



Council

North Tyneside Council

To All Members of the Council

14 November 2018

You are hereby summoned to attend the Meeting of the Council of the Borough of North Tyneside to be held in **The Chamber, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside at 6pm on Thursday 22 November 2018** for the transaction of the following business.

<u>Agenda Item</u>	<u>Page(s)</u>
1. Public Questions	3
One valid question have been received from members of the public for this meeting.	
2. Apologies	
3. To receive any Declarations of Interest	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes of the Council Meeting held on 27 September 2018 (previously circulated)	

Members of the public are entitled 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 please call 0191 643 5358.

Contact Officers

David Brown (0191) 643 5358

Paul Wheeler (0191) 643 5318

<u>Agenda Item</u>	<u>Page(s)</u>
5. Motions	4
Three valid Motions on Notice, signed by at least three Members of the Council, has been received for consideration at this meeting.	
6. Report of the Independent Remuneration Panel	7
To give consideration to the recommendations of the Independent Remuneration Panel in relation to the Members' Allowances Scheme for 2019/20.	
7. The Gambling Act 2005 – Draft Statement of Licensing Policy (Gambling) 2019 – 2022	14
To approve the draft approve the draft revised Statement of Licensing Policy (Gambling)	
8. The Licensing Act 2005 – Draft Statement of Licensing Policy 2018- 2023	83
To approve the draft revised Statement of Licensing Policy	
9. Approval of the North Tyneside Community Infrastructure Levy Charging Schedule	181
To receive the recommendations of Cabinet regarding the Community Infrastructure Levy Charging Schedule	
10. Common Seal	
To agree the Common Seal being affixed to all deeds and documents required for carrying into effect the various decisions of the Council made since its last meeting.	
11. Chair's Announcements	
To receive any announcements by the Chair of Council.	
12. Mayor's Announcements	
To receive any announcements by the Elected Mayor.	
13. Questions by Members of the Council	239
Six valid questions on notice have been received for a response at this meeting.	
Yours faithfully	
	
<u>Acting Chief Executive</u>	

North Tyneside Council Report to Council Date: 22 November 2018

ITEM 1

Questions by Members of
the Public

Notice has been received of the following questions from members of the public to be put to the Council meeting.

1. Question to the Elected Mayor by James Christie from Wallsend

In relation to the recent cabinet meeting (Ref: CAB56/10/18), the North Tyneside Network Management Plan makes reference to ***“offering improved connectivity, reliability and demand management across all modes of transport, the Authority aimed to operate and develop a network that could “manage the peaks” and deliver a consistent and reliable experience to all road users”***. Two further references were made in that there was ***“limited opportunities to network capacity improvement schemes to address congestion”*** and that ***“increased congestion on the highway network contributed to poor air quality”*** (the latter point made is a national issue). The parking of motor vehicles on pavements, throughout the Borough, does not incentivise people, without access to motor vehicles, to use the highway network confidently and securely.

My question, in relation to this, is as motor traffic congestion is directly linked to the poor air quality and congestion, how will the council address the lack of a Netherlands-style pedestrian and cycling infrastructure in the Borough? This would encourage more people to leave their motor vehicles at home, encourage children to get out on their bikes, improve air quality in the Borough and systematically ease the burden on the NHS Trusts that serve the area.

North Tyneside Council Report to Council Date: 22 November 2018

ITEM 5

Motions

Notice has been received of the following motions from Members of the Council to be put to the Council meeting.

1. Motion signed by Councillors S Brockbank, P McIntyre and A Austin

This Council notes and welcomes the creation of the North of Tyne Combined Authority (NTCA) as well as increased investment as part of the Chancellor of the Exchequer's recent budget.

Although the original plan for the region would have included those Local Authorities south of the Tyne, the plans for the NTCA allow for:

- The generation of £1.1 billion for the regional economy over
- The ability to attract investment of over £2.1 billion from the private sector businesses;
- 10,000 new jobs;
- The sharing of appropriate Council services across boundaries, as well as resources, skill and personnel.

The NTCA budget was presented amongst a raft of other positive announcements for the UK economy, with increased investment for public services and recognition of an increase in GDP of the UK.

Council welcomes these developments and requests the Elected Mayor to write to the Chancellor of the Exchequer to thank him of his continued commitment to this important regional development opportunity.

Financial Implications

There are no financial implications for the Authority arising directly from the motion.

Legal Implications

There are no legal implications for the Authority arising from this motion.

2. Motion signed by Councillors L Spillard, M Hall and M Green

Public Health

This Council believes that the continuing cuts in public health funding are a false economy. The consequence of the cuts result in, people suffering reduced health and wellbeing, extra demand on local health services and the local economy picking up the cost of increased absence and poor productivity.

Our most deprived areas suffer the worst health outcomes, there is a significant difference in life expectancy of 10 years between the most affluent and most deprived wards of the borough. So it is vital that these areas with the greatest need receive sufficient funding so that we can bridge the health gap.

We support Cancer Research UK's call for increased and sustainable public health funding and this Council requests the Mayor and Cabinet to call for the Government to deliver increased investment in public health and to support a sustainable health and social care system by taking a 'prevention first' approach.

North Tyneside Council will continue to support and fund public health initiatives to the best of our abilities -to prevent ill-health, reduce inequalities and support a health and social care system that is fit for the future.

Financial Implications

There are no financial implications for the Authority arising directly from the motion.

Legal Implications

There are no direct legal implications for the Authority arising from this motion.

3. Motion signed by Councillors A Newman, R Glindon and A McMullen

Finance

In the last 8 years North Tyneside council have had to make savings of £120 million, and this year faces a funding shortfall of £13.5 million. Councils were at the forefront of austerity, yet despite claims of the end of austerity, the chancellor has confirmed the £1.5 billion cut to council budgets next year. Although there is some additional money available it still amounts to large scale cuts.

We continue to face significant funding gaps and rising demand for adult social care and children's services. Like all other councils we have had to divert significant resources towards delivering these services. This results in a lack of resources to fund the other services our residents rely on, like running libraries, leisure centers, cleaning streets and maintaining our environment, parks and open spaces. We continue to face huge uncertainty about how we will pay for local services into the next decade and beyond.

The Council therefore asks the Mayor and Cabinet to consider writing to the Chancellor asking that he ensures that the forthcoming Spending Review delivers a fair and sustainable funding settlement for local government that protects the services valued by our residents.

Financial Implications

There are no financial implications for the Authority arising directly from the motion.

Legal Implications

There are no direct legal implications for the Authority arising from this motion.

North Tyneside Council

Report to Council

Date: 22 November 2018

ITEM 6

Report of the Independent
Remuneration Panel

Portfolio(s): Deputy Mayor

Cabinet Member(s): Cllr B Pickard

Report from Service Area: Law and Governance

Responsible Officer: Paul Hanson, Acting Chief Executive Tel: (0191) 643 2000

Wards affected: All

PART 1

1.1 Executive Summary:

This report requests the Council to give consideration to the recommendation of the Independent Remuneration Panel in relation to the Members' Allowances Scheme for 2019/20.

The Authority is required to have in place a scheme for Members' Allowances and is required to have regard to the recommendations of the Independent Remuneration Panel when determining its Members' Allowance Scheme.

1.2 Recommendation(s):

It is recommended that Council:

- (1) consider the recommendation of the Independent Remuneration Panel; and
- (2) agree a Scheme of Members' Allowances for 2019/20.

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 7 September 2018.

1.4 Council Plan and Policy Framework

This report has no direct relevance to the Authority's Our North Tyneside Plan priorities or to the Policy Framework.

1.5 Independent Remuneration Panel

Each local authority is required to establish and maintain an Independent Remuneration Panel. The purpose of the Panel is to make recommendations to full Council about the allowances to be paid to Elected Members.

The members of the Panel are Mr John Anderson CBE, Mr Les Watson, formerly of the Audit Commission and Dr Rachid Zemouri, Managing Director of ICAS Limited.

1.6 Panel's Recommendation

The Council is required to renew its Members Allowance Scheme for each financial year.

Under the Local Authorities (Members Allowances) (England) Regulations 2003 (as amended) the Authority is required to have regard to the recommendations of the Independent Remuneration Panel when considering any changes to its Members' Allowances Scheme.

The level of Member Allowances was reviewed and consideration was given to the current position regarding Basic and Special Responsibility Allowances.

In previous years it has been agreed that Members' allowances will be index linked to the annual pay award for employees working under the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service.

The Panel considered the continuation of the index linked approach and its recommendation is to continue on this basis for the 2019/20 financial year.

The Panel will continue to monitor the Members' Allowances Scheme to ensure that the allowances reflect the level of duty/responsibility in the future.

1.7 Decision options:

The following decision options are available for consideration by Council:

Option 1

Approve the recommendation of the Independent Remuneration Panel;

Option 2

Refer the matter back to the Independent Remuneration Panel for further consideration of specific issues identified by Council; or

Option 3

Defer consideration of the matter to obtain appropriate advice on the implications of any alternative proposals.

1.8 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Authority is required to have in place a Members' Allowances Scheme before 1 April each year having had regard to the recommendations of the Independent Remuneration Panel.

1.9 Appendices:

Appendix: Report of the Independent Remuneration Panel November 2018.

1.10 Contact officers:

Paul Hanson, Acting Chief Executive (0191) 643 2000

Alison Campbell, Senior Business Partner, Finance, (0191) 643 2430

Paul Wheeler, Democratic Services Officer, Law and Governance, (0191) 643 5318

1.11 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:

- North Tyneside Council Constitution
- North Tyneside Members' Allowances Scheme
- Local Authorities (Members Allowances) (England) Regulations 2003 (as amended).

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The payment of Members' allowances under the proposed Members Allowance Scheme for 2019/20, will be met from existing budgets in Law and Governance. Any variations will be reported as part of the usual financial management arrangements.

2.2 Legal

The Council is required to approve a Members' Allowances Scheme before the beginning of each financial year, following advice from the Independent Remuneration Panel, in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003 (as amended).

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Elected Mayor and Acting Chief Executive were consulted as part of the Independent Remuneration Panel's preparation of the report.

2.3.2 External Consultation/Engagement

There has been no external consultation or engagement on the report of the Independent Remuneration Panel.

2.4 Human rights

The proposals within this report do not themselves have any direct implications in respect of the Human Rights Act 1998.

2.5 Equalities and diversity

There are no direct equalities or diversity implications arising from this report.

2.6 Risk management

The risks associated with this report will be managed in accordance with the North Tyneside Council risk management process.

2.7 Crime and disorder

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

2.8 Environment and sustainability

There are no direct environment and sustainability implications 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 and Customer Service ☐

Report of the North Tyneside Independent Remuneration Panel

November 2018

Executive Summary

The views of the Independent Remuneration Panel are required to be taken into account by the Council when considering any changes to the Members' Allowances Scheme. The Panel has been requested to consider and make recommendations in relation to the Members' Allowances Scheme for the 2019/20 financial year.

The Panel **recommends** that there be no change to the North Tyneside Members Allowance Scheme for 2019/20.

1.0 INTRODUCTION

- 1.1 The Remuneration Panel was initially appointed in 2003 under the provisions of the Local Authority (Members Allowances) (England) Regulations 2003. These regulations replaced the Local Authorities (Members Allowances) (England) Regulations 2001.
- 1.2 The Terms of Reference are as follows: -
- a) To consider issues and representations relating to Members' allowances and expenses.
 - b) To make recommendations and provide advice to the Council
- 1.3 The current Panel comprises of Mr John Anderson CBE, Mr Les Watson, formerly of the Audit Commission and Dr Rachid Zemouri, Managing Director of ICAS Limited
- 2.0 BACKGROUND
- 2.1 The Panel is requested to give consideration to the current Members' Allowances Scheme and to make recommendations on the level of allowance for 2019/20.

3.0 MEMBERS' ALLOWANCE SCHEME

- 3.1 The Panel gave consideration to the Members' Allowances Scheme to determine if it was still set at an appropriate level.
- 3.2 In previous years it has been agreed that Members' allowances will be index linked to the annual pay award for employees working under the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service.
- 3.3 The Panel considered the continuation of the index linked approach and its recommendation is to continue on this basis for the 2019/20 financial year.
- 3.4 The Panel will continue to monitor the Members' Allowances Scheme to ensure that the allowances reflect the level of duty/responsibility in the future.
- 3.5 The Panel **recommends** that there be no change to the Members Allowance Scheme for 2019/20.

4.0 BACKGROUND INFORMATION AND REFERENCES

- The Local Authorities (Members' Allowances) (England) Regulations 2003
- Previous reports of the Remuneration Panel
- Member's Allowances Schemes of Tyne and Wear Authorities, Mayoral Authorities and Statistical Neighbours
- Local Government Act 1972
- North Tyneside Council Constitution
- North Tyneside Members Allowances Scheme

North Tyneside Council

Report to Council

Date: 22 November 2018

ITEM 7

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. This report outlines the final proposals to Council 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 Council:

- (1) approve the draft revised Statement of Licensing Policy (Gambling) attached at **Appendix 1** to this Report; and
- (2) make a ‘no casino resolution’ under section 166 of the Gambling Act 2005.

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:

- 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 report sets out the final proposals submitted to Council 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 gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - 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, the variation, transfer or review of such licences. 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 and other types of applications 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 1.5.7 of this report).

The decision whether or not to pass a further 'no Casino' resolution formed part of the consultation process concerning the revision of the 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.

Section 9 of Part B of the Policy attached at **Appendix 1** includes two statements concerning the decision to be made regarding a casino resolution.

1.6 **Decision Options:**

The following decision options are available for consideration by Council:

Option 1

To approve the final proposals in relation to the Statement of Licensing Policy (Gambling) including the delegation scheme contained in the Statement and to pass a resolution not to issue any Casino Premises Licence in the Borough under Section 166 of the gambling Act 2005.

Option 2

Not to approve the final proposals in relation to the Statement of Licensing Policy (Gambling).

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,
Tel: (0191) 643 6620
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 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_0.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 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.

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 these final proposals are submitted to Council 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 were 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. If the Authority does not have a Statement of Policy that is approved and in operation before 31 January 2019 the Authority may be open to legal challenge.

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)

INDEX

Preface

Part A – General

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

Part B – Premises Licences

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

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

Part C – Permits/ Temporary and Occasional Use Notices

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

Part D – Miscellaneous

1. Contact Details
2. Licensing Authority Delegations

Part E – Statement of Principles

1. Statement of Principles

APPENDIX 1 Local Risk Assessment Template

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.

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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 xx November 2018 and was published via the Authority's website on xx 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 Statement of 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.

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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.

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

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 Council

Date: 22 November 2018

ITEM 8

The Licensing Act 2005 – Draft
Statement of Licensing Policy
2018 - 2023

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 Licensing Act 2003 (“the Act”) to publish a Statement of Licensing Policy and to revise the Policy at least every five 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 alcohol and entertainment activities and has had a positive impact on licensing. This report outlines the final proposals to Council for the formal approval of the revised Policy.

1.2 Recommendations:

It is recommended that Council approve the draft revised Statement of Licensing Policy attached at **Appendix 1** to this Report, including the delegation scheme included in the 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:

- 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

1.5 Information:

- 1.5.1 The Licensing Act 2003 (“the Act”) places the responsibility for licensing the sale and supply of alcohol, the provision of regulated entertainment (previously referred to as public entertainment), and the provision of late night refreshment with the Authority as a Licensing Authority.
- 1.5.2 Any licensing function undertaken by the Authority is the responsibility of Council, including the approval of the Statement of Licensing Policy.
- 1.5.3 In carrying out its licensing functions under the Act, the Council, through its Licensing Committee, Sub-Committees or officers must do so with a view to promoting the four licensing objectives: -
- a) The prevention of crime and disorder;
 - b) Public safety;
 - c) The prevention of public nuisance; and
 - d) The protection of children from harm
- 1.5.4 Section 5 of the Act requires the Authority to prepare and publish a Statement of Licensing Policy every five years after undertaking the necessary consultation. There is a requirement for the Authority to keep the Policy under review and make revisions to it when considered appropriate.
- 1.5.5 Whenever the Licensing Committee, a Licensing Sub-Committee or officers are exercising a function under the Act, they must have regard not only to the Statutory Guidance issued by the Secretary of State but also to the Authority’s Statement of Licensing Policy.
- 1.5.6 Cumulative Impact Assessment

North Tyneside continues to be a safe place to live. Members will appreciate, in considering a Cumulative Impact Assessment, the focus is on incidents and what licensing can do to help. This focus ought not to detract from the general safety of the Borough.

On 6 April 2018 section 5A of the Act came into force as a result of the Policing and Crime Act 2017. This section permits a Licensing Authority to publish a “Cumulative Impact Assessment” stating that the Licensing Authority considers that the number of premises licenses and club premises certificates in one or more parts of the Borough is such that it is likely that granting any further licences or club premises certificates in that area, or areas, would be inconsistent with the promotion of the licensing objectives.

The concept of cumulative impact is a recognition that the number of licensed premises or clubs concentrated in one area can result in problems such as public nuisance, crime and disorder or anti-social behaviour at or near licensed premises. Such problems may occur because of a large number of people being concentrated in a particular area.

Section 5A of the Act requires any Cumulative Impact Assessment to set out the evidence that the Authority has relied upon for arriving at the opinion that issuing further premises licences or club premises certificates would undermine the licensing objectives. As Council will see from the Cumulative Impact Assessment at **Appendix 4** of the report, the evidence relied upon following consultation with many parties including Northumbria Police includes crime and disorder statistics for specific areas of Whitley Bay and Tynemouth that account for high levels of crime and disorder and anti-social behaviour.

The Cumulative Impact Assessment that was consulted on included reasons why the Authority was considering publishing a Cumulative impact Assessment, an indication of the parts of the Borough to be included in the Assessment and the fact that it was proposed that the Assessment would relate to alcohol led premises operating under the auspices of a Premises Licence.

The consultation resulted in 102 responses via the on line survey and 26 by email. In addition Northumbria Police supplied the initial statistics supporting the areas included in the proposed Cumulative Impact Assessment. A summary of those responses is attached to this report at **Appendix 5**. The responses were as follows:

- 119 from residents;
- 2 from Responsible Authority
- 6 from Organisations
- 1 from visitor;
- 1 from an MP;

Of the 26 representations received via email 25 who expressed an opinion agreed with the areas highlighted in the Assessment. Of the 102 responses via the on line survey 82 (80%) agreed with the area of Whitley Bay to be included and 85 (83%) agreed with the area of Tynemouth to be included.

As part of the consultation responses, other areas were suggested as possible areas to be included in the proposed Cumulative Impact Assessment. These included the Spanish Battery, Monkseaton, North Shields Town Centre and wider areas than the current identified areas of cumulative impact. Those areas were considered for inclusion in the Cumulative Impact Assessment but the level of evidence did not support the need for the inclusion of those areas in the Assessment at this time.

The Licensing Committee approved the Cumulative Impact Assessment on 11 October 2018 and the Assessment was published by the Authority on 15 October 2018.

1.5.7 Statement of Licensing Policy

Amendments made to section 5 of the Act by the Policing and Crime Act 2017 require the Authority, when revising its Statement of Licensing Policy, to have regard to the Cumulative Impact Assessment and for the Policy to summarise the contents of the Cumulative Impact Assessment. Section 13 of the Statement of Licensing Policy deals with the Cumulative Impact Assessment and Policy and how the Assessment has influenced the formulation of the Policy.

The Statement of Licensing Policy was prepared having regard to the Secretary of State's statutory guidance and was the subject of a 6 week period of consultation in line with the revised Cabinet Office guidance on public consultations. As is required by the Act, the consultees have included the Chief Officer of Police, the Fire and Rescue Authority, Director of Public Health, representatives, and holders of Premises Licences

and Club Premises Certificates issued by the Authority, representatives of personal licence holders, representatives of residents and businesses in the Borough as well as all MPs, MEPs and Councillors. There have been articles in the local press stating that the Policy was being consulted on and inviting comments on the Policy. The draft Policy was also available for inspection on the Authority's website during the consultation period. A list of the consultees is appended to the Policy at Appendix 2.

One detailed response was received from a national operator of the licensed trade in relation to the draft Policy. This response has been attached at **Appendix 2** of the report and the response is attached at **Appendix 3**. The Policy has been amended to include some of the suggestions made in the consultation response.

It is proposed that the Statement of Licensing Policy, having regard to the Cumulative Impact Assessment, will create a rebuttable presumption that an application for a premises licence or variation of an existing licence for alcohol led premises in the areas referred to in the Assessment will be refused.

However, what must be made clear in the Statement of Licensing Policy, as is made clear in the Cumulative Impact Assessment, is that a Cumulative Impact Policy is not absolute and the Authority must still properly consider any applications that are made for licences in the areas covered by the Cumulative Impact Policy. The Policy can only properly be considered in relation to a particular application if a responsible authority or local resident makes a representation in relation to an application. If no representations are received in relation to an application, the Authority must, as a matter of law, grant that licence or variation of licence even if it is in a Cumulative Impact area.

It is also possible for an applicant to rebut the presumption against granting a licence or variation thereof by demonstrating that the size, style or characteristics of the premises in question will not add to the cumulative impact in the areas covered by a Cumulative Impact Policy.

1.6 Decision Options:

The following decision options are available for consideration by Council:

Option 1

To adopt the Statement of Licensing Policy including the delegation scheme contained in the Statement.

Option 2

To adopt the Statement of Licensing Policy but with amendments to it as Council sees fit.

Option 1 is the recommended option.

1.7 Reasons for Recommended option:

Option 1 is recommended for the following reasons:

By adopting the draft Statement of Licensing Policy the Authority will be in a position to publish the same and ensure that the Authority, as a Licensing Authority, has a Policy in force which reflects the updated legislation including having regard to the Cumulative Impact Assessment published by the Authority in October 2018.

Having regard to the consultation responses received, including those from the residents of Whitley Bay and Tynemouth when consulting on the draft Cumulative Impact Assessment and their overwhelming support for a Cumulative Impact Policy for those areas, coupled with the statistical evidence provided by Northumbria Police who also support the adoption of a Cumulative Impact Policy for those areas, it is considered appropriate for the Statement of Licensing Policy to include a Cumulative Impact Policy as part of the Statement of Licensing Policy.

If Council decides that the Statement of Licensing Policy should be amended then, if the proposed amendments are fundamental changes, it may be necessary to consult on those proposed changes before they can be introduced into the Policy. It may therefore be necessary to adopt the Policy in its current form but for it to be amended after a further period of consultation.

If the Policy is not approved by Council then the existing Policy will effectively cease to have effect on 23 January 2019 when the Policy will be over 5 years old. Section 5 of the 2003 Act is clear that a Statement of Licensing Policy can only remain in place for a 5 year period. If the Policy is not reviewed and no further Policy published by the Authority it will be operating outside the Act and will not have a Statement of Licensing Policy to refer to when determining applications for licences or certificates. This will make the Authority vulnerable to legal challenge by those seeking licences or certificates.

1.8 Appendices:

Appendix 1 – Draft Statement of Licensing Policy

Appendix 2 – Consultation response

Appendix 3 – Response to consultation

Appendix 4 - Cumulative Impact Assessment

Appendix 5 - Summary table of consultation responses and amendments to Cumulative Impact Assessment

1.9 Contact Officers:

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

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

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

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 have been used in the compilation of this report and are available at the office of the author.

(1) Licensing Act 2003

<https://www.legislation.gov.uk/ukpga/2003/17/contents>

(2) Guidance issued under Section 182 Licensing Act 2003
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

(3) Equality Impact Assessment

<https://my.northtyneside.gov.uk/sites/default/files/meeting/related-documents/Background%20Information%20Licensing%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 and the associated consultation arrangements have been met from the existing revenue budget.

2.2 Legal:

The Authority is required to produce and publish a Statement of Licensing Policy under the Licensing Act 2003. This statement must be reviewed, and if necessary revised, at least every five years.

The Statement of Licensing Policy is a statutory requirement and without such a Policy the Authority as Licensing Authority could not undertake its statutory duties under the 2003 Act.

As the Authority has published a Cumulative Impact Assessment, the Assessment must be considered when reviewing the Statement of Licensing Policy and the fact that the Assessment has been made that the Authority is of the opinion that in specified areas of the Borough, granting further licences or variations of licences relating to alcohol led licensed premises will undermine the licensing objectives.

2.3 Consultation/Community Engagement:

2.3.1 Internal Consultation

The content of this draft Statement of Licensing Policy 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.

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 explained in section 1.5.6 of this report, the draft Policy has been widely consulted upon. Members of the public, the licensing trade, North Tyneside MPs and MEPs all have had an opportunity of commenting on the draft revised Policy statement. Notice of the 6 week consultation period 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 Licensing Act 2003 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.

The decisions made by the Licensing Committee/Sub-Committees and officers can have implications under the Human Rights Act 1998. Decisions of the Authority as Licensing Authority could be said to interfere with the property of the licence holder (a licence, or its goodwill, is classed as property) and also impact on the rights of parties to a family and private life. However, these rights are qualified rights and those rights can be interfered with if such interference is permitted in law. Any party who wishes to make representations in relation to a licensing matter has the right to express their views without interference and any person appearing before a Committee/Sub-Committee will be afforded an opportunity to a fair hearing.

There is also an appeal process available to those aggrieved by a decision of a licensing Sub-Committee.

Article 6 of the European Convention also entitles an individual to a fair hearing. Any individual appearing before a licensing sub-committee 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:

The prevention of crime and disorder is one of the licensing objectives that may be engaged when dealing with a licensing application. It is a requirement under the

Licensing Act 2003 and subordinate Regulations that the Police are forwarded a copy of an application for a licence or certificate so that the Police are able to scrutinise the application and make representations in relation to the application insofar as the prevention of crime and disorder licensing objective is concerned.

2.8 Environment and Sustainability:

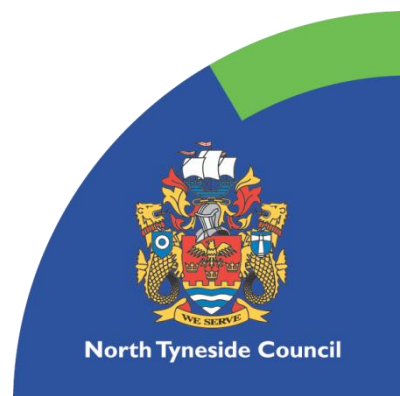
There are no direct implications for environment and sustainability arising from this report.

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

Statement of Licensing Policy



North Tyneside Council Statement of Licensing Policy

Section	Page
Executive Summary	3
1. Purpose and Scope of the Licensing Policy	5
2. North Tyneside	7
3. Consultation	8
4. Administration, Exercise and Delegation of Functions	9
5. General Principles	10
6. Licences	15
7. Representations	20
8. Conditions	21
9. Reviews	22
10. Licensing Objectives	25
11. Early Morning Alcohol Restriction Orders	32
12. Late Night Levy	35
13. Cumulative Impact Assessment	36
14. Contact Information	37
<u>Appendix 1</u> Scheme of delegation of decision-making and functions	38
<u>Appendix 2</u> Consultees	40
<u>Appendix 3</u> Model Conditions	41

Executive Summary

This Statement of Licensing Policy has been prepared in accordance with Section 5 of the Licensing Act 2003 and with regard to the Cumulative Impact Assessment published by the Authority on 15 October 2018. The Policy provides guidance to Responsible Authorities and other persons on the approach that the Authority will take on 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.

Any decision taken by the Authority in regard to the determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The Policy covers the licensable activities as specified in the Act which are:

- Sale by retail or supply of alcohol
- Regulated entertainment
- Late night refreshment

The Policy also has regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003.

The Authority has the ability to grant licences for premises and certificates for club premises. It also grants personal licences and accepts temporary event notices.

The Licensing Act 2003 aims to provide greater choice and flexibility for the licensed trade and the public. It seeks to improve prosperity through employment, tourism and culture and balance the rights of leisure seekers against those of neighbouring residents. It provides for blending in the Policy to meet other government and local needs such as reducing crime and disorder.

Applicants for premises licences should be aware of the expectations of the Authority as the licensing authority and those of the Responsible Authorities as to the steps that are considered appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives

Local people and Members of the Authority are able to have their say and their opinion heard through public consultation on this Policy and by making representations about applications for premises licences, club premises certificates and variations of existing licences and certificates or requesting reviews of licences or certificates for problem premises.

The Policy includes a link to the Cumulative Impact Assessment published by the Authority which seeks to limit the number of alcohol lead licensed premises in areas of the Borough because of evidence produced that shows that the number and density of this type of licensed premises are having a cumulative impact and are leading to problems that that undermine the licensing objectives.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Authority and Police. This Policy describes the Authority's enforcement principles and the principles underpinning the right of review of a licence or certificate.

Section 1 The purpose and scope of the Licensing Policy

Introduction

- 1.1 North Tyneside Council (the Authority) is the licensing authority under the Licensing Act 2003 for the Borough of North Tyneside. As such the Authority is responsible for the licensing of 'licensable activities' under the Act. This document sets out the policies that the Authority will apply when making decisions about applications for the licensable activities which are:
- the retail sale of alcohol
 - the supply of alcohol to members of registered clubs
 - the provision of regulated entertainment
 - the provision of hot food or hot drink between 11 pm and 5 am. (known as "late night refreshment")

The Licensing Policy

- 1.2 The Act requires that the Authority carry out its various licensing functions so as to promote the following four licensing objectives which are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm.

The 2003 Act further requires that the Authority publish this 'Statement of Licensing Policy' which sets out what the Authority will do to promote the licensing objectives when discharging its licensing functions under the Act.

Each of the four licensing objectives are of equal importance. This document sets out the policies the Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Authority will, where it believes appropriate, consider attaching conditions to licences to promote those objectives as appropriate.

- 1.3 This Policy shall apply in respect of applications, renewals, transfers, variations and reviews of the following licences created under the Act as set out in more detail at section 6:
- premises licences
 - club premises certificates
 - personal licences
- 1.4 This Policy shall also apply in relation to temporary event notices.
- 1.5 This Policy took effect on [xxxxxxx] when it replaced the earlier policy document dated 23 January 2014. This Policy will be in force for a maximum of 5 years but

the Authority will keep this Policy under review and will consult on any proposed revisions within this period.

- 1.6 In order to achieve the licensing objectives the Authority will actively promote partnership working. This will include working with other local authorities, the Police, fire service, local businesses, local people and those involved with child protection. The Authority recognises that co-operation and partnership remain the best means of promoting the licensing objectives.
- 1.7 The Authority understands the need to protect children from sexual exploitation when undertaking its licensing functions.
- 1.8 When exercising this Policy the Authority will have regard to the statutory principles of good regulation and the need for regulatory activities to be carried out in a way that are transparent, accountable, proportionate, consistent and targeted only at cases that require action in accordance with the principles set out in the Regulator's Code published in accordance with the Legislative and Regulatory Reform Act 2006.

