

# Cabinet

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**Wednesday 11 November 2015 at 2.00 pm**

**To be held at the Town Hall,  
Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillor Julie Dore	(Leader of the Council)
Councillor Leigh Bramall	(Deputy Leader/Cabinet Member for Business, Skills & Development)
Councillor Ben Curran	(Cabinet Member for Finance and Resources)
Councillor Jackie Drayton	(Cabinet Member for Children, Young People & Families)
Councillor Jayne Dunn	(Cabinet Member for Housing)
Councillor Terry Fox	(Cabinet Member for Environment and Transport)
Councillor Mazher Iqbal	(Cabinet Member for Public Health and Equality)
Councillor Mary Lea	(Cabinet Member for Health, Care & Independent Living)
Councillor Sioned-Mair Richards	(Acting Cabinet Member for Neighbourhoods)

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Sheffield

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## **PUBLIC ACCESS TO THE MEETING**

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The Cabinet discusses and takes decisions on the most significant issues facing the City Council. These include issues about the direction of the Council, its policies and strategies, as well as city-wide decisions and those which affect more than one Council service. Meetings are chaired by the Leader of the Council, Councillor Julie Dore.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Members of the public have the right to ask questions or submit petitions to Cabinet meetings and recording is allowed under the direction of the Chair. Please see the website or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Cabinet meetings are normally open to the public but sometimes the Cabinet may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last. If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

Cabinet decisions are effective six working days after the meeting has taken place, unless called-in for scrutiny by the relevant Scrutiny Committee or referred to the City Council meeting, in which case the matter is normally resolved within the monthly cycle of meetings.

If you require any further information please contact Simon Hughes on 0114 273 4014 or email [simon.hughes@sheffield.gov.uk](mailto:simon.hughes@sheffield.gov.uk).

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**CABINET AGENDA  
11 NOVEMBER 2015**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 12)  
To approve the minutes of the meeting of the Cabinet held on 14 October 2015.
- 6. Public Questions and Petitions**  
To receive any questions or petitions from members of the public
- 7. Items Called-In For Scrutiny**  
The Director of Legal and Governance will inform the Cabinet of any items called in for scrutiny since the last meeting of the Cabinet
- 8. Retirement of Staff** (Pages 13 - 14)  
Report of the Interim Executive Director, Resources
- 9. Streets Ahead - Refinance** (Pages 15 - 40)  
Joint Report of the Executive Directors, Place and Resources
- 10. Site Gallery Expansion** (Pages 41 - 50)  
Report of the Executive Director, Place
- 11. Proposed Lease of Land at Charles Street** (Pages 51 - 58)  
Report of the Executive Director, Place
- 12. Gambling Act 2000 - Statement of Principles (Policy)** (Pages 59 - 128)  
Report of the Executive Director, Place
- 13. Licensing Act 2003 - Statement of Licensing Policy** (Pages 129 - 184)  
Report of the Executive Director, Place
- 14. Revenue Budget and Capital Programme Monitoring** (Pages 185 -

**Month 6 (as at 30/9/15)**

248)

Report of the Interim Executive Director, Resources

**NOTE: The next meeting of Cabinet will be held on  
Wednesday 9 December 2015 at 2.00 pm**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.



Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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Cabinet

Meeting held 14 October 2015

**PRESENT:** Councillors Leigh Bramall (Deputy Chair), Ben Curran, Jackie Drayton, Jayne Dunn, Terry Fox, Mazher Iqbal, Mary Lea and Sioned-Mair Richards

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from the Leader, Councillor Julie Dore.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 The Chair reported that appendix 1 to agenda item 9 'Step Up to Social Work', was not available to the public and press because it contained exempt information described in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) and if Members wished to discuss this appendix the public and press would need to be excluded from the meeting.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Cabinet held on 16 September 2015 were approved as a correct record.

**5. PUBLIC QUESTIONS AND PETITIONS**

5.1 Public Questions in respect of Council Policy regarding Community Groups

Martin Brighton submitted a number of questions in relation to Council policy regarding community groups.

Councillor Leigh Bramall, Deputy Chair and Cabinet Member for Business Skills and Development, responded that Councillor Jackie Drayton, Cabinet Member for Children, Young People and Families, could meet if required. It was stated that should he have any evidence of abuse this should be reported to the Police.

5.2 Public Question in respect of Webcasting

Nigel Slack asked if he could have an update on the progress of webcasting for Council meetings?

Councillor Ben Curran, Cabinet Member for Finance and Resources, commented that he understood that the Council were looking at various options in respect of

webcasting such as sponsorship or the use of applications such as Periscope. He would clarify the latest position and respond in writing to Mr Slack.

### 5.3 Public Question in respect of Devolution

Nigel Slack stated that the City Council and the Sheffield City Region had promised consultation over the 'devolution' deal signed recently. He therefore asked will this be by each individual Council or a combined regional consultation? Will the consultation with the public take place before this matter is brought before Full Council for a decision? What is the proposed timetable for the consultation? If the results of the public consultation are negative, will the Council vote against the agreement?

In response Councillor Leigh Bramall commented that the deal had only been announced recently and therefore there was a lot to be discussed. The form of consultation to be undertaken had been discussed but not yet finalised. Whatever the area the consultation would be substantial.

The consultation would take place before the matter is brought to Full Council. The timetable was to be decided and would need to take into account the outcomes arising from the imminent Government Comprehensive Spending Review. If the consultation showed overwhelming opposition to the agreement it was unlikely that it would be taken forward. There was still however a number of things to be agreed in respect of the consultation. The Heads of Terms for the deal had been agreed but there was a lot more work to be done on the precise detail of the agreement.

### 5.4 Public Question in respect of Devolution and Constituent Members

Nigel Slack commented that, having read the 'Devolution' agreement only briefly, one particular paragraph caused concern: 'The Mayor for the Sheffield City Region will be elected by the local government electors for the areas of the constituent Councils of the Sheffield City Region Combined Authority'. The Sheffield City Region Combined Authority website indicated that the 'constituent' Councils are the four South Yorkshire Metros. The remaining five Councils from North Notts and North Derbyshire are listed as 'non-constituent'. Mr Slack also noted that the agreement was signed by the Metro Council leaders and the Local Enterprise Partnership (LEP) Chair. Will those Councils now become 'constituent' members or will they remain outside the decision making authority?

Councillor Leigh Bramall responded that, because of the way the City Region was split between districts, counties and unitaries, it was much more simplistic at this time to move forward with metro and unitary authorities even though the City Region had a mixture of the two. It should be the responsibility of the Government to facilitate how it worked in the future. The City Council had had to make some compromises to agree the deal so the Government needed to make difficult decisions on their part.

Councillor Bramall did not believe things would move as fast as the Government timetable suggested. The current wording said that constituent authorities could

be part of the direct powers of the Mayor so it was up to individual authorities whether they moved to become constituent authorities or not. Many of the powers agreed in the deal were given to the Combined Authority and not the Mayor. There would be no 'passporting' down of cuts as the City Region was not taking on health and social care or Police powers.

**6. ITEMS CALLED-IN FOR SCRUTINY**

6.1 There were no items called-in for Scrutiny since the previous meeting of the Cabinet.

**7. RETIREMENT OF STAFF**

7.1 The Interim Executive Director, Resources submitted a report on Council staff retirements.

7.2 **RESOLVED:** That this Cabinet :-

(a) places on record its appreciation of the valuable services rendered to the City Council by the following staff in the Portfolios below:-

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<b><u>Children, Young People and Families</u></b>		
Barbara Cox	Analyst	41
<b><u>Communities</u></b>		
Christine Elrick	Support Worker	28
Eric Jackson	Estate Worker, Housing Service	Council 26
<b><u>Place</u></b>		
Lloyd Marshall	Business Support Assistant	23

(b) extends to them its best wishes for the future and a long and happy retirement; and

(c) directs that an appropriate extract of this resolution under the Common Seal of the Council be forwarded to them.

**8. STEP UP TO SOCIAL WORK**

8.1 The Executive Director, Children, Young People and Families submitted a report in relation to the Step Up To Social Work Programme.

8.2 **RESOLVED:** That Cabinet:-

- (a) notes the contents of the report;
- (b) notes that the Council has entered into the Grant Funding Agreement for the Step Up To Social Work Programme as the lead authority for the Yorkshire and Humberside Regional Partnership;
- (c) approves that Inter Authority Contracts between the authorities of the Partnership, which have been agreed in principle, are now executed;
- (d) approves that the Council enters into a contract with Salford University for Cohort 4 and approves an extension to that contract for a further cohort if the Council should be successful in receiving another grant for any future cohort; and
- (e) delegates authority to administer the Department for Education funding awarded to the Partnership to Sheffield City Council Assistant Director of Children's Fieldwork Services.

### **8.3 Reasons for Decision**

- 8.3.1 The Step Up To Social Work programme is a national initiative which is wholly funded by the Department for Education (DfE) by way of a grant. This funding includes a bursary payment for each successful student on the degree programme, funding of the University course, funding for training and supervision of each student whilst they are placed in their host authority across the region and administration of funding by the lead authority.
- 8.3.2 The Programme has been running since 2010 and has flagship status both regionally and nationally. The Yorkshire and Humberside Regional Partnership is the largest of the 18 national partnerships participating in the Step Up To Social Work programme. This initiative has produced 108 high calibre graduates since its initiation and 98% of these graduates have been successful in gaining employment as social workers in authorities across this region. This initiative has proven to be highly successful in resolving recruitment difficulties in social work in children and families.
- 8.3.3 This year the DfE have approved funding for the Yorkshire and Humberside region to host 50 students which means that external funding awarded will be £1.7m for the 14 month programme which will start in January 2016. Admissions recruitment took place in June/July 2015. Sheffield is the lead authority and acts as the broker for the grant funding with the responsibility of distribution of funding to each authority as directed by the Department of Education and oversees the success of the Programme.
- 8.3.4 The other nine local authorities in the Partnership include: City of Bradford MBC, Doncaster Children's Services Trust, Kirklees Council, Leeds City Council, Calderdale County Council, North Lincolnshire Council, North East Lincolnshire Council, North Yorkshire County Council and Wakefield Council. Letters of Commitment from all these authorities were received at the point of submitting the

bid and Inter Authority Contracts have been prepared in accordance with the DfE template. The Grant Offer Letter from the Department for Education was received on 26 June 2015. Salford University has been procured to deliver the 14 month post graduate degree programme and the relevant contract terms have now been agreed (Appendix 1). The grant will be paid on a monthly basis and any underspend on funding as at March 2017 will be repaid to the DfE.

#### **8.4 Alternatives Considered and Rejected**

8.4.1 Sheffield City Council has been the lead authority for the Step Up To Social Work Programme since its inception at a pilot stage in 2010. The Regional Partnership is the largest in the country and is highly praised by the DfE for its success. The DfE has advised prospective new partnerships to contact Sheffield for expert guidance and the lead Step Up co-ordinator from Sheffield visited Somerset and Dorset in March. This led to the South West forming a new partnership and they continue to seek guidance from Sheffield.

8.4.2 Sheffield City Council is currently participating in a DfE longitudinal national study of graduates from past Step Up Cohorts and was recently invited to be interviewed by Consultant Economists who have been commissioned by the DfE to audit the value of different social work degree programmes.

8.4.3 Sheffield City Council wishes to continue to act as the lead authority for Step Up To Social Work within the Yorkshire and Humberside region as it raises the profile of the Authority not only for the workforce across the region but nationally.

8.4.4 Sheffield City Council has recently been successful in the bid for the Early Adopter phase of Teaching Partnerships for the South Yorkshire region. 22 Partnerships bid nationally; these were shortlisted to 8 with a requirement for a further application which resulted in Sheffield City Council being one of the final 4 successful bidders. This new partnership will allow Sheffield City Council to contribute to the future of social work education and it is believed that the bid was successful due to the expertise gained from the Step Up to Social Work Programme.

### **9. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING MONTH 5 (AS AT 31/8/15)**

9.1 The Interim Executive Director, Resources submitted a report providing the month 5 monitoring statement on the City Council's Revenue Budget and Capital Programme for 2015/16.

9.2 **RESOLVED:** That Cabinet:-

- (a) notes the updated information and management actions provided by the report on the 2015/16 Revenue Budget position; and
- (b) in relation to the Capital Programme:-

- (i) approves the proposed additions to the Capital Programme listed in Appendix 5.1 and 5.2, including the procurement strategies and delegations of authority to the Director of Commercial Services or nominated Officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
- (ii) approves the proposed variations, deletions and slippage in Appendix 5.1 and 5.2;
- (iii) notes the latest position on the Capital Programme including the current level of delivery; and
- (iv) notes the variations approved under delegated authority provisions.

### 9.3 **Reasons for Decision**

To record formally changes to the Revenue Budget and the Capital Programme and gain Member approval for changes in line with Financial Regulations and to reset the Capital Programme in line with latest information.

### 9.4 **Alternatives Considered and Rejected**

A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

## 10. **MEDIUM TERM FINANCIAL STRATEGY 2016-21**

10.1 The Interim Executive Director, Resources submitted a report outlining a strategic framework for the development of budget proposals and the business planning process for 2016/17 and beyond.

10.2 **RESOLVED:** That Cabinet:-

- (a) notes the forecast position for the next 5 years;
- (b) agrees the approach to business planning targets; and
- (c) agrees the following approach to capital planning:
  - Maximise flexibility in resource pools to ensure priorities in relation to housing can be most effectively achieved, including policies related to affordable housing;
  - Manage capital resource pools including New Homes Bonus and Community Infrastructure Levy to ensure that Council wide objectives are achieved; and
  - Reaffirm the existing Corporate Resource Pool allocation principles.



**10.3 Reasons for Decision**

To provide a strategic framework for the development of budget proposals and the business planning process for 2016/17 and beyond.

**10.4 Alternatives Considered and Rejected**

There were no alternative options presented in the report.

**10.5** (NOTE: In accordance with Council Procedure Rule 26 of the Council's Constitution and the provisions of Section 100B(4)(b) of the Local Government (Access to Information) Act 1985, the Chair decided that the above report be considered as a matter of urgency on the grounds that the figures in the Medium Term Financial Strategy (MTFS) were based on various assumptions made in advance of the agreement of Sheffield City Region's devolution deal on Friday 2 October. The publication of the MTFS was therefore delayed briefly in order to allow officers sufficient time to review the details of the devolution deal and to assess whether any of the assumptions in the MTFS should be revised).

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## SHEFFIELD CITY COUNCIL Cabinet Report

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**Report of:** Interim Executive Director, Resources

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**Date:** 11<sup>th</sup> November 2015

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**Subject:** Staff Retirements

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**Author of Report:** Simon Hughes, Democratic Services

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**Summary:** To report the retirement of staff across the Council's various Portfolios

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### Recommendations:

Cabinet is recommended to:-

- (a) place on record its appreciation of the valuable services rendered to the City Council by members of staff in the various Council Portfolios and referred to in the attached list;
  - (b) extend to them its best wishes for the future and a long and happy retirement; and
  - (c) direct that an appropriate extract of the resolution now made under the Common Seal of the Council be forwarded to those staff above with over 20 years' service.
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**Background Papers:** None

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**Category of Report:** OPEN

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**RETIREMENT OF STAFF**

1. To report the retirement of the following staff from the Council's Service and to convey the Council's thanks for their work:-

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<b><u>Children, Young People and Families</u></b>		
Carole Staniland	Headteacher, Carterknowle Junior School	20
Fiona Smith	Assistant Headteacher, Mossbrook Primary School	21

2. To recommend that Cabinet:-
- (a) place on record its appreciation of the valuable services rendered to the City Council by the above-mentioned members of staff in the Portfolios stated;
  - (b) extend to them its best wishes for the future and a long and happy retirement; and
  - (c) direct that an appropriate extract of the resolution now made under the Common Seal of the Council be forwarded to those staff above with over 20 years' service.



## SHEFFIELD CITY COUNCIL

### Cabinet Report

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**Report of:** Executive Director, Resources and Executive Director,  
Place

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**Report to:** Cabinet

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**Date:** 11<sup>th</sup> November 2015

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**Subject:** Streets Ahead – Refinance

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**Author of Report:** Jayne Clarke and Steve Robinson

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**Key Decision:** Yes

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**Reason Key Decision:** Expenditure/savings over £500,000

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**Summary:**

There is a clear strategic and economic case to justify the Council using the existing contract mechanism to instigate a contract Refinance in order to secure a saving of circa **£0.3m to £0.6m pa**. This saving can be achieved with minimal risk to the Council and without impacting on the delivery of the highway maintenance service and the ongoing improvements in the infrastructure asset.

Savings can be realised through reducing the cost of finance by the Contractor Amey Hallam Highways Ltd (Amey), entering into new funding terms, thereby increasing the value for money of the contract.

This report seeks approval to the Council pursuing a contract Refinance and to progress some minor operational contract changes.

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**Reasons for Recommendations:**

The Streets Ahead contract ('the Contract') has been set a significant savings target in order to contribute to the Council achieving its reduced budget in the future.

As detailed in this report, it is estimated that the savings secured from these changes could be between £0.3m and £0.6m p.a over the remaining 22 years of the Contract Term, with no loss of service for the people of Sheffield.

Failure to carry out the Refinance will result in more pressure on achieving the Council's current and future budget and may result in more drastic cuts to front line services.

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**Recommendations:**

It is recommended that approval be given to:

Reject Option 1 – Do Nothing as it has been determined by the Council and Amey that there is an opportunity during the CIP to make savings from refinancing the Contract.

Continue with the 'twin track' approach to refinancing with existing and potential new funders in order to determine the optimal route in terms of maximising savings and mitigating risks and subsequently take forward the preferred option; and

Continue the ongoing dialogue with the DfT throughout the refinance process and to submit a business case seeking DfT/HMT approval to complete the refinance which includes agreeing the optimal process for funding the DfT's share of the refinance savings.

To provide the additional budget from the PFI Reserves to fund the conclusion of the refinance and the processing of the contract changes; and

Fund any abortive project costs from the Refinance from the Streets Ahead contingency; and

Make staged payments to Amey in relation to the Refinance and Contract change due diligence costs subject to such costs being auditable; and in accordance with agreed estimates; and

Officers to explore the option of the Council providing up front capital in place of more expensive private finance and if this results in increased levels of saving that approval is delegated to borrow the requisite sums.

It is also recommended that Cabinet:

Delegates its authority to the Executive Director, Resources to:

- i) monitor the progress made by Council officers in determining the optimal refinancing option and approve (if appropriate) the recommended option; and
- ii) review and authorise the submission of a business case to the DfT/HMT including the methodology for funding the DfT's share of the refinancing savings; and
- iii) complete the refinance of the Contract subject to the approval of commercially acceptable terms by the Director of Legal and Governance.

Delegates authority to the Director of Legal and Governance to process the High Value Changes under a Deed of Variation.

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**Background Papers:** Cabinet Report: Streets Ahead – Securing Savings From The Funding Structure 12 November 2014

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**Category of Report:**        **Main Report – Open, Appendices - Closed**

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
<del>YES</del> /NO      Cleared by: Anna Peysner
<b>Legal Implications</b>
<del>YES</del> /NO      Cleared by: Sarah Bennett
<b>Equality of Opportunity Implications</b>
<del>YES</del> /NO      Cleared by: Ian Oldershaw
<b>Tackling Health Inequalities Implications</b>
<del>YES</del> /NO
<b>Human Rights Implications</b>
<del>YES</del> /NO
<b>Environmental and Sustainability implications</b>
<del>YES</del> /NO
<b>Economic Impact</b>
<del>YES</del> /NO
<b>Community Safety Implications</b>
<del>YES</del> /NO
<b>Human Resources Implications</b>
<del>YES</del> /NO
<b>Property Implications</b>
<del>YES</del> /NO
<b>Area(s) Affected</b>
N/A
<b>Relevant Cabinet Portfolio Lead</b>
Cllr Terry Fox Cllr Ben Curran
<b>Relevant Scrutiny Committee</b>
Economic, Environmental Wellbeing Scrutiny and Policy Committee
<b>Is the item a matter which is reserved for approval by the City Council?</b>
<del>YES</del> /NO
<b>Press Release</b>
<del>YES</del> /NO



## **REPORT TO THE CABINET**

### **STREETS AHEAD – REFINANCE**

#### **1.0 SUMMARY**

- 1.1 The Streets Ahead contract ('the Contract') has been set a significant savings target in order to contribute to the Council achieving its reduced budget in the future.
- 1.2 As identified in the 12 November 2014 Cabinet report, savings can be achieved through refinancing the bank debt owing to the more favourable interest rates being offered by the financial markets than those available when the Contract reached financial close at the end of July 2012.
- 1.3 Following the successful conclusion of an exercise to test the appetite of the existing funding group, this report seeks approval for the refinance to be completed which it is estimated will secure savings of circa £0.3m to £0.6m p.a. over the remaining 22 years of the Contract Term giving a total saving of between £7m and £14m.

#### **2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE**

- 2.1 There is no impact on the services received by the people of Sheffield.
- 2.2 The savings realised will contribute to the Council achieving its budget thereby reducing the risk of additional budgetary pressures being placed on other services delivered to Sheffield people.

#### **3.0 OUTCOME AND SUSTAINABILITY**

- 3.1 The Contract benefits are both direct and indirect for example, the improvements in the highway infrastructure aims to reduce vehicle damage and fuel consumption and people should feel safer at night owing to the improved street lighting. The Contract benefits are fundamentally linked to making Sheffield a great place to live.
- 3.2 It is envisaged that by improving the affordability of the Contract that it will reduce the risk of the Council having to significantly change the services delivered under the Contract thereby maintaining the integrity of the long-term Contract benefits.

#### **4.0 BACKGROUND**

- 4.1 Following the approval of the 12 November 2014 Cabinet report, where it was proposed that the Council would contribute additional capital contributions by way of public sector debt to generate savings, the refinance project team worked diligently with Amey to progress the change. However, following the submission of a

business case to the Department for Transport ('DfT') and HM Treasury ('HMT'), the proposal was rejected on the grounds of central government accounting issues.

- 4.2 Consequently, the refinance project team met with DfT and HMT in London to discuss the accounting issues which, had only recently been fully explored by HMT despite the numerous meetings and correspondence exchanged between the refinance project team and the DfT.

It was explained by HMT at the meeting that had the additional capital contributions proposal been approved then this would change the way it was accounted for by central government. As a result, the DfT's balance sheet would have been adversely affected leaving them in a position where they would not have been able to fund other transport projects which was an unacceptable risk for them to accept. This would also result in an increase in Public Sector Net Borrowing (a key government economic measure) and so was unacceptable to HMT.

- 4.3 As the additional capital contributions was an innovative savings idea which, until it was proposed by the Council, the DfT and HMT were not aware of the wider accounting implications, it was agreed that the abortive costs incurred will be shared equally between the Council and DfT in the spirit of collaborative working.

- 4.4 Although the DfT and HMT rejected the additional capital contributions proposal, they are actively encouraging the Council to progress the refinance of the Contract during 2015 in order to ensure that the Council does realise savings to ease budget pressures.

- 4.5 The report to Cabinet in November 2014 also contemplated a scenario where under a refinance, the Council could put in a proportion of the debt as a loan alongside new funders. However this option has also been ruled out by DfT and HMT as they consider it would also lead to the reclassification of the accounting treatment of the Contract.

## **5.0 POTENTIAL REFINANCE OPTIONS CONSIDERED**

- 5.1 Under the Contract, either party has the option to propose a refinancing of the bank debt should the financial market rates be trending at more favourable rates than those achieved at Financial Close at the end of July 2012.

- 5.2 At present, there are a number of funding institutions who are active in the long term lending market with a shortage of infrastructure projects in which to invest their funds, creating potentially high demand. Both the Council's external advisers and Amey's investment experts are advising that there would be the capacity in

the market to achieve competitive terms from a refinance. This is based on their knowledge of the funding institutions and also evidenced by a number of other high value contracts that are currently being refinanced at significantly reduced margins.

- 5.3 Whilst there is the capacity and competitiveness in the funding market at the current time, because the Contract is still in the Core Investment Period ('CIP') then it is unlikely to achieve the most competitive rates as funders will still consider there is a degree of construction risk remaining and will price in that risk accordingly.

Highway maintenance contracts are also somewhat unique and may not be considered as favourably as a more straight forward accommodation type PFI contract and so this might also limit the numbers of banks interested and the terms offered. This perception is not helped by other highway maintenance PFI contracts which are currently experiencing contractual difficulties between contractors and the public sector.

- 5.4 The refinancing gain realised is subject to a contractual sharing mechanism firstly with Amey as set out in the Contract and secondly, with the DfT under their PFI grant funding terms. The level of financial savings achievable from this option is subject to the rates that can be secured from the market but it is expected that the Council would realise savings of between **£0.3m** and **£0.6m pa**. There are a number of ways in which a refinancing gain can be secured and these options are set out below. The detailed assumptions and advantages and disadvantages of each option are set out in Appendix A to this report.

5.4.1 Option 1 - Do Nothing – Wait Until Completion of CIP in 2017

- 5.4.1.1 Under this option no further action would be taken now and any consideration of the other options set out below would be deferred until the CIP is complete.

- 5.4.1.2 Owing to the disadvantages for Option 1 detailed in Appendix A, it is not recommended that this option is progressed. However, if a refinance is secured now it would still be possible to carry out a further refinance after the completion of the CIP if the prevailing conditions are favourable and the savings outweigh the further transaction costs.

5.4.2 Option 2 – Existing Funders Margin Reduction

- 5.4.2.1 Under this option the Council and Amey would negotiate with the existing funders to reach agreement on a reduction in their funding margins.

- 5.4.2.2 All of the current funders are still actively lending in the infrastructure market and in recent discussions, they all have expressed a desire to retain their investment in the Contract. The level of saving they are prepared to offer differs between each funder with some having

more flexibility to reduce margins than others.

5.4.2.3 On the basis of the estimate of bank margins and fees for Option 2 as set out in Appendix A being achieved then the net saving to the Council after transaction costs and arrangement fees is **£0.3m p.a.**

5.4.3 Option 3 – Full Open Market Funding Competition

5.4.3.1 Under this option the Council would go the banking market to seek a new set of funders on revised terms. All of the existing funding agreements would be cancelled and new agreements put in place. This could result in more or less funders than the current four banks.

5.4.3.2 There have been some initial informal discussions with a small number of potential new lenders and all have expressed an interest and indicated that they would be able to offer more competitive terms than initially proposed by the existing funders.

5.4.3.3 On the basis of the assumed bank margins being achieved then the net saving to the Council after transaction costs and arrangement fees is **£0.4m p.a.** The detailed terms and basis of the saving for Option 3 are again set out in Appendix A.

5.4.4 As detailed in the options set out above, there is not a significant difference between the levels of saving achievable at the two modelled margins. However, it is possible that lower margins than the ones assumed in the scenarios could be achieved from new funders and from further negotiation with some of the existing funders. Therefore a more likely refinance scenario is securing a margin reduction from a combination of existing funders and new funders with the savings potentially being in the region of **£0.4m to £0.6m p.a.** Some examples of alternative potential refinance scenarios are also set out in Appendix A.

5.4.5 There is a low-medium risk that if the Council approach the market for replacement funders and preferential terms cannot be achieved, then the existing funders may withdraw their offer of reduced margins resulting in the Council having to fund the abortive transaction costs.

## 6.0 **PREFERRED FUNDING OPTION**

6.1 It is recommended that Option 1 – Do Nothing is rejected as it has been determined by the Council and Amey that there is an opportunity during the CIP to make savings from refinancing the Contract.

6.2 However, it is not possible at this stage to determine which of the other refinancing options is the preferred option until further negotiations can be carried out with the existing funders and until more formal market soundings are undertaken.

6.3 Any proposal to Refinance the contract has to be approved by DfT through the submission of a Final Business Case once the terms of the refinance are known.

6.4 Cabinet approval is requested for Council officers to:

- (i) continue with the 'twin track' approach to refinancing with existing and potential new funders, in order to determine the optimal route in terms of maximising savings and mitigating risks and subsequently take forward the preferred option; and
- (ii) continue the ongoing dialogue with the DfT throughout the refinance process and to submit a business case seeking DfT/HMT approval to complete the refinance which includes agreeing the optimal process for funding the DfT's share of the refinance savings.

6.4 In order to progress the refinance within the time constraints described in this report, Cabinet is requested to delegate its authority to the Executive Director, Resources to:

- (i) monitor the progress made by Council officers in determining the optimal refinancing option and approve (if appropriate) the recommended option;
- (ii) review and authorise the submission of a business case to the DfT/HMT including the methodology for funding the DfT's share of the refinancing savings; and
- (iii) complete the refinance of the Contract subject to the approval of commercially acceptable terms by the Director of Legal and Governance.

The Executive Director, Resources and/or the Executive Director, Place will liaise with the Cabinet Member, Finance and the Cabinet Member, Environment and Transport to provide regular updates on progress.

## **7.0 CONTRACT CHANGES**

7.1 In parallel with the refinance, a number of contract changes are being negotiated with Amey with a view to submitting a batch of changes to the funders to reduce transaction fees.

7.2 The changes are varied in nature with some attracting low value savings contributing to reducing the Contract's savings target.

7.3 Some of these changes are deemed to be High Value Changes under the Contract therefore, in accordance with the Leader's Scheme of Delegation, these changes require Cabinet approval. The changes are detailed in Appendix C.

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 Project Development Budget
- 8.1.1 In order to conclude the refinance and the operational savings negotiations; undertake the necessary approval processes; prepare the changes to the Contract; and realise the financial savings, the Council will need to incur significant costs. These costs will include internal financial and legal resource supported by the continued appointment of external financial and legal advisors. In addition, under the terms of the Contract, the Council also has to reimburse Amey and the funders' reasonably incurred due diligence costs.
- 8.1.2 The level of Project Development Costs will differ dependant on whether the existing funders are to be retained or replaced.
- 8.1.3 The estimated costs to conclude the refinance and operational savings changes are set out in Appendix B.
- 8.1.4 It is proposed that the costs are funded from the Council's PFI Reserve and the Reserve will be replenished from the refinance savings achieved.
- 8.1.5 The Council incurred £265k of abortive costs in relation to the Increased Capital Contribution proposal detailed in section 4 above. In accordance with the Cabinet approval granted in November 2014, such costs are to be funded from the PFI Contract contingency. However, as the DfT have agreed to cover 50% of these costs from their share of the refinance gain then only half of those costs will be required from the contingency.
- 8.2 Other Transaction Costs
- 8.2.1 In addition to the refinance development costs relating to resources, the Council will also have to fund the costs incurred in breaking or restructuring the hedging agreements and funding the lender's arrangement fees. Whilst the level of arrangement fee is likely to be the same under any scenario, the fees for changes to the hedging arrangements will differ depending on the extent of the changes and hence it is the inter-play between margin reduction and hedging fees that determines the optimal solution.
- 8.2.2 These fees will be financed by Amey and the costs of this set off against the interest rate savings.
- 8.3 Borrowing Requirement
- 8.3.1 There would not generally be a requirement for borrowing as the Project Development Costs will be funded from reserves and the other up-front costs funded through the Amey Financial Model. However, the Council is also considering whether it can use its prudential borrowing powers and access to relatively cheap finance to fund some of the upfront fees and/or to make up front payments to Amey or DfT of their share of the savings thereby increasing the level of savings achieved by the Council.

8.3.2 It is recommended to Cabinet that officers explore the option of the Council providing up front capital in place of more expensive private finance and if this results' in increased levels of saving that approval is delegated to borrow the requisite sums.

8.4 Financial Savings

8.4.1 The savings set out in this report are derived from the reduced interest costs that Amey will bear in future compared to the existing interest costs which the Council is currently funding through the Unitary Charge.

8.4.2 As set out in section 5 the level of savings is expected to be between £0.3m and £0.6m p.a. It is expected that the savings will be effective from the start of the financial year 2016/17 but it is possible that if a margin reduction scenario with the existing funders is implemented then the shortened timeline may result in a proportionate share of savings in 2015/16.

8.5 Financial Risks

8.5.1 The Council will carry a number of risks in proceeding with this process as set out below:

8.5.1.1 (a) *Abortive Costs*

It is possible that the refinance cannot be completed either because:

- i) it does not get DfT/HMT approval;
- ii) the Contract cannot secure sufficient funders at rates that are more favourable than in 2012; or
- iii) interest rates move such that the break costs of any hedging arrangement make the level of savings untenable. However, this is felt to be a minor risk as there should be a natural set-off of break costs against the revised new underlying interest rates.

If this were the case, the Council will have to bear any abortive costs incurred up to that point.

In order to mitigate this risk, the Council's refinance project team are fully engaged with the DfT and will continue to work closely with them and the Council's external financial advisers, PriceWaterhouseCooper, to develop the required business case.

The Council and Amey will also gather as much market intelligence as possible before it instructs external advisers to commence the costly market refinance option.

The Council will also monitor the movement in interest rates and will work closely with its financial advisers; PriceWaterhouseCooper and its interest rate hedging advisors; JC Rathbones, to model the impact of any

movement.

If there are any abortive costs it is proposed that these are funded from the Streets Ahead contingency budget that was set aside as part of the affordability provisions.

8.5.1.2 (b) *Project Development Budget Overspend*

The budget figures set out in Appendix B of this report are an estimate of the costs of the two base options for completing a refinance and the other operational changes described in this report. They have been estimated on a prudent basis and include significant contingency amounts. Expenditure will be monitored closely throughout the refinance project. It is possible however that the costs could be higher as we move towards concluding the transaction and this will be offset against the refinancing gain.

## 9.0 LEGAL IMPLICATIONS

9.1 The Contract provides for a refinance therefore the conclusion of this exercise carries no legal implications.

9.2 In terms of the other changes proposed, the Contract contains a High Value Change mechanism that allows the proposed changes to be made. In addition, the Council has a general power under section 1 of the Localism Act 2011 to do things an individual may generally do (including vary a contract in accordance with its terms) provided, it is not prohibited by other legislation and the power is exercised in accordance with the limitations specified in the Act e.g. around charging for the provision of a service.

9.3 When it was procured the Contract was above the public procurement financial thresholds and consequently was procured under a regulated procurement procedure. If the Contract is changed to a material degree, it may be held that there is, in fact, a new contract, which should have been re-tendered in accordance with European and national procurement law and the resultant contract could be held ineffective.

9.4 The proposed changes are not considered to be material changes to the existing contract because there will be no variation to the services to be provided and Amey will not make any additional profit as a result of the changes.

## 10.0 EQUALITY IMPLICATIONS

10.1 As this refinance proposal is purely related to financial restructuring of the Contract and has no material effect upon the services received by the people of Sheffield then there are no equality impacts. The proposal is equality neutral affecting all people the same regardless of age, race, faith, disability, gender, sexuality and



so forth.

- 10.2 The changes proposed to the Contract as set out in Appendix C do not have any effect on the services provided by Amey therefore there are no equality implications.

## **11.0 REASONS FOR RECOMMENDATIONS**

- 11.1 As outlined in this report, there is a clear strategic and economic case to justify the Council concluding the refinance in order to realise saving of circa **£0.3m to £0.6m p.a.** This saving can be achieved with low risk to the Council and without impacting on the delivery of the highway maintenance service and the ongoing improvements in the infrastructure asset.

- 11.2 Failure to progress the refinancing of the Contract will result in more pressure on achieving the Councils current and future budget pressures.

## **12.0 NEXT STEPS**

### **12.1 Determine Optimal Refinance Solution**

- 12.1.1 The Council and Amey are continuing to work closely with their external financial advisers to test the interest in the funding market and to press the existing funders to improve their terms.

The Council is also working with its Financial Advisors to verify the financial modelling work undertaken to date in order to quantify the financial savings to be realised across a range of scenarios to inform the key thresholds at which options become more or less viable.

From this work a decision on the direction of travel will be taken within the coming weeks.

### **12.2 Project Management**

A joint Project Plan has been developed with Amey detailing all of the key stages and associated tasks to be completed to conclude the refinance and process the Contract changes.

It is anticipated that the refinance will be concluded by March 2016 for a full refinance and January 2016 if a margin reduction only option is pursued.

### **12.3 DfT/HMT Department Approval**

The refinance project team has liaised closely with the DfT in the planning and development of the refinance proposal to date and they are supportive of the actions proposed. This liaison will continue on an informal basis and will culminate in the submission of a business case which will justifies the refinance and evidences that the margin reduction being offered is broadly comparable to market rates.

## **13.0 RECOMMENDATIONS**

13.1 It is recommended that approval be given to:

- (a) Reject Option 1 – Do Nothing as it has been determined by the Council and Amey that there is an opportunity during the CIP to make savings from refinancing the Contract.
- (b) Continue with the 'twin track' approach to refinancing with existing and potential new funders, in order to determine the optimal route in terms of maximising savings and mitigating risks and subsequently take forward the preferred option; and
- (c) Continue the ongoing dialogue with the DfT throughout the refinance process and to submit a business case seeking DfT/HMT approval to complete the refinance which includes agreeing the optimal process for funding the DfT's share of the refinance savings.
- (d) To provide the additional budget from the PFI Reserves to fund the conclusion of the refinance and the processing of the contract changes; and
- (e) Fund any abortive project costs of the Refinance from the Streets Ahead contingency;
- (f) Make staged payments to Amey in relation to the Refinance and Contract change due diligence costs subject to such costs being auditable; and in accordance with agreed estimates; and
- (g) Officers to explore the option of the Council providing up front capital in place of more expensive private finance and if this results in increased levels of saving that approval is delegated to borrow the requisite sums.

13.2 It is also recommended that Cabinet:

- (a) Delegates its authority to the Executive Director, Resources to: monitor the progress made by Council officers in determining the optimal refinancing option and approve (if appropriate) the recommended option; and
- (b) complete the refinance of the Contract subject to the approval of commercially acceptable terms by the Director of Legal and Governance.

Delegates its authority to the Director of Legal and Governance to process the High Value Changes under a Deed of Variation.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## Cabinet Report

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<b>Report of:</b>	<b>Simon Green</b>
<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>11<sup>th</sup> November 2015</b>
<b>Subject:</b>	<b>Site Gallery Expansion</b>
<b>Author of Report:</b>	<b>Neil Jones 2735539</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Reason Key Decision:</b>	<b>N/A</b>

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**Summary:** Site Gallery is a key national player within the UK's visual arts sector with a unique contemporary art programme with an international reputation for its extensive exhibitions, commissioning and residency programmes and innovative education and training activities. The report seeks authority to grant a lease to Site of an adjoining Council owned property in order to enable the expansion of the gallery and secure a major investment from the Arts Council and other funders. This investment will add to the cultural attraction and reinvigoration of the CIQ and city centre and has wider economic benefits in terms of making the city an exciting place to locate and attract talented staff for businesses in the creative and digital industries which is a key growth area.

In order to secure the Arts Council funding the Council is being asked to support the project by granting the lease at a peppercorn rent.

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### **Reasons for Recommendations:**

The proposed expansion of Site Gallery will be a major boost for the cultural attraction of the city centre and the CIQ in particular. This has wider economic benefits in terms of making the city an exciting place to locate and attract talented staff for businesses in the creative and digital industries which is a key growth area.

The proposal to grant a lease for 22 years at a peppercorn rent will unlock a grant from the Arts Council of just under £1m towards a £1.7m project. The refurbishment of the property will benefit a Council owned asset which is currently in a poor state of repair.

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**Recommendations:**

- 1 That Cabinet approves the proposals to enter into the agreement to grant a lease of property at Brown St to Site Gallery on the terms set out in this report.
- 2 That Cabinet delegate authority to the Executive Director Place in consultation with the Director of Capital and Major Projects and the Director of Legal and Governance to agree the terms of the documentation required to effect this transaction
- 3 That the Director of Legal and Governance be authorised to complete such legal documentation as she considers necessary or appropriate in connection with this transaction on such terms as she may agree to give effect to the proposals set out in this report and generally to protect the Council's interests

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**Background Papers: None**

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**Category of Report: OPEN**

**If CLOSED add 'Not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).'**

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\* Delete as appropriate

## Statutory and Council Policy Checklist

<b>Financial Implications</b>
YES Cleared by: Paul Schofield
<b>Legal Implications</b>
YES Cleared by: David Blackburn
<b>Equality of Opportunity Implications</b>
NO :
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human Rights Implications</b>
NO
<b>Environmental and Sustainability implications</b>
NO
<b>Economic Impact</b>
NO
<b>Community Safety Implications</b>
NO
<b>Human Resources Implications</b>
NO
<b>Property Implications</b>
YES Cleared by: Nalin Seneviratne
<b>Area(s) Affected</b>
City Centre
<b>Relevant Cabinet Portfolio Lead</b>
Cllr Sioned-Mair Richards
<b>Relevant Scrutiny Committee</b>
<b>Is the item a matter which is reserved for approval by the City Council?</b>
NO
<b>Press Release</b>
NO

**PROPOSED EXPANSION OF SITE GALLERY**

**1.0 SUMMARY**

- 1.1 Site Gallery is a key national player within the UK's visual arts sector with a unique contemporary art programme with an international reputation for its extensive exhibitions, commissioning and residency programmes and innovative education and training activities. The report seeks authority to grant a lease to Site of an adjoining Council owned property in order to enable the expansion of the gallery and secure a major investment from the Arts Council and other funders. This investment will add to the cultural attraction and reinvigoration of the CIQ and city centre and has wider economic benefits in terms of making the city an exciting place to locate and attract talented staff for businesses in the creative and digital industries which is a key growth area.
- 1.2 In order to secure the Arts Council funding the Council is being asked to support the project by granting the lease at a peppercorn rent.

