. Does not believe that a casino would benefit local business.</p>	No change to Policy required

GP/21	Ward Councillor	Council should pass a 'No Casino' resolution and also opposes a casino in Whitley Bay area	No change to Policy required
GP/22	Resident	<p>Council should pass a 'No Casino' resolution</p> <p>It would be better to be clear that there should be no casino in North Tyneside. They should be restricted to larger population centres.</p>	No change to Policy required

North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM 5(d)

Title: Tackling Rogue Landlords under Housing and Planning Act 2016

Portfolio: Community Safety and Engagement

Cabinet Member: Councillor C Burdis

Responsible Officer: Phil Scott
Head of Environment, Housing and Leisure

Tel: (0191) 643 7295

Wards affected: All

PART 1

1.1 Executive Summary:

In March 2017, the Housing and Planning Act 2016 came into force. The Act contains new powers that Housing Authorities can exercise to deal with 'rogue landlords'. These powers include the use of civil penalties up to £30,000 for specified housing offences as an alternative to prosecution. The Act also makes provision for Rent Repayment Orders to be extended to cover a number of specified housing offences, including illegal eviction. This report seeks approval to exercise the new powers contained within the Housing and Planning Act 2016 where appropriate.

1.2 Recommendations:

It is recommended that Cabinet:-

1. note and agree the use of the powers permitting the Authority to impose civil penalties and apply for rent repayment orders and maintain and enter data on the Rogue Landlord Database where appropriate;
2. authorise the Head of Environment, Housing and Leisure to take all activities considered necessary in relation to the imposition of civil penalties and rent repayment orders; and
3. authorise the Head of Environment, Housing and Leisure to develop and consult on a Housing Enforcement Policy and for a further report to be taken to Cabinet seeking approval for the Housing Enforcement Policy.

1.3 Forward Plan:

Twenty eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 3 August 2018.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the 2018-20 "Our North Tyneside Plan":

Our Places will:

- be places that people like living in and will attract others to either visit or live
- Provide a clean, green, healthy, attractive, safe and sustainable environment

Our Economy will

- Grow by supporting new business and building on our strengths.

Our People:

- Will be healthy and well – with the information, skills and opportunities to maintain and improve their health, wellbeing and independence
- Be cared for and safeguarded if they become vulnerable.

1.5 Information:

Background

- 1.5.1 The private rented sector in North Tyneside plays a significant role in the Borough's diverse and vibrant housing market which has grown steadily over the last two decades. The sector now represents more than 12% of our housing stock (2001 Census and North Tyneside Council tax data) and for the majority of private tenants their landlords offer good quality, affordable accommodation.
- 1.5.2 The Authority directly engages with landlords provides support in partnership with the National Landlords Association to offer training and advice. In addition we deliver support through the North Tyneside Warmzone initiative to improve the energy efficiency and reduce fuel poverty. Nevertheless there is a small minority of landlords that operate below the level of professionalism expected leading to many, often vulnerable residents, living in substandard accommodation. The government now recognises the impact of these "rogue landlords" have and is now providing local authorities with increased power to deal with them more swiftly through the introduction of measures include in the Housing and Planning Act 2016.
- 1.5.3 The Housing and Planning Act 2016 amended the Housing Act 2004 by introducing a number of measures designed to assist local authorities, acting as local housing authorities, in tackling "rogue landlords" and managing agents. These measures include:-
- The imposition of civil penalties of up to £30,000 as an alternative to prosecution for relevant housing offences;
 - The extension of rent repayment orders to cover illegal eviction, breach of a banning order and other relevant housing offences.

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

- Banning orders for the most serious offenders;
 - A database of rogue landlords and property agents against whom a banning order has been made, which may also include persons convicted of a banning order offence or who have received two or more financial penalties.
- 1.5.4 This reports seeks the agreement of Cabinet to adopt the new powers to issue a civil penalty and rent repayment orders as enforcement measures. This will be an alternative to prosecuting landlords, which in many instances, is too lengthy a process to effectively

resolve issues quickly for the tenants. The new powers will apply to the following offences under the Housing Act 2004:

- Failing to carry out works to a property to remove any harmful hazards which will result in an Improvement Notice being served
- Allowing more persons to live at a House of Multiple Occupation than authorised
- Contravention of an Overcrowding Notice which has been served on a property
- Failing to comply with management regulations where there are unsatisfactory management arrangements in a House of Multiple Occupation.

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

Delegation

1.5.6 The use of civil penalties and applications for rent repayment orders as an alternative to prosecution for certain offences under Housing Act 2004 requires the delegation of the exercise of such powers to the Head of Service for Environment, Housing and Leisure to ensure the timely and efficient use of such powers and for him to be able to instruct officers to carry out these functions as considered appropriate.

1.5.7 The government has made it clear in guidance that it expects each local housing authority to have a Housing Enforcement Policy so that the public, tenants and landlords are aware of how it is likely to use its new powers. This Policy is currently being considered in conjunction with neighbouring authorities. If Cabinet agrees to the recommendations set out at paragraph 1.2 above, the Head of Environment, Housing and Leisure will be delegated to develop and consult on a specific Housing Enforcement Policy in accordance with the legislation and to bring a further report to Cabinet to seek approval for the adoption of such a Policy. The aim of the Policy will be to support good landlords and to ensure that there are robust policies and procedures in place for tackling those landlords who do not comply with their legal obligations. This Policy will fit into the wider work that the Elected Mayor and Deputy Mayor are undertaking with the senior officer team on our approach to enforcement matters to ensure North Tyneside is a great place to live work and visit. The Policy will provide a framework to ensure consistency and proportionality in decision-making.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

To agree to the recommendations set out paragraph 1.2

Option 2

To not agree to the recommendations set out in paragraph 1.2

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended because the powers provided by the Housing and Planning Act 2016 and the Housing Act 2004 will enable the Authority to help improve the quality of private rented accommodation in the Borough and to act against landlords, letting agents and property managers who knowingly rent out unsafe and substandard accommodation.

1.8 Appendices:

There are no appendices to this report.

1.9 Contact officers:

Colin MacDonald, Senior Manager, Technical and Regulatory Services; Tel 0191 6436620

Joanne Lee, Public Protection Manager; Tel 0191 643 6901

Frances McClen Environmental Health Group Leader; Tel 0191 6436640

John Barton, Lawyer: Tel 0191 643 5354

Alison Campbell, Senior Business Partner, Tel: (0191) 643 7038.

1.10 Background information:

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

- (1) Statutory Guidance Civil Penalties
[Civil Penalties Under the Housing and Planning Act 2016 statutory guidance](#)
- (2) Statutory Guidance Rent Repayment Orders
[Rent Repayment Orders Under the Housing and Planning Act 2016 statutory guidance](#)
- (3) Housing and Planning Act 2016
[Housing and Planning Act 2016](#)
- (4) Housing Act 2004
[Housing Act 2004](#)
- (5) The Rent Repayment Orders Regulations
[The Rent Repayment Orders and Financial Penalties \(Amounts Recovered\)\(England\) Regulations 2017](#)
- (6) Database of rogue landlords
[Database of rogue landlords and property agents under the Housing and Planning Act 2016 statutory guidance](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

Income received from imposing a civil penalty will be paid to the local housing authority. The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England)

Regulations 2017 permits the Authority to apply any financial penalty recovered or amount received by way of a rent repayment order under the Housing Act 2004 to meet the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector. Any amount which is not used to meet the costs and expenses in such a way must be paid into a centrally held Government fund.

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

2.2 Legal

Schedule 9 of the Housing and Planning Act 2016 amends the Housing Act 2004 to allow Local Housing Authorities to impose financial penalties as an alternative to prosecution for certain housing related offences highlighted in the report. In addition, Chapter 4 of the Housing and Planning Act 2016 was amended to expand the offences for which an application can be made by a local housing authority to the First-tier Tribunal for a rent repayment order. The 2016 Act now imposes a duty on the Authority to consider making a rent repayment order when it becomes aware of a landlord having been convicted of an offence of a type referred to in the report.

Chapter 2 of the Housing and Planning Act 2016 together with the banning order statutory guidance gives powers to the local housing authority to consider applications to the First –tier Tribunal for banning orders for serious housing offences. The Housing Enforcement Policy will set the criteria and options available for tackling rogue landlords.

The local housing authority must under Chapter 3 of the Housing and Planning Act 2016 make and maintain entries on the national rogue landlord database for any person or organisation who has received a banning order and may consider entries for any person or organisation that has been convicted of a banning order offence or who has two or more financial penalties for banning order offences over a 12 month period.

The statutory guidance published both in relation to the imposition of civil penalties and the use of rent recovery orders must be considered by the authority and it would have to justify not adhering to the statutory guidance. The statutory guidance makes it clear that it is expected that the Authority should develop and document its policy towards the use of civil penalties and rent repayment orders.

By virtue of section 9D of the Local Government Act 2000 unless there is provision to the contrary in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 or other legislation, any function of the Authority is to be the responsibility of Cabinet. There is nothing in the 2000 Regulations, the Housing Act 2004 or the Housing and Planning Act 2016 that indicates that a decision on the use of civil penalties and rent repayment orders cannot be taken by the Executive.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Elected Mayor and Chief Executive, Deputy Chief Executive, Cabinet Member and relevant Heads of Service have been briefed on the proposals.

2.3.2 External Consultation/Engagement

The North East regional housing authorities have met to discuss the financial penalties. In addition the matter has been discussed with the First Tier Housing Tribunal with regard to the need for good evidence. The Authority has attended national housing seminars and meetings with housing and landlord association representatives expressing their stance and supporting the need to raise housing standards.

2.4 Human rights

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

2.5 Equalities and diversity

The Equality Impact Assessment has identified that the decision to implement the use of civil penalties and rent repayment orders will not have an adverse impact on people with characteristics protected under the 2010 Equality Act.

2.6 Risk management

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

2.7 Crime and disorder

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

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

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

North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM 5(e)

Title: North Tyneside
Highway Inspection
Policy

Portfolio: Environment and Transport

Cabinet Member:

**Councillor Carl
Johnson**

**Report from Service
Area:**

Environment, Housing and Leisure

Responsible Officer:

**Phil Scott, Head of Environment,
Housing and Leisure**

Tel: (0191) 643 7295

Wards affected:

All

PART 1

1.1 Executive Summary:

Roads and pavements are a top priority for residents and in September 2017, Cabinet adopted a new Highway Asset Management Plan 2017 - 2032 (HAMP), setting out the Authority's approach to maintaining North Tyneside's highways and responding to the Elected Mayor and Cabinet's policy direction.

The Authority regularly inspects the highway network and undertakes repairs in compliance with its Highway Inspection Policy. The Policy, which was developed in accordance with national guidance, sets out how the adopted highway network is routinely inspected and how any resulting repairs are dealt with. The Policy was last updated in 2012 and now requires updating following publication of update national guidance.

The purpose of this report is to seek Cabinet approval for the updated Highway Inspection Policy contained in Appendix 1.

1.2 Recommendation:

It is recommended that Cabinet approves the North Tyneside Highway Inspection Policy, shown at Appendix 1, which sets out the Authority's approach to undertaking highway inspections and associated repairs.

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 14 September 2018.

1.4 Council Plan and Policy Framework

This report is relevant to the following priorities set out in the 'Our North Tyneside' Council Plan 2018-20:

- Provide a clean, green, healthy, attractive, safe and sustainable environment
- Have effective transport and physical infrastructure

1.5 Information:

1.5.1 Background

Roads and pavements are a top priority for residents and in September 2017, Cabinet adopted a new Highway Asset Management Plan 2017 - 2032 (HAMP), setting out the Authority's approach to maintaining North Tyneside's highways and responding to the Elected Mayor and Cabinet's policy direction.

As part of the HAMP framework, the Authority operates a Highway Inspection Policy. This sets out how the adopted highway network is routinely inspected and how any resulting repairs are dealt with. The current policy, which was last updated in 2012, is based on recommendations in Well Maintained Highways – the former national code of practice for highway maintenance.

In 2016, Well Maintained Highways was replaced with a new national code of practice, Well Managed Highway Infrastructure (WMHI). This revised code of practice contains a number of recommendations relating to how highway authorities should manage their assets. Recommendation 16 specifically relates to highway inspections and states:

'A risk-based inspection regime, including regular safety inspections, should be developed and implemented for all highway assets'

The option to shift towards a risk-based highway inspection regime is a key recommendation in WMHI that highway authorities are required to consider. The Department for Transport's expectation is that any changes made by highway authorities to their inspection policies will be approved as formal policy by October 2018. Although there is no obligation to change the inspection policy if it is already deemed fit for purpose, the majority of highway authorities have been reviewing and making some degree of changes to their inspection policies.

1.5.2 Overview of Previous Policy

Historically, the Authority has operated a prescriptive highway inspection regime based on set inspection frequencies and a hierarchy of streets as recommended in the previous national code of practice. The inspection frequency is determined largely by the road classification. For example, an A-classified road such as the A1058 Coast Road will receive more inspections per year than unclassified estate roads.

Highway inspectors visit each street at the appointed time and undertake a visual inspection. Any road or footway defects that meet a set intervention level are recorded and a repair is then ordered. The intervention level for footways is a trip of 20mm or greater. For carriageways the intervention level is a surface defect 40mm or deeper.

Once a repair is ordered, it is undertaken within set timescales depending on the severity of the defect. For example, a defect causing an immediate danger to the public such as a collapsed town centre footpath would be repaired within 24 hours while a pothole on a quiet estate road would be repaired within 10 working days.

1.5.3 Overview of Current Performance

The Authority's current performance in terms of the existing highway inspection policy is good. Response times to ordered works and compliance with the inspection frequencies are measured by performance indicators contained within the Technical Services Partnership with Capita and these have been consistently on target. The Authority's repudiation rate (success in defending public liability claims) is one of the best in the North East region.

1.5.4 Development of New Updated Policy

The new WMHI code of practice recommends that highway authorities collaborate with their neighbours to ensure that there is consistency across boundaries in terms of our highway inspection policies. This approach was also advocated by the Authority's insurers, Zurich Municipal. The Authority therefore held a number of workshops with our four neighbouring Tyne and Wear metropolitan highway authorities. The outputs have helped to shape our respective inspection policies. Additionally, several mock court events have been held in the region in recent months to test the robustness of the Authorities' draft policies. In North Tyneside, the Highways Team has worked with the Risk and Insurance Team and Zurich Municipal in order to further refine the updated policy. The Cabinet member for Environment and Transport was invited to comment on the draft policy.

1.5.5 Overview of Proposed New Policy

Given the fact that current performance is good and that a high repudiation rate can be maintained within existing resources, the proposed changes to the highway inspection policy are minimal and can be summarised as follows:

- **Inspection frequencies:** A review of the road hierarchy has been undertaken and inspection frequencies will remain largely unchanged. However, in keeping with the recommended risk-based approach, certain frequencies will change. For example, inspections of quiet back lanes will reduce from 2 inspections per year to 1 inspection per year. The resources will be redirected to streets which have greater usage and a higher probability of incidents occurring. Back lanes will still be maintained to a good standard and this Policy will fit into the wider work that the Elected Mayor and Deputy Mayor are undertaking with the senior officer team on our approach to enforcement matters to ensure North Tyneside is a great place to live work and visit. Streets with vulnerable users such as those with sheltered accommodation in close proximity will be given increased inspection frequencies.
- **Repair criteria:** The investigatory levels associated with footpath trips and road defects will remain at 20mm and 40mm respectively. However, when assessing defects, the highway inspector will be taking a more risk-based approach which means that defects meeting the investigatory criteria will not automatically be repaired. More detail is set out on page 10 of the policy document at Appendix 1.
- **Repair response times:** These will remain unchanged.

The full proposed draft updated inspection policy is attached to this report as Appendix 1.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet approves the recommendation at paragraph 1.2 of this report.

Option 2

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

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Department for Transport and wider highway maintenance sector expects that all highway authorities will review and update their highway inspection policies to reflect the recommendations contained in the new WMHI code of practice. If an approved policy is not in place, this would have implications for the Authority in terms of our ability to defend public liability claims in court.

1.8 Appendices:

Appendix 1: North Tyneside Highway Inspection Policy

1.9 Contact officers:

Mark Newlands, Highways and Infrastructure Manager, tel. (0191) 643 6129
Andrew Mollon, Associate, Capita tel. 07711780083
Colin MacDonald, Senior Manager, Technical and Regulatory Services,
tel. (0191) 643 6620
Alison Campbell, Senior Business Partner, tel. 0191 643 7038

1.10 Background information:

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

1. North Tyneside Transport Strategy (approved by Cabinet on 8 May 2017)
http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=568803&p_subjectCategory=41
2. North Tyneside Highway Asset Management Plan (HAMP) (approved by Cabinet on 11 September 2017)
<http://my.northtyneside.gov.uk/meetings/cabinet>
3. Well-Managed Highway Infrastructure – A Code of Practice
<http://www.ukroadsliasongroup.org/en/codes/>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

It is envisaged that all actions within the Highway Asset Management Plan and Highway Inspection Policy can be delivered within existing budgets (the Local Transport Plan capital budget and Technical Services Partnership managed budgets) or using other specific external funding, where applicable. Any expenditure which cannot be contained within existing budgets will be reported to Cabinet, as appropriate for a decision before any expenditure is incurred or committed.

2.2 Legal

The Authority has a statutory duty to maintain the adopted public highway under section 41 of the Highways Act 1980.

The North Tyneside Highway Inspection Policy aims to assist the Authority in its duty to maintain the adopted highway and addresses the requirements of 'Well-Managed Highway Infrastructure' a Code of Practice published by the UK Roads Liaison Group (a body that brings together national and local government from across the UK) in terms of meeting its recommendations for managing highway assets and to implement a risk-based approach to highway inspections.

Part 1A of the Local Government Act 2000 provides that the functions of a local authority in England operating executive arrangements must be discharged by the executive unless those functions are specified not to be the responsibility of the authority's executive by virtue of regulations made under section 9D or in primary legislation. There is nothing in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 or the Highways Act 1980 that states that the adoption of a policy, such as the North Tyneside Highway Inspection Policy, cannot be discharged by the executive. The adoption of the North Tyneside Highway Inspection Policy is therefore a Cabinet function.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation has included the Cabinet member for Environment and Transport, the Head of Environment, Housing and Leisure and relevant service areas.

2.3.2 External Consultation/Engagement

Engagement has been undertaken with the Authority's insurers and neighbouring highway authorities. As this is a statutory and operational policy, no consultation or engagement has been carried out with the general public.

2.4 Human rights

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

2.5 Equalities and diversity

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

2.6 Risk management

There are no risk management implications arising directly from this report. Strategic and operational risks associated with transport matters are assessed via the established corporate process.

2.7 Crime and disorder

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

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

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

Highway Inspection Policy

October 2018



North Tyneside Council

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Highway Inspection Policy

Introduction

Roads and pavements are a top priority for residents and in September 2017, Cabinet adopted a new Highway Asset Management Plan 2017 - 2032 (HAMP), setting out the Authority's approach to maintaining North Tyneside's highways and responding to the Elected Mayor and Cabinet's policy direction.

Section 41 of the Highways Act 1980 places a statutory duty on all Highway Authorities (HAs) to maintain the adopted highway network under their control.

A failure to maintain the highway may result in a breach of Section 41 of the Highways Act. North Tyneside Council (hereafter referred to as the Authority) therefore needs to be satisfied that it has taken all reasonable measures to keep the highway in a safe and serviceable condition. This is usually proven by the Authority having a reasonable system of routine scheduled highway safety inspections in place.

With this in mind, the Authority, to comply with its duty as a highway authority, shall implement and carry out highway safety inspections in accordance with this Policy. This shall be in order to provide a legal defence by virtue of Section 58 of the Highways Act 1980 in the event of a public liability claim being made against the Authority.

Overview

This policy has been developed with the primary aim of providing direction to those involved in undertaking highway safety inspections so that they may carry out their duties with consistency and to clearly recognised and understood criteria.

The information contained within this policy sets out the practices in terms of the inspection hierarchy, investigatory levels, frequency of inspection and response times to repair.

A new national Code of Practice, Well managed Highway Infrastructure (WMHI) was published on 28 October 2016 and this sets out the recommended approach to managing highway assets. The code recommends: *'In the interest of route consistency for highway users, all authorities, including strategic, local, combined and those in alliances, are encouraged to collaborate in determining levels of service, especially across boundaries with neighbours responsible for strategic and local highway networks'*.

In accordance with this recommendation, this policy has been informed by collaborative discussions with the four other Tyne & Wear metropolitan highway authorities and therefore aims to ensure a consistent approach

across boundaries with regards to the inspection hierarchy, investigatory levels, frequency of inspection and response times for repair.

The following authorities collaborated in the production of this document:

- North Tyneside Council
- South Tyneside Council
- Gateshead Council
- Newcastle City Council
- Sunderland City Council

Risk Based Approach

WMHI recommends that highway authorities should consider changing their highway inspection policies from reliance on specific guidance and recommendations in the previous codes of practice to a risk-based approach determined by the needs of each individual highway authority. This policy has taken this advice into account and therefore the frequency of inspection and specific investigatory levels are appropriate to the level of risk, functionality or usage of the highway.

Highway Inspections

This policy deals specifically with highway safety inspections and repair response target times. The Authority's methodology will be to undertake safety inspections followed by repairs on a risk-based approach and timescale to enable highway inspectors to focus specifically on defects which, if not repaired, would likely to become a potential danger to road users and pedestrians. Highway safety inspections are derived from two main sources:

- Planned cyclic highway inspections to identify defects which meet our investigatory levels; and
- Ad-hoc reactive highway inspections following enquiries from customers in respect to the condition of the highway

Records of cyclic safety inspections and safety inspections following enquiries will be maintained using Symology Insight which is a purpose-designed computerised highway asset management system.

Hierarchy and Frequency

In accordance with WMHI, each of the Authority's adopted streets has been assigned an inspection frequency depending on a range of factors. This produces a hierarchy of inspections for carriageways, footways and cycleways. Table 1 details the hierarchy determining factors.

Table 1 – Factors Used to Determine the Inspection Hierarchy

FACTOR	EXAMPLES OF ISSUES CONSIDERED
Road classification	Strategic routes, A, B, C, unclassified network, resilient network. The inspection frequency will depend on the strategic importance of the route
Traffic use	Traffic flow data, speed limits, HGV generators, seasonal events and may include bus routes. Higher trafficked streets will tend to receive a higher frequency of inspection
Characteristics of street and adjoining network	Proximity of schools, shops, hospitals, fire station, access to an airport, national sporting events, football stadiums, areas of employment and transport hubs. A street with a vulnerable type of highway user may receive a higher inspection frequency
Users of the highway	Streets with unusually high proportions of particular users, for example motorcyclists or cyclists for whom surface condition is of particular importance may receive a higher inspection frequency.

The Authority's frequency of inspections is based on the appropriate risk, functionality or usage of the highway and the subsequent hierarchy assigned, although the road category within the hierarchy, in combination with traffic use, will be the main determinant of inspection frequency. The Tyne & Wear highway authorities will look to carry out a joint hierarchy review on an annual basis. Any resulting changes will be formally documented and reported in the Annual Highway Asset Management Information Report.

Site-specific factors may merit a decision to temporarily or permanently increase or reduce the frequency in a specific location (for example a newly developed housing estate might require fewer inspections). Table 2 shows the inspection hierarchy and frequency of inspections to be adopted by the Authority. It also sets out details of the typical safety inspection frequencies which will be adopted following a risk-assessment of the road hierarchy.

Table 2 – Highway Inspection Frequencies

Feature	Category	Reference	Frequency
Carriageways	Strategic route	NTM1	12 per year
	Main distributor	NTM2	12 per year
	Secondary distributor	NTM3	4 per year
	Link road / estate roads	NTM4	2 per year
	Back lanes	NTM5	1 per year
Pavements	Prestige walking zones	NTF1	12 per year
	Primary walking routes	NTF2	12 per year
	Secondary walking routes	NTF3	4 per year
	Link footways and local access footways	NTF4	2 per year
	Minor footways	NTF5	1 per year
Cycle ways	Part of Carriageway	A	Same as carriageways
	Cycle Track, Shared Cycle/Footway – a route for cyclists not contiguous with the public footway or carriageway or a shared cycle/pedestrian path	B	Same as associated footways or annually

The above frequencies have been based upon WMHI guidance and the operational needs for the Authority. The inspection hierarchy takes into account current and expected use, resilience and local economic and social factors such as industry, schools, hospitals and similar, as well as the desirability of continuity and of a consistent approach for walking and cycling. The frequencies are assigned as our default level of inspection but as part of the risk-based approach to safety inspections, any street in North Tyneside could have its frequency increased or decreased based on the above approach. An example of this is back lanes, whereby footfall and traffic flow is significantly less than other areas. Historically, these were inspected twice per year. Under this updated policy, having reviewed the hierarchy and applied a risk assessment, it is determined that inspecting these areas yearly rather than 6 monthly is the more appropriate and proportionate action. Back lanes will still be maintained to a good standard and this Policy will fit into the wider work that the Elected Mayor and Deputy Mayor are undertaking with the senior officer team on our approach to enforcement matters to ensure North Tyneside is a great place to live work and visit.