Section 2 North Tyneside

Area and Impact

- 2.1 North Tyneside is one of five metropolitan districts that comprise the County of Tyne and Wear. It covers an area of 8,367 hectares and has a growing population of around 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.
- 2.2 The late night economy of the Borough is principally centred around the Whitley Bay and Tynemouth areas where a number of late night establishments are situated. Activity is also centred on restaurants, pubs and takeaway establishments 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 also have a negative impact in some areas where late night noise and crime and disorder can affect residents.
- 2.3 Each area of the Borough has its own character and challenges. Applicants are expected to demonstrate knowledge of their local area when describing the steps they intend to take to promote the licensing objectives.

Section 3 Consultation

Consultation

- 3.1 In reviewing its Statement of Licensing Policy the Authority has taken into account the views of:
- Northumbria Police
 - Tyne and Wear Fire and Rescue Service
 - Public Health Authority
 - Local Health Board
 - Holders of premises and personal licences and club premises certificates, and any representative bodies of these
 - Local businesses, residents and any representative bodies of these.
- 3.2 The Authority also consulted with tourism organisations, performers, unions, Drug Action Team, Planning Services, Community Safety, Tyne and Wear Passenger Transport Executive, the Local Safeguarding Children Board, Director of Public Health and other organisations.
- A full list of those consulted in preparing this Policy is set out at Appendix 2. The views of all of these persons and bodies will be given appropriate weight in determining this Policy.
- 3.3 A 6 week consultation took place between xx and xx 2018 and the Authority followed best practice on consultation as set out by the Department for Business, Energy and Industrial Strategy (BEIS).
- 3.4 Publication of the Policy was advertised on the Authority's website, local newspapers as well as by way of Notices at public libraries.
- 3.5 The Policy was approved by Council on xxx and was published via the Authority's website on xxx January 2019.

Section 4 Administration, Exercise and Delegation of Functions

- 4.1 Under the Act the Authority has responsibility for a wide range of licensing decisions and functions and has established a Licensing Committee to administer some of them.
- 4.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee delegates certain decisions and functions and has established a number of Sub-Committees to deal with determining individual applications.
- 4.3 Further, with many of the decisions and functions being administrative in nature, the grant of non-contentious applications, including for example those licences and certificates where no representations have been made, are delegated to the Authority's licensing officers. All matters dealt with by officers will be reported for information and comment to the annual Licensing Committee meeting.
- 4.4 The table shown at Appendix 1 sets out the current scheme of delegation of decision-making and functions to the Licensing Committee, Sub-Committees and officers.
- 4.5 This form of delegation will be without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to the Full Committee, if considered appropriate in the circumstances of a particular case.

Licensing Committee

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

Hearings

- 4.7 A Licensing Sub-Committee of three Councillors will sit to hear every application where representations have been received from other persons and responsible authorities unless the parties and the Authority have agreed to dispense with a hearing as appropriate. Ward Councillors will not sit on a Sub-Committee involving an application in their ward. The hearings will generally be open to members of the public.
- 4.8 Where a Councillor who is a member of the Licensing Committee or a Licensing Sub-Committee is making or has made representations on behalf of other persons, in the interests of good governance they will disclose an interest and disqualify themselves from any involvement in the decision making process affecting the licensing application in question.

Section 5 General Principles

Integrating Strategies and Avoiding Duplication

- 5.1 In accordance with the Secretary of State's Guidance the Authority will, in exercising its licensing functions, seek as far as possible to avoid duplication with other existing regulatory regimes.
- 5.2 However some regulations do not cover the unique circumstances of particular premises. The Authority will consider attaching conditions to premises licences and club premises certificates if relevant representations are made, where these are appropriate for the promotion of the licensing objectives, and are not already provided for in any other legislation.
- 5.3 Arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist and cultural economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.
- 5.4 The Authority has a duty under Article 8 of the European Convention on Human Rights not to breach the qualified rights of its residents to respect for their private and family life. The Authority also acknowledges the right of businesses in the Borough to operate, and this consideration must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.
- 5.5 The Authority has both tourism and cultural strategies in place, which have been taken into consideration in the drafting of this Statement. The Authority will consider the needs of the local tourist economy and the cultural strategy for the area in considering licensing applications.
- 5.6 The Authority has a recent tradition of holding festivals of live music, dancing and theatre to benefit the wider community and to aid social inclusion. These events are enjoyed by local residents as well as by the wider community, and provide an opportunity in particular for children to learn about and enjoy different cultural activities. When considering licensing applications in connection with these events the Authority will carefully balance the potential for limited disturbance in the nearby neighbourhoods with the wider benefits to the community.
- 5.7 The Authority will consider the opportunities presented by new licensed premises for new investment and employment in the area.

Partnership Working

- 5.8 The Authority will work in partnership with the following agencies and individuals to promote the licensing objectives:
 - Police authority
 - Fire authority
 - Planning authorities

- Environmental health
- Director of Public Health
- Crime and Disorder Reduction Partnerships
- Town centre managers
- Local businesses
- Agencies involved in child protection
- Local residents
- Local transport authorities and committees
- The Local Safeguarding Children Board

- 5.9 The Authority will consider any relevant protocols made with the Police under the Crime and Disorder Act 1998. The Police have the right to make representations on licence applications and reviews of licences and make reference to relevant strategies.
- 5.10 The Authority encourages licensee membership in local Pub Watch schemes.

Related Legislation and Strategies

- 5.11 There are a number of other local and national policies, strategies, responsibilities, and guidance documents which have been taken into account in drafting this Policy.
- 5.12 This Policy will also be integrated with local crime prevention, planning, transport, tourism, equality and cultural strategies, and any other plans introduced for the management of the borough and night-time economy. The Authority will work in partnership with the agencies referred to in paragraph 5.8 above and through joint working and cross reporting the Authority will ensure that this Policy integrates with the policies of its partner agencies.
- 5.13 The Authority has given due regard to the content of the Government's National Alcohol Strategy when preparing this Statement. The Authority will have regard to the North Tyneside Alcohol Strategy which refers to alcohol-related crime and disorder, drug-related crime and disorder and any other relevant issues.
- 5.14 The Authority will fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 when carrying out licensing functions under the Licensing Act 2003 and will do all it can to reasonably prevent crime and disorder and the misuse of alcohol and drugs in the Borough of North Tyneside.
- 5.15 The Policy reflects the aims of Our North Tyneside Plan and in particular Our People, Our places, Our Economy and Our Partners
- 5.16 The Authority in exercising its licensing functions recognises the need to protect children and other vulnerable persons from being harmed or exploited by licensing activities which includes the need to protect children from sexual exploitation.
- 5.17 Protecting children from harm is one of the most important things Local Authorities do. However 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 as early as possible when it does happen.

- 5.18 If 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

- 5.19 The Authority on receipt of applications for premises licences and personal licences will ensure that the applicant is entitled to work in the United Kingdom by the production of documentation set out in legislation.

Complaints against Licensed Premises

- 5.20 The Authority will investigate all valid complaints about licensed premises and will endeavour to seek a resolution through mediation.
- 5.21 The Authority will only investigate complaints under this Policy if they relate to one or more of the licensing objectives.
- 5.22 Where considered appropriate, the Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

Fees

- 5.23 The level of fees to be charged by the Authority for exercising its licensing functions will be set in accordance with regulations or other legislation relating to fee setting. Licensing officers can provide details of the level of fees on request.

Enforcement

- 5.24 Prior to the grant of a premises licence or a club premises certificate 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 or certificate on the licensing objectives.
- 5.25 Once premises are licensed it is essential that they are maintained and operated so as to ensure the continued promotion of the licensing objectives, compliance with the Act and any conditions attached to the licence. The Authority will make

arrangements to risk assess licensed premises and take appropriate enforcement action.

5.26 A Police Enforcement Protocol has been established between Northumbria Police, Tyne and Wear Fire and Rescue Service and the Councils of Tyne & Wear and Northumberland.

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

Type of premises	Frequency of inspections*
High risk (e.g. night-clubs, pubs,	Once a year
Medium risk (e.g. restaurants, clubs, cinemas, theatres, indoor sports events,)	Every 18 months
Low risk (e.g. premises providing late night refreshment, off-licences supermarkets	Every 2 years
Temporary event notices	Dependent on the circumstances

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

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

5.29 The Authority has established a protocol with Northumbria Police, Tyne and Wear Fire and Rescue Service and with the other responsible authorities as defined under the Licensing Act 2003 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 and activities requiring greater attention, while providing a lighter touch in respect of low risk premises that are well operated.

Licensing Hours

5.30 The Authority recognises that flexible licensing hours for licensable activities may reduce the number of people leaving premises at the same time, which in turn could reduce friction that can lead to disorder and disturbance at late night fast food outlets, taxi ranks, private hire offices and other means of transport.

5.31 The Authority will determine the terminal hour for the supply of alcohol in areas where an early Morning Restriction Order is in place.

5.32 The Authority will deal with the issue of licensing hours having due regard to the individual merits of each application and will give paramount consideration to the licensing objectives when considering hours of opening. The Authority is aware that there is no general presumption in favour of lengthening licensing hours under the

Licensing Act 2003. If relevant representations are received consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas or are close to noise-sensitive premises.

- 5.33 Following a relevant representation, the Authority may limit the hours when children (persons under 18 years) may be present on licensed premises.
- 5.34 The four licensing objectives will be the paramount considerations at all times and the Authority will always consider the individual merits of a case.

Staff Training

- 5.35 The Authority recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol undertake regular training programmes to raise and ensure continued awareness of their responsibilities under the Act and in particular the offences contained within the Act, such as the sale of alcohol to children.

Excessive Consumption of Alcohol

- 5.36 The Authority is aware of the link between the supply of alcohol and irresponsible drinks promotions and the possibility of resultant incidents of alcohol related crime and disorder and the implications for public safety, public nuisance and the risk of harm to children.
- 5.37 The Authority also recognises the impact that excessive or binge drinking can have on public health and of the positive action that can result from the promotion of the licensing objectives. The Authority as Local Authority will use the powers contained within the Act to ensure that operators' promotional activities do not undermine the licensing objectives.
- 5.38 Any licensed premises that participate in irresponsible drinks promotions will be breaching the mandatory conditions which came into effect in April 2010 and will be dealt with in accordance with the North Tyneside Council Enforcement Policy.

Equal Treatment

- 5.39 As an employer and service provider the Authority is working towards ensuring equality of opportunity and treatment in employment and service delivery and the Authority is aware of its duties under Section 149 of the Equality Act 2010 when discharging its licensing functions.

To achieve this duty the Licensing Authority will consult on and monitor the impact of this Policy to ensure that those making applications receive equal treatment and that when decisions are made by the Authority consideration will be given to any equality or diversity issues.

Section 6 **Licences**

- 6.1 When considering any application under the Act the Authority will have regard to:
- The Licensing Act 2003 and the four licensing objectives
 - Government guidance issued under Section 182 of the Licensing Act 2003
 - The supporting Regulations
 - This Statement of Licensing Policy.
- 6.2 Nothing in this Policy will:
- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits, and/or
 - Override the right of any person to make relevant representations on any application, or to seek a review of a licence or certificate where they are permitted to do so under the Act.
- 6.3 The Authority will not accept any application that is incomplete or fails to satisfy the requirements of the Act or any regulations made under it. Any such incomplete application will be returned with an explanation of why it is incomplete.

Planning

- 6.4 The use of premises for the sale or supply of alcohol, regulated entertainment and late night refreshment is subject to planning control. Any such use will require planning permission or must otherwise be lawful under planning legislation.
- 6.5 The planning and licensing regimes involve the consideration of different (albeit related) matters. Licensing committees/sub committees are not bound by decisions made by planning committee and vice versa.
- 6.6 When as a condition of planning permission a terminal hour has been set for the use of the premises that is different to the permitted licensing hours, the applicant must observe whichever is the earliest closing time. Premises operating in breach of their planning permission will be liable for prosecution under planning law.

Licences

- 6.7 The Act creates four types of authorisations as follows:

- **Personal Licences**

A personal licence is granted to an individual and authorises the supply of alcohol in accordance with a premises licence.

The Authority must grant an application for a personal licence if the criteria set down by the Act are satisfied.

If the Applicant has relevant previous convictions, and the Police are satisfied that granting the licence would undermine the crime prevention objective, the Police may make representations to the Authority.

The Authority will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.

- **Premises Licences**

A premises licence is required for any premises where it is intended that a licensable activity (as set out at Section 1.1 above) should take place (unless the activity has been authorised by the Club Premises Certificate or Temporary Event Notice procedure: see below).

Applications for a new licence need to be accompanied by an operating schedule which should set out the steps that the Applicant will take to promote the licensing objectives.

When completing the operating schedule, Applicants are expected to have regard to this Statement of Licensing Policy. They must also be aware of the expectations of the Authority and the Responsible Authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing,

An operating schedule should include enough information to enable any Responsible Authority or other person to assess whether the steps the Applicant proposes to take to promote the licensing objectives are satisfactory and so as to enable a licensing officer to convert the proposed steps into meaningful licence/certificate conditions that are consistent with the operating schedule should no relevant representations be made by Responsible Authorities or other persons.

Whilst Applicants are not required to seek the views of the Responsible Authorities before formally submitting an application they may find that contacting the Responsible Authorities is a useful source of advice on local issues that should be taking into consideration when making an application. The Authority would encourage cooperation between Applicants, Responsible Authorities and where appropriate local residents and businesses before Applications are submitted to minimise an areas of dispute.

Applicants are expected to obtain sufficient information to enable them to demonstrate when setting out the steps they propose to take to promote the licensing objectives that they understand:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate
- Any risk posed to the local area by the applicant's proposed licensable activities; and

- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

The Authority expects that operating schedules will be specific to the premises subject to the application rather than in general or standard terms.

Information that applicants may want to consider is publicly available at-

- The Crime Mapping website
- Neighbourhood Statistics website
- Websites or publications of the local responsible authorities
- Websites or publications by local voluntary schemes and initiatives and
- On-line mapping tools

If an Applicant does not demonstrate that they have had a regard to the local characteristics of the area in which a premises is situated and have a sufficient understanding of the local area in their operating schedule it is more likely that representations will be made by Responsible Authorities or local residents/businesses in relation to their Application.

It is therefore expected that each Applicant will undertake an assessment of the area in which the premises are situated and in particular if the premises are situated in a Cumulative Impact Assessment area that the Applicant addresses in their application why they consider their application is an exception to the Cumulative Impact Assessment.

See Section 13 of this Policy for a summary of the Cumulative Impact Assessment and the areas in the Borough to which the Assessment applies.

• **Club Premises Certificates**

A Club Premises Certificate is required for the supply of alcohol or the provision of regulated entertainment by certain members' clubs as defined in the Act. These certificates are operated in the same manner as premises licences, except that under a club premises certificate there is no requirement for a designated premises supervisor or a personal licence holder for the supply of alcohol.

Applications for a Club Premises Certificate must be accompanied by an operating schedule and the same considerations that apply in relation to the information that should be included in an operating schedule for a Premises Licence will apply to an application for a Club Premises Certificate.

• **Temporary Event Notices**

The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities are not authorised

by the Authority by way of licence or certificate. Instead a person wishing to hold an event at which such activities are proposed to be carried on, known as a “premises user”, simply gives notice to the Authority of the event (a “temporary event notice” or TEN).

Temporary event notices are subject to various limitations. These are concerned with:

- the number of times a premises user may give a TEN – 50 times in a calendar year for a personal licence holder and 5 times in a calendar year or other people);
- the number of times a TEN may be given for any particular premises (15 times in a calendar year);
- the maximum duration of an event authorised by a TEN is 168 hours (7 days);
- the maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
- the maximum number of people attending the event at any one time (fewer than 500); and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

The most important aspect of the system of temporary event notices is that no permission is required for these events from the Authority. Only the Police or Environmental Health Team may intervene to seek to prevent such an event from taking place or modify the arrangements for such an event.

The Authority will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event.

A Personal Licence Holder can give a late TEN up to 10 times in a calendar year whilst other persons can give a late TEN twice per calendar year.

The Authority encourages notice providers to give the earliest possible notice of events likely to take place.

The Act provides that the Police or the Environmental Health Department may issue an objection notice because they believe the event would undermine the one or more of the licensing objectives set out in the Act. The Police or Environmental Health Department must issue an objection notice within 3 working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the Authority at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled and licensable activities are not authorised.

Applications for Premise Licences, Club Premise Certificates or Temporary Event Notices can be made online via the North Tyneside Council Website.

- **Variations to Premises Licences or Club Premises Certificates**

If a the holder of a Premises Licence or Club Premises Certificate wishes to amend a Licence or Certificate, rather than apply for a new Licence or Certificate they can apply for the variation of the Licence or Certificate. The type of variation application that needs to be made will depend on the nature of the proposed variation.

There are simplified processes for making applications, or notifying changes, in the following cases:

- a change of the name or address of someone named in the Licence;
- an application to vary the licence to specify a new individual as the Designated Premises Supervisor;
- request to be removed as the Designated Premises Supervisor;
- an application by a Licence holder in relation to community premises authorised to sell alcohol to remove the usual mandatory conditions set out in the Licensing Act 2003 Act concerning the supervision of alcohol sales by a Personal Licence Holder and the need for a Designated Premises Supervisor who holds a Personal Licence; and
- an application for minor variation of a Premises Licence or Club Premises Certificate.

- **Minor Variations of Premises Licences or Club Premises Certificates**

If the holder of a Premises Licence or Club Premises Certificate considers that a proposed variation of a Licence or Certificate cannot impact adversely on the licensing objectives, a variation using the simplified “minor variations” process could be applied for.

Examples of when a “minor variation” could be applied for include (but not limited to) the following:-

- Minor changes to the layout of a premises or club premises;
- Amendment and removal of conditions in agreement with the appropriate Responsible Authorities;
- Small adjustments to the licensing hours (but not including an increase to the hours for the supply of alcohol); and
- Removal of out of date, irrelevant or unenforceable Licence or Certificate conditions or the addition of volunteered conditions.

As with the full variation process, the test to be applied when determining a minor variation application is whether the proposed variation could adversely impact on the licensing objectives.

Applicants are advised to contact the Licensing Authority to discuss the appropriateness of the use of the “minor variation” process before submitting such an application.

Section 7 Representations

- 7.1 A Responsible Authority or other person (such as local residents or businesses) may make a relevant representation in relation to Applications under the Act.
- 7.2 A relevant representation is one that relates to the promotion of one or more of the licensing objectives. A relevant representation can be in favour of an Application or against an Application.
- 7.3 In relation to other persons' representations if such a representation is considered to be frivolous or vexatious by the Authority then it may be rejected.
- 7.4 Members of the public who submit a representation in relation to an Application need to be aware that their personal details will be made available to the Applicant. If this is an issue they may contact a local representative such as a Councillor or body who can speak on their behalf such as a residents association. They may also consider approaching a Responsible Authority with details of how they consider that the licensing objectives are being undermined so that the Responsible Authority can make representations if appropriate and justified. Representations, duly redacted, so as to remove all personal information, will also generally be made available on the Authority's website.
- 7.5 Anonymous representations will not be accepted as relevant representations.

The Authority as a Responsible Authority

- 7.6 The Authority as a Responsible Authority will not act as a Responsible Authority on behalf of other parties (for example local residents, local councillors or community groups) although there may be occasions when the Licensing Authority does 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.
- 7.7 In cases where the Authority is also acting as a Responsible Authority, the Authority will allocate different licensing officers within the Authority to ensure a proper separation of responsibilities. The officer advising the Licensing Committee/Sub-Committee will be a different individual to the officer who is acting for the Authority in its capacity as Responsible Authority. The officer acting for the Authority in its capacity as Responsible Authority will not be involved in the licensing decision process and will not discuss the merits of the case with those officers or Councillors involved in the decision making process. Any communication that there has to be between such officers will remain professional and will be consistent with communication with other Responsible Authorities.

Section 8 Conditions

Conditions

- 8.1 After relevant representations have been received, the Authority will only attach conditions to premises licences and club premises certificates which it considers appropriate for the promotion of the licensing objectives. This Policy refers to pools of standard conditions that can be used when considering Applications. The Authority will take note of these conditions but will only attach conditions to licences and certificates that are appropriate, proportionate and tailored to the individual circumstances of the premises and events concerned. The pool of model conditions that the Authority may use (whether in the form set out, or as adapted to particular premises) are attached at Appendix 3. The conditions are included in the Policy so that Applicants may have regard to them with completing their operating schedule.
- 8.2 An Applicant may volunteer a prohibition or restriction in the operating schedule which accompanies their Application to grant a premises licence or club premises certificate, because their own risk assessment has determined such prohibition or restriction to be appropriate. Such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such.
- 8.3 In addition, the Authority will attach the appropriate mandatory condition(s) under the Act to the premises licence or club premises certificate.
- 8.4 The Authority will ensure that conditions, so far as possible, reflect local crime prevention strategies.

Section 9 Reviews

Reviews

- 9.1 Where possible and appropriate the Authority will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 9.2 If one or more of the licensing objectives are not being met and a Responsible Authority or other person can provide evidence to that effect, the Authority will consider a request for a review of a premises licence or club premises certificate.
- 9.3 Under the Act any Responsible Authority or other person including Councillors can apply to the Authority for a review of the premises licence or Club Premises Certificate for particular premises in the Authority's area. Once a licence/certificate has been issued, it lasts for the life of the business or qualifying club., A review of the licence/certificate may be requested if concerns with the premises arise at any time after it has been granted or varied. The review is a process whereby the Licensing Committee or Sub Committee will look at the existing licence/certificate and decide whether it is appropriate to modify the conditions on the licence, exclude a licensable activity from the licence/certificate, remove the designated premise supervisor (in the case of a licence), suspend the licence/certificate for up to 3 months or revoke the licence/certificate.
- 9.4 In respect of other persons no more than one review will be normally permitted by any one person within a 12 month period on similar grounds except in exceptional circumstances. Applications for reviews from other persons may be rejected if the grounds for seeking a review are considered to be frivolous, vexatious or repetitious. This does not apply to Responsible Authorities who may bring a review at any stage.

Appeals

- 9.5 Where a party to a hearing is aggrieved by a decision of the Committee or Sub-Committee there is a right of appeal. This appeal must be lodged with the Magistrates Court within a period of 21 days from the date that the Authority notified the applicant of its decision in writing.
- 9.6 In respect of personal licences, appeals must be made to the Magistrates Court in the area where the licence was issued. Appeals in relation to other licences or certificates must be made to the Magistrates Court where the premise is situated or event takes place.

Live Music, Dancing and Theatre

- 9.7 The Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, for the wider cultural benefit of the community. It will monitor the impact of licensing on regulated entertainment, particularly music and dancing.

- 9.8 It will seek to balance the needs of the wider community, local community and commercial premises and activities, against the needs of those who may be adversely affected by those activities.
- 9.9 The Authority will impose conditions in relation to licensed premises as it considers appropriate to prevent unnecessary noise and disturbance to local residents. This may include restrictions on times when music or other licensable activities may take place and imposition of technical restrictions on sound levels at such premises. However, the Authority will consider the proportionality of such conditions against the type, scale and community value of the event concerned.
- 9.10 The Authority recognises the amendments made to regulated entertainment as a result of the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013 whereby certain aspects of live music, the performance of plays, indoor sporting events and performance of dance are no longer licensable activities.

Live music remains licensable:

- where a performance of live music – whether amplified or unamplified – takes place other than between 08:00 and 23:00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at relevant licensed premises, at a time when those premises are not open for the purposes of being used for the supply of alcohol for consumption on the premises;
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 200 people; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended by the 2012 Act) when imposing a condition on a premises licence or certificate as a result of a licence review.

The performance of a play remains licensable:

- where the performance of a play takes place other than between 8am and 11pm
- where the play is performed to more than 500 persons

An indoor sporting event remains licensable:

- where the sporting event takes place other than between 8am and 11pm
- the event takes place in front of more than 1000 persons

A performance of dance remains licensable:

- where the performance of dance takes place other than between 8am and 11pm
- the dance is performed to more than 500 persons
- the performance of dance is 'relevant entertainment' within the meaning of paragraph 2A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

9.11 Applicants are encouraged to contact the licensing team if further clarification is required.

Adult Entertainment

9.12 Not all premises where there are displays of nudity will fall within the definition of a "sexual entertainment venue".

9.13 Where a premises is a sexual entertainment venue within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 it will be required to obtain an appropriate sex establishment licence as the Authority has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

9.14 If it is intended that adult entertainment will take place at a premises that is not classed as a sexual entertainment venue but the premises are the subject of an application for a premises licence or club premises certificate the Applicant will be required to state in the application form that such entertainment will take place at the premises. If such entertainment is to take place then the Authority will expect the Applicant to have given particular regard to the licensing objectives concerned with the protection of children from harm and the prevention of crime and disorder in their operating schedule.

Section 10 Licensing Objectives

10. Prevention of Crime and Disorder

10.1 In considering any licensing applications before it, the Authority shall have regard to Section 17 of the Crime and Disorder Act 1998 which requires a local authority to do all that it reasonably can to prevent crime and disorder and the misuse of drugs in its locality.

10.2 The Authority is committed to further improving the quality of life for the people of North Tyneside by continuing to reduce crime and the fear of crime. When addressing the issue of crime in their operating schedule, the Applicant should demonstrate that those factors which impact on crime and disorder have been considered. Crime and disorder can take the form of:

- Drunkenness/disorderly conduct on the premises or, in the case of outdoor events, in public places
- Fights at appropriately licensed late-night refreshment premises
- Use of drugs
- Anti-social or violent behaviour
- Underage drinking
- Lewd behaviour.

Licensees should recognise that visitors to licensed premises may be the perpetrators or the victims of crime. Therefore any risk assessment provided with an operating schedule should aim to protect visitors from criminal acts.

10.3 Where the licensable activity includes the sale of alcohol the licensed premises must have a 'designated premises supervisor' who holds a personal licence.

10.4 The following are examples of control measures that Applicants may need to take account of in their operating schedule, having regard to the location of the premises and the particular type of premises and/or activities:

- The installation of evidential quality CCTV both inside and outside the premises to deter disorder, underage drinking and drug taking
- The provision of an appropriate number of Security Industry Authority licensed door supervisors
- The provision of search facilities/measures and metal detection to exclude items that could be used as weapons and the use and supply of illegal drugs
- Participation in local pub watch schemes
- Requirement for proof of age cards
- Avoidance of irresponsible alcohol promotions
- Design and layout of premises
- Admissions policies
- Use of plastic or toughened glass
- Responsible server training
- Prevention of glass leaving the premises

- Requirement for photographic identification if a customer appears to be under 21 or 25 years consisting of passport, photographic driving licence or identification card carrying a 'Pass' logo and hologram.

This list is not exhaustive. It gives some examples and there may be other measures that a licensee can take to prevent crime and disorder, which will be appropriate as a condition for a particular licence. Applicants are referred to the Model Pool of Conditions at Appendix 3 for further examples.

10.5 In addition to the above, in discharging its responsibilities under the Licensing Act 2003, the Authority shall have regard to other relevant legislation and initiatives and including:

- Its powers under the Anti-Social Behaviour Act 2003 to control disorderly conduct and anti-social behaviour
- Planning controls
- Its powers to make Public Spaces Protection Order restricting the public consumption of alcohol
- The use of environmental protection legislation to take enforcement action on noise nuisance such as the Environmental Protection Act 1990 and Noise Act 1996
- The use of town centre CCTV to prevent crime and disorder
- Review of licences/certificate conditions on application by the Police, responsible authorities, interested parties
- Prosecution of licence holders and others in connection with any relevant licensing offence
- Police powers under the Licensing Act 2003, including the power to confiscate alcohol and to close premises on the grounds of disorder or excessive noise
- Police and Weights and Measure Authority powers under the Violent Crime Reduction Act 2006 to close premises or bring a prosecution against those who persistently sell alcohol to children
- Health Act 2006 in relation to smoking in public places
- Policing and Crime Act 2009
- Criminal Justice and Police Act 2001
- Violent Crime Reduction Act 2006
- The Police Reform and Social Responsibility Act 2011
- Ant-Social Behaviour, Crime and Policing Act 2014

Other government and local strategies such as

- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- North Tyneside Council's Enforcement Policy
- Compliance Code
- Community Safety Strategy
- Crime & Disorder Reduction Strategy
- Cultural and Tourism Strategies including promotion of live music and community events
- Drug and Alcohol Strategy

- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Transport Plan
- National and local Pubwatch schemes
- Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
- Purple Flag (ATCM)
- Safer Socialising

Public Safety

- 10.6 The Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with regard to public safety. Licensees, as providers of premises for the sale of alcohol, regulated entertainment or late night refreshment, must be able to demonstrate that they have considered and put into effect measures to protect members of the public and staff.
- 10.7 Where an Applicant identifies a public safety issue which is not covered by existing legislation, the Applicant should identify in their operating schedule the steps that will be taken to ensure public safety. Depending on the individual style and characteristics of the premises and/or events the following may be of relevance:
- The occupancy capacity of the premises
 - The condition, design and layout of the premises, including means of escape in the event of fire
 - The nature of the licensable activities to be provided
 - Customer profile
 - The use of special effects such as lasers, smoke machines, pyrotechnics etc
 - The number of people that can safely be accommodated at the premises having regard, in particular, to floor area and means of escape and crowd management
 - The means by which public and staff are to be protected from excessive noise in accordance with the Act
 - The number of people employed or engaged to secure the safety of everyone attending the premises or event
 - Arrangements to ensure that litter or refuse generated by the activity does not create a fire hazard.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.

- 10.8 The Authority expects full compliance with Health and Safety and Fire Safety legislation. A commitment to higher standards than that provided for in such legislation would be welcomed.
- 10.9 The Authority will take advice from its own technical officers, Tyne and Wear Fire and Rescue Service and the Police to determine if the proposals are sufficient to ensure the safety of the public. It will not normally grant an application for a licence

or variation of a licence where representations are made by one of the above mentioned bodies expressing serious concern regarding public safety, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

10.10 Prior to the determination of a licensing application, it is recommended that the Authority has sight of such certificates as is appropriate to ensure the safety of the premises. These include:

- Electrical inspection report certificate
- Fire alarm test inspection report
- Emergency lighting inspection and test report
- Fire-fighting equipment

Where such certificates are not provided, this may cause representations to be made by the health and safety authority or fire and rescue service, leading to unnecessary hearings and delay. The Authority recognises that it should not seek to impose fire safety conditions where the Regulatory Reform (Fire Safety) Order 2005 would apply. Under this Order premises must carry out a Fire Risk Assessment. The assessment must include a record of the significant findings and be reviewed on a regular basis. The assessment must be available for inspection by Enforcement Officers on request.