**2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE**

- 2.1 The grant of the lease to Site Gallery will unlock major investment which will greatly improve the quality of the gallery and the exhibitions and educational activities for the benefit of the whole population of Sheffield.

**3.0 OUTCOME AND SUSTAINABILITY**

- 3.1 The proposed expansion of Site Gallery will be a major boost for the cultural attraction of the city centre and the CIQ in particular. This has wider economic benefits in terms of making the city an exciting place to locate and attract talented staff for businesses in the creative and digital industries which is a key growth area.
- 3.2 The Council will use its powers as both statutory planning authority and as landlord in approving any proposals to ensure that the redevelopment is as environmentally sustainable as economically possible. The refurbishment will significantly improve the current environmental performance of the building and will be carried out to achieve a BREEAM rating of Very Good.

**4.0 BACKGROUND**

- 4.1 Site Gallery is located in the part of the city centre known as the Cultural Industries Quarter (CIQ). For over 200 years the CIQ has been an area for light manufacturing. As these traditional industries declined, the CIQ attracted creative businesses, cultural organisations and artists seeking good value accommodation near to the city centre. In the mid-1980s the City Council recognised the economic, cultural and social value of the cultural



industries and set out to actively support and encourage the growth of the sector. This included the establishment of the Audio Visual Enterprise Centre (AVEC) in a group of former car showroom buildings of which Site Gallery forms part.

- 4.2 AVEC also includes the Council operated Red Tape Studios; a group of private commercial recording studios and next to Site Gallery is the former Sheffield Independent Film (SIF) studio which has been vacant for some time but is currently let to Sheffield Hallam University (SHU).
- 4.3 Today, there are over 300 companies in the area, most of which are connected to creative or cultural industries, including film-making, music production, software design, broadcasting, new media, architecture, art and traditional crafts. However despite its success as a trail-blazing example, there is now a consensus that the CIQ has lost ground to similar clusters of creative businesses and activity in other cities and that it needs to refresh and update both its cultural and commercial offer and public space for a growing resident and business population.
- 4.4 Site Gallery opened in 1978 as Untitled Gallery in Walkley subsequently moving to the current property which is leased from the Council in 1988. The launch as Site Gallery in 1995 was a new direction for the gallery's programming of exhibitions and events, incorporating new and experimental art, digital and multi-media alongside traditional forms of image production. Since the major expansion and redevelopment of the building in 1998, the gallery has become a key national player within the UK's visual arts sector, having developed a unique contemporary art programme with an international reputation through extensive exhibitions, commissioning and residency programmes and innovative education and training activities.
- 4.5 However the current property is relatively small when compared to similar contemporary art venues in other cities. This limits the possibilities to generate income to sustain the operations of the gallery. It is vital that arts venues earn more external revenue to support themselves in future as funding from Arts Council England (ACE) and other funders continues to decline.
- 4.6 Site has identified the adjoining former SIF premises as being ideal for the expansion space that the gallery needs in order to increase its capacity for artists and audiences and to develop its business model, increasing and diversify its income. Their proposal will also greatly improve the environmental credentials of the building. This is entirely in line with the Council's aspirations to re-energize the CIQ.
- 4.7 In November 2013 Site submitted a bid to ACE for a substantial capital grant to carry out a comprehensive refurbishment of the SIF property and remodelling of Site Gallery to expand into the SIF property. The proposed works include larger exhibition spaces which will help to attract major exhibitions; further space for events and education; additional studio space and an expanded café that will underpin income generation and sustainability for the organisation into the future.

4.8 The Council has provided assistance for this important project and wrote a letter of support which stated that:

- We will contribute cash match funding to the value of £125,000 to support the development and delivery of the project.
- As landowners of the SIF property we are prepared to lease the unit to Site Gallery on a peppercorn rent for a term that will end when the existing Site Gallery lease ends in March 2038.
- Our Capital Department has been working with Site Gallery to provide structural, M&E, QS and project management advice.

4.9 In July 2014 ACE confirmed in principle approval to a grant of £970,000 towards the project which has a total estimated cost of £1,700,000. The proposed support from the Council outlined above was a vital element of the decision by ACE to approve the grant as ACE will also treat the discounted value of the lease as match funding. Without this it is unlikely that ACE would approve the grant.

Site are currently raising the balance of the funding and resubmitted the stage 2 bid to ACE in June this year for final approval of their grant. If that is approved then works will commence in April 2016 and the gallery reopen in Spring 2017. A detailed planning application was approved in September.

4.10 A report also on the agenda of this meeting of Cabinet sets out proposals to grant a lease of the small square opposite Site Gallery to SHU as the university is prepared to invest in significantly improving the open space and taking on responsibility for maintaining it. The Council is also currently marketing the Porter Brook site in the CIQ for a new mixed use development and carrying out works to create a new pocket park and enhancements to the river on that site. This combination of investments and activity will all play an important part in reinvigorating the CIQ and its attractiveness to businesses, visitors and residents.

## **5.0 FINANCIAL AND PROPERTY IMPLICATIONS**

5.1 As stated above the SIF property is owned by the Council and forms part of the AVEC complex which is managed by Lifelong Learning, Skills & Communities of CYPF together with Red Tape Studios training centre.

5.2 Whilst the SIF property has been largely vacant for some time and is in a poor state of repair it has been let this year to SHU who are paying a rent of £36,000 per annum. This is however a temporary letting whilst the university carries out major refurbishment to alternative properties for their faculty of Arts, Computing, Engineering and Sciences and they intend to vacate next Spring.

5.3 When SHU vacate it is unlikely that the premises can be let at the same rental level as it has been but it could be possible to achieve a rent in the region of £30,000pa. The proposed lease to Site Gallery would be at a peppercorn rent for 22 years to match the term of their existing lease next

door. This recognises the substantial external investment which has been secured and the potential benefits to the city.

5.4 Officers in CYPF are supportive of the Site Gallery expansion proposals as the whole frontage to the AVEC building on Brown Street will receive a much needed external improvement; the proposals will remove some liabilities for the building that CYPF currently have to manage; there will be increased opportunities to engage young people with contemporary art and the increased activity at the gallery will add to the vitality and attractiveness of the surrounding CIQ.

5.5 CYPF officers are however rightly concerned that during the refurbishment works there is a risk that there will be a considerable amount of disruption and noise. This would be particularly unacceptable to the privately run recording studios within the AVEC complex and Site will be put under firm obligations in the proposed lease to minimise this, co-operate with the other tenants and if necessary take out insurance to cover any valid claims that arise for loss of business by the other studios.

## **6.0 LEGAL IMPLICATIONS**

6.1 The lease of the site to Site Gallery is classed as a disposal of the land, which is being granted at an undervalue. Under s123 Local Government Act 1972, the Council cannot dispose of property for less than the best price reasonably obtainable, unless it obtains the consent of the Secretary of State. Pursuant to the powers conferred by section 128(1) of the 1972 Act the Secretary of State has issued the General Disposal Consent (England) 2003. Where the terms of a proposed disposal fall within the scope of this consent there is no requirement to obtain a specific consent for it. This consent permits the disposal of land at an undervalue of up to £2,000,000 where the Council considers that it will help to secure the promotion or improvement of the economic, social or environmental well-being of its area.

6.2 As stated in the Property Implications section of this report, the property is currently leased at a rent of £36,000pa but this will cease next Spring and the market rental value is likely to be lower. This means that the proposal to grant a lease at a peppercorn rent would fall well within the threshold of £2,000,000 permitted under the terms of the consent. ACE are calculating the value of the Council's contribution to the project as £660,000

6.3 In determining whether the disposal will help to secure the promotion or improvement of the economic, social or environmental well-being of its area the consent states that the Council should have regard to its Sustainable Community Strategy prepared pursuant to Section 4 of the Local Government Act 2000. It is considered that the use of the property as detailed in this report would help to deliver the vision for Sheffield as a sustainable community set out within the City Strategy. On that basis, there will be no requirement to obtain a specific consent from the Secretary of State for the grant of the proposed lease to Site Gallery.

## **7.0 EQUALITY OF OPPORTUNITY**

7.1 There are no direct equality impacts arising out of the decisions to be made in this report.

7.2 Site Gallery have a commitment to equal opportunities for all visitors and staff and it is their intention that the development captures social and educational opportunities. Site ensure that all exhibitions have a range of interpretative material; that the exhibition text is available in large print and can also be made available in braille / audio tape.

## **8.0 ENVIRONMENTAL SUSTAINABILITY**

8.1 There are no direct environmental sustainability issues arising out of the decisions to be made in this report.

8.2 The Council will use its powers as both statutory planning authority and as landlord in approving any proposals to ensure that the redevelopment is as environmentally sustainable as economically possible. The refurbishment will significantly improve the current environmental performance of the building and will be carried out to achieve a BREEAM rating of Very Good.

## **9.0 HUMAN RIGHTS ISSUES**

9.1 There are no human rights implications arising from these proposals.

## **10.0 CONSULTATION**

10.1 It has not been considered necessary to carry out specific consultation on these proposals

## **11.0 ALTERNATIVE OPTIONS**

11.1 The unit which it is proposed to lease to Site forms part of the AVEC building part of which is above the Sheffield Archives and in other places is closely linked to the recording studios behind. It is therefore extremely difficult to sell or grant a very long term interest in the property.

11.2 The property was almost completely vacant for several years after SIF went into administration as it proved difficult to find tenants prepared to take the property on in its poor condition. If the property was not to be leased to Site then it could be marketed but it is felt that any potential tenants would require a significant rent free period; would not attract the level of investment available from ACE and would be very unlikely to achieve the same cultural and economic benefits as the proposed lease to Site.

## **12.0 REASONS FOR RECOMMENDATIONS**

12.1 The proposed expansion of Site Gallery will be a major boost for the cultural attraction of the city centre and the CIQ in particular. This has wider economic benefits in terms of making the city an exciting place to locate and

attract talented staff for businesses in the creative and digital industries which is a key growth area.

12.2 The proposal to grant a lease for 22 years at a peppercorn rent will unlock a grant from the Arts Council of just under £1m towards a £1.7m project. The refurbishment of the property will benefit a Council owned asset which is currently in a poor state of repair.

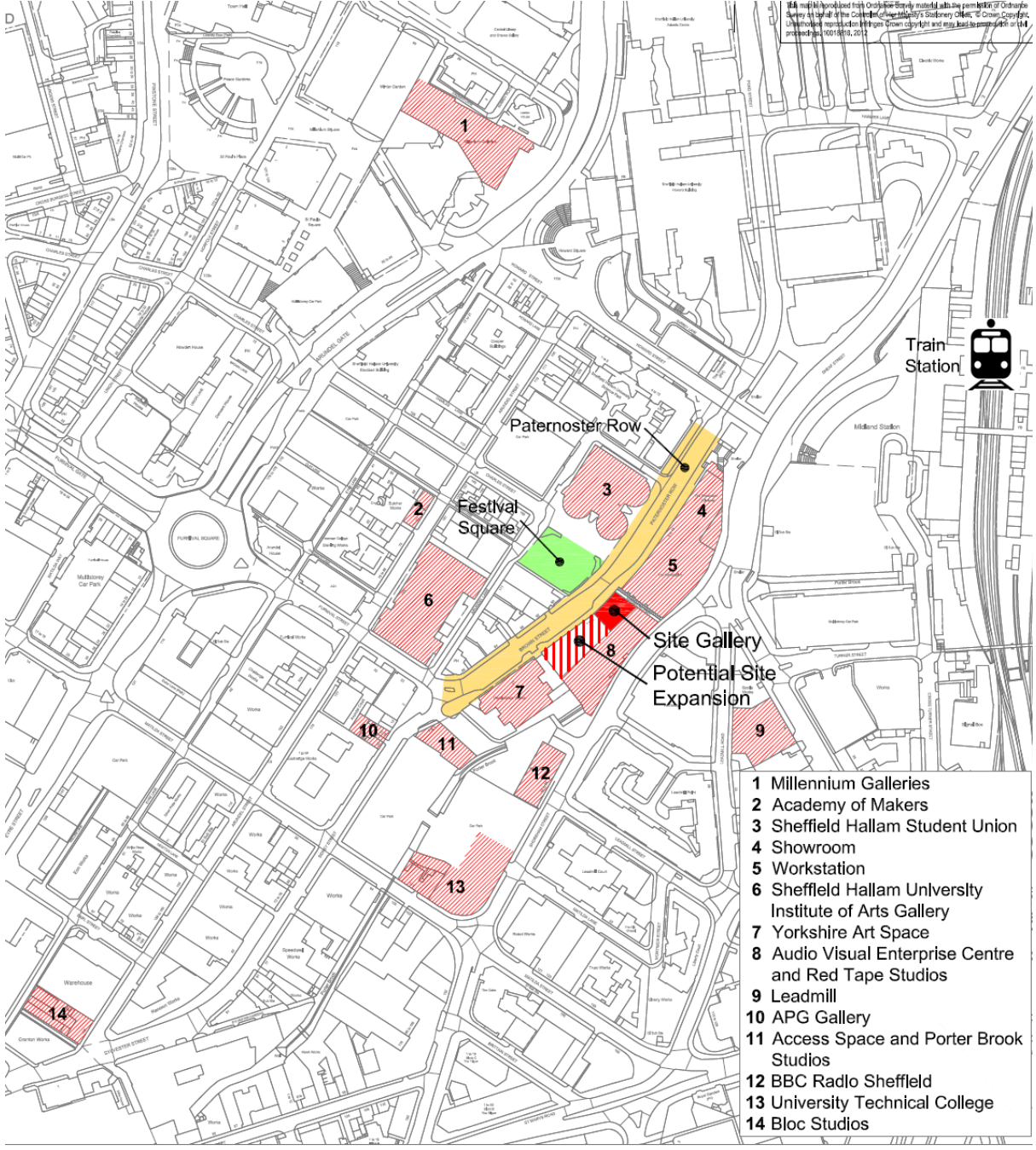
### **13.0 RECOMMENDATIONS**

13.1 That Cabinet approves the proposals to enter into the agreement to grant a lease of property at Brown St to Site Gallery on the terms set out in this report.

13.2 That Cabinet delegate authority to the Executive Director Place in consultation with the Director of Capital and Major Projects and the Director of Legal and Governance to agree the terms of the documentation required to effect this transaction

13.3 That the Director of Legal and Governance be authorised to complete such legal documentation as she considers necessary or appropriate in connection with this transaction on such terms as she may agree to give effect to the proposals set out in this report and generally to protect the Council's interests

**Simon Green Executive Director Place**



- 1 Millennium Galleries
- 2 Academy of Makers
- 3 Sheffield Hallam Student Union
- 4 Showroom
- 5 Workstation
- 6 Sheffield Hallam University  
Institute of Arts Gallery
- 7 Yorkshire Art Space
- 8 Audio Visual Enterprise Centre  
and Red Tape Studios
- 9 Leadmill
- 10 APG Gallery
- 11 Access Space and Porter Brook  
Studios
- 12 BBC Radio Sheffield
- 13 University Technical College
- 14 Bloc Studios



## Cabinet Report

<b>Report of:</b>	<b>Simon Green</b>
<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>11<sup>th</sup> November 2015</b>
<b>Subject:</b>	<b>Proposed Lease of Land at Charles Street</b>
<b>Author of Report:</b>	<b>Neil Jones 2735539</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Reason Key Decision:</b>	<b>N/A</b>

### Summary:

The report seeks authority to grant a lease to Sheffield Hallam University of an underused area of open space in the city centre in order to secure investment from the university in improving the quality of the open space and more active promotion of events on the space. The university will also take over the future maintenance of the space with revenue savings to the Council. This investment is one of a series of proposals which will add to the cultural attraction and reinvigoration of the CIQ and city centre

### Reasons for Recommendations:

The proposed improvements to this open space and its use for far more events, alongside other investments in the area, will be a major boost for the attraction of the city centre and the CIQ in particular. This has wider economic benefits in terms of making the city an exciting place to locate and attract talented staff for businesses in the creative and digital industries which is a key growth area. It also adds to the high quality of open spaces in the city centre making it a more pleasant place to live.

The proposal to grant a lease for 25 years will unlock an investment from SHU approximately £400,000 and will remove a maintenance liability from the Council of approximately £1,000pa. The refurbishment of the land will benefit a Council owned asset which is currently in a poor state of repair.

### Recommendations:

1 That Cabinet notes the investment and approves the proposals to enter into the lease of land at Charles St to Sheffield Hallam University on the terms set out in this report.

2 That Cabinet delegate authority to the Executive Director Place in consultation with the Director of Capital and Major Projects and the Director of Legal and Governance to agree the terms of the documentation required to effect this transaction

3 That the Director of Legal and Governance be authorised to complete such legal documentation as she considers necessary or appropriate in connection with this transaction on such terms as she may agree to give effect to the proposals set out in this report and generally to protect the Council's interest

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**Background Papers: None**

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**Category of Report: OPEN**

**If CLOSED add 'Not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).'**

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\* Delete as appropriate



## Statutory and Council Policy Checklist

<b>Financial Implications</b>
YES Cleared by: Paul Schofield
<b>Legal Implications</b>
YES Cleared by: David Blackburn
<b>Equality of Opportunity Implications</b>
NO :
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human Rights Implications</b>
NO
<b>Environmental and Sustainability implications</b>
NO
<b>Economic Impact</b>
NO
<b>Community Safety Implications</b>
NO
<b>Human Resources Implications</b>
NO
<b>Property Implications</b>
YES Cleared by: Nalin Seneviratne
<b>Area(s) Affected</b>
City Centre
<b>Relevant Cabinet Portfolio Lead</b>
Cllr Sioned-Mair Richards
<b>Relevant Scrutiny Committee</b>
<b>Is the item a matter which is reserved for approval by the City Council?</b>
NO
<b>Press Release</b>
NO

**PROPOSED LEASE OF LAND AT CHARLES STREET**

**1.0 SUMMARY**

- 1.1 The report seeks authority to grant a lease to Sheffield Hallam University of an underused area of open space in the city centre in order to secure investment from the university in improving the quality of the open space and more active promotion of events on the space. The university will also take over the future maintenance of the space with revenue savings to the Council. This investment is one of a series of proposals which will add to the cultural attraction and reinvigoration of the CIQ and city centre
- 1.2 In order to secure the investment from the university the Council is being asked to support the project by granting the lease at a peppercorn rent.

**2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE**

- 2.1 The grant of the lease to the university will unlock investment which will greatly improve the quality of the this open space for the benefit of the whole population of Sheffield.
- 2.2 The proposed Events Policy will encourage activities to take place here both for the university and during festivals such as Tramlines and DocFest

**3.0 OUTCOME AND SUSTAINABILITY**

- 3.1 The proposed improvements to this open space and its use for far more events, alongside other investments in the area, will be a major boost for the attraction of the city centre and the CIQ in particular. This has wider economic benefits in terms of making the city an exciting place to locate and attract talented staff for businesses in the creative and digital industries which is a key growth area. It also adds to the high quality of open spaces in the city centre making it a more pleasant place to live.
- 3.2 The open space is currently in a poor condition relative to the generally high quality spaces in the city centre. The improvements will include more landscaping and planting which will have environmental benefits in addition to being a more attractive space.

**4.0 BACKGROUND**

- 4.1 The City Council is the owner of a small area of open space at Charles Street/Paternoster Row in the Cultural Industries Quarter (CIQ) shown on the attached plan. This was originally laid out as an open space at the time of the development of the National Centre for Popular Music but it is currently under used and in a poor condition relative to most of the other public spaces in the city centre.

- 4.2 There are over 300 companies in the CIQ, most of which are connected to creative or cultural industries, including film-making, music production, software design, broadcasting, new media, architecture, art and traditional crafts. The area also includes the city centre campus of Sheffield Hallam University (SHU) and an increasing residential community which includes a large number of students but also non-students. Despite its success as a trail-blazing example, there is now a consensus that the CIQ has lost ground to similar clusters of creative businesses and activity in other cities and that it needs to refresh and update both its cultural and commercial offer and public space for a growing resident and business population.
- 4.3 SHU are currently investing heavily in their city centre campus on both new buildings and public realm. The open space is opposite the Student Union building and SHU wish to see this space improved and have identified approximately £400,000 in funding to facilitate this and will thereafter maintain it in return for the right to have exclusive use of the space for an agreed number of events each year. Planning permission for the improvements was granted earlier this year.
- 4.4 Terms have been agreed in principle to grant SHU a 25 year lease of the land. SHU will carry out the improvement works in accordance with the approved planning permission and use all reasonable endeavours to complete the works within 6 months of commencement.
- 4.5 The Council and SHU are to agree an Events Policy which will be annexed to the lease. The policy will set out the basis upon which organised events will be permitted to take place upon the land; the maximum number of events each year and the criteria whereby organisations other than SHU will also be able to hold events. Other than when an event is being held the land is to be used solely as an open space freely available for use by the general public with no restrictions upon such use and enjoyment by the general public.
- 4.6 A report also on the agenda of this meeting of Cabinet sets out proposals to grant a lease of the former Sheffield Independent Film premises opposite the square to Site Gallery for a major expansion of the gallery mainly funded mainly by the Arts Council. The Council is also currently marketing the Porter Brook site in the CIQ for a new mixed use development and carrying out works to create a new pocket park and enhancements to the river on that site. This combination of investments and activity will all play an important part in reinvigorating the CIQ and its attractiveness to businesses, visitors and residents.

## **5.0 FINANCIAL AND PROPERTY IMPLICATIONS**

- 5.1 The land has not been openly marketed as it is extremely unlikely that another organisation would have the funding or wish to invest and maintain the open space and continue to allow free public access at virtually all times. The lease will restrict the use to these purposes. This is also a planning requirement and therefore there would not be a market rental value for a lease on these terms.

5.2 SHU clearly see some value to the university from the proposals as it improves the setting of their city centre campus which helps them to attract students in an increasingly competitive environment. However this cannot be quantified in financial terms and SHU would not be willing to invest the money which they are going to spend to improve and maintain the space for free use by the public at virtually all times if they were also required to pay a rent to the Council.

5.3 The proposed investment will greatly improve the quality and increase the use of the open space at no cost to the Council and relieve the current maintenance costs of £1,000pa. The improvement works will play an important part in the strategy to increase activity and refresh the wider Cultural Industries Quarter as identified in the City Centre Masterplan.

## **6.0 LEGAL IMPLICATIONS**

6.1 As stated at paragraph 5.1 there is not considered to be a market value for a lease to be granted on the terms proposed and so the disposal to SHU is not being granted at an undervalue.

6.2 As the square is currently a public open space and the proposed lease is for over seven years the disposal will need to be advertised in accordance with the requirements of S123 (2A) of the Local Government Act 1972. Consideration will need to be given to any objections made to the proposed disposal.

## **7.0 EQUALITY OF OPPORTUNITY**

7.1 There are no direct equality impacts arising out of the decisions to be made in this report.

## **8.0 ENVIRONMENTAL SUSTAINABILITY**

8.1 There are no direct environmental sustainability issues arising out of the decisions to be made in this report. The proposed improvements and landscaping will have environmental benefits in addition to being a more attractive place

## **9.0 HUMAN RIGHTS ISSUES**

9.1 There are no human rights implications arising from these proposals.

## **10.0 CONSULTATION**

10.1 Officers from the Council and SHU have held consultations with existing businesses, cultural establishments and other stakeholders in the CIQ in respect of the proposals and these have been very well received.

10.2 As stated at paragraph 3.4 the proposal to grant a lease of over seven years will need to be advertised in accordance with S123(2A) Local

Government Act 1972. Consideration will need to be given to any objections made to the proposed disposal.

## **11.0 ALTERNATIVE OPTIONS**

11.1 The Council could simply do nothing and leave the open space as it is which would have little benefit and it would continue to be poorly used.

11.2 Alternative sources of funding could be sought to carry out the improvements but such funding is limited and if it was possible to secure any then that would be at the expense of other schemes. Whereas by utilising the investment from the university it is hoped to use this as match to drawdown further funding for improvements in this part of the city centre.

## **12.0 REASONS FOR RECOMMENDATIONS**

12.1 The proposed improvements to this open space and its use for far more events, alongside other investments in the area, will be a major boost for the attraction of the city centre and the CIQ in particular. This has wider economic benefits in terms of making the city an exciting place to locate and attract talented staff for businesses in the creative and digital industries which is a key growth area. It also adds to the high quality of open spaces in the city centre making it a more pleasant place to live.

12.2 The proposal to grant a lease for 25 years will unlock an investment from SHU approximately £400,000 and will remove a maintenance liability from the Council of approximately £1,000pa. The refurbishment of the land will benefit a Council owned asset which is currently in a poor state of repair.

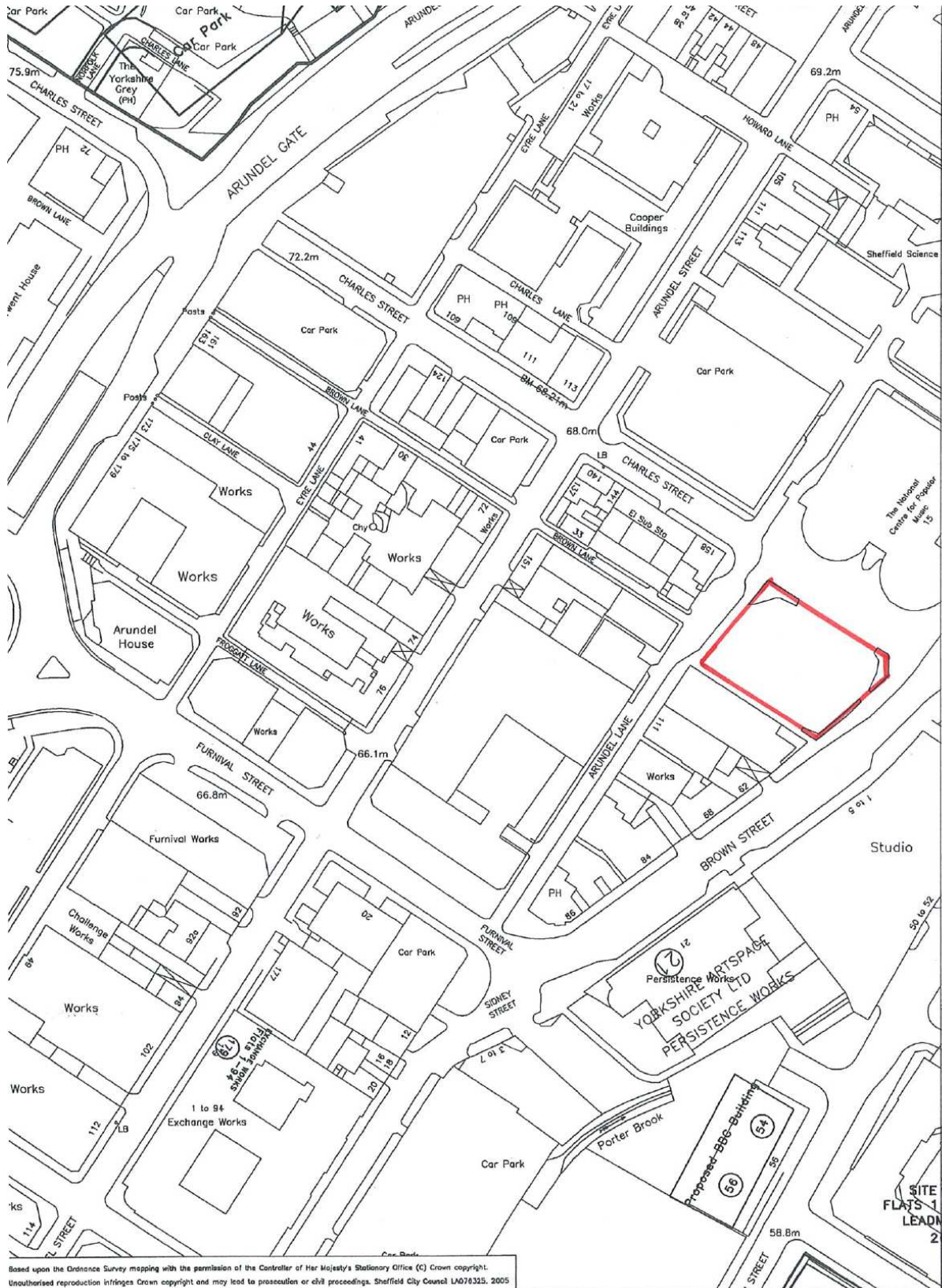
## **13.0 RECOMMENDATIONS**

13.1 That Cabinet notes the investment and approves the proposals to enter into the lease of land at Charles St to Sheffield Hallam University on the terms set out in this report.

13.2 That Cabinet delegate authority to the Executive Director Place in consultation with the Director of Capital and Major Projects and the Director of Legal and Governance to agree the terms of the documentation required to effect this transaction

13.3 That the Director of Legal and Governance be authorised to complete such legal documentation as she considers necessary or appropriate in connection with this transaction on such terms as she may agree to give effect to the proposals set out in this report and generally to protect the Council's interests

**Simon Green Executive Director Place**





## SHEFFIELD CITY COUNCIL

### Cabinet Report

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**Report of:** Executive Director, Place

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**Report to:** Cabinet

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**Date:** 11<sup>th</sup> November 2015

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**Subject:** Gambling Act 2005 - Statement of Principles (Policy)

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**Author of Report:** Shimla Finch

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**Key Decision:** YES

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**Reason Key Decision:** Affects 2 or more wards

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**Summary:**

The report sets out the details of the revised Statement of Principles (Policy) to be published under the Gambling Act 2005 and details of the consultation process that has been undertaken.

The report seeks approval on the final version of the Statement of Principles (policy) and for it to be referred to Full Council.

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**Reasons for Recommendations:**

To comply with the Council's statutory obligations and in doing so promote the Council's Corporate Plan and support the Council's vision.

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**Recommendations:**

That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on 2<sup>nd</sup> December 2015.

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**Background Papers:**

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**Category of Report:** OPEN

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
NO Cleared by: Anna Sanderson
<b>Legal Implications</b>
YES Cleared by: Marie-Claire Frankie
<b>Equality of Opportunity Implications</b>
NO Cleared by: Annemarie Johnston
<b>Tackling Health Inequalities Implications</b>
NO Cleared by: N/A
<b>Human Rights Implications</b>
NO Cleared by: N/A
<b>Environmental and Sustainability implications</b>
NO Cleared by: N/A
<b>Economic Impact</b>
NO Cleared by: N/A
<b>Community Safety Implications</b>
NO Cleared by: N/A
<b>Human Resources Implications</b>
NO Cleared by: N/A
<b>Property Implications</b>
NO Cleared by: N/A
<b>Area(s) Affected</b>
Whole of the City
<b>Relevant Cabinet Portfolio Lead</b>
Councillor Leigh Bramall
<b>Relevant Scrutiny Committee</b>
None
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press Release</b>
NO



## **REPORT OF THE EXECUTIVE DIRECTOR, PLACE**

### **GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES (POLICY)**

#### **1.0 SUMMARY**

- 1.1 The report sets out the details of the revised Statement of Principles (Policy) to be published under the Gambling Act 2005 and details of the consultation process that has been undertaken.
- 1.2 The report seeks approval on the final version of the Statement of Principles (policy) and for it to be referred to Full Council.
- 1.3 The report also gives background information as to the legal requirement to have a Statement of Principles (Policy).

#### **2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE**

- 2.1 The policy will assist the Licensing Service in administering and enforcing the Gambling Act in accordance with the promotion of the three licensing objectives:

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

- 2.2 The Statement of Principles (policy) will assist the Council in achieving the priorities outlined in the Corporate Plan 2015–2018 and focuses on helping people who live, work, learn and visit our city to enjoy what Sheffield has to offer as detailed below:

##### **2.2.1 An in touch organisation**

The Licensing Authority will listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield by ensuring we are:

- Intelligent – making full use of information to inform decision making and drive service improvement
- Efficient – continually strive to provide value for money improving quality and outcomes

##### **2.2.2 Strong Economy**

As a Licensing Authority, we will contribute to help achieve our economic potential, be well connected, with skilled individuals and assist businesses by ensuring we have:

- Vibrant City – help get the right mix of business leisure and retail
- Distinctive cultural and sporting assets – assist in delivering and maintaining these venues
- Support and develop the licensed business sector and build

relationships with businesses to encourage jobs and growth in the city

### **2.2.3 Thriving Neighbourhoods and Communities**

As a Licensing Authority, we will assist people to have a good quality of life and feel proud and safe of where they live by:

- Assisting in improving community safety by reducing antisocial behaviour.
- Recognises the needs of residents within the city for a safe and healthy environment, in which people want to live, learn, work, invest and visit and ensuring the policy recognises this.
- Ensuring licensees understand the importance of safe well run premises.
- Help local businesses provide well run and appropriate licensed activity.

### **2.2.4 Better Health and Wellbeing**

The Licensing Authority will promote good health, and assist in preventing and tackling ill health:

- Provide information and education around the impact of alcohol and gambling.
- Whilst promoting inclusive, vibrant, thriving neighbourhoods and communities and supporting businesses the Licensing Authority will work closely with external partners to support the improvement of better health and wellbeing.
- The document recognises the need to protect children and the vulnerable from gambling addiction and gambling related harm etc. In this respect the Licensing Authority is working closely with the Safeguarding Children Service and other relevant Authorities in doing so.

### **2.2.5 Tackling inequalities**

Help invest in the most deprived communities and support individuals to help themselves

- By providing early help, listening and being responsive.
- Promote equality, diversity and inclusion
- Continue to work with Schools, Colleges and Universities to deliver education around licensing

2.3 The revision of the document means that we can improve the content and design in a way that assists us in achieving our aspiration to be ‘the best we can be – as individuals and communities, as a council and as a city’.

## **3.0 OUTCOME AND SUSTAINABILITY**

3.1 The expected outcomes are that:

- Sheffield City Council has an up-to-date and effective gambling policy.
- To provide applicants with a clear, consistent basis for submitting applications and notices in Sheffield.
- To provide a clear, consistent basis for determining licence

applications in Sheffield.

- Ensure the relevant views of those affected by licensed premises are taken into consideration.
- To support wider strategies of the City Council.
- The policy ensures that premises are well managed and that they integrate in to the local community.
- Children are protected from the potential harms of gambling;

3.2 Gambling premises are a significant part of the City's economy and the larger businesses such as bingo halls and casinos are a key part of the night time economy.

#### **4.0 BACKGROUND**

4.1 Section 349 (1) of the 2005 Act states:

“A licensing authority shall before each successive period of three years-

- (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- (b) publish the statement.”

4.2 Sheffield City Council's first Statement of Licensing Principles (Policy) was published on 2<sup>nd</sup> January 2007 and has then been revised every three years. The Licensing Authority has updated the policy as required under section 349 (1) of the 2005 Act and has followed the same process as it did when consulting with previous policies.

4.3 Revisions have been made in the policy following the changes in the Gambling Commissions 'Licence Conditions and Codes of Practice' (LCCP) which have strengthened the social responsibility aspects for operators.

4.4 The document has been produced in accordance with the 2005 Act; the guidance issued by the Gambling Commission and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

#### **5.0 WHAT THE POLICY DEALS WITH**

5.1 The policy deals with all forms of gambling that are governed by the Gambling Act 2005 these include:

- Casinos
- Betting Shops
- Adult Gaming Centres
- Family Entertainment Centres
- Gaming Machines in Licensed Premises
- Temporary Use Notices
- Occasional Use Notices
- Bingo Halls
- Tracks
- Lotteries
- Club Gaming Machines

- 5.2 The policy deals with all types of applications including the grant, variation and transfer of licences as well as the review of a licence.
- 5.3 The policy sets out how the Licensing Authority intends to deal with applications under the Gambling Act and is also a guide to applicants, residents, responsible authorities, interested parties and the Licensing Committee.
- 5.4 It will provide new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Gambling Act processes.
- 5.5 The Statement of Principles (Policy) allows the discretion of the Council and for every application to be dealt with individually on its merits.
- 5.6 Whilst the document assists the Licensing Authority in carrying out its functions in a socially responsible manner, the Statement of Principles (Policy) also states how it will secure the proper integration with local crime prevention, child protection, planning and any other plans introduced for the management of the city as a whole or each individual area.
- 5.7 There is a firm commitment within the document to avoid duplication with other regulatory regimes such as Planning, Health & Safety and Fire Safety Legislation.

## **6.0 CONSULTATION**

- 6.1 The formal consultation process for the Statement of Principles commenced on the 11<sup>th</sup> June 2015, and concluded at 5:00pm on the 14<sup>th</sup> August 2015.
- 6.2 Section 349 (3) of the 2005 Act states:

“In preparing a statement or revision under this section a licensing authority shall consult –

  - (a) either-
    - (i) in England and Wales, the chief officer of police for the authority’s area, or
    - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,
  - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area, and
  - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the authority’s functions under this act.”
- 6.3 Approximately 3,000 letters and emails (where possible) regarding the consultation have been sent out which include those bodies listed above

in paragraph 6.2.

- 6.4 The letters and emails have included a link to our website where the draft Statement of Principles (Policy) can be viewed. Consultee's had the option of contacting the Licensing Service for a hard copy of the Policy if they do not have internet access. Officers also attended public meetings.
- 6.5 The Licensing Authority has received a total of 9 responses to the public consultation.
- 6.6 Amendments have been made where appropriate to the draft policy in response to the comments received following Counsel advice.
- 6.7 It is to be noted that the revised Statement of Principles (Policy) has been fully reviewed by Philip Kolvin QC who is a specialist barrister in licensing law.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The work on the revision of the Statement of Principles (Policy) is a statutory duty placed upon us as the Licensing Authority and the work is undertaken within the current resources of the Licensing Service and the costs are fully recovered through licence fees under the Gambling Act 2005.
- 7.2 Therefore there are no additional financial and resource implications to the Council.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 Failure to formally review or consult on a Statement of Policy within the timescales required by the Gambling Act 2005, Regulations and Associated Guidance would mean that the council would not be complying with its statutory duty and would leave itself open to legal challenge.
- 8.2 If the revised document referred to within this report is approved by full Council in December then the Council as the Licensing Authority have fulfilled its statutory duties.

## **9.0 ENVIRONMENTAL IMPLICATIONS**

- 9.1 There are no environmental implications arising from this report. The consultation has been carried out generally through electronic means where possible and the draft document was also available electronically.
- 9.2 The Statement of Principles (Policy) when approved will be available to download from the Councils website.

## **10.0 EQUALITY OF OPPORTUNITY IMPLICATIONS**

- 10.1 There is no equality of opportunity implications arising from this report. An

Equality of Impact Assessment has been prepared and retained.

**11.0 REASONS FOR RECOMMENDATIONS**

11.1 To comply with the Council's statutory obligations and in doing so promote the Council's Corporate Plan and support the Council's vision.

**12.0 RECOMMENDATIONS**

12.1 That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on 2<sup>nd</sup> December 2015.

Shimla Finch  
Licensing Strategy & Policy Officer  
September 2015

**SHEFFIELD CITY COUNCIL'S**  
**STATEMENT OF PRINCIPLES**  
**Gambling Act 2005**

**Draft Consultation Document**  
**V2**

# Contents

	<b>Page</b>
<b>Forward</b>	<b>3</b>
<b>Part 1</b>	<b>4 – 6</b>
<b>Part 2</b>	<b>7 – 9</b>
<b>Part 3</b>	<b>10 – 13</b>
<b>Part 4</b>	<b>14 – 17</b>
<b>Part 5</b>	<b>18 – 20</b>
<b>Part 6</b>	<b>21 – 23</b>
<b>Part 7</b>	<b>24 – 36</b>
<b>Part 8</b>	<b>37 – 44</b>
<b>Part 9</b>	<b>45 – 46</b>
<b>Part 10</b>	<b>47 – 49</b>
<b>Part 11</b>	<b>50 – 51</b>
<b>Part 12</b>	<b>52</b>
<b>Part 13</b>	<b>53 – 56</b>
<b>Appendix 1</b>	<b>57 – 61</b>
<b>Appendix 2</b>	<b>62</b>



## Foreword

The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling after its introduction in September 2007. It gave Local Authorities new and extended responsibilities, including licensing premises for gambling and transferred to Local Authorities' responsibilities for betting, gaming and bingo that previously lay with Local Licensing Justices.

Although, amongst other duties, the Gambling Commission is responsible for licensing operators and individuals who provide gambling and betting facilities. Sheffield City Council has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities such as registering small society lotteries.

Every Licensing Authority must develop, consult on and publish a Statement of its Licensing Principles. This Statement of Principles (Policy) sets out the principles which the Local Authority will apply in exercising its licensing functions under the Act.

The Council recognises how important this sector of the entertainment industry is within the city and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly with problems of gambling related crime and disorder.