Highway Inspection Tolerances

Highway safety inspections will be carried out to specified frequencies documented above where reasonably practicable. On occasions there may be unforeseen events which may impact on the frequency of inspections such as severe weather. Table 3 details the performance tolerances which will be applied to highway safety inspection frequencies.

Table 3 – Inspection Tolerances

Frequency of Inspection	1 month	3 months	6 months	1 year
Tolerance	+/- 5 days	+/- 5 days	+/- 5 days	+/- 5 days
Max period between inspections	36 days	98 days	185 days	370 days

Note: all time periods are in calendar days

An example of how inspection tolerances are calculated is detailed below: -

An inspection of a footway/carriageway is required every 31 days. If there is an unforeseen delay in undertaking an inspection on day 31 then the highway inspector has up to day 36 to complete the inspection. For example, an inspection was undertaken on 4th January. The next inspection is due on 7th February but has a tolerance of 5 days which means it must be completed by 12th February.

Alternatively, if an inspector is ahead of schedule in their safety inspections then the next inspection can be brought forward by up to 5 calendar days. For example, an inspection was undertaken on 4th January. The next inspection is due on the 7th February but can be undertaken on 30th January 2018 at the earliest.

In the interest of public safety, it is important that the inspection frequency regime is adhered to and within the tolerances specified above in Table 3. Additionally, the Authority's Section 58 defence is highly dependent on regular inspections and every effort will be made to keep to the programme. In the event that inspection tolerances are exceeded, efforts will be made to ensure that the inspection regime of streets in the upper range of the hierarchy is adhered to as these streets, by definition, present a greater risk to the public.

Types of Highway Inspection

All safety inspections undertaken by a highway inspector will be a walked inspection **unless** there is a monthly carriageway-only inspection required. A further exception to this will be if a highway has been deemed to be unsafe for a highway inspector to walk the street.

Walked Highway Inspections

For walked inspections, the Highway Inspector will walk down one side of the footway observing defects on the footway and to the centre line of the carriageway.

The inspector will then perform the same procedure on the other side of the road recording defects using a hand-held data capture device.

All footways will have a walked inspection at the assigned frequency determined by the hierarchy and the carriageway will also be inspected during these walked inspections.

The inspector shall position themselves in a safe location on the footway, in such a position that it enables them to view the full width of the footway and carriageway to the centre line including the road channel areas.

When the inspector encounters parked motor vehicles they shall take reasonable steps, where safe to do so, to view the area obstructed by the vehicle.

An inspector shall proceed along the footway identifying defects that meet the investigatory levels set out in Table 4. Any actionable defects will be processed for repair. If no actionable defects are identified on a street this will be recorded. On completing the inspection of one side of the street an inspector shall apply the same process to the opposite side of the street.

Driven Highway Inspections

Driven inspections will be carried out by two officers (a driver and a highway inspector), using a vehicle with industry standard traffic safety markings for slow moving surveys and with a yellow flashing beacon on the vehicle. The vehicle will travel at a speed no faster than 15mph on non-high speed roads in order to observe carriageway defects. When inspecting on high speed roads the driver will travel at the appropriate speed in line with other traffic and without causing any unnecessary delays.

In accordance with the hierarchy or in the absence of a footway, carriageway inspections may be carried out by means of a driven inspection.

An inspector shall proceed along the carriageway identifying defects that meet the investigatory levels set out in Table 4. Any actionable defects will be processed for repair. If no actionable defects are identified on a street this will be recorded.

Defect Investigatory Levels

This section of the policy sets out the investigatory levels and operational processes that are considered to be appropriate for defect identification and repair, taking into account the safety of highway users.

Investigatory levels represent a limit below which an asset is normally considered to be satisfactory or above which the asset is judged to require an investigation for potential action. It should be noted that occasionally a defect below the investigatory level may actually be investigated and repaired. This will occur when the highway inspector's assessment is that the defect may deteriorate further and become a hazard to users of the highway before the time of the street's next scheduled inspection.

Listed below in table 4 are the defect investigatory levels for footways and carriageways.

Table 4: Defect investigatory levels for footways and carriageways.

Footway Investigatory level	20mm or above
Carriageway Investigatory level	40mm or above
Carriageway investigatory level at pedestrian crossing points	20mm or above
Carriageway investigatory level at designated segregated cycle lanes.	25mm or above
Kerb defects investigatory level	50mm or above- vertical/horizontal displacement or 25mm gap where kerbs are level

It should be noted that, in addition to footway trips and carriageway potholes, there are numerous other highway defects which could be identified during an inspection and would also be classed as an actionable defect. Examples might be missing or loose ironwork, standing water, rocking flagstones etc

Repair Response Times

Following the highway inspection, defects that meet the investigatory levels and are assessed as requiring a repair will be processed for appropriate action.

We will define our response times as below:

- Category 0 : Emergency - 2 hours (e.g. missing gully covers)
- Category 1 : Urgent - 24 hours (e.g. road collapse greater than 100mm in depth)
- Category 2 : Standard - 10 working days (Footway defects 20mm or above)
- Category 3 : Planned - 30 working days (Planned works to flagged footways, gully cleaning of a specific location reported)
- Category 4 : Potential future works to be done within 6 months (not safety critical defects but would benefit from improvement work)
- Category 5 : Potential works to be considered as part of a future programme of work

Highway Inspector Risk Assessment

In line with the recommendations contained in WMHI, the highway inspector will apply a risk-based approach when assessing any defects that meet the investigatory levels. This will be based on a range of factors such as the likelihood of an incident occurring and will be supported by the inspector's experience, qualifications and experience.

There will be instances when defects on a highway meet the investigatory level but are assessed as not requiring a repair at that time. An example of this would be a flagged footway which has a protruding flagstone which is in excess of 20mm in height but is contained within an area that is currently being worked on by a public utility contractor. Where enquiries with the Street Works Team indicate that the defective flag will be included in the footpath reinstatement, a repair job would not be raised and the inspector would simply make a record of the defect and the reason for not issuing a repair.

Defects Reported by Customers

All reported defects relating to the assets associated with highways will be dealt with within a target 3 working days. The exception to this will be in the event of exceptional circumstances such as a severe weather event.

Following the report of an issue on the highway which has the potential for serious harm to the public, an office-based dynamic risk assessment will be

undertaken upon notification of the defect and an appropriate timescale for response to an enquiry will be put into place. For example, a road collapse reported on a strategic road might result in an immediate response.

Training

Highway inspectors shall be trained to the Highway Safety Inspection Qualification accredited by Lantra allowing entry onto the Institution of Highway Engineers National Register of Highway Inspectors. This is the recognised national best practice qualification and is valid for five years. Refresher training will be undertaken by those Inspectors as required and on an ongoing basis.

Induction training will be undertaken with any new employees. New highway inspectors shall shadow an experienced colleague within the inspection team for a period of at least three months prior to being allowed to undertake inspections alone, and then will be subject to close monitoring and supervision during a further probation period of three months.

The appropriate line manager / supervisor shall undertake regular follow-up checks in the way of on-site staff moderation with each inspector at the same time which will then be recorded and signed by both the supervisor and inspectors as a true record. This will ensure that a consistent approach is taken with regard to assessing defects.

Each team member shall be provided with a copy of this policy.

North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM 5(f)

Title: North Tyneside
Highway Asset
Management Plan Annual
Information Report 2018

Portfolio: Environment and Transport

Cabinet Member:

**Councillor Carl
Johnson**

**Report from Service
Area:**

Environment, Housing and Leisure

Responsible Officer:

**Phil Scott, Head of Environment,
Housing and Leisure**

Tel: (0191) 643 7295

Wards affected:

All

PART 1

1.1 Executive Summary:

North Tyneside Council is responsible for an extensive highway network and feedback from our residents has consistently told us that the maintenance of roads and footpaths is a top priority.

In September 2017, Cabinet adopted a new Highway Asset Management Plan 2017 - 2032 (HAMP), 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 our footways.

The purpose of this report is to fulfil the commitment within the HAMP to provide Cabinet with an annual information report outlining the highway and infrastructure work undertaken over the last 12 months, future planned work activities, and other items of relevant interest.

This is the second annual report presented since adoption of the HAMP. It highlights that we are performing well with the additional capital investment being made directly by the Authority making a real difference. However, the reducing Government funding model leaves local highways authorities to make up the required maintenance shortfall. This is unsustainable at a time when local authority budgets are under pressure.

1.2 Recommendation:

It is recommended that Cabinet note the content of the HAMP Annual Information Report 2018, attached as the Appendix.

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 14 September 2018.

1.4 Council Plan and Policy Framework

This report is relevant to the following priorities set out in the 'Our North Tyneside' Council Plan 2018-20:

- Provide a clean, green, healthy, attractive, safe and sustainable environment
- Have effective transport and physical infrastructure

1.5 Information:

1.5.1 Background

1.5.2 The Authority's Highway Asset Management Plan 2017 to 2032 (HAMP) includes 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. The report has a particular emphasis around the condition of the network and the resources required to maintain it effectively.

1.5.3 North Tyneside Council is responsible for an extensive highway network and feedback from our residents has consistently told us that the maintenance of roads and footpaths is a top priority.

1.5.4 In September 2017, Cabinet adopted a new Highway Asset Management Plan 2017 - 2032 (HAMP), 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 our footways.

1.5.5 Currently the highway maintenance activities delivered through the HAMP are funded through a number of funding streams. Capital work is funded by the annual Local Transport Plan Maintenance Block and in recent years additional funding has been invested through the Authority's Investment Plan. The maintenance of the highway network is becoming increasingly challenging following continued reductions in Government funding.

1.5.6 Cabinet is invited to note the content of the HAMP Annual Information Report 2018, attached as the Appendix. The report will be used as the basis for ongoing consideration around the challenges of maintaining the highway network. The report is aimed at supporting those considerations so that any decisions about potential changes in highway maintenance priorities and resources can be made in an informed manner.

1.5.7 Following the Cabinet meeting, all ward members will be provided with a personal copy of the HAMP Annual Information Report as attached as the Appendix. The report will also be published on the Authority's website.

1.5.8 Key Highlights of the HAMP Annual Information Report 2018

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

- The highway network is the most valuable asset in the Council's ownership.
- Due to our continued improvement to highway asset maintenance and the construction of new roads, the current total value of highway assets has increased from £1,347,000,000 to **£1,404,000,000 (£1.4 billion)**.
- The successful implementation of the HAMP policy and investment strategy is demonstrating that the ongoing application of highway asset management principles by the Authority is gradually improving the condition of the road network. Sustained investment is however required for this to continue.
- The additional capital investment being funded directly by the Authority in highway maintenance is gradually improving the overall condition of the network in line with HAMP principles. This fact is illustrated by the current "Road Condition Indicator" calculation results recorded on page 15 of the Information Report. However, this additional financial investment cannot continue indefinitely and currently the Government's funding model for local highways authorities is not sustainable. Although additional 'one off' funding to tackle pot holes is welcome it does not on its own make the difference that is required and continually leaves local authorities having to tackle the funding shortfall.
- The Technical Services Partnership has introduced new technology to measure silt levels in gully pots which will inform a new risk-based approach to gully cleansing. The first cycle of cleansing and data gathering has been completed with data available on over 44,000 road gullies in North Tyneside. A new gully cleansing strategy will be developed on completion of the second cycle of cleansing and data collection
- The Technical Services Partnership continues to achieve and exceed its KPI's targets and through its Annual Service Plan is identifying innovative ways of working, service improvements and efficiencies which is evident in the report.
- How we spend our allocated funding needs to be carefully balanced across our highway network
- Continued customer engagement is providing better intelligence on what the public want us to focus our highway maintenance efforts on. These include continuing our improvements of residential and strategic roads and footways and improving the gully cleaning service
- Although bridge maintenance is currently under control and can be managed within existing LTP budgets, there are a number of structures which have been identified as requiring maintenance within the next 6 years. This may start to place an additional pressure on budgets in future years
- Following the publication of the revised national code of practice, Well-managed Highway Infrastructure, the Technical Partnership has completed the work of producing an updated highway inspection policy. Cabinet approval will be sought for this Policy in October 2018
- The Authority has delivered all programmed highway asset improvement schemes to date

1.6 Decision options:

As this report is for Cabinet's information there are no decisions options.

1.7 Reasons for recommended option:

No alternative options have been outlined as no further direct decisions by Cabinet are sought in relation to the HAMP Annual Information Report 2018.

1.8 Appendices:

Appendix: Highway Asset Management Plan 2017 to 2032 Annual Information Report October 2018.

1.9 Contact officers:

Mark Newlands, Highways and Infrastructure Manager, tel. (0191) 643 6129
Andrew Mollon, Associate, Capita tel. 07711780083
Colin MacDonald, Senior Manager, Technical and Regulatory Services, tel. (0191) 643 6620
Alison Campbell, Senior Business Partner, tel. 0191 643 7038

1.10 Background information:

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

North Tyneside Highway Asset Management Plan 2017 to 2032, available on the Authority's website at: <http://my.northtyneside.gov.uk/meetings/cabinet>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no immediate financial and resource implications directly arising from this report. However, there are a number of issues contained in the HAMP Annual Information Report which do themselves have long term financial implications for the Authority if they are to be addressed. The report suggests that there remains a significant backlog of highway repairs that is likely to increase unless current resources are maintained. It is anticipated that this issue will continue to be discussed and considered further as part of the Financial Planning and Budget process.

2.2 Legal

Under the Highways Act 1980 the Authority has a statutory duty to maintain the adopted highway network. There are no legal implications directly arising from this report.

2.3 Consultation/community engagement

There are no immediate consultation or community engagement implications directly arising from this report. However, community engagement is a prominent feature of the HAMP and it is

expected that any decisions around changes in maintenance priorities will continue to take into account the needs of customers.

2.4 Human rights

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

2.5 Equalities and diversity

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

2.6 Risk management

The risks associated with matters in this report will be managed in accordance with the risk register set out in the Highway Asset Management Plan 2017 to 2032.

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. However, the report informs Cabinet of the condition of the built environment with regard to highway infrastructure.

PART 3 - SIGN OFF

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



North Tyneside Council

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CAPITA



Highway Asset Management Plan (HAMP) 2017 to 2032 Annual Information Report

October 2018

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1) EXECUTIVE SUMMARY

Resident surveys and other feedback show that a well-maintained highway network is a high priority for our customers.

The Highway Asset Management Plan (HAMP) sets out the Council's strategic approach to highway and infrastructure maintenance. In order to provide regular information about the highway and infrastructure the HAMP contains a commitment to provide an annual information report to Cabinet. The report provides information on work undertaken within the last 12 months (October 2017 to September 2018), future planned activities and other items of general interest.

The report shows that within the last 12 months:

- We have developed an updated highway inspection policy in line with revisions to the national code of practice
- There is a backlog of highway repairs but this remains under control although the reducing Government funding model leaves local highways authorities to make up the required maintenance shortfall which is unsustainable
- Performance is good with KPIs being met
- The various work programmes have been completed successfully
- The Council achieved Band 3 in the DfT Self-Assessment to ensure that it received its full budget allocation under the Incentive Fund
- Work to produce more accurate details for our road gully stock and silt levels has been completed in order to help with the development of a new gully cleansing strategy
- The Norham Road Bridge replacement scheme was completed

The report states that in the next 12 months we will need to:

- Implement our new approach to highway asset management to incorporate a risk-based approach as detailed in the new national code of practice – 'Well-Managed Highway Infrastructure'
- Ensure retention of Band 3 status for the Department for Transport's (DfT) Self-Assessment Questionnaire
- Produce and implement a risk-based approach to gully cleaning using gully silt levels to determine cleaning frequencies

We are currently operating within a challenging national financial climate and in recent years the investment in highway infrastructure and its performance has been increasingly under the spotlight. Asset management has been widely accepted by central and local government as a means to deliver a more efficient and effective approach to management of the highway infrastructure assets through long term planning.

All highway and infrastructure services are delivered by Capita Property and Infrastructure under the North Tyneside Technical Services Partnership arrangements.

2) THE IMPORTANCE OF HIGHWAY INFRASTRUCTURE

The national highway network comprises the strategic network of motorways and trunk roads and both major and minor local roads. It totals some 235,000 miles and includes assets such as carriageways, footways, cycle-tracks, structures, highway lighting, street furniture, traffic management systems and similar highway infrastructure.

The local highway network is the responsibility of local highway authorities. The local highway network is the largest, most valuable and most visible infrastructure asset for which the Council is responsible. Well maintained and accessible highway infrastructure is vital and fundamental to the economic, social and environmental wellbeing of the communities of North Tyneside. The aim to maintain a good highway network is important to delivering the Our North Tyneside Council Plan and the Mayor and Cabinet's commitment to making North Tyneside a great place to live, work and visit.

North Tyneside Council is responsible for maintenance of the following assets:

Asset Item	Quantity (Approx.)	Asset Item	Quantity (approx.)
Carriageway (Km)		Street Lighting (managed separately through PFI)	
Principal Roads	136.7 Km	Lighting Columns	28491
B Roads	70.9 Km	Illuminated Signs and Bollards	2200
C Roads	38.4 Km		
Unclassified Roads	699.6 Km		
Total Network Length	945.6 Km		
Total Road Gullies (approx.)	44,000		
Total Footways	1206 Km		
Total Dedicated Cycleways	6km		
Total Public Rights of Way	143.74 Km		
Bridges and other Structures (Number)			
Road Bridges	46		
Retaining Walls	73		
Footbridges (inc PROW)	46		
Bridleway Underbridge	1		
Bridleway Overbridge	1		
Culvert	41		
Subway	25		
Tunnel	1		
Underpass	1		
Total	235		

3) CURRENT MAINTENANCE PRIORITIES

3.1 Highway Maintenance

In the last 12 months the priority has been to protect and improve, where possible, the strategic road network (main classified roads). These are the roads that carry the vast majority of local and through traffic. In the absence of Government funding and the reductions to local authority funding, the improvement of residential roads remains a challenge, but they have benefitted from the additional funding that the Council has provided through the Additional Highway Maintenance capital allocation. Most estate road resurfacing work is now undertaken using this funding stream.

More focus is now being given to improving footways, in accordance with meeting the priority of the Elected Mayor, following feedback from North Tyneside residents. Additional monies have been invested by the Authority and a programme of improvement works focusing on areas such as town centres and key routes to and from North Tyneside. This programme will be continued into the 2019/20 financial year.

3.2 Bridges and Infrastructure

This area of work is undertaken mainly using LTP funding. Maintenance priorities for major work for the next 6 years are set out in the HAMP and its supporting framework documents including Highway Structures – Risk-Based Principal Inspections. At present the work can be accommodated provided future LTP allocations remain relatively constant. However, a number of structures have been identified which will require attention within the next 6 years. This may begin to put additional pressure on budgets. Day to day reactive repairs are undertaken using a revenue budget which is managed by Capita. The current programme is focussed and prioritised on locations and schemes which have been identified as requiring maintenance work or have been identified as requiring work in the next 12 – 18 months following statutory general and principal condition inspections of the Authority's bridges and other infrastructure assets. These inspections are critical in ensuring that the Council's bridge stock remains in a safe and usable condition.

4) SUMMARY OF WORK UNDERTAKEN DURING THE LAST 12 MONTHS

During the last quarter of the 2017/18 financial year, the highway maintenance schemes for the current 2018/19 financial year were finalised in accordance with our works prioritisation procedures and in consultation with the lead Cabinet Member. The following is a summary of the work that has been done to date and what will be achieved by the end of the current financial year.

4.1 Carriageway Improvement Works

In order to achieve better value for money we have continued to use alternative construction products including micro-asphalt surfacing treatments on the highway network. By the end of this financial year we will have completed the following works:

Road Repair Work Undertaken in North Tyneside in 2018/19 (and comparison of previous years)

Treatment Type	Area Covered in 15/16	Area Covered in 16/17	Area Covered in 17/18	Area Covered in 18/19
Micro Asphalt	190,778m ² (14.67 miles)	119,951m ² (9.23 miles)	69,422m ² (5.34 miles)	19,813m ² (1.65 miles)
Full Resurfacing	44,627m ² (3.43 miles)	62,759m ² (4.83 miles)	87,124m ² (6.70 miles)	84,690m ² (6.51 miles)
Patching Sites	123 No.	123 No.	60 No.	46 no.
Footway Improvement Schemes	105 No.	90 No.	112 No.	47 No.*

* It can be seen that for 18/19 financial year, although investment has increased, there is a reduction in the number of footway schemes. This is attributed to the fact that in previous years we have carried out footway schemes which have been in localised areas within streets resulting in a relatively high number of schemes. In 18/19 there are fewer schemes but the work has incorporated full streets rather than localised areas. This has resulted in higher quality and more noticeable improvements and maintains our commitment of increased investment in footway improvements.

Structural resurfacing is carried out when the road surface or its underlying layers have deteriorated to the point that they need to be replaced. The damaged layers are removed and new material is laid. Micro-asphalt, which is cold-applied and seals the road to prevent the intrusion of water, a major cause of deterioration.

It can be seen that micro-asphalting has continued to decrease over the years in favour of structural resurfacing due to the work identified from condition surveys which can change from year to year. Overall the network is performing well as demonstrated by the plan shown on page 16.

The following micro asphalt resurfacing works have been completed within the current financial year, all in accordance with the agreed programme:

Agricola Gardens, Battle Hill	Wimslow Close, Northumberland
Bellshill Close, Battle Hill	Woburn Close, Northumberland
Drury Lane, Collingwood	Worthing Close, Northumberland
Adelphi Close, Collingwood	Waltham Close, Northumberland
Lyric Close, Collingwood	Welwyn Close, Northumberland
Garrick Close, Collingwood	Plantation Street, Wallsend
Ashford Close, Collingwood	Larchwood Avenue, Weetslade

By the end of the financial year the following structural resurfacing works (full renewal of the road surface) will also have been completed:

Mullen Road, Battle Hill	Ashleigh Grove, Longbenton
Warkworth Avenue, Battle Hill	Goathland Avenue, Longbenton
Eastfield Road, Benton	Benton Lane, West Moor, Longbenton

Springfield Park Road, Benton	Glendale Avenue, Monkseaton North
Lyndhurst Road, Benton	Fairfield Drive, Monkseaton South
Midhurst Road, Benton	Fairfield Green, Monkseaton South
Glebe Avenue, Benton	Westward Green, Monkseaton South
Great Lime Road, Forrest Hall, Benton	Sycamore Avenue, Monkseaton South
Glebe Road, Benton	Chestnut Avenue, Monkseaton South
Briars Edge, Benton	Selwyn Avenue, Monkseaton South
Rothbury Terrace, Chirton	Shields Road, Monkseaton South
Sunniside, Chirton	Devonshire Gardens, Northumberland
Billy Mill Lane, Collingwood	Walton Avenue, Preston
Lynn Road, Collingwood	Queen Alexandra Road, Preston
Netherton Avenue, Collingwood	Queen Alexandra Road West, Preston
Malvern Road, Collingwood	Hawkeys Lane, Preston
Tynemouth Road, Howdon	Bewicke Road, Riverside
Oban Avenue, Howdon	St. Mary's Avenue, St. Mary's
Churchill Street, Howdon	Dudley Lane/B1319, Weetslade
Shakespeare Street, Howdon	Canterbury Way, Weetslade
West Lane, Killingworth	Pinewood Avenue, Weetslade
Feetham Avenue, Killingworth	Great North Road, Weetslade
East Bailey, Killingworth	Ocean View, Whitley Bay
Garth Twenty-Two, Killingworth	Bideford Gardens, Whitley Bay
Great Lime Road, Killingworth	

4.2 Footway Improvement Work

By the end of the current financial year the following footway refurbishment schemes will have been completed, all in accordance with the agreed programme:

FOOTWAY REVENUE BUDGET	
Doultling Close, Longbenton	Newsteads Drive, Whitley Bay
Holywell Avenue, Monkseaton North	St. Georges Crescent,
Hillfield, Monkseaton North	Claremont Crescent, Whitley Bay
Hartburn Road Ph 1 & 2, Cullercoats	West View, Dudley
Market Street, Dudley	Linskill Terrace, North Shields
Park Avenue, North Shields	Taylor Avenue, Wideopen
Southfield Road, Whitley Bay	St. Mary's Avenue, St. Mary's
Holystone Avenue, Whitley Bay	St. Anselm Road, North Shields
Cooperative Terrace, Shiremoor	Haddington Road, Whitley Bay

FOOTWAY IMPROVEMENTS CAPITAL BUDGET	
Windsor Drive, Howdon	Brenkley Avenue, Shiremoor, Valley
Emmerson Place, Shiremoor, Valley	Goodwood, Killingworth
Grafton Road, Whitley Bay	Bromsgrove Close, Battle Hill
Clavering Street, Willington Quay, Riverside	Blanchland Avenue, Wideopen, Weetslade
Feetham Avenue, Forest Hall, Killingworth	Church Way, North Shields
Bedford Street, North Shields	Park View, Wallsend
Russell Street, North Shields	Station Road, Wallsend

Railway Terrace, North Shields	Dudley Lane, Dudley, Weetslade
Bridge Cottages, Annitsford, Camperdown	Longstone Court, Killingworth
The Chase, North Shields, Preston	Kings Road North, Wallsend
Greenway, Monkseaton North	Great Lime Road, Killingworth
Kingsdale Road, Longbenton	Bowman Drive, Annitsford
West Farm Avenue, Longbenton	

4.3 Drainage Works

We have two gully wagons, one 18 tonne and the other 26 tonnes, which operate across the borough carrying out gully maintenance and dealing with reported flooding problems on the highway. We operate our gully services on a new system from KaarbonTech called Gully Smart. Gully Smart provides us with a more sophisticated recording system for collecting information on site to inform future programmes of work.