10.11 The following are examples of control measures that applicants may need to take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments. If a risk assessment has been carried out applicants are encouraged to provide copies of the risk assessment to the licensing authority prior to the determination of the application
- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- Implementation of appropriate crowd management measures.

This list is not exhaustive and other measures may be available to address compliance with this objective.

Prevention of Public Nuisance

10.12 The Authority recognises that licensed premises have a significant potential to adversely impact on communities through public nuisance that may arise from their operation. The Authority wishes to maintain residential amenity whilst recognising the valuable cultural, social and business role that such premises can provide.

10.13 When addressing public nuisance the Applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Any steps required to deal with these identified issues should be included in the applicant's operating schedule.

10.14 It is suggested that the measures described in the operating schedule could relate to one or more of the following:

- Noise transmission and escape
- Noise associated with patrons awaiting entry to or leaving the premises
- Noise from car parking and taxi facilities
- Light pollution
- Use of outside areas for the consumption of alcohol
- The promotion of responsible behaviour
- Litter
- Notices being displayed at exits and other circulatory areas requesting patrons to behave in a certain manner
- Doors and Windows kept closed except for access/egress or in emergency during the performance of musical entertainment.

10.15 The following are examples of control measures that applicants may need to take account of to prevent nuisance:

- Ensuring that live music and recorded music is not played after a certain time
- Soundproofing or other control measures to prevent noise escaping from premises
- Signs asking people to queue, leave premises quietly and not slam car doors, as appropriate
- Supervision of queues, in particular directing them to form away from residential premises and discouraging rowdy behaviour.

This list is not exhaustive and there may be other measures that a licensee can take to prevent nuisance arising.

10.16 The Authority would encourage licensees to consider winding down periods, during which alcohol service ceases (to be replaced with, for example, food and soft drinks or coffee), music and lighting are changed and announcements are made encouraging customers to leave quietly.

10.17 The Authority may deal with public nuisance and similar issues as follows:

- It may serve an abatement notice in respect of any statutory nuisance (including noise, the emission of smells etc). Failure to comply with such a notice is a criminal offence
- It may prosecute where queues cause obstruction of the footpath
- It may seek to control the deposit of litter through litter abatement notices, street litter control notices or fixed penalty notices.

This list is not exhaustive and other measures may be available to address compliance with this objective.

10.18 Public Nuisance is not defined in the Licensing Act 2003. What amounts to 'public nuisance' will be considered on a case by case basis. Generally speaking however the nuisance in question would need to be sufficiently widespread and sufficiently indiscriminate for it to amount to public nuisance and will usually affect more than one person.

Protection of Children from Harm

- 10.19 The protection of children from moral, psychological and physical harm is a paramount consideration when determining licensing applications.
- 10.20 The Licensing Act allows for accompanied children to have greater access to licensed premises, subject to the licensee's discretion and any conditions attached to the licence.
- 10.21 The Authority will consider the relevant issues in each application to ensure children are protected from harm including sexual exploitation.
- 10.22 The Licensing Act forbids the sale of alcohol to persons under 18 years.
- 10.23 The Licensing Act makes it an offence to permit children under the age of 16 years who are not accompanied by an adult into licensed premises which are used exclusively or primarily for the supply of alcohol for consumption on the premises.
- 10.24 It is an offence under the Act to permit children under 16 years who are not accompanied by an adult in any premises supplying alcohol for consumption between the hours of midnight and 5am. (Outside of these hours children under 16 may be admitted to licensed premises where alcohol consumption is not the exclusive or primary activity, for example hotels, cinemas).
- 10.25 When addressing the protection of children objective, the Applicant should initially identify any particular issues (having regard to the particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included in the applicant's operating schedule. Operating schedules may also include details of when it is proposed children will have access to the premises.
- 10.26 In the case of particular premises, factors which may give rise to particular concern in respect of the promotion of this objective include the following circumstances:
- Where there have been convictions for serving alcohol to children or where the premises has a reputation for underage drinking
 - Where there is a known association with drug taking or drug dealing
 - Where there is a strong element of gambling
 - Where entertainment of an adult or sexual nature is commonly provided.
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided
 - Unsuitable premises.
- 10.27 The Authority believes that a complete prohibition on children in licensed premises will be rare. However if, after receiving relevant representations, it is considered appropriate in order to prevent harm to children, the following restrictions may be considered:
- Limitations on the hours when children may be present
 - Age limitations (under 18 years)

- Limitations or exclusions of children when certain activities are taking place, for example drinks promotions, happy hours
- A requirement for an accompanying adult/parental supervision
- Measures to ensure children do not purchase, acquire or consume alcohol
- Measures to ensure children are not exposed to incidences of violence or disorder
- Proof of age schemes
- Stipulation of the number of adult staff required to control children and assure their safety while in a licensed premises.

This list is not exhaustive and other measures may be available to address compliance with this objective.

- 10.28 In the case of cinemas or other premises where films are exhibited, the Authority will expect licensees to impose conditions so that children who have not reached the prescribed age will be prevented from viewing age restricted films, classified by the British Board of Film Classification or the Authority itself.
- 10.29 The name and address of the body competent to advise the Authority on the child protection objective is North Tyneside Local Safe-Guarding Children Board.

Section 11 Early Morning Alcohol Restriction Orders

Early Morning Alcohol Restriction Orders (EMRO)

- 11.1 The power conferred on licensing authorities to make, vary or revoke an EMRO is set out in section 172A to 172E of the Licensing Act 2003.
- 11.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 11.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 11.4 An EMRO:
- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
 - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
 - Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
 - Applies to the whole or any part of the licensing authority's area
 - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
 - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
 - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

EMRO Request

- 11.5 It is expected that the need for an EMRO may be identified by a number of different organisations. For example the request for an EMRO may originate at a residents association. It may come via the Responsible Authorities Group. It is likely that more than one organisation may be involved in the process.
- 11.6 It is anticipated that the request would be referred to the Licensing Committee where an initial decision will be taken if it is appropriate to consult on the introduction of an EMRO. Members would be supplied with evidence of the issues being experienced in the area in support of the request for consideration of the introduction of an EMRO. The Licensing Committee will decide if, on the strength of the evidence provided at that time, that it is appropriate to consult on the introduction of an EMRO. It may however decide that further work needs to be undertaken before the consultation process commences or decide that other measures would be more effective in dealing with the problems identified or that

licence holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

11.7 Once the Licensing Committee is satisfied that an EMRO may be appropriate to address the issues in an area, and all other measures have been tried and failed to address these issues, the formal process of considering an EMRO will begin. The design of the EMRO will include:

- The days (and periods on those days) on which the EMRO would apply
- The area to which the EMRO would apply
- The period for which the EMRO would apply
- The date from which the proposed EMRO would apply

Consultation

11.8 The proposed EMRO will be advertised for at least 42 days. The proposal will be published on the Authority's website and in a local newspaper. A notice will be sent to all affected people in the area who hold a premises licence or club premises certificate, or people who use TENs or who hold a provisional statement. A notice will be displayed in the area, and sent to responsible authorities and adjacent licensing authorities.

11.9 Anyone affected by the EMRO has 42 days in which to make a representation on any aspect of the EMRO design. If relevant representations are received then a hearing will be held to consider them. If there are a number of representations, the licensing authority may consider whether to hold the hearing over several days. The hearing will be commenced within 30 working days of the end of the notice period.

11.10 As a result of the hearing the licensing authority has three options:

- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives
- To decide that the proposed EMRO is not appropriate and therefore the process should be ended
- To decide that the proposed EMRO should be modified. In this case it may be necessary to advertise again.

11.11 A decision to make, vary or revoke an EMRO is a decision for full Council. The Licensing Committee/Sub-Committee or officer may undertake the preliminary steps and the Licensing Committee may make a recommendation to full Council to make, vary or revoke an EMRO.

Evidence

11.12 The level of evidence the licensing committee will consider to support an EMRO could include:

- Police evidence of reported alcohol related crime
- Local crime and disorder statistics, crime hotspots and statistics on anti-social behaviour offences

- Nuisance statistics compiled from complaints made to Environmental Health, particularly in relation to noise, odour and litter
- Residents' questionnaires
- Data gathered from complaints made the Licensing Authority on matters which affect the licensing objectives.
- Evidence from residents organisations, ward members and other representatives of people living in a specific area
- Evidence obtained during the public consultation and associated public meetings

11.13 In addition, the Section182 guidance suggests other sources of evidence such as health related statistics, for example alcohol-related emergency attendances and hospital admissions can also be considered.

11.14 This evidence should, in part be provided by the organisation or groups who are proposing an EMRO should be made.

Formal Decision

11.15 Once the Licensing Committee is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination will be put to full Council for its final decision. Once the EMRO is made, the Authority will send a notice to all affected persons and make it available for 28 days on the website.

11.16 A variation or a revocation of an order will follow the same process. However an order could be applied for a specified time and in this case the order ceases to apply on the final day.

11.17 Once an EMRO is in place, the licensing authority will update this policy as soon as possible to include reference to the EMRO in this section.

11.18 There are currently no EMROs in place in the Borough.

Section 12 Late Night Levy

- 12.1 The Authority can introduce a Late Night Levy across the Borough by virtue of section 125 of the Police and Social Responsibility Act 2011. The levy will empower the Authority to charge licence/certificate holders that supply alcohol late into the night for the extra enforcement costs that can be created for the police and the Licensing Authority by late night trading. Any such levy would apply to all licensed premises supplying alcohol between midnight and 6.00am save for any category of premises exempted by the Licensing Authority.
- 12.2 The police will receive at least 70% of the revenue generated by a Late Night Levy with the Licensing Authority receiving the remaining 30%.
- 12.3 Before a Late Night Levy can be introduced, the Licensing Authority will need to have consulted with the police and licence/certificate holders in the Borough supplying alcohol after midnight in accordance with the appropriate Regulations.
- 12.4 There is currently no Late Night Levy in this Borough.

Section 13 Cumulative Impact Assessment and Policy

Cumulative Impact Assessment

- 13.1 On 15 October 2018 the Authority published a Cumulative Impact Assessment. This Policy should be read in conjunction with the Cumulative Impact Assessment.
- 13.2 When revising this Policy the Authority, as it must do, has had regard to the Cumulative Impact Assessment.
- 13.3 In summary, the Cumulative Impact Assessment has demonstrated that there is an evidential basis to justify creating a rebuttable presumption against granting premises licence applications, or variations of existing licences, in relation to alcohol led licensed premises (where alcohol is consumed on the premises) within areas of Whitley Bay and Tynemouth referred to in the Assessment and shown on the maps forming part of the Assessment.
- 13.4 The Cumulative Impact Assessment concluded that the cumulative impact areas in Whitley Bay and Tynemouth account for a disproportionate amount of crime and anti-social behaviour, including violent crime and alcohol related anti-social behaviour which impacts on the resources needed to police the areas due to the Night time Economy.
- 13.5 The Cumulative Impact Assessment can be found here - <https://my.northtyneside.gov.uk/category/1119/statement-licensing-policy-and-cumulative-impact-assessment>

Cumulative Impact Policy

- 13.6 Having had regard to the Cumulative Impact Assessment and the evidence produced therein, this Policy creates a rebuttable presumption that an application for a premises licence, or the variation of existing licences, in the areas referred to in the Cumulative Impact Assessment that relate to alcohol led licensed premises will be refused. This means that:-
- An applicant wishing to obtain a new premises licence, or seeking to vary an existing licence, must demonstrate within their application that there is likely to be no negative cumulative impact on one or more of the licensing objectives should their application for a licence, or variation of an existing licence, be granted.
 - On receipt of an application for a premises licence or the or the variation of an existing licence in the areas referred to in the Cumulative Impact Assessment, the Authority will properly consider the application and the relevant representations received. Those applications that are considered to be unlikely to add to the cumulative impact on the licensing objectives may be granted.
 - The Cumulative Impact Policy does not relieve the responsible authorities and other persons (such as local residents) from the need to make relevant

representations before the Authority can lawfully refuse an application for a premises licence or variation of an existing licence in the areas referred to in the Cumulative Impact Assessment. If no representations are received by the Authority it will be legal obliged to grant the licence or variation of the licence.

- 13.7 The Cumulative Impact Policy is not absolute and any application received for a premises licence, or the variation of an existing licence, within the areas referred to in the Cumulative Impact Assessment will be properly considered, and if it is believed that the premises are unlikely to add to the cumulative impact an application may be granted and the presumption against granting a Licence or a variation thereof duly rebutted.
- 13.8 The Authority welcomes the introduction of well operated, high quality licensed premises in the Borough, including the areas referred to in the Cumulative Impact Assessment that will enhance diversity in terms of licensed premises and will add to the economic vitality of the Borough. The Authority on the other hand is aware that large capacity “vertical drinking” premises that are used primarily or exclusively for the sale and consumption of alcohol and have little or no seating for patrons can have a significant impact on the likelihood of crime and disorder. Such establishments are not therefore likely to be granted a licence in the areas referred to in the Cumulative Impact Assessment.
- 13.9 The fact that the Cumulative Impact Assessment is referred to in this Policy and that all persons are advised to read both the Policy and the Cumulative Impact Assessment demonstrates that the Authority has had regard to the Assessment when revising this Policy.
- 13.10 The Cumulative Impact Policy will not be used as a ground for revoking a premises licence.

Contact and Applications

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

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

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

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

Web: <http://www.northtyneside.gov.uk>

Appendix 1

Scheme of Delegation of decision-making and functions

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

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub Committee	Officers
Application for/renewal of personal licence		If a police objection	If no objection made
Application for premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate (including summary review brought by the police)		All cases	
Consideration as to whether to take interim steps following a summary review by police		All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	
Acknowledgement of a temporary event notice			All cases
Issue of Counter Notice in relation to a temporary event notice where permitted limits are			All cases

exceeded			
Issue of Counter Notice in relation to a temporary event notice following a police objection		All cases	
Determine application for a Minor Variation			All cases
Determination of whether to revoke or suspend a personal licence		All cases	
All licensing functions under the Licensing Act 2003 except those not capable of such delegation			All cases
Determining if it is appropriate for a proposed EMRO to be consulted on and considering any relevant representations received during the consultation period and thereafter making a recommendation to Council to make an EMRO	All cases		

Appendix 2

Those parties consulted during the formulation of this Policy included:

Northumbria Police
Tyne and Wear Fire Service
Members
MP's
MEP's
Local residents and businesses
Licence and Certificate holders
Director of Public Health
Children's Services
Responsible Authorities
Tourism organisations
Planning Authority
Tyne and Wear Passenger Transport Executive.

Appendix 3

LICENSING ACT 2003

POOL OF MODEL CONDITIONS

Notes: -

- (i) These conditions shall be read in conjunction with the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003.”
 - (ii) The conditions shall not be regarded as “standard conditions” which are to be automatically imposed in all cases. They are designed to provide a range of possible conditions which may need to be attached to Premises Licences and club premises certificates following a relevant representation depending upon differing situations. The wording of the conditions may need to be modified to suit a particular premises and situations.
 - (iii) This is not an exhaustive or exclusive list of conditions. Additional conditions may be drafted and attached to premises licences/club premises certificates to meet individual circumstances.
 - (iv) Individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives.
 - (v) When incorporated into a Premises Licence or Club Premises Certificate, any condition becomes enforceable under the law and a breach of such a condition could give rise to prosecution and/or a review of the licence or certificate.
-

CONDITIONS
RELATING TO THE PREVENTION OF CRIME AND DISORDER

1. The licensee, that is the person in whose name the premises licence is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the Licence and for preventing crime and disorder.

(Note. Staffing requirements may vary dependent upon the size and nature of the premises and the licensable activities taking place, and as specified in the "operating schedule".)
2. There shall be provided at the premises text and/or radio pager equipment to be operated in conjunction and in liaison with the Police.
3. The text and/or pager system shall be capable of sending and receiving messages to and from the local Police, and other Licensees, designated premises supervisors, door supervisors, managers and club operators, incorporated into any joint and mutually beneficial scheme operating in the area.
4. The text and/or pager system shall be maintained in good working order at all times when the premises are being used for a licensable activity.
5. The text and/or pager system shall be activated, made available to, and monitored by the designated premises supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.
6. The Licensee, designated premises supervisor or other person having responsibility for monitoring the text and/or pager system provided under the provisions of condition 3 shall comply with any instructions or directions received through the system from the Police.
7. The Licensee, designated premises supervisor or other responsible person shall use the text and/or pager system provided under the provisions of condition 3 to notify and report any incident of crime and disorder to the Police as soon as practically possible, in accordance with agreed protocols.
8. The Licensee and designated premises supervisor shall ensure that: -

(either)

- At all times the premises are open for any licensable activity

(or)

- Between and on (days) when the premises are open for a licensable activity

There are employed at the premises:-

(either)

- An appropriate number
- (or)
- 'X' number

of door supervisors (as defined in the Private Security Industry Act 2001).

9. Door supervisors should be stationed in such numbers and in such positions as detailed on the attached schedule and approved plan of the premises.
10. Door supervisors may be male or female, but where physical searching of a patron is to be undertaken, such searching must be undertaken by staff of the same sex as the patron.
11. Door supervisors shall be provided with 'two-way' radios or similar systems capable of ensuring continuous communication between each other at all times that the premises is open for a licensable activity.
12. Door supervisors shall wear clothing of the same style, type and colour, which may be appropriate to the nature of the venue, but which will ensure they are clearly distinguishable and identifiable as door supervisors having regard to the events and activities taking place at the licensed premises.
13. The Licensee shall ensure that on each day that door supervisors are engaged for duty at the premises, their details (names and licence numbers) are recorded in an appropriate book kept at the premises. In conjunction with this record book, the licensee shall also keep an incident book. This record book and incident book must be available for inspection by the Police or an Authorised Officer at all times when the premises are open.
14. Glass bottles containing beverages of any kind shall not be left in the possession of any patrons after service and following the discharge of the contents into an appropriate glass or drinking vessel.
15. Glass bottles containing wine may be sold for consumption with a meal taken at a table, by customers who are seated in an area set aside exclusively for patrons taking table meals.
16. No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity.
17. One pint and half pint capacity drinking glasses and highball (tumbler) drinking glasses in which drinks are served shall be of strengthened glass (tempered glassware) or of a material whereby, in the event of breakage, the glass will fragment with no sharp edges being left. Alternatively, drinks may be served in non-glassware drinking vessels (e.g. plastic, polystyrene, waxed paper).

(Note. Weights and measures legislation requires the use of "stamped glasses" where "meter-measuring equipment" is not in use.)

18. No glass drinking vessels or glass bottles shall be permitted (*in the areas described in the attached schedule and delineated on the approved plan.*)

19. No alcoholic drinks may be consumed in the (areas described in the attached schedule) (following areas) and delineated on the approved plan.
20. No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.

(Note. This condition shall not apply to patrons who have purchased beverages for consumption off the premises (within the curtilage of the premises' licensed area or in the area covered by a Pavement Café Licence) with the express consent of the Licensee, designated premises supervisor or responsible person.)

21. There shall be no off sales of alcoholic drinks except for consumption in an area which is covered by a "Pavement Café Licence"
22. No alcoholic drinks shall be sold or supplied for consumption off the premises.
23. Alcoholic drinks will be only be sold or supplied for consumption on the premises (and there shall be no off sales).
24. There shall be no sales of alcoholic drinks for consumption off the premises on any day when a "first class" football match is being played at St. James Park/Stadium of Light.
25. There shall be no sales of alcoholic drinks for consumption off the premises on any day when an event is taking place, subject to notification in writing from the Licensing Authority (in conjunction with Northumbria Police) at least seven days prior to the event.

(Note. Examples of when such a notice may be given might be if a major outdoor event (sporting or otherwise) or a parade is scheduled to take place in an area of the local authority, and where it is considered that alcohol off-sales in that area might give rise to or add to potential crime and disorder problems).

26. The maximum number of persons permitted on the premises at any one time shall not exceed persons.
27. The number of persons permitted to assemble on the premises on the same occasion shall at no time exceed the permitted number(s) specified on the premises licence.
28. The maximum number of persons permitted in each of the following areas at any one time shall not exceed: -
 - (a)
 - (b)
 - (c)
 - etc.,

but at no time shall the total number of persons on the premises as a whole exceed persons.

29. The Licensee and designated premises supervisor shall ensure that there are effective management arrangements in place to enable them to know how many persons there are in the premises at all times when the premises are open for a licensable activity.
30. The maximum number of persons permitted to assemble on the licensed premises, or relevant part of the licensed premises, shall be indicated by a fixed notice bearing the words "Maximum Occupancy" with letters and numbers not less than 20 mm high, conspicuously sited at each relevant part of the premises and at the reception point.
31. Seating for no less than persons shall be provided in the premises at all times the premises are in operation.
32. Seating shall be provided for all customers and alcohol shall only be served to those customers who are seated at tables by way of waiter or waitress service only.
33. Except in the area identified and delineated (e.g. hatched, coloured green) on the deposited plan, alcoholic drinks shall only be sold or supplied to, and consumed by, persons seated at a table, by way of waiter or waitress service, save that:-
 - (a) No more than (number) persons may stand in the area identified and delineated (e.g. coloured blue) at any one time, and
 - (b) A person may take a drink from the area marked (e.g. coloured green) and sit in the area marked (e.g. coloured blue).
34. All members of staff at the premises including Door Supervisors shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo or Her Majesties Forces Identity Card.
35. A suitably worded sign of sufficient size and clarity shall be displayed at the point of entry to the premises and in a suitable location at any points of sale, advising customers that they may be asked to produce evidence of their age.
36. The Licensee shall not advertise, promote or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.
37. A conspicuous notice shall be displayed on or immediately outside the premises adjacent to the entrance to the premises which gives details of times when the premises are permitted to be open for any licensable activity.
38. A conspicuous notice shall be displayed on or immediately outside the premises, adjacent to the entrance to the premises which gives details of any restrictions relating to the admission of children to the premises.

39. Suitably phrased, clear and conspicuous notices, shall be displayed near the entrance to the premises and in other appropriate locations such as sanitary conveniences advising patrons:
- i) of any risk of theft or possibility of other criminal activity.
and/ or
 - ii) to exercise care with their personal possessions to prevent theft.
and/or
 - iii) how to report any incidents of theft or other criminal activity.
40. All signs required under these conditions shall comply with those conditions, shall be placed in accordance with those conditions and be illuminated or positioned in well-lighted locations.
41. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Premises Licence Holder will ensure that:
- The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and points of sale.
 - The CCTV system is able to capture clear images permitting identification of individuals.
 - The CCTV system will be in operation whenever licensable activities are taking place at the Premises.
 - The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 30 days.
 - The CCTV system is capable of constantly generating an accurate date and time.
 - The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
42. There will be members of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the General Data Protection Act 2018 (or any replacement legislation).
43. All members of staff responsible for the sale of alcohol will receive training in relation to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation) before being permitted to sell alcohol at the Premises. Such training will be provided by the Designated Premises Supervisor.
44. All members of staff responsible for the sale of alcohol will receive refresher training at least [every 6 months/ 1 year] as to their duties and responsibilities under the Licensing Act 2003 (or replacement legislation). Such training will be provided by the Designated Premises Supervisor.

CONDITIONS
RELATING TO PUBLIC SAFETY

45. When disabled people are present, adequate arrangements shall exist to enable their safe evacuation in the event of an emergency. Staff shall be aware of disabilities and react according to a pre-determined plan. Guidance has been published by the Government which will assist the responsible person with planning and implementing their evacuation plan.
46. All escape routes and exits shall be kept unobstructed and in good order, with non-slippery and even surfaces, free of trip hazards and clearly identified.
47. All exit doors whenever the premises are occupied shall be easily openable in the case of an emergency, without the use of a key, card, code or similar means. Panic bolts shall not be secured with chains, padlocks or other locking devices when the Licensed Premises are being used for the purposes of the licence. Arrangements must be made to ensure that security-fastening devices are displayed in a prominent position under management control when the premises are open to the public.
48. All exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check kept on the premises.
49. All fire doors shall be maintained effectively, self closing and shall not be held open other than by approved devices. Rising butt hinges do not constitute a self closing device for the purposes of this condition.
50. Fire resistant doors to ducts, service shafts, and cupboards shall be kept locked shut to prevent unauthorised access.
51. The edges of steps and stairs shall be conspicuous. Mats, matting, carpets and other floor coverings shall be secured to the surface they cover and shall be so maintained.
52. Safety checks shall be carried out daily before the admission of the public. These shall correspond with the risk assessment and the conditions of the licence.
53. A written record of all periodic tests, examinations, inspections, staff training and results referred to herein shall be made in a log book. The log book shall be kept on the premises at all times and shall be available for examination by authorised officers of the Council, Northumbria Police and by officers of Tyne and Wear Fire and Rescue Service.
54. All licensed premises shall have a means of giving warning to persons in the event of an outbreak of fire or other emergency. Where determined by the risk assessment that a mains electrical fire alarm is required, this shall be designed to and installed in accordance with British Standard 5839-Part 1 Current Standard. Activation of the fire alarm shall operate an electronically linked automatic cut off switch to silence any amplified music. This device shall not infringe compliance of the system with the appropriate British Standard.

55. Fire fighting equipment shall be provided in the licensed premises in accordance with the risk assessment with staff suitably trained as necessary.
56. Curtains and drapes shall be adequately supported and shall not be hung across stairs, stairways or gangways. Curtains and drapes may be hung over doors, but shall be so hung as to draw easily and slide freely. All curtains and drapes shall be hung so that they do not come into contact with the floor, and do not conceal notices. All curtains and drapes shall either be inherently flame proof or shall be treated to be flame proof.
57. Upholstered seating shall meet on a continual basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and ignition source 5 when tested in accordance with BS 5852:2006 or equivalent standard.
58. Prior advice shall be sought from the Licensing Authority before temporary decorations are used, and the risk assessment amended accordingly.
59. Notices detailing the actions to be taken in the event of fire or other emergency, including how to summon the fire brigade, shall be prominently displayed and protected from damage and deterioration.
60. The Licensee must instruct all members of staff and competent attendants in the protection of the premises from fire, the use of fire fighting equipment, the action to be taken in the event of a fire and the method of summoning the fire brigade.
61. Where there is an outbreak of fire, however slight, the responsible person shall raise the alarm, evacuate the building, and call the fire brigade. Following the incident, the responsible person shall ensure that the details are recorded in a Fire Log Book. Any remedial work necessary to restore fire precautions to their original standard shall be completed with systems fully functional prior to re-admittance of the public.
62. The responsible person shall notify the Licensing Authority as soon as possible if the water supply to any hydrant, hose-reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.
63. Access to the premises for emergency vehicles shall be kept clear and free from obstruction.
64. Adequate and appropriate equipment and materials shall be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.
65. At least one suitably trained first aider per 500 people shall be on duty at all times when the public are present up to the first 3,000 persons, and then one per 1,000 for the remainder.
66. If, having regard to the nature of the premises, the number of persons visiting it and the location of the premises, it would be adequate and appropriate to do so, then instead of a person for rendering first aid there shall be a person appointed to take charge of the situation relating to an injured or ill member of the public and the first aid equipment and facilities.

67. All areas including circulation areas and exit routes shall be adequately illuminated whenever the premises are being used for the purpose of this licence. Such lighting shall be maintained in working order.
68. Fire safety signs must be illuminated in accordance with BS5266 Part 1 (Current Edition).
69. Emergency lighting shall be provided in accordance with BS5266 (Current Edition) or an equivalent standard approved by the Licensing Authority.
70. Emergency lighting shall not be altered without prior consent of the Licensing Authority.
71. The emergency lighting system shall be checked to ensure it is operating correctly before the admission of the public, members or guests.
72. In the event of the failure of normal lighting arrangements shall be in place to ensure that the public, members or guests leave the premises immediately.
73. An investigation into any failure of the system shall be carried out to ascertain whether it is safe for persons to remain in the premises when only the emergency lighting is operating.
74. Emergency lighting installations shall comply with BS 5266 or equivalent standard.
75. Temporary electrical wiring and distribution systems shall not be provided without notification to the licensing authority at least ten days before commencement of the work and prior inspection by a suitably qualified electrician. Premises shall not be opened to the public until the work is deemed satisfactory by the above parties.
76. Where it is not possible to give ten days' notification to the licensing authority of provision of temporary electrical wiring and distribution systems, the work shall be undertaken by competent, qualified persons.
77. Temporary electrical wiring and distribution systems shall comply with the recommendations of BS7671 or where applicable BS7909.
78. All temporary electrical wiring and distribution systems shall be inspected and certified by a competent person before they are put to use.
79. An appropriately qualified medical practitioner shall be present throughout any sports entertainment involving boxing, wrestling, judo, karate or similar.
80. Where a ring is constructed for the purposes of boxing, wrestling or similar sports, it must be constructed by a competent person, and inspected by a Building Control Officer of the Council (at the cost of the applicant). Any material used to form the skirt around the ring must be flame retardant.
81. At any wrestling or other entertainment of a similar nature, members of the public shall not occupy any seat within 2.5 metres of the ring.

82. Any Licensee wishing to hold a 'Total Fighting' event on the licensed premises shall first apply to the Council for a variation of this licence and in the event that such application is granted, shall comply with any additional conditions that may be imposed. The term 'Total Fighting' shall include any 'full contact' martial arts involving the combined codes of judo, karate and ju-jitsu, judo, sombo and Olympic wrestling or any other mixed martial arts.
83. At water sports entertainment, staff adequately trained in rescue and life safety procedures shall be stationed and remain within the vicinity of the water at all material times.
84. No alterations shall be made to the premises which make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition in question. The applicant will need to propose a new operating schedule reflecting the proposed alteration to the premises and how he or she intends to take alternative steps to promote the public safety objective and amend the risk assessment accordingly.

CONDITIONS

RELATING TO PUBLIC SAFETY IN THEATRES, CINEMAS, CONCERT HALLS AND SIMILAR PLACES

85. The number of attendants on each floor in a closely seated auditorium shall be as set out on the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 - 100	One
101 - 250	Two
251 - 500	Three
501 - 750	Four
751 - 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

86. Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from the floor or auditorium where they are on duty.
87. All attendants shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
88. The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
89. No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.