This document sets out Sheffield City Council's Statement of Principles (Policy), which will guide the Licensing Committee when considering applications under the Gambling Act 2005 and aims to provide guidance to applicants, objectors, Responsible Authorities and all Interested Parties on the general approach to gambling in the City which also supports the Council's priorities:

- **An in touch organisation**
- **Strong economy**
- **Thriving neighbourhoods and communities**
- **Better health and wellbeing**
- **Tackling inequalities**

Although each and every application will be dealt with separately and on their own individual merits, the Council in writing this Statement of Principles (Policy) is offering guidance on the wider considerations that will be taken into account

## Part 1 – Overview

### 1.1 Key Definitions

The following terms are used frequently throughout this Statement of Principles (Policy) document:

<b>‘the Licensing Authority’</b>	refers to Sheffield City Council which carries out its functions as Licensing Authority under the Gambling Act 2005 in the Sheffield City boundary.
<b>‘the Council’</b>	refers to Sheffield City Council.
<b>‘Policy’</b>	refers to this Statement of Principles (Policy) as required under section 349(1) of the Gambling Act 2005.
<b>‘the Act’</b>	refers to the Gambling Act 2005.
<b>‘the Commission’</b>	refers to the Gambling Commission.
<b>‘Guidance to the Act’</b>	refers to the guidance issued by the Gambling Commission as required under section 25 of the Gambling Act 2005.
<b>‘Codes of Practice’ or ‘LCCP’</b>	refers to Licensed Conditions and Codes of Practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.

### 1.2 Scope of Licensing Policy

Under section 349 of the Gambling Act 2005, the Licensing Authority is required to publish a statement of principles which it proposes to apply when exercising its functions under the Act at least every three years.

The aim of this Policy is to promote the following Licensing Objectives: -

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

This document should be read in conjunction with the Gambling Act 2005, the guidance issued by the Gambling Commission and the three Licensing Objectives.

The purpose of the licensing policy is to:

- provide applicants with a clear, consistent basis for submitting applications and notices in Sheffield;
- provide a clear, consistent basis for determining licence applications in Sheffield;
- ensure the relevant views of those affected by licensed premises are taken into consideration;
- ensure local area issues are taken into account by licensed premises; and
- support wider strategies of the City Council and the approach to gambling in the city

This Policy is not intended to limit the power or fetter the discretion of the Licensing Committee who will listen to and determine on its own individual merits any application placed before it.

### 1.3 Summary of matters dealt with in this statement

This introductory section is included in accordance with Regulation 4 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, and as required by that provision it summarises the matters dealt with under Sheffield City Council’s Statement of Principles.

Part 1, Section 1.4 contains a description of the geographical area in respect of which this Licensing Authority exercises its functions under the Act as required under Regulation 4.

Part 1, Section 1.5 states whom the Authority has consulted in preparing this Statement of Principles and required under Regulation 4.

The remainder of Part 1 details the scope; the monitoring and review of this Statement.

Part 2, Section 2.6 details the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act. This is detailed as a separate section to comply with Regulation 5.

Part 3 details the Authority's legal obligations and how the Authority will deal with the Gambling Act whilst adopting a multi-disciplinary approach to the integration of local and national strategies.

Part 4 of this Statement details the licensing objectives in more detail.

Part 5 deals with the Council's policy on location, area profiling and risk assessments.

Part 6, Section 6.2 details the principles to be applied by the Authority in exercising the powers under section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. This is detailed as a separate section to comply with Regulation 5.

Part 6, Section 6.4 sets out the principles to be applied by the Authority in exercising the powers under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence, or an application for, or in respect of a premises licence. This is detailed as a separate section to comply with Regulation 5.

Parts 7 and 8 details the authorisations available under the Gambling Act 2005 which include our local standards (policy) relevant to the specific types authorisation.

Part 11, Section 11.1 details the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified in that section. This again is detailed as a separate section to comply with Regulation 5.

## **1.4 The Sheffield Area**

Sheffield is one of England's largest cities and a metropolitan borough in South Yorkshire, England. The city has grown from largely industrial roots to encompass a wide economic base.

Sheffield is located fairly centrally in Britain in the metropolitan county of South Yorkshire. Lying directly to the east is Rotherham, from which it is separated by the M1 motorway. On its northern border is Barnsley Metropolitan Borough and to the south and west is the county of Derbyshire. Sheffield is the only city to include part of a national park, the Peak District, within its borders.

With a population of 551,800, the City of Sheffield is England's third largest metropolitan authority.

Sheffield benefits from a rich mix of cultural diversity and is fast becoming one of the leading cities for the provision of a wide variety of entertainment and cultural activities.

Sheffield is at the cutting edge of new technology, with two internationally renowned universities, a city of young people which continues to grow in population, a friendly place with vibrant and friendly communities, a thriving city centre, and beautiful parks and green open spaces.

The below map shows Sheffield's boundary:



## 1.5 Consultation

The Licensing Authority is committed to consulting with as wide and varied an audience as possible regarding this and any future Policies or any amendments in accordance with the Gambling Act 2005.

Under section 349(3) the Licensing Authority must in any case consult with the following: -

- the Chief Officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005.

A list of all those persons consulted is attached at Appendix 2.

## 1.6 Monitoring and Review of this statement

This statement must be published at least every three years and will be reviewed and revised from time to time, subject to consultation on those parts that are revised and the statement then will be re-published.

This Statement of Principles will have effect from January 2016.

## Part 2 – General Principles

### 2.1 A summary of process

This Licensing Authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant codes of practice issues by the Gambling Commission under section 24;
- in accordance with any relevant guidance issued by the Gambling Commission under section 25;
- reasonably consistent with the licensing objectives; and
- in accordance with this Statement of Principles (policy).

Nothing in this Statement of Policy will:

- prevent any person from applying under the Gambling Act 2005 for any of the permissions and from having that application considered on its own individual merits; and
- prevent any person or stop any person from making representations on any application or from seeking a review of a licence or certificate where the Gambling Act 2005 permits them to do so.

The Licensing Authority will regulate gambling in the public interest and cannot take into account whether there is an unfulfilled demand for gambling facilities. Each application will be considered on its own individual merits without regard to demand.

### 2.2 Promotion of the licensing objectives

In exercising their functions under the Gambling Act 2005, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives 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 Licensing Authority expects applicants to offer their own measures to meet the licensing objectives. Neither demand nor moral objections will be taken into account when determining applications. Further information regarding the licensing objectives can be found at Part 4 of this Statement of Principles.

### 2.3 The Functions of the Licensing Authority

'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

Licensing Authorities are required under the Gambling Act 2005 to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- issue Provisional Statements;
- regulate members' clubs and miners' welfare institutes who 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) for use of two or fewer gaming machines;
- issue Licensed Premises Gaming Machine Permits for premises licensed to sell / supply alcohol for consumption on the licensed premises (under the Licensing Act 2003), where there are more than two machines;
- register small society lotteries;
- issue Prize Gaming Permits;
- receive and endorse Temporary Use Notices;

- receive Occasional Use Notices;
- provide information to the Gambling Commission regarding details of licences (see section 2.6 of this policy on “Exchange of Information”); and
- maintain registers of the permits and licences that are issued under these functions.

## 2.4 Applications

The Act places a duty on the Licensing Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:

- the Codes of Practice,
- the Commission’s Guidance,
- this Statement of Principles; and
- where the application is reasonably in accordance with the licensing objectives.

As these are the criteria against which an application is to be assessed, representations which address these issues are more likely to be accepted and given weight.

Applicants are advised to take into account the above when applying to the Licensing Authority.

This Statement of Principles will not override the right 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.

Forms and notices relevant to activities within the Licensing Authority’s remit are available from the Licensing Service at the address given in at Part 13.

## 2.5 Fees

The Licensing Authority will set fees for premises licences from within fee bands prescribed by Regulation. Each premises type will have separate fee bands. The fees once set will be reviewed to ensure that the fees cover the costs of administering the Act.

A list of current fees can be obtained from our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing) or from the Licensing Service, contact details can be found at Part 13.

## 2.6 Exchange of information

Licensing Authorities are required to include in their Statement of Principles (Policy) the principles to be applied in exercising their functions under Sections 29 and 30 of the Act.

The principles are in respect of the exchange of information between the Licensing Authority and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between the Licensing Authority and those persons listed in Schedule 6 to the Act.

The Licensing Authority will apply the general principle of dealing with any exchange of information in accordance with the provisions of the Gambling Act 2005 and in accordance with the provisions of the Data Protection Act 1998.

Any information supplied must only be used for the purposes for which it is obtained, it must be securely retained whilst in the possession of the party that has requested it, and must be securely disposed of when no longer required. It must not be further transmitted to a third party without the consent of the original authority that supplied the information.

The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## 2.7 Duplication

The Licensing Authority will so far as possible avoid duplication with other regulatory regimes.

The grant of a licence does not imply the approval of other legislative requirements.

## **2.8 Departure from Policy**

The Licensing Authority may depart from this Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives and fairness. In the event of departure from this Policy the Licensing Authority will give full reasons for the decision to do so. (i.e. each case will be dealt with upon its own individual merits).

Any advice about this Policy and general advice about the Gambling Act 2005 can be obtained from the Licensing Service, see contact details at Part 13.

Please Note: The Licensing Service will be unable to give legal advice on the Gambling Act 2005. Any legal advice should be obtained from their own Solicitor or Legal Advisor.

## Part 3 – Integrating Strategies

There are a number of statutory provisions which apply to every action the Council takes as a public authority, including the work it undertakes in its capacity as the Licensing Authority. These include, for example:

- duty to have regard to the interest of Sheffield's tax payers;
- its Human Rights Act obligations;
- its duty to have due regard to the need to promote race equality (including the Equality Act 2010) and to the need to eliminate unlawful race discrimination and the statutory obligations in relation to disability age and gender.

The Council is committed to fulfilling all of its obligations when exercising licensing functions and will consider the use of its full range of powers in order to do so.

As well as the above legal obligations, the Licensing Authority is committed to ensure proper integration of local and national strategies to promote the Licensing Objectives

Sheffield's Statement of Principles (Policy) will work alongside existing Council strategies (e.g. local crime prevention, planning, transport, tourism, culture strategy and protection of children and vulnerable persons) and the Licensing Authority will ensure continuing co-ordination and integration of these policies to include the setting up of separate working groups.

Any developers and/or individuals that are looking to start a business in Sheffield that requires licensing are encouraged at the outset to consider the policies of all Council Services that are in place that may affect their business proposals. A good example of this is the many planning policies that are in place to assist you when considering investing in the City. Information about all these policies and many more can be found on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk).

It is essential that applicants are aware of and have regard in their risk assessments to these policies and strategies (including those that may not be listed) when considering making an application.

### 3.1 Sheffield City Councils' 'Corporate Plan 2015-2018'

The Corporate Plan sets out the overall direction and priorities of the Council for the next three years and focuses on helping people who live, work, learn and visit our city to enjoy what Sheffield has to offer.

The plan is structured around the five priorities of the administration that capture our long term ambitions for Sheffield:

1. **An in touch organisation**
2. **Strong economy**
3. **Thriving neighbourhoods and communities**
4. **Better health and wellbeing**
5. **Tackling inequalities**

In relation to the Gambling Act, the main priorities operators should focus on is 'Strong Economy' and 'Thriving neighbourhoods and Communities'

#### **Strong Economy:**

"A strong economy means creating the conditions for local businesses to grow and making Sheffield an attractive location to start a business. We want Sheffield to achieve our economic potential and for the pace of Sheffield's economic growth to quicken, particularly in the private sector. This means being well-connected, both physically and digitally, building on our success as a city that supports businesses to grow and playing a full, distinctive role in the global economy. We want local people to have the skills they need to get jobs and benefit from economic growth; and to make the most of the distinctive things Sheffield has to offer, such as cultural and sporting facilities"

As a Licensing Authority, we will contribute to help achieve our economic potential, be well connected, with skilled individuals and assist businesses by ensuring we have:

- Vibrant City – help get the right mix of business leisure and retail
- Distinctive cultural and sporting assets – assist in delivering and maintaining these venues



### Thriving neighbourhoods and communities

“This means neighbourhoods where people are proud to live, with communities that support each other and get on well together. We want people living in Sheffield to feel safe and will continue to join with other agencies in the city to make it easier for local people and communities to get involved, so we can spot and tackle issues early.”

As a Licensing Authority, we will assist people to have a good quality of life and feel proud and safe of where they live by:

- Assisting in improving community safety by reducing antisocial behaviour

Applicants should have regard to this plan to link in their business with the direction of this City.

This Corporate Plan assists in contributing to the delivery of the following City Strategy.

## 3.2 The Sheffield City Strategy 2010-2020

Sheffield First Partnership brings together the public, private, voluntary, community and faith sectors to work together to make Sheffield a successful city. In doing so a City Strategy was produced which outlines a vision for Sheffield by the year 2020.

The vision is

***‘It’s 2020: Sheffield is a city of global significance, distinctive, successful, inclusive, vibrant and sustainable. A great city, where people from across the world want to live, learn, work, invest and visit’.***

**In order to reach this vision, the strategy looks to focus on delivering five key ambitions for Sheffield:**

1. **Distinctive;** celebrating and communicating to people across the world the distinctive and authentic character of Sheffield, what the city has to offer and the sense of pride local people have in the city and its communities.
2. **Successful;** building a strong, internationally successful local economy, working with our partners within Sheffield City Region to ensure that local industry and businesses trade with companies from across the world.
3. **Inclusive;** a city which ensures that everyone has a chance to succeed and fulfil their potential, and where people feel welcomed, valued and can fully participate in the life of the city.
4. **Vibrant;** celebrating the diversity, creativity, energy and innovation in Sheffield and ensuring that the city continues to be an international destination of choice, offering the highest quality cultural, shopping and sporting activities.
5. **Sustainable;** a city where everyone plays their part to ensure that future generations can enjoy the city and its surrounding areas, and that Sheffield plays a role on the international stage in protecting our environment.

Particular attention should be focused by operators to promote and support the key ambitions of being ‘**successful**’ and ‘**vibrant**’ in relation to this policy.

## 3.3 Safer and Sustainable Communities Partnership Plan 2014/17

This plan takes its lead from the Sheffield City Strategy 2010-2020 and is written by the city’s Community Safety Partnership who has statutory responsibilities established under the Crime and Disorder Act 1998.

The partnership has a legal responsibility to produce a plan to tackle crime, anti-social behaviour and drug and alcohol misuse.

This plan is linked into the Police and Crime Commissioner plan with their priorities being :

- Protecting vulnerable people
- Tackling crime and anti-social behaviour
- Enabling fair treatment

The Licensing Authority supports such plans to reduce crime and disorder in local communities and protecting the vulnerable.

### 3.4 Sheffield Alcohol Strategy

The Sheffield Alcohol Strategy is a strategic document to guide the city's response to alcohol use which would link into some gambling licensed premises.

The 2010-2014 Sheffield Alcohol Strategy had an overall vision which focused alcohol work in the city. This vision was

- A responsible drinking culture is present and drinking is a positive, rather than damaging, aspect of social interaction;
- Alcohol is a positive part of the city entertainment offer and contributes to a vibrant economy, within both the city centre and neighbourhoods;
- Harm from alcohol is minimised through agencies and communities working effectively together to achieve cultural change in how alcohol is perceived and used.

The 2016-2020 strategy addresses five broad themes relating to alcohol in order to provide a wide reaching approach to alcohol use and misuse in the city. The five themes are:

1. Alcohol and Health
2. Alcohol, Treatment and Recovery
3. Licensing Trading Standards and the night time economy
4. Alcohol and Crime
5. Community responses and vulnerable groups

The Licensing Authority supports such strategies and plans for a safe and sustainable night time economy. To assist; licence holders should encourage access to information on drug and alcohol treatment services and domestic abuse services in regards to financial abuse.

Further information and website details for DACT can be found at Part 13 of this document.

### 3.5 Culture Strategy

Sheffield's Culture Strategy is a direct follow on from Sheffield's 2010 UK City of Culture bid. It stakes our claim to be a city of culture with creativity at the heart of everything we do.

### 3.6 Sheffield City Centre Master Plan

The City Centre Master plan outlines how the Council will take forward the regeneration of Sheffield City Centre. The Master plan sets out the vision for the city centre, with a focus on retail, economy and sustainability. It will guide future regeneration and will therefore have a large impact on the future shape of the city centre.

Applicants who wish to apply or vary their licenses are recommended to take into the master plan.

### 3.7 Accessible Sheffield

Sheffield City Council are working collaboratively and in partnership with Disabled Go, Disability Sheffield and Nimbus Disability to support the ambitions of Sheffield to become an accessible and fairer city for all who live, work, study and or visit Sheffield.

The partnership is supporting the development and delivery of an exciting new city Access Guide and Access Card scheme.

Inclusive information is an integral part of tourism, disabled people nationwide are accountable for an £80billion annual spend so promoting accessibility is part of building a vibrant economy for the city and ensuring that all of the city's attractions are promoted and well used.

Through working in partnership the project aims to:

- Promote good practice in terms of access and service provision via the Credibility Quality Assurance Systems

- Encourage providers and businesses within the city to use the Access Card scheme to offer discounts via the card.

For further information, please contact The Centre for Independent Living Tel: 0114 253 6750.

### **3.8 GamCare**

GamCare is the leading national provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. Their services are confidential, non-judgemental and expert.

They provide training and materials to the gambling industry to improve social responsibility and player protection. These programs provide attendees with vital insights on how to recognise the signs of problem gambling behaviour and advice on how to interact with players to achieve a positive outcome.

The Licensing Authority recommends that licence holders support and are in partnership with GamCare.

### **3.9 Integration with Planning**

The Licensing Authority recognises that there should be a clear separation of the Planning and Licensing Functions. Licensing applications will not be a re-run of the planning application.

While there is no obligation for an applicant to have planning permission before applying for a licence, it is strongly recommended that planning use be obtained first so that proper consideration can be given to the impact the use of the premises will have on the surrounding amenities, character and locality.

Licence holders, applicants and businesses should take into account local planning policies and the new Local Plan when adopted to ensure they fit into with the requirements for the plans of the city.

Businesses are also reminded to keep up to date with changes in usage and planning permission requirements (e.g. betting shop usage).

### **3.10 The Sheffield Local Plan**

This will be the statutory development plan for Sheffield. It will set out the overall spatial strategy for Sheffield and contain development management policies to help achieve these aims. Until the Local Plan is adopted in 2018, the strategic and development management policies are those in the Core Strategy and Unitary Development Plan, respectively.

## Part 4 – Licensing Objectives

### 4.1 Objective 1: Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.

Anyone applying to the Licensing Authority for a premises licence will be required to hold an operating licence from the Gambling Commission before a licence can be issued. Therefore, the Licensing Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.

Sheffield City Council places considerable importance on the prevention of crime and disorder, and the Licensing Authority will fulfil its duty under the Crime and Disorder Act 1998. A high standard of control is therefore expected to be exercised over licensed premises.

### 4.2 Policy – Objective 1

The Licensing Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder or have any other impact in relation to this objective.

The following are considerations when determining this and would normally be expected to be in your risk assessments:

- The location of the premises (see location policy at Part 5)
- Whether the premises has a history of crime and disorder or has been associated with crime and/or disorder and whether there are potential future risks of this occurring (see location policy at Part 5).
  - The likelihood of any violence, public nuisance, public order or other crimes and policing problems if the licence was granted.
- The design, layout and fitting of the premises
  - Has it been designed to minimise conflict and opportunities of crime and disorder?
  - Physical security features installed in the premises. This may include matters such as the position of the cash registers or the standard of CCTV that is installed
- What sufficient management measures are proposed to promote this licensing objective and what other measures have been considered.
- Have local supporting strategies, schemes and plans been assessed and included in the risk assessments to promote this licensing objective? (see also Integrating Strategies at Part 3)
  - How are such plans and strategies supported by the applicant?
  - It is recommended that applicants seek advice from South Yorkshire Police when addressing this issue as well as taking in to account local Planning and Transport Policies, Tourism, Cultural and Crime Prevention Strategies. Information relating to crime reduction is available at the South Yorkshire Police website [www.southyorks.police.uk](http://www.southyorks.police.uk).

Conditions may be attached to Premises Licences in order to promote this licensing objective, and will, so far as possible, reflect local crime prevention strategies (also see conditions section 10.4).

All applicants will be expected to demonstrate to the satisfaction of the Licensing Authority how they intend to promote this objective

The steps to be taken to promote the objective will be a matter for each applicant to consider, depending upon the nature of the premises and the licensable activities for which a licence is sought. These steps will therefore differ from one premise to another and each application for a Premises Licence will be considered upon its own individual merits.

## Determining an opposed application

The Licensing Authority considers South Yorkshire Police to be the main source of advice on crime and disorder.

Attention will be given to the consideration provided in the application on the above factors.

Where an applicant has omitted information on the above, the Licensing Committee will ask questions of the applicant on such and will consider attaching appropriate conditions.

### 4.3 Objective 2: Ensuring that gambling is conducted in a fair and open way

This Licensing Authority has noted that the Gambling Commission states that it generally does not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. This is because this will usually be concerned with either the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

Licensing Authorities must consider factors relevant to any of the three licensing objectives.

The exception to the above is for occupiers of tracks who do not propose to offer gambling themselves. This means there will be more of a role for Licensing Authorities in this area which is explained in more detail in the 'tracks' section at 7.12.

### 4.4 Policy – Objective 2

The following are considerations when determining an application and would normally be expected to be in your risk assessments:

- Whether sufficient management measures are proposed to promote this licensing objective.
- The design, layout, lighting and fitting of the premises.
  - Has it been designed to ensure gambling is conducted in a fair and open way?
  - Physical security features installed in the premises. This may include matters such as the position and standard of CCTV that is installed
  - Separation of areas and adequate supervision
- Is the management and operation of the premises open and transparent?
  - Co-operation with enforcement agencies.
  - Ensuring correct protocols and procedures are in place to promote objective.
  - Compliance with the Gambling Commissions code of practice.

### 4.5 Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Act defines children as meaning an individual who is under 16 years old (persons under the age of eighteen are 'young persons'). The objective here is specific to protecting children from being harmed or being exploited by gambling.

The Licensing Authority will expect applicants to consider the measures necessary to promote this objective which includes preventing children and vulnerable people from being enticed to gamble or to take part in inappropriate gambling and how operators intend to prevent children from entering those gambling premises which are adult only environments.

The Licensing Authority is also aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition, but states that “it will for regulatory purposes assume that this group of people includes those who gamble more than they want to; those who gamble beyond their means; and those who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

#### 4.6 Policy – Objective 3

The following would normally be expected to be included and addressed in your risk assessments which in turn will be used in determining your application:

- The location of the premises (see location policy at Part 5) e.g.:
  - Are the premises located close to premises frequented by children or other vulnerable persons? E.g. Schools, substance misuse treatment services, youth services, play areas; are the premises near to social housing or a treatment centre for gambling addicts, hospitals etc. (See local area profiling)
  - Is a gambling premises suitable to be located there?
  - Are there sufficient controls, procedures and conditions in place to promote this licensing objective?
- Whether any promotional materials or advertising associated with the premises could encourage the use of the premises by children or vulnerable persons.
- Whether there are sufficient management measures in place to ensure adequate training and refresher training for staff is in place to protect children, young persons and vulnerable persons who may be harmed or exploited by gambling.
- The following measures are requirements that operators must address in Sheffield to promote this licensing objective; these would include but not be limited to the following:
  - a risk assessment for safeguarding children and vulnerable people at gambling premises to be undertaken with reference to the Sheffield Safeguarding Children Board risk assessment guidance available at <https://www.safeguardingsheffieldchildren.org.uk/welcome/sheffield-safeguarding-children-board/children-licensed-premises/gambling-act-2005.html>.  
The outcome of the risk assessment should inform staff training and the operating policy.
  - a member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons (for a description of this role refer to <https://www.safeguardingsheffieldchildren.org.uk/welcome/sheffield-safeguarding-children-board/children-licensed-premises/gambling-act-2005.html>);
  - a recognised Proof Of Age Scheme to be operated in all areas of the premises where alcohol is on sale and at entrances to areas of the premises which give access to adult gambling facilities;
  - staff shall receive induction and refresher training in relation to procedures and operating systems for the protection of children and vulnerable people. Staff training records shall be maintained and be available for inspection at the reasonable request of the Responsible Authorities;
  - a written record shall be maintained of all staff interventions that are made with customers for the protection of children and other vulnerable persons including: refusals of service or admission, the provision of self-help information; membership records for the self-exclusion scheme including photographic ID; records of interventions with parents/carers who fail to behave responsibly at the premises; records of persons barred.
  - signage to be displayed in areas where children are admitted
  - A customer charter promoting the principles of acceptable behaviour at the premises including that adults must supervise their children at all times;
  - Self-testing procedures should be in place to identify training needs and staff competence in relation to age verification.

- Staff training should include techniques for identifying and engaging with vulnerable adults who gamble
- Staff training should include managing confrontation.
- Measures to be in place to prevent underage or vulnerable persons accessing online gambling if offered at a premises.
- areas for adult gambling must be clearly segregated and physically supervised to prevent underage admission. Signage must be displayed to promote the restrictions.
- signage displayed on age restricted games;
- bandit screens used;
- self-help notices and literature should be accessible to customers;
- staff to be trained to recognise vulnerable customers (for example, when people appear to be under duress when placing a bet or who appear to lack capacity (meaning they are unable at the time to understand the risks and likely implications of Gambling) such as becoming agitated, aggressive, attempting to breach agreed limits or self-exclusion agreements; engaging in superstitious type rituals);
- Operators are encouraged to establish links with the Sheffield Safeguarding Children Board as the Responsible Authority under the Gambling Act 2005 and with the Sheffield Adult Safeguarding Board as an advisory service regarding vulnerable adults.

The Licensing Authority will consider this licensing objective on a case by case basis and each application for a Premises Licence will be considered upon its own individual merits.

### **Determining an Opposed Application**

The Licensing Authority will give considerable weight to representations about child protection matters in licensed premises.

It will consider the Sheffield Safeguarding Children Board as a source of advice in relation to the protection of children and vulnerable adults.

## Part 5 – Location, Area Profiling and Risk Assessments

### 5.1 Location

In considering the location of premises, issues of demand cannot be considered. Considerations can however be made on the location of the premises in relation to promoting the licensing objectives.

The Licensing Authority sets out the following policy in relation to location.

### 5.2 Policy - Location

The licensing authority will pay particular attention to two of the three licensing objectives in considering location, that being: the protection of children and vulnerable persons from being harmed or exploited by gambling, and crime and disorder issues.

Whilst each application will be treated upon its own merits, applications which the authority feels is in close proximity or on route to the following sensitive locations will require applicants to provide further detailed information as to how their proposals will promote the gambling objectives (in particular protecting children and vulnerable persons from being harmed or exploited by gambling):

- a school, college, nursery or other similar premises substantially used by or for children or young persons (including children's homes and specialist units);
- a park or similar space used for children's play or young people's recreational activity;
- a Hospital, Mental Incapacity or Disability Centre or similar premises;
- vulnerable adult centres and community buildings (e.g. centre for gambling addicts)
- substance misuse treatment services
- youth or other children or vulnerable people specialist services.
- social housing for vulnerable adults
- locations known to attract unaccompanied vulnerable young people or criminals
- high crime and disorder hot spots

#### Areas Nearing Stress

In some areas of Sheffield, a concentration of licensed premises exist which are leading to problems effecting the licensing objectives. The following areas are causing 'stress' but are not, in the opinion of the licensing authority, at the level where we have adopted any form of a cumulative impact policy:

AREA
Fitzalan Square
Darnall Centre
Hillsborough Corner

Applicants making applications for a licence in these areas are advised to carefully think about the licensing objectives and consider what measures they would take in their risk assessments to minimise the addition of any further impact.

In considering any applications under this policy, the licensing authority will still take care to ensure the Act and guidance is applied and considers the merits of all individual cases.



### 5.3 Area Profiling and Risk Assessments

The Licensing Authority needs to be satisfied that there is sufficient evidence that the particular location of the premises would not be harmful to the licensing objectives.

From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.

This Licensing Authority requests that these assessments are submitted from the 6<sup>th</sup> April 2016.

Licensees must review (and update as necessary) their local risk assessments:

- when applying for a variation of a premises licence;
- to take account of significant changes in local circumstance, including those identified in this policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

### 5.4 Policy - Risk

The Authority would normally expect applicants to consider the following in their local risk assessments:

- Whether the premises is in an area subject to high levels of crime and/or disorder
- Location of areas/buildings that attract or involve the presence of children and vulnerable people (e.g. schools, leisure centres, certain shops, children's homes, substance misuse treatment services or other specialist services for children and vulnerable people; money lending organisations etc)
- Demographics of the area and in particular to vulnerable groups (eg the location of the premises in deprived areas, level of social housing, or location in relation to money lending businesses)
- Location of services for vulnerable groups in the area
- Deprivation of local area (at the very least the Ward area)
- Local policies and strategies to assist in the promotion of the licensing objectives (see also Integrating Strategies at Part 3)

The above list is not exhaustive but shows a minimum requirement from this authority, applicants may wish to add anything additional to mitigate any risks to promote the licensing objectives.

To assist applicants with the above local area profiling and their risk assessment, the following links and information may assist:

- **Sheffield fact and figures:**  
<https://www.sheffield.gov.uk/your-city-council/sheffield-profile/introduction.html>
- **Ward profiles:**  
<https://www.sheffield.gov.uk/your-city-council/sheffield-profile/ward-profiles.html>  
This is an excel-based Ward Profile Tool that has been produced to provide analysis and statistics for a variety of key topics such as demographics, education, crime and the economy, as well as providing information from the census, at a local level.
- **South Yorkshire Police**  
[www.southyorks.police.uk](http://www.southyorks.police.uk)  
Information relating to crime reduction is available at the South Yorkshire Police website.

## 5.5 Policy - Area

The licensing Authority will consider the following factors when deciding if an application is appropriate in a location:-

- the possible impact a gambling premises may have on any premises that provide services to children, young people and vulnerable persons, i.e. a place of education, play, recreation or treatment or vulnerable adult centres in the area and any mitigating factors put in place by the applicant to reduce risk
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children and any mitigating factors put in place by the applicant to reduce risks
- the size of the premises and the nature of the activities taking place
- appropriate number of staff and supervision procedures
- levels of crime in the area and the impact of the grant of the licence
- If the applicant has offered any conditions which would mitigate risks and promote the licensing objectives.
- How the premises will operate to restrict access to children, young persons and vulnerable persons
- Details of any partnership working arrangements the operator has in place with police, social care or similar agencies).
- How the risk of online gambling will be managed if offered at a premises

This list is not exhaustive, but is a number of factors that will be taken into account regarding the suitability of location.

## Part 6 - Responsible Authorities, Interested Parties & Representations

### 6.1 Responsible Authorities

The Gambling Act 2005 sets out in Section 157 a list of bodies to be treated as Responsible Authorities under the Act.

Responsible Authorities are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, Premises Licences. All representations made by Responsible Authorities are likely to be relevant representations if they relate to the Licensing Objectives.

The bodies identified as Responsible Authorities are:

- the Licensing Authority in England and Wales in whose area the premises are wholly / partly situated;
- the Gambling Commission;
- the Chief Officer of Police for the area in which the premises is wholly / partly situated;
- the Fire and Rescue Service for the same area;
- the local Planning Authority;
- the Environmental and Regulatory Services;
  - Noise Pollution; and
  - Health & Safety
- the local Safeguarding Children Board;
- HM Revenues & Customs; and
- any other person prescribed in Regulations by the Secretary of State.

### 6.2 Policy – Safeguarding Children Board Statement of Principles (Section 157(h) of the Act)

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. Those principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The Licensing Authority has designated Sheffield Safeguarding Children's Board of Sheffield City Council for this purpose in relation to children and vulnerable people.

The contact details of all the Responsible Authorities are set out in Part 13 and available on the Licensing Authority's website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

### 6.3 Interested Party

Interested parties can make representations about licence applications, or apply for a review of an existing licence. Section 158 sets out the persons to be treated as Interested Parties under the Act.

For the purpose of this part a person is an “Interested Party” in relation to an application for, or in relation to a Premises Licence if in the opinion of the Licensing Authority issuing the licence, the person-

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

### 6.4 Policy – Interested Party Statement of Principles (SI2006/636)

The Licensing Authority is required by Regulations to state the principles it applies in exercising its powers under the Gambling Act 2005 to determine whether a person is an Interested Party.

The Licensing Authority will apply the following principles in determining whether a person or body is an interested party for the purposes of the Gambling Act 2005:

- a) each case will be decided upon its own merits subject to the licensing objectives and to any requirements imposed by the Gambling Act 2005;
- b) the Licensing Authority will not apply a rigid rule to its decision making.

The Licensing Authority will:

- have regard to any guidance issued by the Gambling Commission with regard to the status and interpretation of ‘Interested Parties’.
- also consider the Gambling Commissions Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has also recommended that Licensing Authorities state that ‘Interested Parties’ are to include trade associations, trade unions, and residents and tenants associations. This Authority will not, generally view these bodies as ‘Interested Parties’ unless they have a member who can be classed as an ‘Interested Party’ under the terms of the Gambling Act 2005 (i.e. lives sufficiently close to the premises to be likely to be affected by the activities applied for).

This Authority will however, require written evidence that a person / body (e.g. an advocate or relative) “represents” someone who either lives sufficiently close to the premises so that they are likely to be affected by the authorised activities and / or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillor(s) are not part of the Licensing Committee dealing with the licence application. (Note: If there is any doubt then please contact the Licensing Service, see contact details at Part 13.

## 6.5 Making Representations

Representations to applications or requests for a review should be based on the licensing objectives of the Gambling Act which are set out at the start of this Statement.

Representations received outside the statutory period for making such representations or which otherwise does not comply with the regulations will be invalid and will not be taken into consideration when the application is determined.

## 6.6 Policy - How to make a representation

The Licensing Authority expects representations to include the following:

- a) the name, address and a contact number for the person making the representation.
- b) the capacity in which the representation is made (i.e. Interested Party or Responsible Authority) and if made as a representative should indicate who is being represented with their name and address.
- c) the name and address of the premises in respect of which the representation is being made.
- d) the licensing objective(s) relevant to the representation.
- e) why it is felt that the application:
  - is not reasonably consistent with the licensing objectives; or
  - is not in accordance with this Policy, the Commission's Guidance or the relevant Codes of Practice or;
  - otherwise should not be granted or;
  - should only be granted subject to certain specified conditions  
**(one or more of the above reasons should be listed)**
- f) details of the evidence supporting the opinion in (e).

It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.

The above criterion is to ensure that the representation is made by a Responsible Authority or Interested Party and that it is relevant and directly related to the premises the application refers to.

### Petitions

We understand that petitions are sometimes attached as a form of representation to an application. Should you wish to submit a petition, the Licensing Authority would expect that it entails the above listed information.

The Licensing Authority would also expect that there is:

- An organiser of the petition who will be the point of contact
- A spokesperson to discuss the views and answer questions on behalf of the petitioners at any Licensing Committee hearing

Whilst representations which are not in the preferred form or which do not fully comply with the above will not automatically be rejected, they may be less likely to comply with the law relating to representations resulting in them ultimately being rejected or given little or no weight.

Where valid representations are received the Authority will hold a hearing.

## Part 7 - Premises licences and Reviews

### 7.1 General principles

Gambling may be authorised in various ways dependant on the nature of the gambling activity involved. In general either a premises licence or permit will be needed, though certain activities may be authorised by way of notification. The involvement of Responsible Authorities, Interested Parties and the degree of control and discretion available to the Licensing Authority varies, dependent upon the type of authorisation necessary. Part 7 and 8 of this statement addresses the local standards applicable to the various types of authorisation.

The Licensing Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling as far as it 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; and
- in accordance with the Authority's Statement of Principles (Policy).

### 7.2 Policy - Premises

When considering applications for premises licences the Licensing Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission or building regulations approval being granted, except in the case of a Provisional Statement or an application to allow a track to be used for betting where other persons will provide the betting facilities.

Applicants for a premises licence will need to show to the satisfaction of the Authority that they

- have a right to occupy the premises concerned;
- hold a valid Operating Licence from the Commission or have applied for an Operating Licence and
- meet such other criteria set in this policy document.

The Premises Licence can be only issued once the Operating Licence is issued. In the case of a Provisional Statement where the applicant does not currently have a right to occupy the application premises, the Authority will require written confirmation that the applicant may reasonably expect to acquire that right within a reasonable time.

Applicants will need to demonstrate that the primary purpose of the premises will be fulfilled and are encouraged to provide to the Licensing Authority the precise arrangements for primary and ancillary gambling activities at the premises.

### 7.3 Definition of a 'Premises'

In the Act, "premises" is defined as including "any place".

Section 152 therefore prevents more than one premises licence applying to any one place. But a single building could 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, pier, track or a shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

Particular attention will be paid if there are issues about sub-divisions of a single building or plot and licence holders should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the Guidance to Licensing Authorities that: "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 decision is likely to be a matter for discussion between the operator and the licensing officer. However, 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”.

#### **7.4 Policy - Divided premises**

The Licensing Authority takes particular care in considering applications for multiple licences for a building, as part of the consideration, applicant must demonstrate the following:

- that the premises are genuinely separate and have not been artificially divided to what is already identifiable as a single premises;
- separation between the premises is appropriate;
- that the licensing objectives and the authorities expectations on promoting the those are taken into consideration;
- the primary use of each area to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business
- that the Licensing Authority will take into particular regard the third licensing objective which seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- steps have been taken in preventing unlawful direct access by customers between licensed premises –
  - entrances and exits from parts of a building covered by one or more premises 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.
- That any local schemes and strategies have been assessed and promoted where ever possible (see also Integrating strategies at Part 3)

The Licensing Authority may also consider the following factors listed in the Commissions guidance:

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

These and other relevant factors will be considered when making a decision, depending on all the circumstances of the case.

## **7.5 Premises ready for Gambling**

A licence to use premises for gambling will only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use.

If the construction of a premises is still not complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead (see below).

### **7.5.1 Policy – Premises ready for gambling**

In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, the Licensing Authority will determine applications on their merits, applying a two stage consideration process:

- 1) whether the premises ought to be permitted to be used for gambling; and
- 2) whether 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.

The Licensing Authority may request any other information they may feel relevant in determining the application.

Licensing Authorities are not obliged to grant a licence, where it does seem appropriate to grant a licence, it may do so by attaching conditions.



## 7.6 Types of Premises Licences and Provisional Statements

Premises licences are only necessary for the following types of gambling:

- Betting premises (including tracks)
- Casino premises
- Bingo premises
- Adult gaming centres
- Licensed family entertainment centres

The Gambling Act allows “Responsible Authorities” (identified in section 157 of the Act) and “Interested Parties” to make representations to applications relating to premises licences and provisional statements (see making representations at section 6.5). In the case of reviews that right is also given to the licensee. With regard to other forms of notification and permit, the right to object is restricted to specified bodies.

## 7.7 Provisional Statements

Developers may wish to apply for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to require the right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of the provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.

The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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 provisional statement stage, or
- they reflect a change to the applicant’s circumstances.

In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Authority’s opinion reflect a change in the operators circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the Licensing Authority notes that it can discuss any concerns it has with the applicant before making its decision.

The provisions set out below apply to provisional statements as they apply in relation to premises licences.

## 7.8 Adult Gaming Centres (AGC's)

These premises must be operated by persons holding a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Licensing Authority.

Section 172(1) of the Act permits the following on AGC's:

- category B machines; and
- unlimited category C and D machines.

The Category B machines are limited to B3 and B4 and the number of category B machines must not exceed 20% of the total number of gaming machines which are available for use on the premises.

### Access

- No one under the age of 18 is permitted to enter an Adult Gaming Centre.
- No customer must be able to access the premises directly from any other licensed gambling premises.

### 7.8.1 Policy - AGC

Factors for consideration by the Licensing Authority when determining the application for an Adult Gaming Centre will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's considerations under this part
- Local area profiling through risk assessments and in particular the location (see location policy at Part 5); and
- Applicants measures and procedures to minimise illegal access to the premises by under 18's

The Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant for an Adult Gaming Centre to satisfy to the Licensing Authority that there will be sufficient measures to control access to and participation in gambling by such persons.

The Authority will also expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- change machines
- self-barring schemes
- provision of information leaflets/helpline numbers for organisations such as GamCare
- staff training
- record keeping
- signage
- publicity or advertising.

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

In addition to the mandatory conditions attached by regulations issued by the Secretary of State, conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary (see section 10.4 on conditions).

## 7.9 Licensed Family Entertainment Centres

There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:

- FECs with category C and D machines require a Premises Licence from the Licensing Authority
- Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits (see section 8.2 of this Statement)

This section deals with FEC's, and persons operating a licensed FEC must hold a gaming machine general operating licence from the Gambling Commission and must seek a premises licence from the Licensing Authority.

### Access

- No customer must be able to access an FEC premises directly from any of the following:
  - a casino;
  - an adult gaming centre; or
  - a betting premises, other than a track.
- Children and young persons are permitted to enter an FEC and may play on the Category D Machines only. There must be clear segregation between category C and D machines, to ensure children do not have access to the category C machines. Access and egress points must be monitored.

### 7.9.1 Policy - FEC

Factors for consideration by the Licensing Authority when determining an application for a licensed family entertainment centre will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's considerations under this part
- Applicants measures and procedures to minimise illegal access to the premises by under 18's.
- Measures and procedures for any staff supervision requirements and ensuring any risk to this particular licensing objective (Objective 3) is being suitably managed.
- Suitability of the location through the applicants local area risk assessments:

In determining the suitability of the location, specific consideration will be given to the following factors:

- proximity of premises to places of education, play or recreation; specialist services for children or vulnerable adults (e.g. a centre for gambling addicts), and community buildings;
- proximity to residential areas where there may be a high concentration of families with children; and
- whether the premises is within a shopping area centre or within the edge of one.

Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary in addition to the mandatory conditions attached by regulations issued by the Secretary of State (see section 10.4 on conditions).

Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-barring schemes

- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff on how to deal with suspected truant school children on the premises
- arrangements for partnership working with relevant agencies such as social care, police or similar.

This list is neither mandatory nor exhaustive and is merely indicative of example measures.

## 7.10 Casinos

Sheffield City Council, as the Licensing Authority has not passed a “No Casino” resolution under Section 166 of the Gambling Act 2005, but is fully aware that it has the power to do so.

Should Sheffield City Council, as the Licensing Authority, decide to pass a “No Casino” resolution in the future it will update this statement with details of that resolution. Any such resolution will be made by the Full Council.

Sheffield City Council has a number of casinos licensed in its area. Although the authority cannot grant any new casino premises licences, existing casino premises licences can be varied to increase or decrease permitted gambling area, vary the default conditions, or any conditions imposed by the authority.

The Secretary of State has made regulations setting out both mandatory and default conditions (conditions which the Licensing Authority can choose to exclude) for attaching to casino premises licences. These conditions cover the layout, access arrangements, number of player positions and requirements concerning the display of information.

Casino premises licences will be monitored by the Licensing Authority so far as the Act, the guidance, and the codes of practice allow. Such licences are also subject to the review process.

### Access

- The principle access entrance to the premises must be from a street (as defined under the Commissions guidance).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
- No one under the age of 18 is permitted to enter a casino (including for the purpose of working or performing/entertaining).

### 7.10.1 Policy – Casino Variation

Factors for consideration by the Licensing Authority when determining the application to vary a casino licence will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority’s considerations under this part
- Local area profiling of the applicant through their risk assessments
- Location of the premises
- Applicants measures and procedures to minimise illegal access to the premises by under 18’s

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

Local area profiling through risk assessments and in particular the location (see location policy at Part 5)

### 7.10.2 Casinos and competitive bidding

Where a Licensing Authority area is enabled to grant a premises licence for a new style casino (i.e. where the Secretary of State has made such regulations under section 175 of the Gambling Act 2005 applying to the particular Authority) there are likely to be a number of operators who will seek the right to run the

casino. In such situations the Local Authority will run a competition in line with any regulations / codes of practice issued under the Gambling act 2005.

## 7.11 Bingo Premises

Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain prescribed threshold. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit – see the section on prize gaming permits later in this Statement of Principles.

Other types of bingo will require a bingo operating licence from the Gambling Commission and in addition a premises licence from the Licensing Authority.

The holder of a bingo premises licence may make available for the use of category B machines (restricted to B3 or B4 machines) and any number of category C or D machines. Category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises.

Children and young persons are permitted on a bingo premises but are unable to participate in the bingo. If there are any category C or D machines made available for use on the premises, these must be separated from areas where children and young people are allowed. Mandatory Conditions apply in such circumstances to ensure that children cannot gain access to other types of gaming machines.

### Access

- Customers must not be able to access a bingo premises directly from any of the following:
  - a casino;
  - an adult gaming centre; and
  - a betting premises, other than a track

### 7.11.1 Policy - Bingo

Factors for consideration by the Licensing Authority when determining an application for a bingo licence will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's considerations under this part
- Local area profiling of the applicant through their risk assessments
- Location of the premises (see location policy Part 5)
- Suitability and lay out of the premises (see below description)
  - plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence
  - plans are to be marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown
- Demonstrate to the Licensing Authority that bingo can be played in any bingo premises for which a premises licence is issued.
  - This is to ensure avoidance of a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance
  - This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded.

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

## 7.12 Betting Premises

The Act contains a single class of licence for betting though there are different types of premises within this class which require licensing.

Licensable activities include:

- off-course betting;
- on-course betting for tracks (see below);
- betting by way of betting machines; and
- up to four class B2, B3, B4, C or D category gaming machines

### 7.12.1 Off course betting (Betting shops)

Off course betting is betting that takes place other than at a track, typically in a betting shop and includes an entitlement to operate up to four gaming machines if category B2, B3, B4, C or D.

Conditions may be applied by the Licensing Authority in support of the licensing objectives if it is felt necessary and such licences are subject to mandatory and default conditions applied by regulations issued by the Secretary of State (see also section 10.4 on conditions).

#### Access

- Access must be from a street or from other 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 and you could not have a betting shop at the back of a café – the whole area would have to be licensed.
- No one under the age of 18 is permitted to enter a betting premises.

### 7.12.2 Policy – Off course (Betting Shops)

Factors for consideration by the Licensing Authority when determining an application for a betting premises licence (other than a track) will consider how the applicant has demonstrated the:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's principles under this part
- Local area profiling of the applicant through their risk assessments
- Location of the premises in particular to young and/or vulnerable persons (see location policy Part 5)
- Procedures in place to prevent access to young people under the age of 18
- Suitability and lay out of the premises
- Size of the premise in relation to the number of betting machines
- The ability of staff to monitor the use or abuse of machines
- Self-exclusion systems
- Staff training in relation to responding to underage or vulnerable people

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

### 7.12.3 Tracks

The Gambling Act 2005 defines a track as “a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place”.

Tracks may be subject to one or more premises licence provided each licence relates to a specified area of the track.

Track operators are not required to hold an operator’s licence granted by the Gambling Commission unless they are operating gambling activities themselves. Therefore premises licences for tracks issued by the Authority are likely to contain requirements for premises licence holders relevant to their responsibilities in relation to the proper conduct of betting.

The Licensing Authority recognises that track operators will have an important role to play in the regulation of gambling activities and expect that they will take proactive action appropriate to that role. For example in ensuring that betting areas are properly administered and supervised.

#### Access

- Customer should not be able to access a track premises directly from any of the following:
  - a casino; or
  - an adult gaming centre.
- There must be clear segregation between category C and D machines. Tracks will be required to have policies to ensure under 18’s do not participate in gambling other than on category D machines.

### 7.12.4 Policy - Tracks

The Licensing Authority will expect the premises licence applicant 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, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) in the determination of premises licence applications for tracks 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.

Applicants are encouraged to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes;
- CCTV;
- supervision of entrances / machine areas;
- physical separation of areas;
- location of entrances;
- notices / signage;
- specific opening hours;
- self-barring schemes; and
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- Customer charter to promote responsible behaviour and supervision of children

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **7.12.5 Policy - Applications and plans for Tracks**

Regulations set out specific requirements for applications for premises licences. In accordance with the Gambling Commission's suggestion to ensure that Licensing Authorities gains a proper understanding of what it is being asked to licence, the Authority requests the following information:

- detailed plans for the racetrack itself and the area(s) that will be used for temporary "on-course" betting facilities (often known as the "betting ring");
- in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the "Tote" or "Track Operator", as well as any other proposed gambling facilities;
- plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

The Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place.

It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown.

### **7.12.6 Policy - Rules being displayed**

Licensing Authorities will attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that measures are taken to ensure that they are made available to the public. For example; the rules could be printed in the race-card or made available in leaflet form from the track office.

## **7.13 Gaming Machines used on Tracks**

Guidance from the Gambling Commission addresses where such machines may be located on tracks and any special considerations that should apply in relation, for example, the location and supervision of the machines and preventing children from playing them.

The Authority notes the Commission's Guidance that Licensing Authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

## **7.14 Betting Premises on Tracks**

A track may hold a betting premises licence allowing betting to take place within defined areas, there may also be a number of subsidiary licences authorising other gambling activities to take place including off-course betting. Unlike betting offices (bookmakers), a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

Pool betting may also take place on certain types of tracks and the appropriate operating licence to enable this will be required before a premises licence authorising this activity may be determined by the Authority.

In line with the Commission's Guidance the Licensing Authority will expect operators of self-contained units on tracks to seek an ordinary betting premises licence to ensure that there is clarity between the respective



responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **7.15 Betting Machines on Tracks**

The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of these machines by children and vulnerable people (it is an offence for those under 18 to bet), when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that Licensing Authorities will want to consider restricting the number and location of such machines in respect of applications for Track Betting Premises Licences.

When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines especially if they are scattered around the site, and the ability of the track operator to prevent children and vulnerable people betting on the machines.

## 7.16 Reviews

Requests for a review of a premises licence can be made by 'Interested Parties' or 'Responsible Authorities', which include the Licensing Authority.

### 7.16.1 Policy – Reviews

It is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- 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; and
- in accordance with the Licensing Authority's Statement of Principles.

Due consideration will be given to all relevant representations unless they fit the following:-

1. the grounds are frivolous;
2. the grounds are vexatious;
3. the grounds are irrelevant;
4. the grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence (i.e. where the Licensing Authority will not have any power to effect the licence) ;
5. the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
6. the grounds are substantially the same as representations made at the time the application for a premises licence was considered.

The onus will be on the Responsible Authority/Interested Party initiating the review to provide evidence in support of the matters for concern.

#### Applications by Responsible Authorities

It is expected that applications for reviews will be instigated by Responsible Authorities as a last resort after attempting alternative means for achieving compliance.

The Licensing Authority considers the action planning approach an acceptable tool for demonstrating attempts at working together to achieve the licensing objectives.

#### Review applications by 'Interested Parties'

Persons other than responsible authorities can request that the licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

Before a review of a licence is requested, the licensing authority would expect to see evidence of:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues;
- Asking the licensing department to talk to those who manage the premises on your behalf; or
- Talking to the relevant "responsible authority" about the problem.

The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken but will seek to establish that all options have been considered.

## Part 8 - Permits, Notices and Lottery Registrations

### 8.1 Permits

Permits regulate gambling and the use of gaming machines on premises which do not require a premises licence under this Act where either the stakes are very low or gambling is not the main function of the premises.

Premises with this option include family entertainment centres, alcohol serving premises, members clubs, miners welfare institutes and those premises wishing to offer prize gaming can apply to the Licensing Authority.

Applications for permits are not required to be notified to the public in the same way as applications for premises licences and the right to make representations is limited to certain specified Responsible Authorities.

The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore the Authority will consider a number of factors before determining an application for a permit to ensure the permit holder and the premises are suitable for the proposed to carry out gambling activities.

The Licensing Authority is responsible for issuing the following permits:

- Unlicensed family entertainment centre gaming machine permits
- Alcohol licensed premises gaming machine permits
- Prize gaming permits
- Club gaming permits and club machine permits

Applicants are required to consider the licensing objectives in Part 4 of this policy and apply the general principles in Part 2 of this statement.

### 8.2 Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

Unlicensed family entertainment centres are those premises which provide category D gaming machines only and possibly other amusements such as computer games or penny pushers.

The premises are 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it provide both category C and D gaming machines (please see section 7.9 for further details of licenced family entertainment centres).

#### 8.2.1 General Principles

As per Section 238 of the Gambling Act 2005 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and may only offer category D machines (which can be played by a young person).

The Licensing Authority will require applicants to demonstrate:

- The premises will be used as an unlicensed FEC.
- The Police have been consulted on the application.
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's.
- That the applicant has no relevant convictions (see schedule 7 of the Act and below statement of principles regarding convictions)
- Staff are trained to have a full understanding of the maximum stakes and prizes
- A risk management plan is in place in relation to protecting children and vulnerable people

The Licensing Authority will in relation to an application for an unlicensed family entertainment centres take into account the following statement of principles when determining an application:

## **8.2.2 Policy – UFEC Statement of Principles (Schedule 10 paragraph 7 of the Act)**

Applicants are to use the prescribed application form when applying for such permit and attach the required fee and all supporting documentation requested.

Applicants are required to obtain an enhanced disclosure from the Disclosure and Barring Service as part of the application process and regard will be given to any “Relevant Convictions” (defined by Schedule 7 of the Act) which may be revealed.

As well as the Police, Sheffield Safeguarding Children’s Board will also be consulted on the application.

The Licensing Authority has determined that regard will be given to the licensing objectives when determining such applications notwithstanding the Authority’s wide discretion when considering such matters.

In doing so, the Licensing Authority will expect applicants to demonstrate to the Authority as part of the application:

- that the applicant is over 18 years of age;
- that proper and appropriate procedures are in place to protect children and vulnerable persons from harm (harm in this context is not limited to gambling and includes wider issues around the protection of children and vulnerable others);
- that all staff have been fully trained in all the relevant issues;
- that the applicant has no relevant convictions (i.e. submit a criminal record);
- that there are measures set out to promote the Licensing Objectives (see licensing objectives policy at Part 4);
- the location of premises (in relation to schools, substance misuse or other specialist services for children and vulnerable adults etc. – see locations policy at Part 5);
- local area profiling of the applicant through their risk assessments
- that a member of staff is designated with lead responsibility for safeguarding children and vulnerable others;
- there are policies and training available for safeguarding children and vulnerable others;
- that the application has been copied to South Yorkshire Police and the Sheffield Safeguarding Children Board;
- provide details of the supplier of the machines and licence number
- the premises will be inspected before it opens by relevant authorities the Licensing Authority sees fit;
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; and
- that staff are appropriately trained to have a full understanding of the maximum stakes and prizes.

The efficiency of such policies and procedures will each be considered on their merits, however, they should include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children or vulnerable others causing perceived problems on / around the premises or children or vulnerable others perceived to be engaging in risk-taking or dangerous behaviour.

## **8.3 Alcohol Licensed Premises Gaming Machine Permits**

### **8.3.1 Automatic Entitlement for up to two gaming machines**

The Act provides for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D.

To rely on this automatic entitlement the person who holds the premises licence under the Licensing Act 2003 must formally notify the Licensing Authority and pay the prescribed fee.

Failure to give notification means that the gambling is unauthorised and the premises user or any person who makes the machine available for use commits an offence.

Notification must be given on the form provided for by this Authority and can be found on our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

Applicants are reminded to comply with the Gambling Commissions code of practice on gaming machines which can be found on the Commissions website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

The applicant will be expected to ensure that persons under the age of 18 years do not have access to the adult only gaming machines. This could include positioning the machines in sight of the bar, or in sight of staff who can monitor that the machines are not used by those under 18, or in an area designated for adults only

The Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises in breach of the automatic entitlement provisions contained in Section 282 of the Act;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

### 8.3.2 Permit for three or more machines

If a premises wishes to have more than two machines of category C or D they would be required to apply for a 'licensed premises gaming machine permit'.

In determining such an application, regard will be given to the licensing objectives and any guidance issued by the Gambling Commission. In particular, the applicant must satisfy the Licensing Authority that there will be sufficient measures to ensure that persons under the age of 18 years do not have access to the adult only gaming machines.

### 8.3.3 Policy - LPGMP

Measures which will help satisfy the Authority of the applicant's commitment to prevent persons under the age of 18 years access to adult machines will be to ensure those machines are in sight of the bar and that suitable notices and signage will be on display.

Premises are encouraged to put into effect procedures intended to prevent underage gambling. This should include procedures for:

- operating a recognised age verification scheme, including checking the age of apparently underage customers, maintaining refusal records and training staff to operate the scheme; and
- refusing access to anyone who appears to be underage, and who tries to use category B or C gaming machines and cannot produce any acceptable form of identification.

As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare are available, clearly positioned and maintained at or near to gaming machines. Staff should be trained to recognise and report concerns about children and vulnerable people.

### Policy - 6 Machines or more

Any applications or variations for 6 machines or more will require producing the following with the appropriate application form:

- Plan of the premises indicating where the machines will be located
- Measures and procedures put in place regarding supervision of the machines
- A risk assessment for safeguarding children and vulnerable people at gambling premises to be undertaken with reference to the Sheffield Safeguarding Children Board risk assessment guidance available at

<https://www.safeguardingsheffieldchildren.org.uk/welcome/sheffield-safeguarding-children-board/children-licensed-premises/gambling-act-2005.html>

The outcome of the risk assessment should inform staff training and the operating policy.

- A member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons. For a description of this role refer to <https://www.safeguardingsheffieldchildren.org.uk/welcome/sheffield-safeguarding-children-board/children-licensed-premises/gambling-act-2005.html>

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application will need to be dealt with under the relevant provisions of the Act and this Policy.

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

Alcohol licensed premises are able to provide some limited equal chance gaming. Licence holders are to refer to the advice and guidance issued by the Gambling Commission.

## 8.4 Prize Gaming Permits

These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming - the prize is determined by the operator before play commences.

A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming on specified premises.

It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

Although a Licensing Authority cannot attach conditions, Section 293 of the Gambling Act 2005 set out four conditions that permit holders must comply with to lawfully offer prize gaming. These are:

- the limits on participation fees, as set out in Regulations, must be complied with;
- all chances to participate in gaming must be allocated on the premises on which the gaming is taking place and on the 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.

The Licensing Authority will also in relation to an application for prize gaming permits take into account the following statement of principles when determining an application:

### 8.4.1 Policy – Prize Gaming Statement of Principles (Schedule 14 para 8 of the Act)

The Licensing Authority has a prescribed form which it requires applicants to use which is available from the Licensing Service or at our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

The Licensing Authority will expect the applicant to set out the types of gaming that they are intending to offer and be able to demonstrate:

- that the applicant is over 18 years of age;
- that proper and appropriate procedures are in place to protect children and vulnerable persons from harm;
- that all staff have been fully trained in all the relevant issues;
- that the applicant has no relevant convictions;
- that there are measures set out to promote the Licensing Objectives;

- the location of premises and a local area profile risk assessment (in relations to schools etc – see location policy at Part 5);
- that a member of staff is designated with lead responsibility for safeguarding children and other vulnerable others;
- there are policies available for safeguarding children and vulnerable others;
- that the application has been copied to South Yorkshire Police and the Sheffield Safeguarding Children Board;
- the premises will be inspected before it opens by relevant authorities the Licensing Authority sees fit;
- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

Applicants are required to obtain an enhanced disclosure from the Disclosure and Barring Service as part of the application process and regard will be taken to any “Relevant Convictions” (defined by Schedule 7 of the Act) which may be revealed. In addition the Safeguarding Children Board and Police will also be consulted on the application. The Licensing Authority has determined that regard will be given to the licensing objectives when determining such applications notwithstanding the Authority’s wide discretion when considering such matters.

## 8.5 Club Gaming Permits & Club Machine Permits

These permits are required where members clubs and Miners’ Welfare Institutes provide a gambling facility but either the stakes and prizes are low or gambling is not the main function of the premises.

Club gaming permits allow the provision of no more than three gaming machines in total. Each of the three machines must be from categories B3A, B4, C or D but only one B3A machine can be sited, by agreement, as part of this entitlement. Club gaming permits also allow equal-chance gaming (for example, poker) and games of chance (for example, pontoon, chemin-de-fer) under certain restrictions.

Club machine permits allow the holder to have no more than three gaming machines in total. Members’ clubs and miners’ welfare institutes may site up to three machines from categories B3A, B4, C or D but only one B3A machine can be sited, by agreement, as part of this entitlement. Commercial clubs may site up to three machines from categories B4, C or D (not B3A machines).

Applicants are reminded to comply with the Gambling Commissions code of practice for equal chance gaming which can be found on the Commissions website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

The Authority may only refuse an application on the following grounds:

- 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 under the Act or a breach of a permit 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 Commission or the Police; and in the case of (a) or (b) must refuse the permit.

There is also a ‘fast-track’ procedure available for premises where the club holds a Club Premises Certificate under Section 72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for an objection to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are that:

- the club is established primarily for gaming, other than gaming of a prescribed kind;
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- a club machine permit issued to the applicant in the last ten years has been cancelled.

The Authority may grant or refuse a permit, but it may not attach conditions to a permit. The Authority expects that operators will observe the Code of Practice and guidance provided by the relevant agencies in relation to this type of premise.

## NOTICES

### 8.6 Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

The limitations to the use of a TUN are:

- it can only be used to offer gambling of a form authorised by the operator's operating licence
- gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises
- it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
- gaming machines may not be made available under a TUN.

The reference to a "set of premises" in the Act prevents large premises from having Temporary Use Notices for more than 21 days in a 12 month period by giving notification in regard to different parts of the same premises.

The definition of a "set of premises" will be a question of fact in the particular circumstances of each notice that is given. The Licensing Authority will need to consider amongst other things the ownership / occupation and control of the premises.

Key points for operators:

- A Temporary Use Notice (TUN) can only be used to provide facilities for equal chance gaming, and the gaming must be intended to produce a single overall winner
- Cash games are not permitted under a Temporary Use Notice (TUN)
- The Gambling Commission-licensed operator which notifies the Temporary Use Notice (TUN) bears full responsibility for the compliance of any event run under that TUN
- All relevant licence conditions and code of practice provisions, that apply to the Gambling Commission-licensed operator responsible for the TUN, apply to the temporary premises just as if they were the operator's usual licensed premises

#### 8.6.1 Policy - TUN

The Licensing Authority in considering Temporary Use Notices, will consider whether gambling should take place or should only take place with modification under the TUN.

In doing so, the Licensing Authority will consider:

- Promotion of the licensing objectives (see Part 4)
- Suitability of the premises (see Part 5)
- Suitability of the location (see Part 5)
- Measures put in place for safeguarding
- Any guidance issued by the Gambling Commission or relevant authorities

### 8.7 Occasional Use Notices

Betting may be permitted by an occasional use notice without the need of a full premises licences for up to 8 days in a calendar year by the occupier of the track or the person responsible for the administration of the event.

The Licensing Authority has very little discretion as regards these notices apart from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Licensing authority will though need to consider the definition of a "track" and whether the applicant is permitted to avail themselves of the notice.



## 8.8 Travelling Fairs

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit, provided that certain conditions are met.

It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.

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

## 8.9 Registration of Small Society Lotteries

The purpose of permitted lotteries is to raise money for causes that are non-commercial and therefore the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery.

Small society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.

Small society lotteries are required to be registered with the Local Authority in the area where their principal office is located. A society with its principle office within Sheffield must register with the Authority if it is a 'non-commercial' lottery; for example, if it is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- below the permitted maximum financial limits; or
- for any other non-commercial purpose other than for private gain.

Application forms are available from the Licensing Service or from our website at: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

Refusal of registration shall be in accordance with the Act and Guidance and in particular a registration may be refused or revoked if it is believed 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;
- information provided in or with the application for registration is false or misleading; or
- an operating licence held by the applicant for registration has been revoked or an application for an operating licence has been refused.

### 8.9.1 Policy – Small society lottery application

As part of the application the Authority will ask applicants to set out the purposes for which the society is established in order to ensure that they represent a bona fide non-commercial society and have no relevant convictions.

The Authority will also request the following additional information:

- A copy of the society's constitution

- Names, address and date of birth of all committee members and any other person promoting the society
- Details of any relevant convictions from committee members including any other person promoting the society

Where the Authority feels it appropriate on the circumstances of each case it will consider whether there are factors which suggest that further enquiry is needed before registration occurs.

The Authority will only refuse an application to register after the society has had the opportunity to make representations. The Authority will inform the society of the reasons why it is minded to refuse registration and the evidence on which it has reached that preliminary conclusion. Persons wishing to make representation about an application for registration may request a copy of the procedures that will be followed by contacting the Licensing Service. A copy will also be on the Licensing Service web site at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

A registration may be revoked if the Authority would have been entitled to refuse an application for registration had it been made at that time. No revocation can take place unless the society has had the opportunity to make representations.

Schedule 11 of the Act details the information that must be returned to the Authority no later than 3 months after the lottery. The returns required to be made must be sent to the Licensing Authority. Operators are recommended to send these by recorded delivery to ensure receipt. Statements submitted over the previous 18 months must be available for inspection. Failure to provide a statement is an offence (see below).

The Commission recommends that operators maintain written records of unsold and returned tickets for a period of one year. The Licensing Authority is permitted to inspect the records of the lottery for any purpose related to the lottery and expect operators to maintain the aforementioned written records.

The Act sets out a number of offences that apply to lotteries, as follows:

Section of the Act	Offence
s.258	Promoting a non-exempt lottery without a licence
s. 259	Facilitating a non-exempt lottery without a licence
s.260	Misusing the profits of a lottery
s.261	Misusing the profits of an exempt lottery
s.262	Purporting to operate a small society lottery when not registered, or failing to make the required, or making false or misleading returns in respect of such lotteries
S.326	Without reasonable excuse, obstructing or failing to co-operate with an authorised person exercising his/hers powers
s.342	Without reasonable excuse, giving false or misleading information to the Commission or a licensing authority

If a registered society fails to comply with any of the other conditions of a small society lottery, laid down in Part 4 of Schedule 11, it will be operating in an illegal manner. Under these circumstances the society may be prosecuted by the Commission, the Police or the Licensing Authority.

## Part 9 - Ongoing Responsibilities of Licensed Premises

The responsibility to promote the licensing objectives does not stop when an authorisation is granted. In fact it is only just beginning. Operators must continue to tackle the risks associated with the activities they provide.

We expect all customer-facing and management staff in licensed premises to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling.

Amongst other elements, staff knowledge should include (where appropriate):

1. The importance of social responsibility (premises may wish to seek an audit from GamCare in order to obtain a certificate of Social Responsibility);
2. Partnership engagement with local agencies (for example, police, local safeguarding children board) so that staff are familiar with the necessary services, are furnished with contact details and know how to report concerns.
3. Causes and consequences of problem gambling;
4. Identifying and communicating with vulnerable persons; primary intervention and escalation;
5. Dealing with problem gamblers; exclusion (mandatory and voluntary) and escalating for advice / treatment;
6. The importance of maintaining records (refusals, self-exclusion, incident logs including under 18's interventions etc)
7. Refusal of entry (alcohol and drugs);
8. Age verification procedures and need to return stakes / withdraw winnings if underage persons found gambling;
9. Importance and enforcement of time / spend limits;
10. The conditions of the licence;
11. Offences under the Gambling Act;
12. Categories of gaming machines and the stakes and odds associated with each machine;
13. Types of gaming and the stakes and odds associated with each;
14. Staff exclusions from gambling at the premises where they are employed and reasons for restriction;
15. Ability to signpost customers to support services with respect of problem gambling, financial management, debt advice etc;
16. Safe cash-handling / payment of winnings;
17. How to identify forged ID and report it and procedures in relation to the offender (for example, report to police; bar those using forged ID from the premises;
18. Knowledge of a problem gambling helpline number (for their own use as well as that of customers); and
19. The importance of not encouraging customers to:
  - increase the amount of money they have decided to gamble;
  - enter into continuous gambling for a prolonged period;
  - continue gambling when they have expressed a wish to stop;
  - re-gamble winnings; or
  - chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling.

### 9.1 Self-exclusion scheme

Following updates in the Gambling Commissions Licence Conditions and Codes of Practice, the Licensing Authority expect all premises to operate a voluntary exclusion scheme. This means that wherever a customer requests to be excluded from the premises, they are excluded for an agreed time-frame taking into account the LCCP minimum requirements.

A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant Codes of Practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period.

Licensees are encouraged to share information with other operators and encourage customers to consider extending their self-exclusion to other licensed premises.

The Licensing Authority would request licensee's to share this information/records with them to assist with tackling issues in a particular area.

## Part 10 – Hearings, Conditions and Appeals

### 10.1 Delegation of Functions

The Licensing Authority has established a Licensing Committee to administer the wide range of licensing decisions and functions which the Council will be involved in.

The Licensing Committee has delegated certain decisions and functions to a number of sub-committees. However, where no representations are received in respect of an application; officers will deal with the application under delegated authority without the need for a hearing.

The table below sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.

Matter to be dealt with	Licensing Committee	Sub Committee	Officers
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee setting (when appropriate)	✓		
Application for Premises Licences		If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Application to vary a licence		If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the commission	Where no representations have been received from the Commission
Application for a provisional statement		If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Review of a Premises Licence		✓	
Applications for club gaming / club machine permits		Where objections have been made and not withdrawn	Where no objections made / objections have been withdrawn
Cancellation of club gaming / club machine Permits		✓	
Applications for other permits			✓
Cancellation of licensed gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give counter notice to a temporary use notice		✓	

### 10.2 Rights of the Applicant

This policy does not override anybody's right to make an application, make representations about an application, or apply for a review of a licence. Each application will be considered on its own individual merits in accordance with the requirements of the Gambling Act 2005.

## 10.3 Hearings

If representations are received in respect of an application, a hearing will be scheduled before a Committee of elected Councillors to consider the application and the representations.

Each case will be considered on its own individual merits.

A person may request a third party, such as a friend or a local ward councillor, on their behalf to make a written representation, and attend to present their concerns at a sub-committee hearing.

Every determination of a Licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.

All other licensing applications where either no representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary, will be dealt with by the Council's Licensing Officers under delegated powers.

Sheffield City Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant.

Where we receive an application for a gambling premises licence, the Licensing Committee will aim to permit the use of premises for gambling where it is considered:

- a) in accordance with any relevant code of practice issued by the Gambling Commission;
- b) in accordance with any relevant guidance issued by the Gambling Commission;
- c) reasonably consistent with the licensing objectives (subject to (a) and (b)); and
- d) in accordance with this policy (subject to (a) – (c)).

Please note: The Licensing Committee has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g. the Committee cannot reject applications on moral grounds.

## 10.4 Conditions

The majority of premises licences will have mandatory and / or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default conditions) Regulations 2007.

The Act provides that conditions may be attached to premises licences in a number of ways:

- automatically by the Act;
- through regulations made by the Secretary of State;
- by the Commission through operating and personal licences; or
- by Licensing Authorities.

Conditions may be general in nature and attached to all licences or all licences of a particular class, or they may be specific to a particular licence.

### 10.4.1 Policy – Imposing Conditions

The Authority will not normally interfere with default conditions which apply by reason of regulations unless an applicant can demonstrate that alternative controls will be operated by him that achieve the same or similar effect or where the Authority is of the opinion that a more stringent condition should be imposed.

In both cases the Authority will give notice of its reasons for departing from the default conditions to the applicants and all parties making representation on the matter.

The Authority will not generally impose conditions that limit the use of premises for gambling unless it is considered necessary as a result of the requirement to act in accordance with the Codes of Practice,

Gambling Commission's guidance, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

Conditions imposed by the Authority will be proportionate to the circumstances they are intended to address and:

- relevant to the need to make the premises suitable as a gambling facility;
- directly relevant to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

The Authority will not consider imposing conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission.
- relating to gaming machine categories or method of operation.
- which specify that membership of a club or other body is required.
- in relation to stakes, fees, winnings or prizes.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each application will be determined on its own merits

## **10.5 Appeals against Licensing Authority decisions**

Appeals against Licensing Authority decisions must be made within 21 days of notice of the decision being received by the appellant (with the exception of appeals in relation to Temporary Use Notices which must be made within 14 days) and will be heard by the Magistrates Courts.

## Part 11 - Enforcement

Licensing Authorities are required by Regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising its functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of offences specified.

### 11.1 Policy – Enforcement - Statement of Principles (Section 346 and Part 15 of the Act)

The Licensing Authorities principles are that:

- It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

<b>Proportionate</b>	Regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
<b>Accountable</b>	Regulators must be able to justify decisions, and be subject to public scrutiny;
<b>Consistent</b>	Rules and standards must be joined up and implemented fairly;
<b>Transparent</b>	Regulators should be open, and keep regulation simple and user friendly; and
<b>Targeted</b>	Regulation should be focused on the problem, and minimise side effects.

- It will adopt a risk based inspection programme, and endeavour to avoid duplication with other regulatory regimes so far as possible.
- It will ensure compliance with the premises licences and other permissions which it authorises.
- It will be guided by complaints from Responsible Authorities and Interested Parties in establishing the level of risk from any premises in the City.
- It will investigate complaints about licensed premises where appropriate. In the case of a valid representation the Licensing Authority where appropriate will endeavour to seek a resolution through mediation.

Where considered appropriate, the Licensing Authority may pass a complaint on for investigation to any other statutory agent under whose enforcement responsibility the complaint falls.

The Licensing Authority recognises that certain operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single named point of contact, who should be a senior individual and whom the authority will contact first should any compliance queries or issues arise.

### 11.2 Test Purchasing

It is the responsibility of operators to manage risks to the licensing objectives that their activities may present.

Test purchasing is a method which can measure the effectiveness of licensee's efforts to control risks to the licensing objectives. Examples could include the effectiveness of self-exclusion procedures, controls on underage gambling and anti-laundering policies and procedures.



Licence holders are encouraged to conduct their own test purchasing to manage their risks. Results of any test purchasing conducted by the licensee must be shared with the Licensing Authority including any improvement programme or measures and to demonstrate later the effectiveness of such a programme.

Test purchasing may also be operated by the Gambling Commission or jointly with the Licensing Authority. Any such operations will be in accordance with the *Better Regulation Delivery Office's (BRDO) Code of Practice on age Restricted Products*.

## Part 12 – Equality, Diversity and Inclusion

Sheffield is a multi-racial, multi-cultural and multi-faith city. We value and celebrate the diversity that exists amongst both the citizens of Sheffield and our workforce. As a Council we want to ensure that everyone can fully participate in the social, cultural, political and economic life of the city.

Below lists some of the statutory requirements under this part, applicants/licensees and businesses are reminded of the below and we strongly recommend everyone works towards compliance with relevant legislation.

### 12.1 The Equality Act 2010

The Equality Act 2010 and Section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: - age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2012.

### 12.2 Equality Impact Assessment (EIA)

An EIA is the chosen vehicle for Sheffield City Council to assess equality impacts. It is a systematic way of assessing the effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention.

EIA's are carried out within the licensing service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the formulation of this policy. If you are interested in viewing this document, please contact the licensing service.

### 12.3 Disability

The Licensing Authority will at all times have due regard to the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005 (the duty on Public Authorities to promote disability equality) or any subsequent and similar legislation including the Equality Act 2010, and the need to eliminate unlawful discrimination; and to promote equality of opportunity.

Sheffield City Council are working collaboratively and in partnership with Disabled Go, Disability Sheffield and Nimbus Disability to support the ambitions of Sheffield to become an accessible and fairer city for all who live, work, study and or visit Sheffield.

Licensees are encouraged to support the development and delivery of this scheme (Accessible Sheffield).

### 12.4 Racial Equality

The Licensing Authority recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2003 or any subsequent and similar legislation including the Equality Act 2010, and the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different black and minority ethnic groups.

### 12.5 Sex Equality

The Licensing Authority will at all times have due regard to the Sex Discrimination Act 1975 and the Gender Equality Act 2006 (the duty on Public Authorities to promote Gender Equality) or any subsequent and similar legislation including the Equality Act 2010 and the need to eliminate unlawful discrimination; and to promote equality of opportunity.

## Part 13 - Useful Information and Contact Details

### RESPONSIBLE AUTHORITIES:

Licensing Authority		
Licensing Service Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	Telephone	0114 2734264
	Email	<a href="mailto:licensing@sheffield.gov.uk">licensing@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/licensing">www.sheffield.gov.uk/licensing</a>

Gambling Commission		
Victoria Square Birmingham B2 4BP	Telephone	0121 230 6666
	Email	<a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
	Website	<a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>

South Yorkshire Police		
The Licensing Team 1 <sup>st</sup> Floor Attercliffe Police Station 60 Attercliffe Common Sheffield S9 2AD	Telephone	0114 252 3617
	Email	<a href="mailto:Sheffield.liquor-licensing@southyorks.pnn.police.uk">Sheffield.liquor-licensing@southyorks.pnn.police.uk</a>
	Website	<a href="http://www.southyorks.police.uk">www.southyorks.police.uk</a>

South Yorkshire Fire and Rescue		
Sheffield Fire Safety Office (Licensing) 197 Eyre Street Sheffield S1 3FG	Telephone	0114 272 7202
	Email	
	Website	<a href="http://www.syfire.gov.uk">www.syfire.gov.uk</a>

The Planning Authority		
Head of Planning Services Licensing Applications Sheffield City Council Howden House Sheffield S1 2SH	Telephone	0114 273 4218
	Email	<a href="mailto:planning@sheffield.gov.uk">planning@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/planning">www.sheffield.gov.uk/planning</a>

Health Protection (Health & Safety)		
The Information Officer Sheffield City Council 2-10 Carbrook Hall Road Sheffield S9 2DB	Telephone	0114 273 5774
	Email	<a href="mailto:healthprotection@sheffield.gov.uk">healthprotection@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk">www.sheffield.gov.uk</a>

Environmental Protection Service		
The Information Officer Sheffield City Council 2-10 Carbrook Hall Road Sheffield S9 2DB	Telephone	0114 203 7410
	Email	<a href="mailto:epsadmin@sheffield.gov.uk">epsadmin@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk">www.sheffield.gov.uk</a>

<b>Sheffield Safeguarding Children Board</b>		
Sheffield City Council Floor 3 South, Howden House Union Street Sheffield S1 2SH	Telephone	0114 273 4450
	Email	<a href="mailto:sscb@sheffield.gov.uk">sscb@sheffield.gov.uk</a>
	Website	<a href="http://www.safeguardingsheffieldchildren.org.uk">www.safeguardingsheffieldchildren.org.uk</a>

<b>HM Revenue &amp; Customs</b>		
National Registration Unit (Betting and Gaming) Portcullis House 21 India Street Glasgow G2 4PZ	Telephone	03000 516023
	Email	<a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a>
	Website	

<b>The Navigation Authority</b>		
Association of Inland Navigation Authorities Middle Level Office 85 Whittlesey Road March, Cambridgeshire PE15 0AH	Telephone	0844 335 1650
	Email	
	Website	<a href="http://www.aina.org.uk">www.aina.org.uk</a>

<b>Canal and River Trust</b>		
Head Office First Floor North Station House 500 Elder Gate Milton Keynes MK9 1BB	Telephone	0303 040 4040
	Email	
	Website	<a href="http://www.canalrivertrust.org.uk">www.canalrivertrust.org.uk</a>

## OTHER USEFUL CONTACTS:

<b>Business Sheffield</b>		
Business Sheffield's Gateway provides a point of contact for all business needs. Working with a key advisor you will be directed to the services that are appropriate to your needs, such as Planning, Licensing, Building Standards, and Business Rates amongst others.		
	Telephone	0800 043 5522 or 0114 224 5000
	Email	
	Website	<a href="http://www.welcometosheffield.co.uk/business">http://www.welcometosheffield.co.uk/business</a>

<b>First Point for Business</b>		
First Point for Business is a first point of contact to put you in touch with all the services relevant to your new or changing business.		
Town Hall Pinstone Street Sheffield S1 2HH	Telephone	0114 224 5000
	Email	<a href="mailto:Firstpointforbusiness@sheffield.gov.uk">Firstpointforbusiness@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/firstpointforbusiness">www.sheffield.gov.uk/firstpointforbusiness</a>

<b>GamCare</b>		
GamCare provides support, information and advice to anyone suffering from a gambling problem.		
Head Office 2 <sup>nd</sup> Floor 7-11 St John's Hill London SW11 1TR	Telephone	020 7801 7000
	Email	<a href="mailto:info@gamcare.org.uk">info@gamcare.org.uk</a>
	Website	<a href="http://www.gamcare.org.uk">www.gamcare.org.uk</a>

<b>Gamble Aware</b>		
Gamble Aware provides a gateway to information about gambling in the UK encompassing regulation, social responsibility and industry funding of research education and treatment. It also explains how to get advice for gambling related problems.		
C/O Responsible Gambling Trust 35 Piccadilly London W1J 0DW	Telephone	020 7287 1994
	Email	<a href="mailto:info@gambleaware.co.uk">info@gambleaware.co.uk</a>
	Website	<a href="http://www.gambleaware.co.uk/">www.gambleaware.co.uk/</a>

<b>Ward Councillors</b>		
Councillors are democratically accountable to the residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.		
	Telephone	0114 273 4096
	Email	
	Website	<a href="http://www.sheffield.gov.uk/councillors">www.sheffield.gov.uk/councillors</a>

<b>Locality Management Teams</b>		
Sheffield Wards are grouped into seven Service Delivery Areas, each made up of four wards. Each area has a Local Area Partnership, which encourages partnership work between Councillors, the public sector, the private sector, the voluntary sector and community and faith sectors.		
Locality Team Ground Floor New Bank House 100 Queen Street Sheffield S1 2WA	Telephone	0114 273 6849
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/in-your-area/your-local-area/about">www.sheffield.gov.uk/in-your-area/your-local-area/about</a>

Information for specific wards.		
Northern	Telephone	0114 205 3598
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
North East	Telephone	0114 203 7562
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
East	Telephone	0114 273 5708
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
Central	Telephone	0114 205 3049
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
South	Telephone	0114 205 3281
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
South East	Telephone	0114 273 6929
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
South West	Telephone	0114 203 7212
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>

Sheffield Drugs and Alcohol / Domestic Abuse Co-ordination Team (DACT)		
Sheffield DACT is a strategic team responsible for commissioning drug and alcohol treatment services in Sheffield.		
Sheffield DACT c/o Sheffield Town Hall Sheffield City Council Pinstone Street Sheffield S1 2HH	Telephone	Drug misuse: 0114 272 1481 Alcohol misuse: 0845 345 1549 Domestic abuse: 0808 808 2241
	Email	<a href="mailto:help@sheffielddact.org.uk">help@sheffielddact.org.uk</a>
	Website	<a href="http://www.sheffielddact.org.uk">www.sheffielddact.org.uk</a>

## Appendix 1 – Glossary Of Terms

This section explains the key terms used in the Statement of Principles (Policy). These terms are all defined in the Act and the Guidance to the Act.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive, nor is the definitions legally comprehensive. The Act stands as the legal reference for the terms.