The type of information the Gully Smart can record is; the type of asset i.e. gully or manhole, whether it is blocked or broken and most importantly the silt level. The silt level is the key element required to generate an intelligence-led maintenance programme and with this information we are developing a risk-based gully cleaning Strategy for the borough. Since we implemented the Gully Smart system approximately 40,000 assets have been cleaned and recorded.

Historically, the approach in North Tyneside to repairing and improving highway drainage assets has been cyclic, rather than needs-based. We are redesigning the service to follow a risk-based approach, in accordance with the new 'Well-Managed Highway Infrastructure: A Code of Practice'. This will ensure better use of resources, a more effective gully cleansing regime and the controlled management of surface water to allow safe passage and promote network resilience.

The following is a summary of the ongoing activities associated with improving the highway drainage service:

- Development of a risk-based strategy for drainage cleansing and maintenance
- Identification of assets which require more frequent cleansing and assets which require less frequent cleansing
- Maintenance of the highway drainage asset to a condition in which it remains functional for draining the highway
- Design, construction and maintenance of highway drainage assets to meet current and future needs in a changing environment while making effective use of limited budgets
- Prioritisation of our maintenance activities based on the areas of the network in most need of maintenance in line with available budgets.

The risk-based gully cleaning programme requires a further year of work whereby all gullies are cleaned again to provide robust data in terms of silt levels within gullies prior to cleaning and information relating to how soon a gully fills with debris. This information will be used to provide the risk-based gully cleaning strategy which will be featured in next year's annual report.

In addition to gully cleansing, by the end of the current financial year the following drainage schemes will have been completed, all in accordance with the agreed programme:

- Camera surveys
 - West Lane, Killingworth
 - Edgefield, West Allotment
 - Lisle Grove, Wallsend
 - Great Lime Road, Benton
 - Ivy Road, Forest Hall
 - Langdale, Whitley Bay (incl. pipe renewal)
 - Tynemouth Road, Wallsend (incl. pipe renewal)
- Angus Close, Killingworth – drain pipe renewal
- Studley Villas, Benton – new gully
- Great Lime Road, Benton – drain pipe renewal
- Bedford Street, North Shields – road collapse
- Kelvin Grove, North Shields – new gully
- Burn Avenue, Forest Hall – new gully
- Union Street, North Shields – road collapse
- Chicken Road, Wallsend – road collapse
- Rear Chicken Road, Wallsend – road collapse
- Glebe Crescent, Forest Hall – new gully
- Spring Terrace, North Shields – drain pipe renewal
- Cherrytree Gardens, Whitley Bay – road collapse
- Washington Terrace, North Shields – drain pipe renewal
- Fish Quay, North Shields – road collapse
- South Croft, Benton – renew gully
- Walton Avenue, North Shields – road collapse
- Briar Vale, Whitley Bay – road collapse
- Langdale Gardens, Wallsend – road collapse
- Newcastle Terrace, North Shields – road collapse
- Killingworth Lake, Killingworth – blocked outlet
- Nelson Road, Whitley Bay – new ditch installation

4.4 Bridges and Infrastructure

Works Undertaken November 2017 to September 2018

Below is a summary of the bridge improvement works undertaken in 2017/18 year:

- Refurbishment of Wallsend Rd Bridge Abutments completed

Below is a summary of bridge/highway structure maintenance inspection works carried out in 2017/18

- Principal Bridge Inspections – 9 no.
- Principal Retaining Walls and Culverts Inspections – 15 no.
- General Inspections – 44 no.
- Bridge Assessments - 1 no.

Below is a summary of the bridge improvement works planned for the current 2018/19 year:

- Proposed infilling of Pier Road Bridge
- Proposed repair to Gibraltar Rock
- Proposed demolition of Borough Road Bridge

Below is a summary of bridge/highway structure maintenance inspection works planned for the current 2018/19 year:

- Principal Bridge Inspections – 8 no.
- Principal Retaining Walls and Culverts Inspections – 10 no.
- General Inspections – 34 no.
- Bridge Assessments – 1 no.

In summary, all the planned highway maintenance work for the 2018/19 year will have been successfully delivered by the end of March 2019.

5) INVESTMENT IN THE HIGHWAY ASSET

The following tables provide a summary of the budgets that have been allocated to highway and infrastructure maintenance over the last 5 years.

Highway Maintenance

Budget	Description of Work	2014/15	2015/16	2016/17	2017/18	2018/19
Revenue	Day to day highway repairs (e.g. potholes), patching programme, small planned road and footpath improvement schemes, drainage repairs	£1,049,000	£1,049,000	£1,049,000	£1,049,000	£1,049,174
Local Transport Plan Capital	Annual resurfacing programme, annual surface dressing and micro-asphalting programmes	£924,000	£996,000	£600,000	£750,000	£678,000
Council Capital	Additional Council Capital investment in highway maintenance	£2m	£2m	£2m	£2m	£2m
Other Capital	Additional DfT budget	-	-	-	-	-
Other Capital	Additional DfT budget – National Pothole Fund	£324,000	-	£138,000	£191,000	£131,000
Capital Footway Work	Footway improvement works funded through LTP and additional Council contributions	£200,000	£255,000	£284,000	£936,000	£808,000
Other Capital	Additional DfT budget – Severe Weather Recovery Fund	£251,000	-	-	-	-
TOTAL		£4,748,000	£4,300,000	£4,071,000	£4,926,000	£4,666,174

Bridges and Infrastructure Maintenance

Budget	Description of Work	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Revenue	Day to day bridge repairs, emergency work, graffiti bus partnership, minor planned schemes	£67,000	£67,000	£67,000	£67,000	£67,000	£65,000	£65,000
Local Transport Plan Capital	Major structural schemes (e.g. bridge replacement / refurbishment)	£579,000	£770,000	£900,000	£900,000	£972,000	£1,389,255	£480,000
Total		£646,000	£837,000	£967,000	£967,000	£1,039,000	£1,454,255	£545,000

6) PERFORMANCE

As part of the Technical Services Partnership between North Tyneside Council and Capita, a suite of performance indicators has been produced, monitoring aspects of the Partner's performance in relation to the management and condition of the network. These indicators have been in place since November 2012 and are reviewed on an annual basis. The tables below outline recent data in accordance with the performance indicator methodology.

With reference to the condition of the main classified roads, independent condition surveys are undertaken, and the data is used to calculate a performance indicator figure (Road Condition Indicator (RCI)). The results for recent years are shown in the table below (note: a lower figure is better).

KPI/PI Reference	Performance Indicator	Target	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
ENG 1.4 (RCI)	Percentage of A class roads that should be considered for structural maintenance	5%	3%	3%	3%	3%	2%	2%
ENG 1.5 (RCI)	Percentage of B and C class roads that should be considered for structural maintenance	5%	4%	5%	3%	3%	3%	2%
Not an indicator	Percentage of unclassified (residential) roads that should be considered for structural maintenance	N/A	9%	9%	9%	13%	14%	6%

These figures illustrate the percentage of maintenance backlog required to improve the road network and it is evident the figures demonstrate a continued steady reducing trend. This demonstrates that the implementation and adoption of asset management principles by the Technical Services Partnership and North Tyneside Council has had a positive impact on the condition of the A, B, C and unclassified road network.

The other performance indicators within the Engineering service relevant to this report are detailed in the next table:

CATEGORY 2 KPI's			
KPI/PI Reference	Performance Indicator	Target	Average performance over the last 12 months. From October 2017 to September 2018
ENG 2.1	Roads and Pavements – Percentage of routine street care safety inspections carried out on time	95%	99.76%
ENG 2.2	Roads and pavements - Percentage of CAT 1 highway defects that were compliant within 24 hours	98%	100%
ENG 2.3	Roads and Pavements - Percentage of CAT 2 highway defects that were made compliant within 10 working days	98%	98.87%
ENG 2.5	Roads and pavements - Quality of maintenance repairs	90%	96.79%

CATEGORY 1 KPI's			
KPI/PI Reference	Performance Indicator	Target	Average performance over the last 12 months. From October 2017 to September 2018
ENG 1.2	Roads and Pavements – Permit scheme compliance of Capita workforce	90%	87.90%

The figures in the above tables demonstrate the Technical Services Partnership is achieving and exceeding, in many instances, its agreed prescribed performance targets with regard to undertaking the Authority's statutory maintenance duties and undertaking repairs in a safe and timely manner, reducing the risk of any harm occurring to users of the highway network.

In terms of KPI ENG 1.2 this figure is being constantly monitored and since the introduction of the permit scheme in North Tyneside, this figure is improving month on month with the Capita workforce with an emphasis being encompassed within the teams of the importance of adhering to this scheme and planning works accordingly.

7) VALUE OF THE HIGHWAY ASSET

Under the Whole of Government Accounting (WGA) procedure, all councils are required to submit an annual detailed valuation of their highways and infrastructure assets. Each year, independent condition surveys of roads, footways and structures are necessary to assess their condition. Depreciated Replacement Cost is used for measurements purposes and are disclosed as a separate class of asset on the Council's Balance Sheet.

The most recent values are as follows:

Asset Type	2016/17 Valuation	2017/18 Valuation
Roads	£1,023 million	£1,065 million
Footways and Cycleways	£135 million	£144 million
Bridges	£189 million	£195 million

The total value of highway assets as of **July 2016** equated to **£1,347,000,000.**

As of **August 2018**, the total value of highway assets equates to **£1,404,000,000.**

8) CONDITION OF CARRIAGEWAYS (ROAD SURFACES)

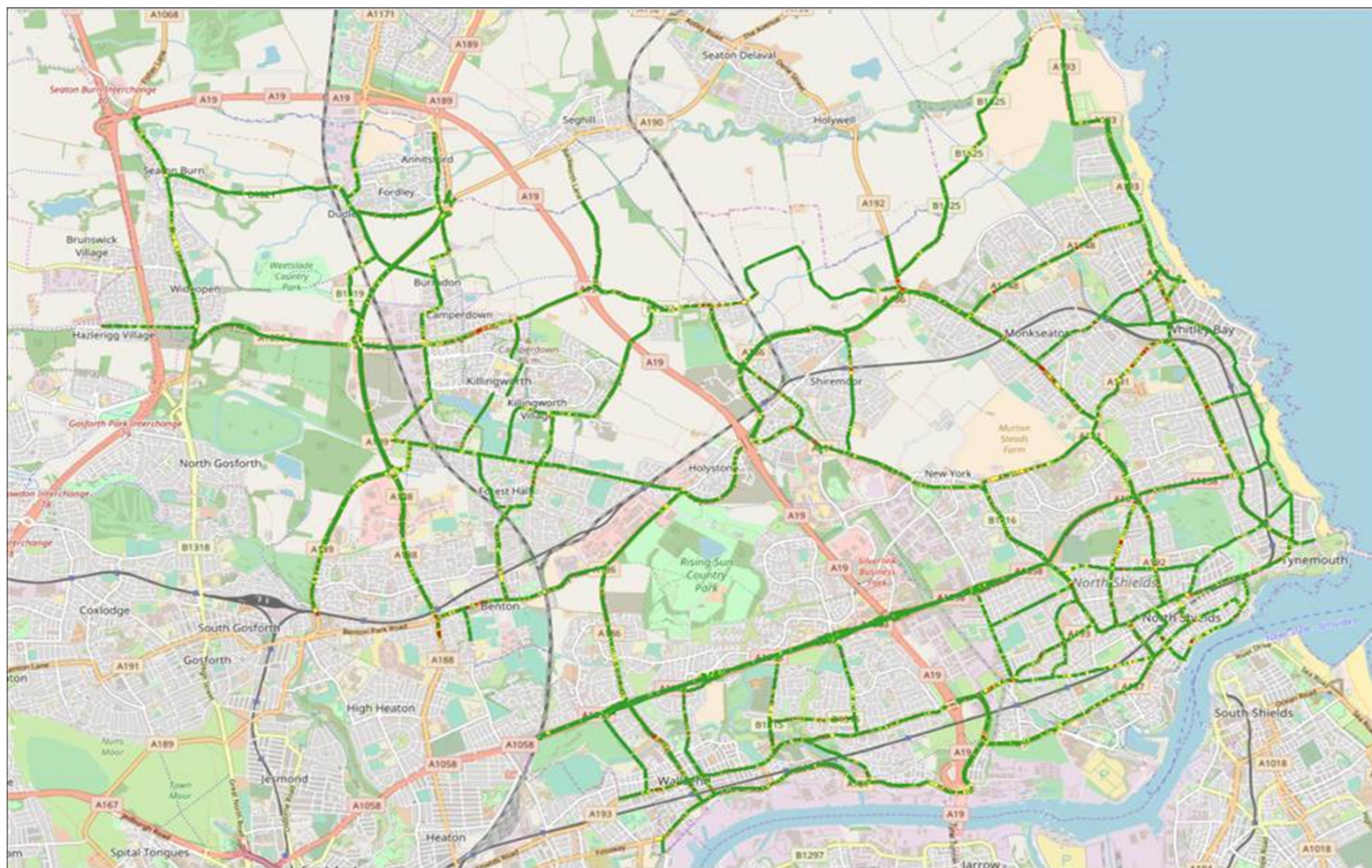
The Council uses a specialist computer system, ExpertAssets, to model the condition of roads under different funding scenarios.

The service standards developed for North Tyneside's roads are 'good', 'early life', 'mid-life' and 'late life'.

- Roads classed as 'good' (colour coded green) are defined as a road which is as new, no defects or cracking identified. These roads do not require structural maintenance and are not defective
- Roads classed as 'early life' (colour coded yellow) are defined as a road which has minor chip loss, fretting, cracking and minor fatting. The road has minor defects
- Roads classed as 'mid-life' (colour coded amber) are defined as a road which has moderate defects such as local settlement, major chip loss and cracking. The road has moderate defects but can be "saved" by preventative maintenance
- Roads classed as 'late-life' (colour coded red) are defined as roads which have severe local settlement, major wheel track cracking, whole carriageway major cracking and whole carriageway major fretting. These roads require full resurfacing and cannot be saved by preventative maintenance treatments

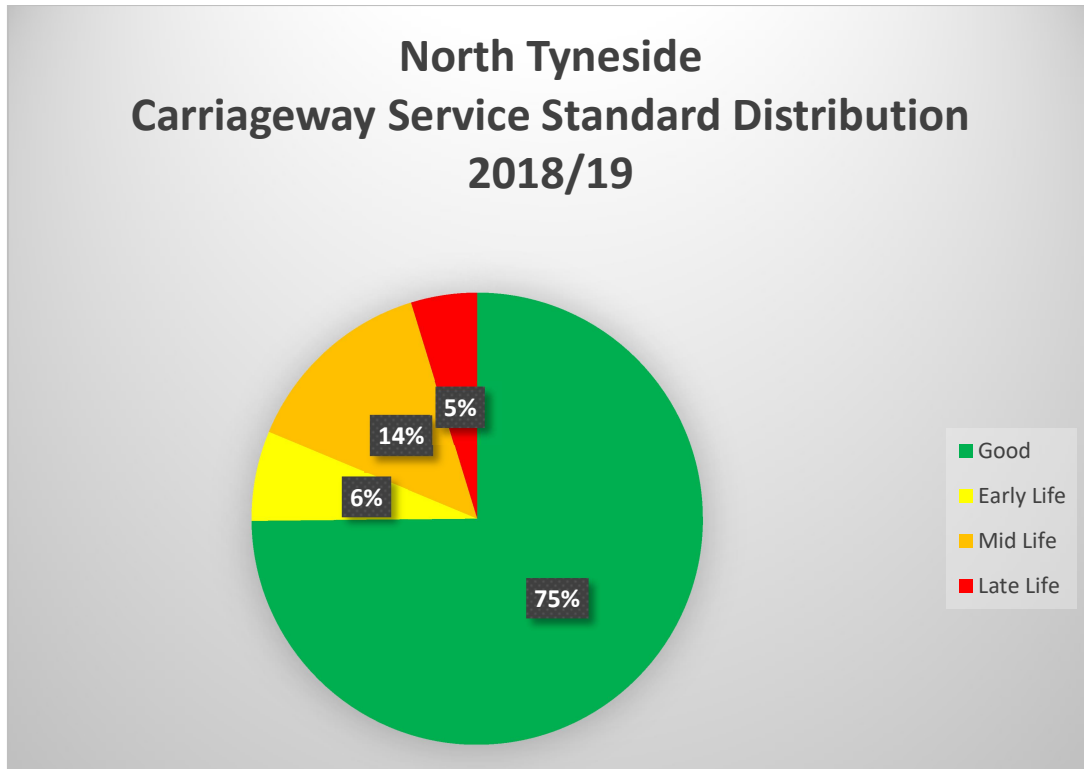
This section of the report demonstrates the positive effect that the continued additional investment in highways has made in recent years.

The following plan illustrates the current condition of the A, B and C classified network. As a result of the continued investment and the application of asset management principles the percentage of red routes has reduced year on year since the additional investment was introduced.



Plan showing condition of highway network – September 2018

The pie chart below demonstrates that under current funding arrangements, the quality of the highway asset is good. This is evidenced by the majority of the roads being in good condition and only a minimal percentage of roads being in late life.



Current Service Standard - Carriageway

The key to continuing the year on year good condition of our highways is to target our early and mid-life roads with preventative treatments to prolong their life. By carrying out preventative cost-effective surface treatments we will halt further deterioration of mid-life roads.

To ensure we target our early and mid-life roads we gather annual condition survey data, input into ExpertAssets which will identify the roads in early and mid-life state. It is this information which we use to inform our forward works programme for improvement works on the highway

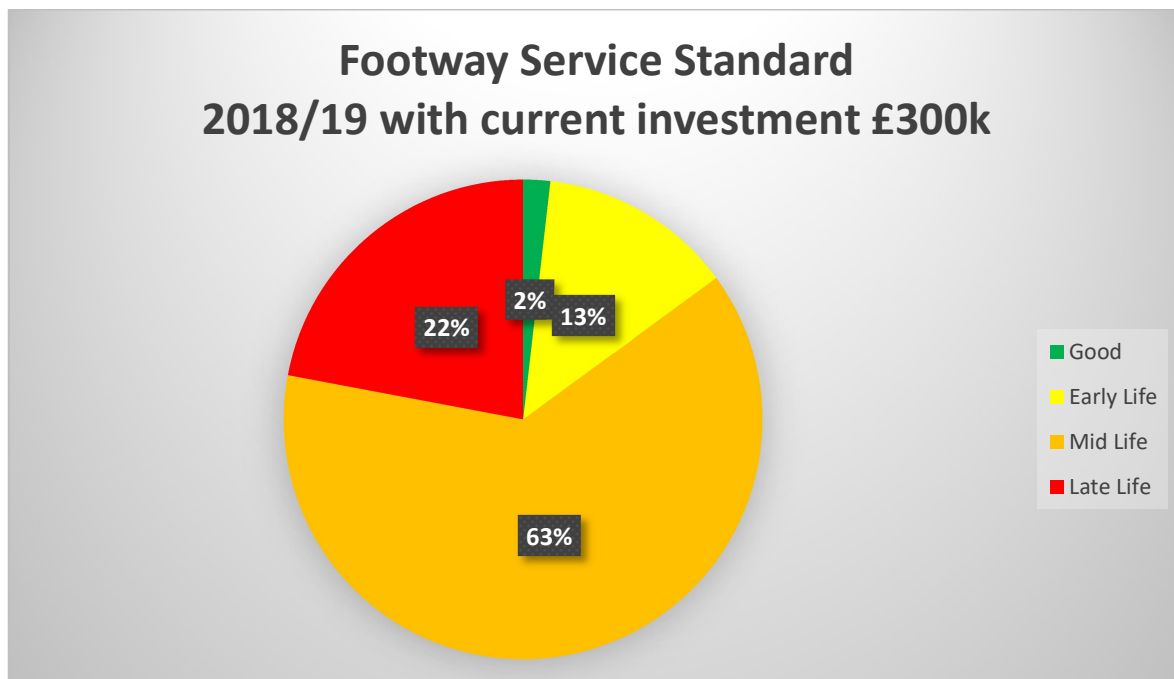
9) CONDITION OF FOOTWAYS

A Footway Network Survey (FNS) has been completed on 100% of the footway network and the condition presented in the pie chart below. As with carriageways the data is held in ExpertAssets and will be used to complete the Whole of Government Accounts (WGA) return and identify future footway schemes in line with the advocated asset management principles. Improvements to the footways is a Mayoral priority and is being considered accordingly as part of future work programmes.

The service standards developed for North Tyneside's footways are 'good', 'early life', 'mid-life' and 'late life'.

- Footways classed as 'good' (green) are defined as new, no defects or cracking identified.
- Footways classed as 'early life' (yellow) are defined as having minor defects with only localised repairs required
- Footways classed as 'mid-life' (amber) are defined as having more serious defects and large areas of repair required
- Footways classed as 'late-life' (red) are defined as having severe defects and are beyond localised repairs

The pie chart below shows the current condition of footways across the Borough.



Footways do not deteriorate at the same rate as roads. This is due to the significantly less weight-bearing traffic movement undertaken on a daily basis. The above pie chart shows that overall 78% of the footways in North Tyneside are in an acceptable condition.

10) HIGHWAY MAINTENANCE BACKLOG

The Expert Assets system can also be used to calculate the current backlog of highway repairs i.e. the one-off cost of rectifying all highway defects and bringing the network back to an “all green” condition.

The current carriageway maintenance backlog is calculated to be circa. **£20 million** which is a similar figure to last year. The methodology used to calculate the backlog is currently being refined due to improvements to the ExpertAssets system. This is expected to increase the backlog figure due to more assets being accounted for and more accuracy in the calculation. If the Authority was solely reliant on LTP funding, then the backlog would be substantially higher and would rapidly increase from year to year.

11) CUSTOMER ENGAGEMENT

In recent years, corporate resident satisfaction surveys have shown that a well-maintained highway network is very important to our residents and customer satisfaction in this area has proved to be a challenge. The Highway Asset Management Plan (HAMP) recognises that improvement to the network will always be constrained by available resources and so there is a need to prioritise.

In 2016, a new customer feedback form was introduced by the highways team, which is delivered to areas where road resurfacing works have been carried out. It aims to gain views on how the works were communicated and delivered as well as the quality of the finished scheme. The responses received over the last 12 months have been analysed. The findings illustrated that the overall the majority of our residents are very satisfied with the delivery of our works programmes on the highway network. A lessons learnt workshop was held in September 2017 which identified some further improvements to the service which will be taken forward next year.

North Tyneside Council recognises the need to regularly monitor customer satisfaction and take this into account when developing our maintenance policy and standards. To ensure we capture our customers vital feedback we took part in the National Highways and Transport (NHT) survey for 2017. Currently there are over 100 highway authorities in England who participate in the annual survey. The NHT Network is a leading performance improvement organisation for members that share a common interest in measuring and comparing their performance in order to improve. The Network shares experiences and good practice through member meetings, conferences, facilitated workshops, case studies and practice notes, all accessible via the web site. We will participate in the survey every 3 years.