90. A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.
91. Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
92. Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
93. In no circumstances shall anyone be permitted to –
- sit in any gangway;
 - stand or sit in front of any exit; or
 - stand or sit on any staircase including any landings.
94. Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.
95. Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.
96. Any special effects or mechanical installation shall be arranged and stored to minimise any risk to the safety of the audience, the performers and staff.
97. Except with the prior written approval of the Council, and subject to any conditions which may be attached to such approval, no special effects shall be used on the premises.

Special effects include:

- dry ice machines and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics, including fireworks
 - real flame
 - firearms
 - motor vehicles
 - strobe lighting
 - lasers (see HSE Guide The Radiation Safety of Display Laser Installations [HS(G)95]; Lasers, Festival and Entertainment Lighting Code: The Institution of Lighting Engineers 1995 and BS EN 60825: Safety of Laser Products)
 - explosives and highly flammable substances.
98. In the case of any other special effects with safety implications prior notification shall be given in writing to the Licensing Authority at least 10 days before the event with details as to their use to enable the authority to consider if further inspection by the Fire Authority is necessary. It may be required that staff trained in fire prevention and extinction be present during any such performance.

99. Any scenery shall be maintained flame-retardant.
100. Where a safety curtain is provided, it shall be arranged to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.
101. Where a risk assessment requires a sprinkler or drencher, all safety curtains incorporating a drencher and all smoke ventilators and sprinklers (where fitted) shall be maintained unobstructed and in good working order.
102. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium shall be heavyweight and be made of non-combustible material or inherently or durably treated flame-retardant fabric.
103. All ceilings in those parts of the premises to which the audience are admitted shall be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings shall be forwarded by the licensee to the licensing authority.
104. Where the potential audience exceeds 250 all seats in the auditorium shall, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.
105. Where premises used for film exhibitions are not equipped with a staff alerting system the number of attendants present shall be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	2
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

106. Where premises used for film exhibitions are equipped with a staff alerting system the number of attendants present shall be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1 - 500	Two	One
501 - 1000	Three	Two
1001 - 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

	premises	
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107. Staff shall not be considered as being available to assist in the event of an emergency if they are: -
- the holder of the premises licence or the manager on duty at the premises; or
 - a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
108. Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and shall keep under observation all parts of the premises to which the audience have access.
109. The staff alerting system shall be maintained in working order and be in operation at all times the premises are in use.
110. The level of lighting in the auditorium shall be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).
111. No flammable films shall be allowed on the premises without the prior notification to the licensing authority/fire authority.

CONDITIONS **RELATING TO PUBLIC NUISANCE**

112. Noise and vibration shall not be audible outside the premises.
113. Windows, doors and fire escapes shall remain closed during proposed entertainment events within the premises
114. Noise generated by amplified music shall be controlled by a noise limiting device set at a level determined by the Local Authority Environmental Health Officer, such level being confirmed in writing to the Licensee.
115. Noise limiting devices, once set, shall not be reset or adjusted without consultation with the Local Authority Environmental Health Officer.
116. The lobby doors at the premises shall be kept closed except for access and egress. Door staff shall supervise to ensure that the doors are maintained closed as far as possible when public entertainment is taking place.
117. The use of fireworks and pyrotechnics is restricted to the hours of to

118. Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
119. Lighting associated with activities of entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.
120. Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity so as not to cause nuisance to neighbouring or adjoining properties.
121. Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems shall be maintained on a regular basis.
122. Premises shall enter into a waste removal agreement with a licensed waste disposal contractor and keep documented evidence of the agreement.
123. Empty bottles shall be stored in a lidded skip within the curtilage of the premises prior to collection. Operationally bottles shall be removed from the public area on a frequent basis and transferred to the skip. It is recommended that transfer to an external skip shall not be undertaken after 11.00pm to minimise noise disturbance to adjoining properties.
124. Premises shall provide clear and legible notices displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, and discouraging the sounding of car horns.
125. The premises' personal licence holder, designated premises supervisor and door supervisor shall monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.

Note: Any existing licence conditions attached to a licence/certificate before deregulatory changes were made to the Licensing Act 2003 relating to what was previously classed as “regulated entertainment” under the Act will cease to have affect. However, conditions that relate to non-licensable activities can be attached to a licence following a review of the licence/certificate.

CONDITIONS

RELATING TO THE PREVENTION OF HARM TO CHILDREN

126. Children under 18 years will not be allowed access to the premises.
125. Children under 12 unaccompanied by an adult over 18 shall not be admitted to the premises after 11 pm.
126. Where the Licensing Authority classifies films for the admission of children under 18 years:

- a) Any film must be submitted to the Licensing Authority for classification at least 28 days before it is to be shown.
 - b) The premises licence holder or club premises certificate holder must adhere to the age restriction imposed.
127. Only films that have been classified by the British Board of Film Classification as U, PG, 12A, 15 or 18 or as classified by any other body designated under section 4 of the Video Recordings Act 1984, or as otherwise classified by the Licensing Authority, may be exhibited on the premises. The premises licence holder or club premises certificate holder must adhere to the age restriction in accordance with the following classification:
- “U” Universal - means films suitable for audiences aged 4 years and over
 - “PG” Parental Guidance - means films where some scenes may be unsuitable for young children
 - “12A” - means films passed only for viewing by persons aged 12 years or older or persons under 12 years when accompanied by an adult
 - “15” - means films passed only for viewing by persons aged 15 years and over
 - “18” - means films passed only for viewing by persons aged 18 years and over
128. Immediately before the exhibition of a film there must be exhibited on screen for at least 5 seconds a representation or written statement of the film’s classification in such a manner as can be easily read by all persons attending the entertainment. This requirement also applies to a trailer advertising any film.
129. Where a film is to be shown that has been classified as 12A, 15 or 18 the licence holder must cause a notice to be displayed, in a conspicuous position, at the entrance to the premises or room in which the film is to be shown reading:

PERSONS UNDER THE AGE OF [insert as appropriate] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

This notice must refer to the oldest age restriction where films of different categories are included in one programme.

130. Children under the age of 18 years shall not have access to the premises (or specified part thereof) during any time when an activity, entertainment or service of an adult and/or sexual nature is provided. For the purposes of this condition entertainment of an adult or sexual nature includes but is not limited to performances involving feigned violence or horrific incidents, entertainment involving strong, foul, offensive or abusive language, nudity, striptease (sometimes referred to as exotic dancing), lap dancing, table dancing, pole dancing, feigned or actual sexual acts or fetishism, or which is likely to offend against good taste or decency, or any other entertainment of a similar nature.

131. Entertainment provided wholly or mainly for unaccompanied children shall have:
- At least one attendant per 10 children or part thereof, who must be on duty in the area(s) occupied by the children and stationed in the vicinity of each exit and at the head of each stairway
 - Attendants must wear distinctive clothing or suitable armbands
 - Attendants must be present throughout the entertainment and while the audience is entering and leaving the building.
132. The licensee shall ensure that all staff employed to supervise children have been properly vetted and have no convictions that would make them unsuitable to supervise children.
133. The Children (Performances and Activities) (England) Regulations 2014 SI 2014 No. 3309 regulates the performance of children in shows. An adult must supervise a child or children at all times. There must be one supervisory adult for every 12 children. The show venue must be large enough to safely accommodate the child or children backstage. All chaperones and production crew must receive the fire instruction procedures applicable to the venue prior to the arrival of the child or children. The adverse effects of special effects upon the health and safety of any child or children must also be considered.
134. Compliance with the Portman Group's Retailer Alert Bulletins is required.
135. All members of staff responsible for the sale of alcohol at the Premises will seek credible photographic proof of age evidence from any person who appears to be under 25 years of age and who is seeking to purchase alcohol. Such credible evidence, which will include a photograph of the customer, will either be a current passport, photographic driving licence, proof of age card carrying a 'Pass' logo and hologram or a military identification card showing a date of birth. If no such evidence is produced the sale will be refused.
136. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date detailing all challenges made to customers as to their age and the reason for any refusal recorded in the register. The register will be made available for inspection immediately on the request of representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).

NORTH TYNESIDE STATEMENT OF LICENSING POLICY RESPONSE

Punch Taverns Response

Punch is one of the UK's largest leased pub companies, with around 1300 pubs across the UK. From the spirit of our local community pubs, the energy of our lively city centre hot spots and sports bars, to the warmth and calm of our inviting country inns; our pubs are the heart of all we do.

We are a business of people that love pubs! With a mixed estate of high quality leased, tenanted and retail pubs, our years of experience have enabled us to develop a leading proposition for those wishing to work with us and run a pub business of their own. We provide industry leading, tailored business support to our Publicans and develop market-leading, flexible agreements and retail concepts to suit all aspirations.

Under the ownership of Patron and May Capital, we have exciting plans to grow our business: longer term through potential acquisition opportunities and – in the here and now – by substantially investing in our teams, our pubs and Publicans.

Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. We strive to ensure that our pubs are not operating irresponsible drinks promotions or serving underage drinkers or those who are intoxicated.

The Punch Buying Club, our online ordering and communications portal, also has a section dedicated to Risk Management providing our Publicans with a wide range of downloadable educational tools, advice and pub-friendly materials, which can be used by pub managers and team members.

As supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported Drinkaware's campaigns to help tackle binge drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our Publican training and we provide clear guidance on current legislation and best practice. We also support industry led initiatives to promote responsible retailing and are active members of industry trade bodies such as British Beer Pub Association (BBPA) and the British Institute of Innkeeping (BII).

We are pleased to be able to contribute to this consultation, we have always prided ourselves with working with Local Authorities and Responsible authorities.

We would like to make the following points some which are specific to the policy and referenced and some which are more general which we would ask be taken into account.

Section 5: General Principles

Integrating Strategies

We are pleased to see a section on integrating strategies.

Licensing policies work best when they reference, and indeed work with, other council strategic plans and policies. For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area.

Often it can be difficult to find these documents online and therefore reference to them and indeed a general statement that the authority will take into account other strategies is both a pertinent and of benefit to applicants and responsible authorities alike.

Links to specific strategies will also assist new potential businesses to understand and factor in the likely costs of entry into the city.

On and Off-Sales

Recently we have become aware that the definition of on and off-sales has caused some confusion. In particular there appears to be confusion around whether an off-licence is required for customers to take drinks outside a premises, for instance onto the pavement, and consume their drinks there.

We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this person step outside the premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off' sales originate from the Licensing Act 1964. Analysis of the legislation (by reference to off-sales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale. The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.

As such, we feel that this needs to be clarified in the policy. We would propose a statement along the following lines:-

"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale in an open container for immediate consumption at the premises is an on-sale. This extends to where the person who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises.

An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it"

Minor Variations

The use of minor variations is a very useful tool and we feel that your policy should reflect this. Minor variations are there to ensure that cost and time is saved where appropriate for applicants seeking to make changes to their licence that would not undermine the objectives. We feel it would assist if you set out in your policy those applications that would fall ordinarily within the minor variation class. We would propose these are as follows:-

- Changes to layout that do not increase the customer area (beyond a de-minimis increase of, we would suggest, 10%).
- Amendment and removal of conditions in agreement with responsible authorities.
- Changes to opening times to allow for earlier opening for premises for non-licensable activities, ie. to permit premises to open to serve coffee and/or breakfast.
- Removal of conditions that are no longer relevant to the operation of the premises or are redundant following imposition of new law, such as the Regulatory Reform (Fire Safety) Order 2005.

List of responsible authorities

We would ask that you please update the list of responsible authorities within your policy. It is helpful to licence holders to be able to find contact details, including phone numbers and email addresses, or a link to where such details can be found, as we often want to consult with officers prior to making applications. Without this information, and with council resources being directed toward generic call centres and help lines, it is becoming increasingly difficult to speak to the relevant officers.

Section 6: Licenses

Planning

We feel it is a useful guide for applicants and responsible authorities to have a statement in your policy that reflects the fact that licensing and planning are entirely separate regimes albeit there is overlap in terms of the licensing objectives and planning's 'amenity' remit. In practical terms this means that neither planning nor licensing should need to be obtained first, so long as the applicant understands that both regimes need to be complied with.

We would also urge you to clarify in your policy that where conditions are stipulated on a planning permission, such as restriction on hours or activities, these do not need to be repeated in the premises licence, unless there is good reason to do so. Often conditions relating to extract systems, closing times of external areas, etc. appear on both permissions and on occasion they do not even mirror the other. This leads to additional and unnecessary expense for licence holders should such conditions need to be amended.

Paragraph 1.19 of the Guidance makes it clear that overlap between regimes should be avoided where possible.

Section 8: Conditions

Whilst Punch Taverns recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right. Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with. We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area.

Punch has always been happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class. This has taken over from a proper analysis of the need for such conditions in the first place.

In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it. The case of *Taylor v Manchester City Council* makes it clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who know that operators are unlikely to challenge their right to impose such conditions where the cost would be send the matter to a hearing.

We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. This means that they often do not see the wood for the trees. Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. Also, licences grandfathered in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed operators.

Section 10: Licensing Objectives

Prevention of Crime and Disorder

The prevention of crime and disorder is one of the 4 licensing objectives and clearly a major pillar of licensing legislation. However, we have become increasingly concerned that licensed premises are sometimes being unfairly held to a higher standard when it comes to prevention of crime and disorder than other public premises. For instance, when Police present evidence of crime and disorder in relation to licensed premises, they will often include references to any crime that is associated not just with the premises in terms of its operation as licensed premises but generally. For instance, the Police will often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises.

Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included. We feel it is important that the council recognise in their policy that these are matters that are not relevant to the prevention of crime and disorder licensing objective and that the licensing authority's expectation is that they will only be presented with evidence where it directly relates to the licensable activities being provided within the premises themselves.

GDPR

We note that the policy does not make reference to the GDPR

One of the most significant changes in recent times has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.

For instance, the requirement for CCTV at a premises licence is not only expensive to install, but we question the value of such systems in terms of crime prevention and detection, especially in smaller community pubs. However, it is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV conditions to be added to premises licences. In addition, operators of CCTV systems have to consider the GDPR implications. In particular, anyone who stores data, including CCTV footage of individuals, which is classed as data for the purposes of GDPR, must be responsible for its safe collection, storage, usage and disposal. Handing over CCTV footage to Police officers in the active investigation of a criminal offence, such as a fight, would obviously be a legitimate reason for providing data. However, a condition with a general requirement to hand over CCTV at the behest of a licensing officer or police officer would arguably breach GDPR were it to be enforced. This means that there are numerous CCTV conditions on licences that would likely, were one to try and enforce them as they are written, cause an operator to breach GDPR.

Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be made clear to people handing over their data. Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR.

We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.

Prevention of Public Nuisance

The prevention of public nuisance licensing objective is to be widely interpreted, as set out in the Statutory Guidance. However, we often come across conditions imposed on licences, as well as the investigation of complaints that do not relate to public nuisance. For instance, conditions that refer to 'nuisance', rather than 'public nuisance', set a significantly higher barrier- one that was not intended by the Licensing Legislation. We also see this in terms of enforcement action where often enforcement officers will allege that a nuisance, often a private nuisance, has occurred and demand action under the terms of the premises licence. Clearly this is beyond that which was intended by Parliament and therefore we suggest that your policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.

Agent of Change

Whilst we recognise that the principle is currently being debated in terms of planning, it is equally as important in licensing. We recommend that the licensing policy expressly recognises that developers of new residential developments need to protect their buyers from potential sources of noise disturbance, not expect existing licensed premises to have to adapt their offer to accommodate the new development. In particular, small pubs often rely on live or recorded music, provision of social events and other community based promotions, such as beer festivals, in order to survive and thrive.

We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the community for over a century, from residents moving into new properties nearby. Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and sometimes taken away because of poorly designed and constructed residential property built next door.

Section 13: Cumulative Impact Assessments

We understand that there are occasions where CIP's provide a valuable tool to local authorities in regulating the night time economy. However, our experience is that they can also be an impediment to businesses and the development of a thriving night time economy. Punch, as a promoter of entrepreneurship within our estate of leased pubs understands very well the challenges that small business operator's face when looking to enter a new market or adapt their offer.

Cumulative impact policies can have the effect of dissuading operators from even attempting to get a licence. This unintentionally penalises operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy in the CIP. For the same reason, such policies also promote ubiquity and stagnation as the only operators willing to take on the risk and outlay of applying in cumulative impact zones are larger established chains with the financial backing to fight for a licence. Given the plight of the pub market 5 years ago and now the casual dining market, in part because their offers failed to change as the market developed around them, the use of CIPs needs careful oversight to ensure it is not deterring investment

As such, we suggest that any CIP makes it clear that it will consider small, independent and/ or otherwise innovative applications both for new licences and variations to existing licences as being outside of the CIP. Such applications will still need to demonstrate that they do not undermine the objectives, but we would hope that adding something to this effect into the policy will stimulate and incentivise smaller operators to make applications. Whilst it may sound counter-productive for a pub company with licenses already granted in the area to support the growth of competition, we recognise that innovation and new operators stimulate the economy for established premises and can often lead to raising standards across the board. This can only be good in the long-term for everyone.

Cumulative impact assessments need to be scrutinised with an open mind. Stagnation will kill a vibrant area and CIP's, if left to choke the area they were designed to protect can do as much damage as good. If

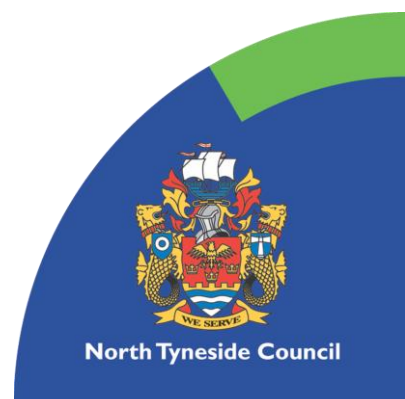
a CIP is deemed necessary, we would expect that it clearly and explicitly states the type of premises that it intends to apply the rebuttable presumption to, for instance, nightclubs or off-licences, rather than just applying to all licensed premises. This would allow for an area to gradually adapt and change with the policy, so long as the policy then adapts and changes to the area.

Appendix 3 -Schedule of Response in relation to Statement of Licensing Policy

Reference	Respondent	Comments	Response
LP/1 Licence Holder		Integrating Strategies – Pleased with section on integrating strategies in Policy	Noted
		On and off sales – Clarification required in Policy	Each case of what is an on and off sale to be looked at in the circumstances of the case. The Authority cannot be seen to permit the consumption of alcohol on a pavement outside a public house. No amendment to Policy
		Minor Variations – Examples in policy of what is a minor variation	Agree with proposal. Amendments to Policy at Section 6.7
		Responsible Authorities – Contact list in Policy	This list is on the Authority's website. No amendment to Policy
		Planning – No overlap of Planning and Licensing	Agree that two separate processes. No amendment to Policy
		Conditions – Imposed only if deemed absolutely necessary	The Authority understands the need for conditions to be attached to a licence only when appropriate based on the evidence before it. No amendment to Policy

	Prevention of Crime and Disorder – Need for evidence to be relevant	Noted. No amendment to Policy
	GDPR – Policy to make reference to GDPR	Comments noted. Policy updated
	Prevention of Public Nuisance – Conditions relating to nuisance rather than public nuisance	The Authority understands the need for references to be made to public nuisance. No amendment to Policy
	Agent for Change – Complaints re existing premises from new properties	This is a planning matter however we note this issue. No amendment to Policy

NORTH TYNESIDE COUNCIL CUMULATIVE IMPACT ASSESSMENT



North Tyneside Council Cumulative Impact Assessment

Section	Page
1. Introduction	3
2. Section 1 – Cumulative Impact Assessment	5
3. Section 2 – Cumulative Impact Area	6
3. Section 3 – Contact Information	7
<u>Appendix 1</u> Maps	8
<u>Appendix 2</u> Evidence for Whitley Bay and Tynemouth	10

Introduction

1. Cumulative Impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Serious problems of nuisance or disorder may arise at or near licensed premises and may occur from a large number of people being concentrated in a particular area.
2. The cumulative impact of licensed premises on the promotion of the licensing objectives in the Borough is a proper matter for the Authority to consider. The Authority has undertaken a Cumulative Impact Assessment in accordance with section 5A of the Licensing Act 2003 and following that Assessment, the Authority has published this Cumulative Impact Assessment.
3. Before Publishing the Cumulative Impact Assessment the Authority consulted those listed in section 5(3) of the Licensing Act 2003 namely:-
 - The Chief Officer of Northumbria Police
 - The Tyne and Wear Fire and Rescue Authority
 - The Director of Public Health
 - Such persons as the Authority considers to be representative of the holders of premises licences
 - Such persons as the Authority considers to be representative of the holders of club premises certificates
 - Such persons as the Authority considers to be representative of the holders of personal licences
4. In addition to those named in paragraph 3 above, the Authority consulted the following:-
 - Local Members of Parliament
 - All Councillors
 - Local residents and businesses
5. The Cumulative Impact Assessment will be formally reviewed every 3 years but may be reviewed during this period if appropriate.
6. The Cumulative Impact Assessment helps inform the Statement of Licensing Policy and should be read in conjunction with that Policy
<https://my.northtyneside.gov.uk/category/1119/statement-licensing-policy-and-cumulative-impact-assessment>

Section 1 Cumulative Impact Assessment

Cumulative Impact Assessment

- 1 Cumulative Impact is the potential impact on the promotion of the licensing objectives due to the number of licensed premises concentrated in one area.
- 2 The Authority is of the opinion that in specified areas of the Borough, (see the maps at Appendix1) the number and density of alcohol led licensed premises, such as public houses and night clubs, that have the benefit of a premises licence is such that it is likely that it would be inconsistent with the Authority's duty to promote the licensing objectives, set out in the Licensing Act 2003, to grant any further premises licences of this type or variations of such licences in those areas.
- 3 This Assessment only relates to licensed premises that have a premises licence that permits the consumption of alcohol on the premises.
- 4 The evidential basis for the Authority's opinion is set out in Appendix 2 of this Assessment.
- 5 This Assessment and Statement of Licensing Policy create a rebuttable presumption that an application for a premises licence, or the variation of existing licences, in the areas referred to in this Assessment that relate to alcohol led licensed premises will be refused.
- 6 An applicant wishing to obtain a new premises licence, or seeking to vary an existing licence, must demonstrate within their application that there is likely to be no negative cumulative impact on one or more of the licensing objectives should their application for a licence, or variation of an existing licence, be granted.
- 7 On the receipt of an application for a premises licence or the variation of an existing licence in the areas referred to in this Assessment, the Authority will properly consider the application and the relevant representations received. Those applications that are considered to be unlikely to add to the cumulative impact on the licensing objectives may be granted.
- 8 This Assessment and Statement of Licensing Policy do not relieve the responsible authorities and other persons (such as local residents) from the need to make relevant representations before the Authority can lawfully refuse an application for a premises licence or variation of an existing licence in the areas to which this Assessment relates. If no representations are received by the Authority it will be legally obliged to grant the licence or variation of the licence.
- 9 The Authority welcomes the introduction of well operated, high quality licensed premises into the Borough, including the areas referred to in this Assessment and Statement of Licensing Policy , that will enhance diversity in terms of licensed premises and will add to the economic vitality of the Borough. The Authority on the

other hand is aware that large capacity “vertical drinking” premises that are used primarily or exclusively for the sale and consumption of alcohol and have little or no seating for patrons can have a significant impact on the likelihood of crime and disorder. Such establishments are not therefore likely to be granted a licence in the areas referred to in this Assessment or Statement of Licensing Policy or a variation of such licences that extend the hours of operation of such premises.

- 10 This Assessment and Statement of Licensing Policy are not absolute and each application received by the Authority will be properly considered and the Assessment will not be used as a ground for revoking a premises licence or club premises certificate.

Section 2 Cumulative Impact Area

Cumulative Impact Area

- 11 This Assessment relates to two areas of the Borough delineated on the maps at Appendix 1 and described below:-.

Whitley Bay

- 12 This Assessment applies to the area of Whitley Bay bordered by Promenade, Park Avenue, Marden Road, Station Road, Whitley Road and Percy Road.

This area has been identified because evidence shows that the cumulative impact of the number and density of licensed premises in the area adversely affects the promotion of the licensing objectives

- 13 A summary of the evidence of the problems being experienced in the area is included in this Assessment at Appendix 2.

Tynemouth

- 14 The Assessment applies to the area of Tynemouth bordered by Percy Park Road, Bath Terrace, East Street, Lovaine Row and Prudhoe Terrace.

- 15 This area has been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in the area adversely affect the promotion of the licensing objectives.

- 16 A summary of the evidence of the problems being experienced in the area is included in this Assessment at Appendix 2.

Section 3 Contact Information

Contact and Applications

For further information on this Cumulative Impact Assessment please contact:

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

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

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

Web: <http://www.northtyneside.gov.uk>

Appendix 1
Cumulative Impact Maps
Whitley Bay



Tynemouth



Appendix 2

The evidential basis for the Assessment has been supplied by Northumbria Police. The data for the cumulative impact areas in Whitley Bay and Tynemouth focuses on four key areas:

- Crime
- Anti-social behaviour
- Alcohol related anti- social behaviour
- Violent crime.

The data covers the 12 month period from 1 January 2017 to 31 December 2017.

The data relates to incidents within the cumulative impact areas and sets out the days and times when incidents have occurred within the cumulative impact areas. The maps show the location of crimes in Whitley Bay and Tynemouth and demonstrate that there is a clear concentration of crime and anti-social behaviour in the cumulative impact areas.

Statistical Data

Total number of recorded incidents (crime and anti-social behaviour) in the cumulative impact areas are set out below:-

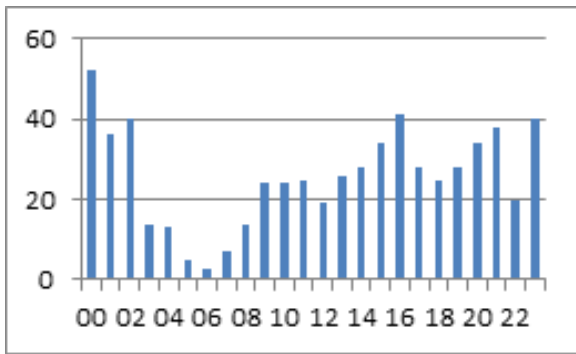
Whitley Bay

Year	Total Number of Crimes	% of Crime in Whitley Bay
2016	636	15%
2017	618	20%

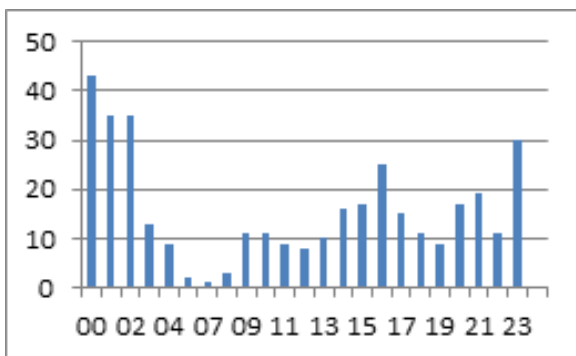
Crime levels by day of the week

2016		2017	
Monday	78	Monday	59
Tuesday	60	Tuesday	63
Wednesday	65	Wednesday	67
Thursday	91	Thursday	69
Friday	101	Friday	106
Saturday	110	Saturday	120
Sunday	131	Sunday	134

Time analysis for all crime Monday to Sunday



Time analysis for all crime Friday to Sunday



Analysis of peak days indicates that offences are linked to the night time economy, due to peak days being over the weekend. Although all crime levels are lower in 2017 (-3%) weekend offences for 2017 are higher (5%).

Analysis of the times of day for the whole week shows a spike in offences during midnight. This is more noticeable when viewing the same chart for just Friday, Saturday and Sunday.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00	2	1	5	1	7	12	24	52
01		1			3	6	26	36
02	2	2	1		8	11	16	40
03		1			1	4	8	14
04	2	1	1		6		3	13
05		2		1	1	1		5
06	1			2				3
07	1	2		3			1	7
08	1	2	3	5	1	2		14
09	4	2	4	3	5	4	2	24
10	2	7	1	3	2	8	1	24
11		6	5	5	2	2	5	25
12	3	3	3	2	1	4	3	19
13	4	6	2	4	4	2	4	26
14	5	1	4	2	8	5	3	28
15	3	2	3	3	4	7	6	34
16	5	3	6	2	11	6	5	41
17	3	5	2	3	7	3	5	28
18	3	3	4	4	4	3	4	25
19	4	4	7	4	4	2	3	28
20	2	3	6	6	6	10	1	34
21	5	5	3	6	5	5	9	38
22	4	1	3	1	6	2	1	20
23	1		2	7	8	18	4	40

The table above highlights that offences are higher after the Friday and Saturday nights, i.e. between midnight and 2am.

Hot spot areas of crime in Whitley Bay

All crimes in area for 2016 (637 offences)



All crimes in area for 2017 (618 offences)



Violent Crime

2016 – 25 incidents of violent crime reported

2017 – 30 incidents of violent crime reported

Violent Crime levels by day of the week

2017	
Monday	1
Tuesday	1
Wednesday	1
Thursday	3
Friday	4
Saturday	11
Sunday	9

Analysis of peak days shows an increase in violent crime on Saturday and Sunday. These two days account for two thirds of violent crime in the area.

It can be seen from the table below that the increase in violent crime is likely due to the night time economy since the increase is from midnight till 2am on the Sunday morning.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00			3		1	4	10	18
01						3	19	22
02	1	1			6	6	10	24
03					1	1	6	8
04	1				3		1	5
05				1				1
06	1			1				2
07		1		1				2
08		1		1				2
09			1	2	1	1	1	6
10		3		2	1	3		9
11		2			1		1	4
12		2		1	1	1	1	6
13	2	2		2			2	8
14					2		1	3
15		1			1	1	1	4
16	1	2	3	1	2	2	1	12
17	1	1		2		2		6
18		1	2			1	2	6
19	1		4	1	2			8
20		1	4	2	2	2		11
21	3	1	1	2	1	1	4	13
22	2		1		7		1	11
23			1	3	3	6	4	17

Anti- Social behaviour

2016 430 incidents of anti-social behaviour reported

2017 395 incidents of anti-social behaviour reported

Anti-social behaviour incidents by day of the week

2017	
Monday	50
Tuesday	38
Wednesday	48
Thursday	49
Friday	54
Saturday	67
Sunday	89

It can be seen that the number of reported ASB incidents increase over the weekend (Saturday and Sunday). These two days account for nearly 40% of all ASB incidents

The times of the day when incidents of anti-social behaviour are at their highest is between 1600 hours and 2200 hours and then from 0100 hours to 0300 hours with the peak in such incidents occurring between 0100 hours and 0200 hours.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00	1	1	2	2	2	3	9	20
01	1		1	1	5	8	15	31
02	1	1			5	5	18	30
03	1	1					3	5
04			1			1	3	5
05		1	1			1	1	4
06					1			1
07			2		1	1		4
08	1		1			1		3
09	2		2		4	4		12
10	3	1	1	2	1	1		9
11	2		1	2	3	2	4	14
12	1	3		1	5	2	1	13
13	1	3	3	1	1	1	4	14
14	5	4	2	1	1	2	2	17
15	2	2		4	3	6	3	20
16	4	2	2	4	3	6	2	23
17	4	5	4	6	3	4	3	29
18	8	2	3	5	5	7	7	37
19	6	5	4	7	3	5	2	32
20	1	3	5	3	1	3	4	20
21	4	3	7	4	5		1	24
22	1		5	4	2	2	3	17
23	1	1	1	2		2	4	11

The streets where most anti-social behaviour is reported are shown in the table below:

STATION ROAD	90
VICTORIA TERRACE	55
SOUTH PARADE	49
WHITLEY ROAD	29
YORK ROAD	29

It should be noted that Station Road and Victoria Terrace do not have any licensed premises on them, but are the main routes that lead to the Metro Station.