### Adult Gaming Centre

The holder of an adult gaming centre premises licence may make available for use category B machines; any number of category C machines; and any number of category D machines. In regulations, the Secretary of State will specify that the category B machines should be restricted to subcategory B3 and B4 machines (category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises). They require an operating licence and a premises licence. No one under the age of 18 years is permitted to enter an Adult Gaming Centre.

### Authorisation

Refers to all licences, permits, notices and registrations under the Gambling Act 2005.

### Betting

Making or accepting a bet on the outcome of a race, competition, or any other event or process; the likelihood of anything occurring or not occurring; or whether anything is true or not.

### Betting machines

Means a machine designed or adapted for use to bet on future real events.

### Betting Premises

Betting premises are premises for off-course betting. They will be able to make category B2, B3, C or D gaming machines (a maximum of 4) available to their customers. They will also be able to provide betting machines for use to bet on live or future events.

### Bingo Premises

Bingo premises are premises that will be able to offer both cash and prize bingo. They will also be able to make category B3 or B4, C or D gaming machines available to their customers. (Category B machines must not exceed 20% of the total number of gaming machines which are available for uses on the premises). Children are allowed to enter premises licensed for bingo but not allowed access to areas where category C or above gaming machines are situated.

### Casino

Casinos are premises where people can participate in one or more casino games. These are games of chance which are not equal chance gaming (i.e. they may involve playing or staking against a bank and the chances may not be equally favourable to all participants. Casinos can also make category B, C or D machines available to their customers.

### Children

Section 45(1) defines a 'child' as an individual who is less than 16 years old.

### Christmas Day Period

The period of 24 hours from midnight on 24 December.

### Club Gaming Permit

A permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.

### Club Gaming Machine Permit

A permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)

### Codes of Practice

Any relevant Codes of Practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.

### Default Condition

A specified condition provided by Regulations to be attached to a licence, unless excluded by Sheffield City Council.

### **Equal Chance Gaming**

Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants

### **Family Entertainment Centre**

The Act creates two classes of Family Entertainment Centres –

- Licensed: which provide category C and D gaming machines and require a premises licence
- Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit  
No one under the age of 18 is permitted to enter areas where category C machines are being used.

### **Gaming**

Playing a game of chance for a prize

### **Gaming Machine**

A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act

### **Guidance**

Guidance issued to Licensing Authorities by the Gambling Commission as required by section 25 of the Gambling Act.

### **Interested Party**

For the purpose of the Gambling Act 2005 a person is an Interested Party in relation to an application for, or in relation to a Premises Licence if in the opinion of the Licensing Authority issuing the licence, the person-

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

### **Licensed Premises Gaming Machine Permit**

The Licensing Authority can issue such permits for any number of category 'C' or 'D' machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category 'C' or 'D' for use in alcohol licensed premises.

### **Licensing Authority**

Refers to Sheffield City Council which carries out its functions as Licensing Authority under the Gambling Act 2005 in the Sheffield City boundary

### **Licensing Committee**

A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority.

### **Licensing Sub-Committee**

A sub-committee of members appointed from the Licensing Committee to whom the functions of the Licensing Committee can be delegated under the Act to determine applications.

### **Lottery**

Where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

### **Mandatory Conditions**

Conditions that must be attached to a licence. This may apply to all premises licences, to a class of premises licences or licences for specified circumstances.

### **Members Club**

A club that must:

- Have at least 25 members;
- Be established and conducted "wholly or mainly" for purposes other than gaming;
- Be permanent in nature;



- Not established to make commercial profit; and
- Controlled by its members equally.

### **Notification**

Notifications of temporary and occasional use notices

### **Occasional Use Notice**

Provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Licensing Authorities and track operators and occupiers should note that the processes set out in the Act for applying for an occasional use notices are different to those for temporary use notices.

### **Off Course Betting**

Betting that takes place other than at a track, i.e. at a licensed betting shop.

### **Off Course Betting – Tracks**

Betting that takes place in self-contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.

### **On Course Betting - Tracks**

Betting that takes place on a track while races are taking place

### **Operating Licence**

Authorises individuals or companies to provide facilities for certain types of remote or non-remote gambling. These licences are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operation. A single licence cannot authorise both remote and non-remote activities; separate operating licences are needed for this. Conditions may be attached.

### **Personal Licence**

Except for small scale operations, each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gambling Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.

### **Pool Betting – Tracks**

Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

### **Premises**

Any place, including a vehicle, vessel or moveable structure.

### **Premises Licence**

Authorises the provision of facilities for gambling on premises for casinos, bingo, betting including tracks, adult gaming centres and family entertainment centres. The premises licence may also include details of conditions. These licenses will be valid for the life of the premises, subject to any review that may be triggered and lapse in certain circumstances, with no annual renewal required, although there is an annual fee. These licences are transferable to someone else holding a valid operating licence.

### **Prize Gaming**

Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

### **Prize Gaming Permit**

This permit allows the provision of facilities for gaming with prizes on specified premises.

### **Provisional Statement**

Where an applicant can make an application to the Licensing Authority in respect of premises that he:

- Expects to be constructed
- Expects to be altered

- Expects to acquire a right to occupy.

## Regulations

Regulations made under the Gambling Act 2005

## Remote Gambling

Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act

## Representation

Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commissions Guidance or Codes of Practice.

## Responsible Authorities

The bodies identified as Responsible Authorities are:

- the Licensing Authority in England and Wales in whose area the premises are wholly / partly situated;
- the Gambling Commission;
- the Chief Officer of Police for the area in which the premises is wholly / partly situated;
- the Fire and Rescue Service for the same area;
- the local Planning Authority;
- the Environmental and Regulatory Services;
  - Noise Pollution; and
  - Health & Safety
- the local Safeguarding Children Board;
- HM Revenues & Customs; and
- Any other person prescribed in Regulations by the Secretary of State

## SIA (Security Industry Authority)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk).

## Small Lottery

Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

## Small Society Lottery

A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

## Statement of Licensing Principles

Policy statement issued by the Licensing Authority which indicate those matters which will be taken into account when considering an application for a licence or permit.

## Temporary Use Notice

These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres, and sporting venues.

## Tracks

Tracks are sites, including horse racecourses and dog tracks, where races or other sporting events take place. There is no automatic entitlement to provide gaming machines but if the track operator holding the premises licence also holds a pool betting operator's licence up to 4 gaming machines in categories B2,B3,B4, C or D may be provided.

## Travelling Fair

A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and On a site used for fairs for no more than 27 days per calendar year.

**Unlicensed Family Entertainment Centre**

These allow the use of category „D“ gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.

**Vessel**

Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.

**Vulnerable Person**

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition, but states that “it will for regulatory purposes assume that this group of people includes those who gamble more than they want to; those who gamble beyond their means; and those who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

**Young Person**

Section 45(2) of the Gambling Act 2005 defines a young person as an individual who is not a child but who is less than 18 years old, i.e. 16 or 17 years old.

## Appendix 2 – List of Consultees

### Responsible Authorities

Licensing Authority  
The Gambling Commission  
South Yorkshire Police  
South Yorkshire Fire and Rescue  
The Planning Authority  
Health Protection Service (Health & Safety)  
Environmental Protection Service (Noise Nuisance)  
Sheffield Safeguarding Children Board  
HM Revenue & Customs  
The Navigation Authority  
Canal and River Trust

### Local Authorities

Barnsley Metropolitan Borough Council  
Doncaster Metropolitan Borough Council  
Rotherham Metropolitan Borough Council

### Solicitors

DLA Piper Rudnick Gray Cary UK LLP  
John Gaunt and Partners  
Poppleston Allen  
Ford and Warren  
Goschalks  
Law Society  
Maitland Walker  
Irwin Mitchell  
Parker Rhodes Hickmotts  
HLW Keeble Hawson LLP

### Sheffield City Council Contacts

Brian Messider, Access Officer  
Sheffield Schools  
Jayne Ludlam, Executive Director, Children and Young People  
Sheffield City Council Councillors  
Locality Management Team  
Business Sheffield  
First Point for Business  
Local Members of Parliament  
Angela Smith  
Paul Blomfield  
Nick Clegg  
Louise Haigh  
Clive Betts  
Harry Harpham

### Religious Contacts

Central United Reformed Church  
Father D Sexton, Cathedral Church of St. Marie  
Diocesan Secretary, Diocesan Church House  
The Right Reverend Jack Nicholls, Bishop of Sheffield  
The Very Reverend Peter Bradley, The Cathedral Church of St. Peter and St. Paul  
St John The Baptist C Of E Church

### Gambling Industry Contacts

Amusement Caterers (Sheffield) Limited  
British Association of Leisure Park, Piers and Attractions  
Casino Machines Manufacturers Group (CMMG)  
Gamblers Anonymous  
Independent Bookmakers Association (IBA)  
Racecourse Promoters Association (RCPA)  
Rails Bookmakers Association Ltd  
BBPA Midland Counties  
Northern Bookmakers Protection Association  
Association of British Bookmakers  
Betting Exchange Trade Association  
Bingo Association  
British Amusement Catering Trades Association (BACTA)  
British Beer and Pub Association  
British Casino Association  
Casino Operators Association (COA)  
GamCare  
National Association of Bookmakers  
British Beer and Pub Association  
Scottish Beer and Pub Association

### Others

CIU  
BBPA North  
British Beer and Pub Association  
Scottish Beer and Pub Association  
Scouts Association  
Sheffield Chamber of Commerce  
DACT  
Sheffield First Partnership  
Sheffield Licence Watch  
Sheffield Primary Care Trust  
South East Sheffield Citizens Advice Bureau  
Institute of Licensing  
NALEO  
The Scouts Association  
Yorkshire Forward  
Accessible Sheffield  
Bradfield Parish Council  
Ecclesfield Parish Council  
Stocksbridge Town Council  
SCCRAG  
Casinos / Operators  
Betting Offices / Operators  
Tracks / Pool Betting Licence Holders  
Bingo Hall / Operators  
Premises Licence Holders  
Club Premises Certificate Holders  
Holders of Small Lotteries Registrations



## Cabinet Report

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**Report of:** Executive Director, Place

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**Report to:** Cabinet

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**Date:** 11<sup>th</sup> November 2015

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**Subject:** The Licensing Act 2003  
Statement of Licensing Policy Approval Report

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**Author of Report:** Claire Bower, Licensing Strategy and Policy Officer

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**Key Decision:** YES

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**Reason Key Decision:** Affects 2 or more wards

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**Summary:** The report sets out the details of the revised Statement of Licensing Policy to be published under the 2003 Act and details of the consultation process that has been undertaken.

The report also seeks approval on the final draft of the Statement of Licensing Policy under the Licensing Act 2003 and refers to Full Council

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**Reasons for Recommendations:**

To comply with the statutory obligations and in doing so promote the core objectives under the Licensing Act, the Councils Corporate Plan and support the Council's Vision.

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**Recommendations:**

That Cabinet approve the Statement of Licensing Policy for referral to Full Council on 2<sup>nd</sup> December 2015.

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**Background Papers:** None

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**Category of Report:** OPEN

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
NO Cleared by: Anna Sanderson
<b>Legal Implications</b>
YES Cleared by: Marie-Claire Frankie
<b>Equality of Opportunity Implications</b>
NO Cleared by: Annemarie Johnston
<b>Tackling Health Inequalities Implications</b>
NO Cleared by: N/A
<b>Human Rights Implications</b>
NO Cleared by: N/A
<b>Environmental and Sustainability implications</b>
NO Cleared by: N/A
<b>Economic Impact</b>
NO Cleared by: N/A
<b>Community Safety Implications</b>
NO Cleared by: N/A
<b>Human Resources Implications</b>
NO Cleared by: N/A
<b>Property Implications</b>
NO Cleared by: N/A
<b>Area(s) Affected</b>
Whole of the City
<b>Relevant Cabinet Portfolio Lead</b>
Councillor Leigh Bramall
<b>Relevant Scrutiny Committee</b>
None
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press Release</b>
NO

# REPORT OF THE EXECUTIVE DIRECTOR, PLACE

## THE LICENSING ACT 2003 - DRAFT STATEMENT OF LICENSING POLICY - APPROVAL

### 1.0 SUMMARY

1.1 The Licensing Act 2003 states at Section 5 (1):

“Each licensing authority must in respect of each five year period –

- (a) Determine its policy with respect to the exercise of its licensing functions, and
- (b) Publish a statement of that policy before the beginning of the period.”

1.2 This report is to seek approval on the final draft of the Statement of Licensing Policy under the Licensing Act 2003 and refer the matter to Full Council for determination.

### 2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

2.1 The Statement of Licensing Policy will assist the Licensing Service in administering and enforcing the Licensing Act system in accordance with the promotion of the four statutory licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

All four must be addressed when licensing functions are undertaken and they provide the foundation for all the decisions made by the licensing authority.

2.2 The Licensing Service will work with potential applicants to understand how we can enable their ideas to happen in line with our vision for the city to be attractive to a wide range of activities, visitors and residents. The service recognises that the best cities in the world offer a wider variety of choices around night time leisure uses, including later opening hours where this is appropriate.

2.3 It will provide developers looking to come to Sheffield, new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Licensing Act process in the city.

2.4 The Licensing Service will work with the Corporate Policy, Performance and Communications Team to create a single, coherent information resource for the full range of licensing activities that we undertake, making space somewhere where the policies can be located and searched easily, easily understood by the use of a simple guide and this can be referred to when people need assistance.

2.5 The Licensing Service will develop a “City Wide Licensing Strategy” that will sit above all the service policies and a vision of what the Council wants for the City in terms of Licensing. The strategy will be an excellent link between our policies, the Corporate Plan and other key policies / strategies.

2.4 The Statement of Licensing Policy will assist the Council in achieving the priorities outlined in Our Plan 2015-18 and focuses on helping people who live, work, learn and visit our city to enjoy what Sheffield has to offer as detailed below:-

2.4.1 **An in touch organisation**

How the Licensing Service will contribute:

We will listen and be responsive, and endeavour to meet the increasingly diverse needs of the individuals of Sheffield by working in partnership with our customers, partners and stakeholders.

- Intelligent – make full use of information we receive to inform decision making and drive service improvement. Pro-actively using our policies to help shape the City and what it has to offer.
- Efficient – continually strive to provide value for money by looking to improve quality and outcomes through “education” and “enforcement”.

2.4.2 **Strong economy**

How the Licensing Service will contribute:

We will help achieve our economic potential, be well connected, with skilled individuals and assist businesses.

- Vibrant City – work with potential investors to assist them when setting up new businesses in Sheffield by using the Corporate Plan (Vision), other Council Policies and this Policy to help get the right mix of business leisure and retail.
- Distinctive cultural and sporting assets – continue to work with our major venues and assist in delivering and maintaining an excellent cultural and sporting offer to those who live, work, and visit our city.

2.4.3

**Thriving neighbourhoods and communities**

How the Licensing Service will contribute:

Assist people to have a good quality of life and feel proud of where they live and have great local amenities.

- Assist in improving community safety by reducing antisocial behaviour in partnership with the Police etc.
- Help local businesses provide well run and appropriately licensed activities.
- Investigate complaints and enforce against those that choose to operate in breach of the law and/or their licence conditions

2.4.4

**Better health and wellbeing**

How the Licensing Service will contribute:

Promote good health, and assist in preventing and tackling ill health.

- Provide information and education around the impact of alcohol and gambling.
- Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health.
- Work with the Safeguarding Children Board to raise awareness and tackle any issues around CSE and Child / Adult Safeguarding

2.4.5

**Tackling inequalities**

How the Licensing Service will contribute:

Help invest in the most deprived communities and support individuals to help



themselves.

- Though licensing help promote equality, diversity and inclusion.
- Continue to work with Schools, Colleges and Universities to deliver education around licensing.
- Work in partnership with other services to create and provide a resource / information around how licensed premises can operate and promote equality, diversity and inclusion

### **3.0 OUTCOME AND SUSTAINABILITY**

3.1 The expected outcomes of the report are that:

- Sheffield City Council will have an up-to-date and effective policy under the Licensing Act 2003;
- Applicants will be provided with a clear, consistent basis for submitting applications and notices in Sheffield;
- A clear, consistent basis will be provided for determining licence applications in Sheffield;
- The relevant views of those affected by licensed premises will be taken into consideration;
- The wider strategies of the City Council are supported;
- Local communities and businesses are supported to ensure that licensed premises are properly managed and integrated in to the local community;
- The responsible sale of alcohol is promoted in a partnership approach; and
- The promotion of successful working partnerships between all agencies, local communities and other organisations involved the Licensing Act 2003 and the Night Time Economy.

### **4.0 BACKGROUND**

4.1 Section 5 (1) of the 2003 Act states:

“Each Licensing Authority must in respect of each five year period –

- a) Determine its policy with respect to the exercise of its licensing functions, and
- b) Publish a statement of that policy before the beginning of the period.”

4.2

The current Statement of Licensing Policy was published in January 2011, therefore the amended policy must be published in/before January 2016.

4.3

The proposed policy has changed entirely from the one that was published five years ago and has been produced in accordance with the 2003 Act and the Guidance issued under Section 182 of the Act.

### **5.0 WHAT DOES THE POLICY DEAL WITH**

5.1 The policy deals with the sale of alcohol, the supply of alcohol by or on behalf of a club, the provision of regulated entertainment and the provision of late night refreshment.

5.2 The policy covers all types of applications that can be made under the Act.

The policy will guide the Licensing Committee when determining applications and

- 5.3 assists the Licensing Authority in administering and enforcing the Licensing Act system in accordance with the promotion of the four licensing objectives.
- 5.4 It provides developers looking to come to Sheffield, new businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Licensing Act process and how applications are dealt with in Sheffield.

## **6.0 CONSULTATION**

- 6.1 All responsible authorities under the Act and relevant internal partners were consulted with prior to formal consultation in order to ensure the final consultation draft was as comprehensive as possible.
- 6.2 The formal consultation period began on Thursday, 11<sup>th</sup> June 2015 and concluded at 5:00pm on Friday 14<sup>th</sup> August 2015.
- 6.3 Section 5 (3) of the 2003 Act sets out who the licensing authority must consult before determining its policy, they are: -
- the chief officer of police for the licensing authority's area;
  - the fire authority for that area;
  - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
  - such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority;
  - such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority; and
  - such persons as the Licensing Authority considers to be representative of businesses and residents in its area.
- 6.4 Over 5000 letters and emails regarding the consultation were distributed to premises licence holders, club premises certificate holders, personal licence holders, responsible authorities, elected members, and many other groups; information was published on the Licensing Service webpages and officers attended a public meeting for the Central Area with local residents and Councillors.
- 6.5 The Licensing Authority received 9 responses to the consultation and amendments have been made where appropriate.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The work on the revision of the Statement of Licensing policy is a statutory duty placed upon us as the Licensing Authority and the work has been undertaken within the current resources of the Licensing Service and is fully recovered through licence fees, therefore there are no additional financial and resource implications to the Council arising from this report.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 Failure to formally review the Statement of Policy in accordance with Section 5 of the Licensing Act 2003, the Regulations and Associated Guidance would mean that the Council would not be able to comply with its statutory duty and would leave it open to legal challenge.
- 8.2 If the revised document referred to within this report is approved by full Council in December 2015 then the Council as the Licensing Authority have fulfilled its statutory duties.

## **9.0 EQUALITY OF OPPORTUNITY IMPLICATIONS**

- 9.1 There are no adverse equality of opportunity implications arising from this report.
- 9.2 An Equality Impact Assessment has been prepared and retained.

## **10.0 REASONS FOR RECOMMENDATIONS**

- 10.1 To comply with the statutory obligations and in doing so promote the core objectives under the Licensing Act, the Councils Corporate Plan and supports the Council's Vision.

## **11.0 RECOMMENDATIONS**

- 11.1 That Cabinet approve the Statement of Licensing Policy for referral to Full Council on 2<sup>nd</sup> December 2015.

Steve Lonnia  
Head of Licensing  
October 2015

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**SHEFFIELD CITY COUNCIL'S**  
**STATEMENT OF LICENSING POLICY**

**Under the Licensing Act 2003**

**2016**

# CONTENTS

	Page No.
<b>Part 1 - Foreword</b>	<b>3</b>
<b>Part 2 – Overview</b>	<b>4</b>
Legislative Background	4
Key Definitions	5
Scope of Licensing Policy	5
Process of applying for a licence	6
Supporting and Integrating Strategies	7
Relationship with Planning	10
<b>Part 3 – SHEFFIELD CITY COUNCIL’S STATEMENT OF LICENSING POLICY</b>	<b>12</b>
<b>Policy paragraphs are highlighted throughout the document by shaded text boxes.</b>	
The Licensing Objectives:	13
• The Prevention of Crime and Disorder	14
• Public Safety	16
• The Prevention of Public Nuisance	18
• The Protection of Children from Harm	20
Representations made by other persons	23
Applications for: Premises Licences/Club Premises Certificates/Provisional Statements	25
Applications for: Personal Licences	26
Designated Premises Supervisors	27
Temporary Event Notices	28
Events to be held on Council Land	29
Large Scale Events	30
Applications for: Minor Variations	31
Applications for: Reviews	32
Applications for: Summary Reviews	34
Cumulative Impact	35
Other methods for controlling Cumulative Impact	35
Areas Nearing Levels of Stress in Sheffield	36
Early Morning Restriction Orders (EMROs)	37
<b>Part 4 - Licensing Committee</b>	<b>38</b>
Hearings	38
Delegation of Functions	38
Appeals	38
<b>Part 5 - Equality, Diversity and Inclusion</b>	<b>39</b>
The Equality Act 2010	39
Equality Impact Assessment (EIA)	39
<b>Part 6 - Parallel Consent Schemes</b>	<b>40</b>
<b>Part 7 - Useful Contact Details</b>	<b>41</b>
<b>Appendix ‘A’ - Glossary of Terms</b>	<b>43</b>
<b>Appendix ‘B’ - Consultation / Consultees</b>	
<b>Appendix ‘C’ – Map of City Centre Boundary</b>	

# PART 1 - FOREWORD

We are proud of Sheffield's reputation as a safe and vibrant city with a wide range of different cultural and entertainment venues which are valued by residents, visitors and businesses. It is important that these operate lawfully and sensitively, taking account of the needs of customers but also the wellbeing of nearby residents, and people enjoying other activities.

In Sheffield, we use our Licensing Policy to guide the licensed business sector when making applications under the Licensing Act, to assist councillors in reaching decisions on those applications that they consider, and to help residents voice their views and concerns in appropriate ways.

We believe this is a robust policy. We always have to strike a balance between the need to welcome and support those delivering licensable activities that are important to parts of our city with the need to ensure a high quality of life for all those who live, work in or visit Sheffield. We have, in our view, created a fair and proportionate balance.

When we see well managed premises and proposals that support the positive contribution that can be made to the economy and vibrancy of our city, then we will be supportive. However, when we see the need to be firm we will do so.

We know the licensed business sector and our communities support us in this, and none of us will tolerate premises and businesses that might damage our communities, who compromise safety and who do not properly control their activities.

We are committed to building on the current partnership approach and will continue to look at new ways of working with the licensed trade, residents, businesses and other stakeholders in the community to ensure that Sheffield remains a safe place to visit and enjoy your leisure time without the fear of violence, intimidation or disorder.

## Introduction

The policy builds on the experience we have gained by administering the 2003 Act, particularly when addressing issues that impact on the safety and well-being of our residents, visitors to the city and those working in the leisure and entertainment industry.

We are very grateful to all the premises operators, managers, residents and partner organisations that have worked so hard to make the system work. Through continued partnership working we can improve the leisure and entertainment provision even more and make Sheffield the place to be.

Those who manage their premises well and play a purely positive role will have nothing to fear from this policy.

The Licensing Authority will continue to tackle those who fail to uphold the licensing objectives, breach their conditions or operate outside their licence. The council see licensing as a key means of controlling nuisance and anti-social behaviour from licensed premises, and part of the holistic approach to the management of the evening and night time economy.

We want to promote Sheffield as a city of cultural and sporting excellence, increase engagement in cultural activities and encourage vibrant, safe and strong communities. We want to celebrate cultural diversity and respect and provide for the needs of all users of our city and not just for the young adult population. We want to encourage a wide range of different types and styles of premises, particularly in the city centre, to attract a wide range of users from families with children through to older people as well as people with special needs.

We would particularly like to see the cultural hub of the city centre, focussed around Tudor Square, the Winter Gardens and the Peace Gardens, remain as an attractive destination for every visitor to our city and to this end we would encourage premises that serve the needs of all visitors to this area, with an emphasis on the European café culture, rather than a late night drinking destination, which is already well catered for in other areas of the city centre.

## Part 2 - OVERVIEW

The licensing process is about regulating licensable activities on licensed premises, by qualified clubs and at temporary events within the terms of the Licensing Act 2003 with a view to promoting the four licensing objectives:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm.**

Sheffield City Council wants Sheffield to be a city with the attributes it needs to prosper and where the quality of life makes it somewhere people choose to live, work and do business.

The licensing authority will strive to achieve balance between developing and enabling businesses and regulating and applying sanctions to those same businesses for the safety of premises users and the protection of local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.

### LEGISLATIVE BACKGROUND

The Licensing Act 2003 provides a unified system of regulation for the activities of the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. In the Act, these activities are referred to collectively as “the licensable activities”.

The purpose of the system of licensing for licensable activities is to promote four fundamental objectives (“the licensing objectives”). Those objectives are –

- **The prevention of crime and disorder;**
- **Public safety;**
- **The prevention of public nuisance;**  
And
- **The protection of children from harm.**

The system of licensing is achieved through the provision of authorisations through:

**Personal licences:** - authorising individuals to sell or supply alcohol, or authorising the sale or supply of alcohol, for consumption on or off premises for which a premises licence is in force for the carrying on of that activity;

**Premises licences:** - authorising the holder of the licence to use the premises to which the licence relates (“the licensed premises”) for licensable activities;

**Club premises certificates:** - authorising qualifying clubs to use club premises for qualifying club activities;  
and

**Temporary event notices:** - authorising short term, ad-hoc events with less than 500 people attending.

The Act provides procedures for regulating the discharge by the licensing authority of its functions. Authorities are required to publish a policy framework document. In producing the document a licensing authority is required to take account of the views of those representing the holders of licences and certificates, local residents and businesses, the police, and the fire authority. Licensing authorities are also required to take into account the Guidance to the Act.

The Act provides licensing authorities with the power, on review of a premises licence, to suspend or revoke the licence, to exclude specific licensable activities from the licence, or to modify operating conditions attached to the licence. These powers must be exercised with a view to promoting the licensing objectives. These same powers attach to club premises certificates.

In addition, the Act confers powers on the police to close licensed premises to deal expeditiously with disorderly behaviour and excessive noise; these powers are both anticipatory and reactive.



## KEY DEFINITIONS

The following terms are used frequently throughout this Statement of Licensing Policy document:

<b>‘the Licensing Authority’</b>	refers to Sheffield City Council which carries out its function as Licensing Authority under the Licensing Act 2003 in the Sheffield city boundary.
<b>‘the Council’</b>	refers to Sheffield City Council.
<b>‘the Act’</b>	refers to the Licensing Act 2003.
<b>‘the Licensing Committee’</b>	refers to the committee of Sheffield City Council established under s7(1) of the Act.
<b>‘the Licensing Sub-Committee’</b>	refers to three members of the Licensing Committee with sub-delegation of functions.
<b>‘the Guidance to the Act’</b>	refers to the most current Guidance issued by the Secretary of State under Section 182 of the Act.
<b>‘Licensing Policy’</b>	refers to this document, Sheffield City Councils Statement of Licensing Policy.
<b>‘authorisation’</b>	refers to all licences, certificates, temporary event notices and any other permission which can be given under the Act.
<b>‘Responsible Authorities’</b>	refers to public bodies that must be notified of new licence applications, reviews and other licensing functions. They are entitled to make relevant representations to the licensing authority in relation to the application for the grant, variation or review of such a licence. See contact details at page 41.

Please refer to the glossary at page 43 for further definitions.

## SCOPE OF LICENSING POLICY

All licensing authorities must publish a statement of licensing policy promoting the licensing objectives:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm.**

The purpose of the licensing policy is to:

- provide applicants with a clear, consistent basis for submitting applications and notices in Sheffield;
- provide a clear, consistent basis for determining licence applications in Sheffield;
- ensure the relevant views of those affected by licensed premises are taken into consideration; and
- support wider strategies of the City Council.

The licensing policy covers all applications and notices for the following licensable activities:

- **the sale by retail of alcohol;**
- **the supply of alcohol by or on behalf of a club to, or to the order of a member of that club;**
- **the provision of regulated entertainment; and**
- **the provision of late night refreshment.**

It is an offence under section 136 of the Act to carry on any of the licensable activities above other than in accordance with a licence or other authorisation under the Act.

Current definitions of the above activities can be found in the glossary at page 41. Note: changes to legislation may amend these definitions at any time.

**Any application received under the Licensing Act 2003 will be dealt with on its own individual merits and by reference to the four licensing objectives.**

**We will take care to ensure necessary, proportionate and reasonable conditions are imposed on regulated activities.**

## PROCESS OF APPLYING FOR A LICENCE

Applying for a licence or permission under the Act generally involves three stages:

- 1. Applying** Completion of an application form by an applicant/applicants representative
- 2. Processing** Receipt and handling of application by licensing officers
- 3. Determining** Deciding on the outcome of the application by Members of the Licensing Sub-Committee

### Applying

All applications made under the Licensing Act 2003 must contain as much detail as possible.

Applications for new premises licences, club premises certificates and variations of such need to be supported by an operating schedule.

The applicant must specify on the operating schedule (among other things) the steps which he/she proposes to promote each of the licensing objectives.

Full details of how to apply for each permission can be found on the relevant application form or on our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).



### Processing

The licensing authority (officers) will process the application on receipt and ensure the application is compliant with this policy.



### Determining

If there are no representations to the application within the relevant period of consultation, the steps in the operating schedule will become licence conditions and the licence will be granted.

(Where a representation has been submitted to a minor variation application, there is no right to a hearing. The licensing authority (officers) will take any relevant representations into account in arriving at a decision.)

If there are relevant representations to an application, a hearing before the licensing authority sub-committee will be held.

The sub-committee must, having regard to the representations, take steps as it considers appropriate to promote the licensing objectives. These may include refusing the application, or adding to or modifying the conditions proposed in the operating schedule.

In exercising its discretion, the licensing sub-committee will have regard (amongst other things) to this licensing policy and the Guidance to the Act. Therefore, in making an application and drawing up an operating schedule, applicants are advised to read this policy and the Guidance to the Act carefully.

Where an application complies with this policy, it is generally less likely that a responsible authority or other person will object to it, or that any objection will succeed. Therefore, compliance with this policy is likely to assist an applicant to avoid the delay and expense of a contested licence application hearing, and the risk of a refusal or the addition of any unwanted licence conditions.

An opposed application which complies with this policy will not necessarily be granted and an opposed application which does not comply with it will not necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case, and interfere with the operating schedule, only when, and to the extent, appropriate to promote the licensing objectives.

While the contents of the operating schedule are a matter for the applicant, where there is objection to a schedule which departs from this policy, the licensing sub-committee hearing of an opposed application will normally expect to give good reason for the departure from this policy. It may be asked to make an exception to it.

## SUPPORTING AND INTEGRATING STRATEGIES

Many strategies deal in part with the leisure economy, and the licensing authority has considered other relevant strategies when developing this policy.

Other plans, policies and strategies that have a bearing on this one are:

### • Sheffield City Council Corporate Plan 2015-2018

The corporate plan sets our direction and priorities for the next three years.

#### **Priority 1: An in touch organisation**

How the Licensing Service will contribute:

Listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield

- Intelligent – make full use of information to inform decision making and drive service improvement
- Efficient – continually strive to provide value for money improving quality and outcomes

#### **Priority 2: Strong economy**

How the Licensing Service will contribute:

Help achieve our economic potential, be well connected, with skilled individuals and assist businesses

- Vibrant City – help get the right mix of business leisure and retail
- Distinctive cultural and sporting assets – assist in delivering and maintaining these venues

#### **Priority 3: Thriving neighbourhoods and communities**

How the Licensing Service will contribute:

Assist people to have a good quality of life and feel proud of where they live and have great local amenities

- Deliver an efficient and safe taxi licensing system that provides an efficient mode of transport
- Assist in improving community safety by reducing antisocial behaviour
- Help local businesses provide well run and appropriate licensed activity

#### **Priority 4: Better health and wellbeing**

How the Licensing Service will contribute:

Promote good health, and assist in preventing and tackling ill health

- Provide information and education around the impact of alcohol and gambling
- Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health

#### **Priority 5: Tackling inequalities**

How the Licensing Service will contribute:

Help invest in the most deprived communities and support individuals to help themselves

- Though licensing help promote equality, diversity and inclusion
- Continue to work with Schools, Colleges and Universities deliver education around licensing

### • Sheffield City Strategy – Sheffield 2020

Sheffield 2020 has a vision to be a great city where people from across the world want to live, learn, work, invest and visit. To achieve the vision, 5 key ambitions have been agreed:

- Distinctive
- Successful
- Inclusive
- Vibrant
- Sustainable

Licensing feeds into the vibrancy ambition; the city has the largest regional theatre complex outside of London and has over 12 major festivals that are supported by our Safety Advisory Group each year.

## • Safer and Sustainable Communities Partnership Plan 2014-2017 (Draft at the time of writing this policy)

Written by the city's Community Safety Partnership the strategy is in place to tackle crime, anti-social behaviour and drug and alcohol misuse.

Licensing Service representatives sit on the Safer Communities Performance Planning and Resources Group.

The majority of people use the night-time economy safely and responsibly. However, a small number of people misuse alcohol and are involved in violent and other crime. The Partnership will promote a responsible drinking culture, where alcohol is a positive part of the city night-time entertainment offer and where harm caused by alcohol is minimised. Although the level of violent crime in Sheffield is low for a major city, we want to reduce further the level of violence in the night-time economy to make it a safe and enjoyable environment for everyone.

The partnership has prioritised victims, vulnerable people, re-offending, cohesion and crime and antisocial behaviour with specific key areas of work covering:

- the provision of alcohol treatment places for those who wish to receive treatment to stop drinking harmfully, and
- the provision of targeted information on alcohol abuse support services to those with mental health issues via pharmacies.

## • The Government's Alcohol Strategy (Published March 2012)

The Government's alcohol strategy sets out proposals to crackdown on the 'binge drinking' culture, cut alcohol fuelled violence and disorder, and slash the number of people drinking to damaging levels.

The strategy includes commitments to:

- consult on a minimum unit price for alcohol
- consult on a ban on the sale of multi-buy alcohol discounting
- introduce stronger powers for local areas to control the density of licensed premises including making the impact on health a consideration for this
- pilot innovative sobriety schemes to challenge alcohol-related offending

Following consultation on delivering the strategy, a document was published setting out the next steps the Government will be taking in three areas:

- Targeted national action – including direct action from Government and our ambition for further voluntary commitments by the alcohol industry to tackle alcohol-related crime and health harms;
- Joining up at the local level – including how the Government will support local areas with high levels of alcohol-related harms to deliver change, in particular maximising the contribution from industry to support local action, for instance through business-led best practice schemes such as Best Bar None;
- Promoting growth and supporting responsible businesses – how the Government will free business and community groups from unnecessary red tape while maintaining the integrity of the licensing system.

The strategy and next steps documents were published under the 2010 to 2015 Conservative and Liberal Democrat coalition government.

## • Sheffield Alcohol Strategy 2016-2020 (being consulted on at the time of writing this policy)

The 2010-2014 Sheffield Alcohol Strategy had three over-arching themes that shaped the approach to alcohol in Sheffield; the presence of a responsible drinking culture, alcohol as a positive part of Sheffield's entertainment offer, and reduction of alcohol related harm. The majority of the actions from the strategy were achieved, and significant progress was made towards providing an effective city-wide response to alcohol.

The 2016-2020 Strategy will build on the previous achievements and address five distinct themes relating to alcohol in order to provide a wide reaching approach to alcohol use and misuse in the city. The five themes are:

1. Alcohol and health
2. Alcohol, Treatment and Recovery
3. Licensing and the night time economy
4. Alcohol and Crime
5. Community responses and vulnerable groups.

The strategy identifies a need for more joint work between the Licensing Service and the Sheffield Drugs and Alcohol Coordination Team (DACT) as current processes for management of the night time economy are not joined up adequately. A joint working protocol is actioned in the Sheffield Alcohol Strategy and will be useful in the long term in addressing alcohol harm issues associated with Sheffield's night time economy.

## • **Action Plan to Protect Communities from the Harm associated with Illegal Tobacco and Alcohol 2012-2015**

The aims of the action plan are to improve the health of the population of Sheffield by reducing the availability and supply of illegal tobacco and alcohol and to reduce health inequalities associated with the availability and supply of illegal tobacco and alcohol.

## • **Sheffield Joint Health and Wellbeing Strategy – 2013 - 2018**

This Joint Health and Wellbeing Strategy is a plan to improve the health and wellbeing of Sheffield people. It identifies things that will directly make a difference to people's health and wellbeing, such as investing in cancer services or tobacco control, but it also looks at the health and wellbeing system in Sheffield and its ways of working.

The Strategy is divided into ten principles and five outcomes, and is supported by five work programmes; alcohol features in each of these sections.

## • **A Culture Strategy for Sheffield 2011, 2012 and 2013**

Sheffield's culture strategy is a direct follow-on from Sheffield's UK City of Culture 2013 bid, which took place in 2010 and is a call to action for the people of the city to get involved and participate in cultural activity.

## • **Accessible Sheffield**

Sheffield City Council are working collaboratively and in partnership with Disabled Go, Disability Sheffield and Nimbus Disability to support the ambitions of Sheffield to become an accessible and fairer city for all who live, work, study and or visit Sheffield.

The partnership is supporting the development and delivery of an exciting new city Access Guide and Access Card scheme.

Inclusive information is an integral part of tourism, disabled people nationwide are accountable for an £80billion annual spend so promoting accessibility is part of building a vibrant economy for the city and ensuring that all of the city's attractions are promoted and well used.

Through working in partnership the project aims to:

- Promote good practice in terms of access and service provision via the CredAbility Quality Assurance Systems
- Encourage providers and businesses within the city to use the Access Card scheme to offer discounts via the card.

For further information, please contact The Centre for Independent Living Tel: 0114 253 6750.

## • **Safety Certification / Safety Advisory Group Policy Document**

The Policy sets out the approach of the Safety Advisory Group in relation to designated stands and stadiums but also for concerts, festivals and other events where the group is engaged.

The main objective of the policy is to ensure spectator safety is of the highest attainable standard.

The Safety Advisory Group is a multi-agency group and is chaired by the Chief Licensing Officer or nominated deputy.

## Relationship with Planning

While there is no obligation for an applicant to have planning permission in place before applying for a premises licence, provisional statement or for a variation of a licence, it is nevertheless strongly recommended that the proposed use of the premises has planning permission first so that proper consideration can be given to the impact that the use of the premises will have on the locality, particularly to ensure that it is compatible with the character of the area and will not harm the living conditions of any nearby residents.

Applications for licences may be made prior to any planning permission being in place and the lack of planning permission is not a relevant representation under the Licensing Objectives, however, applicants should note that where planning permission is not in place, relevant representations are more likely to be made by the Planning Service.

The Planning, Building Regulation and Licensing regimes will be properly separated as they involve consideration of different (albeit related) matters. For example, licensing committees are not bound by decisions made by a planning committee, and vice versa.

There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Applicants are encouraged to indicate, when applying for a licence under the 2003 Act, whether they have also applied for planning permission or that they intend to do so. This gives licensing and planning officers the opportunity to discuss applications prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

The following Planning policies and guidance documents are relevant to premises that carry out licensable activities (note planning guidance may be subject to change and applicants should always check the latest version):

### The Sheffield Local Plan

This will be the statutory development plan for Sheffield. It will set out the overall spatial strategy for Sheffield and contain development management policies to help achieve these aims. Until the Local Plan is adopted in 2018, the strategic and development management policies are those in the Core Strategy and Unitary Development Plan, respectively.

### Night Time Uses – Interim Planning Guidance

#### Guideline 1: Controlled Areas

Within the areas shown on Plan 1 (over the page), conditions will be applied to planning approvals which allow the times of opening of drinking establishments and nightclubs to no later than 12.30am. This will also apply to hot food takeaways.

Food establishments - cafes/restaurants will not be time limited unless through applying Guideline 2, they would be considered to have an adverse impact on nearby residents, workers or users of the area.

#### Guideline 2: City Centre and Neighbourhoods

Leisure, and Food and Drink uses will be allowed if:

- (a) conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance; and
- (b) they are unlikely to lead to anti-social behaviour that would disturb residents, workers or users of the area; and
- (c) neither the parking of cars nor the provision of signs, tables, and chairs outside the premises would impair the safety or ease of movement of pedestrians and road users.

In considering the criteria, the Council's Planning Service will take into account the cumulative harmful effect of existing leisure and entertainment uses.

The Council's Planning Service may attach conditions to permissions to ensure that these criteria are met.

### Guideline 11

Nightclub or late-night pub developments will normally be accepted in those parts of Heart of the City (around Barkers Pool and the New Retail Quarter), St Vincent's (north of Scotland Street), Hallam Central, Castlegate (north of river and Wicker), The Moor and the CIQ (west of Leadmill Road/Paternoster Row), provided that they would have no serious effects on the amenity of existing residents.