To attain Band 3 DfT self-assessment funding, it is vital that the Council undertakes an annual survey and analyses trends, by using the findings of a survey to measure, benchmark and diagnose performance with the intention to identify potential for improvement in all our highway services.

In 2018/19 the Council intends to repeat a postcard survey which was previously carried out in 2012 in order to improve public engagement and to better understand the needs and priorities of our customers in relation to highway maintenance. The results will provide some further insight into what customers are concerned about, what they think has improved in recent years and what they would like to see prioritised in the future. For example, the last survey showed that customers would like to see estate footpaths improved rather than town centre footpaths.

The survey which will take place in 2018/19 is intended to gather information from residents and business in North Tyneside and compare it with the feedback we received in 2012. This will enable us to determine if our service provision is improving and where it may be viewed as not being good then this can be scrutinised by the Highways Team and action plans produced to address these issues where possible. The postcard survey will still ensure we meet the requirements for the self-assessment funding to achieve Band 3.

12) FUTURE PLANS AND ISSUES

This section of the report advises of future activities within the Highway Maintenance Service and emerging issues which the Authority needs to be made aware of.

12.1) Response to Customer Feedback – Footway Improvement Works

Over the last 12 months customer engagement activities showed that footway improvement work continues to be a high priority for our Mayor and residents and businesses of North Tyneside. The Council has listened to this feedback and the Mayor and Cabinet have responded by investing more funding into improving footways. We understand that there is more to do to meet our resident's expectations and this investment from the Mayor and Cabinet will continue.

12.2) The Introduction of the Self-Assessment Questionnaire by the Department for Transport

To encourage local authorities to adopt good asset management practices, DfT introduced changes to the highway maintenance formula funding mechanism. Therefore, each highway authority is required to complete a self-assessment questionnaire against a set of criteria aimed at assessing performance in relation to asset management, resilience, customer engagement, benchmarking and efficiency and operational delivery.

The self-assessment bandings are based on the maturity of the authority in key areas, which are described in each question. The principle on which the levels of maturity for each question were determined is described as follows: Band 1 – has a basic

understanding of key areas and is in the process of taking it forward; Band 2 – can demonstrate that outputs have been produced that support the implementation of key areas that will lead towards improvements; Band 3 – can demonstrate that outcomes have been achieved in key areas as part of a continuous improvement process. A local authority's Band will be based on their score in the self-assessment questionnaire.

Our most recent self-assessment was submitted in early 2018 and the Council was assessed to be a Band 3 authority. This has resulted in the Council receiving its full allocation of Capital funding for the Highway Maintenance block. The Council and the Technical Partnership will not rest upon its success but will continue to maintain and improve our self-assessment answers for the next submission. It is understood that the next self-assessment questionnaire will have differing questions which the Council will have to meet. Currently we are awaiting guidance from DfT on what these questions will be, but the Council is in a sound position to successfully answer any question in terms of highways.

Details of the 'incentive bands' and funding % for future years are shown below: -

Year	Band 1	Band 2	Band 3
2015/16	100%	100%	100%
2016/17	90%	100%	100%
2017/18	60%	90%	100%
2018/19	30%	70%	100%
2019/20	10%	60%	100%
2020/21	0%	30%	100%

The funding allocation for North Tyneside Council is presented in the table below. This information was extracted from the DfT's website.

	Total needs/formula allocation (£) announced in December 2014	Indicative incentive element by "band" of self-assessment ranking (£)		
		Band 3 (highest band = 100% of maximum incentive) ¹	Band 2 (medium band = 100% of maximum incentive) ¹	Band 1 (lowest band = 90% of maximum incentive) ¹
2016-17	2,070,000	125,000	125,000	113,000
2017-18	2,007,000	188,000	169,000	113,000
2018-19	1,817,000	378,000	265,000	114,000
2019-20	1,817,000	378,000	189,000	38,000
2020-21	1,817,000	378,000	114,000	0

To give an indication as to the consequence of not meeting Band 3 the funding implications are highlighted blue in the table below.

	Total needs/formula + band 3 monies	Total needs/formula + band 2 monies	Loss of funding if band 3 is not achieved for NT
2016-17	2,195,000	2,195,000	0
2017-18	2,195,000	2,176,000	19,000
2018-19	2,195,000	2,081,000	114,000
2019-20	2,195,000	2,006,000	189,000
2020-21	2,195,000	1,930,000	265,000

12.3) The Changes to Codes of Practice (CoP) Guidance and Implementation

The revised CoP, Well-managed Highway Infrastructure was released in October 2016 and currently all authorities responsible for the maintenance of highway infrastructure assets are reviewing their working practices. For all highway authorities there was a 2-year transition period for implementation of the new CoP by October 2018. One of the fundamental changes in the CoP has been the move to adopting a risk-based approach to managing highway infrastructure.

Following a gap analysis which was undertaken by the Council 12 months ago to ascertain what was required to implement the revised CoP in October 2018, the

Technical Partnership has completed all the work needed to meet the requirements of the risk-based approach. The work undertaken to date is: -

- Amendments to the Council's HAMP
- Update of the Highways Safety Inspection Policy to cover all highway assets
- Update of the Highway Safety Inspection Guidance document for highway maintenance staff
- Early development of a new gully cleaning policy

The update to the Highway Inspection Policy has been completed and is awaiting approval from Cabinet in October 2018 and will be used by the Technical Partnership thereafter.

13) OTHER INFORMATION

This section of the report outlines items of general interest in relation to highway maintenance services.

13.1) Action Plan Update in 2018/19

As part of the Technical Partnership, Capita are committed to a number of service improvement plans and each has an action plan. Progress is summarised in the following table.

Priority	A Code of Practice (CoP) Well-managed Highway Infrastructure				
ONT Priority:	Our Places	ONT Outcome:	<ul style="list-style-type: none"> • Be great places to live, and attract others to visit or work here • Offer a good choice of quality housing appropriate to need, including affordable homes • Provide a clean, green, healthy, attractive and safe environment • Have an effective transport and physical infrastructure - including our roads, cycleways, pavements, street lighting, drainage and public transport 		
Start Date	April 2018	Completion Date	September 2018	Lead Service Area/Officer:	Karen Cassar (KC) / Anthony Hewitt (AH) / Nick Bryan (NB)
What is the priority designed to accomplish?					
<p>The purpose of this action plan is to align North Tyneside Council with the updated Codes of Practice for the management of highway assets. The work will include, working with the other Tyne and Wea authorities with a view to agreeing a common policy with regard to Asset Management. This includes highways inspections being undertaken on a risk based approach.</p> <p>The Department for Transport's prescribed implementation date for all the CoP recommendations is 30 September 2018. This action plan should be read in conjunction with: http://www.ukroadsliaisongroup.org/en/utilities/document-summary.cfm?docid=4F93BA10-D3B0-4222-827A8C48401B26AC. The Code is produced as a single document to emphasise the integrated approach to highway network infrastructure assets. Overarching matters are dealt with in Part A and additional asset specific matters in Parts B, C and D of the document.</p> <p>It is the intention that North Tyneside Council (NTC) and Capita will work collaboratively, with policy direction provided by the Council with Capita officers being responsible for the implementation of the revised and agreed CoP. A working group set up to deliver the HAMP will continue and members of Capita and NTC will work collaboratively, taking ownership for aspects of the Code to facilitate a policy which represents the needs of NTC and the residents, in accordance with the prescribed guidance in the Well-managed Highway Infrastructure CoP.</p> <p>Additional Information: Key deliverable/outcome of this Action Plan: <i>Update the A Code of Practice (CoP) Well-managed Highway Infrastructure in accordance with the DfT guidelines.</i> Key dates of this Action Plan: <i>September 2018 (Implementation date set by DfT)</i> Is this Action Plan for the delivery of a statutory requirement? <i>Yes</i></p>					



Is this Action Plan for the delivery of improvements across the service area? Yes		
Key Performance Indicators linked to this priority		
Quarterly Profile of Planned Actions		On track? Yes/No
		Progress
Quarter 1 (2018) (April, May & June)	<p>April 2018: Following the outcome of a workshop with client and Capita leads in March 2018. Any relevant amendments will be made to CoP document. Complete</p> <p>May 2018: Final draft CoP document to be submitted to client for review and approval. Complete</p> <p>By end of June 2018: Capita to arrange and undertake briefing with lead cabinet member and Council head of service to agree draft CoP document. Following approval, document to be added to Cabinet forward plan. Complete</p>	<p>Yes</p> <p>Workshop was held between Andrew Mollon and Mark Newlands to discuss CoP. Key items from this workshop were added to the CoP,</p> <p>Briefing note was produced and sent to the Client on the 6th June 2018. The briefing note was used as reference for the Cabinet Report which is due October 2018 regarding new CoP and new Highway Safety Inspection Regime. Final drafts of HAMP have been sent to client. The HAMP is split into the following: -</p> <p>Part 1 & 2 – Policy & Investment and Delivery Strategy (Already complete and approved)</p> <p>Part 3 – Annual Information Report (Due in October 2018)</p> <p>Part 4 – Highway Asset Management Framework (Completed and approved 5th May 2018)</p> <p>Part 4a – Highway Maintenance Plan (Drafted and verbally approved by Client 14th June 2018) amended draft sent to client on 2nd July 2018</p> <p>Client requested that a new Highway Safety Inspection Policy be produced along with a Highway Safety Inspection Guidance document for highway inspectors. These have been completed in draft and were sent to client on 2nd July 2018 for review and approval.</p> <p>Cabinet Report is currently being written for October deadline.</p>



Quarter 2 (2018) (July, August & September)	<p>August: Cabinet report to be drafted by Capita team with support from the Client and taken through the approvals process. This will include Capita arranging and attending briefings at SLT and LMB. Complete</p> <p>October 2018: CoP approved at Cabinet</p>	Yes	Andrew Mollon and Mark Newlands held a meeting to discuss target dates and agreed that the cabinet report will be submitted to forward plan in September 2018.
Quarter 3 (2018) (October, November & December)	October 2018: Implementation of revised CoP. ENG 2.1 KPI to be reviewed to determine whether anything needs to be changed following implementation of new code. Any changes to be agreed and implemented by end of the quarter.		
Quarter 4 (2019) (January, Feb & March)	All work complete. No further milestones.		



Priority	Development of a new risk-based approach to gully cleansing using data obtained from the KaarbonTech Gully Smart system				
ONT Priority:	<i>Our Places</i>			ONT Outcome:	<ul style="list-style-type: none"> • Be great places to live, and attract others to visit or work here • Offer a good choice of quality housing appropriate to need, including affordable homes • Provide a clean, green, healthy, attractive and safe environment • Have an effective transport and physical infrastructure - including our roads, cycleways, pavements, street lighting, drainage and public transport
Start Date	<i>April 2018</i>	Completion Date	<i>March 2019</i>	Lead Service Area/Officer:	<i>Anthony Hewitt</i>
What is the priority designed to accomplish?					
<p>18 months ago, the Gully Smart system was introduced to allow the gully network and silt levels to be recorded. We are now at a point where the results of this exercise can be used to formalise a new, more efficient gully cleansing strategy. This will allow the available resources to be used more efficiently and allow a more targeted approach to be used at known problem locations.</p> <p>Additional Information: Key deliverable/outcome* of this Action Plan: Formal governance to be in place for LTP schemes which will be applied consistently. Key dates** of this Action Plan: March 2019 Is this Action Plan for the delivery of a statutory requirement? No Is this Action Plan for the delivery of improvements across the service area? Yes</p> <p>*(any change to Action Plans will consider the impact of any change on this key deliverable in the first instance) **(any change to Action Plans will consider the impact of any change on this key date in the first instance) ***(any change to Action Plans will consider the statutory/service improvement aspect in the first instance)</p>					
Key Performance Indicators linked to this priority					
None.					
Quarterly Profile of Planned Actions				On track? Yes/No	Progress



Quarter 1 (2018) (April, May & June)	<ul style="list-style-type: none"> First cycle of cleansing of all gullies within the borough to be completed by June 2018. Agree with Client the format for dashboard report which will be used to review progress. Client site visit to be arranged with operational gully team to look at office-based systems and gully vehicles. Report to be produced from the Gully Smart system by 29/06/18 to show date of visit and silt levels for all gullies. Complete 	Yes	<p>Initial cycle is complete.</p> <p>Client visit held on 15th June 2018 to see the Gully Smart system in use.</p> <p>Capita submitted the report which has been exported from Gully Smart on 29/06/2018. This report shows date of last visit and silt levels for all gullies in North Tyneside.</p> <p>Capita are currently working on the dashboard report format with Gully Smart representative.</p>
Quarter 2 (2018) (July, August & September)	<ul style="list-style-type: none"> Gully Smart provider to be commissioned to review the data that has been collected in order to produce recommendations by August 2018. Revised cleansing strategy, to be presented at September 2018 Subgroup, consisting of: <ul style="list-style-type: none"> Overarching document to be inserted into the HAMF / HMP. Revised gully cleansing programme based on new risk-based approach Plan of the borough outlining gullies and cleansing frequencies. Complete 	Yes	<p>Capita booked 20th August 2018 for Gully Smart to come in agreed the next steps in relation to reporting and draft Gully cleansing strategy.</p>
Quarter 3 (2018) (October, November & December)	<ul style="list-style-type: none"> Implement revised cleansing strategy in October 2018. Continue to collect data during second cycle which will allow strategy to be further refined. The dashboard report is refined to become an operational performance dashboard. To be agreed at November 2018 Sub Group. 		
Quarter 4 (2019) (January, Feb & March)	<ul style="list-style-type: none"> Continue to collect data during second cycle which will allow strategy to be further refined. Operational dashboard report. Agree and sign off risk-based gully cleansing strategy at March 2019 Sub Group. 		

14) CONCLUSIONS

The following conclusions can be drawn from this report:

- The highway network is the most valuable asset in the Authority's ownership
- Due to our continued investment in Highway Assets, the current total value of highway assets has increased from £1.35 billion to **£1.4 billion**
- The maintenance of the highway network is becoming increasingly challenging following continued reductions in the Government funding model
- The successful implementation of the HAMP policy and investment strategy is demonstrating that the adoption of asset management principles by North Tyneside is gradually improving the condition of the road network. Sustained investment is however required for this to continue
- The continued additional capital investment in highway maintenance is improving the overall condition of the carriageway network in line with HAMP principles. This fact is illustrated by the current "Road Condition Indicator" (RCI) calculation results recorded on page 13. However, this additional financial investment cannot continue indefinitely and currently the Government's funding model for local highways authorities is not sustainable. Although additional 'one off' funding to tackle pot holes is welcome it does not on its own make the difference that is required and continually leaves local authorities having to tackle the funding shortfall.
- The Council is performing well in relation to the maintenance of classified main roads and is showing a significant improvement in unclassified residential roads which is evidence that the Authority's preventative maintenance principles and other HAMP principles are working effectively. The relatively healthy financial investment in main roads is producing the expected benefits. However, the additional financial investment from the Authority cannot continue indefinitely and the current funding model is not sustainable in the absence of increased Government funding.
- Our highway maintenance backlog is currently around **£20 million**. This is similar to last year. This figure is likely to be revised upwards when a new and refined method of assessment is introduced during the next 12 months
- A theoretical £10m additional investment in footways would result in limited improvement in the overall condition of the footways across the borough but would slow down the rate of deterioration.
- The Technical Services partnership has completed the first cycle of gully cleaning data collection as part of the move towards a risk-based gully

cleansing strategy which will be implemented on completion of the second cycle of cleansing

- The Technical Services Partnership continues to achieve and exceed its KPI targets and through its Annual Service Plan is identifying innovative ways of working, service improvements and efficiencies which is evident in the report
- Continued customer engagement is providing better intelligence on what the public want us to focus our highway maintenance efforts on. These include continuing our improvements of residential and strategic roads and footways and improving the gully cleaning service
- Bridge maintenance is currently under control and can be managed within existing LTP budgets. However there are some emerging future schemes which may place a future pressure on budgets
- With the publication of the revised Codes of Practice, Well-managed Highway Infrastructure, the Technical Partnership has completed the work of implementing the CoP with Cabinet approval for our updated highway inspection policy being the only thing remaining. The Code is designed to promote the adoption of an integrated asset management approach to highway infrastructure based on the establishment of local levels of service through risk-based assessment and the Technical Partnership has achieved this
- We have delivered all programmed highway asset improvement schemes to date

North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM 5(g)

Title: North Tyneside
Network Management
Plan

Portfolio:	Environment and Transport	Cabinet Member:	Councillor Carl Johnson
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Report from Service
Area:

Environment, Housing and Leisure

Responsible Officer:

Phil Scott, Head of Environment, Housing
and Leisure

Tel: (0191) 643 7295

Wards affected:

All

PART 1

1.1 Executive Summary:

The North Tyneside Transport Strategy, adopted by Cabinet on 8 May 2017, sets out the Authority's vision for transport in the Borough. It seeks to ensure that "North Tyneside will have a safe, easy to use, healthy, affordable, accessible and integrated travel and transport infrastructure that works for residents, businesses and visitors effectively and efficiently." The delivery plan included within the Transport Strategy included a commitment to update the Network Management Plan ('the Plan') in 2018.

The purpose of this report is to see Cabinet approval to adopt delegate authority to approve ancillary guidance documents.

The Plan takes into account the priorities of the Elected Mayor included within the Our North Tyneside Plan, and the growth ambitions included within the North Tyneside Local Plan including housing and employment requirements. It has been developed through extensive discussion, working with both Cabinet and Ward Members.

The Plan sets out how the Authority intends to "manage the peaks" in highway operations using a corridor-based approach to manage demand on the network through better use of technology, promoting behavioural change and investing in infrastructure improvements when it is appropriate to do so. It captures locations where concerns around congestion, infrastructure provision, air quality, and network resilience have been raised.

1.2 Recommendations:

It is recommended that Cabinet:

- i. adopt the North Tyneside Network Management Plan, attached as Appendix 1; and
- ii. delegate authority to the Head of Environment, Housing and Leisure, in consultation with the Cabinet Member for Environment and Transport, to approve ancillary guidance documents.

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 14 September 2018.

1.4 Council Plan and Policy Framework

The proposals in this report relate to a number of priorities in Our North Tyneside Plan 2018-2020; in particular:

- Our places will:
 - Provide a clean, green, healthy, attractive, safe and sustainable environment. This will involve creating a cycle friendly borough, investing in energy efficiency schemes and by encouraging more recycling.
 - Have an effective transport and physical infrastructure - including our roads, pavements, street lighting, drainage and public transport.

1.5 Information:

1.5.1 Background

The North Tyneside Transport Strategy identifies that we need to improve connectivity, manage transport demand, and enable smart choices for all. These are important objectives that when delivered will ensure we continue to support housing growth, economic prosperity, and improve the environment and health for residents of the Borough. Effective management of the Highway Network brings together elements of Highway Maintenance, Parking, Road Safety, Air Quality, Public Transport, Cycling, Traffic Management and Control, and Streetworks. Policies for these elements of network operation have already been refreshed and adopted over the previous 18 months to align with the Authority's Transport Strategy.

The previous Network Management Plan identified 20 locations on the Highway Network where congestion and road safety matters were considered severe and required an improvement scheme. Over the last 5 years North Tyneside has delivered, supported and secured investment to address the majority of these locations. This investment in the highway network has delivered increased capacity where practicable and, with efficient management of demand, will support the Authority's Local Plan aspirations.

1.5.2 Our approach to “managing the peaks”

A key aim for both our Transport Strategy and the North Tyneside Local Plan is to develop a road network that meets the current and future needs of those travelling to, from, and through the Borough. Through offering improved connectivity, reliability and demand management across all modes of transport, the Authority aims to operate and develop a network that can “manage the peaks” and deliver a consistent and reliable experience to all road users.

Following a successful period of local and national investment into the highway network it is important that the Authority now manages demand to allow the efficient operation of the network at all times. The Authority’s approach in securing Major Scheme funding has been based on demonstrating a robust evidence base of current network conditions and forecasting where economic growth and future housing development are likely to strain network operations.

The strategic highway improvement schemes that have been delivered over the past 5 years form part of a wider strategic plan to manage travel behaviour along key corridors through the Borough. This corridor based approach provides the opportunity to address congestion hotspots and manage demand along a corridor rather than just relocating the issues downstream.

To support this revised approach the Authority will invest in data collection technology and monitoring systems that will provide the robust evidence base from which investment priorities can be decided. The Authority has already been successful in securing funding for additional monitoring technology such as Automatic Number Plate Recognition (ANPR) cameras which will be spread around the local highway network to record journey times and highlight the routes vehicles use when travelling through North Tyneside. This number plate data is anonymised and the date and time stamp of vehicles passing is used to calculate the average vehicle speed (journey time) along key routes between cameras. When complemented with traffic volume data (collected by the Tyne and Wear Traffic and Accident Data Unit, TADU) and journey purpose information this data can provide detailed insight into driver behaviour and support decisions as to when and where to invest in the network.

There are now limited opportunities for substantial network capacity improvement schemes to address congestion or road safety as reflected in the reducing number of collision cluster sites being identified in the Travel Safety Strategy. Housing growth is driving where capacity improvements will become necessary and the Authority will continue to pursue funding opportunities from central government as well as requiring developers to mitigate this forecast network pressure.

Nationally, increased congestion on the highway network contributes to poor air quality. Air quality is important and we are jointly working with Newcastle and Gateshead to make a difference through changing travel behaviour and supporting moves towards low emission technology. North Tyneside has excellent opportunities to address congestion more intelligently through improved demand management with more focus on providing alternatives to car based trips. In North Tyneside there are excellent opportunities to travel without reliance on a car. The Borough is well served by Public Transport through metro, bus, and taxi and many residential areas are within reasonable cycling distance of their places of employment.

The corridor based approach will also deliver a comprehensive network of links between key origins and destinations for all modes of transport and support greater levels of

investment, deliver wider local benefits, and increase the opportunity for securing developer contributions through the planning system. This helps reduce the burden on Authority funding to wholly deliver major highway improvements and allows more schemes to come forward.

The Authority will develop schemes that support the following key principles:-

- Supports the management of congestion and improves **journey time reliability** for all road users
- Improves Network Management using intelligent **technology** such as bus priority, dynamic signal control, improved network recovery/resilience, intelligent monitoring and data sharing
- Delivers **demand management** initiatives that educate and advocate smarter choices to support modal shift away from single occupancy car trips
- Increases highway **capacity** to remove severe delays that are barriers to economic growth and Local Plan development.

1.5.3 Network Management Corridors

The Network Management Plan aims to manage peak period operations through implementing new technologies, managing demand, and investment in network capacity improvements where appropriate. The Plan focuses on 11 key routes identified that cater for the majority of journeys undertaken across the Borough. These corridors are broken down into commuting corridors that support the local economy and provide access to/from the Borough, and local distributor routes which link to the many residential areas across the Borough. These corridors are listed in the table below and highlighted in the Highway Network Plan in Appendix B:-

Strategic Commuter Routes	Local Distributor Routes
• A19 (SRN)	• A186
• A1058	• A188
• A189	• A192
• A1056	• A187
• A191	• B1505
• A193	

SRN – The road forms part of the Strategic Road Network managed by Highways England, rather than the local road network managed by the Authority.

Each corridor will be assessed against the following criteria to allow investments to be prioritised:-

- Operational capacity / grade of provision / public transport service level
- Level of demand (current and forecast)
- Economic growth/local plan sites supported (jobs & houses)
- User behaviour (short/long trips, commuting/leisure/education)

The Authority will develop a service standard that each corridor should operate at based on measurable attributes such as journey time reliability, level of delay, duration and scale of congestion relative to off-peak average journey times, public transport service level, cycling provision and number of cyclists.

1.5.4 Monitoring and reporting performance

The Highway Network operates within its design capacity for approximately 97% of the year with congestion and delays only manifesting at peak times during school term time. National trends in car ownership and commuting behaviour project a reducing pressure from commuters upon peak hour network operation.

The Authority will continue to monitor local trends through residents/employer surveys, Census data, and traffic data collected along each corridor. This will improve understanding of how travel behaviour is changing and ensure that our road network is capable of supporting future demands.

The performance of each corridor will be reported as part of the annual Transport Strategy Information Report to Cabinet.

1.5.5 Indicators of success

As developments identified in the Authority's Local Plan come forward the Authority aims to manage the impact upon each of the corridors to ensure average peak hour journey times are not significantly impacted.