Alcohol Related Anti –Social Behaviour Incidents

2016 – 104 incidents of alcohol related anti-social behaviour reported

2017 – 70 incidents of alcohol related anti-social behaviour reported

Alcohol related anti-social behaviour incidents by day of the week

2017	
Monday	3
Tuesday	7
Wednesday	5
Thursday	11
Friday	14
Saturday	8
Sunday	22

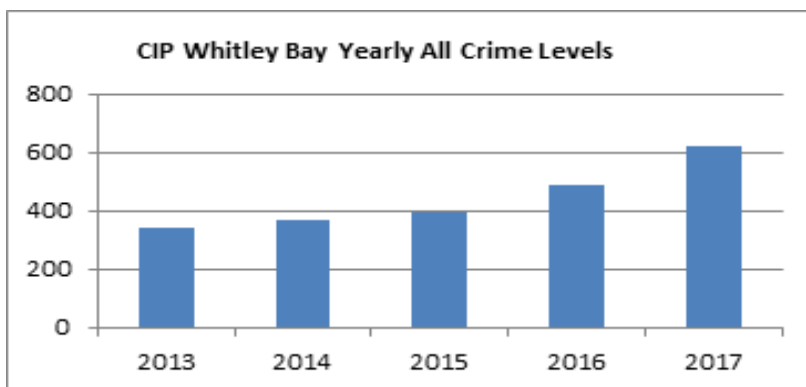
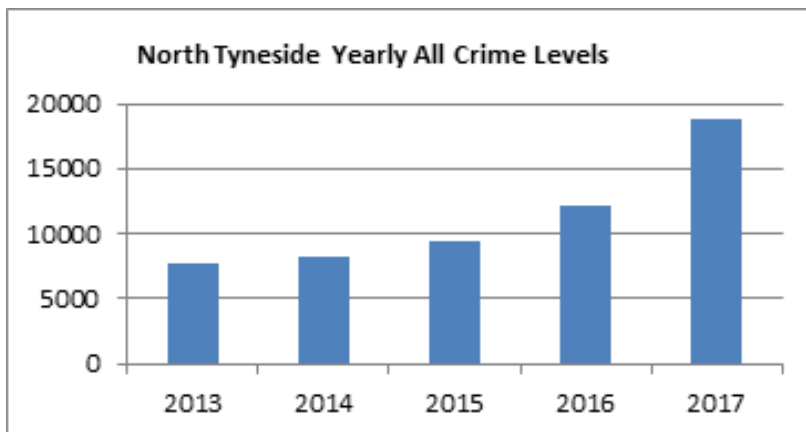
Nearly a third (31%) of alcohol related anti-social behaviour occurs on Sunday after 0100 hours.

Times of the day when alcohol related anti-social behaviour occurs is shown in the table below:

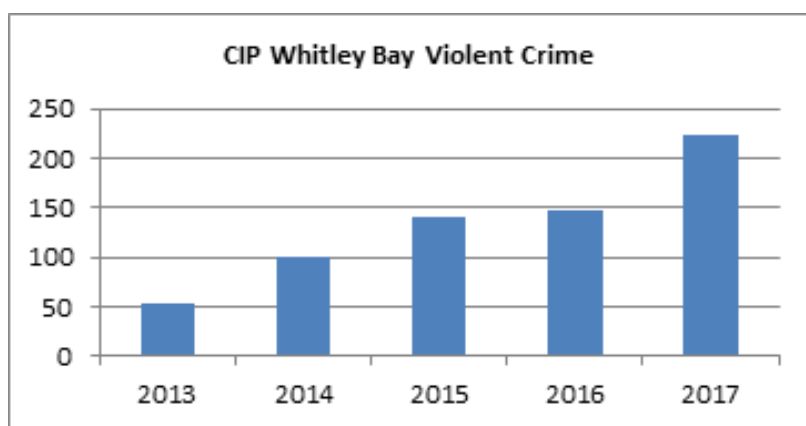
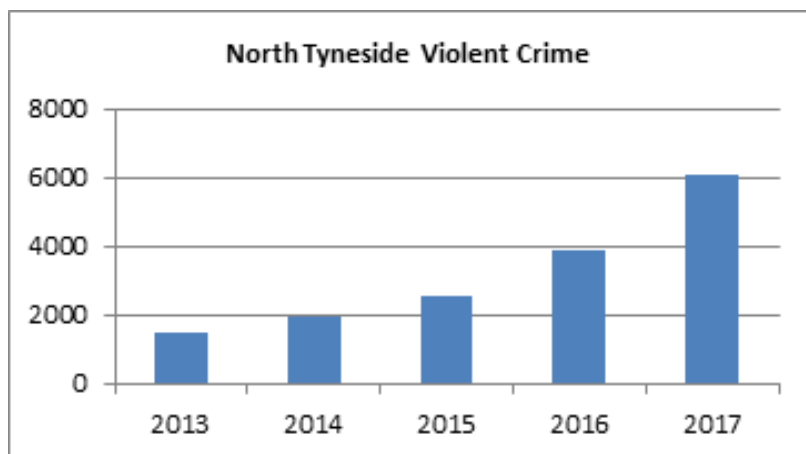
Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00		1		1	2		4	8
01	1				3	1	10	15
02					2	3	4	9
03								
04								
05						1		1
06								
07								
08								
09					1			1
10		1						1
11								
12					2			2
13		1						1
14		1	1					2
15				1	1	1		3
16	1	1		2		1		5
17	1		1				1	3
18			1	2	1			4
19		1		4	1	1		7
20							1	1
21			1		1			2
22				1			2	3
23		1	1					2

Historic crime levels

The tables below show the historic crime levels for North Tyneside and for the cumulative impact area of Whitley Bay.



The tables below show the historic violent crime levels for North Tyneside and for the cumulative impact area of Whitley Bay:



Conclusion

The cumulative impact area in Whitley Bay accounts for a small percentage of the geographic area covered by the Whitley Bay Policing Sectors. However, despite that small geographic area there is evidence in terms of the crime and disorder statistics provided by Northumbria Police that show that 15% of all crime recorded in Whitley Bay in 2017 was in the cumulative impact area.

The figures reveal a disproportionate amount of crime and anti-social behaviour, including violent crime and alcohol related anti-social behaviour for such a small area which impacts on the resources needed to police the area due to the Night time Economy.

The Historic Crime Levels information shows a year on year increase in all crime levels across the Borough, including in the cumulative impact area of Whitley Bay.

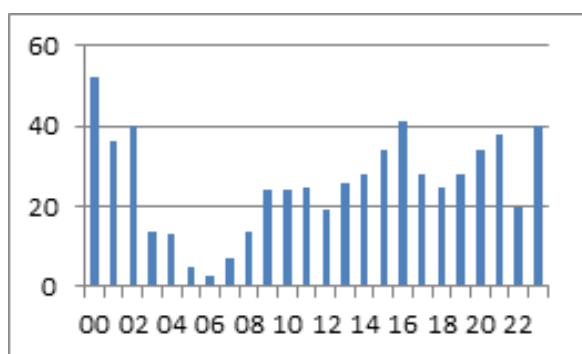
Tynemouth

Year	Total Number of Crimes	% of Crime in Tynemouth
2016	102	15%
2017	123	13%

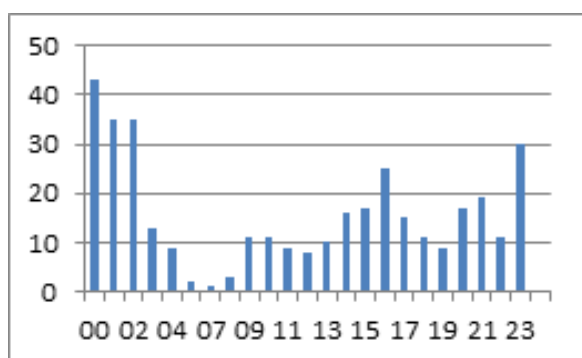
Crime levels by day of the week

2016		2017	
Monday	13	Monday	13
Tuesday	10	Tuesday	16
Wednesday	10	Wednesday	10
Thursday	13	Thursday	14
Friday	13	Friday	14
Saturday	25	Saturday	30
Sunday	18	Sunday	26

Time analysis for all crime Monday to Sunday



Time analysis for all crime Friday to Sunday



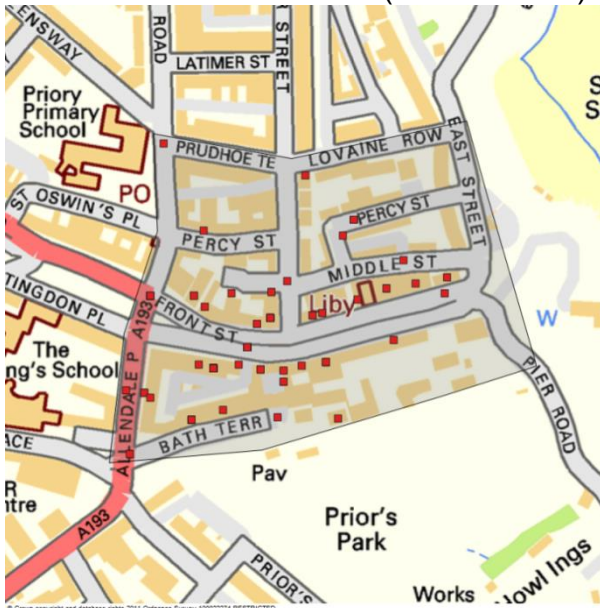
It can be seen that offences increase over the weekend. Offences on Saturday and Sunday account for 45% of all crime in 2017 for the highlighted area.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00			1	1	1	2	4	9
01						2	1	3
02								
03								
04								
05								
06	2							2
07								
08								
09							1	1
10	1					1	1	3
11		1				1	1	3
12	1		1	1		1	1	5
13		1	1		1	1	2	6
14	2	6				1		9
15	1	1	1	1				4
16	1	1		2		3	3	10
17	1	1					1	3
18		1	1	1	2			5
19	1		2	1	2	2	1	9
20	1	1		1	2	2	1	8
21		1		2		2	4	9
22		1	1	1	2	6	2	13
23	2	1	2	3	4	6	3	21

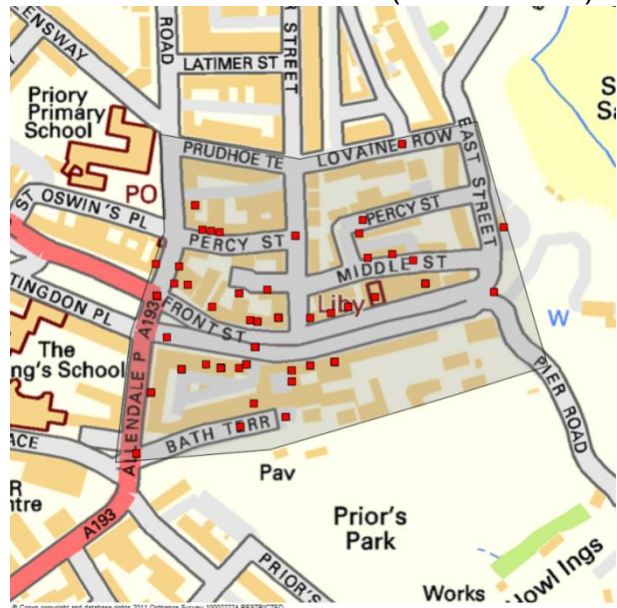
The table above highlights that offences are higher after 1600 hours then an increase overnight from 1900 hours to 0100. Saturday into Sunday morning sees the most crime.

Hot spot areas of crime in Tynemouth

All crimes in area for 2016 (102 offences)



All crimes in area for 2017 (123 offences)



Note: If more than one offence occurs at a location, it will only show as one square on the map above, i.e. the offences are stacked on top of each other.

Violent Crime

2017 – 30 incidents of violent crime reported which equates to just under quarter of all offences in the area (24%).

Violent Crime levels by day of the week

2017	
Monday	1
Tuesday	1
Wednesday	1
Thursday	3
Friday	4
Saturday	11
Sunday	9

Analysis of peak days shows an increase in violent crime on Saturday and Sunday. These two days account for two thirds of violent crime in the area.

It can be seen from the table below that the increase in violent crime is likely due to the night time economy since the increase is from midnight till 2am on the Sunday morning.

Violent crime table by hour and day of week

Hours	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00						1		1
01						1	1	2
02								
03								
04								
05								
06								
07								
08								
09								
10								
11						1		1
12								
13								
14								
15								
16				1				1
17	1	1					1	3
18								
19					1			1
20								
21						1	3	4
22				1		4	2	7
23			1	1	3	3	2	10

It can be seen from the table above that the majority of violent offences have been late night to early morning.

Anti- Social behaviour

2016 114 incidents of anti-social behaviour reported

2017 130 incidents of anti-social behaviour reported

Anti-social behaviour incidents by day of the week

2017	
Monday	16

Tuesday	14
Wednesday	15
Thursday	11
Friday	16
Saturday	23
Sunday	35

It can be seen that the number of reported anti- social behaviour incidents increase over the weekend (Saturday and Sunday). These two days account for over 44% of all ASB incidents

Although anti-social behaviour incidents are higher at the weekend are between 1700 hours and 2000 hours there is not a strong pattern.

2017 ASB incidents table by hour and day of week

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00	1		1			1	4	7
01						2	1	3
02		1						1
03								
04								
05						2		2
06							2	2
07		1	1					2
08	1						1	2
09	1		1	2				4
10	2	1	1	1		1	3	9
11	1	1	1	1			1	5
12	1		1	2		1	1	6
13					1	1		2
14		1			2	1	2	6
15	1		1	1		1	1	5
16	2					3	3	8
17	1	2	1		3	4	2	13
18	1	1	3		2	1	3	11
19		3		1	3	2	3	12
20	1	2	3	1	3	1	5	16
21	1	1			1	1	1	5
22			1	1			1	3
23	2			1	1	1	1	6

Alcohol Related Anti –Social Behaviour Incidents

2016 – 22 incidents of alcohol related anti-social behaviour reported

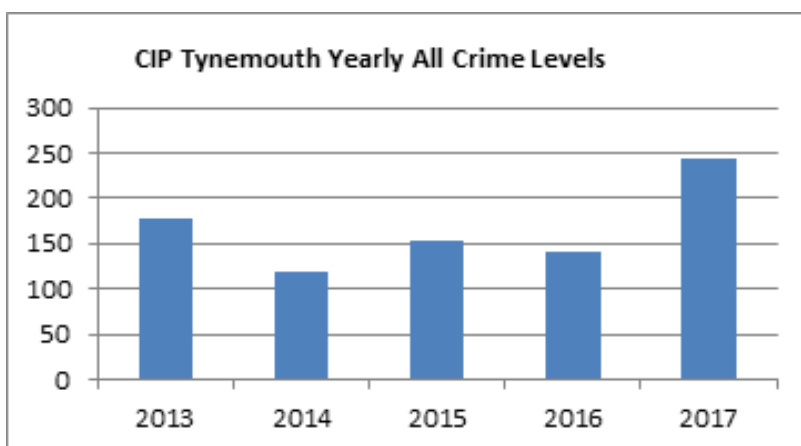
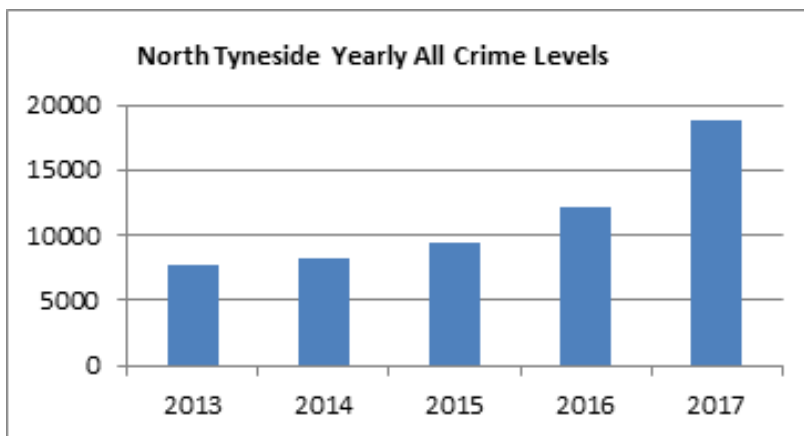
2017 – 18 incidents of alcohol related anti-social behaviour reported

Alcohol related anti-social behaviour incidents by day of the week and time:

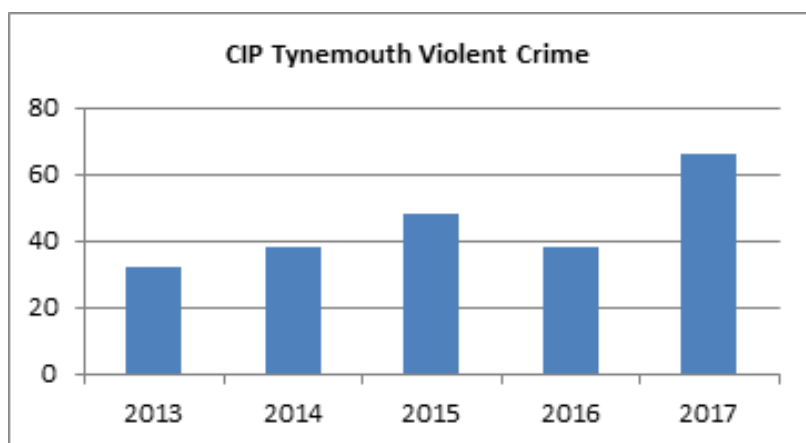
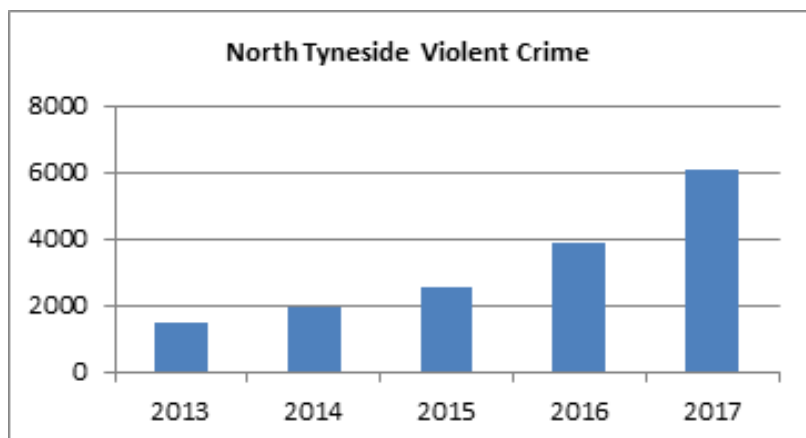
Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
00							3	3
01						1		1
02								
03								
04								
05								
06								
07								
08								
09								
10								
11								
12	1							1
13								
14								
15							1	1
16								
17					2			2
18			2			1		3
19				1		1		2
20			2				1	3
21					1			1
22								
23						1		1

Historic crime levels

The tables below show the historic crime levels for North Tyneside and for the cumulative impact area of Tynemouth:



The tables below show the historic violent crime levels for North Tyneside and for the cumulative impact area of Tynemouth:



Conclusion

The cumulative impact area in Tynemouth accounts for a small percentage of the geographic area covered by the Tynemouth Policing Sectors. The Crime and Disorder statistics provided show that 15% of all crime recorded in Tynemouth in 2017 was in this area. The level of crime has increased by 2% from 2016.

The figures reveal a disproportionate amount of crime, including violent crime and anti-social behaviour for such a small geographic area which impacts on the resources needed to police the area due to the Night time Economy.

The Historic Crime Levels information statistic show a year on year increase in all crime levels across the Borough, including in the cumulative impact area of Tynemouth.

Appendix 5 Schedule of Responses in relation to Cumulative Impact Assessment

Reference	Respondent	Comments	Response
CI/1	Resident Panel	Finds arguments well presented in favour of an assessment and may need to consider other areas but also believes that the growth of businesses which run as either clubs or restaurants may reduce levels of anti social behaviour particularly at weekends	Comment noted
CI/2	Organisation	Found it for the most part to be very fair. Grey area regarding vertical drinking establishments and micropubs. Believes that if a premise is well managed that it can bring a lot to the area and that there are a lot of benefits to the smaller independent bars or micropubs.	Comment noted
CI/3	Resident	Would like the Cumulative Impact Policy to remain in place	Comment noted
CI/4	Resident of Tynemouth	Strongly supports both areas remaining. The Cumulative Impact Assessment provides sound evidence for this and as residents of Tynemouth living close to the designated area we are very aware of anti-social behaviour at weekends including noise, litter and petty vandalism.	Comment noted
CI/5	Responsible Authority	Made comments about the wording, format and layout used in the evidence provided by the Police	Comment noted
CI/6	Resident of Tynemouth	Resident believes there should be no new licensed premises as set out in the consultation document for the reasons stated	Comment noted
CI/7	Resident	Information correct on Page 16. Refers to % of crimes in Whitley Bay. Should be Tynemouth	Assessment amended

CI/8	Resident of Tynemouth	Supports Cumulative Impact remaining in place. On a weekend has to regularly pick up bottles in the street.	Comment noted
CI/9	Resident of Tynemouth	Strongly in favour of Policy and wishes area in Tynemouth to be extended to cover Pier Road and Percy Park Road	Comment noted
CI/10	Organisation	Supports existing Policy but wishes area to be extended to Spanish Battery area	Comment noted and request to extend area.
CI/11	Resident	Feels strongly that no more alcohol licences should be issued in Conservation area of Tynemouth and wishes Cumulative Area to be extended to this area also. Numerous problems in Tynemouth area which include clearing up mess and bottles after a weekend, taxi queues and general noise in the area	Comment noted
CI/12	Resident of Tynemouth	Supports the continuation of the Policy. Increase in alcohol and anti social behaviour particularly at weekends. Problem with volume and speed of traffic in Tynemouth Village.	Comment notes
CI/13	Resident of Tynemouth	Wishes current policy to remain in place.	Comment noted
CI/14	Resident of Tynemouth	Wishes restrictions on new licences and extensions of licence to remain and also raises issues in relation to parking	Comment noted
CI/15	Resident of Tynemouth	Wishes current policy to remain in place.	Comment noted
CI/16	Resident of Tynemouth	There are too many pubs, bars and restaurants in Tynemouth area. Problems with traffic on a weekend and volume of people	Comment noted
CI/17	Organisation	There are enough outlets providing alcohol and no need for any new ones or extending hours for existing businesses.	Comment noted

		Wishes boundary of area to encompass current Conservation area.	
CI/18	Resident of Tynemouth	Happy with the existing policy	Comment noted
CI/19	Resident of Tynemouth	Has been an increased in licensed premises in Tynemouth area. Later opening hours causes disturbances to residents. It has become the new South Parade	Comment noted
CI/20	Resident	Believes policy should remain in place and that area should be extended in Tynemouth	Comment noted
CI/21	Resident of Tynemouth	Policy has helped with crime and anti social behaviour in the area and should definitely remain in place	Comment noted
CI/22	Resident	Crime levels in Tynemouth have not reduced and indeed in some areas have increased. Wishes no more licences for vertical drinking establishments	Comment noted
CI/23	Resident	Cumulative Impact Policy seems to be working and would like it to remain in place	Comment noted
CI/24	Member of Parliament	Believes the Policy is working well and strong support for it to continue. A number of residents have indicated that they would like the area extending to cover Spanish Battery area.	Comment noted and request to extend area.
CI/25	Resident	Supports Policy remaining and wishes area extended to cover Conservation Area.	Comment noted and request to extend area.
CI/26	Resident	There are already too many licensed premises particularly in Tynemouth Front Street.	Comment noted

North Tyneside Council

Report to Council

Date: 22 November 2018

ITEM 9

Approval of the North Tyneside Community Infrastructure Levy Charging Schedule

Portfolio: Deputy Mayor

Cabinet Member:

Councillor Bruce Pickard

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 Wards

PART 1

1.1 Executive Summary:

In August 2017 Cabinet approved the publication of a Community Infrastructure Levy (CIL) Draft Charging Schedule, including a Draft Regulation 123 List and Instalments Policy and provided delegated authority to the Head of Environment Housing and Leisure to make modifications to the draft documents and to submit them for examination.

Consultation on the draft document was undertaken in September and October 2017 and the Draft CIL with modifications was submitted to the Planning Inspectorate in May 2018.

The examination that followed included a formal hearing session on 1 August 2018, before a final report was received from the Independent Examiner on 16 October 2018. The final Report of the Examiner advises that, with recommended Modifications the North Tyneside CIL is suitable for approval.

Cabinet will consider the Examiner's final Report and whether to recommend that Full Council should approve the final proposed Community Infrastructure Levy Charging Schedule on the 19 November 2018.

This report outlines the background to the preparation of a CIL for North Tyneside and will be followed by a supplementary report, detailing the recommendations of Cabinet.

1.2 Recommendations:

It is recommended, subject to receiving confirmation of Cabinet's recommendations in relation to the Community Infrastructure Levy Charging Schedule following its meeting on 19 November 2018, that Full Council:

- (1) note that the Independent Examiner in his report to the Authority concludes that the Community Infrastructure Levy Charging Schedule, with modifications, provides an appropriate basis for the collection of the levy;
- (2) receive the recommendations of Cabinet regarding the Community Infrastructure Levy Charging Schedule with modifications and:
 - a. approves the adoption and subsequent publication of the Community Infrastructure Levy Charging Schedule; and that,
 - b. the charges identified in the Charging Schedule should be levied against liable development from 14 January 2019.

1.3 Forward Plan:

This report first appeared on the Forward Plan that was published on 26 October 2018.

1.4 Council Plan and Policy Framework

The Local Development Scheme sets out the timetable for the production of the Authority's Local Plan and supporting documents including the Community Infrastructure Levy. Collectively, these are key mechanisms to delivering a number of the objectives of the "Our North Tyneside Plan", including:

- Our people will be listened to, ready for work and life be ready for school, be health and well;
- Our places will be great places to live, offer a good choice of quality housing, provide a clean, green, healthy, attractive, safe and sustainable; and,
- Our economy will grow by supporting new businesses and building on our strengths, continue to support investment in our business parks, units and town centres, be business friendly, ensuring the right skills and conditions are in place to support investment.

A further range of adopted policy documents and strategies highlight key principles that should drive the Authority's approach to infrastructure delivery. The strategic context establishes in particular commitment to sustainable growth to meet the needs of the Borough and region; enhancement of our environment; support for active lifestyles, health and wellbeing; and delivery of high quality and affordable housing. This strategic context includes:

- The North Tyneside Local Plan 2017
- Housing Strategy 2016 to 2021 'A Great Place to Live'
- Transport Strategy 2017 to 2032 'North Tyneside on the Move'
- The Joint Strategic Needs Assessment
- Joint Health and Wellbeing Strategy
- The North East Strategic Economic Plan (SEP)
- The Authority's Investment Plan

1.5 Information:

Background

- 1.5.1 The Community Infrastructure Levy (CIL) is a form of developer contribution that was introduced by the Planning Act 2008 and came into force through the Community Infrastructure Levy Regulations 2010 (the Regulations). Following implementation of CIL in North Tyneside, for infrastructure that is not intended to be funded through the charge, the Authority would continue to seek planning obligations secured through s106 agreements, in accordance with the Planning Obligations Supplementary Planning Document dated, March 2018.
- 1.5.2 Restrictions introduced by the Regulations on the use of planning obligations included limiting the pooling of more than five s106 agreements to fund a single infrastructure project or type of infrastructure and requiring each planning obligation to be directly related to each planning application. This means the Authority cannot rely on the use of s106 agreements alone to support its infrastructure requirements.
- 1.5.3 In contrast to planning obligations, CIL is charged as a flat rate financial charge per square metre. Local Authorities may choose to levy this charge on a range of developments, as set out within an approved CIL Charging Schedule from a single home for residential schemes, excluding affordable housing, and any other development that results in an internal gross floor area of over 100m².
- 1.5.4 The funding collected through CIL from new development can help pay for strategic and local infrastructure such as highways improvements, schools, flood mitigation, leisure facilities and other community facilities that support the requirements for growth identified within an area's Local Plan. CIL is not subject to any of the limitations that are in place for use of planning obligations, in that there is no restriction on the number of CIL payments which can fund a particular infrastructure project.
- 1.5.5 To avoid charging development and the associated necessary infrastructure twice through CIL and s106 for the same infrastructure, the Regulations set out that an Authority with an adopted CIL cannot seek planning obligations for any development that is prescribed in a list of infrastructure known as a Regulation 123 List. If an Authority that has implemented CIL has not also published a Regulation 123 List it would not be able to seek any planning obligations from development in addition to the CIL charge.
- 1.5.6 Once implemented the CIL is applied to all liable development and it must be paid in order for such development to progress lawfully. Reflecting this, its preparation and the evidence necessary to inform CIL is governed by a statutory process in accordance with the Planning Act 2008 and the Regulations as amended. In particular this aims to ensure that the proposed CIL would be necessary to meet a defined infrastructure funding gap in the area, and that the level of charge proposed would strike an appropriate balance between closing that funding gap and allowing otherwise viable development to continue to proceed.

The Infrastructure List (Regulation 123)

- 1.5.7 In accordance with Regulation 123 of the Regulations, Authorities may publish a list of the infrastructure it may fund through the CIL known as a "Regulation 123 List". A Regulation 123 list can be approved by the Authority after consultation and it may be amended at any time following appropriate local consultation.