We want the city to be attractive to a wide range of activities, visitors and residents. This includes a vibrant, healthy and safe night time economy. We recognise that the best cities in the world offer a wider variety of choices around night time leisure uses, including later opening hours where this is appropriate. We want to work with potential applicants at an early stage to understand how we can enable their ideas to happen.

Applications will be encouraged for night time economy uses that complement the established and developing communities at Devonshire, St. Vincent's, Kelham, Wicker, Riverside and Park Hill, but with limited late night opening. The Heart of the City and the Cathedral Quarter would suit applications such as those for seated eating and drinking that complement the "cultural" offer of the area, but again with limited late night opening. The more vibrant West Street is close to saturation and we would discourage applications in this area and encourage applications for later opening on The Moor, Sheaf Valley and Castlegate areas.

## **Part 3 – SHEFFIELD CITY COUNCIL'S STATEMENT OF LICENSING POLICY**

**The Statement of Licensing Policy sets out how Sheffield will exercise its licensing functions under the Licensing Act 2003.**

**Licensing functions are the duties and powers of the Council in its capacity as “the licensing authority”.**

**The licensing authority will grant licences / certificates at the end of the relevant period for representation if no adverse representations are received.**

**If adverse representations are received, the licensing authority's discretion will be engaged.**

**In exercising its discretion, the licensing authority will apply the standards set out in the shaded boxes of this section.**

**The licensing authority may deviate from the policy in exceptional circumstances where one or more of the licensing objectives can be achieved through other means.**

**This licensing policy will provide an applicant with an awareness of the expectations of the licensing authority and responsible authorities as to best practice, giving a collaborative view of the best means of promoting the licensable objectives.**

**Applicants are able to make applications without complying with this policy; however, failure to comply could lead to representations being made, delays, extra costs and the application of the policy at a hearing of the licensing sub-committee.**



## THE LICENSING OBJECTIVES

The Act provides a clear focus on the promotion of four statutory licensing objectives:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm.**

All four must be addressed when licensing functions are undertaken and they provide the foundation for all the decisions made by the licensing authority.

The Act does not provide a definition of each objective and this section aims to set out how the licensing authority will consider each objective at each stage of application.

**Each objective is of equal importance and of paramount consideration at all times.**

### General steps for applicants to promote the licensing objectives

In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

Applicants are, in particular, required 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 proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes) which may help to mitigate potential risks.

Applicants are required to include positive proposals in their application on how they will manage any potential risks.

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impacts upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

Publicly available sources which may be of use to applicants include:

- The Crime Mapping website ([www.police.uk](http://www.police.uk));
- Neighbourhood Statistics websites ([www.neighbourhood.statistics.gov.uk](http://www.neighbourhood.statistics.gov.uk));
- Websites or publications by local responsible authorities (see contact details at page 41);
- Websites or publications by local voluntary schemes and initiatives; and
- On-line mapping tools.

While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The licensing authority encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses *before* applications are submitted in order to minimise the scope for disputes to arise. There may be resident or business groups which can be consulted.

Applicants are required to make it clear in their applications, why the steps they are proposing are appropriate for the premises rather than providing a set of standard conditions to promote the licensing objectives.

All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively; the legislation actively encourages a partnership approach.

Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences.

For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

# THE PREVENTION OF CRIME AND DISORDER

Well-run and responsible licensed premises form an important element of the social fabric of our communities and diligent supervision of drinking can assist with the prevention of crime and disorder.

The prevention of crime and disorder should be given due consideration by all managers, licence holders and clubs.

## CRIME AND DISORDER POLICY

### Applications

#### CCTV

Applicants are required to consider the use of CCTV as part of their crime and disorder reduction measures and evidence of such consideration should be detailed in the application form. Applications must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case.

South Yorkshire Police (SYP) Licensing Officers are able to visit your premises to discuss CCTV requirements.

#### Crime Reduction Radio Schemes

Three radio schemes are run in the city by the Sheffield Crime Reduction Partnership:

- **City centre retailers/business** - retail premises, businesses, South Yorkshire Police, City Centre Ambassadors and Sheffield City Council's CCTV to each other via personal radios.  
The aim of this scheme is the prevention and detection of crime within city centre retail premises and businesses as well as anti-social behaviour in the city centre.
- **City centre evening economy** - links licensed premises to South Yorkshire Police and Sheffield City Council's CCTV and is aimed at assisting all those involved in managing the behaviour of individuals linked to the evening economy in the city centre.
- **Hillsborough** - links licensed premises and retailers in Hillsborough and is aimed at assisting all those involved in managing the behaviour of individuals linked to the evening economy and retail premises in the area.

These schemes allow businesses to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering staff and customers on the premises.

If your proposed business is in any of these areas, it is recommended that you consider becoming a member of the crime reduction scheme. See page 41 for contact details.

#### Management Practices

Applicants are required to include information in the operating schedule of effective and responsible management, best practice and procedures.

On-going risk assessments are encouraged to minimise risks to staff and customers.

#### Drugs

The use of licensed premises for the sale and distribution of drugs and the laundering of the proceeds of drugs crime are treated with particular seriousness by the licensing authority.

Applicants are required to give consideration to the creation and enforcement of a zero tolerance drugs policy and should detail any staff awareness training procedures in place in the operating schedule.

Applicants are encouraged to consider accessing training on drugs for their staff from Drugs and Alcohol Co-ordination Team (DACT) commissioned services.

Consideration should be given to sign posting individuals to intervention or referral policies.

More information on intervention and referral can be sought from DACT – see contact details at page 41.

Displaying posters in the premises to notify customers of any zero tolerance drugs policies is encouraged.

Well managed premises where staff take an active interest in drug prevention are less likely to attract drug use.

## **Door Supervisors**

Applicants are required to consider the use of Security Industry Authority registered door supervisors and evidence such consideration in the application form. Unregistered staff must not be used.

Should registered door staff be utilised, a written record must be kept of each including name, badge number, time on and off duty and location whilst on the premises.

## **Sale of Illicit Goods**

The licensing authority is extremely concerned about the rise in the availability of illicit alcohol and tobacco in the city.

Whether non-duty paid (where the product is genuine but the appropriate tax has not been paid), or counterfeit (where a fake product is made to look genuine), it is the opinion of the licensing authority that the selling of any illicit goods is a deliberate, criminal act and shows evidence of poor management and disregard for the licensing objectives.

The Trading Standards Service is responsible for tackling the illegal sale of illicit goods in the city and regularly inspects licensed premises.

Where illicit goods are found, the product will be seized and the offender may be prosecuted.

Trading Standards are also very likely to submit a review of the premises licence where illicit goods are discovered (see Review Application Policy at page 32).

## **Dispersal / End of Evening Policy**

Premises that are close to residential properties are expected to consider dispersal or end of evening policies to minimise the potential for disorder and disturbance as customers leave the premises (see NOCTIS <http://noctis.net-genie.co.uk/Policy/> for an example of good practice) and evidence of such consideration should be detailed in the application form.

## **Winding Down Time**

Premises serving alcohol after 11pm should consider giving customers the opportunity to remain on the premises after last orders to encourage 'wind down'.

The Licensing Authority will normally expect the service of alcohol to cease at least 30 minutes before customers are required to leave the premises.

Applicants should consider a strategy of how they will implement a 'winding down' time and detail this in the application form. This could include slowing down the pace, volume and type of music played, brighter lighting arrangements and serving hot food, coffee and other soft drinks.

## **Use of Glassware**

As a measure to reduce alcohol-related injuries, where it is appropriate to the venue or event, consideration should be given to the use of safer alternatives to traditional glassware.

Operators of high volume premises and outdoor events are encouraged to consider polycarbonate or plastic drinking vessels subject to Weights and Measures marking requirements.

## **Determining an Opposed Application**

The licensing authority (sub-committee) considers South Yorkshire Police to be the main source of advice on crime and disorder and Trading Standards on issues specifically in relation to illicit goods.

Attention will be given to the consideration provided in the application on the above subjects.

Where an applicant has omitted information on the above subjects, the committee will ask questions of the applicant on such and will consider attaching appropriate conditions.

# PUBLIC SAFETY

Licence holders have a responsibility to ensure the safety of those using their premises.

This objective concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.

## PUBLIC SAFETY POLICY

### Applications

### Risk Assessments

The licensing authority encourages applicants to undertake risk assessments in relation to the safety of customers and staff on the premises.

Where such risk assessments are undertaken, a copy should be maintained on the premises for inspection by authorised officers.

Example risk assessments for specific kinds of premises (pub, nightclub, off licence, convenience store, village hall, food preparation, etc.) are available on the HSE website [www.hse.gov.uk/risk](http://www.hse.gov.uk/risk).

### Specified Uses of the Building

The operating schedule must clearly detail the intended use for the building.

### Plans

All plans must comply with the regulations that accompany the Act, be legible and show all internal and external areas.

Applications where plans do not comply with the regulations will not be accepted as a complete application.

### Ensuring Safe Departure of those using the premises

Applicants should make provision to ensure that premises users safely leave their premises.

Consideration should be given to:

- Providing information on local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks (this should be balanced to avoid light pollution to neighbouring properties).

### Venue Safety

The licensing authority considers that the safety of the public (including but not limited to customers, employees and visitors) within the venue is of paramount importance. To a lesser extent, applicants should also demonstrate that consideration has been given to the area immediately outside or adjacent to the venue with regard to public safety.

Applicants will be expected to consult fully with the responsible authorities before and / or during the process.

### Drugs

A zero tolerance policy towards the use of drugs, including New Psychoactive Substances is required and should be enforced. Applicants will be expected to demonstrate that staff are fully trained and aware of the issues in relation to illegal drugs.

In the case of new venues or changes to existing premises, design considerations to reduce the use of illegal substances should be considered, for example:

- Access control -- consider employing security staff; refuse service to anyone suspected of participating in the sale or use of drugs.
- Lines of sight -- avoid recessed areas; allow a clear view across the premises so staff can quickly assess issues.
- Lighting -- avoid dark corners or areas throughout premises, parking areas and outside areas well lit and managed.
- Toilet areas - cisterns should be concealed and hidden behind panelling, avoid flat smooth areas that can be used as surfaces to be used to divide drugs or as a platform for sniffing.

The Licensing Authority will have due regard to imposing relevant conditions preventing the sale of legal highs / new psychoactive substances (NPS) where it considers to be applicable.

## **Alcohol Harm**

Alcohol misuse is a significant public health challenge; it affects thousands of individuals, families and communities across the country and is a significant drain upon resources for a number of partner agencies.

Although public health is not one of the licensing objectives in the Act, applicants are required to demonstrate what steps they intend to take with regard to patrons who may be in a state of incapability.

Consideration should be given to sign posting individuals to intervention or referral policies.

More information on intervention and referral can be sought from the Drugs and Alcohol Co-ordination Team (DACT) – see contact details at page 41.

## **Determining an Opposed Application**

The licensing authority (sub-committee) will consider South Yorkshire Fire and Rescue and Sheffield City Council's Health Protection Service as the main source of advice on public safety.

Attention will be given to the details of the risk assessment provided with the application on the above subjects. Where an applicant has omitted a risk assessment, the committee will ask questions of the applicant on such.

**DRAFT**

# PREVENTION OF PUBLIC NUISANCE

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance.

We want to support a thriving night-time evening economy but not at the expense of causing public nuisance to nearby residents. To this end we will have regard to the conflict that can arise between late night uses and residential uses and would encourage operators that wish to operate noisy venues or very late night uses to seek premises that are sited well away from residential uses.

Issues with noise, smells, light pollution and litter that result from the operation of licensed premises unreasonably affecting persons living or working nearby must be reported to the licensing authority and/or relevant responsible authority.

## PUBLIC NUISANCE POLICY

### Applications

#### Noise Breakout from Regulated Entertainment

The licensing authority expects the applicant to evidence their consideration of the following:

- Noise control measures;
- Noise sensitive premises likely to be affected by actual or potential noise breakout from the premises;
- An assessment of the noise climate in the area. Advice should be sought from Sheffield City Council's Environmental Protection Service;
- An outline of the proposed measures to control noise generated, to prevent the adverse effect of noise on sensitive premises or the ambient noise climate in the area.

Where residential properties are in close proximity to a proposed licensed premises, operators will be expected to clearly demonstrate how their proposals will not cause nuisance to nearby residents.

Where amplified sound is proposed physical measures such as improved acoustic glazing and acoustic lobbies to entrances should be considered as should the fitting of a noise limiter to help control amplified sound. Speakers in outside areas close to residential properties are not advised.

#### Closing Times

Applicants will be expected to demonstrate that they have fully researched and considered the anticipated impact of their proposed closing times in relation to noise breakout and anti-social behaviour that would disturb nearby residents or workers in the area. The nature of the locality will obviously be a critical factor in deciding closing times.

The implementation of policies to manage customer dispersal at closing times should be considered, especially in areas with residential premises.

#### Light Pollution

Bright lighting outside premises may give rise to light pollution for neighbours. However, lighting may be appropriate for safety of customers and / or for crime and disorder prevention. Applicants are encouraged to consider balancing these issues where appropriate.

#### Outside Areas and Smoking Shelters

Outside areas for customers may be a source of noise nuisance to neighbouring properties. Applicants are responsible for ensuring that the use of outside areas and smoking shelters are effectively managed and that they are not permitted to become a source of nuisance. Management practices to mitigate such nuisance should be detailed in your application.

## **Tables and Chairs**

Applicants are expected to consider the impact of the use of signs, tables and chairs outside premises that would impair the safety or ease of movement for pedestrians and road users

Premises that provide tables and chairs for customers outside premises on the highway are required to obtain planning consent followed by a pavement café licence from the licensing service.

Please contact the planning service and the licensing service for further information.

## **Fly posting, flyering and other nuisance advertising**

The Council expects licensees will ensure that the licensing objectives are promoted by ensuring entertainment at their premises is not advertised inappropriately.

To this end, a responsible licensee is required to take all reasonable steps and exercise due diligence to ensure advertising of licensable activities does not cause nuisance, annoyance or which results in a criminal offence.

Applicants should outline in their operating schedules the steps to be taken to make sure that advertising of licensable activities does not cause nuisance, annoyance or result in criminal offences.

## **Determining an Opposed Application**

The licensing authority (sub-committee) will consider the Environmental Protection Service as the main source of advice on public nuisance.

Conditions relating to public nuisance will usually concern steps appropriate to control the levels of noise emanating from premises, both from amplified sound breaking out of the premises and from people in external areas. Conditions could also be imposed to control the noise from people accessing and leaving the premises.

# PROTECTION OF CHILDREN FROM HARM

The licensing authority considers the Sheffield Safeguarding Children Board to be the recognised body to be competent to give advice on the protection of children from harm. For the purpose of this policy a child is anyone under the age of 18 years.

The Sheffield Safeguarding Children Board takes a positive view of this role and where possible, is committed to working in partnership with licensed operators, statutory agencies and other organisations to ensure licensed locations are places where children and young people can learn to integrate and socialise within a safe and responsible environment. To assist operators with their child protection responsibilities, the Sheffield Safeguarding Children Board provides free training. The Licensing Authority expects operators to attend this training.

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language or sexual expletives.

## PROTECTION OF CHILDREN FROM HARM POLICY

### Applications

#### Children and Young People's Risk Assessment

The Licensing Committee encourages all operators to undertake a children and young people's risk assessment. This should be undertaken by the designated premises supervisor, premises licence holder or other such responsible person, and maintained as part of your due diligence records. The purpose of the assessment is to identify ways to prevent risk of physical, psychological or moral harm, to persons under the age of 18. The assessment should include consideration of children being exposed or subject to:

- Underage drinking
- Irresponsible adult drinking
- The use of strong or offensive language
- Anti-social, dangerous or criminal behaviour
- Substance misuse
- Sexual entertainment
- Supervision arrangements for children
- child sexual exploitation

A risk assessment template is available to download at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk)

#### Access for Children to Licensed Premises

It is required that applications that are proposing to allow children on the premises make it clear what activities will be undertaken, which areas children would access and at what times, to help determine when it is not appropriate for children to be present.

Risk management systems must be operated with regard to children who live, work, perform or socialise at licensed premises.

A code of practice for children living at licensed premises is available to download at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk)

#### Proof of Age / Age Verification Scheme

It is a mandatory requirement for a proof of age scheme to operate to prevent underage sales of alcohol. In order to be recognised by the Sheffield Safeguarding Children Board, the scheme must comply with the following criteria:

- Proof of age must be requested if staff suspect that the customer is under the age of 18 years. To assist staff, rules such as 'Challenge 21', 'Challenge 25' or similar should be applied.
- A refusals register must be maintained and made available for inspection at reasonable request. Records should include the date and time of the refusal, the product the young person attempted to buy or the reason for refusal/ejection, a physical description of the customer and any other significant comments;
- Signage must be displayed throughout the premises to promote the scheme;
- Staff training records must be maintained and made available for inspection at reasonable request.



Steps must be in place to ensure that staff involved in the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure no alcohol is sold to persons underage. Delivery staff must be trained to comply with the Code of Good Safeguarding Conduct which is available download at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk).

Further information and a refusals register template is available to download at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk).

### **Underage Sales**

Sheffield has a multi-agency working group named the 'Underage Sales Group' which concentrates specifically on under age sales and tackling issues with licensed premises in the city selling alcohol to underage children.

The group has an agreed strategy for dealing with and educating premises that fail test purchase operations carried out by South Yorkshire Police and Sheffield Trading Standards.

The strategy provides a clear framework to both enforcement agencies and premises of how persistent failures of test purchases are dealt with in Sheffield:

### **Test Purchase Strategy Process**

#### **1<sup>st</sup> Failure**

Option of:

- Fixed Penalty Notice (£90); **Or**
- Disposal if offender enrolls and pays to attend responsible retail of alcohol course (approx. £60); **Plus**
- Expected to attend multi-agency training "Safeguarding Children at Licensed Premises" workshop (free)

#### **2<sup>nd</sup> Failure (within 3 months of first failure – considered persistent)**

- Consider prosecution/discuss voluntary closure/review licence  
Expected to attend multi-agency training "Safeguarding Children at Licensed Premises" workshop (free)

#### **2<sup>nd</sup> Failure (after 3 months of first failure within 12 months of first failure)**

Option of:

- Fixed Penalty Notice (£90); **Or**
- Disposal if offender enrolls and pays to attend responsible retail of alcohol course (approx. £60); **Plus**
- **Expected** to attend multi-agency training "Safeguarding Children at Licensed Premises" workshop (free)
- Consider voluntary closure dependent on premises history

#### **3<sup>rd</sup> Failure (within 12 months of first failure)**

- **Automatic review application**

#### **3<sup>rd</sup> Failure (after 12 months of first failure)**

- A review application may be submitted after considering the past history of the premises and the management.

### **Responsible Retailer Scheme**

This is a free scheme run by Sheffield Trading Standards. The aim of the scheme is to educate retail staff about legislation and other issues connected with underage sales, and get them into the habit of always asking for proof of age when selling alcohol, tobacco or other age restricted products to young people. A very useful information and training pack on underage sales legislation is available from Trading Standards and is issued free of charge to all relevant businesses.

Further information can be obtained by contacting the scheme co-ordinator on 0114 2736241.

### **Child Sexual Exploitation**

The risk of child sexual exploitation can be present at all types of premises and it is expected that risk management systems are in place to identify and report suspicious activity. Premises that fail to do so may put children at risk of harm and in such cases action will be taken, which could result in the suspension or revocation of the licence. It is important that the risk of child sexual exploitation is managed at your premises to protect children and young people from harm and to protect your business.

The following safeguarding measures, or similar, should be included in your safeguarding policy to help evidence due diligence and keep children safe:

- Undertake a written children and young people's risk assessment and use it to inform your operating policy and staff training;
- Train staff to recognise indicators of child sexual exploitation and how to report concerns;
- Train staff to operate an age verification scheme;
- Maintain staff training records;
- Monitor activity at the premises using CCTV or regular patrols;
- Report suspicious activity to the police and record.

Further information and templates can be downloaded at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk).

## Events

The Licensing Authority recommends that event organisers plan their events with reference to the good practice guidance published by the Sheffield Safeguarding Children Board which can be downloaded at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk)

## Proxy Sales

Licensed operators selling alcohol must also take steps to prevent proxy purchase, such as monitoring activity in and around the premises using CCTV or by regular and recorded patrols.

Staff must be trained and reminded of their responsibilities in relation to the issue.

## Children's Safeguarder

At premises where children are allowed, the Licensing Authority suggests at least one member of staff or management to be designated to take a lead on issues relating to safeguarding children ('Children's Safeguarding Co-ordinator').

This role should be delegated to a suitable member of staff when the lead person is on holiday, or otherwise absent from the premises. This safeguarding measure should be included in the operating schedule to evidence a commitment to vigilant safeguarding, however the name of the Children's Safeguarding Co-ordinator should not be included in the operating schedule.

The designation of lead safeguarding staff is a demonstration of due diligence and can be an advantage at premises where there is a high turnover of staff, to ensure continuity and provide an induction to child safety policy.

The assignment of a Children's Safeguarding Co-ordinator would also benefit the business during busy times, ensuring that the premises management is able to prioritise child safety and therefore meet the Core Objective to protect children from harm, under the Licensing Act 2003.

The Safeguarding Children Board provides advice and free training to support staff designated to this role. Further information on the role of the Children's Safeguarding Co-ordinator can be downloaded at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk).

## Determining an Opposed Application

The licensing authority (sub-committee) will give considerable weight to representations about child protection matters in licensed premises.

It will consider the Sheffield Safeguarding Children Board as the main source of advice on child protection.

Conditions restricting access will be considered in the following circumstances:

- where adult entertainment is provided;
- where member(s) of the management have been convicted for serving alcohol to minors;
- where it is known that unaccompanied children have been allowed access;
- where there is a known association with drug taking or dealing; or
- where in some cases, the premises are used exclusively or primarily for the sale of alcohol.

The licensing authority (sub-committee) will take care to ensure the Guidance to the Act is applied in all cases.

## REPRESENTATIONS MADE BY 'OTHER PERSONS'

As well as responsible authorities, the Act allows any other person to play a role in a number of licensing processes.

This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications, regardless of their geographic proximity to the premises.

### REPRESENTATIONS MADE BY 'OTHER PERSONS' POLICY

#### Making a representation

Representations must be submitted in writing or by email to the licensing service within the relevant period for comments.

The representation must be relevant to the likely effect of the grant of the licence or variation on the promotion of one or more of the licensing objectives.

The issues on which the representation is based must not be frivolous i.e. the issues concerned in the representation are minor and no remedial steps would be warranted or proportionate.

The issues on which the representation is based must not be vexatious i.e. it appears the representation is intended to cause aggravation or annoyance without reasonable cause or justification.

#### Responsible Authorities

It is worth contacting the relevant responsible authority/s if you are planning on submitting a representation as they may have addressed your concerns by way of mutually agreed conditions.

It will also highlight your concerns to that authority if they are not already aware.

Contact details for the responsible authorities are available at page 41.

#### Petitions

Petitions submitted in relation to an application must contain a clear statement relevant to the likely effect of the grant of the application on the promotion of one or more of the licensing objectives.

The petition must specify the contact details, including an address for the petition organiser and must clearly log the full name, address and signature of those supporting the petition.

The issues on which the petition is based must not be vexatious i.e. it appears the representation is intended to cause aggravation or annoyance without reasonable cause or justification.

#### Processing a representation

When considering representations to an application made by other persons, the licensing authority (officers) will take into account the following:

- a) Whether the representation is relevant to one or more of the licensing objectives;
- b) Whether the representation is frivolous; and / or
- c) Whether the representation is vexatious.

Where the licensing authority (officers) determines that a representation is not relevant or is 'frivolous' or 'vexatious', it will notify the person of the reasons for its determination in writing and the representation will not be considered.

The licensing authority (officers) will redact personal information of those making representations from licensing committee reports and associated documents, however, objectors must provide the licensing authority with their full address details.

#### Petitions

The licensing authority (officers) will communicate with the petition organiser regarding any licensing committee hearing. Individual petition supporters will not be contacted.

## **Determining an Opposed Application**

### **Attendance at Licensing Committee Hearings**

The licensing authority expects those making representations to an application make every effort to attend the licensing committee hearing.

The licensing authority (committee) will consider all written comments in the absence of those making representations and apply appropriate weight; however, non-attendance at the licensing hearing will not allow clarification on points.

A third party may attend on behalf of anyone making a representation, such as a friend or a ward councillor. The licensing authority must be satisfied that such a person has been given authority to act on their behalf.

Where groups attend a licensing hearing, it is preferable for a spokesperson to be nominated to speak on behalf of the group.

### **Petitions**

Petitions will be considered by the licensing authority (committee) but will generally be given less evidential weight than if the petition supporters had written in individually detailing their personal concerns.

## **APPLICATIONS FOR: PREMISES LICENCES, CLUB PREMISES CERTIFICATES and PROVISIONAL STATEMENTS**

New and full variation applications for premises licences and club premises certificates and provisional statements will be considered in line with the policy below.

The relevant application form invites applicants to demonstrate that the premises or event will be managed in a manner that safeguards the licensing objectives. Applicants are advised to provide as much information as possible in the application form.

### **PREMISES LICENCES / CLUB PREMISES CERTIFICATES / PROVISIONAL STATEMENTS APPLICATION POLICY**

#### **Applications**

##### **Considering the Local Community**

Applicants are expected to consider the needs and benefits of the community that their business will operate in.

Consideration to the local community when setting out an operating schedule must be evidenced in the application.

We would expect to see that an applicant has obtained sufficient information to enable them to demonstrate 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 applicants' proposed licensable activities; and
- Any local initiatives which could help to mitigate potential risks.

#### **Processing**

The licensing authority (officers) will check the application has been made in accordance with the Act in particular, whether it has been properly advertised (details of how applications should be advertised is provided in the application form guidance).

Where no representations are made, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the Act.

#### **Determining an Opposed Application**

When determining an application for a provisional statement, premises licence or club premises certificate the licensing authority (sub-committee) will take into account the following:

- a) The intended use of the premises;
- b) The times applied for;
- c) The licensable activities applied for;
- d) The character of the area in which the premises is situated and the applicants knowledge of such;
- e) Whether the premises is located in an area nearing stress (see page 36);
- f) Whether the operating schedule and any agreed conditions adequately address the licensing objectives;
- g) The volume of customers;
- h) The intended demography of customers and the applicants knowledge of such;
- i) The nature and frequency of any proposed entertainment;
- j) Evidence of responsible management of the premises, e.g. safety management plans, training and supervision of staff, opening and closing records, use of best industry practice, etc.;
- k) Any relevant representations.

The licensing authority will give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives;
- The representations (including any supporting information) presented by all the parties;
- The Guidance to the Act;
- This statement of Policy.

Where an applicant for a personal licence has unspent convictions for a relevant offence defined in the Act or a foreign offence, the licensing authority is required to notify South Yorkshire Police.

The police may submit a representation to the application if they are satisfied the granting of the licence would undermine the **crime prevention objective**.

### **PERSONAL LICENCE APPLICATION POLICY**

#### **Applications**

In order to apply for a personal licence you must:

- a) Be aged 18 or over;
- b) Possess a licensing qualification or be a person of a prescribed description;
- c) Not have forfeited a personal licence within 5 years of your application; and
- d) Not have an unspent conviction for a relevant offence or foreign offence.

#### **Processing**

If a), b) or c) do not apply, the authority must reject the application.

In the case of d) above, the licensing authority (officers) is required to notify South Yorkshire Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act or for a foreign offence.

The police have no involvement in a personal licence application until notified by the licensing authority.

#### **Determining an Opposed Application**

Should a representation be received, the applicant is entitled to a hearing before the licensing sub-committee.

When determining an application for the grant of, or the renewal of, a personal licence where a representation has been submitted by South Yorkshire Police, the licensing authority (sub-committee) will take into account the following:

- a) The seriousness of the offence(s);
- b) The period that has elapsed since the offence(s) were committed; and
- c) Any mitigating circumstances.

The application will be rejected if the licensing authority (sub-committee) considers it necessary for the promotion of the crime prevention objective.

## DESIGNATED PREMISES SUPERVISORS

Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act.

Where there is no DPS in respect of a premises licence, no alcohol may be sold under that licence.

Only one DPS may be specified in a single premises licence, but a DPS may supervise two or more premises as long as the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with licensing law and licence conditions.

### DESIGNATED PREMISES SUPERVISOR POLICY

#### Applications

When specifying a DPS, the licensing authority expects a premises licence holder to ensure the individual has adequate experience for the size and character of the premises and with the proposed licensable activities.

#### Processing

The police may make a representation to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective.

#### Determining an Opposed Application

Should a representation be received, a hearing before the licensing sub-committee will be held.

The application will be rejected if the licensing authority (sub-committee) considers it necessary for the promotion of the crime prevention objective.

The need for a temporary event notice (TEN) may arise where a premises licence or club premises certificate is not held or can be used to extend the permissions on an existing licence or certificate for a temporary period.

The licensing authority **does not** have discretion over the limits stated in the Act; notice submitters are therefore encouraged to provide notice to the licensing authority as early as possible.

### TEMPORARY EVENT NOTICE POLICY

#### Applications

The Guidance to the Act encourages licensing authorities to publicise preferences in terms of advance notice of events planned, however, TENs can cover a huge variety of events, some requiring more consultation than others.

Event organisers are advised to informally contact the licensing authority at the earliest opportunity when planning events. Officers will be able to sign post organisers to relevant services that can provide specialist advice.

#### Processing

Only the following responsible authorities are able to comment on a TEN:

- Police:** South Yorkshire Police will submit representations based on evidence gathered from Police systems, in particular incidents reported.
- EPS:** EPS will consider previous complaint history and the potential of the proposed event to cause a nuisance.
- HPS:** The Health and Safety Team may visit any premises where TEN's have been submitted with respect to assessing the suitability of the building for its intended use.

It is advisable that event organisers contact each of these authorities for advice prior to submitting a notice. See contacts at page 41.

The licensing authority (officers) will check that the limitations of the Act have been observed.

If the notice does not exceed the basic limits of the TENs scheme, the licensing authority (officers) will acknowledge the notice.

If an objection is received in relation to a standard TEN by a relevant person, the licensing authority will hold a hearing to consider it, unless the authority, premises user and relevant person agree that a hearing is unnecessary.

If an objection is received in relation to a late TEN by a relevant person, the licensing authority (officers) must issue a counter notice meaning the event cannot go ahead. No hearing will be held.

Where a TEN exceeds the limits imposed by the Act, the licensing authority will provide the notice giver with a counter notice and the event will not be permitted to go ahead.

Proposed activities that exceed the limits will require a premises licence or a club premises certificate.

#### Determining an Opposed Application

When determining a temporary event notice where a representation has been submitted by South Yorkshire Police, Environmental Protection or Health and Safety the licensing authority (sub-committee) will take into account the following:

- a) Evidence provided by the Police, EPS and HPS on the basis of any of the licensing objectives;
- b) Evidence that modification with the notice giver has been attempted or is not appropriate;
- c) Evidence from the applicant to demonstrate that the licensing objectives will not be undermined.



## APPLICATIONS FOR: EVENTS TO BE HELD ON COUNCIL LAND

The promotion of events in Sheffield can provide opportunities for community involvement and can attract visitors to the city, contributing to the local economy and to that end, Sheffield City Council wishes to encourage cultural and community events being held in the city.

Sheffield City Council holds a number of premises licences for areas in the city centre (which is defined as anything in the inner ring road – see map at Appendix C) and several parks throughout the city therefore, persons or organisations may not be required to obtain a premises licence or submit a temporary event notice themselves but would need the permission of the licence holder - Sheffield City Council.

If you wish to hold an event on Council land in Sheffield, we would strongly advise you to contact us first to see if the area is already covered by a premises licence and put you in contact with the appropriate person for permission.

The primary responsibility for safety of attendees at events rests with the event organisers.

### **EVENTS TO BE HELD ON COUNCIL LAND POLICY**

#### **Applications**

Requests must be made in writing to the relevant service that holds the premises licence.

All events within the city centre boundary (see map at Appendix C) must go through the City Centre licensee's detailed events application procedure before use of the site is granted.

If alcohol is to be served at the event, due diligence tests may be applied.

#### **Processing**

Event planning meetings will be held between the licence holder, the applicant and the responsible authorities to discuss risk assessments, stewarding, policing proposals and other event specific information where appropriate.

Larger events will engage the Safety Advisory Group (SAG) (see Large Scale Events Policy at page 30).

#### **Determining an Application**

The licence holder and /or the SAG will work with the event organisers to address any safety issues before the Council allows the use of any of its licences.

To make use of a licence held by Sheffield City Council, the applicant must agree to comply with the advice and conditions set out by the licence holder and/or the SAG.

Failure to agree will lead to the application being referred to the Licensing Committee for determination.

## APPLICATIONS FOR: LARGE SCALE EVENTS

Where large scale events are planned, it is recommended that a premises licence application should be submitted *at least 3 months* before the event as, in most cases, large events will engage the Safety Advisory Group (SAG), a group established to provide specialist advice and guidance in relation to safety at designated stadiums, regulated stands, concerts, festivals and other events.

The primary responsibility for safety of attendees at events rests with the event organisers.

### LARGE SCALE EVENTS POLICY

#### Applications

Applicants are expected to have reference to The Event Safety Guide - A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as 'The Purple Guide'.

Details relating to the following are necessary with any large-scale event application:

- Site plan including site management, exits, entrances and the structural integrity of all temporary structures
- Crowd management, stewarding and security plan

Further details on the following are to be provided for discussion at SAG meetings (this list is not exhaustive and will vary by event type):

- Entertainment
- Capacities
- Alcohol management plan
- Production details
- Medical and first aid provision
- Fire safety and control
- Noise Management Plan
- Car-parking arrangements
- Sanitary provisions
- Concessionary activities

Consideration should also be given to issues caused by the event outside the licensable area, e.g. noise, traffic and transport plan, cleansing strategy, etc.

#### Processing

The SAG will generally meet three / four times prior to a large concert, festival or other large scale event, however, this may change depending on the size and nature of the event.

The number of meetings will be determined by the Chair of the Safety Advisory Group.

#### Determining an Application

The SAG will work with the event organisers to address any safety issues before the Council allows the issuing of a premises licence.

The applicant must agree to comply with the advice and conditions set out by the SAG. Failure to agree will lead to the application being referred to the Licensing Committee for determination.

## APPLICATIONS FOR: MINOR VARIATIONS

A minor variation is defined as one that could not impact adversely on any of the four licensing objectives.

Please note that advice will not be provided by the Licensing Authority as to whether a proposal would fall under the full variation or minor variation process prior to submitting an application.

If you are unsure, we would recommend you seek your own legal advice.

Failure to provide sufficient information may lead to the refusal of your application.

### MINOR VARIATION APPLICATION POLICY

#### Applications

Minor variations generally fall into four categories:

- Minor changes to the structure or layout of the premises;
- Small adjustments to licensing hours;
- The removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions; and
- The addition of certain licensable activities.

Please refer to the application form for examples of what would and would not constitute a 'minor variation'.

#### Processing

The licensing authority (officers) will consider the following when determining a minor variation application:

- a) Whether a full detailed description of all the proposed variation has been provided in the application;
- b) Whether the variation could impact adversely on the licensing objectives;
- c) If more than one variation is sought, whether any of them considered separately or together could impact adversely on the licensing objectives;
- d) The history of the premises, e.g. have previous applications attracted representations from the local community that have been difficult to resolve?
- e) Whether there have been any complaints received relevant to the proposed application.

All minor variations will be circulated to the relevant responsible authorities with an interest in the proposed variation.

If the licensing authority fails to respond to an applicant within 15 working days, the application will be treated as refused and the authority will return the fee. In some circumstances, it may be agreed that the undetermined application should be treated as a new application and the fee originally submitted may be applied to the new application.

#### Determining an Opposed Application

Where a representation has been submitted there is no right to a hearing under this process but licensing authorities (officers) must take any relevant representations into account in arriving at a decision.

Where an application is refused and then resubmitted through the full variation process, the full 28 day consultation period will apply from the date the new application is received.

The Act permits responsible authorities or other persons to apply for the review of a premises licence certificate where problems associated with the licensing objectives are occurring.

The licensing authority has considered reviews of many premises licences that have failed to promote the licensing objectives and licences have been revoked, suspended, designated premises supervisors have been removed and tighter conditions imposed. These reviews were not taken lightly. Operators of licensed premises were given a mark of trust when granted a premises licence. The licensing authority will continue to ensure that this trust is upheld and local communities are not made to suffer because of badly managed premises.

### **REVIEW APPLICATION POLICY**

#### **Applications by Responsible Authorities**

It is expected that applications for reviews will be instigated by responsible authorities as a last resort after attempting alternative means for achieving compliance.

The licensing authority considers the action planning approach (where one or more responsible authorities works with a licence holder/DPS to agree clear objectives within a timetable for improvements) an acceptable tool for demonstrating attempts at working together to achieve the licensing objectives.

Reviews submitted in connection with crime and disorder but not directly connected to licensable activities will be considered in order to promote the crime prevention objective, for example, problems with drugs at the premises, the sale of stolen goods at the premises, etc.

#### **Applications by 'Other Persons'**

Persons other than responsible authorities can request that the licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

Before a review of a licence is requested, the licensing authority would expect to see evidence that the following points have been addressed:

- The management of the premises have been approached to let them know about the problem and give them the opportunity to address the issues;
- The licensing department have been asked to talk to those who manage the premises on your behalf; or
- The relevant "responsible authority" has been approached about the problem.

Review applications will only be considered where a licence has been granted for a premises and that premises has had the opportunity to trade in accordance with that licence.

#### **Applications – General**

The licensing authority expects the review application to be accompanied by up to date evidence which will be able to withstand the scrutiny to which it will be subject at the hearing.

#### **Processing**

The licensing authority (officers) may reject the application on any individual ground for review if it is satisfied that it is not relevant.

In the case of an application made by other persons (other than a responsible authority), the licensing authority (officers) may reject the application on any individual ground if it considers it to be 'repetitious', 'frivolous' or 'vexatious'.

'Repetitious' in this case would be viewed as identical or substantially similar to a review made previously within a 12 month period save in compelling circumstances or where it arises following a closure order.

## Determination of a Review Application

The licensing authority (committee) will consider the full range of powers when determining the review of a premises licence:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence;
- f) Reject the application for review; or
- g) Take no steps.

Where persistent sales of alcohol to children have occurred, the licensing authority (committee) will seriously consider the Guidance to the Act which states:

“Where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. .... In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.”

Where illicit goods have been discovered, the licensing authority (committee) will seriously consider the Guidance to the Act which states:

“Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

There may be other circumstances where the licensing authority (committee) will seriously consider revoking the licence.

Where a senior member of the police force considers that a licensed premises that is authorised to sell alcohol is associated with *serious* crime, *serious* disorder or both, they may apply to the licensing authority for a summary review of the licence.

### SUMMARY REVIEW APPLICATION POLICY

#### Processing

Within 48 hours (non-working days are disregarded) of receipt of the application the licensing authority (officers) will give a copy of the application to the premises licence holder and to each responsible authority.

#### Determining Interim Steps

Within the same 48 hour period, a hearing will be co-ordinated for the licensing authority (sub-committee) to consider whether it is necessary to take interim steps pending the determination of the review of the premises licence.

These considerations may take place without the holder of the premises licence being given the opportunity to make representations to the sub-committee.

The steps available to the sub-committee are:

- To modify the conditions of the licence;
- To exclude the sale of alcohol by retail from the scope of the licence;
- To remove the designated premises supervisor from the licence; and
- To suspend the licence.

In determining the interim steps, the licensing authority (sub-committee) will take care to ensure the Home Office Section 53A Licensing Act 2003: summary review guidance is applied in all cases.

The licensing authority will give immediate notice of its decision and its reasons for such.

#### Making Representations against the Interim Steps

The premises licence holder may make representations against the interim steps taken by the licensing authority.

On receipt of such representations, the licensing authority must hold a hearing within 48 hours of their receipt. Advance notice of the hearing will be given to the police and to the premises licence holder.

At the hearing, the licensing authority (sub-committee) must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

#### Determination of a Review Application

The licensing authority (committee) will consider the full range of powers when determining the review of a premises licence:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence; or
- g) Take no action.

Any summary review application received will be seriously considered on its own individual merits and by reference to the four licensing objectives.

## CUMULATIVE IMPACT

'Cumulative Impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The "need" for premises is a commercial matter and cannot be considered by a licensing authority.

In some areas, where the number or type of premises is high or exceptional, serious problems of crime, nuisance and disorder may arise outside or some distance from those premises.

Where in such circumstances the licensing authority receive representations from a responsible authority or other person that an area has become saturated with licensed premises, they may, if not satisfied that the imposition of conditions would address the issue, consider the adoption of a "Cumulative Impact Policy" whereby applications for new licences may be refused because the granting of any further licences would undermine one or more of the licensing objectives.

At the time of writing this policy, Sheffield does not have any cumulative impact policy however, there are some areas of concern (see information on Areas Nearing Levels of Stress, page 36) and the need for the designation of Cumulative Impact Areas will be kept under review.

The absence of a cumulative impact policy does not prevent any responsible authority or any other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

## OTHER METHODS FOR CONTROLLING CUMULATIVE IMPACT

Once away from the licensed premises, a minority of consumers will behave badly or unlawfully.