The Authority will know if it has been successful in managing the Highway if it can demonstrate that:-

- i. Peak hour road works are reduced along each corridor
- ii. Peak hour journey times remain consistent along each corridor
- iii. Bus service provision and patronage levels along each corridor increase
- iv. Corridor provision for all road users progresses towards borough wide standard

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 1 is the recommended option.

1.7 **Reasons for recommended option:**

Approval of the Plan will clearly set out the Authority's commitment to improving the operation of the Highway Network across the borough, in accordance with the adopted North Tyneside Transport Strategy, and allow the Authority to deliver consistent and reliable journey experiences

1.8 **Appendices:**

Appendix 1 – Draft North Tyneside Network Management Plan

1.9 Contact officers:

Colin MacDonald, Senior Manager Technical and Regulatory Services, 0191 643 6620
Nicholas Bryan, Highway Network Manager, 0191 643 4808
Andrew Flynn, Integrated Transport Manager, 0191 643 6083
John Cram, Integrated Transport Officer, 0191 643 6122
Alison Campbell, Senior Business Partner, 0191 643 7038

1.10 Background information:

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

- (1) North Tyneside Transport Strategy (approved by Cabinet on 8 May 2017)
<https://my.northtyneside.gov.uk/category/1237/transport-strategy>
- (2) Tyne and Wear third Local Transport Plan (LTP3)
<http://www.tyneandwearltp.gov.uk/documents/ltp3/>
- (3) North East Combined Authority (NECA) Transport Manifesto
<http://www.northeastca.gov.uk/local-transport-plan>
- (4) North Tyneside Network Management Plan (existing plan adopted in 2012)
http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=537632&p_subjectCategory=41
- (5) North Tyneside Highway Asset Management Plan (HAMP)
<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/September%2017%20HAMP%20Appendix%201.pdf>
- (6) North Tyneside Travel Safety Strategy
<https://my.northtyneside.gov.uk/category/1274/travel-strategy>
- (7) North Tyneside Cycling Strategy
<https://my.northtyneside.gov.uk/category/1226/cycling-strategy>
- (8) North Tyneside Parking Strategy
<https://my.northtyneside.gov.uk/category/699/parking-facilities>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

It is envisaged that all actions within the proposed Network Management Plan can be delivered within existing budgets (the Local Transport Plan capital budget and Technical Services Partnership managed budget) or using specific external grant funding, where applicable. Any expenditure which cannot be contained within existing budgets will be reported to Cabinet, as appropriate for a decision before any expenditure is incurred or committed.

2.2 Legal

There are no legal implications arising directly from this report. The strategy aims to set the vision and policy direction for network management within the context of the North Tyneside Transport Strategy.

The Authority however is responsible for undertaking a number of transport-related functions and statutory duties under relevant legislation, for example: under the Highways Act 1980 the Authority has a statutory duty to maintain the adopted highway network; under the Road Traffic Act 1988 it has a duty to promote road safety; the Traffic Management Act 2004 places a duty on the Authority to secure the expeditious movement of traffic (including walking and cycling); and under the Education Act 1996, e.g. to promote the use of sustainable travel and transport for access to education. These obligations are discharged via specific policies, plans and programmes which are approved by the relevant decision-making forum.

The Authority works with the North East Combined Authority, which is the statutory local transport authority for the area, on a range of transport-related matters including some aspects of road safety.

The collection of vehicle number plate information as part of an ANPR monitoring scheme is permitted by statutory regulation under the Protection of Freedoms Act 2012.

2.3 Consultation/community engagement

Consultation has involved the Cabinet Member for Environment and Transport and the Head of Environment, Housing and Leisure. The Plan has been informed by a wide evidence base including: the views of residents expressed in successive Residents' Surveys, feedback received from enquiries made to the Authority, including social media and enquiries made by Ward Councillors, consultation responses made during the development of the North Tyneside Local Plan, the objectives of the Our North Tyneside Plan, and safety data and technical data relating to the transport network.

2.4 Human rights

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

2.5 Equalities and diversity

There are expected to be positive impacts for equality and diversity in terms of the provision of infrastructure. There are also initiatives within the strategy which may have a positive impact for equality in terms of age and disability. Equality Impact Assessments will be prepared as required as individual projects are developed within the context of the strategy. These EIAs will provide more detail on the impact of each project for people with protected characteristics.

2.6 Risk management

There are no risk management implications arising directly from this report. Strategic and operational risks associated with transport matters are assessed via the established corporate process.

2.7 Crime and disorder

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

2.8 Environment and sustainability

There are no adverse environment and sustainability implications arising directly from this report. The proposals in the report seek to improve the operation of the Highway Network and encourage people travelling by more sustainable modes of transport which, by replacing motorised journeys, would have positive impacts in terms of reduced carbon emissions and improved local air quality.

PART 3 - SIGN OFF

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

Network Management Plan

Introduction

The North Tyneside Transport Strategy sets out how we will improve safety, health and well-being outcomes and environmental sustainability; support economic growth; improve connectivity; enable smart choices for all; and manage demand.

A key aim for both our Transport Strategy and the North Tyneside Local Plan is to develop a road network that meets the current and future needs of those travelling to, from, and through the Borough. Through offering improved connectivity, reliability and demand management across all modes of transport, North Tyneside aims to operate and develop a network that can “manage the peaks” and deliver a consistent and reliable experience to all road users.

The Network Management Plan sets out how we intend to “manage the peaks” in highway operations through a combination of; investing in further network improvements at strategic locations, managing demand through supporting improved journey decision making, delivering behavioural change initiatives, and using technology to efficiently and equitably manage network demands.

The challenge of the Network Management Plan is to balance competing road user demands whilst also improving air quality and reducing carbon emissions. The next 10 years are likely to see significant changes in vehicle operations, both in terms of fuel types and connected technology and future road users making different choices about how they want to travel.

Strategic Approach

North Tyneside has a clear commitment to listen to what our residents and businesses tell us they want. Transport features highly in terms of residents' priorities, particularly in relation to managing transport demand and the condition of our roads and pavements. Public transport is one of the top ten issues that local residents believe is key to making the place a great place to live work and visit. Network Management in the borough is part of a broader strategic context, which is made up of:

- i. Our North Tyneside Plan 2018 to 2020;
- ii. the Local Plan 2017 - 2032;
- iii. the North Tyneside Transport Strategy;
- iv. the North Tyneside Highway Asset Management Plan (HAMP); and
- vi. the North Tyneside Travel Safety Strategy.

In May 2017 North Tyneside adopted its first Transport Strategy which sets out clear overarching principles to be applied to support the management of the Transport Network in the borough.

The Network Management supports each of the five key principles identified in the Transport Strategy but specifically focuses upon:-

iii. **Improve connectivity;** We will seek to

- a. link people to workplaces and destinations in the region and the rest of the North of England
- b. ensure our transport links remain competitive at national level, with the rest of Europe and internationally
- c. improve interchange between forms of transport

iv. **Enable smart choices for all;** We will seek to

- a. enable and encourage informed choice and the wider use of active and sustainable ways to travel
- b. support the use of smart technology, e.g. to simplify public transport ticketing
- c. improve information about travel routes including real time information on journey times, delays etc

v. **Manage transport demand;** We will seek to

- a. encourage and address increased demand to cycle and walk by improving the street network and putting cycling and walking first
- b. improve bus priority and work with partners to support an integrated public transport network, including Metro and local rail, and increase public transport capacity to meet peak-time travel demand
- c. ensure the overall highway network is well maintained
- d. enable parking at the right time, right place and right price
- e. manage future demand through integration between transport and land use planning strategies

The Network Management Plan sits within the Transport Strategy and supports the delivery of several key priorities under the three themes of Our People, Our Places, and Our Economy identified in Our North Tyneside Plan, these are;

Our People will:

- Be healthy and well – with the information, skills and opportunities to maintain and improve their health, well-being and independence, especially if they are carers.

Our Places will:

- Offer a good choice of quality housing appropriate to need, including affordable homes that will be available to buy or rent.
- Provide a clean, green, healthy, attractive, safe and sustainable environment.

- This will involve creating a cycle friendly borough, investing in energy efficiency schemes and by encouraging more recycling.
- Have an effective transport and physical infrastructure - including our roads, pavements, street lighting, drainage and public transport.
- Continue to be regenerated in Wallsend and Whitley Bay, through effective public, private and community partnerships, while ambitious plans will be developed for North Shields, Forest Hall and Killingworth.

Our Economy will:

- Continue to support investment in our business parks, units and Town Centres.

The Network Management Plan has been developed in accordance with these principles and is supported by the plans detailed above.

Background

The Transport Strategy identifies that we need to improve connectivity, manage transport demand, and enable smart choices for all. These are important objectives that when delivered will ensure we continue to support housing growth, economic prosperity, and improve the environment and health for residents of the Borough.

The previous Network Management Plan identified 20 locations on the Highway Network where congestion and road safety matters were considered severe and required an improvement scheme. Over the last 6 years North Tyneside has delivered, supported and secured investment to address the majority of these locations. The most significant improvement scheme is the A19 Silverlink Interchange scheme which will substantially improve the operation of both the Strategic Road Network(SRN) and Local Highway Networks.

North Tyneside has continued to review and expand upon the list of locations where current or projected congestion is likely to require investment in the Highway Network. The list has been assessed against a number of criteria including, level of congestion, traffic volume, public transport impacts, pedestrian/cyclist severance issues, and road safety record. The North Tyneside Travel Safety Strategy, approved by Cabinet in March 2018, reviews road safety across the whole highway network annually and identifies locations with an unacceptable road safety record (cluster sites) to be considered for remedial measures.

Network Management

To effectively manage all aspects of the local highway network North Tyneside applies supporting local and regional policies and sub-policies. Many of these policies and guidance have been prepared to advise and direct organisations, operators, and road users on how to behave when interacting with the highway network to minimise disruption and impacts to other road users.

Roads

The management of highway operations encompasses the rules and regulations applicable to road users, maintenance of the network (including traffic signals equipment), managing access to statutory undertakers (Streetworks), and monitoring systems such as UTMC (Urban Traffic Management Control).

North Tyneside has prepared a number of policies and guidance documents that set out how and why certain infrastructure on the highway is provided. This includes items such as Speed Management (contained within the [North Tyneside Travel Safety Strategy](#)) which clarifies how we set and monitor speed limits in the Borough. The Network Management Plan will be supported by a Signage Design Guide that sets out acceptable sign specification standards, guidance on what types of signs are appropriate and where and how we review signage conditions and accuracy.

The [North Tyneside Parking Strategy](#) sets out how we manage parking provision across the local highway network. Effectively managing parking provision and demand on the highway network is an important aspect operating a safe and efficient network that serves the needs of all road users.

North Tyneside is carrying out a review of areas where pavement or verge parking is prevalent to understand if there is an opportunity to better manage these issues. Parking provision applicable to new developments is more generous than what is available in more historic locations in the Borough. Therefore if there are areas where a shortage in provision is leading to footpath obstructions or damage to verge areas, alternative provisions should be explored. The outcome of this study will be reported as part of our annual Transport Strategy Information Report to Cabinet.

North Tyneside has set out its approach to Highway Maintenance, including monitoring highway conditions, gully cleansing, and Asset Management in the [HAMP \(Highway Asset Management Plan\)](#). The Regional Signals Group is responsible for maintaining, installing and operating all traffic signal equipment in the Borough. Signal timings are implemented in agreement with North Tyneside council and most major junctions are monitored remotely by the regional Urban Traffic Management and Control(UTMC) team. The operational efficiency of signalised junctions is currently reviewed periodically but this will become more frequent as remote monitoring technology is rolled out in 2018 and 2019. North Tyneside is looking to develop an automated reviewing process that allows for traffic signal operations to become more accurately optimised and responsive to daily traffic patterns.

The regional UTMC control room is an invaluable tool that supports the efficient management of the regions road network. As traffic levels continue to increase the effective management and balancing of competing demands is becoming ever more important to provide consistent and reliable journey experiences for all road users. North Tyneside is investing significantly in dynamic new monitoring equipment and network controls that will allow us to operate the network as efficiently as possible. This includes additional Variable Message Signs (VMS) installed at strategic locations around the network to inform road users of incidents upstream, advocate alternate routes, and feedback current journey times along key routes.

North Tyneside is the only Authority in the North East to have so far adopted a [Streetworks permitting system](#) to manage road work activities on the highway network. The system requires utility companies and developer sub-contractors to formally engage with the Authority to seek permission to excavate an area on the local road network. The system encourages utility companies to coordinate works on the highway and penalises them should they overrun. This permitting system has allowed North Tyneside to restrict non-emergency road works on routes already subject to highway works or experiencing increased traffic volumes as a consequence of diverting traffic. The next stage of the Streetworks permitting system being considered is around “lane rentals” where the cost of a permit is linked to how

busy a road is and thus the number of road users impacted. Lane rental systems have been shown to expedite road works along high traffic routes which further reduces the negative impacts upon journey time reliability and reduces unnecessary delays.

Footpaths and Cycleways

North Tyneside has adopted a [Cycling Design Guide](#) which sets out a minimum standard of provision appropriate for all types of roads and streets in the Borough. Our [Cycling Strategy](#) sets out our approach to encouraging more cycling trips through improving infrastructure provision, expanding and developing a Strategic Cycle Network (see the [Cycling Strategy](#)) and increased cycle training.

In line with Government guidance, a Local Cycling and Walking Infrastructure Plan (LCWIP) is in preparation, which projects where the greatest opportunities for increased walking and cycling trips are, and where we should focus our investment. This work has helped complement and endorse the routes identified on our Strategic Cycle Network “Tube Map”.

North Tyneside will be preparing supporting guidance for managing “Objects on the Highway” which will complement the Streetworks permitting system through requiring any obstruction on the Highway to require prior consent to be given by the Authority. This guidance will prove useful in managing areas where there is limited public space and footpath users are forced to navigate obstacles such as signage and outdoor seating.

Public Transport

A revised regional [Bus Strategy](#) is being prepared which identifies opportunities to improve and enhance current facilities and service levels to stimulate greater patronage and reduce the pressure on the highway network. North Tyneside is reviewing provision in each of its Town Centre locations to establish accessibility levels, sources of delay, operational barriers, and opportunities for improved servicing arrangements that can support regeneration, economic growth and local plan developments.

North Tyneside officers engage with Nexus and bus operators through regular Network Management meetings to discuss opportunities for improvements to services and identify future markets that will need to be well served. Strategic sites identified in our Local Plan will be required to offer attractive levels of public transport provision to support their sustainable credentials and North Tyneside are pushing operators to support delivering on this challenge without detrimentally impacting existing provision.

Road Safety

North Tyneside's [Travel Safety Strategy](#) sets out our approach to managing road safety on the network. Ensuring the road network operates safely is a key principle in effective network management as this impacts behaviour of road users and can remove barriers to sustainable travel. North Tyneside has a good road safety record with a reducing number of cluster sites and strong collision reduction figures at major highway junctions following remedial works being carried out. This performance is reported as part of our annual Transport Strategy Information Report to Cabinet.

Taxis and Private Hire Vehicles (PHVs)

As part of the revised Network Management Plan the [Taxi Rank Register](#) that has previously accompanied the North Tyneside Hackney Carriage and Private Hire Licensing Policy will now form a supporting document to the Network Management Plan. Ensuring appropriate levels of provision and locations of ranks/bays across the Borough is vital to supporting this public service. North Tyneside will therefore continue to periodically review this provision in partnership with the North Tyneside Hackney Carriage.

Air Quality

The operation of the Highway Network has a direct impact upon local Air Quality and Carbon emissions. It is therefore important that the Network Management Plan considers and responds to the implications for the environment. An Air Quality Strategy is being prepared for North Tyneside, which will set out the Authority's approach to addressing the challenge of improving local Air Quality. This includes further detailed monitoring of areas with poor Air Quality, increasing awareness and advocating behavioural change to help support sustainable travel choices over car based travel.

Revised Approach

Following a successful period of local and national investment into the highway network it is important that we continue with our improvements to manage demand and allow the efficient operation of the network at all times. Our approach in securing Major Scheme funding has been based on demonstrating a robust evidence base of current network conditions and forecasting where economic growth and future housing development is likely to strain network operations.

The strategic highway improvement schemes that have been delivered over the past 5 years form part of a wider strategic plan to manage travel behaviour along key corridors through the Borough. This corridor based approach provides the opportunity to address congestion hotspots and manage demand along a corridor rather than just relocating the issues downstream. **Appendix A** shows the major

highway schemes programmed for delivery and those already delivered across the Borough.

To support this revised approach we will be investing in data collection technology and monitoring systems that will provide the robust evidence base from which investment priorities can be decided. North Tyneside has already been successful in securing funding for additional data collection technology such as Automatic Number Plate Recognition (ANPR) cameras which will be spread around the local highway network to record journey times and highlight the routes vehicles use when travelling through North Tyneside. This data, when complemented with traffic volume data (collected by the Tyne & Wear Traffic and Accident Data Unit) and journey purpose information, can provide detailed insights into driver behaviour and support decisions as to when and where to invest in the network.

National and regional funding opportunities are putting greater impetus on smarter management of the highway network as opposed to expanding it. It is therefore timely that North Tyneside's 5 year network investment programme is drawing to an end. This programme has focused on delivering schemes that enable jobs growth at key employment sites in the Borough and delivering improvements in road safety and operational capacity where practicable. There are now limited opportunities for substantial network improvement schemes to address congestion or road safety as reflected in the reducing number of collision cluster sites being identified in the Travel Safety Strategy. Housing growth is driving where capacity improvements will become necessary and we will continue to pursue funding opportunities from central government as well as requiring developers to mitigate this forecast network pressure.

As air quality impacts borne from vehicle trips are now in exceedance of national standards in some areas there is a need to address congestion more intelligently through improved demand management with more focus on providing alternatives to car based trips. In North Tyneside there are excellent opportunities to travel without reliance on a car. The Borough is well served by Public Transport through metro, bus, and taxi and distances between residential areas and places of employment are within reasonable cycling distance.

Through a corridor based approach we will deliver a comprehensive network of links between key origins and destinations for all modes of transport. This approach supports greater levels of investment, delivers wider local benefits, and increases the opportunity for securing developer contributions through the planning system. This helps reduce the burden on Council funding to wholly deliver major highway improvements and allows more schemes to come forward.

We will develop schemes that support the following key principles:-

- Supports the management of congestion and improves **journey time reliability** for all road users

- Improves Network Management using intelligent **technology** such as bus priority, dynamic signal control, improved network recovery/resilience, intelligent monitoring and data sharing
- Delivers **demand management** initiatives that educate and advocate more informed decisions and support modal shift to alternative uncongested mode choices
- Increases highway **capacity** to remove severe delays that are barriers to economic growth and Local Plan development.

The Network Management Plan aims to manage peak period operations through implementing new technologies, managing demand, and investment in network capacity improvements where appropriate. The Plan focuses on a corridor based approach with 11 key routes identified that cater for the majority of journeys undertaken across the Borough. These corridors are broken down into commuting corridors that support the local economy and provide access to/from the Borough, and local distributor routes which link to the many residential areas across the Borough. These corridors are listed in the table below and highlighted in the Highway Corridor Plan in **Appendix B**:-

Strategic Commuter Routes	Local Distributor Routes
• A19 (SRN)	• A186
• A1058	• A188
• A189	• A192
• A1056	• A187
• A191	• B1505
• A193	

Each corridor will be assessed against the following criteria to allow investments to be prioritised:-

- Operational capacity / grade of provision / public transport service level
- level of demand (current and forecast)
- economic growth/local plan sites supported (jobs & houses)
- user behaviour (short/long trips, commuting/leisure/education)

We will develop a service standard that each corridor should operate at based on measurable attributes such as journey time reliability, level of delay, duration and scale of congestion relative to off-peak average journey times, public transport service level, cycling provision and number of cyclists, etc.

Monitoring and Reporting

The key challenges in monitoring network performance are that there are many ways in which this can be done some of which are data intensive and can be costly. This

data and analysis is vital to gain a better understanding of network behaviour and make more informed decisions about where and how to improve network operation.

The table below details what data we propose to collect and how it will be analysed to inform performance levels:-

Data Type	Collection Method	Analysis
Traffic volumes and speeds	TADU traffic counters	Monitor current levels of demand and measure growth against forecasts
Journey times / delay	ANPR cameras at key locations	Monitor changes in travel times at peak periods to inform signal timings and provide accurate information to share with road users to make better decisions
Public Transport journey time reliability and service levels	Bus GPS data and ANPR	Identify sources and scale of delay to bus services and measure average journey times
Cyclist numbers	Camera counter surveys	Monitor cycling usage and growth and measure change following investment in improved infrastructure provision

The Highway Network operates within its design capacity for approximately 97% of the year with congestion and delays only manifesting at peak times during school term time. National trends in car ownership and commuting behaviour project a reducing pressure from commuters upon peak hour network operation.

North Tyneside will continue to monitor local trends and review research literature to understand how travel behaviour is changing and ensure that our road network is capable of supporting future demands.

The performance of each corridor will be reported as part of our annual Transport Strategy Information Report to Cabinet.

Indicators of Success

Each of the 11 corridors identified will have service levels and performance monitored annually and changes in service levels analysed. We aim to provide network users with a consistent experience to support travel decisions and minimise delays where possible.

As developments identified in our Local Plan come forward we aim to manage the impact upon each of the corridors to ensure average peak hour journey times are not significantly impacted.

The Authority will know if it has been successful in managing the Highway if it can demonstrate that:-

- i. Peak hour road works are reduced along each corridor
- ii. Peak hour journey times remain consistent along each corridor
- iii. Bus service provision and patronage levels along each corridor increases
- iv. Corridor provision for all road users progresses towards borough wide standard



Key:

- Current / Delivered Scheme
- Consented Scheme
- Future Major Scheme
- Future Minor Scheme
- Highways England Scheme
- Newcastle City Council Scheme
- Local Plan - Murton Gap
- Local Plan - Killingworth Moor
- Completed schemes

Rev	By	Chkd.	Date	Description
Drawing Status				PRELIMINARY <input type="checkbox"/> APPROVAL <input type="checkbox"/>
INFORMATION <input checked="" type="checkbox"/> TENDER <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/>				



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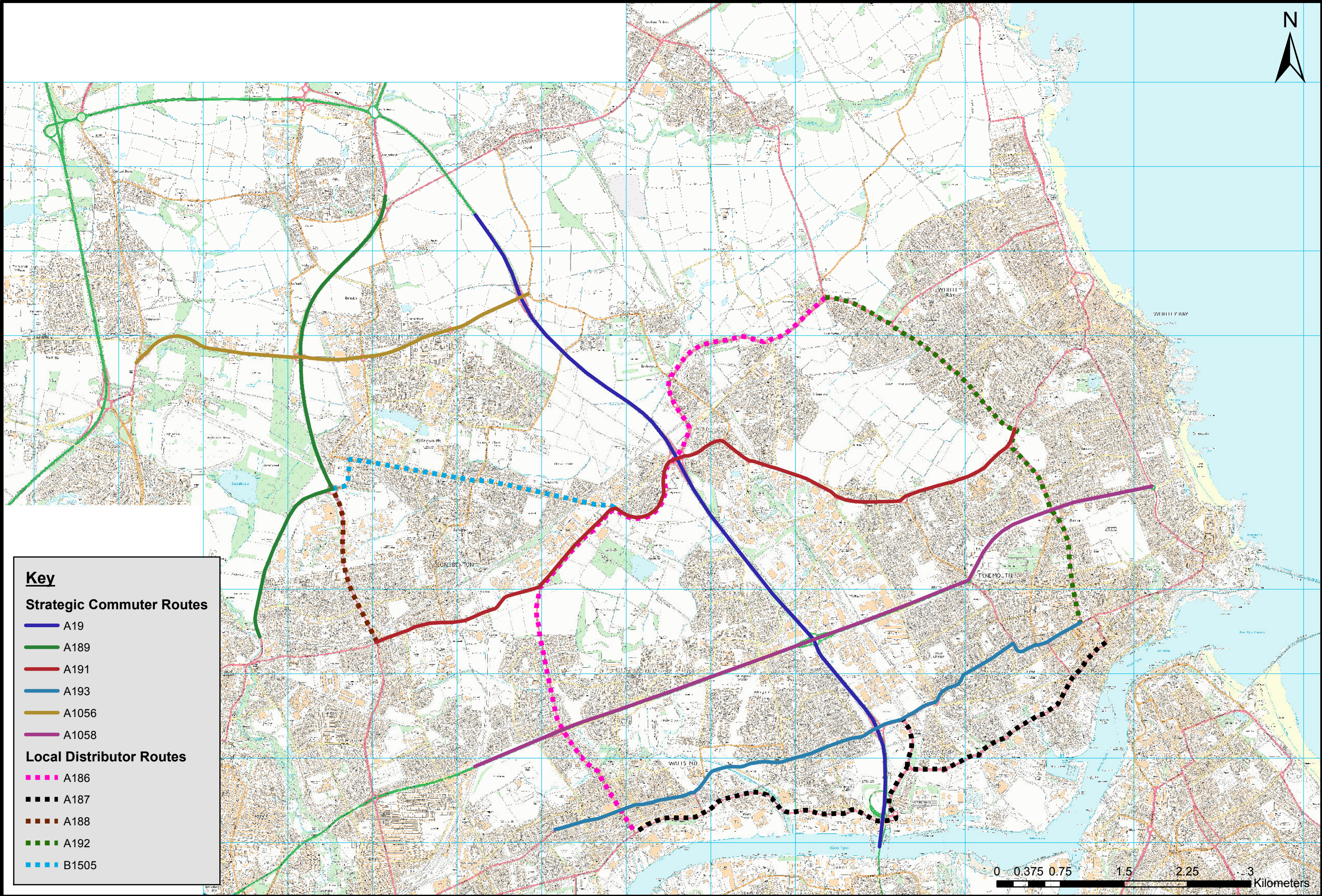
Quadrant, The Silverlink North,
Cobalt Business Park,
Tyne & Wear
NE27 0BY

Tel: 0345 2000 101

Job:

Title:
North Tyneside
Major Highway Schemes Plan

Drawn: JL/CT	Date: Sept 2018
Checked: NB	Date: Sept 2018
Approved: NB	Date: Sept 2018
Drawing No. MAJOR	Revision J
Job Log:	
Drawing Scale: 1:25,000 @ A1	



North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM 5(h)

Title: Electric vehicle charging infrastructure procurement

Portfolio: Environment and Transport

Cabinet Member:

Councillor Carl Johnson

Report from Service Area: Environment, Housing and Leisure

Responsible Officer: Phil Scott, Head of Environment, Housing and Leisure

Tel: (0191) 643 7295

Wards affected: All

PART 1

1.1 Executive Summary:

The North Tyneside Transport Strategy states that the Authority will support greater use of low emission vehicles and take part in regional initiatives which encourage wider adoption of low-carbon transport technologies. The existing electric vehicle (EV) charging infrastructure in car parks managed by the Authority is maintained under an historic arrangement which does not facilitate an expansion of the EV charging provision.