- 1.5.8 A draft Regulation 123 List for North Tyneside was considered by Cabinet at its meeting of 14 August alongside the CIL Draft Charging Schedule and published for consultation in September 2017. The proposed list was subsequently submitted to the Planning Inspectorate to inform examination of the Draft Charging Schedule. Cabinet at its meeting of 19 November 2018 will consider whether to approve the Regulation 123 List. The CIL Regulation 123 List proposed for approval by Cabinet is included at **Appendix 1**. An update will be provided to Full Council in a Supplementary Report shared prior to the meeting of 22 November 2018.
- 1.5.9 The infrastructure identified includes use of CIL to support delivery of the Authority's key priorities around education, health and wellbeing, and sustainable travel. The Area Wide Viability Assessment 2018 provides an assessment of the implications of funding infrastructure through a CIL charge rather than the use of planning obligations. This demonstrated the CIL charge with continued use of planning obligations for other forms of infrastructure could be applied without harming the ability of viable development to proceed.

The CIL Instalments Policy

- 1.5.10 Where development is liable to make a CIL payment, the Regulations set out standard periods in days, within which payments must be made based upon the level of the charge. The greatest standard charge identified relates to payments of over £40,000 that must be made in four equal instalments within 60, 120, 180 and 240 days from the commencement of development. For larger developments subject to CIL charges that may be hundreds of thousands or millions of pounds. This standard period for making payments can have serious implications for cashflow and consequently the viability of development.
- 1.5.11 In recognition of this, the Regulations as amended make additional provision for Authorities to introduce a local instalments policy specific to the proposed CIL charge and economic viability of development in the area. Reflecting this, for North Tyneside the proposed CIL charging rates for the Authority have been subject to a revised instalments policy that creates additional payment thresholds allowing charges above £1.5m to be paid over a period of 1,260 days (approximately 3.5 years) from commencement.
- 1.5.12 Cabinet at its meeting of 19 November 2018 will consider whether to approve the proposed Instalments Policy. The Instalments Policy proposed for approval by Cabinet is included at **Appendix 2**. An update will be provided to Full Council in a Supplementary Report Shared prior to the meeting of 22 November 2018. The instalments policy set out at **Appendix 2** has been identified with reference to the implications of the proposed charging schedule upon the viability of development. It has consequently been integral to demonstrating that the identified CIL charging rates are capable of being introduced without harming the delivery of viable development within the area.

The Community Infrastructure Levy Charging Schedule

- 1.5.13 The proposed charging schedule for North Tyneside has now been subject to two rounds of consultation in February 2017 and September 2018. Finally it has been scrutinised through a formal examination process completed by the Planning Inspectorate.
- 1.5.14 The proposed CIL Charging Schedule is included at Table 1 of **Appendix 5** to this report, which identifies development types that would be liable for a CIL charge. The North Tyneside CIL includes a range of charging zones across the Borough to reflect

the economic viability of development. For residential development this includes a substantial area that is zero rated. Within the urban area two rates of £19 and £24 per square metre are identified whilst for the remaining area of the Borough two rates of £47 and £68.60 are identified.

1.5.15 The Final Report of the Independent Examiner is included at **Appendix 3** of this Report. Following his appraisal of the available evidence and having listened to the views of participants from the development industry during the examination the Examiner recommended a number of modifications that should be considered to the Draft Charging Schedule. The Examiner modifications identified include:

- Removal of the Regulation 123 List and Instalments Policy from the main CIL Draft Charging Schedule document to create three separate documents capable of being approved independently; and,
- Removal of supermarket's from the final Charging Schedule, reflecting submissions identifying lower than previously assessed rents for this form of development. Based upon this revised evidence the Examiner concluded that retention of a charge for supermarkets might inhibit economic growth in this sector and therefore should not be pursued.

1.5.16 With these modifications the Independent Examiner noted the following conclusions:

- The Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in North Tyneside Borough;
- The Council has, on the whole, tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the Borough; and,
- An appropriate balance would be achieved between the desirability of funding the costs of new infrastructure and the potential effects on the economic viability of development across the charging area.

1.5.17 The final proposed CIL Charging Schedule includes a number of additional modifications to the supporting text included within the Charging Schedule submitted for examination in May 2018 and the modifications identified by the Examiner. These additional modifications do not amend any aspect of the proposed CIL Charging Schedule itself, included at Table 1 of the schedule or the geographic zones that it relates to. They are proposed to ensure the final CIL Charging Schedule document is suitable for publication and on-going use in future years. A schedule of all the additional modifications made to the submitted CIL Draft Charging Schedule is included at **Appendix 4**.

1.5.18 The proposed North Tyneside CIL Charging Schedule included at **Appendix 5** of this report incorporates all the identified modifications, including the recommended changes advised by the Examiner. Cabinet at its meeting of 19 November 2018 will consider whether to recommend Full Council approves the proposed CIL Charging Schedule. An update, outlining Cabinet's recommendations, will be provided to Full Council in a Supplementary Report Shared prior to the meeting of 22 November 2018.

The next steps

- 1.5.19 The CIL is a charge levied by the Authority as Local Planning Authority. As such authority for approval of CIL within North Tyneside lies with the Authority's Full Council. Following the Full Council's approval the Authority must also identify within the published CIL Charging Schedule when the charge would be implemented.
- 1.5.20 This implementation can be no sooner than one day after the formal approval and publication of the CIL Charging Schedule. To provide a reasonable notification period for applicants in the Borough it is proposed that Full Council should agree an implementation date of Monday 14 January 2019. This would provide a period of approximately seven weeks following the Council meeting on 22 November 2018, including the Christmas period. This period provides a reasonable period in which to advise potential applicants that a formal resolution has been reached to implement CIL and enable final procedural arrangements for the monitoring of CIL liable development, and collection of payments to be resolved. As soon as practical following approval by the Authority of the levy, Regulations require to the Authority to give notice by local advertisement of the approval of the charging schedule, that a copy of the charging schedule is available for inspection, and of the places at which it can be inspected. The proposed statement to this effect is included at Appendix 6.
- 1.5.21 The governance of CIL and the funds collected will fall under the provisions of the wider governance arrangement for collection and spending of planning obligations agreed by Cabinet on 14 May 2018. This assigns oversight of the planning obligations process to the Authority's Investment Programme Board (IPB).
- 1.5.22 It is proposed that in addition to this, on a regular basis IPB would be updated on the value of future CIL contributions, and CIL payments received to date. In accordance with the Authority's strategic priorities for infrastructure investment the IPB would be invited to implement delivery of specific projects identified on the Regulation 123 List as sufficient funding is collected and becomes available.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Agree with the recommendations as set out at paragraph 1.2 of this report.

Option 2

Decline to approve the recommendations in paragraph 1.2 of this Report and request that Cabinet review the proposed CIL Charging Schedule.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The development of a CIL Charging Schedule enables the Authority to ensure that new development contributes proportionately to strategic infrastructure provision. The charging schedule set out is set at a level that reflects the priority infrastructure the Authority can best deliver via the mechanism of CIL payments and has been tested as economically viable.

Changes to the role of s106s now limit the pooling of contributions for the infrastructure needed to support new development making introduction of a suitable CIL Charging Schedule vital to infrastructure delivery.

Without the introduction of CIL it will only be possible to pool a maximum of five s106 planning contributions for an item or type of infrastructure, thus reducing the Authority's ability to ensure that new development contributes proportionately to infrastructure provision and would present a missed opportunity to collect contributions and provide benefits to these areas.

1.8 Appendices:

Appendix 1: The CIL Regulation 123 List November 2018

Appendix 2: The CIL Instalments Policy, November 2018

Appendix 3: Report on the Examination of the Draft North Tyneside Community Infrastructure Levy Charging Schedule, October 2018

Appendix 4: Modifications to the CIL Draft Charging Schedule

Appendix 5: North Tyneside CIL Charging Schedule, November 2018 (Please note that larger colour maps of the CIL Charging Zones for the Borough, included within the CIL Charging Schedule, have been deposited in the group rooms.)

Appendix 6: Notice of approval of the CIL Charging Schedule

1.9 Contact officers:

Jackie Palmer, Planning Manager (0191 643 6336)

Martin Craddock, Principal Planning Officer (0191 643 6329)

Peter Slegg, Senior Planning Officer (0191 643 6308)

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

Alison Campbell, Senior Business Partner (0191 643 7038)

1.10 Background information:

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

1. [The Town and Country Planning Act, 1990](#)
2. [Planning and Compulsory Purchase Act 2004.](#)
3. [Planning Act 2008.](#)
4. [Localism Act 2011](#)
5. [Town & Country Planning \(Local Planning\)\(England\) Regulations 2012.](#)
6. [The Community Infrastructure Levy Regulations 2010 \(as amended\)](#)
7. [The North Tyneside Local Development Scheme Cabinet Report \(October 2016\)](#)
8. [North Tyneside Local Plan Pre-Submission Draft \(2015\)](#)
9. [Community Infrastructure Levy: Preliminary Draft Charging Schedule Cabinet \(February 2017\)](#)
10. [North Tyneside Preliminary Draft Charging Schedule, February 2017](#)
11. [North Tyneside Council Infrastructure Delivery Plan 2018 - Part 1](#) and [Infrastructure Schedule - Part 2](#)
12. [Area Wide Viability Assessment Update 2018 Community Infrastructure Levy](#)
13. [Report to Cabinet, 14 May 2018, Planning Obligations](#)
14. [Delegated Decision, April 2018, Submission of Draft Community Infrastructure Levy Charging Schedule and proposed modifications for examination](#)
15. [Report to Cabinet, 14 August 2018, Publication of Draft Community Infrastructure Levy Charging Schedule and Draft Planning Obligations Supplementary Planning Document](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

Introduction of CIL is not expected to have an impact upon the overall financial position of the Authority as the primary outcome is expected to be an adjustment in the collection of planning gain in terms of use of s106 and CIL in parallel. The volume of receipts collected through CIL is estimated at circa £30m up to 2032. However, as the funding secured is naturally dependent upon the scale of development that takes place in the Borough in future years, a lower or higher level of growth than anticipated could substantially alter this figure.

The collection of CIL funds and the Regulation 123 List does not specifically commit the Authority to the delivery of a given infrastructure project. However, the Authority will be required to publicise on an annual basis the amount of CIL money collected and the projects funded through CIL. As identified within the report it is anticipated that the Authority's Investment Programme Board (IPB) will be responsible for managing delivery infrastructure projects in accordance with the authority delegated to the relevant Head of Service and identified consultees.

The administration of the CIL will additionally bring about additional resource implications for officers in the Authority, specifically within the planning, finance and legal services. The arrangements for notifying developers of liability, monitoring CIL development and invoicing will represent an additional workload over and above existing processes in place for the administration of planning applications and s106 agreements. CIL Regulation 61, as amended, allows the Authority to recover expenses incurred by the Charging Authority up to a maximum of 5% of total CIL collected. The amount of CIL applied to administrative purposes must be reported publically on an annual basis and expressed as a percentage of CIL collected.

2.2 Legal

The power to charge the CIL is contained within Part 11 (Section 205-225) of the Planning Act 2008 ("the Act") and the Community Infrastructure Levy Regulations 2010 (as amended) ("the CIL Regulations"). The power to approve a CIL is afforded to the Authority through Section 213 of the Act, defined at Section 206 as the Local Planning Authority for the area. As a result, approval of a CIL is a matter for the Local Planning Authority and therefore a Full Council decision is required to approve and implement a CIL Charging Schedule.

The CIL is defined as an imposition of a charge, with the aim that the CIL is to ensure costs incurred supporting the development of an area can be funded (wholly or partly) by owners or developers of land in a way that does not make development of the area economically unviable (Section 205(1) and (2) of the Act). Subject to certain exceptions, the CIL must be applied to supporting the development of the Authority's area by funding the provision, improvement, replacement, operation or maintenance of infrastructure (which may include infrastructure outside its area).

Responsibility to approve the Community Infrastructure Levy Infrastructure List (the Regulation 123 List) and the Instalments Policy (under Regulation 69B) fall to Cabinet rather than the Full Council Meeting in accordance with the requirements of the Local Government Act 2000 and the Regulations made under that Act.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Policy direction has been taken from the Elected Mayor and Cabinet on the preparation of CIL and the Infrastructure Schedule. Engagement has been undertaken with the Local Plan Steering Group (which includes the Deputy Mayor) for both the need for the CIL and the proposed timetable for its implementation. The Planning Team have also held internal consultation with a range of officers currently engaged in collecting and spending s106 monies within the Authority such as in the Education and Highways teams to obtain views on the impact of collecting funds via s106 and the CIL.

2.3.2 External Consultation/Engagement

At this time only Newcastle City Council and Gateshead Council have an adopted CIL (November 2016) in the North East. Through the on-going duty to cooperate requirements, this Authority has and will continue to liaise with these authorities to ensure consistency in approach and implementation. Overall the highest proposed CIL charge for residential development in North Tyneside is identified at a level broadly equivalent to the proposed charge for similar development to the north and west of Newcastle.

Consultation pursuant to Regulation 15 of the CIL Regulations 2010 was undertaken between February and April 2017 on the CIL Preliminary Draft Charging Schedule (PDCS) and September and October 2017 on pursuant to Regulation 16 on the CIL Draft Charging Schedule (DCS). Under these Regulations, the Authority must send a copy of the Charging Schedule for consultation and invite representations from each of the consultation bodies (local planning authorities whose area is in or adjoins the Authority area and Parish Councils in the Authority's area). The Authority must also invite representations on the PDCS from persons who are resident or carrying on business in its area and as the Authority considers appropriate from voluntary bodies (some or all of whose activities benefit the Authority's area) and bodies which represent the interests of persons carrying on business in the Authority's area.

The Authority received 9 responses to the PDCS that were presented to Cabinet in August 2017 to inform consideration of the Preliminary Draft Charging Schedule (DCS). Following publication of the DCS the Authority received 11 responses that were considered in preparing the DCS for submission to the Planning Inspectorate for examination and presented within the Delegated Decision Report of the Head of Environment, Housing and Leisure in April 2018.

Following submission of the DCS to the Planning Inspector an independent Examiner held an examination into the CIL, seeking further evidence and written statements from participants who had responded to the CIL in relation to the proposals. The final report of the Examiner included as an appendix to this report outlines the Examiner's conclusions in relation to his consideration of all the evidence submitted as part of preparation of the CIL and its examination.

2.4 Human rights

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

2.5 Equalities and diversity

There are no direct implications arising from this report.

2.6 Risk management

Failure to implement a CIL Charging Schedule would reduce the Authority's ability to ensure that new development contributes proportionately to infrastructure provision. Failure to adopt a CIL would mean that the Borough would be missing the opportunity to collect contributions and provide benefits to these areas. This would be further curtailed by the limitations associated with the pooling of s106s for the infrastructure needed to support new development.

If the Authority sought to approve a CIL but did not also approve a Regulation 123 list the Authority would no longer be able to seek Planning Obligations towards infrastructure needs arising from development. The CIL charge alone would be insufficient to meet all the Borough's needs and consequently the sustainable development of the Borough would be harmed. Meanwhile, implementation of an Instalments Policy is integral to ensuring a CIL charge does not negatively impact the viable economic development. The effectiveness and approach towards the Draft Charging Schedule, Regulation 123 list and Instalments Policy will be monitored annual and kept under review through the governance arrangements in place to oversee planning obligations and CIL.

2.7 Crime and disorder

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

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

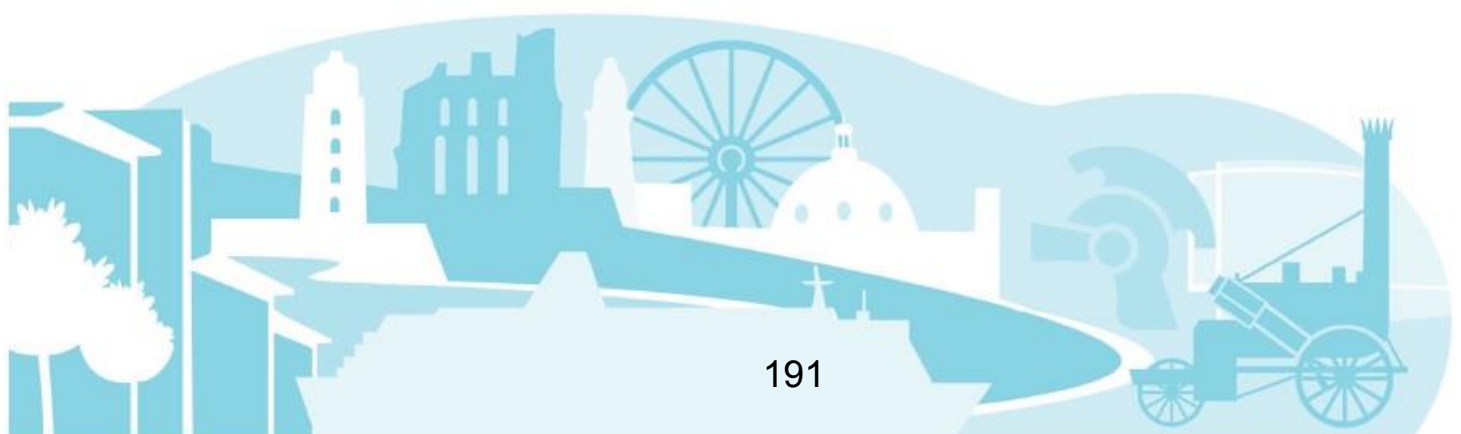
- Acting Chief Executive ☒
- Head(s) of Service ☒
- Mayor/Cabinet Member(s) ☒
- Chief Finance Officer ☒
- Monitoring Officer ☒
- Head of Corporate Strategy ☒

North Tyneside Community Infrastructure Levy

Regulation 123 List



January 2019



1. Regulation 123 List

- 1.1. The Regulation 123 list sets out a list of those projects or types of infrastructure that the Authority intends to fund, or may fund, through the levy.
- 1.2. The generic and project specific infrastructure types included on the Regulation 123 list will result in no s106 contributions being sought on any specific projects in that category.
- 1.3. This list will be kept up to date to take into account any changes in circumstances and / or infrastructure needs identified in the future and will be reviewed at least every year. The Council can revise its regulation 123 list without revising the Charging Schedule, but this would need to be explained and supported by a review of the relevant viability evidence as part of the appropriate local consultation.

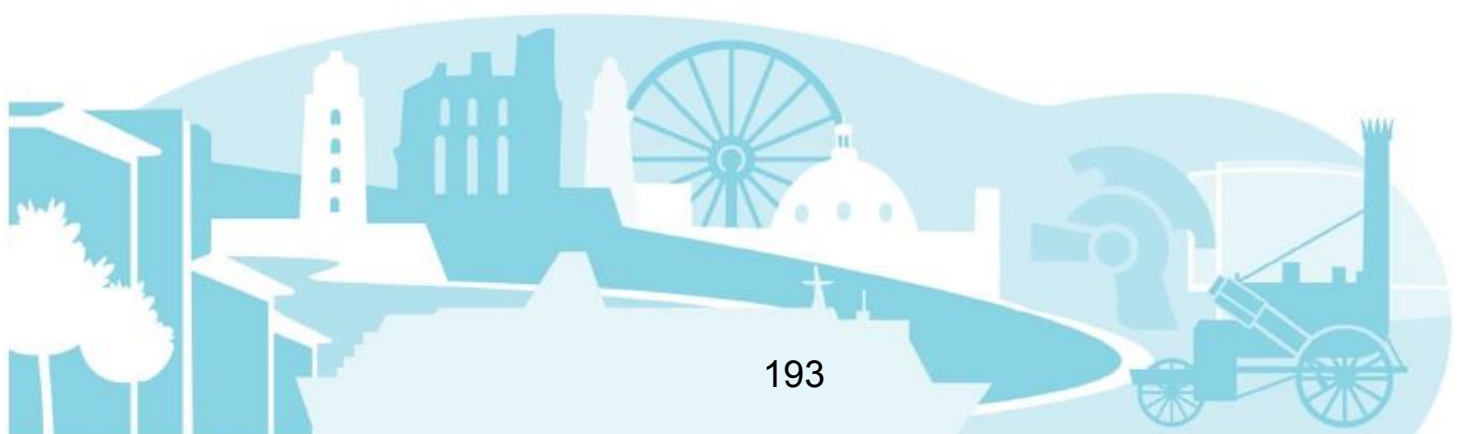
North Tyneside Council Community Infrastructure Levy Regulation 123 List

Infrastructure Types	List of Exclusions
Secondary School Age Education To support additional secondary education capacity across North Tyneside new secondary school provision and capacity improvements to existing schools. Including costs of design, construction and purchase of land for building and site curtilage including site access, hard and soft landscaping and playing fields.	None
Health facilities Support for the potential delivery of new premises for use as a general practice and as appropriate schemes to improve local resilience where patient list sizes demonstrate a requirement for investment.	None
Suitable Alternative Natural Greenspace (SANGS) – Off site provision To create and enhance areas for recreational use providing mitigation in accordance with the Local Plan Appropriate Assessment for potential impacts of growth upon the Northumbria Coast Special Protection Area	Specific on site provision at Murton Gap Strategic Allocation.
Community Facilities Multiple projects to support local resilience in community facilities and services that might support the wellbeing of a growing and aging population.	None
Walking and Cycling Connections – Critical, important and desirable off site connections associated with growth at Murton Gap and Killingworth Moor strategic allocations connecting to key locations and providing accessibility to existing communities. **	For Clarification: Necessary walking and cycling infrastructure to be sought from all other development sites.

North Tyneside Community Infrastructure Levy Instalments Policy



January 2019



1. Instalments Policy

- 1.1. For development liable to the North Tyneside Community Infrastructure Levy (CIL) and each phase of any larger development, CIL will be levied in instalments. In accordance with Regulation 69b of the CIL Regulations (as amended), North Tyneside Council (the charging authority) will allow the payment of CIL by instalments, as set out in the North Tyneside Council Community Infrastructure Levy Instalments Policy.
- 1.2. The North Tyneside Council Community Infrastructure Levy Instalment Policy will only apply in cases where the persons liable for paying CIL have complied with all the relevant regulations and requirements

North Tyneside Council Community Infrastructure Levy Instalments Policy

Chargeable Amount	Number of Instalments	Payment Due
Less than £10,000	0	Required in full within 60 days of the commencement date.
£10,001 to £50,000	2	Two equal instalments 60 and 180 days after the commencement date.
£50,001 to £100,000	3	Three instalments* 60, 180 and 360 days after the commencement date.
£100,001 to £250,000	3	Three instalments* 60, 360 and 720 days after the commencement date.
£250,001 to £500,000	3	Three instalments* 60, 720 and 900 days after the commencement date.
£500,001 to £1,500,000	3	Three instalments* 360, 720 and 1080 days after the commencement date.
£1,500,001 and above	3	Three instalments* 360, 900 and 1260 days after the commencement date.

Report to North Tyneside Council

by David Spencer BA(Hons) DipTP MRTPI

an Examiner appointed by the Council

Date: 16 October 2018

PLANNING ACT 2008 (AS AMENDED)

SECTION 212(2)

REPORT ON THE EXAMINATION OF THE DRAFT NORTH TYNESIDE COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Charging Schedule submitted for examination on 1 May 2018

Examination hearing held on 1 August 2018

File Ref: PINS/W4515/429/8

Non-Technical Summary

This report concludes that the North Tyneside Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area.

The following modification is needed to meet the statutory requirements. It can be summarised as follows:

- The rate for supermarkets in Commercial Zones B and C should be reduced to zero.

Subject to this modification, the Council has sufficient evidence to support the Schedule and, in general terms, can show that the levy rates are set at a level that will not put the overall development of the area at risk.

The specified modifications recommended in this report are based on matters discussed during the hearing and do not alter the basis of the Council's overall approach or the appropriate balance achieved.

Introduction

1. This report contains my assessment of the North Tyneside Community Infrastructure Levy (CIL) Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national guidance.
2. To comply with the relevant legislation the local charging authority has to submit a charging schedule which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the district. The basis for the examination, on which a hearing session was held on 1 August 2018, is the submitted schedule of 1 May 2018, together with a Statement of Modifications. The Modifications relate to changes to the Draft Charging Schedule published in August 2017 and have been consulted on for a period of four weeks in accordance with the requirements of the Community Infrastructure Levy Regulations 2010 (as amended).
3. The Council propose a matrix approach including rates for residential, retail, office, hotel and all other development types. Residential development rates are differentiated between five zones ranging from nil to £68.60 per square metre (sqm). Commercial developments including retail are demarcated on three zones ranging from nil to £30 per sqm. All other development would be nil rated. These zones are based on viability alone and are defined on an Ordnance Survey map base as required by the CIL Regulations.
4. The examination hearing was held shortly after the revised National Planning Policy Framework (NPPF) was published on 24 July 2018. The transitional

arrangements at paragraph 214 of the revised NPPF do not apply to CIL examinations. As such the content of the revised NPPF and the updated chapter of the Planning Practice Guidance (PPG) on viability apply to this examination. This was broached at the hearing, without objection, and I am satisfied that neither the revised NPPF nor the updated PPG chapter fundamentally change the general parameters of assessing CIL viability.

Is the charging schedule supported by background documents containing appropriate available evidence?

Infrastructure planning evidence

5. The North Tyneside Local Plan (NTLP) was adopted in July 2017. This sets out the main elements of growth that will need to be supported by further infrastructure investment in the Borough over the plan period 2011 to 2032. The NTLP was informed by an Infrastructure Delivery Plan (IDP) prepared in May 2016 based on information from partners and infrastructure providers. The IDP includes the Infrastructure Delivery Schedule (IDS) which is a database of infrastructure projects, estimated costs, the delivery mechanisms and its relevance (critical/important/desirable) to supporting sustainable growth.
6. The NTLP sets out the main elements of growth, including the provision for a minimum of 16,593 homes, a minimum of 150 hectares (ha) of employment land and 15,249 sqm of comparison and 6,378 sqm of convenience retail floorspace within the Borough. The growth strategy directs this development to two strategic greenfield urban extension sites at Killingworth Moor and Murton Gap (approximately 2,000 and 3,000 homes respectively), sites at Wallsend and Longbenton, as well as regeneration through area specific strategies and employment areas.
7. The IDP recognises that investment will be needed to support planned growth particularly in relation to transport, green infrastructure and secondary education. The IDP/IDS evidence has subsequently been updated as of January 2018 to provide latest costs. Additionally, progress is being made on preparing the detailed framework to guide delivery of the two strategic development sites central to securing a sustainable pattern of growth in the Borough. This includes approved masterplans for both sites and accompanying detail on infrastructure requirements, delivery and costs. Overall, the evidence provides an informed picture of the infrastructure needed to support development, including that which could be funded through CIL. In accordance with the Planning Practice Guidance (PPG) it is not for the CIL examination to re-appraise the infrastructure planning work that underpins the NTLP.
8. The latest estimate for total known infrastructure costs is £386.8 million of which approximately £258 million is identified in the IDS as being either critical or important to the delivery of sustainable growth. The Council

submits that the infrastructure identified in the IDS is not supported yet by any actual funding such that the overall funding gap remains at £386 million with a total funding gap of some £130million which CIL and planning obligations would be expected to plug¹.

9. I was advised that applications to the Housing Infrastructure Fund (HIF) have been made in respect of both the Killingworth Moor and Murton Gap strategic sites but even if successful they would not remove the need to consider additional sources of funding. Similarly, reference has also been made to emerging 'North of Tyne' devolution deal and a headline figure of £600 million. Whilst I understand that the Government is minded to approve the deal, this still requires parliamentary approval. Whilst broad funding streams are outlined, there is little detail on how the £600million would be allocated by either investment type and/or location by a devolved North of Tyne Combined Authority. Again, there is little to assert that the devolution deal would close or significantly reduce the identified funding gap for growth related infrastructure in North Tyneside.
10. Accordingly, additional funding from other sources will be required including planning obligations under Section 106 (S106) arrangements, potential national and regional sources of funding, direct provision (for example Section 278 highway works), investment from utility companies and CIL. The Council estimates that CIL revenue, based on the submitted Schedule, could generate approximately £31 million. This is to be treated as a maximum figure given my findings elsewhere. As such, and in broad terms, CIL would make a modest but significant contribution towards closing the identified funding gap for infrastructure required to support development proposed in the NTLP.
11. The CIL Schedule as submitted includes a draft Regulation 123 list which was modified on submission. The list includes secondary school provision (including the procurement of land), health care facilities, Suitable Alternative Natural Green Spaces (SANGS), community facilities and wider walking and cycling connectivity. The list identifies a number of site specific exceptions, mainly for the strategic sites. I am satisfied that the Council's infrastructure planning evidence supports the Schedule.

Economic viability evidence

12. For the NTLP examination the Council produced an Area Wide Viability Assessment (AWVA) in 2016 supported by an Addendum document in January 2017 which considered the implications of the proposed optional technical standards. The AWVA document was updated in 2017 and then updated again in 2018. These updates have consolidated the understanding of viability in a North Tyneside context, enabled up-to-date information to be considered and have tested the impacts of a CIL in the Borough.
13. The AWVA uses a residual valuation approach, which assumes that the

¹ Paragraph 4.9, 2018 AWVA

residual land value is the value left once the total costs (including construction costs, fees, planning and finance charges, payments under S106, S278 and CIL and developer's profit) have been subtracted from the Gross Development Value (GDV) of a scheme. Benchmark Land Values (BLV) were used as a guide to the price a landowner would be likely to accept in order to release land for development.

14. The viability assessment work has looked at a number of hypothetical development scenarios for the Borough for residential and commercial schemes. For example the residential typologies reflect the diverse range of sites that will come forward through the NTLP ranging from strategic sites through to more modest sites and applies an appropriate housing mix². As is required for CIL, the viability testing is not site specific and is testing what would be viable on a Borough basis. However, as part of the modifications the 2018 AWVA has tested a further strategic site typology reflective of the units and average floor area emerging through the detailed delivery work on the two NTLP strategic sites. Accordingly, I find the scope of the modelling to be reasonable and reflective, at a broad level, of local circumstances.
15. The AWVA applies recognisable assumptions for a range of factors such as building costs (including NTLP policy requirements relating to optional technical standards³), developer return (20% for market housing and 6% for affordable housing), site infrastructure costs, contingencies and fees. The modelling was adapted to reflect relevant local data including rebasing NCIS construction costs to the local dataset, housing densities and gross to net ratios reflective of local development plan policy requirements. There is negligible comment on the principal costs inputs which I find to be reasonable.
16. The Council has assumed for the purposes of CIL that residual S106 costs (excluding affordable housing) would be scaled, so for strategic sites the value would be £6,138 per dwelling reducing to £2,907 per dwelling on smaller schemes. As described above the draft Regulation 123 list is relatively limited. In this context the residual costs for planning obligations for the various types of development modelled are reasonable and reflect a comprehensive understanding of what has been secured to date through S106 mechanisms⁴. I also see no reason why the imposition of CIL would lead to any double charging for infrastructure.
17. Turning to the matter of sales values this is a critical element in any viability assessment with only modest adjustments yielding meaningful changes. In general terms I am satisfied that the evidence in the AWVA, including the 2017 price paid heat map and other transactional data correlates appropriately to the residential zones identified.
18. At present there is relatively little development within Zone R2 (the highest

² Figure 29 2018 AWVA

³ See Figure 16 and detail at paragraphs 6.6-6.8 of 2018 AWVA

⁴ Figure 26, 2018 AWVA

value residential zone containing the two strategic sites) and my attention has been drawn to the proximity of adjacent established residential areas which are generally within the lower charging rates. The inference is that site context should point to a moderating (lowering) of sales values.