Other mechanisms both within and outside the licensing regime are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate; and
- Early Morning Alcohol Restriction Orders (EMROs).

## AREAS NEARING LEVELS OF STRESS IN SHEFFIELD

In some areas of Sheffield, a concentration of licensed premises or activities exist which are leading to problems of public nuisance and disorder and causing 'stress' but are not yet, in the opinion of the licensing authority, at the level where we have adopted a formal cumulative impact policy.

### AREAS NEARING LEVELS OF STRESS IN SHEFFIELD

The licensing authority is particularly concerned about the following areas:

<b>Area</b>	<b>Reason for concern</b>
<b>West Street and Division Street</b>	The concentration of late night alcohol licensed premises and levels of crime and disorder, as well as the proximity to residential properties in some cases.
<b>West Street, Devonshire Street and Division Street</b>	The number of off licences and the related problem with street drinking and public nuisance in this area.
<b>Broomhill</b>	The number of late night refreshment premises in close proximity with patrons causing noise and disturbance when migrating between destinations.
<b>Ecclesall Road</b>	The number of liquor licensed premises, especially those with outside drinking areas, and late night refreshment premises in close proximity to residential dwellings causing noise and disturbance.

Applicants making applications for premises licences in these areas are advised to carefully think about the licensing objectives and the above areas of concern.

Applications for late night premises in any area of the city are expected to demonstrate a commitment to a very high standard of management and ensure that the operation of the premises will not create a public nuisance nor result in additional crime, disorder and antisocial behaviour in the area.

The licensing authority continues to monitor the areas it considers are nearing levels of stress, and will consider implementing a cumulative impact policy should the evidence show a major problem that cannot be tackled any other way.

In determining any applications for these areas, the licensing authority (sub-committee) will still take care to ensure the Guidance to the Act is applied and consider the merits of all individual cases.



## EARLY MORNING RESTRICTION ORDERS (EMROs)

The power 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.

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.

Before a licensing authority makes a determination to recommend to the full council that it makes a proposed EMRO, it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The requirement to take an evidence-based decision to promote the licensing objectives should enable licensing authorities to draw on their experience from other licensing decisions they make under the 2003 Act, such as the determination of applications for the grant of premises licences. The licensing authority should consider evidence from partners, including from responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

At the time of writing this policy, Sheffield City Council has no plan to implement an EMRO.

## PART 4 - LICENSING COMMITTEE

Sheffield City Council, as the licensing authority, has established a licensing committee in accordance with the Act, consisting of fifteen Councillors.

Sub-committees consisting of three members of the licensing committee have been established to carry out many of the functions, however, where no representations are received in respect of an application; officers will deal with the application under delegated authority without the need for a hearing.

### HEARINGS

If representations are received in respect of an application, a hearing is scheduled before a Committee of elected Councillors to consider the application and the representations.

Each case will be considered on its own individual merits.

A person may request a third party, such as a friend or a local ward councillor, on their behalf to make a written representation, and attend to present their concerns at a sub-committee hearing.

A hearing will not be held if ALL persons who made representations have had these concerns addressed, after discussion with the applicant, and therefore agree that a hearing is no longer necessary.

### DELEGATION OF FUNCTIONS

The table sets out the agreed delegation of decisions and functions to the licensing sub-committee and officers.

Application / matter to be dealt with	Decision delegated to:	
	Licensing Sub-Committee	Officers
Personal licence	If police representation made	All other cases
Personal licence with relevant unspent convictions	All cases	
premises licence/club premises certificate	If relevant representation made	All other cases
Provisional statement	If relevant representation made	All other cases
Premises licence / club premises certificate variation	If relevant representation made	All other cases
Vary designated premises supervisor (DPS)	If police representation made	All other cases
Request to be removed as DPS		All cases
Transfer of premises licence	If police representation made	All other cases
Interim authority	If police representation made	All other cases
Review of premises licence / club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc.		All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application	All cases	
Representation to a temporary event notice	All cases	
Minor variation application		All cases

### APPEALS

With the exception of appeals in relation to closure orders, there is a right of appeal to the Magistrates Court against licensing authority decisions.

Appeals may, depending on the nature of the application, be instigated by an applicant, a responsible authority or any other person who made representations against the application.

Appeal applications must be commenced within a period of 21 days of receipt of the decision notice.

On determining an appeal the court may:

- Dismiss the appeal;
- Substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- Remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

## **PART 5 - EQUALITY, DIVERSITY AND INCLUSION**

Sheffield is a diverse city, both ethnically and culturally. We value and celebrate the diversity that exists amongst both the citizens of Sheffield and our workforce. As a Council we want to ensure that everyone can fully participate in the social, cultural, political and economic life of the city.

### **The Equality Act 2010**

The Equality Act 2010 and Section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: - age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2012.

For further information, please see details on the following link:

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/organisations-and-businesses/businesses>

### **Equality Impact Assessment (EIA)**

An EIA is the chosen vehicle for Sheffield City Council to assess equality impacts. It is a systematic way of assessing the effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention.

EIA's are carried out within the licensing service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the formulation of this policy (EIA number 666). If you are interested in viewing this document, please contact the licensing service.

## Part 6 PARALLEL CONSENT SCHEMES

### Planning

The Council's licensing functions will be discharged separately from its functions as the "Local Planning Authority".

It is preferred that applicants for premises licences and variations should have already obtained any necessary planning consent before making their application under the Licensing Act 2003 however a licence application can and will be considered in the absence of planning.

There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Those operating in breach of their planning permission would be liable to prosecution under planning law.

Applicants for premises licences should have regard to the relevant planning policies when determining the nature of the activities proposed and consider their impacts on the local environment and community in which the premises are situated.

### Weights and Measures

There are legal requirements for the licensed trade concerning the quantities and measurement of alcoholic drinks and how they are described, as well as on informing customers about the prices they will be charged. There are also mandatory licensing conditions, which include minimum quantities.

### Gambling

Pubs and other alcohol licensed premises are automatically entitled to two category C or D gaming machines upon notification to the licensing authority of their intention to make gaming machines available for use.

In addition to their automatic entitlement, pubs and other alcohol licensed premises may apply to their local licensing authority for a gaming machine permit which allows the provision of additional machines. The number of machines allowed will be specified on the permit.

Where a gaming machine permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines.

### Sexual Entertainment Venues

Premises that have any live performance or any live display of nudity for the purpose of sexually stimulating any member of the audience must hold a sexual entertainment venue licence.

Please contact the licensing service if you intend to have adult performances at your premises or seek your own legal advice.

### Pavements Café Licences

Premises that provide tables and chairs for customers outside premises on the highway are required to obtain planning consent followed by a pavement café licence from the licensing service.

Please contact the licensing service for further information.

### Door Staff

Section 21 of the Act states that if a premises licence is granted with a condition that there must be door/security staff present, the staff must be licensed by the Security Industry Authority (SIA).

See page 42 for details of how to contact the SIA.

### Duplication

The Council recognises the need to avoid so far as possible duplication with other regulatory regimes. However, some regulations do not cover the unique circumstances of certain entertainments and, in appropriate circumstances, the Council will attach Conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation. Any such conditions imposed may be tailored to the individual premises and the type of activities expected to take place there.

## PART 7 - CONTACT DETAILS

### Responsible Authorities

Licensing Service		
Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	<b>Telephone</b>	0114 2734264 / 0114 2734880
	<b>Email</b>	general.licensing@sheffield.gov.uk
	<b>Website</b>	www.sheffield.gov.uk/licensing
South Yorkshire Police – Licensing Team		
South Yorkshire Police Licensing Dept Force Headquarters Carbrook House 5 Carbrook Hall Road Sheffield, S9 2EH	<b>Telephone</b>	0114 2529617
	<b>Email</b>	sheffield.liquor-licensing@southyorks.pnn.police.uk
	<b>Website</b>	www.southyorks.police.uk
South Yorkshire Fire and Rescue – Licensing		
Sheffield Fire Safety Office 197 Eyre Street Sheffield S1 3FG	<b>Telephone</b>	0114 2727202
	<b>Website</b>	www.syfire.gov.uk
Sheffield Safeguarding Children Board		
Floor 2, Redvers House Union Street Sheffield S1 2JQ	<b>Telephone</b>	0114 2734450
	<b>Email</b>	sscb@sheffield.gov.uk
	<b>Website</b>	www.safeguardingsheffieldchildren.org.uk
Environmental Protection Service (Noise Nuisance)		
Sheffield City Council 2-10 Carbrook Hall Road Sheffield S9 2DB	<b>Telephone</b>	0114 2734651
	<b>Email</b>	epsadmin@sheffield.gov.uk
	<b>Website</b>	www.sheffield.gov.uk/environment
Health Protection Service (Health and Safety)		
Sheffield City Council 2-10 Carbrook Hall Road Sheffield S9 2DB	<b>Telephone</b>	0114 2734616
	<b>Email</b>	healthprotection@sheffield.gov.uk
	<b>Website</b>	www.sheffield.gov.uk/environment
Planning		
Licensing Applications Howden House 1 Union Street Sheffield S1 2SH	<b>Telephone</b>	0114 2039183
	<b>Email</b>	planningdc@sheffield.gov.uk
	<b>Website</b>	www.sheffield.gov.uk/planning
Trading Standards		
5 <sup>th</sup> Floor, Howden House 1 Union Street Sheffield S1 2SH	<b>Telephone</b>	0114 2736291
	<b>Email</b>	trading_standards@sheffield.gov.uk
	<b>Website</b>	www.tradingstandards.gov.uk/sheffield
Public Health		
The Public Health Officer Office of the Director of Public Health Sheffield City Council Town Hall Pinstone Street Sheffield S1 2HH		

## Other useful contacts

### Ward Councillors

Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

For contact details of your Ward Councillor, please refer to

[www.sheffield.gov.uk/councillors](http://www.sheffield.gov.uk/councillors)

Or by telephoning 0114 273 4096.

### Sheffield Drugs and Alcohol Coordination Team (DACT)

A strategic team responsible for commissioning drug and alcohol treatment services in Sheffield.

<b>Telephone</b>	Drugs: 0114 272 1481 Alcohol: 0845 345 1549
<b>Website</b>	<a href="http://www.sheffielddact.org.uk/drugs-alcohol/">www.sheffielddact.org.uk/drugs-alcohol/</a>

### Responsible Retailer Scheme

A free scheme run by Sheffield Trading Standards, the aim of which is to provide advice and training materials to help traders prevent the sale of age restricted products to underage customers.

<b>Telephone</b>	0114 273 6241
<b>Email</b>	<a href="mailto:Greg.ward@sheffield.gov.uk">Greg.ward@sheffield.gov.uk</a>

### Sheffield Licence Watch

An association of Sheffield licensees with a constituted committee - encouraged by Sheffield City Council and backed by South Yorkshire Police administered by People United Against Crime, the charitable arm of South Yorkshire Police.

<b>People United Against Crime</b>	<b>Telephone</b>	0114 275 8688
	<b>Email</b>	<a href="mailto:info@people-united.org">info@people-united.org</a>
	<b>Website</b>	<a href="http://www.people-united.org">www.people-united.org</a>

### Business First

A first point of contact to put you in touch with all the services relevant to your start up or developing business.

<b>Telephone</b>	0800 043 5522 or 0114 224 5000
<b>Website</b>	<a href="http://www.welcometosheffield.co.uk/business">www.welcometosheffield.co.uk/business</a>

### Security Industry Authority

The Security Industry Authority (SIA) is the organisation responsible for regulating the private security industry in the UK.

<b>Telephone</b>	0844 8921025
<b>Website</b>	<a href="http://www.sia.homeoffice.gov.uk">www.sia.homeoffice.gov.uk</a>

## **GLOSSARY OF TERMS**

This section explains the key terms used in the Licensing Policy. These terms are all defined in the Act and the Guidance to the Act.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive, nor are the definitions legally comprehensive. The Act stands as the legal reference for the terms.

### **Adult entertainment**

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole-dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

### **Children**

There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over. The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00.

Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence.

In Section 20, for the purposes of the exhibition of film, children means persons under 18.

### **Combined use premises**

Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e. ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue, etc. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

### **Cumulative Impact**

The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

### **Designated Premises Supervisor (DPS)**

If the licensable activities carried out at the premises include the sale or supply of alcohol, a designated premises supervisor must be specified on the premises licence.

He or she must hold a personal licence and will normally have been given day-to-day responsibility for running the premises by the premises licence-holder. There can only be one DPS per premises, although there can be more than one personal licence-holder per premises.

### **Other Persons**

Persons who live, or are involved in a business in the relevant licensing authority's area.

### **Late night refreshment premises**

A person providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises (Schedule 2, Licensing Act 2003)

## Licensable activities

Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (Council) include the following:

- (a) the sale by retail of alcohol;
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- (c) the provision of regulated entertainment; and
- (d) the provision of late night refreshment.

## Licensing Authority

For the purposes of this statement, Sheffield City Council is the body responsible for licensing under this Act.

## Licensing objectives

The objectives are the basis of all licensing decisions. They are:-

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

## Operating schedule

The part of a licence application or current licence which describes in detail all the licensable activities to be carried out at the premises, and how the licensing objectives will be achieved.

## Personal licence

This is a licence which:

- (a) is granted by a Licensing Authority to an individual in the local authority area where they usually reside and
- (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence (Part 6, section 111(1), Licensing Act 2003).

The Licensing Act 2003 specifies the tests that may be applied when determining an application for a personal licence (Part 6, Section 120). Any individual is only permitted to hold one personal licence (Part 6, Section 118, Licensing Act 2003). Personal licences will need to be renewed every ten years (Part 6, Section 115, Licensing act 2003).

## Provisional Statement

Where premises are being or are about to be constructed, extended or otherwise altered, investors may be unwilling to commit funds unless they have some assurance that a premises licence would be granted when the work is completed.

A provisional statement can ensure some degree of certainty that a premises licence would be granted once the premises is completed to the satisfaction of all responsible authorities.

## Qualifying club

These clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been "licensed"; they have registered with the Magistrates' Courts having established that they qualify to be treated exceptionally. The 2003 Act preserves this special treatment and requires the club to "qualify" to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority.

A qualifying club will normally be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.

Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.



## Regulated entertainment

The types of entertainment regulated by the 2003 Act (as amended by the Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013 are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

As a result of amendments to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013, no licence is required for the following activities to the extent that they take place between **08:00 and 23:00 on any day**:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
  - a performance of unamplified live music;
  - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
  - a performance of live music on licensed premises which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

## Representation

A comment submitted on the likely effect of the grant of an application or the operation of an existing licence.

Representations can include positive / supportive comments as well as adverse / negative.

Representations must be ‘relevant’ i.e. they must refer to one or more of the licensing objectives.

## Restaurant

Restaurant is defined as premises where alcohol is served only to seated customers who are dining, where any ancillary bar area is only for customers waiting to dine at those premises.

## Safer Clubbing

‘Safer Clubbing’ is guidance published by the Home Office. The key issues identified are:

- prevention of overcrowding
- air conditioning and ventilation
- availability of drinking water
- further measures to combat overheating
- overall safety

## Safety Advisory Group (SAG)

The Safety Advisory Group is made up of representatives from the local authority, emergency services and other relevant bodies. They meet at regular intervals, or when necessary, to review event applications and advise on public safety.

SAG’s do not have legal powers or responsibilities and are not empowered to approve or prohibit events from taking place.

They provide independent advice to event organisers, who retain the legal responsibility for ensuring a safe event.

## Security Industry Authority (SIA)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk).

## Sexual Entertainment Venue Licences

Premises that have any live performance or any live display of nudity for the purpose of sexually stimulating any member of the audience must hold a sexual entertainment venue licence.

## Sex establishment licences

These are defined in Schedule 3 of the Local Government Miscellaneous Provisions Act 1982. They are required for sex shops, and for sex cinemas, and sex encounter premises that are not providing regulated entertainment or late night refreshment authorised under the Licensing Act 2003.

## Stress Areas

Sheffield Licensing Authority consider certain areas to have concentrated pockets of licensed premises or activities which are showing signs of having the potential to undermine one or more of the licensing objectives or “nearing levels of stress”.

These areas are not yet at the stage where “cumulative impact” (see definition above) has been reached but are under scrutiny by the Licensing Authority as having the potential to if not carefully managed.

## Designated Public Place Order (DPPO)

Under section 13(2) of the Criminal Justice and Police Act 2001 in designated areas, the police have the power to require a person not to drink alcohol there and to surrender any alcohol or containers, including sealed containers. It is only an offence to fail to comply with a police officer’s requirements.

## Temporary event

An event where licensable activities will be carried out, but no premises licence is held to cover the activities. Certain constraints apply, such as:

- a maximum of 499 people can attend;
- The event can have a maximum duration of 168 hours (7 days);
- The premises user (usually the organiser) must be aged 18 or over.

## Temporary event notice (TEN)

The notice submitted to the Licensing Authority, police and Environmental Health Authority, before the event, which informs them about:

- The date/s the event will be held;
- The licensable activities that will be carried out.
- How the licensing objectives will be achieved.

## Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change in the way the premises is to operate in regard to the Operating Schedule or a request to vary an existing condition attached to the premises licence. Policies relating to variations do not apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

## Vessels

A vessel (which includes a ship or a boat or a barge) that is permanently moored or berthed is regarded as a “premises” situated at that place. The Act also applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated at the place where it is usually moored or berthed. The relevant Licensing Authority is the Licensing Authority for the area in which it is usually moored or berthed. An activity is not a licensable activity if it takes place aboard a vessel engaged on an international voyage. The Secretary of State for Transport represented by the Maritime and Coastguard Agency is the lead responsible authority for vessels with regard to public safety, including fire safety, and issues affecting passenger vessels. Merchant Shipping legislation does not, however, apply to permanently moored vessels.

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

## **Vicinity**

The vicinity test was removed from the Act in 2012 however Sheffield City Council had previously chosen not to define vicinity as a fixed distance in relation to any premises. Instead its approach is to consider each matter individually, taking into account whether any individual's residence or business is being, or likely to be, directly affected by activities which occur on the premises or immediately outside it. The key consideration is the impact of issues on the licensing objectives.

DRAFT

## APPENDIX 'B' CONSULTATION/CONSULTEES

In developing this Licensing Policy, Sheffield City Council has consulted widely and given due consideration to the views of all those who responded to that consultation process.

There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

The Council also consulted those involved and responsible for its local strategies on crime prevention, planning, transport, culture, tourism and economic development.

The City Council / Licensing Authority is committed to consulting with as wide and varied an audience as possible regarding this and any future Licensing Policy or any amendments in accordance with the Licensing Act 2003.

The Licensing Authority must in any case consult with the following:-

- (e) the Chief Officer of Police in the area;
- (f) the Fire Authority;
- (g) persons / bodies responsible for local holders of premises licences;
- (h) persons / bodies responsible for local holders of club premises certificates;
- (i) persons / bodies responsible for personal licensees; and
- (j) persons / bodies responsible for businesses and residents in its area.

The Act requires the Council to consult representatives of those persons who have a special interest in the Licensing Policy. In this Licensing Policy those with a special interest are called "stakeholders".

The Council is, however, able to go beyond the minimum statutory requirements. It has actively sought the views of all stakeholders on its proposals and not just those persons who are representative of them.

The Licensing Authority has conducted a full consultation of its Licensing Policy by way of writing / emailing all consultees, providing relevant information on its website, publishing a statement in the local press and attending meetings when requested.

The views of all our consultees will be considered and given proper weight when writing and / or reviewing the Licensing Policy.

**Cabinet Report**

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**Report of:** Eugene Walker

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**Report to:** Cabinet

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**Date:** 11 November 2015

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**Subject:** Revenue and Capital Budget Monitoring 2015/16 – As at 30<sup>th</sup> September 2015

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**Author of Report:** Dave Phillips

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**Key Decision:** YES

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**Reason Key Decision:** Expenditure/savings over £500,000

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**Summary:**

This report provides the month 6 monitoring statement on the City Council's Revenue and Capital Budget for 2015/16.

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**Reasons for Recommendations:**

To formally record changes to the Revenue Budget and gain Member approval for changes in line with Financial Regulations.

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**Recommendations:** Please refer to paragraph 22 of the main report for the recommendations.

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**Background Papers:**

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**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial Implications</b>
YES Cleared by: Dave Phillips
<b>Legal Implications</b>
NO
<b>Equality of Opportunity Implications</b>
NO
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human Rights Implications</b>
NO
<b>Environmental and Sustainability implications</b>
YES/NO
<b>Economic Impact</b>
NO
<b>Community Safety Implications</b>
NO
<b>Human Resources Implications</b>
NO
<b>Property Implications</b>
NO
<b>Area(s) Affected</b>
<b>Relevant Cabinet Portfolio Lead</b>
<b>Relevant Scrutiny Committee</b>
Overview and Scrutiny Management Committee
<b>Is the item a matter which is reserved for approval by the City Council?</b>
NO
<b>Press Release</b>
NO

## REVENUE BUDGET & CAPITAL PROGRAMME MONITORING AS AT 30<sup>th</sup> SEPTEMBER 2015

### Purpose of the Report

1. This report provides the Month 6 monitoring statement on the City Council's Revenue Budget and Capital Programme for September 2015. The first section covers Revenue Budget Monitoring and the Capital Programmes are reported from paragraph 16.

### REVENUE BUDGET MONITORING

#### Summary

2. At month 5 the overall Council position was a forecast overspend of £11.0m. The position at month 6 shows an improvement of £2.4m, with a forecast potential overspend of £8.6m to the year end. It should be stressed that this is the forecast position before the delivery of various agreed savings for the year and other mitigating actions are taken. The position is summarised in the table below.

Portfolio	Forecast Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month
CYPF	70,951	69,214	1,737	↓
COMMUNITIES	158,203	156,141	2,062	↓
PLACE	160,546	155,356	5,190	↓
POLICY, PERFORMANCE & COMMUNICATION	2,894	2,494	400	↔
RESOURCES	55,096	55,751	(655)	↓
CORPORATE	(439,107)	(438,956)	(151)	↔
<b>GRAND TOTAL</b>	<b>8,583</b>	<b>(0)</b>	<b>8,583</b>	↓

3. Following the month 5 Budget Monitoring process, the Executive Director for Place agreed to put additional measures into immediate effect in order to bring down the forecast overspend significantly to a more manageable level. These measures are expected to reduce the forecast overspend by £2.7m to £2.5m, and the overall overspend to £6m. CYPF and Communities Portfolios are continuing to review their spending to reduce the forecast overspend further. We are also reviewing the corporate redundancy budget, as discussed later in this paragraph. With these measures and other actions already underway, we expect to move below £5m and towards a balanced budget over the next few months, assuming that there is not an unexpectedly severe winter which would put pressures on our expenditure.
4. In terms of the month 6 overall forecast position of £8.6m overspend, the key reasons are:

- **Children, Young People and Families** are showing a forecast overspend of £1.7m. This is due to slippage in the delivery of planned staffing reductions of £176k, £1.0m due to delays in delivery of savings, £231k reflecting an increase in unaccompanied children, £845k in increased demand pressures within Direct Payments and Short Breaks services and £987k due to a planned 2 year programme to recruit additional social workers in response to the pressure on and retention of social workers and review of Child Sexual Exploitation (CSE), this has been partially mitigated by a planned reduction through a tapering down model of social workers, as the continued investment in early intervention and prevention through the Building Successful Families programme reduces the total caseload across the City. These adverse forecasts are partly offset by a reduction in expenditure of £531k on Contact Contracts, £250k on legal fees and £733k due a reduction in Placement demand.
- **Communities** are showing a forecast overspend of £2.0m. This is largely due to an overspend of £1.8m in Learning Disabilities, Provider Services, and Contributions to Care. There are also overspends of £1.1m within Commissioned Mental Health Services and £264k in Social Care Commissioning. These overspends are partly offset by a £788k reduction in expenditure in Housing Related Support Contracts and £368k in Housing General Fund.
- **Place** are showing a forecast overspend of £5.2m. This is largely due to delays in delivering planned cost reductions on the waste contract of £2.6m and the Streets Ahead Contract of £2.5m. There are also emerging cost pressures from increased household waste volumes and reduced income from the sale of materials of £1.2m and additional Staffing and Income pressures within Transport and Parking Services of £300k. These overspends are partly offset by reductions in spending across a number of areas within the Culture and Environment Service of £552k and sustained improvement in the Highways and Highway Network management of £900k.
- **Resources** are showing a forecast reduction in expenditure of £655k. This is primarily due to the recovery of high value over payments in Housing Benefit of £478k and £358k within the Finance Service as a result of savings on employees costs from unfilled vacancies and over recovery of income from the 60 day bad debt. This reduction in expenditure is partly offset by an overspend in Commercial Services (Savings) of £232k from a shortfall in cashable procurement savings.
- **Policy, Performance & Communication** are showing a forecast reduction in expenditure of £400k. This is primarily due to a delay in the advertising contract resulting in an underachievement of income.



- **Corporate** are currently showing a forecast reduction in expenditure of £151k. However, there is an underachievement of £700k against the Public Health Savings target of £2.5m which was agreed as part of the 2015/16 budget. This underachievement is complicated by the need to react to £2m of in-year grant cut by Government. When further work has been undertaken on new Public Health strategy for 2016 onwards, it may be possible to revisit the financial position in year. There is a decision to be made whether the impact falls on General Fund or is carried forward as a deficit on the public health grant. At the moment, the overspend has been offset by a forecast reduction in expenditure on the corporate redundancy budget. This budget is being kept under constant review and, once the likely outcome of the Place VER/VS scheme is known, a revised forecast on redundancy costs will be reflected in next month's monitoring report.

5. The main variations since Month 3 are:

- **CYPF** are forecasting an improvement of 200k since Month 5. This is mainly due to forecasting staff savings in Central Management and Business Support within Fieldwork services of £132k.
- **Communities** are forecasting an improvement of £1.4m since month 5. This is mainly due to the Learning Disabilities service recognising £1.0m of CCG income, a reduction in expenditure in the Adult Purchasing budget of £870k due to a review of planned activity and a reduction in forecast expenditure of £400k due to the recognition of over-estimated liabilities at year end. This is offset by a worsening position in Commissioning comprising the recognition of a funding gap on an equipment contract of £263k and a £415k transfer of Transformation Challenge Award funding to reserves, required to fund future years Better Care Fund activity in conjunction with the NHS.
- **Place** are forecasting an improvement of £665k, which is due predominantly to a forecast cost reductions of £200k in the Streets Ahead Programme and a Portfolio wide review of Staffing and discretionary spend that has resulted in a £400k reduction in actual/forecast expenditure.
- **Resources** are forecasting an improvement of £111k, which is mainly due to an additional £117k of income received in Commercial Services (savings).

### Approval Requests

6. See paragraph 29 of **Appendix 1** for further details.

## Public Health

7. The Public Health ring-fenced grant is currently forecasting a potential £892k underspend. The main reason for the reduction in spending is a direct response to government consultations on in-year cuts to the Public Health grant, and therefore the likely need to cope with grant reductions in 2015/16. The exact amount of these reductions is not yet known, but is likely to be around £2m, which would mean an in-year forecast overspend of £1.1m. Further details of the forecast outturn position on Public Health are reported in **Appendix 2**.

## Housing Revenue Account

8. The 2015/16 budget assumes an in year surplus of £10.9m will be generated which will be used to fund the HRA Capital Investment Programme. In accordance with the HRA's financial strategy any further in- year revenue surplus / savings generated by the account will be used to provide further funding for the future HRA Capital Investment Programme.
9. As at month 6 the full year outturn position is a forecast reduction in expenditure of £2.3m. Further details of the HRA forecast outturn can be found in **Appendix 3** of this report.

## Collection Fund

10. As at the end of Quarter 2 the Collection Fund is forecasting an overall surplus of £1.0m made up of a £3.4m surplus on Council Tax and a £2.4m deficit on Business Rates.
11. The £2.4m deficit on the Business Rates income is predominantly the result of an unexpected in-year Valuation Office ruling on Health Centres, which led to a reduced rateable value for all health centres across the country. The overall impact of the ruling resulted in a £4.2m refund of Business Rates to the Health Sector, of which, 49% or £2.1m is a direct loss of income to the council. This reduction in rateable values will subsequently cost the Council £350k of income per annum.
12. There are discussions with the local Health Authority to establish how this change in financial responsibility does not detract from the overall public spending priorities that are jointly funded by the Council and Health Authority.
13. Further details about the quarter 2 performance of the Collection Fund can be found in **Appendix 4**.

## Corporate Risk Register

14. The Council maintains a Corporate Financial Risk Register which details the key financial risks facing the Council at a given point in time. The most significant risks are summarised in **Appendix 6** along with any actions being undertaken to manage each of the risks.

## New Homes Bonus Fund

		<b>£m</b>
Income	Reserves as at 1/04/15	-6.0
		0.0
	Declared 15/16 NHB Grant	<u>-7.3</u>
	<b>Total Income</b>	<u>-13.3</u>
Expenditure	2015/16 Spend to date at Month 6	2.3
	Forecast to Year End	2.6
	Future Years' Commitments	<u>2.1</u>
	<b>Total Expenditure</b>	<u>7.0</u>
<b>Funds Available for Investment</b>		<u><u>-6.3</u></u>

15. Expenditure has doubled in the period as the remediation of the former Don Valley Stadium site has been completed and the former Bridge House in the Riverside Business district has been demolished

## Capital Summary

16. At the end of September 2015, the end of year position forecasts a variance of £19.6m (7%) below the approved Capital Programme. Project managers are forecasting to deliver a capital programme of £267.6m. This is £8.8m lower than forecast last month following Cabinet approval of revised pending profiles whereby £15.3m of planned spend for 2015/16 has slipped into future years.
17. Further details of the Capital Programme monitoring and projects for approval are reported in **Appendices 5 to 5.2**.

## Implications of this Report

### Financial implications

18. The primary purpose of this report is to provide Members with information on the City Council's Budget Monitoring position for 2015/16, and as such it does not make any recommendations which have additional financial implications for the City Council.

### Equal opportunities implications

19. There are no specific equal opportunity implications arising from the recommendations in this report.

### Legal implications

20. There are no specific legal implications arising from the recommendations in this report.

### Property implications

21. Although this report deals, in part, with the Capital Programme, it does not, in itself, contain any property implications, nor are there any arising from the recommendations in this report.

## Recommendations

22. Members are asked to:

- (a) Note the updated information and management actions provided by this report on the 2015/16 Revenue Budget position.
- (b) Approve the spend request as shown in paragraph 29 of **Appendix 1**.
- (c) In relation to the Capital Programme:
  - (i) Approve the proposed additions to the Capital Programme listed in **Appendix 5.1** and **5.2**, including the procurement strategies and delegations of authority to the Director of Commercial Services or nominated Officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;

- (ii) Approve the proposed variations, deletions and slippage in **Appendix 5.1** and **5.2**;  
and note;
- (iii) The latest position on the Capital Programme including the current level of delivery; and note
- (iv) The variations approved under delegated authority provisions.

### **Reasons for Recommendations**

23. To record formally changes to the Revenue Budget and the Capital Programme and gain Member approval for changes in line with Financial Regulations and to reset the capital programme in line with latest information.

### **Alternative options considered**

24. A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

**Dave Phillips**  
**Interim Director of Finance**



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## Portfolio Revenue Budget Monitoring Reports 2015/16 – As at 30 September 2015

### Children Young People and Families (CYPF) Portfolio

#### Summary

1. As at month 6 the Portfolio is forecasting a full year outturn of an overspend of £1.7 million, which is an improvement of £200k from the month 5 position. The key reasons for the forecast outturn position are:

- **Business Strategy & Children’s Commissioning Unit (Forecasting a reduction in expenditure of £58k)**
  - This includes £42k forecast overspend in Advice and Conciliation due to a shortfall in the traded income forecast, This is offset by a £28k forecast reduction in spend in Children’s Commissioning Unit, as a result of staff savings in the planned MER and £57k forecast reduction in spend in Capacity Planning and Development because a bad debt provision taken at year-end is not fully needed so has been released to create a forecast reduction in spend.
- **Children and Families (Forecasting an overspend of £1.9m)**

Over spending areas are:

- Fieldwork Services - Management and Business Support £176k due to delay in the services’ MER, Fieldwork Service Areas and Permanence and Throughcare £987k net overspend mainly due to the recruitment of additional social workers, Multi-systemic Therapy £238k due to delays in anticipated savings, there is also an overspend in specialist support teams of £231k reflecting an increase in unaccompanied children. These have been partially offset by a £531k ongoing saving on Contact Contracts as a result of specific action being taken to reduce costs and a £250k reduction in spend on legal fees, which is as a result the ongoing work between the service and Legal services to reduce costs through more efficient working practices.
- Direct Payments and short breaks - £845k due to increased demand pressures, this also includes the £250k as a result of the delay in anticipated savings due in year.

- Provider Services – due to delays in anticipated savings on the integrated approach to service delivery between Health and Social Care of £270k and Youth Justice of £250k, this is being partially mitigated by £133k savings in the service.
- Early Intervention & Prevention - £54k because of a reduced expected contribution of £250k from the CCG towards Early Intervention and Prevention.

Areas of forecast reduction in expenditure are:

- Placements - £733k due to the assumption that funds set aside to fund a potential increase in Special Guardianship Orders (£400k) may not be required in 2015/16 and that the longer term trend in Placement numbers and unit costs will drive spend down by year end.
- **Inclusion and Learning Services (Forecasting an overspend of £58k)**
  - This includes a £21k overspend in Vulnerable Groups as a result of a shortfall of £64k against the additional income built into business planning, which is partially offset by staff savings, a £30k overspend in Outdoor Education due to additional repairs and maintenance costs and a £39k forecast overspend in Pupil Admissions reflecting a reduction in anticipated traded income against budget. These are being partially offset by a £33k reduction in spend in Education Psychology because of staff vacancies in the service.
- **Lifelong Learning, Skills and Communities (Forecasting an overspend of £78k)**
  - This includes £184k relating to the Training Units, due to an unexpected reduction in government grant funding, which is being partially offset by savings from the MER which is in progress and a forecast overspend of £50k on the BIG Challenge because the expected income is not available. This is being offset by £81k net under spend on Youth services, as a result of £105k staff vacancies, additional rental income of £46k and overspend in supplies and services budget of £46k in the Internal Community Youth Teams. Strategic Support is also forecasting an underspend of £75k, due to staff vacancies and activities that have now ceased.



## Financial Results

Service	Forecast Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month
BUSINESS STRATEGY	2,292	2,350	(58)	↔
CHILDREN & FAMILIES	59,619	57,962	1,657	↓
INCLUSION & LEARNING SERVICES	(53)	(111)	58	↔
LIFELONG LEARN, SKILL & COMMUN	9,091	9,013	78	↔
<b>GRAND TOTAL</b>	<b>70,949</b>	<b>69,214</b>	<b>1,735</b>	<b>↓</b>

## DSG

2. The following is a summary of the variance position on DSG budgets at month 6:

	Month 4 £000	Month 5 £000	Month 6 £000
Business Strategy	(37)	(65)	(65)
Children and Families	(109)	(46)	(44)
Inclusion and Learning Services	(67)	(62)	(16)
Lifelong Learning, skills and Communities	0	0	0
	<b>(213)</b>	<b>(173)</b>	<b>(125)</b>

## Commentary

3. The following commentary concentrates on the changes from the month 5 position.

### Business Strategy

4. As at month 6, Business Strategy is currently forecasting an under spend of £58k (shown in the table above) relating to cash limit and a reduction in spending of £65k on DSG.
5. Both the cash limit and DSG are consistent with the month 5 position.

### Children and Families

6. As at month 6, Children and Families are currently forecasting a £1.7m overspend (shown in the table above) relating to cash limit and a £109k underspend on DSG. This is an improvement of £206k on cash limit and a consistent position on DSG.

7. The key reasons for the movement from month 5 are:
  - Fieldwork Service - £132k improvement in Central Management and Business Support, the service anticipates that some staff savings will be achieved this financial year with the implementation of the Achieving Change, so the forecasts have been updated.

### **Inclusion and Learning Service**

8. As at month 6, Inclusion and Learning Service is currently forecasting £58k overspend (shown in the table above) relating to cash limit and a £16k reduction in spend on DSG.
9. The movement in the cash limit position is an improvement of £35k from month 5; this reflects an improvement in Education Psychology of £33k due to staff vacancies.
10. The DSG is forecasting an increase in spend of £46k from month 5; this is mainly due to additional costs in the SEN budgets of 7 new pupils.

### **Lifelong Learning Skills and Communities**

11. As at month 6, Lifelong Learning Skills and Communities is currently forecasting a £78k overspend (shown in the table above) relating to cash limit and a balanced DSG position.
12. The £55k movement from month 5 in the cash limit position is due to £50k forecast expenditure on BIG Challenge, where the anticipated income is no longer available.
13. The DSG position is consistent with the month 5 position.

## **Place Portfolio**

### **Summary**

14. As at month 6 the Portfolio is forecasting a full year outturn of an overspend of £5.2million, an improvement of £0.6m from the month 5 position. The key reasons for the forecast outturn position are:
15. The key reasons for the forecast position are:
  - **Business Strategy & Regulation:** £3.8m over budget largely due to delays in delivering the planned cost reductions to the waste contract as a result of protracted negotiations with the provider (£2.6m) and emerging cost pressures from increased household waste volumes and reductions in income from the

sale of materials due to falling market prices caused by movements in the global economy (£1.2m).

- **Regen & Development Services:** £1.8m over budget largely due to delays in delivering the planned cost reductions in the Streets Ahead programme (net £2.5m), plus additional staffing and income pressures within the Transport and Parking Services activity (£0.3m), less a continuation of sustained improvement in Highways and Highway Network Management (£0.9m).

16. The key variances this period included :-

- **Portfolio-wide - Review of Staffing and Discretionary Spend –** reductions in actual/forecast costs across all service areas associated with reviews of staffing and supplies and service spend (£0.4m).
- **Regen & Development Services –** forecast cost reductions in the Streets Ahead programme (£0.2m).

17. At the Place Leadership Team meeting on 18 June 2015 Directors approved a Recovery Plan to significantly improve upon and mitigate the £8.5m forecast overspend reported at Month 2. This included implementing an estimated £2.8m of immediate actions, together with Directors reviewing key areas of employee and discretionary spend with a view to realising further savings in 15-16 which will carry through to future years. These have now largely been achieved.

18. An outline plan was presented to Place Leadership Team on 6 October, which if implemented could reduce the forecast overspend to around £2.5m by year-end and Directors are now examining ways in which to effect these savings. These measures would need to remain in place for the foreseeable future.

## Financial Results

Service	Forecast Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month
BUSINESS STRATEGY & REGULATION	33,084	29,331	3,753	↔
CAPITAL & MAJOR PROJECTS	688	544	144	↓
CREATIVE SHEFFIELD	2,514	2,514	(0)	↔
CULTURE & ENVIRONMENT	41,951	42,503	(552)	↔
MARKETING SHEFFIELD	614	612	2	↔
PLACE PUBLIC HEALTH	-	0	-	↔
REGENERATION & DEVELOPMENT SER	81,694	79,851	1,843	↓
<b>GRAND TOTAL</b>	<b>160,545</b>	<b>155,355</b>	<b>5,190</b>	↓

## **Commentary**

19. The following commentary concentrates on the key risks and changes from the previous month.

## **Capital & Major Projects**

20. The forecast for this activity is £144k over budget, an improvement of £194k this period due to further reductions in staffing and discretionary spend across the service.
21. The forecast position largely reflects income pressures within the markets service, largely attributable to the Moor market (£0.6m). This arises from the market being only 70% let earlier in the year as Traders surrendered tenancies due to difficult trading conditions. The low viability of the market businesses has led to a high level of bad debt. There may be further risk here if stall lettings cannot be held at current levels, or rent collection levels don't improve. The business model for the market is currently under review balancing lower rents against the need for more flexibility in location to ensure let space is maximised. External agents have been engaged to promote the letting of vacant stalls and recover monies due to the Council.

## **Culture & Environment**

22. The forecast for this activity is £552k under budget, a £49k improvement this period due to reductions in staffing and discretionary spend across the service.
23. The overall forecast position largely reflects a continuation of prior year improvement trends that are forecast to continue within the Bereavement Services, Parks and City Centre Management activities (£0.3m). A further cost reduction has arisen within the Sports Trusts due to recent rating revaluation on a number of premises (£0.1m) although half of this saving will be offset by lower Non Domestic Rate income to the Council.

## **Regeneration & Development Services**

24. The forecast for this activity is £1.8m over budget, a £308k improvement on the previous period due to reductions in staffing and discretionary spend across the service (£149k) and further cost reductions in the Streets Ahead programme (£159k).
25. As identified in section 15 above, the forecast position is largely due to delays in delivering the planned cost reductions in the Streets Ahead programme (£4.7m), less estimated (largely one-off) cost reductions (£2.2m), giving a net pressure of £2.5m. Whilst work has continued to develop options, a number of these have not progressed as originally planned due to Treasury concerns

about the proposals being incompatible with the principles of the PFI contract or an unacceptable level of risk transfer to the Council.

26. This key pressure above is being offset to some extent by a continuation of sustained improvements in the Highways and Highway Network Management activities (£0.9m), less additional staffing (parking management and transformation) and income pressures (TCIP) within the Transport and Parking Services activity (£0.3m).