Other member authorities of the North East Combined Authority (NECA) also have similar aspirations to support and encourage greater use of low emission vehicles. It is therefore proposed that a procurement exercise be undertaken for a Concession Contract to maintain, manage and expand EV charging infrastructure. It is proposed that the procurement exercise will be led by NECA but that each participating authority will enter into a direct and separate contract with the successful bidder, although it is intended that the contracts will be on the same terms.

Cabinet approval is sought because the anticipated value of the procurement, across all authorities expected to participate, exceeds £500,000 over the term of the contract. The actual value of the procurement will be dependent on factors including the number of charging facilities installed over the lifetime of the contract.

1.2 Recommendations:

It is recommended that Cabinet:

- a) notes the existing and proposed arrangements for the provision and maintenance of electric vehicle (EV) charging infrastructure in the Borough of North Tyneside;
- b) agrees that the Authority should participate in a procurement exercise together with the North East Combined Authority (NECA) and other local authorities and public bodies (anticipated to be Gateshead Council, Newcastle City Council, Northumberland County Council, Sunderland City Council and Nexus) and led by

NECA for a supplier to maintain, manage and expand existing electric vehicle (EV) charging infrastructure;

- c) authorises the Head of Environment, Housing and Leisure, in consultation with the Senior Manager, Legal Services and Information Governance and the Head of Finance, to make appropriate arrangements for the appointment of the successful bidder following that procurement process; and
- d) authorises the Head of Environment, Housing and Leisure, in consultation with Senior Manager, Legal Services and Information Governance, to enter into contractual arrangements with the successful bidder.

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 14 September 2018.

1.4 Council Plan and Policy Framework:

This report is relevant to the following priorities set out in the 'Our North Tyneside' Council Plan 2018-20:

Our places will:

- Provide a clean, green, healthy, attractive, safe and sustainable environment
- Have effective transport and physical infrastructure

1.5 Information:

1.5.1 Background

The North Tyneside Transport Strategy states that the Authority will support greater use of low emission vehicles and take part in regional initiatives which encourage wider adoption of low-carbon transport technologies. The North Tyneside Local Plan notes that electric vehicles (EVs) can contribute to reduced carbon emissions, and the North Tyneside Parking Strategy specifies that the Authority will provide charge points for EVs in its car parks.

The ownership and use of EVs is growing rapidly: Department for Transport figures show that over 53,000 new ultra low-emission vehicles were registered in the UK in 2017, an increase of 27% on 2016. The demand for EV charging provision is likewise expected to grow.

It is anticipated that most EV users will mainly charge their vehicles at home and overnight, which can be cheaper for the user and reduces pressure on the electricity grid and the need to use fossil fuels in electricity generation. Residents who own an EV and have off-street parking may apply for funding from the Government's Electric Vehicle Homecharge Scheme to install EV charging facilities on their property.

Notwithstanding this, there will remain a need for publicly accessible EV charging facilities, for use by residents who do not have off-street parking as well as EV drivers who are away from their home area. The extent to which local authorities are involved in

the provision of EV charging infrastructure will partly depend on the extent to which commercial provision of such infrastructure, e.g. at service stations, is expanded.

1.5.2 Existing publicly available EV charging provision in car parks managed by the Authority

EV charge points are currently provided in three public car parks managed by the Authority (at Bournemouth Gardens, Whitley Bay; Beaconsfield, Tynemouth; and Norfolk Street, North Shields). Under historic arrangements, their maintenance is undertaken by the regional traffic signals team within Newcastle City Council. The existing arrangements do not facilitate the expansion of EV charging provision, and it is proposed that this arrangement will come to an end following a successful procurement process as detailed in this Report.

1.5.3 Proposed contract

It is proposed that the North East Combined Authority (NECA), on behalf of the Authority and other participating authorities, will undertake a procurement exercise to identify a supplier to maintain and manage existing public EV charging infrastructure and, working with each participating authority, to expand the provision of EV charging infrastructure. Although the procurement exercise will be carried out on behalf of the participating authorities, it is intended that each participating authority will enter into a direct and separate contract with the successful bidder, although it is intended that the contracts will be on the same terms.

It is agreed that this will be a Concession Contract, i.e. a contract where the contracting authority does not pay for services from the supplier, but rather the supplier derives its income from exploiting assets of the Authority. It is proposed that there would be no cost to the Authority and that the contractor will provide the maintenance and operation of existing EV charging infrastructure. A pricing schedule will be agreed for the procurement process which will include costs for the supplier to carry out the design, installation, and/or commissioning of new infrastructure, should this be needed in the future. This will be supported by a call off mechanism in the contract to enable the Authority to engage such services during the term of the contract, should this be required.

It is intended that the successful bidder would deliver the operation, repair and maintenance of existing and upgraded infrastructure over the contract period. In order to offset the supplier's costs, the supplier will be permitted to charge EV drivers for the use of EV charging infrastructure – presently users are not charged for the use of such infrastructure. In the event that funds raised from fees were to exceed the ongoing costs of management, maintenance and provision of EV charging infrastructure, it is anticipated that funds would be used to support the further provision for ultra low-emission vehicles within each participating authority area, and it is anticipated that appropriate revenue-sharing arrangements would be included within the contract.

It is also intended that the nominated supplier, in consultation with each individual local authority, would identify additional locations where deployment of additional infrastructure could be delivered, with a focus on locations where this could be done without cost to the local authority or to NECA.

In this way, it is intended that the contract will contain sufficient flexibility to allow the Authority to respond appropriately to the rising demand for EV charging infrastructure, while taking account of the factors such as the rate of development of the EV market and the extent to which publicly accessible charging infrastructure is provided by third parties.

1.5.4 Charging infrastructure outside the scope of the proposed contract

It is proposed that this contract will be non-exclusive. Separate arrangements are already in place for NECA to install Rapid chargepoints, which provide high speed charging, at a small number of locations in the borough: these chargepoints are subject to different contractual arrangements and not covered by the proposed contract.

The proposed contract would not cover existing EV chargepoints which are not managed by the Authority, although these may be available to the public, e.g. those located at hospitals, business parks or Metro station car parks.

1.6 **Decision options:**

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet accept the recommendation set out in paragraph 1.2 above.

Option 2

Cabinet do not accept the recommendation set out in paragraph 1.2 above.

Option 1 is the recommended option.

1.7 **Reasons for recommended option:**

Option 1 is recommended in order to support the continued provision of effective charging infrastructure for EVs in North Tyneside.

1.8 **Appendices:**

No appendices.

1.9 **Contact officers:**

Colin MacDonald, Senior Manager, Technical and Regulatory Services, 0191 643 6620
Andrew Flynn, Integrated Transport Manager, 0191 643 6083
John Cram, Integrated Transport Officer, 0191 643 6122
Alison Campbell, Senior Business Partner, 0191 643 7038

1.10 **Background information:**

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

(1) North Tyneside Transport Strategy (approved by Cabinet on 8 May 2017)
<https://my.northtyneside.gov.uk/category/1237/transport-strategy>

(2) Tyne and Wear third Local Transport Plan (LTP3)
<http://www.tyneandwearltp.gov.uk/documents/ltp3/>

- (3) North East Combined Authority (NECA) Transport Manifesto
<http://www.northeastca.gov.uk/local-transport-plan>
- (4) North Tyneside Parking Strategy
<https://my.northtyneside.gov.uk/category/699/parking-facilities>
- (5) Supplementary Planning Document LDD12 – Transport and Highways
<http://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/transport.pdf>
- (6) National Statistics – Vehicle licensing statistics: 2017
<https://www.gov.uk/government/statistics/vehicle-licensing-statistics-2017>
- (7) Department for Transport – The Road to Zero: Next steps towards cleaner road transport and delivering our Industrial Strategy
<https://www.gov.uk/government/publications/reducing-emissions-from-road-transport-road-to-zero-strategy>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

This procurement exercise is for a Concession Contract. It is anticipated that any costs incurred by the Authority can be met from existing budgets. Should costs be identified which could not be met from existing budgets, a further report would be brought to Cabinet for approval before any additional spend is committed.

2.2 Legal

While there is no legal obligation for the Authority to provide EV charging points, the provision of EV charging points is consistent with the Authority's duty under the Traffic Management Act 2004 to manage highways in order to secure the expeditious movement of traffic (including cycling and walking) on its network and on adjacent networks.

The proposed procurement exercise is to be undertaken on behalf of the participating authorities through an open EU compliant process in accordance with the Public Contracts Regulations 2015.

If Cabinet agrees to the recommendations contained in this report, further delegated officer decisions will need to be taken by the Head of Environment, Housing and Leisure, in consultation with the Senior Manager, Legal Services and Information Governance and the Head of Finance to make appropriate arrangements for the appointment of the successful bidder following that procurement process and to enter into contractual arrangements with the successful bidder.

Twenty eight days notice on the Forward Plan of the delegated officer decision must be given and a record of the decision taken together with the report to the officer making the decision will need to be produced and published on the Authority's website (unless the matter for decision involves exempt or confidential information in accordance with Part 1 of Schedule 12A to the Local Government Act 1972).

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation has taken place with the Cabinet Member for Environment and Transport.

2.3.2 External Consultation/Engagement

External consultation is not required in respect of the proposed procurement exercise.

2.4 Human rights

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

2.5 Equalities and diversity

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

2.6 Risk management

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

2.7 Crime and disorder

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

2.8 Environment and sustainability

There are no adverse environment and sustainability implications directly arising from this report. There are potential positive implications in that the proposed arrangements for the maintenance and expansion of EV charging provision are expected to make the use of EVs more attractive which, by substituting for the use of petrol and diesel vehicles, would be expected to reduce carbon emissions and emissions of local air pollutants.

PART 3 - SIGN OFF

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

North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM 5(i)

Title: Reviewing
Contributions and
Payments to Customers

Portfolio: Adult Social Care

Cabinet Member: Councillor G Bell

Report from Service

Area: Adult Social Care

Responsible Officer: Jacqui Old, Head of Health, Education, Care and Safeguarding Tel: (0191) 6437006

Wards affected: All

PART 1

1.1 Executive Summary:

As part of the Authority's budget setting process for 2018/2019, the Health, Education, Care and Safeguarding Service proposed three areas where a review of charging policy and charges to customers bringing local arrangements into line with Government guidelines, cover costs and reduce demand. These areas are:

- a) Introducing/Increasing charges for services provided by the Authority's Court of Protection team;
- b) Changes to the charging policy for non-residential services provided by the Authority; and
- c) Reviewing the rate paid to individuals in receipt of a Direct Payment to pay for their support via a Personal Assistant.

Consultation to progress these proposals took place from February to July 2018. Consultation in respect of the proposals relating to the services provided by the Court of Protection team and to the Changes to the Charging Policy for Non-Residential Services was widespread and lasted for 4 weeks.

With regards to the Direct Payment proposals, a public consultation period was held between February 2018 and May 2018. The difference in consultation methodologies is due to a plan to conduct face to face meetings wherever possible with the Direct Payment recipients affected by the proposals. A decision was made to write individually to all Court of Protection customers and their service providers as this was a more personalised yet less intrusive approach. The proposal in relation to the charging policy for non-residential services is not to be introduced with immediate effect for existing customers. Therefore shorter consultation periods were feasible for the Court of Protection and Charging for Non-Residential Services proposals.

1.2 Recommendation:

It is recommended that Cabinet authorise the Head of Health, Education, Care and Safeguarding, in consultation with the Cabinet Member for Adult Social Care, the Head of Finance and the Senior Manager: Legal Services and Information Governance to:

- a) implement charges/increased charges for services provided by the Court of Protection team as set out in the report;
- b) in relation to charging for non-residential services, reduce the buffer over the Minimum Income Guarantee from 25% to 18.6%; and
- c) change the Direct Payment rate for Personal Assistants from £11.90 per hour gross (those working with children) and £10.54 per hour gross (those working with adults) to a standard rate of £8.50 per hour net. The differential will be held by the Authority as a contingency to be drawn upon by individuals in the event of a requirement to pay an unforeseen payment such as sick pay or redundancy pay.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 17 August 2018.

1.4 Council Plan and Policy Framework

This report relates to the following priority in the 2018/20 Our North Tyneside Plan.

Our People

- Will be listened to
- Be ready for work and life
- Be cared for, protected and supported

The proposal in relation to the services provided by the Court of Protection team aims to protect a non-statutory service used by people who lack the capacity to manage their own finances but who do not have an informal network of people who are able to assist with this.

The changes to the Charging Policy for Non-Residential Services proposal realigns the charging procedure bringing local arrangements into line with Government guidelines.

The proposals in relation to the payment of Personal Assistants also mean that independence is promoted for individuals in receipt of a Direct Payment as this allows them to arrange support services in the way that makes the best sense to them in terms of meeting their assessed needs.

1.5 Information:

1.5.1 Background

1.5.2 Court of Protection

1.5.2.1 Deputyship

One of the current services provided by the Court of Protection team consists of supporting the clients' families to complete the necessary application forms to the Court

of Protection to appoint a family member as a Deputy. This support has usually taken between 4 and 6 hours of work per case and is charged as a rate of £18.40 per hour.

It is proposed that rather than charge an hourly rate to support families in making an application to appoint a family member as a Deputy for a relative who lacks capacity, that the Court of Protection Team charge a flat fee of £745 bringing local arrangements in line with national guidance.

It is also proposed that where a client without capacity, who has no family to support them, has a property to sell or assets over £75,000 that the case be referred to a Court appointed solicitor rather than the Authority making an application to act as a Deputy. This reduces the risk for the Authority in relation to managing large sums of money or dealing with properties that may take some time to sell.

The full amount of the charge outlined above would be retained by the Authority for the provision of the support services outlined. The charges do not include court costs. These are charged separately to the client/the client's family. The Court fees for an application for Deputyship are currently £385.

1.5.2.2 Winding up of Deputyship

The charges the Authority can make for the winding up of a Deputyship are not governed by the Office of the Public Guardian. The Authority has historically charged £300 for winding up a Deputyship and this has not increased, or been reviewed for a number of years. It is proposed to raise the charge for the winding up of a Deputyship to £745, the same as the application charge made for Deputyship because there is a comparable amount of work undertaken.

1.5.2.3 Charging for Appointeeship

The Authority has approximately 180 clients where the client has few assets (up to £8,000) but is unable to manage their finances and has no-one able to assist them. Their income is predominantly benefit related. In these cases the Authority acts as an Appointee to manage benefits, to ensure the individual has their personal allowance and to pay bills. This is not a statutory service and currently the Authority provides the service free of charge.

The Authority could cease offering the service (except where the case needs to be managed due to concerns about financial abuse) or it could implement a charge for the service.

Consultation took place suggesting a charge of £5 per week as this is the amount being charged by some other Local Authorities. It is recognised that the charge will represent varying percentages of income for different customers. This charge could either be implemented immediately for all existing and new customers or implemented immediately for all new customers and implemented at the point of review for existing customers.

It is also proposed that Officers will undertake a financial assessment of client's ability to meet the £5 charge. Where appropriate the £5 per week charge could be waived if it appears unaffordable to a client. For example, if the customer had significant debt. An appropriate procedure would be developed for staff to ensure consistency of application of this discretion if Cabinet approve this proposal.

1.5.2.4 Summary of Consultation Responses to the above Court of Protection Proposals

Six responses to the consultation were received. Four responses were from organisations and two from residents.

Five responses indicated agreement to referring all cases with assets over £75,000 to a solicitor whilst one respondent disagreed.

In relation to the other proposals, responses were split– therefore no clear view was gathered from consultation.

One of the comments that came back through consultation is that it is illegal to charge for appointeeship. The Department for Work and Pensions has confirmed that this is not correct. Indeed there are organisations that charge £65 per month for appointeeship services.

A further concern raised through consultation is whether the appointeeship payment would be classed as a disability related disregard. The Authority applies a standard disregard of £10 per week plus housing and utility costs. This means that with the customer's agreement these costs would be discounted from the financial assessment thus reducing the amount of contribution a person makes towards their care, without the Authority requiring proof. If an individual believes that the costs of their disability are higher than this then a more in depth assessment would be required. This means that the £5 charge can be considered as a disability related expense either as part of the standard disregard allowance or as part of a more comprehensive assessment.

The Care Quality Commission have confirmed that service providers can act as appointees, so individuals do have other options to using the Authority as an Appointee. This information will be provided to individuals the Authority works with via their social worker.

1.5.3 Changes to the Charging Policy for Non-Residential Services

The Business Case presented to Council as a part of the Budget setting process proposed that the Authority changes the amount of income a person can keep before they are charged for social care support by reducing the buffer from 25% to 18.6% in line with Government guidance. The support referred to is any social care support that is provided outside of residential or nursing home care that is funded by the Authority, for example, domiciliary care or day services.

Regionally 4 other areas are already applying, or in the process of introducing, the 18.6% buffer and it is proposed that a buffer of 18.6% over the Minimum Income Guarantee be introduced instead of the 25% buffer current allowed.

The proposed the new buffer will only be introduced immediately for new clients to avoid disadvantaging current clients who are accustomed to their current level of disposable income. However, it is also proposed that current clients are given notice and a phased approach be taken to reducing the buffer over 3 years to prevent a 2-tier system of charging in the future.

Only one response was received as a result of consultation on this proposal. The response was neutral.

1.5.4 Direct Payments for the direct employment of Personal Assistants

Direct Payments are a way for the Authority to provide individuals with money to enable them to manage their own personal care needs. This is based on assessed need via a social worker, but allows people to be more flexible in terms of how they meet their care needs, for example by employing Personal Assistants.

The rate of pay for Direct Payments has not been reviewed since 2014. The net hourly rates of pay for Personal Assistants are £7.14 for those working with adults and £8.50 for those working with children. There is no clear rationale for the difference in these rates.

It is proposed to simplify the Direct Payments system to encourage more people to manage their care needs through a Direct Payment.

Individuals who accept a Direct Payment and engage a Personal Assistant become an employer. This can be a daunting idea to many people and so can deter people from considering this as an option.

Rather than the current arrangements it is proposed that in the future the Authority will pay to the individual a Direct Payment that reflects the net rate of pay paid to the Personal Assistant rather than a gross payment and to retain the contingency money within the Authority. This contingency money would then only be paid out if it was required (for example where sick pay or a redundancy payment was necessary). It is important to note that a sum equalling the cost of tax and National Insurance will also be paid.

It is therefore proposed to increase the net rate of pay included in Direct Payments to provide that that a Personal Assistant receives, for those working with both children's and adults, to £8.75 per hour. This will be in line with North Tyneside Living Wage.

A public consultation exercise was held between February 2018 and May 2018 in relation to this proposal. This involved attending several groups of interested parties, including the Direct Payment User Forum, The Learning Disability Care Forum, The Mental Health User Forum and the SIGN Network. A personal letter was sent out to all current recipients of Direct Payments. The proposals were discussed at length and people were invited to respond.

In summary some people felt that there would be a loss of flexibility within the Direct Payment process. The ability to pay staff for different hours each week would remain a benefit of the Direct Payment system. Social workers assess an average need for an individual to meet their needs. This may fluctuate from week to week and having arrangements with a Personal Assistant often means that the hours they work can continue to be flexible, so long as it remains within the average amount.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

1.6.1 Court of Protection

1.6.1.1 Option 1

Implement the proposals as described in the report:

- Raise fees for assisting people to complete Deputyship applications to £745
- Raise fees to wind up a Deputyship to £745
- Refer all cases for people with assets over £75000 to the Deputy Appointed Solicitor
- Charge for undertaking appointeeship at a rate of £5.00 per week implemented immediately for all existing and new customers

1.6.1.2 Option 2

Implement the proposals as described in the report:

- Raise fees for assisting people to complete Deputyship applications to £745
- Raise fees to wind up a Deputyship to £745
- Refer all cases for people with assets over £75000 to the Deputy Appointed Solicitor
- Cease undertaking appointeeship work unless there are issues relating to financial abuse that require the oversight of the Authority. This will have the impact of reducing staff by circa 2.5 FTE grade 5 posts.

1.6.1.3 Option 3

- Raise fees for assisting people to complete Deputyship applications to £745
- Raise fees to wind up a Deputyship to £745
- Refer all cases for people with assets over £75000 to the Deputy Appointed Solicitor
- Charge for undertaking appointeeship at a rate of £5.00 per week implemented immediately for all new customers and implemented at the point of review for existing customers

1.6.1.4 Option 1 is the recommended option.

Current clients can be supported to source alternative provision

1.6.2 Changes to the Charging Policy for Non-Residential Services

1.6.2.1 Option 1

To introduce the new buffer in line with Department of Health guidance at 18.6% for new clients

1.6.2.2 Option 2

Maintain the status quo

1.6.2.3 Option 1 is the preferred option.

1.6.3 Direct Payments

1.6.3.1 Option 1

Implement the proposals within the report

- To increase the rate of net pay for Personal Assistants to £8.75 in line with North Tyneside Living Wage

- Contingency money to be paid as required based on advice from Direct Payment Team and Payroll Company.
- Where individuals have already agreed a higher rate of pay for their Personal Assistant, status quo will be maintained and robust conversations will be undertaken with individuals if a contingency is required, whilst recognising that the Authority may need to pay an additional amount.

1.6.3.2 Option 2

Maintain the status quo

1.6.3.3 Option 1 is the preferred option.

1.7 Reasons for recommended option:

1.7.1 Court of Protection

1.7.1.1 Option 1 is recommended for the following reasons:

It provides the maximum opportunity for generating income for non-statutory work which preserves resources for meeting statutory needs.

1.7.2 Changes to the Charging Policy for Non-Residential Services

1.7.2.1 Option 1 is the recommended option.

This will bring North Tyneside local arrangements into line with Government guidelines

1.7.3 Direct Payments

1.7.3.1 Option 1 is recommended for the following reasons

It provides equity for all individuals working across children's and adults
It will bring the rate of pay for PA's in line with North Tyneside Living Wage
It will reduce the amount of money paid out which then has to be reclaimed at a later date

1.8 Appendices:

Appendix 1: Equality Impact Assessment Maximising Resources

Appendix 2: Equality Impact Assessment Direct Payments and Financial Assessment

1.9 Contact officers:

Ellie Anderson Assistant Director Business Assurance HECS (0191) 6437354

Alison Tombs Assistant Director Wellbeing and Assessment HECS 0191 6435963

Alison Campbell Senior Business Partner, Finance 0191 643 7038

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:

(a) Equality Impact Assessment Maximising Resources (attached as Appendix 1 to the report)

(b) Equality Impact Assessment Direct Payments and Financial Assessment (attached as Appendix 2 to the report)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

These proposals were included in the General Fund budget agreed by Cabinet on 15 February. Not agreeing the proposals or agreeing either partial implementation or implementation at the point of client review or for new clients only will impact on the amount of revenue generated, leaving a pressure for the service of up to £260,000.