19. I accept that as large greenfield sites adjoining established residential areas of varying values, there is relatively little comparable or empirical data on which to draw sales values. However, there are some initial schemes coming into the pipeline (for example the former REME depot site at Killingworth Moor) which generally support the Council's valuations including the overview data presented at Figure 15 of the 2018 AWWA. Furthermore, I am persuaded that the quality and standard of housing and emphasis on place-making required by the NTLP and associated masterplanning would create desirable new communities in North Tyneside with a commensurate value.
20. I am not persuaded that the values assumed in Zone R2 would be out of kilter with other good quality modern urban development coming forward north of the Tyne. Additionally, I am doubtful that the values of adjoining areas would appreciably depress or influence what is likely to be achieved on a very different product and character at the Killingworth Moor and Murton Gap sites. Overall, I find the sales values in Zone R2 to be reasonable and justified.
21. Benchmark land values have been based on existing use value (EUV), plus a premium necessary to bring the land forward. One of the critical EUVs is agricultural land which is modelled at £20,000 per hectare. I am satisfied this is an appropriate value. The benchmark or threshold land value applied is some 30 times existing use value (EUV) on greenfield sites (recognising the range is 20-30 times) and three times EUV on brownfield sites. I see little persuasive evidence that these judgements are unreasonable. They should be subject to some flexibility on larger sites, given the NTLP policy requirements and scale of land releases. The benchmark value should not be based on unrealistic expectations of future development possibilities. I address the issue of benchmark/threshold land values in respect of residential development further below.
22. The assessments of commercial development, on the whole, appear to be robust although I deal with specific up-dated evidence on supermarkets below. The broad-brush approach towards the testing of a range of other development types that are much less likely to be able to support CIL was also realistic.

Conclusions

23. There is a significant gap in funding infrastructure needed to support the sustainable growth of the Borough such that CIL revenue would make a modest but important contribution towards closing the funding gap. The figures demonstrate the need to levy CIL.
24. The economic viability evidence in the AWWA has been prepared in accordance with standard practice applying well researched inputs for a range of factors, including local costs and values. On this basis, the evidence which has been used to inform the Charging Schedule is robust, proportionate and appropriate.

Is the charging rate informed by and consistent with the evidence?

CIL rates for residential development

25. The housing implementation strategy in the NTLP seeks to focus about half of the the Borough's remaining housing requirement at two large greenfield urban extensions at Killingworth Moor and Murton Gap. These sites do not yet have permission and as such would be liable for CIL if implemented. The balance of housing delivery mainly comes from sites within or at the edge of the North Tyneside conurbation in areas that are either zero CIL rated or only attract relatively modest CIL rates. An appreciable amount of housing development in these areas already has planning permission such that the impact of the proposed CIL rates, particularly on the ability of these sites to contribute to the five year deliverable supply, would be negligible.
26. The submitted Schedule contains five proposed zones applicable to residential development. This includes three zones for the existing urban conurbation including a notable zero rate area for parts of Wallsend and North Shields. Elsewhere within the urban area, the two remaining zones are £19 per sqm across most central and western parts of the Borough and a slightly higher £25 per sqm zone for the higher value coastal area and parts of Longbenton. I am satisfied this approach reflects viability considerations alone. In both the £19 per sqm and £25per sqm zones, the 2018 AWVA shows a reasonable viability buffer. Based on the evidence before me, the proposed charges in the urban zones are therefore appropriate.
27. The principal issue is the impact of the proposed CIL on the delivery of the strategic urban extension sites central to the sustainable growth strategy of the NTLP. As discussed above, the cost assumptions, including the consideration of the NTLP policy requirements, including 25% affordable housing on qualifying sites are reasonable. I have also found the evidence on sales values to also be realistic in the host Zone R2 such that the proposed CIL rate would account for less than 3% of the sales value⁵.
28. The strategic sites will require a very considerable amount of new infrastructure, particularly transport and education. However, CIL viability testing is required to be broad-brush. The general modelling for strategic sites assumes a S106 contribution of £6,138. Various CIL rates have been tested and the evidence shows that even at the highest tested point of £130 per sqm and applying the higher sales values in Zone R2 the residual value would represent a 32 times uplift on EUV. The proposed rate of £68.60 would equate to a residual amount broadly a 36 times uplift on EUV. This indicates, in broad terms, an appreciable buffer or margin for the CIL rate proposed.
29. Further sensitivity testing of the viability of the strategic allocations is presented in the 2018 AWVA which factors in slightly higher S106 costs (reflective of the developing detailed picture of site specific costs) and CIL at a

⁵ NTC response to Examiner Question 23.

rate of £68.60 per sqm (reducing the previously modelled £80per sqm to reflect revised average floor areas). On a gross developable area basis, there remains a clear and positive residual land value. It ranges from 25 times EUV to 29 times EUV. The situation significantly improves on a net developable area basis. Overall, the values are within the range of 20-30 times uplift of agricultural land EUV viewed as providing a deliverable site⁶. Furthermore, whilst CIL would take the first slice out of development value, individual viability assessments would be able to take account of the expected CIL contribution before identifying the impact of S106 requirements on the overall viability of the development. The Council's updated Supplementary Planning Document on Planning Obligations recognises that S106 mechanisms will be used to mitigate site specific impacts.

30. Two areas of particular viability contention in North Tyneside in relation to residential development are identified as: (1) the likely point at which a landowner would release a site for development; and (2) the extent to which development land in the Borough is affected by previous mining activity.
31. On the first point, the PPG advises at paragraph 10-016-20180724 that establishing the 'premium' (the uplift to the EUV) is an iterative process, informed by professional judgement, applying local market evidence and values from other viability assessments. In this regard, I consider the Council's approach to the threshold land value to be consistent with the latest guidance and to have arrived at a reasonable position. I am satisfied that residual land values considerably in excess of £500,000 per ha on greenfield agricultural land would be sufficient to release strategic land to the market and support the proposed CIL rate of £68.60 per sqm in the higher value zone and the more moderate CIL rates elsewhere. It would not be appropriate to cater for overbids or site specific circumstances bearing in mind the charging rates are intended to be applied Borough-wide in normal circumstances.
32. The modelling also factors in an allowance for 'abnormal' costs on previously-developed land at £100,000 per hectare. For greenfield land I note the 2018 AWVA (paragraph 6.11) states that such sites can also require significant additional funding to make them appropriate for development, however the risk is reduced. It is put to me that land stability from former mining is a common matter for development in North Tyneside however it is acknowledged that not every plot or parcel of land requires remedial treatment. As such particular costs on some parts of a site can be borne by the wider site, although I note the specific viability modelling for the strategic sites makes a £3000 per unit allowance. Additionally, given the history of the area the risk should have a bearing on the BLV. This, in part, informs my judgement that the approach taken in the North Tyneside CIL of a greenfield premium of up to 30 times EUV to be a reasonable approach in contrast to those submissions which assert the premium should be higher. I therefore find the approach to abnormal costs to be reasonable.

⁶ Paragraph 6.17 2018 AWVA.

33. The Council has carefully considered the risks to specific infrastructure delivery from the restrictions on the ability to pool contributions under Regulation 122 of the 2010 CIL Regulations (as amended). These are infrastructure projects that will support development wider than the strategic urban extensions. It is suggested that the issue could be de-risked through a more sophisticated approach to S106 but I am not persuaded. Conversely, there is no persuasive evidence that pooling restrictions would prevent infrastructure not identified on the Regulation 123 list or that there would be duplication between planning obligations and CIL for the same infrastructure projects
34. I have also been invited to make comparison with Newcastle-upon-Tyne's CIL rates in considering the viability of the CIL rates in Zone R2. Newcastle's CIL was examined in April 2016 and implemented in November 2016. The greenfield areas closest to North Tyneside were examined on a residential rate of £60per sqm. I have little detail on the precise viability evidence in Newcastle, including the assumptions applied. Notwithstanding the proximity it does not follow that rates in North Tyneside should precisely mirror Newcastle. I accept the Council's submission that North Tyneside does not share all of the varied characteristics of the Newcastle housing market. Instead my focus is to examine what is viable in North Tyneside and on this basis I find the specific viability evidence presented would support the residential rates proposed in Zone R2. In any event, Newcastle's £60per sqm rate established in 2016 is index linked. On the evidence before me I am satisfied that matters have moved on such that any difference between Newcastle's 2016 £60per sqm figure and North Tyneside's 2018 £68.60 per sqm figure would be only marginal.
35. The evidence is clear that the proposed CIL rate of £68.60 per sqm would be economically viable. Therefore, the suggestion that the strategic sites should be nil rated for CIL would introduce an unjustified inconsistency and unnecessary complexity to the prospective charging regime. It would also potentially risk conferring direct financial advantage on a few particular schemes, as well as setting a form of precedent for the expected treatment of future strategic projects in the area.
36. Again, whilst it is not directly for me to examine, the Council has modified its instalment policy to assist with the strategic scale of some developments such that there are higher thresholds for payments and weighted towards later instalments. I am satisfied that the proposed instalments policy would not be overly restrictive as to jeopardise delivery of development and infrastructure under CIL.
37. Overall, I find the proposed residential rates are consistent with the evidence and incorporate a sufficient buffer to allow housing development to come forward. The proposed residential rates strike an appropriate balance between the need to fund infrastructure from CIL and the effect of CIL on viability. Accordingly, the proposed residential rates would be justified.

Commercial rates

38. As submitted, and subsequently modified, all forms of retail (small retail units, retail warehouses and supermarkets) attract a positive rate of between £5 and £30 per sqm outside of commercial zone A (the four town centres). The rates

are generally very modest, particularly within Zone C which covers most of the Borough away from the coast and established trading areas. The difference in the three retail rates (supermarkets, retail warehouses and small retail) between Zones B and C is nominal at just £5per sqm in most cases. The proposed zones are not overly complex and there is no evidence before me that the rates within the zones should, for viability reasons, be equalized at the lower rates.

39. In respect of supermarkets, the modification to make supermarkets zero CIL rated in town centres has not satisfied those concerns that the viability of this sector elsewhere in the Borough is not as strong as the Council's appraisal assesses. In responding to the key areas of concern, and following the examination hearing, the Council undertook additional sensitivity testing in respect of latest build costs, different rent levels and scenarios of extending a rent free period to 12 months together with an option to look at the impact of a small reduction in yields from 6% to 5.75%. On receiving the Council's updated analysis I invited comment on its implications for proposed CIL charging rates for supermarkets and have taken into account the responses received.
40. In considering the latest data, a build cost for supermarkets of £1,304 per sqm and 20% uplift for external works would be reasonable. In light of the evidence before me I also consider it pragmatic to apply a rent free period of 12 months. From the Council's evidence there would appear to be significant variation in rent levels such that I find the initially modelled rent level of £200 per sqm to be on the high side, particularly in light of the alternative local evidence presented. This evidence generally points to rental levels in the region at or below £150per sqm for small and medium format stores. Given that the demand for additional food retailing over the plan is modest and likely to be met by small/medium scale formats I therefore find the local and regional figures more attuned to the circumstances of the NTLP rather than the Council's August 2018 evidence, based on the national CoStar market analysis.
41. I note the Council's submission that a number of deals are generally coalescing around a figure of £175per sqm but I am cautious that £175 per sqm remains too expectant a figure contrary to the £150.80 per sqm achieved at a recent supermarket development in North Tyneside. I note that the Council has submitted that yields have dipped but there is very little before me to substantiate the 5.75% figure suggested. Accordingly, I consider a 6% yield to be robust.
42. Bringing this together, the combination of build costs, an increased rent free period of 12 months and a more reasonable rent of level of £150 per sqm I find that the proposed CIL rates for supermarket development in commercial zones B and C would put the viability of such development at risk. Accordingly, I therefore recommend that the rate for supermarket development be reduced to £0 per sqm across all commercial zones so that economic growth in this sector would not be inhibited (**EM1**). Paragraph 4.16 of the Draft Charging Schedule would also need to be amended for consistency and clarity (**EM2**).
43. The differentiation based on the scale of retail development (small retail units

<280sqm net and retail warehouse (>280 sqm net) is supported by appropriate viability evidence. There is a functional difference between the various scales which I consider is in conformity with the CIL Regulations. I note the wider point about what is on the Regulation 123 list but there is no requirement for a direct link between the charges for a particular development and the infrastructure to support it.

44. The other commercial types of development in the draft Charging Schedule are office and hotel with a proposed charge of £5per sqm and £30 per sqm respectively in Zone B only. There have been no representations relating to this part of the Schedule and my examination of the AWVA leads me to conclude that this part of the Schedule would be justified.

All Other Development

45. A nil charge is proposed for a variety of uses that do not come within those specifically identified in the Schedule, as the AWVA concludes that such development would be at significant risk of not being viable across the District if a CIL charge were levied.

Does the evidence demonstrate that the proposed charge rate would not put the overall development of the area at serious risk?

46. The Council's decision to adopt a matrix approach is based on reasonable assumptions about development values, likely costs and BLVs. The evidence suggests that residential and commercial development will remain viable across most of the area if the CIL charge is applied, subject to making the modifications set out in Appendix A.

Other Matters

47. Several representations have commented on the draft Regulation 123 list at Section 7 of the Schedule. The PPG advises that it is for the Charging Authority to compile the list and to ensure they are clear on those elements of infrastructure to be secured through either Section 106 agreements or CIL. It is not for me to examine the draft Regulation 123 list, which can be updated at any time. As the list should not form part of the charging schedule, for reasons of clarity and to assist the Council should updates of the list be necessary, its removal from the Schedule is recommended (**EM3**).
48. Similarly, the Schedule at paragraphs 8.12 and 8.13 sets out an instalment policy which should not form part of the Schedule. Accordingly, for reasons of clarity and to assist the Council should it wish to review the instalment policy, I would advise its removal from the Schedule (**EM4**).
49. This CIL examination coincides at a time when the Government has consulted on the future of CIL including the potential to lift pooling restrictions on developer contributions. Consequently, some representations have submitted that the examination is paused to await the outcome of the Government's review or that the pursuance of CIL in North Tyneside is aborted.
50. The Government's consultation on reforming developer contributions to affordable housing and infrastructure ended in early May 2018. At the time of

writing this report there is no indication as to when the outcome of the consultation will be known and the next steps in any reform process including any flexibility on lifting pooling restrictions (which is envisaged, amongst various scenarios, for areas that have a CIL in place). As such it remains valid and appropriate to progress a CIL for North Tyneside. Were matters to change prior to the Council adopting CIL it would be for Council to determine whether or not to proceed with implementation.

Conclusion

51. In setting the CIL charging rate the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in North Tyneside Borough. The Council has, on the whole, tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the Borough.
52. Overall, and subject to the recommended modifications, an appropriate balance would be achieved between the desirability of funding the costs of new infrastructure and the potential effects on the economic viability of development across the charging area.

LEGAL REQUIREMENTS	
National Policy/Guidance	The Charging Schedule complies with national policy/guidance.
2008 Planning Act and 2010 Regulations (as amended)	The Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the adopted North Tyneside Local Plan and Infrastructure Delivery Plan and is supported by an adequate financial appraisal.

53. I conclude that subject to the modifications set out in Appendix A the North Tyneside Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that the Charging Schedule be approved.

David Spencer

Examiner

This report is accompanied by Appendix A (attached) – Modifications that the examiner specifies so that the Charging Schedule may be approved.

Appendix A

Modifications recommended by the Examiner so that the Charging Schedule may be approved. New text is **bold and underlined**.

Examiner Modification (EM) Number	Reference	Modification
EM1	Table 1	Delete the row for supermarket and associated foot-note. Update the footnote for 'All other development' to include Supermarkets (A1).
EM2	Paragraph 4.16	Delete last sentence and replace with <u>Viability evidence is mixed such that when applying latest regional evidence and emerging trends for longer rent free periods viability of supermarkets becomes marginal such that this type of development cannot support a CIL rate without harming deliverability.</u>
EM3	Section 7 – Regulation 123 List	Remove Section.
EM4	Paragraphs 8.12 & 8.13	Remove Instalments Policy.

North Tyneside Community Infrastructure Levy Charging Schedule

Modifications following Draft Charging Schedule

November 2018



Paragraph / Section	Proposed modification	Reason
Paragraph 1.1 to 1.13	<p>The Community Infrastructure Levy (CIL) is a charge that allows funds to be raised from land owners/developers undertaking new building projects. A CIL charging schedule sets out the CIL rates that would be applied to new development in an area. The Draft Charging Schedule (DCS) is the consultation in establishing a CIL for North Tyneside.</p> <p>CIL is a discretionary tariff introduced by the 2008 Planning Act and brought into effect by the CIL regulations (2010) as amended. CIL receipts will help to pay for infrastructure needed as a result of new development within North Tyneside. The infrastructure needed to facilitate the scale and location of new development proposed through the North Tyneside Local Plan is set out in the Borough wide Infrastructure Delivery Plan (updated August 2017 <u>January 2018</u>) and additionally within the site specific Strategic Sites Infrastructure Delivery Plan for Murton Gap and Killingworth Moor (2016).</p> <p>Policy S7.1 within the North Tyneside Local Plan provides for the Council to seek developer contributions from new development to meet the need for new and/or improved infrastructure and facilities. One of the mechanisms for doing this is via In parallel with use of CIL. The existing mechanism by which the Council seeks developer contributions for funds to meet wider and strategic infrastructure is via site specific legal agreements known as Section 106 agreements. needs The total cost of infrastructure identified by the Council is likely to be funded by a range of sources of private and public sector investment; not just developer contributions. There are now limitations on the use of Section 106 agreements (s106) – No such restrictions apply to the number of CIL contributions that can be used to pay for an infrastructure project. CIL is charged in pounds per square metre on the gross internal floorspace of additional liable development on a site. If a proposal involves the re-use or redevelopment of an existing building, the charge would be based on the floorspace of any new buildings less the existing floorspace. It is anticipated that following adoption of the CIL the Council will continue to seek agreement of s106 funds towards infrastructure not identified in a Regulation 123 list to meet the specific impacts of development in parallel with use of CIL funds to meet wider and strategic infrastructure needs. The Regulation 123 List will establish establishes infrastructure projects that the Authority intends to be funded by the CIL. Infrastructure included in the Regulation 123 List cannot also be funded by</p>	<p>To update text to reflect its status as published document rather than draft for consultation.</p>

Paragraph / Section	Proposed modification	Reason
	<p>s106 contributions.</p> <p>National Planning Practice Guidance sets out more detail as to what CIL is and how it is introduced and implemented and provide a range of cross references to the CIL regulations that govern application and use of CIL and s106. <u>For further information please refer to the contact details below:</u></p> <p>North Tyneside Council is defined under the relevant legislation as the CIL charging authority for the area. The purpose of this consultation document is to set out and seek views on the Council's Draft Charging Schedule and proposed charging zones. This consultation also allows representations to be made for someone to request the right to be heard by the examiner and to be notified of when the that the Draft CIL Charging Schedule has been submitted to the examiner, the publication of the recommendations of the examiner and the reasons for those recommendations, and the approval of the CIL Charging Schedule by the Council.</p> <p><i>How to respond</i></p> <p>The Council would like as many people as possible to have their say on this document. You can read it at the Council's Quadrant Offices, in the main Libraries of Wallsend, North Shields, Whitley Bay and Killingworth, and on the Council website.</p> <p>You can complete our questionnaire which is available at these same locations, online, or on request from us. We would encourage you to respond online via our Consultation Portal but also accept written responses via email and post.</p> <p>The consultation period on the CIL Draft Charging Schedule opens on 29 August 2017 and will close on 26 September 2017.</p> <p>For further information and to respond please refer to the contact details below:</p> <p>Contact details</p>	

Paragraph / Section	Proposed modification	Reason
	<ul style="list-style-type: none"> • Phone: 0191 643 2310 • Email: planning.policy@northtyneside.gov.uk • Online: http://northtyneside-consult.limehouse.co.uk/portal/cil_dcs <p><i>Next steps</i></p> <p>Following the end of the consultation period, responses will be considered and if necessary those responses that require a modification of the DCS will be consulted on again. The draft charging schedule will then be submitted to the Secretary of State for examination along with the other documents required by the Community Infrastructure Levy Regulations (2010) as amended. If the Inspector concludes the submitted charging schedule can be approved, it can then be adopted by the Council. On adoption, the Council would then be able to start charging CIL on new developments.</p>	
Paragraph 2.2 to 2.4	<p><u>The draft CIL Charging Schedule was considered by an independent Examiner between May and October 2018. The final report identifying that the CIL was suitable for approval was received on 16 October 2018.</u></p> <p><u>North Tyneside's Full Council as the Charging Authority for the area approved the proposed CIL Draft Charging Schedule on 22 November 2018 [pending the outcome of a prior meeting of Cabinet and approval on this date].</u></p> <p>To inform the Draft Charging Schedule the Council has drawn on its viability evidence prepared to accompany preparation of the Local Plan. This is to ensure that the draft charges do not threaten the ability to viably deliver the scale of development identified in the North Tyneside Local Plan. Furthermore, this evidence has been re-appraised and updated to specifically test the implications of the draft CIL charges identified. The evidence of infrastructure needs that underpin the Local Plan, have been used to inform the rates for this consultation. The range of draft CIL rates and charging zones are set out within section 3 of this document. These seek to strike an appropriate balance between securing investment in infrastructure to support new development and the potential effect a charge would have on the viability of new development.</p>	To update text to reflect its status as published document rather than draft for consultation.

Paragraph / Section	Proposed modification	Reason										
	<p>Under the current s106 developer contributions — funds are currently secured across a wide range of infrastructure types. The introduction of a CIL charge is not expected to increase the overall the burden of planning contributions sought from development above current collection of s106 and the costs estimated within the Area Wide Viability Assessment supporting the Local Plan.</p> <p>Ensuring an appropriate balance between infrastructure needs and viability is at the centre of the CIL charge setting process and meeting regulatory requirements. Through this evidence, the Council can show how its proposed levy rates will contribute towards the implementation of its Local Plan and support development across its area.</p> <p><u>Proposed The Charging Authority additionally agreed that the CIL Charging Schedule would be implemented from Monday 14th January 2019.</u></p>											
Section 3, Paragraph 3.1	<p>CIL Draft Charging Rates</p> <p>The Council's proposed Draft CIL Charging Schedule rates are set out in Table 1. The geographical areas covered by the different residential (use class C3) CIL charging zones and commercial CIL charging zones are identified in maps on the following pages.</p> <p>CIL payments must be index linked from the year that the CIL was introduced to the year that planning permissions are granted. The index used is the national All-in-Tender Price Index published by the Building Cost Information Service (BCIS).</p> <p>Table 1: North Tyneside Draft Charging Schedule Rates (£ per square metre (sqm))</p> <table><tr><th></th><th>Zero Rate Area</th><th>Built Up Area Zones</th><th>Remaining Area Zones</th><th>Commercial Zones</th></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table>		Zero Rate Area	Built Up Area Zones	Remaining Area Zones	Commercial Zones						<p>To update text to reflect its status as published document rather than draft for consultation.</p> <p>To respond to Examiner's recommended modification to delete Supermarket</p>
	Zero Rate Area	Built Up Area Zones	Remaining Area Zones	Commercial Zones								

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Paragraph / Section	Proposed modification	Reason
4.6	and revised to inform this Draft the Charging Schedule for the Strategic Sites of Murton Gap and Killingworth Moor. These key strategic development allocations will provide approximately 5,000 dwellings and are consequently significant proportion of total allocated housing delivery in North Tyneside. The nature of these sites means they have the ability to provide and meet most of the infrastructure requirements generated on site making appropriate contributions to the infrastructure needs that arise through planning conditions and via s106 agreements.	published Charging Schedule
Paragraph 4.9	Within this Draft Charging Schedule the area of land included within the proposed strategic allocations fall within the identified charging Zone R2.	To reflect final published Charging Schedule
Parargaph 4.13 to 4.16	<p>For Small<u>small</u> Shops or less than 280 square metres the viability assessments indicate that their development is at the margins of viability across much of the Borough. Viability for such schemes is strongest within established commercial locations that benefit from good access to the road network.</p> <p>For Retail<u>retail</u> development over 280 square metres and schemes such as large shopping parades and large floorplate developments the distribution of development and nature of historic schemes across the Borough demonstrates clear economic drivers making the delivery of such schemes most viable in a range of locations such as across the Borough particularly where road access and parking provision can be provided with relative ease.</p> <p>The conclusions from the viability assessment meanwhile demonstrates that in town centre locations where the baseline costs for space are greater, the capacity to attract large floorplate occupiers and developers is reduced and the economic viability of such schemes is consequently lessened. As such a CIL charge for such development in the Borough's town centres would harm the delivery of potential developments. Across the remainder of the Borough an assessment the assessment concludes that an appropriate CIL charge can be applied has been reached.</p> <p>Supermarket developments have been identified across a range of locations in North Tyneside with</p>	To respond to Examiner's recommended modification to delete Supermarket development from the charging schedule.

Paragraph / Section	Proposed modification	Reason
	<p>expansion particularly amongst relatively lower cost or discount stores particularly noticeable. Typically supermarkets are brought forward as applications by the ultimate occupier, or as a minimum or subject to a with known knowledge of a future occupier with and the development effectively undertaken on a contract basis. The conclusions <u>Viability evidence is mixed such that when applying latest regional evidence and emerging trends for longer rent free periods viability of the analysis supermarkets becomes marginal such that this type of historic development and viability assessments indicate that cannot support a CIL rate can be justified for such schemes across the Borough without harming deliverability.</u></p>	
Paragraph 5.5 and 5.6	<p>The infrastructure proposed within the IDP may be delivered via CIL, site specific planning obligations or external public and private funding opportunities that may arise and deliver specific projects in full or supplement any developer contributions that are secured.</p> <p>The Council monitors planning obligations secured through section 106 agreements and this analysis is included in the 'North Tyneside Local Plan Area Wide Viability Assessment – CIL Sensitivity, Addendum 2017'</p>	<p>Monitoring and reporting of CIL collection and spending governed by regulation and published on an annual basis. Paragraph deleted as would quickly become out of date.</p>
Section 7	Regulation 123 List – section deleted from CIL Charging Schedule and published as separate document.	<p>To respond to Examiner's recommendation to remove Reg. 123 list from the Charging</p>

Paragraph / Section	Proposed modification	Reason																								
		Schedule document.																								
Paragraph 8.11	<p>Instalments Policy – For liable development and each phase of any larger development CIL will be levied in policy – The Council has approved a local instalments. In policy in accordance with Regulation 69B of 69B. The policy and any subsequent amendments to the CIL Regulations (as amended), North Tyneside Council (policy is published alongside the CIL charging authority) will allow the payment of CIL by instalments, as set out in the table 3.</p> <p>Table 2: North Tyneside Council Community Infrastructure Levy Instalments Policy</p> <table border="1"> <thead> <tr> <th>Chargeable Amount</th><th>Number of Instalments</th><th>Payment Due</th></tr> </thead> <tbody> <tr> <td>Less than £10,000</td><td>0</td><td>Required in full within 60 days of the commencement date.</td></tr> <tr> <td>£10,000 to £50,000</td><td>2</td><td>Two equal instalments 60 and 180 days after the commencement date.</td></tr> <tr> <td>£50,000 to £100,000</td><td>3</td><td>Three instalments* 60, 180 and 360 days after the commencement date.</td></tr> <tr> <td>£100,000 to £250,000</td><td>3</td><td>Three instalments* 60, 360 and 540 720 days after the commencement date.</td></tr> <tr> <td>£250,000 and above to <u>£500,000</u></td><td>3</td><td>Three instalments* 60, 360 720 and 720 900 days after the commencement date.</td></tr> <tr> <td>£500,000 to £1,500,000</td><td><u>3</u></td><td>Three instalments* 360, 720 and 1080 days after the commencement date.</td></tr> <tr> <td><u>£1,500,000 to £2,500,000</u></td><td><u>3</u></td><td>Three instalments* 360, 900 and 1260 days after the commencement date.</td></tr> </tbody> </table> <p>*These will be 33<u>25</u>%, <u>25</u>% and 34<u>50</u>% respectively.</p> <p>The Instalment Policy only applies in cases where the persons liable for paying CIL have complied</p>	Chargeable Amount	Number of Instalments	Payment Due	Less than £10,000	0	Required in full within 60 days of the commencement date.	£10,000 to £50,000	2	Two equal instalments 60 and 180 days after the commencement date.	£50,000 to £100,000	3	Three instalments* 60, 180 and 360 days after the commencement date.	£100,000 to £250,000	3	Three instalments* 60, 360 and 540 720 days after the commencement date.	£250,000 and above to <u>£500,000</u>	3	Three instalments* 60, 360 720 and 720 900 days after the commencement date.	£500,000 to £1,500,000	<u>3</u>	Three instalments* 360, 720 and 1080 days after the commencement date.	<u>£1,500,000 to £2,500,000</u>	<u>3</u>	Three instalments* 360, 900 and 1260 days after the commencement date.	To respond to Examiner's recommendation to remove Instalments Policy from the Charging Schedule document.
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Paragraph / Section	Proposed modification	Reason
	with all the relevant regulations and requirements. schedule.	
Appendix 1	<p>The draft consultation on the charging schedule consultation has been prepared with reference to a wide range of supporting information and evidence. Government planning guidance provides a key resource for understanding the preparation, role and operation of CIL. Meanwhile, the North Tyneside Local Plan 2017 (adopted 20 July 2017) and supporting infrastructure and viability evidence provide the core evidence that has informed the draft charging schedule. The following references some of these documents. All local, but the most recent evidence and documents can be viewed by visiting the Council's website www.northtyneside.gov.uk and following links to Planning.</p> <p>Key supporting information and evidence</p> <ul style="list-style-type: none"> a. Community Infrastructure Levy Planning Guidance (http://www.gov.uk) b. North Tyneside Local Plan 2017 c. North Tyneside Borough Wide Infrastructure Delivery Plan, Updated 2017<u>2018</u> d. Murton Gap and Killingworth Moor Infrastructure Delivery Plan, 2016 e. North Tyneside Area Wide and Site Specific Viability Assessments <ul style="list-style-type: none"> i. Draft Initial AWVA 2015 ii. AWVA Residential Update, 2016 iii. AWVA Commercial Update, 2016 iv. AWVA – CIL Appraisal, February and August 2017 v. <u>AWVA – CIL Appraisal, 2018</u> vi. Murton Gap and Killingworth Moor - Project Viability and Delivery Report, 2016 	To reflect final published Charging Schedule and additional AWVA evidence.