Not agreeing the proposal regarding Court of Protection will result in a loss of potential income of £60,000.

Not agreeing the proposal regarding Charges for Non-Residential Services will result in a potential loss of £100,000.

Not agreeing the proposal in relation to Direct Payments will result in a potential loss of £100,000.

Deciding to cease appointeeship work instead of implementing a charge will result in the loss of circa 2.5 FTE posts.

2.2 Legal

2.2.1 Court of Protection proposals

The fees that the Authority is able to charge in respect of applying for Deputyship and annual management fees where the Authority is appointed as a Deputy of property and affairs are set out in legislation (Practice Direction 19B, supplement to Part 19 of the Court of Protection Rules 2017)

2.2.2 Changes to the Charging policy for Non-Residential Services

The charges that the Authority are able to apply are set out in Department of Health Guidance (Local Authority Circular LAC9DH)(2017)

The proposal that the charges are implemented in respect of new clients only could be open to challenge as to fairness in distinguishing between new and existing clients.

The decision to only implement this for current customers is suggested in order to avoid disadvantaging current clients who are accustomed to their current income level.

2.2.3 Direct Payment

If individuals who are in receipt of Direct Payments have set their current rate of pay for their Personal Assistant(s) higher than the proposed then individual conversations will need to take place regarding liability for contingencies. It is possible that the Authority could become liable for these costs should they arise.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Information has been shared with the team and via the Council website

2.3.2 External Consultation/Engagement

2.3.2.1 Court of Protection

Consultation in respect of the Court of Protection proposals was widespread and lasted for 4 weeks. A Snap survey was on the Council website for all residents to respond to. A link to this survey was specifically sent to all SIGN members who provide advice and information to people seeking information about social care services. In addition we wrote to every current client that the team provides a service to and sent a covering letter to the service provider supporting each client to allow each client the maximum opportunity of contributing to the consultation.

Six responses were received. Four responses were from organisations and two from residents.

Five responses indicated agreement to referring all cases with assets over £75,000 to a solicitor whilst one respondent disagreed.

In relation to the other proposals, responses were split evenly therefore no clear view gathered from consultation

2.3.2.2 Changes to the Charging Policy for Non-Residential Services

Consultation in respect of the Changes to Charging Policy proposals was widespread and lasted for 4 weeks. A Snap survey was on the Council website for all residents to respond to. A link to this survey was specifically sent to all SIGN members who provide advice and information to people seeking information about social care services.

One response was received which was neutral in nature

2.3.2.3 Direct Payments

Consultation in respect of Direct Payments was wide ranging, involving face to face meetings with relevant parties and a personal letter to all current people in receipt of a Direct payment. This involved attending several groups of interested parties, including the Direct Payment User Forum, The Learning Disability Care Forum, The Mental Health User Forum and the SIGN Network. A personal letter was sent out to all current recipients of Direct Payments. The proposals were discussed at length and people were invited to respond.

The main issues raised during the consultation related to:

Rates of pay

Concerns were raised about difficulty in employing people at the rates set out. This will be considered on a case by case basis, if there were a case for a higher rate of pay then this would need to be based on evidence regarding the individual situation.

Flexibility

Concerns were raised regarding a possible loss of flexibility to the care plan. The assessed number of hours set out in a support plan provides an average weekly amount of care. The individual using a Direct Payment is able to be flexible in terms of using those hours across a wider period of time. This means that individuals will retain the flexibility that a Direct Payment allows

Administration costs

These will be calculated based on known costs for example Tax and National Insurance. These will continue to be paid over and about the hourly PA rate.

Other costs for example redundancy and sick pay would be calculated if and when these were required, based on the actual circumstances.

2.4 Human rights

All of the proposals are either in line with guidelines or have precedent elsewhere. However implementing a policy which distinguishes between new and existing clients and treating them differently could be seen as unfair. In order to balance impact of having two policies overall with implementing a policy which increases the financial impact on existing clients. It is felt that taking a phased approach provides mitigation

2.5 Equalities and diversity

The Equality Impact Assessment is provided. There is a negative impact of these proposals in respect of age, disability and gender due to the profile of customers who are older people or people with disabilities due to the nature of the services being provided. Cabinet have been given options to consider which provide mitigation by introducing the proposals at the time of customer review which allows customers to seek services elsewhere.

2.6 Risk management

There are alternative options for customers in relation to both Deputyship and Appointeeship so people are not reliant on the services provided by the Local Authority.

2.7 Crime and disorder

No issues are identified in respect of crime and disorder

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

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

Appendix 1

Equality Impact Assessment (EIA)

The separate EIA guidance notes outline what should be included for each section. Please read them before you begin. If you have any queries, contact your Corporate Equality Group rep, or the Engagement Team on 643 2828.

1. Author, service area, date

Ellie Anderson HECS, Sam Dand EHL 20 November 2017

2. Who else has been involved in writing this EIA?

SMT EHL and ASC, Court of Protection team

3. What proposal is this EIA assessing?

Maximising Resources, Delivering Our Fees and Charges Policy

4. What is the purpose of your proposal and what is it expected to achieve?

The purpose of the proposal is to ensure that the Service is able to meet the efficiencies required across the Council and to ensure it is in a position to move towards the Target Operating Model. This is through increasing fees and charges for non statutory services.

The proposals have been formulated around key principles:

- Targeting limited resources where they are most needed, ensuring essential activities are prioritised
- Continuing to generate income and cost savings
- Application of the Target Operating Model

5. Is there any relevance to the aims of the public sector equality duty? *Write your answers in the table*

Aim	Yes, No, or N/A	Details if 'yes'
-----	-----------------	------------------

Eliminate unlawful discrimination, victimisation and harassment	no	
Advance equality of opportunity between people who share a protected characteristic and those who do not	no	
Foster good relations between people who share a protected characteristic and those who do not	N/A	

6. Analysis by characteristic *Write your answers in the table*

Protected characteristic	Potential positive or negative impact?	Explanation and evidence
Age	Negative	The majority of service users or significant others using either non -residential services or the services of the court of protection team are older people. The service will still be provided but people will be asked to pay a reasonable price for the service delivered. People will still have the choice to appoint a solicitor The increase in charges will adversely affect people with a disability disproportionately
Disability	Negative	All of the people using either non -residential services or the services of the court of protection team will have been assessed as having care and support needs and this often will relate to a disability. The service will still be provided but people will be asked to pay a reasonable price for the service delivered. People will still have the choice to appoint a solicitor. The increase in charges will adversely affect people with a disability disproportionately
Gender	Negative	As the client group in older people has a higher proportion of females, females are more likely to be affected by this proposal.

Gender reassignment	Neutral	There is no particular effect on people with gender reassignment
Marriage and civil partnership status	neutral	We do not believe there are either positive or negative implications with regards to this characteristic as a result of the proposal
Pregnancy and maternity	Neutral	We do not believe there are either positive or negative implications with regards to this characteristic as a result of the proposal
Race	Neutral	We do not believe that there are either positive or negative implications with regards to race from the proposal.
Religion or belief	neutral	We do not believe there are either positive or negative implications with regards to religion or belief as a result of the proposal
Sexual orientation	neutral	We do not believe there are either positive or negative implications with regards to sexual orientation as a result of the proposal

7. Have you carried out any engagement in relation to this proposal? If so, what?

A consultation period will begin on 28th November after Cabinet decision regarding the proposal as part of the overall budget engagement. A four week public consultation period was held between May 2018 and June 2018. This involved a snap survey on the Council website for all residents to complete. A link was sent to all SIGN network members as providers of advice and information to those people requesting information about social care services. In addition the information was sent to all current clients and the providers who support them to maximise their opportunity to respond. Only 6 responses were received. The responses were evenly split between agreement or neutral responses and negative responses.

8. Is there any information you don't have that you need to find?

No

9. What actions are already in place, or will be taken, to remove or reduce potential negative impacts? (add more lines to the table if you need to) *Write your answers in the table*

Action	Responsibility	Timescale
Where a financial assessment indicates that an individual has insufficient income to contribute to their care package – and they need an appointee – the £5 per week charge will not be implemented. This is	Ellie Anderson	April 2019

likely to affect about 50 – 80 clients with a £13000 - £21000 impact on the revenue generated		
Clients will be given information about the alternatives for appointeeship and for advice in completing forms	Ellie Anderson	April 2019

10. Are there any potential negative impacts that cannot be removed or reduced? If so, why is this?

People have been receiving a service without charge historically. If charges are introduced, this may cause anxiety. However a decision could be taken to implement for current customers on review rather than at the point of the decision being taken. This will enable people to make alternative arrangements to avoid charges but will impact on the income raised. Alternatively a decision could be made to only introduce the charge to new clients which will again reduce anxiety but significantly impact on revenue for this year.

11. Based on your conclusions from this assessment, what are your next steps?

To proceed as planned.

12. How will the impact of this proposal be monitored after it is introduced?

Number of complaints.

Number of referrals accepted in Court of Protection team

13. When will this EIA be reviewed?

September 2019

Appendix 2

Equality Impact Assessment (EIA)

The separate EIA guidance notes outline what should be included for each section. Please read them before you begin. If you have any queries, contact your Corporate Equality Group rep, or the Engagement Team on 643 2828.

1. Author, service area, date

Alison Tombs HECS 2018

2. Who else has been involved in writing this EIA?

SMT ASC, Direct payments team Financial Assessment Team

3. What proposal is this EIA assessing?

Financial Assessment Maximising Resources, Delivering Our Fees and Charges Policy, Direct Payments

4. What is the purpose of your proposal and what is it expected to achieve?

The purpose of the proposal is to ensure that the Service is able to meet the efficiencies required across the Council and to ensure it is in a position to move towards the Target Operating Model. This is through changing the way in which Direct payments are organised and Financial assessments carried out.

The proposals have been formulated around key principles:

- Targeting limited resources where they are most needed, ensuring essential activities are prioritised
- Continuing to generate income and cost savings
- Application of the Target Operating Model

5. Is there any relevance to the aims of the public sector equality duty? *Write your answers in the table*

Aim	Yes, No, or	Details if 'yes'
-----	-------------	------------------

	N/A	
Eliminate unlawful discrimination, victimisation and harassment	no	
Advance equality of opportunity between people who share a protected characteristic and those who do not	no	
Foster good relations between people who share a protected characteristic and those who do not	N/A	

6. Analysis by characteristic *Write your answers in the table*

Protected characteristic	Potential positive or negative impact?	Explanation and evidence
Age	Negative	The majority of service users or significant others using either non -residential services or the services of the court of protection team are older people. The service will still be provided but people will be asked to pay a reasonable price for the service delivered. People will still have the choice to appoint a solicitor The increase in charges will adversely affect people with a disability disproportionately
Disability	Negative	All of the people using services which require a financial assessment and those who received Direct payment will have been assessed as having care and support needs and this often will relate to a disability. The way in which people are financially assessed will change to be in line with government guidelines. Direct payments will be simplified to encourage more people to take this option for organising their care needs.
Gender	Negative	As the client group in older people has a higher proportion of females, females are

		more likely to be affected by this proposal.
Gender reassignment	Neutral	There is no particular effect on people with gender reassignment
Marriage and civil partnership status	neutral	We do not believe there are either positive or negative implications with regards to this characteristic as a result of the proposal
Pregnancy and maternity	Neutral	We do not believe there are either positive or negative implications with regards to this characteristic as a result of the proposal
Race	Neutral	We do not believe that there are either positive or negative implications with regards to race from the proposal.
Religion or belief	neutral	We do not believe there are either positive or negative implications with regards to religion or belief as a result of the proposal
Sexual orientation	neutral	We do not believe there are either positive or negative implications with regards to sexual orientation as a result of the proposal

7. Have you carried out any engagement in relation to this proposal? If so, what?

A consultation period will begin on 28th November after Cabinet decision regarding the proposal as part of the overall budget engagement. A public consultation period was held between February 2018 and May 2018. This involved attending several groups of interested parties, including the Direct Payment user Forum, The LD Care Forum, The Mental Health User Forum and the SIGN Network. A personal letter was sent out to all current recipients of Direct Payments. The proposals were discussed at length and people were invited to respond. For the changes to Non-residential Charging process a snap survey on the Council website for all residents to complete. A link was sent to all SIGN network members as providers of advice and information to those people requesting information about social care services. In addition the information was sent to all current clients and the providers who support them to maximise their opportunity to respond. Only 1 response was received. The response was a neutral response.

8. Is there any information you don't have that you need to find?

No

9. What actions are already in place, or will be taken, to remove or reduce potential negative impacts? (add more lines to the table if you need to) *Write your answers in the table*

Action	Responsibility	Timescale
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Changes in the way Direct Payments are managed will take place at the point of an individual's review. This will be implemented for new clients. Changes to Financial assessments will be for new people only as new people are referred into the service.	Alison Tombs	April 2019
	Alison Tombs	April 2019
Clients will be given information about the new system	Alison Tombs	April 2019

10. Are there any potential negative impacts that cannot be removed or reduced? If so, why is this?

Some people with a Direct Payment are currently paying higher rates and not keeping contingency money. They will be advised that they are risking not being able to pay for contingencies; however individual's rates of pay will not be reduced in those circumstances. It is being recommended for financial assessments to be changed for new people only.

11. Based on your conclusions from this assessment, what are your next steps?

To proceed as planned.

12. How will the impact of this proposal be monitored after it is introduced?

Number of complaints

Number of referrals

13. When will this EIA be reviewed?

September 2019

North Tyneside Council

Report to Cabinet

Date: 15 October 2018

ITEM 5(j)

Title: North Tyneside
Council Apprenticeship
Strategy 2018-2021

Portfolio(s): Deputy Elected Mayor

Cabinet Member:

Councillor Bruce
Pickard

Report from Service
Area:

Human Resources and Organisation Development

Responsible Officer:

Janice Gillespie, Head of Finance

(Tel: (0191) 643
5701)

Wards affected:

All

PART 1

1.1 Executive Summary:

The Elected Mayor and Cabinet have recently refreshed the Our North Tyneside Plan with a focus on people being ready for work and life. As part of the Authority's commitment to preparing young people for work and life the Elected Mayor and Cabinet aim to increase the number of apprenticeships available across the Borough.

The Elected Mayor has pledged to fulfil the Authority's Policy made in 2013 towards apprenticeships by making a personal commitment to increase the number of apprentices within the Authority's workforce. Building upon this commitment and meeting the Government's Apprenticeship Reforms provides the Authority with an opportunity to expand the current approach to apprenticeships across the workforce and across discipline/professional areas.

The North Tyneside Council Apprenticeship Strategy 2018 – 2020 aims to ensure the Authority can:

- Meet the challenges of the Elected Mayor & Cabinet's commitment to apprenticeships and deliver against the Government's Apprenticeship Reforms
- Be an exemplar employer. Cabinet agreed an Employment and Skills Strategy in January 2017 which committed the Authority to be an exemplar employee.
- Identify apprenticeship opportunities, both external and internal, as part of our workforce planning process.

This report seeks Cabinet's endorsement of the North Tyneside Apprenticeship Strategy 2018 - 2021.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) agree the final proposals in respect of the proposed North Tyneside Council Apprenticeship Strategy 2018 – 2021, in the form of the draft at Appendix 1;
- (2) authorise the Head of Finance, in consultation with the Deputy Elected Mayor, to implement the North Tyneside Council Apprenticeship Strategy 2018 – 2021, in the form of the draft Strategy at Appendix 1; and
- (3) authorise the Head of Finance to deal with all ancillary matters arising that are consistent with the above recommendation.

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 14 September 2018.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the Our North Tyneside Plan 2018 - 2021:

- (1) Our Economy will be business friendly, ensuring the right skills and conditions are in place to support investment.
- (2) Our People will be ready for work and life.

1.5 Information:

- 1.5.1 The Elected Mayor committed to more apprenticeships in 2013 and, since then, 133 have been recruited in to the Authority in roles as diverse as horticultural, leisure, legal, transport, property maintenance and business analytics.
- 1.5.2 The Elected Mayor and Cabinet have recently refreshed the Our North Tyneside Plan with a focus on people being ready for work and life. As part of the Authority's commitment to preparing young people for work and life the Elected Mayor and Cabinet aim to increase the number of apprenticeships available across the Borough.
- 1.5.3 The Elected Mayor has pledged to fulfil the Authority's Policy made in 2013 towards apprenticeships by making a personal commitment to increase the number of apprentices within the Authority's workforce.
- 1.5.4 As a part of the Finance Act 2016 the Government introduced the Apprenticeship Levy from April 2017. The purpose of the Levy is to fund new apprenticeships and drive up the quality and quantity of apprenticeships across those employers who have an annual pay bill of over £3m.
- 1.5.5 Under the 2016 Act employers with an annual pay bill of more than £3 million (including the Authority) are liable to pay the Levy at a rate of 0.5% of their pay bill, paid through the Pay As You Earn (PAYE) system to the Government. An allowance funded by the Levy is then paid to the Authority by the Government to support the training costs of apprentices employed by the Authority including its Community Schools that are classed as part of the Authority's paybill for the purposes of collecting the Levy.

- 1.5.6 The Public Sector Apprenticeship Targets Regulations 2017, made under the Apprenticeship, Skills, Children and Learning Act 2009 came into force on 31 March 2018. These Regulations aim to support the Government's pledge to create 3 million apprenticeships by 2020.
- 1.5.7 The Regulations provide that all public sector bodies in England with 250 or more staff have a target to employ at least 2.3% of their headcount as new apprentices over the period from 1 April 2017 to 31 March 2021. The Government considers that public bodies should therefore actively consider apprenticeships, either for new recruits or as part of career development for existing staff.
- 1.5.8 The Authority's Apprenticeship Strategy 2018 – 2021 will support work to achieve the Authority statutory obligations as set out above and is linked to addressing the following issues:
- Lack of higher level qualifications
 - Competition for jobs
 - Deprivation levels
 - Work poverty
 - Getting vulnerable groups into work
- 1.5.9 The strategy aims to address, in relation to the Authority, key skill shortages areas such as social work and business analysis, as well as addressing issues around an ageing workforce.
- 1.5.10 The proposed Authority's Apprenticeship Strategy 2018 – 2021 is outlined in Appendix 1.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet may approve the North Tyneside Council Apprenticeship Strategy 2018 – 2021 in accordance with the recommendations at paragraph 1.2 above.

Option 2

Cabinet may not approve the North Tyneside Council Apprenticeship Strategy 2018 – 2021 and may request Officers to undertake further work on the Strategy.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

If Cabinet approve the recommended option, the actions outlined in the strategy will commence immediately to ensure the Authority can meet its statutory obligations and the Elected Mayor's commitment and support the ready for work and life theme of the Our North Tyneside Plan.

1.8 Appendices:

Appendix: North Tyneside Council Apprenticeship Strategy 2018 – 2021.

1.9 Contact officers:

Louise Robson, Senior Manager Organisation and Workforce Development, Human Resources and Organisation Development, tel. 07813 763602.

Tina Adams, Workforce Programme Adviser, tel. 07896 138931.

Alison Campbell, Senior Business Partner, Finance, tel. (0191) 643 7038.

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) Our North Tyneside Plan 2018 – 2021
<https://my.northtyneside.gov.uk/category/1241/our-north-tyneside-plan-2018-2021>
- (2) Employment and Skills – Ready for Work and Life Cabinet Report, January 2017.
http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=567582&p_subjectCategory=41
- (3) State of the Area Report, October 2017
<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/2017%20State%20of%20the%20Area%20report.pdf>
- (4) EIA North Tyneside Council Apprenticeship Strategy 2018 – 2021
<https://my.northtyneside.gov.uk/sites/default/files/meeting/related-documents/EIA%20apprenticeship%20stratgy%20sept18%20v3.pdf>

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

It is anticipated that any costs relating to implementation of the Apprenticeship strategy can be met from current budgets. Should costs be identified which could not be met from existing budgets, a further report would be brought to Cabinet for approval before any additional spend is committed.

2.2 Legal

The Apprenticeship Levy was introduced by Sections 98 to 121 of the Finance Act 2016 and has been payable by employers through PAYE, alongside income tax and National Insurance Contributions with effect from 6 April 2017. Regulations for the payment, collection and recovery of Apprenticeship Levy were made on 15 March 2017 and amend the Income Tax (Pay as you Earn) Regulations 2003.

The Levy is payable by public authorities, and intermediaries contracting to supply workers to them. An employer is not permitted to recover the Levy charge from payments made to a worker.

The rate of the Levy is 0.5% of the pay bill for a tax year less an annual allowance of £15,000 (meaning that the levy is 0.5% of pay bills over £3 million in the relevant tax year).

Local authorities are responsible for the Levy relating to local authority schools; for other schools, the governing body is liable. If a school changes category during the year, both employers benefit from the whole annual allowance.

The Public Sector Apprenticeship Targets Regulations 2017, made under the Apprenticeship, Skills, Children and Learning Act 2009 support the Government's pledge to create 3 million apprenticeships by 2020. The Regulations provide that all public sector bodies in England with 250 or more staff have a target to employ at least 2.3% of their headcount as new apprentices over the period from 1 April 2017 to 31 March 2021. The Government considers that public bodies should therefore actively consider apprenticeships, either for new recruits or as part of career development for existing staff.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The North Tyneside Council Apprenticeship Strategy 2018 – 2021 has been through an internal consultation process with the Senior Leadership Team and the Deputy Elected Mayor.

2.3.2 External Consultation/Engagement

There is no requirement for external consultation/engagement. However the Authority takes part in National Apprenticeship week and hosts Get Up and Go where the organisation directly engages with lots of people who are interested in apprenticeships.

2.4 Human rights

There are no human rights implications arising from this report.

2.5 Equalities and diversity

There are no adverse equalities or diversity issues arising from this report. The EIA for the Apprenticeship Strategy is available via the hyperlink in the Appendices section of this report.

2.6 Risk management

A corporate risk has been identified linked to the implementation of the North Tyneside Council Apprenticeship strategy 2018 – 2021 in terms of capacity to deliver against this. This is being addressed through the service strategic risk register.

2.7 Crime and disorder

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

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

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

North Tyneside Council Apprenticeship strategy 2018 – 2021

Foreword/introduction

North Tyneside Council, as an employer, is committed to ensuring there is a highly engaged, flexible and skilled workforce to deliver the ambitious priorities set out in the Our North Tyneside Plan. As an employer we can only achieve these ambitious plans if we continue to attract the highest talent to live and work in our area and nurture our existing workforce.

Apprenticeships make a positive contribution to this by creating opportunities for young people and by providing a framework for the workforce of all ages to undertake relevant qualifications, helping to raise skills and aspirations.

The Elected Mayor has pledged to fulfil the Authority's Policy made in 2013 towards apprenticeships by making a personal commitment to increase the number of apprentices within the Authority's workforce.

Furthermore the Cabinet agreed an Employment and Skills Strategy in January 2017 which committed the Authority to be an exemplar employee. This Strategy accompanied with the Elected Mayor's Policy and the employment and Skills Strategy aims to build upon this commitment through the Apprenticeship Academy.

The Elected Mayor and Cabinet have recently refreshed the Our North Tyneside Plan with a continued focus on people being ready for work and life. As part of the Authority's commitment to preparing young people for work and life, the Elected Mayor and her Cabinet aim to increase the number of apprenticeships available across the borough.

Furthermore, the Government's vision for apprenticeships has continued to highlight the value of apprenticeships to economic prosperity and its recent reforms have called for a substantial rise in the number of apprentices. NTC as one of the largest employers within the borough, the Authority has a responsibility to help create apprenticeships by 2021. This will be achieved by ensuring apprenticeships become integral to our workforce strategy and support our wider plans linked to developing Our Economy and Our People.

This apprenticeship strategy aims to articulate the Authority's approach to being an exemplar employer in delivering against the apprenticeship agenda by continuing to:

- engage with lots of young people and our own teams
- expand entry routes into the organisation, particularly for young people and our hardest to reach groups of residents.
- enable our existing workforce to up-skill by achieving relevant apprenticeship qualifications aligned to current and future skills needs.

Acting Chief Executive

Paul Hanson

Progress to date

The Authority has operated a successful corporate apprenticeship programme since 2013, recently rebranded in 2017 as an Apprenticeship Academy. In this time the key achievements are:

- Recruitment of circa 20 apprentices each year into the Authority since 2013, with 26 being recruited in September 2018.
- Increased the proportion of posts filled by those from targeted groups (such as LAC, care leavers, SEND etc.) over the years from 32% in 2014 to 59% in 2017.
- Increased the number of apprentices with a physical or a learning disability from 1% in 2015 to 5.8% in 2017. All applicants declaring a physical or learning disability were interviewed.
- The majority of our apprentices (76%) secure employment at the end of their apprenticeship with either the local authority (68%) or with another organisation (38%).
- Developed a number of pilot traineeships within the Authority to ensure we reach those that are hard to reach into work. For instance in 2017 and 2018, five out of the seven sports and leisure trainees, went on to secure an apprenticeship within the service.
- Worked across agencies and organisations to help target our recruitment to key hard to reach groups and reviewed our HR policy and procedures to support priority groups. For example, the Authority now guarantees interviews for Looked After Children and those coming through Working Roots where they meet the essential criteria.
- The number of applications and apprentices appointed from North Tyneside residents continues to far outweigh those from outside the borough year on year.
- Development of an infrastructure supporting apprentices including academic and pastoral support and utilised the Authority's High Borrans outdoor residential centre to further develop personal, professional and life skills within the apprentice.

The Government Reforms provided an opportunity to expand this programme further and significantly up skill our current workforce to meet current and future challenges.

The national context - Government Reforms

Public sector target

The Public Sector Apprenticeship Targets Regulations 2017 came into force on 31st March 2018. These regulations were made under powers awarded by the Apprenticeship, Skills,

Children and Learning Act 2009 to support the Government's pledge to create 3 million apprenticeships by 2020. The regulation states that all public sector bodies with 250 or more staff in England have a target to employ at least 2.3% of their headcount as new apprentices over the period from 1 April 2017 to 31 March 2021. The Government considers the duty to "have regard" to the target to mean that, in making workforce planning decisions, public bodies should actively consider apprenticeships, either for new recruits or as part of career development for existing staff.

Public Sector Levy

The apprenticeship levy came into force on 7th April 2017 as part of the Finance Act 2016. The Government intends to use the levy to fund new apprenticeships and drive up the quality and quantity of apprenticeships across those employers who have an annual pay bill of over £3m. UK employers with an annual pay bill of more than £3 million are liable to pay the levy at a rate of 0.5% of pay bill, paid through the Pay As You Earn (PAYE) system. This allowance is paid into the Authority's digital account to support training costs of apprentices.

Target for North Tyneside 2018/2019:

70 = the Authority

15 = Community Schools

Forecast Levy for North Tyneside 18/19:

£333,871 = the Authority

£ 53,133 = Community Schools

Community schools within North Tyneside are a part of the Authority's 0.5% and are being supported in delivering the planned increase in apprentices.

Set against the Government's drive to increase apprentices, attracting apprentices and providing opportunities to progress to higher level apprenticeships is critical to ensuring we meet the Authority's skill needs and maximise the levy fund available.

From April 2018 the authority is able to transfer up to 10% of their account levy fund to "another employer". Identifying where best these monies are required to support the wider skills needs to the borough and influencing this with key strategic forums, will be also be important moving forward.

The local context

This strategy will ensure the Authority's Apprenticeship Academy supports the wider social and economic priorities set by the Our North Tyneside Plan 2018-2020. Our North Tyneside Plan states:

Our Economy will be business friendly, ensuring the right skills and conditions are in place to support investment.

Our People will be ready for work and life.

The Authority has operationalised the Our North Tyneside Plan in the Creating a Brighter Future Programme specifically in our work on Ready for Work and A Great Place to Live, Work and Visit.

The local economic and social challenges where the Authority's apprenticeship strategy can support

- **Lack of higher level qualifications within the borough** - The overall skill profile for North Tyneside residents has improved since 2000 with only a relatively low proportion of residents still having no recognised qualification. The figures in North Tyneside are higher compared to other regional authorities, but still below the national average (State of the Area Report October 2017). Regionally, nationally and within the Authority's Apprenticeship academy, opportunities have tended to be at the intermediate level (level 2 &3).
- **Competition for jobs within the borough** - The number of people working in the borough has increased however when looking at the size of North Tyneside's 16-64 working age population, there are fewer jobs compared to national and regional data (State of the Area Report October 2017). This results in more competition for jobs within the borough and people potentially looking outside of the borough for job opportunities.
- **Deprivation levels across the borough** – Whilst unemployment is falling, there are significant pockets of worklessness which correlate to those parts of North Tyneside with the highest levels of deprivation specifically Riverside, Chirton and North West (State of the Area Report October 2017). With deprivation tends to come high unemployment and low qualification levels. The Authority will look to target apprenticeship opportunities within these areas.
- **Work poverty** – There are certain parts of the borough where there are high levels of work poverty. The latest Office for National Statistics Households in Poverty estimate shows the highest levels of households in poverty (as defined by being below 60% of median income), after housing costs, are in Chirton and Riverside (between 32% and 41%), with part of Camperdown also having a relatively high level (20%).

National research from the Joseph Rowntree Foundation indicates that 55% of people who are in poverty are in work. This is supported by data from the Department for Work and Pensions Households Below Average Income which shows that 57% of all working-age adults in low income are in working families. In-work poverty is therefore likely to be an issue in these areas of North Tyneside.

- **Vulnerable groups** – There are a number of vulnerable groups within North Tyneside that find it hard to enter and sustain the labour market. Such as:

- The older workforce – In the period of July 2018 there were 985 people who are aged between 50-64 years who are claiming out of work benefits. This is higher than the 700 claimants who are aged 16-24 (NOMIS data, 4th September 2018).
- Care leavers – In 2017 there were 116 young people open to the Leaving Care service of which 36% were not in education, employment or training. The Authority is doing better compared to regional and national levels, however there is a recognition with the Authority that there is more work to do (Local Authority Information Tool). Within the Apprenticeship Academy only half complete their apprenticeship, however of those who do complete they all secured further employment or training.
- People with disabilities -Whilst there is limited information on the completion and progression of young people with learning difficulties and/or disabilities (LDD) in Apprenticeships, national data identifies that out of 494,900 Apprenticeship starts in 2016-17, 50,900 (12%) were taken by people with LDD. This compares to the overall population estimates that around 17% of adults have a LDD. The main areas of Apprenticeships for people with LDD are overwhelmingly in Health and Social Care and Business Administration roles, which tend to see lower skilled level roles. There is a similar picture within the Apprenticeship Academy's programme. In addition, it is worth noting that our own Employment and Skills Service delivers wider learning to a large number of people with LDD; 28% of all learners within the Adult Learning Service in 2016-17. The service's experience of engaging with employers to source work placements and employment opportunities for these learners confirms that this is difficult. Employers' perceptions is that it will cost them more and that employees with disabilities will take more time off due to sickness persists despite extensive work and research to the contrary. The North Of Tyne Devolution Deal, includes identification of this issue as one to address under the development of 'Good Work' proposals.

It is difficult for these groups who have not had the opportunity or developed the ability to navigate the complexities of finding and sustaining work. The challenges for finding work are particularly acute for these groups when they are trying to compete against the more experienced and able candidates. Evidence from our work so far within the Apprenticeship Academy and evidence specifically for care leavers from the Centre for Social Justice (2016), shows that even with the right support mechanisms and basic employability skills in place, many of these individuals find it difficult to sustain and complete an apprenticeship. Consequently developing suitable work experience placements and traineeships helps them prepare for the world of work and enables the right wrap around support services to be identified and put in place for greater success.

The Authority's workforce challenges

The Authority faces a number of challenges over the next few years. These challenges can only be met if we ensure we have the right people, with the right skills at the right time to meet demands.

- There is strong evidence regionally and nationally that Authorities will find it increasingly difficult to attract and retain sufficient numbers of people with the skills required to deliver our services. Some service areas, particularly within adults and children's services, are already experiencing skills shortages as competition for skilled workers increase.
 - Social workers (children, adults, mental health)
 - Physiotherapists / occupational therapists
 - Public health practitioners
 - Teachers
 - Business analysts
 - Graduate/license to practice professional pathways such as legal and planning professionals
 - ICT professionals
 - Project managers
- Workforce data from 2017 shows that predominantly our workforce is 45 years plus.

Age profile of the Authority's workforce (data from 2017)

All People	16-24	25-34	35-44	45-54	55-64	65+
3,129	130	402	662	1,097	780	58
	4.15%	12.85%	21.16%	35.06%	24.93%	1.85%

- Furthermore, the State of the Area Report 2017 indicates 9% of residents are within the 16 – 24 age group, which is not reflected across our workforce (the Authority's 16-24 employees only represent 4.15% of our workforce).

Strategic aims and priorities for action

This section of the strategy outlines the Authority's proposed approach to addressing the challenges outlined on previous pages.

The overarching aims of the apprenticeship strategy are:

1. Meet the challenges of the Elected Mayor & Cabinet's commitment to apprenticeships and deliver against the Government's Apprenticeship Reforms

2. Be an exemplar employer by supporting North Tyneside Council's plans relating to Our People and Our Economy
3. Identify apprenticeship opportunities, both external and internal, as part of our workforce planning process

Specifically this will incorporate:

- **Increase the number of apprenticeships within the Authority by 2021** to meet the public sector target – either through existing employees or via new entrants.
- **Tackling work poverty within the Authority's workforce** – the Authority will look at our lowest paid employees and utilise the levy, where appropriate, to deliver learning and development pathways for these groups of our workforce to up skill and create a workforce for the future at the same time as supporting our local economy in terms of deprivation and work poverty.
- **Delivering higher level apprentices across the workforce** – nationally we are starting to see an increase in the number of higher level apprenticeship standards becoming available which are applicable to our workforce needs. The Authority will utilise these higher level qualifications as a means of up skilling the existing workforce and in turn this will help support the wider skills agenda across North Tyneside.
- **Delivering a targeted offer of work experience, traineeships and pre apprenticeships for those priority groups at risk** – expanding our apprenticeship programme will provide the Authority with the ability to widen access and participation into the workforce and professional roles with those hard to reach groups such as LAC, Care leavers and SEND. Delivering a targeted offer of work experience, and traineeships will enable these priority groups to maximise their chances of competing against the more experienced candidates by helping them prepare for the world of work. This will involve integrating our programme with other initiatives across the borough to ensure we effectively tap into this potential pipeline of talent such as internal programmes, working roots study programme etc. In conjunction with our Adult Learning Service, we will also seek opportunities to access and utilise additional funding streams that the Authority can tap into to help those hardest to reach so that they are supported to overcome their personal barriers to accessing training opportunities within the Authority. This will be via funded study programmes or traineeship opportunities that prepare them for employment and training.
- **Delivering targeted apprenticeship recruitment campaigns** - specifically targeting our employment policy and procedures at those of greatest priority such as a guaranteed interview after completing an Authority traineeship if the individual meets the essential criteria for the role. We will work alongside a range of agencies and organisations to ensure we target our recruitment to our key groups. We will also look

to work alongside the schools in deprived areas to publicise the Authority as an employer of choice with apprenticeship opportunities.

- **Identify apprenticeship opportunities through workforce analysis and workforce planning** – apprenticeships will form an integral part of our workforce strategy to provide the Authority with a talent pipeline that supports our current and future skills needs. We will do this through workforce planning.
 - Adopting a more strategic approach to growing our own future workforce will become increasingly important in order to tackle recruitment and retention issues moving forward. Our focus will be on key skill shortage areas by developing talent and succession plans – using apprenticeship standards to build pathways to grow our own future workforce e.g. social work.
 - In addition to identifying apprenticeship opportunities for new employees, a “grow our own” approach will also need to apply to our existing workforce if we are to ensure we have the capacity and capabilities we need. Providing opportunities for existing staff to utilise apprenticeships, particularly higher level apprenticeships, to gain skills and progress their career, will further help to develop talent pipelines within the Authority such as project management, business analyst and leadership/management roles.
 - This strategy will also look to attract young people into the Authority’s workforce in order to not only address an ageing workforce profile but also to ensure our demographics reflect the communities we serve.
- **Promoting the authority as an employer of choice** – we will do this by maximising the use of social media to not only publicise our apprentice opportunities but also to showcase our success stories across the Apprenticeship Academy.
- **Embed apprenticeships across the Authority** - we will look to integrate into our service planning framework, HR policy and procedures and our core workforce development offer. In addition we will look to raise awareness within our workforce and work closely with the trade unions.
- **Maximising the use of our existing provision within the authority to support the Apprenticeship Academy and offer additional support to those of greatest priority** - we will look to maximise links within our organisation via the Adult Learning Service as the main provider for delivery of apprenticeships and pastoral support for those most in need, via Connexions, where it is appropriate and relevant. This ensures the Authority’s needs are met by utilising existing provision and money can be reinvested into developing further internal programmes to support the Authority’s priorities.
- **Develop partnerships with training providers and other local authorities to identify existing and new apprenticeship standards that support the Authority’s key skill shortage areas** – we will work with managers to identify key

skill shortage areas and look to either lead or contribute towards the development of new standards.

- **In addition the authority is able to support the borough wider aims of the Our North Tyneside Plan by using our supply chain leverage** – where we will use our procurement and partnerships to create apprenticeship and employment opportunities. Examples include the working roots programme which will become in-house by April 2019 with the transfer of Kier North Tyneside back into the Authority, the targets for recruitment from Chirton and Riverside in the Capita Annual service plan, the employment targets in the Engie partnership and the wider application of social value in our procurement.

Appendix A outlines the Authority's delivery plan to meet the aims and priorities of the strategy.

Performance monitoring of the strategy

This action plan will be regularly reviewed and reported to SLT.

The apprenticeship strategy, whilst spanning the period of 2018 – 2021, is intended to be a dynamic activity and will be regularly reviewed and updated in response to local and national changes. For this reason the plan will be updated on an annual basis

In accordance with our public sector duty requirement, we will also publish annually, data relating to the Authority's progress in meeting the 2.3% apprenticeship target set by Government.

Delivery plan for 2018 – 2021

	Action	Timescales	Lead	Desired outcomes															
Increase the number of apprenticeships within the Authority by 348 by 2021																			
1	<p>Achieve circa 348 apprenticeships starts by 2021 by increasing opportunities for new entrants, increase the number of existing employees undertaking an apprenticeship to develop their skills and career paths and encourage apprentices to progress from one level of apprenticeship to another</p> <table><tr><th></th><th>Planned intake</th><th>Actual intake</th></tr><tr><td>Year 1 17/18 Baseline target = 79</td><td>21 new starters 56 Existing staff ----- 2 schools Total planned = 79</td><td>18 new starters 37 existing employees ----- 4 Schools Total = 59</td></tr><tr><td>Year 2 - 18/19 Baseline target = 78 Previous yr 1 = 7 Total target = 85</td><td>24 new starters 46 existing staff ----- 15 schools Total planned = 85</td><td></td></tr><tr><td>Year 3 - 19/20 Baseline target = 85 Previous yr 1 = 7 Total target = 92</td><td>20 new starters 57 exiting staff ----- 15 schools Total planned = 92</td><td></td></tr><tr><td>Year 4 – 20/21 Baseline target = 85 Previous yr 1 = 7</td><td>20 new starters 57 existing staff -----</td><td></td></tr></table>		Planned intake	Actual intake	Year 1 17/18 Baseline target = 79	21 new starters 56 Existing staff ----- 2 schools Total planned = 79	18 new starters 37 existing employees ----- 4 Schools Total = 59	Year 2 - 18/19 Baseline target = 78 Previous yr 1 = 7 Total target = 85	24 new starters 46 existing staff ----- 15 schools Total planned = 85		Year 3 - 19/20 Baseline target = 85 Previous yr 1 = 7 Total target = 92	20 new starters 57 exiting staff ----- 15 schools Total planned = 92		Year 4 – 20/21 Baseline target = 85 Previous yr 1 = 7	20 new starters 57 existing staff -----		Annual review April 2018, 2019,2020,2021	Senior Manager Organisation and Workforce Development	Achieve public sector target of 2.3% of workforce being an apprentice
	Planned intake	Actual intake																	
Year 1 17/18 Baseline target = 79	21 new starters 56 Existing staff ----- 2 schools Total planned = 79	18 new starters 37 existing employees ----- 4 Schools Total = 59																	
Year 2 - 18/19 Baseline target = 78 Previous yr 1 = 7 Total target = 85	24 new starters 46 existing staff ----- 15 schools Total planned = 85																		
Year 3 - 19/20 Baseline target = 85 Previous yr 1 = 7 Total target = 92	20 new starters 57 exiting staff ----- 15 schools Total planned = 92																		
Year 4 – 20/21 Baseline target = 85 Previous yr 1 = 7	20 new starters 57 existing staff -----																		

	Total target = 92	15 schools Total planned = 92				
Tackle work poverty within the authority’s workforce						
2	To review lowest grade bands across the workforce to identify where we could start to “grow our own” and up-skill.			April 2019	Workforce Planning Officer	Meet future skill needs of service Develop career pathways
Deliver higher level apprenticeships across the workforce						
3	Identify and deliver higher level apprenticeship opportunities across the workforce			Ongoing	Workforce Planning Officer	Meet future skill needs of service Develop career pathways
Develop and deliver a targeted offer of work experience, traineeships and pre-apprenticeships as a pathway into apprenticeships in order to support those priority groups into work						
4	Identify traineeship programmes that offer key groups and align opportunities with skills gaps and skill shortages across Authority			Annually in December	Workforce Planning Officer	Accessible route into the Authority for key groups Development of work readiness skills in key groups Meet future skill needs of service
5	Partner with learning providers (Adult Learning Service) to design			Ongoing	Workforce	Accessible route into

	traineeships to meet business needs,		Planning Officer & ALS	the Authority for key groups Development of work readiness skills in key groups Meet future skill needs of service
6	Provide additional support and development opportunities to increase retention and provide sustainable jobs for young people and care leavers	Ongoing	Workforce Planning Officer & ALS	Meet future skill needs of service Development of work readiness skills in key groups
7	Work with key stakeholders from across the Authority and care leavers/looked after children to identify how we can better engage with our children in care and care leavers and raise their interest in undertaking work experience and traineeships within the Authority,	Ongoing	Workforce Planning Officer	Accessible route into the Authority for key groups Development of work readiness skills in key groups Meet future skill needs of service
8	Guarantee interview for apprenticeships in key target groups who complete traineeship	Annually in July	Senior Manager Organisation and Workforce Development	Accessible route into the Authority for key groups Meet future skill

				needs of service
9	Strengthen the relationship between the Authority and schools to promote apprenticeship opportunities as routes into jobs and careers within the Authority to disadvantaged groups – maximise our data sources to identify key schools linked to deprivation to support economic priorities i.e. John Spence, Norham, George Stephenson, Longbenton.	Ongoing	Workforce Planning Officer	Accessible route into the Authority for key groups
Deliver a targeted apprenticeship recruitment campaign and publicise the Authority as an employer of choice				
10	Increase use of social media in promoting North Tyneside apprenticeships	Ongoing	Workforce Planning Officer	Increase applicant pool
11	Review procedure around the advertising of new posts/vacancy list ensuring wider consideration of creating apprentice posts. Make changes on business vacancy business case proforma	December 2018	Workforce Planning Officer	Pro apprenticeship culture to support meeting target
12	Promote NTC Apprenticeship Academy as an employer of choice – building on our success stories year on year and ensuring we exploit links to local publicity where we can	Quarterly	Workforce Planning Officer	Increase applicant pool Highly regarded reputation as an employer of choice for apprenticeships
13	Guarantee interviews for key groups where they meet the essential criteria.	Annually in April when we advertise posts	Senior Manager Organisation and Workforce Development	Accessible route into the Authority for key groups
14	Proactive promotion of apprenticeship opportunities to hard to reach groups – targeted recruitment for NEETS, LAC/care leavers and SEND via range of NT agencies & organisations such as:	Annually in April when we advertise posts	Workforce Planning Officer	Accessible route into the Authority for key groups

	<ul style="list-style-type: none"> • Connexions: young people who are NEET, have additional needs • Job centre plus and DWP employment coaches: NEETs • Tynemet: staff connected to supported learning courses and faculty learning mentors • Princes Trust @tynemet: NEETs, low level skills, experience etc • Working Roots, YMCA north shields, Phoenix project: as above • LAC connexions adviser, support workers at NT run residential units: LAC and care leavers • Moorbridge and the PRU, alternative education providers: for young people outside of mainstream education • Family partners • Barnardos, training provider: supports young people from target groups. • North Tyneside school SENCOs and learning mentors • Employment and Skills employment advisers 			
15	Review pay proposals for higher level apprenticeships to ensure competitiveness within the market.	December 2018	Senior Manager Organisation and Workforce Development	Earnings in line with region Attract high calibre applicants
Identify apprenticeship opportunities through workforce analysis and workforce planning				
16	Map apprentice standards across to Authority roles and communicate new standards coming online to managers as and when	December 2018 and then ongoing	Workforce Planning Officer	Meet future skill needs of service Develop career pathways
17	Develop a live and dynamic tool (run from BMS) for workforce planning to ensure a clear and prioritised case for accessing the levy and meeting our WF needs (key risk factors - retirement vulnerability, difficult to retain/engagement, single incumbent/difficult to replace/specialist knowledge and skills)	April 2019	Senior Manager Organisation and Workforce Development	Robust workforce planning taking place Develop career pathways

				Meet future skill needs of service
18	Continue to work with managers in mapping apprenticeships to critical skill needs and areas where apprenticeships could help.	Ongoing	Workforce Planning Officer	Meet future skill needs of service Develop career pathways
Put in place robust plans for embedding apprenticeships across the Authority and communication plan in place				
19	Integrate apprenticeship considerations as part of service planning framework	Annually in march each year	Senior Manager Organisation and Workforce Development	Pro apprenticeship culture Apprenticeships embedded within Authority processes Development of Career pathways
20	Integrate apprenticeships opportunities within the Authority's core workforce development offering	March 2019	Senior Manager Organisation and Workforce Development	Pro apprenticeship culture Apprenticeships embedded within
21	Raise awareness of opportunities via apprenticeship route for staff and new entrants with all managers via leadership forum, managers briefings, article in teamwork, managers post bag etc.	Ongoing	Senior Manager Organisation and Workforce Development	Pro apprenticeship culture Raise awareness of career pathways
22	Promote success stories internally within the Authority to raise its profile within the workforce	Quarterly	Workforce Planning Officer and Comms team	Pro apprenticeship culture
23	Work with our unions to ensure the delivery of a high quality and supportive environment is available on the Apprenticeship Academy	Ongoing	Senior Manager	Positive apprenticeship

			Organisation and Workforce Development	culture
24	Communicate progress with the apprenticeship programme to key stakeholders: <ul style="list-style-type: none"> • Senior Leadership Team • Employment Joint Consultative Forum 	July & November each year	Senior Manager Organisation and Workforce Development	Pro apprenticeship culture Progress towards target and maximise levy funds
Maximise the use of our existing provision within the Authority to support the Apprenticeship Academy and offer additional support to those of greatest priority				
25	Increase pastoral support for priority groups via adult learning Service/Connexions within existing resources	April 2019	Workforce Planning Officer	Achievement of apprenticeship for those priority groups
26	Utilise Adult learning Service as main provider as and when relevant and appropriate for training the Authority's apprentices	Ongoing	Workforce Planning Officer	Re-Investment within the Authority
Develop partnerships with training providers and other Local Authorities to identify existing and new apprenticeship standards that support the Authority's occupational skills needs				
27	Work with providers to develop new standards and new training routes where the Authority has key skill gaps	As and when	Senior Manager Organisation and Workforce Development	Supply of skills meets needs of employer
Work with local authority maintained schools to maximise the levy funds and meet the apprenticeship target				
28	Awareness raising of apprenticeship levy/target linked to maintained schools and identify where support is required	December 2018	School HR Business Partner	Public sector target of 2.3% workforce apprenticeships is

				met
29	Carry out a review of the Authority's business processes to continue to support schools in meeting apprenticeship levy target and maximise their allocated levy funds	December 2018	Senior Manager Organisation and Workforce Development & School HR Business Partner	
30	Plan how, if we will redirect 10% redirection of funds to other organisations – e.g. schools	April 2019	Senior Manager Organisation and Workforce Development	Public sector target of 2.3% workforce apprenticeships is met

Key actions to address the wider activity of the borough's approach to apprenticeships can be found in the following documents.

[click here to access the Authority's employment and skills strategy](#)

[click here to access the Authority's procurement strategy](#)