1.1.

North Tyneside Community Infrastructure Levy Charging Schedule



January 2019



Contents

1. Introduction and Background	1
2. Introducing a Community Infrastructure Levy Charge	2
3. CIL Charging Rates.....	3
4. Rationale for Proposing the Charging Rates	6
5. Infrastructure Needs Evidence	10
6. CIL Revenue Projections	12
7. Establishing CIL Liability	14
Appendix 1 – Key supporting information and evidence.....	18

Tables

Table 1: North Tyneside Draft Charging Schedule Rates (£ per square metre)	3
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1. Introduction and Background

- 1.1. The Community Infrastructure Levy (CIL) is a charge that allows funds to be raised from land owners/developers undertaking new building projects. A CIL charging schedule sets out the CIL rates that would be applied to new development in an area.
- 1.2. CIL is a discretionary tariff introduced by the 2008 Planning Act and brought into effect by the CIL regulations (2010) as amended. CIL receipts will help to pay for infrastructure needed as a result of new development within North Tyneside. The infrastructure needed to facilitate the scale and location of new development proposed through the North Tyneside Local Plan is set out in the Borough wide Infrastructure Delivery Plan (updated January 2018) and additionally within the site specific Strategic Sites Infrastructure Delivery Plan for Murton Gap and Killingworth Moor (2016).
- 1.3. Policy S7.1 within the North Tyneside Local Plan provides for the Council to seek developer contributions from new development to meet the need for new and/or improved infrastructure and facilities. In parallel with use of CIL funds to meet wider and strategic infrastructure needs the Council will seek agreement of s106 funds towards infrastructure not identified in a Regulation 123 list to meet the specific impacts of development. The Regulation 123 List establishes infrastructure projects that the Authority intends to be funded by the CIL. Infrastructure included in the Regulation 123 List cannot also be funded by s106 contributions.
- 1.4. National Planning Practice Guidance¹ sets out more detail as to what CIL is and how it is introduced and implemented and provide a range of cross references to the CIL regulations that govern application and use of CIL and s106. For further information please refer to the contact details below:

Contact details

- Phone: 0191 643 2310
- Email: planning.policy@northtyneside.gov.uk
- Online: http://northtyneside-consult.limehouse.co.uk/portal/cil_dcs

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¹ [Community Infrastructure Levy Planning Guidance \(http://www.gov.uk\)](http://www.gov.uk)

2. Introducing a Community Infrastructure Levy Charge

- 2.1. To set a CIL charge in its area, the Council must:
 - i. identify the total cost of infrastructure it wishes to fund wholly or partly through the levy. In doing so, it must consider what additional infrastructure is needed to support new development in its area, and what other sources of funding are available, based on appropriate evidence. This is set out in the Infrastructure Delivery Plan.
 - ii. produce and summarise economic viability evidence that shows the potential effects of the proposed CIL rates on the economic viability of development across its area. This is set out in a separate document- 'Community Infrastructure Levy Viability Study (2017)' available alongside this document.
- 2.2. The draft CIL Charging Schedule was considered by an independent Examiner between May and October 2018. The final report identifying that the CIL was suitable for approval was received on 16 October 2018.
- 2.3. North Tyneside's Full Council as the Charging Authority for the area approved the proposed CIL Draft Charging Schedule on 22 November 2018 [pending the outcome of a prior meeting of Cabinet and approval on this date].
- 2.4. The Charging Authority additionally agreed that the CIL Charging Schedule would be implemented from Monday 14th January 2019.

3. CIL Charging Rates

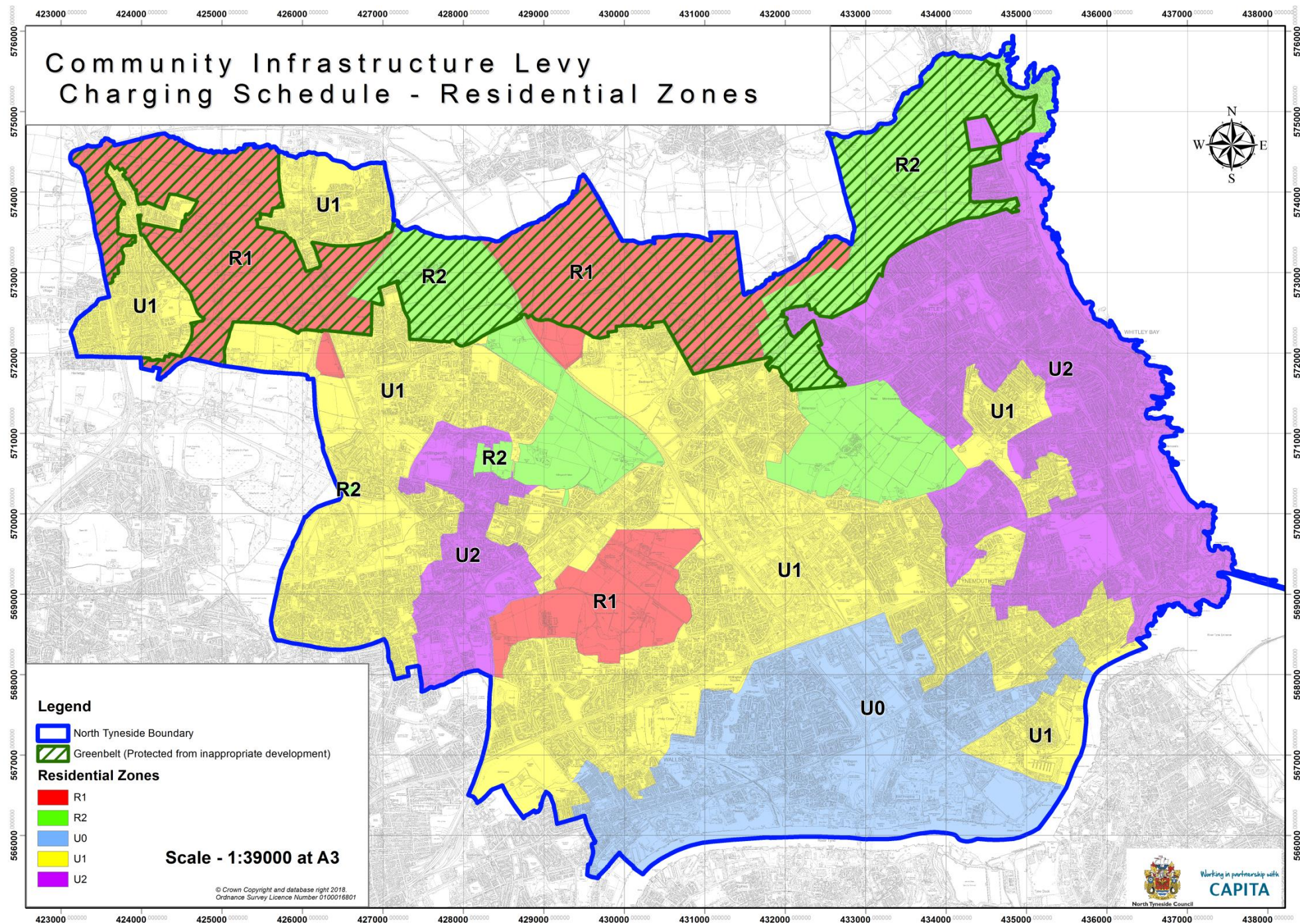
- 3.1. The Council's CIL Charging Schedule rates are set out in Table 1.
- 3.2. The geographical areas covered by the different residential (use class C3) CIL charging zones and commercial CIL charging zones are identified in maps on the following pages.
- 3.3. CIL payments must be index linked from the year that the CIL was introduced to the year that planning permissions are granted. The index used is the national All-in-Tender Price Index published by the Building Cost Information Service (BCIS).

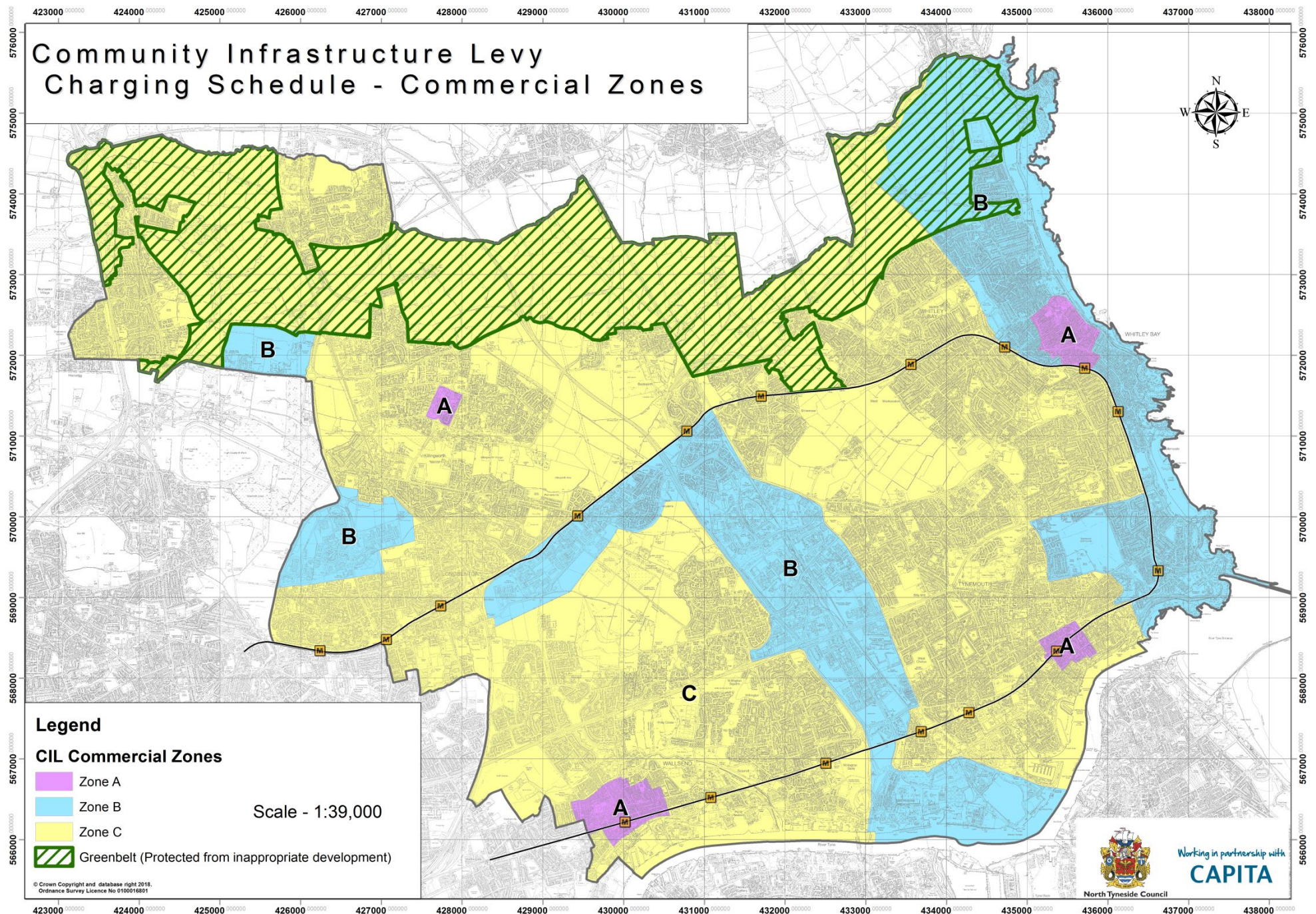
Table 1: North Tyneside Charging Schedule Rates (£ per square metre (sqm))

	Zero Rate Area U0	Built Up Area Zones		Remaining Area Zones		Commercial Zones		
		U1	U2	R1	R2	A	B	C
Dwellings (C3)	£0	£19	£24	£47	£68.60	-	-	-
Hotel (C1)	-	-	-	-	-	£0	£30	£0
Small retail units (A1 <280sqm net)						£0	£10	£5
Retail warehouse (A1 >280sqm net)	-	-	-	-	-	£0	£20	£15
Office (B1a, B1b)	-	-	-	-	-	£0	£5	£0
All Other Development ²	£0	£0	£0	£0	£0	£0	£0	£0

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² Including, supermarkets (A1), Manufacturing / Industrial (B1c, B2, B8)





4. Rationale for Proposing the Charging Rates

- 4.1. A separate document, 'Area Wide Viability Assessment – CIL Appraisal (2017)', is available alongside this document and sets out the methodology and assumptions for assessing the viability of new development. The Council has used this evidence to test and refine the impact of the proposed CIL rates set out in section 3 upon the economic viability of development.

Residential Development Viability Assessments

- 4.2. For residential development, the viability assessment tests a range of hypothetical development typologies across a range of three value areas reflecting the variations in market conditions that exist within the Borough. The assessment of these areas is informed by earlier Area Wide Viability Assessments prepared during 2015 and 2016 and the North Tyneside Strategic Housing Market Assessment. The potential boundaries for charging zones within North Tyneside have been further refined by a postcode level analysis of residential sales data for 2016. The appraisals undertaken include variation in the size and density of development and consider the viability implications of developing greenfield and brownfield land.
- 4.3. In general terms the overall viability of development and effective land value uplift as a result of a residential planning permission is greater on agricultural land than existing brownfield sites. In addition the scale and nature of development within greenfield locations further supports economic viability relative to brownfield development. Finally the majority of brownfield development opportunities within North Tyneside are in locations that coincide with lower sales values relative to other locations whilst most greenfield opportunities are located in stronger market areas. As a result there is a marked difference in the economic viability of development, and consequently the capacity and potential level of CIL that could be charged between the urban area of North Tyneside and remaining, predominantly agricultural, areas to the north of the Borough and within the Green Belt.

- 4.4. In setting a CIL rate policy considerations such as the Green Belt are relevant in considering the potential funding that will be secured from development over the life of the Plan and infrastructure costs that will arise. North Tyneside's Local Plan has retained the Green Belt providing protection from inappropriate development in that area assessed in accordance with the policy of the Local Plan and National Planning Policy Framework. However, based upon the viability assessments undertaken and within a CIL charging schedule that is set for the entire Local Authority area it is appropriate and necessary for a CIL rate to be identified.
- 4.5. The CIL rates have been set having regard to higher, medium, and lower value areas. As noted above the boundary between these areas have been established using average house price 'heat' maps. The viability results for each of these value areas have then been applied accordingly.

Site Specific Viability Evidence

- 4.6. Regard has additionally been given to site specific appraisals undertaken to inform the Local Plan and revised to inform the Charging Schedule for the Strategic Sites of Murton Gap and Killingworth Moor. These key strategic development allocations will provide approximately 5,000 dwellings and are consequently significant proportion of total allocated housing delivery in North Tyneside. The nature of these sites means they have the ability to provide and meet most of the infrastructure requirements generated on site making appropriate contributions to the infrastructure needs that arise through planning conditions and via s106 agreements.
- 4.7. However, elements of the infrastructure requirements arising from the sites have been identified to require pooling from a significant number of schemes. This therefore poses risks to the Council should it be necessary to secure multiple s106 agreements from each site and then subsequently pool the funds secured from those schemes to infrastructure delivery. Under such

circumstances the possible risk of breaching CIL regulations with respect to the use of s106 agreements to fund infrastructure projects is significant.

- 4.8. The Site Specific viability evidence submitted alongside the Local Plan in 2016 included all the infrastructure costs and additional s106 contributions that had been sought from the development. The total cost of this infrastructure, including highways, both on site and off site exceeds £200 per square metre. It would not be effective to secure many of these costs through developer contributions and CIL but in testing alternative CIL rates a charge capable of meeting the costs of off-site infrastructure and key single items such as education and public transport provision were considered.
- 4.9. Within this Charging Schedule the area of land included within the proposed strategic allocations fall within the identified charging Zone R2.

Commercial Development Viability Assessment

- 4.10. An assessment of the viability of a range of commercial developments has also been undertaken through the Area Wide Viability Assessment – CIL Appraisal. The following uses are considered through commercial viability assessments:
- Hotel (C1)
 - Small retail units (A1 <280sqm)
 - Retail warehouse (A1 >280sqm)
 - Supermarket (A1 >280sqm)
 - Office (B1a, B1b)
 - All Other Development (including Manufacturing / Industrial (B1c, B2, B8))
- 4.11. In making the appraisals, analysis of the overall distribution of past development of each commercial type informed assessment of the proposed boundaries. The overall rates identified reflect maximum viable charging rate.
- 4.12. For Hotels (C1) the analysis undertaken revealed clear associations with the Coast as a tourist destination and the A19 corridor associated with business investment and the connections afforded to the regional and national road

network. Supported by the viability analysis a charging rate in these zones is considered justified. In other locations there is limited evidence of market attractiveness that would enable viable developments and justify applying a CIL charge.

- 4.13. For small Shops less than 280 square metres the viability assessments indicate that their development is at the margins of viability across much of the Borough. Viability for such schemes is strongest within established commercial locations that benefit from good access to the road network.
- 4.14. For retail development over 280 square metres and schemes such as large shopping parades and large floorplate developments the distribution of development and nature of historic schemes across the Borough demonstrates clear economic drivers making the delivery of such schemes most viable in locations where road access and parking provision can be provided with relative ease.
- 4.15. The conclusions from the viability assessment demonstrates that in town centre locations where the baseline costs for space are greater, the capacity to attract large floorplate occupiers and developers is reduced and the economic viability of such schemes is consequently lessened. As such a CIL charge for such development in the Borough's town centres would harm the delivery of potential developments. Across the remainder of the Borough the assessment concludes that an appropriate CIL charge can be applied.
- 4.16. Supermarket developments have been identified across a range of locations in North Tyneside with expansion particularly amongst relatively lower cost or discount stores particularly noticeable. Typically supermarkets are brought forward as applications by the ultimate occupier, with knowledge of a future occupier and the development effectively undertaken on a contract basis. Viability evidence is mixed such that when applying latest regional evidence and emerging trends for longer rent free periods viability of supermarkets becomes marginal such that this type of development cannot support a CIL rate without harming deliverability.

- 4.17. Office (B1a, B1b) developments have seen a clear focus upon the A19 corridor over the last ten years with particularly large scale office schemes coming forward as a result of the Enterprise Zone status of Cobalt Business Park and Quorum Business Park.
- 4.18. These schemes have generated a significant volume of supply but over the Local Plan period the Employment Land Review identifies a need and likely supply of additional office floorspace in the Borough. Based upon the current rents achieved within locations such as Cobalt and Quorum Business Park a small CIL rate is identified as justifiable within certain prime locations in the Borough.
- 4.19. For all other commercial development such as warehousing (B8) and manufacturing facilities (B2) the development activity that has occurred can be clearly identified as focused across the employment areas of the Borough at the Riverside, A19 Corridor and in the North West. The evidence demonstrated through the viability assessments is that whilst a small amount of speculative development comes forward the viability of such schemes is limited and could not support a CIL rate without harming deliverability.

5. Infrastructure Needs Evidence

- 5.1. Balanced against these viability considerations are North Tyneside's infrastructure needs set out within the Borough Wide Infrastructure Delivery Plan and Site Specific Infrastructure Delivery Plan for Murton Gap and Killingworth Moor.
- 5.2. The Infrastructure Delivery Plan Update 2018 provides an overview of the infrastructure identified for North Tyneside. It includes a summary of the costs involved and provides the relevant evidence of the infrastructure need and the estimated financial requirements to support sustainable growth in the Borough.

- 5.3. The IDP Update 2018 outlines further details of the Borough's infrastructure needs and categorises each project as either:
- Critical projects that must be delivered for development to avoid substantial harm.
 - Important projects that would have a significant role in ensuring sustainability.
 - Desirable projects that could benefit the Borough's overall resilience to growth.
- 5.4. Potential infrastructure projects are identified across a broad range of infrastructure / service areas that include:

- | | |
|-----------------------------------|---|
| • Affordable homes | • Parks, Equipped Play, Allotments |
| • Biodiversity | • Education, Employment and Training |
| • Health and Sports | • Flooding and Sea Defence |
| • Roads and Sustainable Transport | • Street Cleaning |
| • Digital Connectivity | • Culture, Art, Public Realm and Regeneration |
| • Waste Collection and Disposal | • Community Services & Facilities |

- 5.5. The infrastructure proposed within the IDP may be delivered via CIL, site specific planning obligations or external public and private funding opportunities that may arise and deliver specific projects in full or supplement any developer contributions that are secured.

Fees

- 5.6. The CIL regulations permit Charging Authorities to support the administrative expenses of the CIL at a rate up to 5% of the monies collected in a 12 month period.

6. CIL Revenue Projections

- 6.1. Using the CIL charging rates and charging zones set out in Section 3 above, the Council has established the indicative amount of CIL it is likely to raise over the Local Plan period to 2032. This takes account of:
- Those dwellings that have already gained planning permission.
 - Developments currently without planning permission but expected to commence in 2018/19 and therefore likely to have gained planning approval prior to adoption of CIL.
 - An assumption that affordable housing will not pay CIL as it would benefit from social housing relief.
- 6.2. Based upon the rates within the Charging Schedule, the indicative amount of CIL the Council might raise over the plan period to 2032 is approximately £30 million from potential adoption of the CIL in early 2018.
- 6.3. Developer contributions through CIL and s106 will not be expected to fill the entire funding gap identified. A range of funding sources including central government and other public services such as Environment Agency, Natural England and Highways England may provide additional funding. Securing other regional and local funding from the North East Local Enterprise Partnership and the Combined Authority will also be an additional area to consider for the Council. In December 2017 North Tyneside Council along with its partners at Newcastle City Council and Northumberland County Council agreed in principle to a North of Tyne Devolution deal. This development will result in a new North of Tyne Combined Authority overseen by a directly elected Mayor responsible for an investment budget of approximately £600 million. Finally the opportunity for partnership working with organisations such as Northumbrian Water Ltd, Northumberland Wildlife Trust and a wide range of groups and organisations will make important contributions to meeting the infrastructure needs of the area.
- 6.4. The Council believes its proposed CIL charges and charging zones strike an appropriate balance. This recognises the significant need for additional

investment in infrastructure to support new development, alongside the potential effect a charge could have on the viability of development.

7. Establishing CIL Liability

7.1. CIL liability is calculated based on the CIL charging rates and zones set out in section 3 above. However, a range of exemptions are included within the CIL regulations, whilst the Council is also free to include certain discretionary reliefs and policy that might affect CIL liability.

7.2. Calculating the charge

7.3. [Part 8 of the Community Infrastructure Levy Regulations](#), as amended, sets the legal framework for calculating and collecting CIL. CIL planning guidance provides a detailed outline of the process³. In general terms the following provides an overview of the key steps for liable development:

- Applicants provide appropriate information to the Council about the development to enable the chargeable amount to be calculated.
- The Council calculate the chargeable amount and notify the applicant of the amount and any other details of making payment – such as payment in instalments.
- The applicant or other relevant person liable for the CIL payment must submit a notice to the Council when development is due to commence. This must be received at least one day before the start of development.
- The Council will then issue a demand notice and funds must be transferred to the Council following commencement in accordance with the payment procedure. A receipt will be issued by the Council for each payment received.

7.4. To aid potential applicants, landowners, developers and other potentially liable parties upon adoption of the CIL the Council will make available on its website a CIL Calculator to enable estimates of potential CIL chargeable amounts to be made.

1.1. _____

³ CIL Collecting the Levy <https://www.gov.uk/guidance/community-infrastructure-levy#collecting-the-levy>

- 7.5. **Mandatory Exemptions** The regulations governing CIL exempt the following from paying the levy, with further information regarding relief and exemptions from CIL available on the governments planning guidance, which is available to view online⁴:
- Development by registered charities for the delivery of their charitable purposes;
 - Those parts of a development which are to be used as social housing;
 - The conversion of any building previously used as a dwelling house to two or more dwellings;
 - Development of less than 100 square metres of new build floorspace, provided that it does not result in the creation of a new dwelling;
 - The conversion of, or works to, a building in lawful use that affects only the interior of the building;
 - Development of buildings and structures into which people do not normally go (e.g. pylons, wind turbines, electricity sub stations);
 - Residential annexes and extensions (where the person who would normally be liable for the charge owns a material interest in the main dwelling and occupies the main dwelling as the sole or main residence); and
 - Self-build housing where a dwelling is built by the person who would normally be liable for the charge (including where built following a commission by that person) and occupied by that person as their sole or main residence.
- 7.6. **Potential Discretionary Relief** - In addition to the exemptions above, the CIL Regulations allow for the Council to provide further relief, at their discretion through a discretionary relief policy. North Tyneside is not offering Discretionary Charitable or Social Housing Relief or Exceptional Circumstances Relief, but this will be kept under review on an annual basis

1.1. _____

⁴ CIL Relief and Exemptions <https://www.gov.uk/guidance/community-infrastructure-levy#relief-and-exemptions>

and will be introduced, subject to CIL regulations, if there is a clear case for doing so.

- 7.7. **Payment in kind** - The CIL planning guidance outlines that there may be circumstances where the charging authority and the person liable for CIL will wish land and/or infrastructure to be provided, instead of money, to satisfy a charge arising from CIL. There may be time, cost and efficiency benefits in accepting completed infrastructure from the party liable for payment of CIL. Payment in kind can also enable developers, users and authorities to have more certainty about the timescale over which certain infrastructure items will be delivered.
- 7.8. Subject to relevant conditions, and at its discretion, a Council may enter into an agreement for a land payment to discharge part or all of a levy liability. Charging authorities may also enter into agreements to receive infrastructure as payment.
- 7.9. In appropriate circumstances it would accept and be prepared to enter into agreements with liable individuals to make payments in kind for infrastructure identified within its Borough Wide and Site Specific Infrastructure Delivery Plans where included on the Regulation 123 list.
- 7.10. The Council would advise pre-application discussions to determine whether such payment in kind might be acceptable. Independent valuation (at the developers expense), and legal contractual processes would need to be followed, if such payment in kind was to be acceptable.

Payment Procedure

- 7.11. **Phased payments** - CIL charges will become due from the date that a chargeable development is commenced. The CIL Regulations allow for the Council to make provision for phased payments. In the case of a grant of phased planning permission, each phase of the development is a separate chargeable development. A phased payment approach helps developers with

cash flow and can assist development viability. This is a particular issue for very large schemes where the CIL liability may be substantial and against a scheme that may take a number of years to complete.

- 7.12. Instalments policy** – The Council has approved a local instalments policy in accordance with Regulation 69B. The policy and any subsequent amendments to the policy is published alongside the CIL charging schedule.

Appendix 1 – Key supporting information and evidence

The consultation of the charging schedule has been prepared with reference to a wide range of supporting information and evidence. Government planning guidance provides a key resource for understanding the preparation, role and operation of CIL. Meanwhile, the North Tyneside Local Plan 2017 (adopted 20 July 2017) and supporting infrastructure and viability evidence provide the core evidence that has informed the charging schedule. The following references some of these documents, but the most recent evidence and documents can be viewed by visiting the Council's website www.northtyneside.gov.uk and following links to Planning.

Key supporting information and evidence

- a. Community Infrastructure Levy Planning Guidance (<http://www.gov.uk>)
- b. North Tyneside Local Plan 2017
- c. North Tyneside Borough Wide Infrastructure Delivery Plan, Updated 2018
- d. Murton Gap and Killingworth Moor Infrastructure Delivery Plan, 2016
- e. North Tyneside Area Wide and Site Specific Viability Assessments
 - i. Draft Initial AWVA 2015
 - ii. AWVA Residential Update, 2016
 - iii. AWVA Commercial Update, 2016
 - iv. AWVA – CIL Appraisal, February and August 2017
 - v. AWVA – CIL Appraisal, 2018
 - vi. Murton Gap and Killingworth Moor - Project Viability and Delivery Report, 2016

**PLANNING ACT 2008
NOTICE OF APPROVAL OF
THE COMMUNITY INFRASTRUCTURE LEVY
CHARGING SCHEDULE
UNDER THE CIL REGULATIONS 2010 (AMENDED)**

This notice is made under Regulation 25 of The Community Infrastructure Levy Regulations 2010 (as amended). North Tyneside Council approved the Community Infrastructure Levy Charging Schedule on 22 November 2018 to take effect from 14 January 2019.

In addition Cabinet approved a local Instalments Policy for payment of the Levy at its meeting of 19 November 2018, to take effect from implementation of the approved Charging Schedule.

These documents can be viewed at : Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY (Planning reception hours Monday: 08:30 until 13:00, Wednesday: 13:00 until 17:00, Friday: 08:30 until 13:00). Copies are also available at Wallsend Library, North Shields Central Library, Whitley Bay Library and Killingworth White Swan Centre (See <http://my.northtyneside.gov.uk/category/151/find-library> for opening times).

North Tyneside Council Report to Council 22 November 2018

ITEM 13

Questions by Members of the Council

Notice has been received of the following questions from Members of the Council to be put to the Council meeting.

1. Question to the Elected Mayor by Councillor Sean Brockbank

Can the Elected Mayor tell Council how much extra investment is now available for pothole repairs following the recent Budget?

2. Question to the Elected Mayor by Councillor Sean Brockbank

Can the Elected Mayor inform Council how the £600 million promised for the North of Tyne Combine Authority will impact on North Tyneside specifically?

3. Question to the Elected Mayor by Councillor Willie Samuel

Can the Mayor comment on claims by some political groups that there is a large budget surplus and reserves that can be spent?

4. Question to the Elected Mayor by Councillor Karen Bolger

Is the Mayor aware that a pilot scheme in Aberdeen to provide free sanitary items for women and girls in low income households began in August 2017. In North Ayrshire a decision was taken where all secondary schools in that local authority area were given access to free sanitary products from August 2017. Can the Mayor outline what actions are being taken in North Tyneside to tackle period poverty?

5. Question to the Elected Mayor by Councillor Brian Burdis

Can the Mayor inform the council of any progress on extending the garden waste scheme to those areas of the Borough that at present do not have this facility?

6. Question to the Elected Mayor by Councillor Davey Drummond

Would the Mayor join me in congratulating all of those involved in the restoration of the war memorials and the organisation of the Remembrance Day events?