## Communities Portfolio

### Summary

27. As at month 6, the Portfolio is forecasting a full year outturn of an over spend of £2.062m. The key reasons for the forecast outturn position are:

#### **Business Strategy (forecasting a reduction in expenditure of £79k):**

- The position for Business Strategy is showing favourable due to the 1% pay award pressure being held in this area for the whole of Communities. If this pot is distributed across the service the underlying position would be an over spend £280k due mainly to the saving in Performance & Planning which will not be achieved.

#### **Care & Support (forecasting an over spend of £1.73m):**

- This overspend is primarily related to over-spends in Learning Disabilities, Provider Services and a reduction in the level of Client Contributions receivable in the year.
- Learning Disabilities is forecasting an over spend of £0.975m. Health income is forecast to be lower by £0.5m which is the main reason for this variance. There is also £1.3m of 2015/16 savings forecast not to be delivered within the 2015/16 financial year, particularly around the work being done with the providers of Supported Living and Respite Care bringing prices in line with the LD Provider Framework. However work is continuing in this area and will result in savings for future financial years. This is being partly offset by funded pressures which are not expected to play out in full within the year. The work on reducing LD expenditure is being overseen by the LD Commissioning Board.

- Long Term Support is showing an under spend of £91k. This constitutes the net position of an over spend in adults purchasing of £0.4m (which includes a demand pressure on the adults purchasing budget of £0.75m), with an under spend across the remainder of the service of £0.5m. This underspend is predominantly the saving of £0.4m achieved in the 14/15 MER, which was brought forward into 15/16, along with vacancies in the current establishment.
- Provider Services are showing an over spend against budget of £0.439m, which has primarily arisen as a result of the service incurring additional staff costs relating to planned efficiencies not yet fully realised.
- Contributions to Care is showing an over spend of £0.414m against budget, which includes a shortfall of £0.5m on fairer contributions due to the numbers of service users being less than the original budget assumptions because of business demand management and the application of eligibility criteria, offset by an over estimation of liabilities at year end. Also there is a shortfall of £0.3m on ILF contributions. This is offset by increases in Property Income £0.39m and Continuing Health Care Income £0.19m. Following staff recruitment the cost of the Social Care Accounts Service is now over spend £121k.

### **Commissioning (forecasting a reduction in spend of £645k):**

- A reduction in spend forecast by Commissioned Housing of £788k – the main area of under spend is reduced expenditure of £658k on Housing Related Support Contracts.
- A forecast over spend against Commissioned Mental Health Services £1.057m due to increased demand and savings not considered deliverable against Older People's mental health.
- Social Care Commissioning Service are forecasting an over spend of £264k which relates to a budget gap on the equipment budget following a change of provider.

### **Community Services (forecasting an over spend of £106k):**

- There is a forecast overspend of £186k in Locality Management, primarily relating to the anticipated non-achievement of 2015/16 savings targets related to reductions in the level of Grants paid to Voluntary Bodies and in regard to Ward Pots.

### **Housing General Fund (forecasting a reduction in expenditure of £368k):**

- The Housing General fund is forecasting an under-spend of £368k, comprising mainly a reduction in demand for the Local Assistance Scheme and a reduction in spend Homelessness Prevention Fund and Repossession Prevention Fund.

## Financial Results

Service	Forecast Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month
BUSINESS STRATEGY	6,119	6,198	(79)	↔
CARE AND SUPPORT	112,722	110,991	1,731	↓
COMMISSIONING	30,295	29,622	672	↑
COMMUNITY SERVICES	5,919	5,813	106	↔
HOUSING GENERAL FUND	3,148	3,516	(368)	↔
<b>GRAND TOTAL</b>	<b>158,203</b>	<b>156,141</b>	<b>2,062</b>	↓

## Commentary

28. The following commentary concentrates on the changes from the previous report at month 5.

- Business Strategy has a worsened position of £92k which is predominantly due to removal of reserves included month 5 which are not available.
- Care and Support has an favourable change of £2m mainly due to
  - Improved position in Contributions to Care is due to an over estimation of liabilities taken at year end which has now been recognised in the accounts £400k offset by staffing recruitment to Social Care Accounts Service now £121k over spent.
  - Adult purchasing budget decreased spend of £870k, due to review of planned activity.
  - Learning Disabilities recognition of CCG income £1m.
  - Reablement Services reduction in spend in staffing levels £200k.
- Commissioning have a worsened position of £654k due to approval of the carry forward request included month 5 £415k and the recognition of a funding gap on the equipment contract £263k.

## Approval request

29. Adult social care had significant challenges over the last year, in particular financial pressure, greater integration with health and legislative change through the Care Act 2014. To manage these changes, the portfolio brought

together a single change programme to ensure that the complex activity and drivers continue to be managed coherently.

30. This report seeks approval for external spend of £461,000 from October 2015 through to March 2016, and retrospective permission for spend totalling £430,892 in the first half of the 2015/16 financial year. The funding for this spend is met within budgeted resources: specifically grant given to the local authority to support the wider implementation of the Care Act.
31. The spend is with an organisation called Impower. So far their work has been focussed upon improving our customer experience and financial sustainability of the city's adult social care system including in areas of: improving access to the appropriate part of the wider system, better use of telecare, overall prevention approach and how we best manage demand. The next phase of work focuses on demand management and embedding a focus on independence through all our services.
32. There is a robust programme business case behind the spend, supported by significant financial benefits of up to £10.9m per year if all elements are implemented. The appropriate procurement processes are in place. The implications of not approving the spend would be missed opportunity to make savings while making improvements in the experience of those we support – meaning that equivalent cuts would need to be identified and made elsewhere.
33. There are alternatives to this spend. The Council could not undertake the work, which means the lost opportunity to make significant savings when they are most needed. Alternatively the work could be resourced in a different way – by individual consultants on day rate, however the risk of being able to deliver on this basis is too great to be acceptable to the Council. The short term and specialist nature of the support required is not suitable for direct recruitment.

## Resources Portfolio

### Summary

34. As at month 6 the Portfolio is forecasting a full year outturn of a reduction in spending of £655k, an improvement of £111k from the month 5 position. The key reasons for the forecast outturn position are:
  - £232k over spend in Commercial Services (Savings) due to a shortfall in income from cashable procurement savings;

Offset by:



- £358k under spend in Finance due mainly to over recovery of income from the 60 day bad debt and savings on Employees from unfilled vacancies;
- £478k under spend in Housing Benefit due to the recovery of high value over payments as a result of a DWP data-matching fraud and error initiative.

## Financial Results

Service	Forecast Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month
BUSINESS CHANGE & INFORMATION SOLUTIONS	973	1,010	(37)	↔
COMMERCIAL SERVICES	668	585	83	↔
COMMERCIAL SERVICES (SAVINGS)	(1,396)	(1,628)	232	↓
CUSTOMER SERVICES	1,803	1,824	(21)	↔
FINANCE	4,617	4,976	(359)	↔
HUMAN RESOURCES	3,324	3,415	(91)	↔
LEGAL SERVICES	3,384	3,413	(29)	↔
RESOURCES MANAGEMENT & PLANNING	302	308	(6)	↔
TRANSPORT AND FACILITIES MGT	15,826	15,808	18	↔
<b>TOTAL</b>	<b>29,501</b>	<b>29,711</b>	<b>(210)</b>	<b>↓</b>
CENTRAL COSTS	25,667	25,634	33	↓
HOUSING BENEFIT	(72)	406	(478)	↑
<b>GRAND TOTAL</b>	<b>55,096</b>	<b>55,751</b>	<b>(655)</b>	<b>↓</b>

## Commentary

35. The following commentary concentrates on the changes from the previous month.

### Commercial Services (Savings)

36. A forecast £232k overspend, due to a shortfall in income from cashable procurement savings. This is an improvement of £117k from the previous month.
37. The improvement this month is due to an additional rebate from Reed above what had been forecast.

### Central Costs

38. A forecast £33k overspend, due to a £122k overspend on Court Costs and Business Rate administration grant offset by a £98k underspend on Housing

Benefit Administration. This is an improvement of £297k from the previous month.

39. The improvement this month is due to a cash limit transfer of £321k from Housing Benefit to realign the budget for Court Costs and Business Rates Admin grant.

**Housing Benefit**

40. A forecast £478k reduction in spending, due to DWP data matching fraud and error initiatives which have generated high value overpayments to be recovered. This is an adverse movement of £299k from the previous month.
41. The adverse movement this month is due to a cash limit transfer of £321k to Central Costs to realign the budget for Court Costs and Business Rates Admin grant.

**Policy, Performance and Communications**

**Summary**

42. As at month 6 the Portfolio is forecasting a full year outturn of an overspend of £400k, as per the month 5 position. The key reasons for the forecast outturn position are:
- £391k over spend in Communications due to under recovery of income as a result of a delay in the implementation of the new advertising contract.
  - £101k over spend in Electoral Registration due to an increase in supplies and services costs and employee costs offset by an under spend of £50k in Local Elections.

**Financial Results**

Service	Forecast Outturn £000s	FY Budget £000s	FY Variance £000s	Movement from Month
ACCOUNTABLE BODY ORGANISATIONS	0	0	0	↔
POLICY, PERFORMANCE & COMMUNICATION	3,029	2,629	400	↔
PUBLIC HEALTH	(135)	(135)	0	↔
<b>GRAND TOTAL</b>	<b>2,894</b>	<b>2,494</b>	<b>400</b>	↔

**Commentary**

43. The following commentary concentrates on the changes from the previous month.

44. No changes.

## Corporate

### Summary

45. The table below shows the items which are classified as Corporate and which include:

- **Corporate Budget Items & Corporate Savings:**
  - (i) corporate wide budgets that are not allocated to individual services / portfolios, including capital financing costs and the provision for redundancy / severance costs, and;
  - (ii) (ii) the budgeted saving on the review of enhancements and the budgeted saving from improved sundry debt collection.
- **Corporate income:** Revenue Support Grant, locally retained business rates and Council tax income, some specific grant income and contributions to/from reserves.

	<u>FY Outturn</u> £'000	<u>FY Budget</u> £'000	<u>FY</u> <u>Variance</u> £'000
Corporate Budget Items & Savings Proposals	63,576	63,727	(151)
Income from Council Tax, RSG, NNDR, other grants and reserves	(502,682)	(502,682)	0
<b>Total Corporate Budgets</b>	<b>(439,106)</b>	<b>(438,955)</b>	<b>(151)</b>

### Commentary

- **Corporate** are currently showing a forecast reduction in expenditure of £151k. However, there is an underachievement of £700k against the Public Health Savings target of £2.5m which was agreed as part of the 2015/16 budget. This underachievement is complicated by the need to react to £2m of in-year grant cut by Government. When further work has been undertaken on new Public Health strategy for 2016 onwards, it may be possible to revisit the financial position in year. There is a decision to be made whether the impact falls on General Fund or is carried forward as a deficit on the public health grant. At the moment, the overspend has been offset by a forecast reduction in expenditure on the corporate redundancy budget. This budget is being kept under constant review and,

once the likely outcome of the Place VER/VS scheme is known, a revised forecast on redundancy costs will be reflected in next month's monitoring report.

## PUBLIC HEALTH BUDGET MONITORING AS AT

### 30<sup>TH</sup> SEPTEMBER 2015

### Purpose of the Report

1. To report on the 2015/16 Public Health grant spend across the Council for the month ending 30<sup>th</sup> September 2015.
2. The report provides details of the forecast full year spend of Public Health grant compared to budget. Key variances are explained and any financial risks are discussed in the risk section.
3. The net reported position for each portfolio/service area would normally be zero as public health spend is matched by a draw down of public health grant. For the purposes of this report, and in order to identify where corrective action may be necessary, we have shown actual expenditure compared to budget where there is an underspend position. Overspends which will affect Portfolios' revenue positions are described in the narrative sections only.

### Summary

4. At month 6, before adjusting for the potential impact of in-year reductions in Government grant, the overall position was a forecast underspend of £892k which is summarised in the table below.

All figures £000s

Portfolio	Forecast full year expenditure	Full year expenditure budget	Full year variance	FY Variance Forecast at M5	Movement from Prior Month
CYPF	12,293	12,378	(85)	(33)	(52)
COMMUNITIES	13,699	13,997	(298)	(293)	(5)
PLACE	2,971	3,403	(432)	(392)	(40)
DIRECTOR OF PUBLIC HEALTH (inc PH Intelligence)	2,403	2,480	(77)	(74)	(3)
<b>TOTAL EXPENDITURE</b>	<b>31,366</b>	<b>32,258</b>	<b>(892)</b>	<b>(792)</b>	<b>(100)</b>

5. Key reasons for the forecast under spend are:

- (£298k) underspend in Communities of which £193k is uncommitted funds that will be clawed back as part of in-year savings.

(£432k) underspend in Place mainly as a result of projects which have been put on hold (£345k).

- (£77k) underspend in Director of Public Health as a result of reduced expenditure forecast on Support Services.

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**Communities Portfolio**  
**EXECUTIVE SUMMARY**

**HRA Revenue Budget Monitoring 2015/2016– as at  
September**

**Purpose of this Report**

1. To provide a summary report on the HRA 2015/2016 revenue budget for the month ending 30<sup>th</sup> September 2015, and agree any actions necessary.
2. The content of this report will be used as the basis of the content of the budget monitoring report to the Executive Management Team and to Members.

**Summary**

3. The HRA Business Plan is based on the principle of ensuring that investment and services required for council housing is met by income raised in the HRA.
4. The 2015-16 budget is based on an assumed in year position of £10.9m which is to be used to fund the ongoing HRA Capital Investment Programme. In accordance with the HRA's financial strategy any further in- year revenue surplus / savings generated by the account will be used to provide further funding for the future HRA Capital Investment programme.
5. As at month 6 the full year outturn position is a projected £2.2m saving compared to budget.

Main areas contributing to the outturn include reduced rental income of £436k mainly due to a higher turnover of vacant properties; this is partly offset by a forecast reduction in the provision for bad debts; a reduction in other service charge income of £109k. These are offset by forecast savings of £2.9m on overall running costs, of this £1.8m relates to staffing and running costs and £1.1m resulting from the re-profiling of projects

## 6. Financial Results

Housing Revenue Account (excluding Community Heating)	FY Outturn £000's	FY Budget £000's	FY Variance £000's	Movement from Month 5
1.NET INCOME DWELLINGS	(148,992)	(149,427)	436	↓
2.OTHER INCOME	(6,714)	(6,824)	109	↓
3.HOMES-REPAIRS & MAINTENANCE	31,890	31,871	18	↓
4.DEPRECIATION-CAP FUND PROG	38,973	38,973	0	↔
5.TENANT SERVICES	57,028	59,922	(2,894)	↓
6.INTEREST ON BORROWING	14,644	14,579	65	↔
<b>Total</b>	<b>(13,171)</b>	<b>(10,905)</b>	<b>(2,266)</b>	
7.CONTRIBUTION TO CAP PROG	13,171	10,905	2,266	↑

**Community Heating**

The budgeted position for Community Heating is a draw down from Community Heating reserves of £337k. As at month 6 the position is a draw down from reserves of £194k resulting in a saving of £144k. This is due to re-profiling the implementation of the heat metering scheme.

Community Heating	FY Outturn £000's	FY Budget £000's	FY Variance £000's	Movement from Month 5
Income	(3,063)	(2,760)	(303)	↑
Expenditure	3,257	3,098	159	↑
	194	338	(144)	

**Housing Revenue Account Risks.**

There are a number of future risks and uncertainties that could impact on the 30 year HRA business plan. As well as the introduction of Universal Credit, outlined elsewhere in the report the Government has recently announced a number of further changes in the July 2015 Summer Budget Statement and Welfare Reform and Work bill. These include a revision to social housing rent policy, which will reduce rents for the next four years. This will have a considerable impact on the resources available to the HRA Business Plan. In addition, the Governments "Pay to Stay" policy announcement and other changes to Housing benefits will impact on both tenants and the HRA business plan. Work is currently underway to assess the financial impact of these. Other identified risks to the HRA are:

- **Interest rates:** fluctuations in the future levels of interest rates have always been recognised as a risk to the HRA.



- 
- **Repairs and Maintenance:** existing and emerging risks within the revenue repairs budget include unexpected increased demand (for example due to adverse weather conditions) and future changes to contractual arrangements.



## **Collection Fund 2015/16 – Quarter 2 monitoring**

### **Summary**

1. In 2015/16 approximately £276m of SCC expenditure is forecast to be financed directly through locally collected taxation. This taxation is initially collected by the Council and credited to the Collection Fund.
2. The Government receives 50% of the Business Rates collected (the Central Share) and uses this to finance grant allocations to local authorities. The Fire Authority receives 1% and the Council retain the remaining 49% as below.
3. Council Tax is distributed approximately 86% to SCC, 10% to the Police and Crime Commissioners Office and 4% to the Fire Authority. The SCC share is detailed below.

<b>Income Stream</b>	<b>2015/16 Budget</b>	<b>Year to Date</b>	<b>Forecast Year End Position</b>	<b>Variance</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Council Tax	-170.4	-114.6	-173.8	-3.4
Business Rates Locally Retained	-105.7	-104.9	-103.3	2.4
<b>TOTAL</b>	<b>-276.0</b>	<b>-219.5</b>	<b>-277.1</b>	<b>-1.0</b>

4. As at the end of Quarter 2 the Collection Fund is forecasting an overall surplus of £1.0m made up of a £3.4m surplus on Council Tax and a £2.4m deficit on Business Rates.

### **Council Tax**

5. The Gross Income chargeable to dwellings is £1.1m over budget due to a growth in home building of 983 dwellings compared to the Council Tax Base (CTB) forecasts.
6. Reductions and Exemptions are currently £2.0m down against CTB forecasts largely due to lower registered student levels against what was a prudent assumption. It is anticipated that the number of exemptions granted will increase to similar levels to previous years due to student numbers increasing throughout the remainder of the year but this will remain under the number budgeted for in the tax base by around £0.9m.
7. Council Tax Support is down by £1.3m against CTB forecasts due to a declining case load. A detailed analysis is currently being undertaken to determine the reasons behind this drop.

## Business Rates

8. The most significant areas of variation by year end are expected to be in Gross Rates Income Yield (£3.5m worse), Reliefs (£1.9m better) and losses on appeals (£3.7m worse) which contribute to the overall £4.8m deficit position. The SCC share of this (49%) is £2.4m.

Collection Fund - Business Rates	Budget 2015/16 £m	Year to Date £m	Forecast Year End Position £m	Variance £m
Gross Business Rates income yield	-259.9	-255.8	-256.3	3.5
LESS Estimated Reliefs	38.2	35.2	36.3	-1.9
Transitional Relief	0.0	0.5	0.5	0.5
Losses and Cost of Collection	3.0	0.9	1.8	-1.2
Losses on Appeals re Current Year Bills	3.8	5.7	7.5	3.7
Increase (Decrease) due to appeals / bad debt provisions	0.0	0.2	0.2	0.2
<b>Net Collectable Business rates</b>	<b>-214.9</b>	<b>-213.3</b>	<b>-210.0</b>	<b>4.8</b>
Appropriation of net business rates:				
Sheffield City Council	-105.7	-104.9	-103.3	2.4
SY Fire Authority	-2.1	-2.1	-2.1	0.0
Government	-106.7	-105.9	-104.3	2.4
Designated Areas	-0.3	-0.3	-0.3	0.0
<b>Total SCC Appropriations</b>	<b>-214.9</b>	<b>-213.3</b>	<b>-210.0</b>	<b>4.8</b>

## Gross Rates Income Yield

9. The Gross Business Rates Income Yield has, to date, decreased by £4.1m compared to total budget. Whilst there have been some new entries in to the list there has also been decline.
10. The biggest single factor is the Valuation Office ruling on Health Centres which led to a reduced rateable value for all health centres across the country. Whilst this was known to be under appeal the eventual decision was unexpected and so has impacted both the income yield and the losses on appeal lines more than anticipated.
11. The gross yield is however expected to rise by around £0.5m to £256.3m by year end, £3.5m under budget, predominantly as a result of the Eon Biomass site coming on line.

## Reliefs and Discounts

12. Most reliefs and discounts are awarded in full at the point of billing at the start of the year. The total level of reliefs awarded in the first half of the year amounts to £35.2m which is £3.0m below the £38.2m assumed in the budget. These are expected to rise to £36.3m by year end, £1.9m under the original budget.
13. The most significant variation is in relation to Empty Property Reliefs which are down £2.3m against budget due to what appears to be an upturn in genuine occupations at the lower end of the market.

Reliefs	Budget 2015/16 £m	Year to Date £m	Forecast Year-End Outturn £m	Variance £m
Small Business Rates Relief	5.1	5.2	5.3	0.2
Mandatory Charity Relief	19.6	19.5	20.0	0.4
Discretionary Relief	0.7	0.4	0.6	-0.1
Empty Property / Statutory Exemption	10.0	7.7	7.7	-2.3
Partly Occupied Premises Relief	1.4	0.2	0.3	-1.1
New discretionary reliefs	1.5	2.2	2.4	0.9
	<b>38.2</b>	<b>35.2</b>	<b>36.3</b>	<b>-1.9</b>

## Appeals

14. Appeals are notoriously difficult to forecast due to the lack of available information. The 2015/16 Council budget anticipated £3.8m of refunds in year resulting from appeals. This was based on historical trend analysis.
15. Losses on Appeals are anticipated to be £3.7m over budget by year end primarily due to the refunds paid out in relation to Health Centres which currently stand at around £4.2m of the £5.7m year to date figure.
16. There is a provision of £13.7m carried forward into 2015/16, whilst this will reduce as a result of health centres paying out above there are other significant appeals that are now on the list (e.g. Virgin Media) so there is not expected to be significant movement in this at present.

## Summary

17. If this position materialises a £1m surplus to SCC can be expected from the Collection Fund, however due to the highly variable nature of the many elements of the Collection Fund this forecast should be treated with caution.



## CAPITAL PROGRAMME MONITORING AS AT 30<sup>th</sup> SEPTEMBER 2015

### Summary

1. At the end of September 2015, the end of year position forecasts a variance of £19.6m (7%) below the approved Capital Programme. Project managers are forecasting to deliver a capital programme of £267.6m. This is £8.8m lower than forecast last month following Cabinet approval of revised pending profiles whereby £15.3m of planned spend for 2015/16 has slipped into future years.
2. The bulk of the forecast variance is in the Place (£10.7m – 10% - below budget) and Housing programmes (£7m – 8%). These variances are discussed in greater detail below at paragraph 6.
3. The Year to date position shows the variance to date on spending to be £8.8m (7%). This is £7.5m lower than last month's figure of £16.3m.

### Financials 2015/16

<b>Portfolio</b>	<b>Spend to date</b>	<b>Budget to Date</b>	<b>Variance to date</b>	<b>Full Year forecast</b>	<b>Full Year Budget</b>	<b>Full Year Variance</b>	<b>Change on last Mth Bud</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
CYPF	21,054	23,361	(2,307)	38,527	40,218	(1,691)	(2,381)
Place	37,626	45,561	(7,936)	91,213	101,907	(10,693)	5,649
Housing	33,215	30,423	2,793	81,183	88,211	(7,028)	8,373
Highways	6,538	7,210	(672)	17,789	17,745	44	(3,370)
Communities	210	289	(79)	351	352	(2)	30
Resources	1,209	1,812	(602)	7,960	8,202	(242)	512
Corporate	15,287	15,287	-	30,574	30,574	-	-
<b>Grand Total</b>	<b>115,139</b>	<b>123,942</b>	<b>(8,803)</b>	<b>267,598</b>	<b>287,210</b>	<b>(19,612)</b>	<b>8,813</b>

## Capital Programme

### Capital Programme

	2015-16 £m	2016-17 £m	Future £m	Total £m
Month 5 Approved Budget	294.7	168.4	308.5	771.5
Additions	1.5	6.0	0.0	7.5
Variations	6.3	3.6	0.3	10.2
Slippage & Acceleration	-15.3	8.9	5.7	-0.7
Month 6 Approved Budget	287.2	186.9	314.5	788.5

4. The revised programme shows a net increase of £17m and reflects the approval of £5.6m of works for the Sheffield Retail Quarter city centre regeneration project, £5.4m additional spend on the BRT North project because of site contamination and the need to divert an unchartered sewer and a further £2.4m for the FA 3G Football Pitch project following agreement of an enlarged specification.

### Commentary

5. The Top 20 projects in the Capital Programme account for 71% of the current 2015/16 budget. The key variances for the forecast £19.6m shortfall against budget by the year end by project include:
- £9.1m re-profile of spending on the Sheffield Retail Quarter project to reflect the revised programme information.
  - £3.3m slippage on New Build Council housing – delayed following the original contractor becoming insolvent and the project being retendered. This report seeks approval to re-profile the project to the new delivery plan;
  - £2.7m of potential underspend on the remediation of the Don Valley Stadium as a result of savings being realised; and
  - £0.8m re-profiling of the purchase of ICT equipment for the new school at Don Valley.



Of the £8.8m shortfall in the year to date,

- £4.1m behind profile on the two new leisure centres at Graves and North Active but the slippage will be caught up and the centres will open on their projected dates. The profile is to be revised next month based on the latest contractor delivery programme.
- £3.2m behind on the New Build Council Housing for the reasons given above, and, £1.0m slippage on the Council House stock increase project;
- £2.2m delayed start on the Brookhill area improvements. The project has been delayed by a number of months awaiting commitments from partner organisations which have delayed the transfer of the scheme to the Council. Legal agreements are close to completion to enable this transfer to take place;
- £1.0m ahead of profiled spend on the SRQ;
- The Grey-to-Green project is £0.5m behind plan as a result of unchartered service diversions, contractor performance and the need to resolve some design issues during the works period;
- The Roofing programme is £7.9m ahead of plan following a good start on site by the selected contractors and an expanded programme of work.

The “Top 20” projects account for a net £1.9m (22%) of the £8.8m shortfall in the year to date. £6.9m (78%) of the shortfall is in the remaining 26% of the programme. Significant variances in this group include:

- £0.7m slippage in the demolition of Castle Market. Some of this relates to a forecast underspend and a delay in the progression of the works.
  - £0.5m slippage on the extension of Oughtibridge Primary School due to the new dining pod which is an additional phase of works and the budget will be re-profiled;
  - Arbourthorne redevelopment is £0.4m behind budget.
6. The remaining £5.4m variance is scattered across 150 other projects with the average variance being £38k.

## Approvals

7. A number of schemes have been submitted for approval in line with the Council's agreed capital approval process.
8. Below is a summary of the number and total value of schemes in each approval category:
  - 5 additions to the capital programme with a value of £1.7m.
  - 10 variations to the capital programme creating a net increase of £481k; and
  - 5 requests for slippage amounting to £4.2m.
9. Further details of the schemes listed above can be found in Appendix 5.1 and 5.2.

## Finance

### October 2015

Scheme Description	Approval Type	Value £000	Procurement Route
<b>THRIVING NEIGHBOURHOODS AND COMMUNITIES : -</b>			
<b>HOUSING PROGRAMME</b>			
<b>New Build Council Housing Phase 1</b>	Variation	250	Competitive tender followed by direct appointment by SCC after negotiation with 2 <sup>nd</sup> highest tender
<b>Stock Increase (CHS)</b>	Variation	-250	
<p>This project has slipped significantly due to the initial preferred contractor going into administration shortly before entering into the contract. The next best tender was above the CAF limit and so the Council has negotiated with that contractor and brought the price down within the original CAF limit.</p> <p>The effect of those negotiations was to delay the start on site to Nov 2015. It was originally scheduled for Mar 2015. The original completion date was Mar 2016 and is now expected to be Nov 2016, with some retention payments scheduled for 17/18. The reduction in price was achieved largely by a reduction in the house type footprints. The revised house types are of similar space standards to the Sheffield Housing Company (Phase 1).</p> <p>The original budget for spend in 2014/15 was £290k, due to the above delays only £40k was spent. This request is to retrospectively approve the slippage and reflect this in the funding source.</p> <p>This is also a request for slippage of £3,329m from 2015/16 to 2016/17 and £178k to 2017/18 to reflect the new contract and plan of work on the appointment of the new contractor.</p>	Slippage	3,508	

<p><b>Property Conversions</b></p> <p><b>HRA Block Allocation</b></p> <p>There are a number of properties across the City that are held by Housing Services which are unlet because they do not meet the Council's standards. Many are boarded / blocked up without windows/doors etc. The aim of the project is to carry out works to make these properties habitable for customers and increase the security and desirability of areas. This submission is for an additional £20k to add to the original approved budget of £150k for these works.</p> <p>This work went out to tender with the preferred tender £30k over the available budget. Analysis of the recommended bid shows an under estimation of the preliminary, overheads and contingency costs of £40k, while the measured term costs show a good level of accuracy with the tender returning costs £10k under budget. Construction market costs have also increased since the original estimates were calculated 12 months ago. A review of the cost information was completed following the return of the tenders and a saving of £10k was identified, this has reduced the shortfall to £20k</p> <p>The funding for this project comes from the Housing Revenue Account and the funds are held on block allocation Q00084 which has been submitted with this request.</p>	<p>Director Variation</p>	<p>20 -20</p>	<p>Competitive tender Contract award submitted with this variation</p>
<p><b>PARKS PROGRAMME</b></p>			
<p><b>Parkwood Springs Resolution Site</b></p> <p>The Parkwood Springs Resolution site is a closed landfill site which was previously operated by Sheffield City Council and now is maintained by the Parks and Countryside Service.</p> <p>The rubbish deposited in the tip decays and creates methane gas. In 2012 it was confirmed the ground gas management system was no longer operational and as a result</p>	<p>Addition</p>	<p>322.8</p>	<p>Quotes for Consultancy and other works  Specialised contractors for</p>

Appendix 5.1

<p>ground gas has now been detected at the surface at flammable and explosive concentrations, in close proximity to residential properties.</p> <p>This project is being delivered in a number of phases; Phase's 1 to 3 (Feasibility) are now complete and the costs for this will be charged to the capital project. The feasibility study recommended the installation of a new ground gas management system (phase 4 works). The outline design for this system includes the installation of 25 new ground gas wells which will be connected to a carrier network. A programme of gas monitoring will follow and this work will inform the end design to manage the gas (phase 5), i.e. if the gas is passively vented to atmosphere, actively vented to atmosphere or flared via a low calorific flare.</p> <p>Approval is now being sought to proceed with phase 4, which involves directly determining the Site's ground gas generating capacity and emissions and phase 5; end design (see above).</p> <p>The cost of phases 1 to 5 is £322.8k which will be funded from Corporate Resource Pool, provision having been made in the 2015/16 Capital Programme.</p> <p><b>Move More Running Routes</b></p> <p>As Sheffield is projected as "The Outdoor City" and attracts more people to experience its 'urban-outdoors' offer, there is a need to ensure the experience, of both visitors and residents, reflects the branding and reinforces this positive view. Local clubs and run groups will play an important role in supporting and encouraging people to start running and become more active.</p> <p>The aim of this project is to carry out improvements to the physical infrastructure. This will include the creation of simple maps and clear way-marked looped running routes linking urban locations to green spaces.</p>			<p>engineering works</p>
		<p>Addition</p>	<p>104.6</p>
			<p>Competitive Quotes, In-House and possible waiver for specialist work</p>

<p>Works involve erecting signage to provide information on the distance, difficulty and nature of the terrain to provide a network of varied routes across the city.</p> <p>The project will raise awareness of the options available, creating ease of access that encourages participation and progression from starter routes to more challenging run routes. The wide geographical spread of sites has been chosen to make facilities accessible to all demographics.</p> <p>It is envisaged, a total of 13 run routes will be delivered over 2 years (6 routes in year 1 and 7 in year 2).</p> <p>The project is being fully funded from a grant from England Athletics - for full funding details refer to Appendix 2.</p>			
<p><b>Lady Canning's Plantation</b></p> <p>Lady Canning's Plantation is a 49.43 ha conifer plantation on Ringinglow Road.</p> <p>In line with the Forest Design Plan, the plantation now requires thinning to ensure the remaining tree stock is healthy and becomes more valuable over time. A forest track is necessary to access the timber in the western half of the plantation, and remove the felled trees. The estimated cost of this is £50k.</p> <p>The project will be funded from a grant from the Forestry Commission of £29.5k and the remainder from timber sales of felled wood.</p> <p>There are funding risks associated with this project because of the grant conditions. However the Forestry Commission have given verbally indicated that it will be flexible to accommodate the project plan.</p> <p>The timber sales income is based on the extracted timber from the plantation and not</p>	Addition	50	3 Competitive Quotes

<p>expected to be received until the December 2016 (at the earliest).</p> <p>As part of the Great Place to Live Board approval, Parks have agreed to underwrite the funding risk if timber sales do meet the required values.</p>				
<p><b>CYPF PROGRAMME</b></p>				
<p><b>Gleadless Primary Rebuild</b></p>				
<p>This project was set up to design new Infant and Junior blocks at the existing Gleadless Primary School site and to carry out refurbishment works at the new Infant and junior blocks.</p> <p>The school exists on a split site, separated by a main road. The Infant site has significant condition issues to address and it was proposed to accommodate the infants in the junior block and to build a new junior block (adjacent to the current junior block) on the Junior site.</p> <p>This variation seeks approval for an additional £910k of expenditure due to scheme changes to include refurbishment and extension to the existing school as agreed by the service. The specification changes will delay completion into 2016-17 and approval is sought to slip £1.24m of expenditure into 2016/17.</p>	<p>Variation &amp; Slippage</p>	<p>910 -1,237</p>	<p>YORbuild Framework, however a full competitive tender process to be was considered should YORbuild not produce a suitable tender list or timescales.</p>	
<p>The project is to be funded from the DFE (Department of Education) Capital Maintenance Block Allocation grant, taking the total cost from £2.3m to £3.21m.</p> <p><b>Capital Maintenance Block Allocation</b></p>	<p>Variation</p>	<p>-910</p>	<p>N/A - Variation</p>	
<p>This request is to apply £910k funding to fund the cost increase on the Gleadless Primary Rebuild project as noted above. This applies the same source of funding as used on the original project.</p>				

<p><b>Hallam Reconfiguration</b></p> <p>This project was set up to reconfigure and redesign buildings at Hallam Primary School. The initial works were to include feasibility, demolition of the existing infant block, provision of a 900m<sup>2</sup> additional classroom block and external works to create 90 additional pupil places by December 2015.</p> <p>The project, which currently stands at £3.6m, was previously varied by £579k to cater for the result of the tender return, to include an additional construction road and redesign of the kitchen area, as well as to slip £379k from 2014-15 into 2015-16 due to planning requirement delays. However, since then, routine ground works have identified part of the site to contain landfill waste, which was not initially identified as part of the feasibility works, as the area affected is not around the building works, but around the access road. Accordingly, this variation is to request additional funding to cover the costs of removal of the landfill waste, to be funded from the Basic Need Block Allocation the same source as the original work, and to approve slippage as a result of the extra work.</p>	<p>Variation &amp; Slippage</p>	<p>873.2 -883.6</p>	<p>N/A –Variation, with additional works being sub-contracted by existing contractor</p>
<p><b>Basic Need Block Allocation</b></p> <p>This request is to apply £873.2k funding to the Hallam Reconfiguration project as noted above. This application ensures the continued use of the same funding source for the increased costs due to waste removal as was applied to the original project.</p>	<p>Variation</p>	<p>-873.2</p>	<p>N/A - Variation</p>
<p><b>Don Valley School</b></p> <p>This project was initially approved to allow for the construction of a new school on the former Don Valley Stadium site.</p> <p>This request is to vary the budget to allow for a revision to the ICT costs and to request slippage of £763k from 2015/16 to re-phase expenditure into future years up to March 2022, without affecting the overall approved budget of £16.7m.</p> <p>The work is funded, as before, from Department for Education Targeted Basic Need and Basic Need allocations.</p>	<p>Slippage</p>	<p>-763.0</p>	<p>N/A -Slippage</p>



<b>IN TOUCH ORGANISATION :-</b>				
<b>RESOURCES PROGRAMME</b>				
<b>Primary Maintenance Emergency Works</b>	Variation	450	N/A - Variation	
<p>This project was set up to cover unforeseen and unexpected buildings issues not arising from planned expenditure, providing schools with reassurance if sudden and unexpected failures of plant or building fabric occur through no direct fault of the school. It also covers uninsured elements of insurance claims arising due to exceptional weather conditions.</p> <p>This request is for a variation to add an additional £450k to the project, being funded from a drawdown against the DfE (Department for Education) Capital Maintenance block allocation grant.</p>				
<p><b>Aldine House Heating</b></p> <p>The project already has approval for a feasibility study to look at installing a replacement heating system at Aldine House Secure Accommodation Home, following condition surveys that have identified the need for investment to replace unreliable and end-of-life mechanical installations to maintain business as usual and prevent building closure. This will support the facility's ability to continue to successfully operate as a secure home on a commercial basis.</p> <p>This request is to increase expenditure by £195k to move the project on to build stage, with £100k of the cost being funded by a new Department for Education (DfE) grant and the remaining £95k to be funded by the Capital Maintenance Block Allocation grant funding.</p>	Variation	195		Competitive Tender

<p><b>Capital Maintenance Block Allocation</b></p> <p>This request is to apply funding to the following projects, as noted above:</p> <ul style="list-style-type: none"> <li>• Primary Maintenance Emergency Works: £450k.</li> <li>• Aldine House Heating £95k (£195k total project variation -£100k DFE Grant funding).</li> </ul>	<p>Variation</p>	<p>-545</p>	<p>N/A - Variation</p>
<p><b>Carbrook UrbanTraffic Control Relocation</b></p> <p>The Council is undertaking a significant programme to rationalise its office accommodation space to reduce its running costs. The Carbrook site is to be emptied and sold which will require the relocation of the Urban Traffic Control Centre to other Council buildings. The UTC uses sophisticated IT software and hardware to control the traffic lights and helps manage traffic flows across the city. Consequently some specialist contractors will be engaged to move the equipment.</p> <p>The accommodation costs are estimated at £500k and the IT works are estimated at a further £200k. Cabinet has already authorised £100k for this project to undertake the long lead time IT works. The move should be complete by the end of the financial year.</p>	<p>Variation</p>	<p>600</p>	<p>Open tender for accommodation works and waiver for specialist IT related works</p>
<p><b>STRONG ECONOMY:-</b></p>			
<p><b>M1 Gateway Public Art Project</b></p> <p>In recognition of the significance of the Tinsley Cooling Towers to the City of Sheffield, EON UK Ltd pledged £0.5m to Sheffield City Council for a public art project on the former site, other project funding includes £65k S106. The project is to create a major work of public art that will be part of the regeneration of the Blackburn Meadows / Tinsley Locks</p>	<p>Slippage</p>	<p>240</p>	<p>n/a</p>

<p>area.</p> <p>Due to delays in the procurement element of the project, approval is being sought to slip £240k into future years, as per table below:-</p> <table border="1" data-bbox="467 1052 792 1898"> <thead> <tr> <th></th> <th>2015/16</th> <th>2016/17</th> <th>2017/18</th> <th>Total Approved</th> </tr> </thead> <tbody> <tr> <td><b>Approved Budget</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Third Party Contributions</td> <td>185.3</td> <td>185</td> <td></td> <td>370</td> </tr> <tr> <td>2014/15 Slippage</td> <td>109.5</td> <td></td> <td></td> <td>110</td> </tr> <tr> <td>2015/16 Slippage</td> <td></td> <td></td> <td>0</td> <td>0</td> </tr> <tr> <td>S106</td> <td></td> <td>65</td> <td></td> <td>65</td> </tr> <tr> <td><b>Total</b></td> <td><b>294.8</b></td> <td><b>185</b></td> <td><b>65</b></td> <td><b>544.8</b></td> </tr> </tbody> </table> <table border="1" data-bbox="829 1052 1084 1898"> <thead> <tr> <th></th> <th>2015/16</th> <th>2016/17</th> <th>2017/18</th> <th>Total Approved</th> </tr> </thead> <tbody> <tr> <td><b>This Slippage Approval</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Third Party Contributions</td> <td>60</td> <td>125</td> <td></td> <td>185</td> </tr> <tr> <td>2014/15 Slippage</td> <td>54.8</td> <td>54.7</td> <td></td> <td>109.5</td> </tr> <tr> <td>2015/16 Slippage</td> <td>185.3</td> <td></td> <td></td> <td>185</td> </tr> <tr> <td>S106</td> <td></td> <td>65</td> <td></td> <td>65</td> </tr> <tr> <td><b>Total</b></td> <td><b>54.8</b></td> <td><b>300</b></td> <td><b>190</b></td> <td><b>544.8</b></td> </tr> </tbody> </table> <table border="1" data-bbox="1117 1052 1154 1898"> <tbody> <tr> <td><b>Variance</b></td> <td>-240</td> <td>115</td> <td>125</td> <td>0</td> </tr> </tbody> </table>		2015/16	2016/17	2017/18	Total Approved	<b>Approved Budget</b>					Third Party Contributions	185.3	185		370	2014/15 Slippage	109.5			110	2015/16 Slippage			0	0	S106		65		65	<b>Total</b>	<b>294.8</b>	<b>185</b>	<b>65</b>	<b>544.8</b>		2015/16	2016/17	2017/18	Total Approved	<b>This Slippage Approval</b>					Third Party Contributions	60	125		185	2014/15 Slippage	54.8	54.7		109.5	2015/16 Slippage	185.3			185	S106		65		65	<b>Total</b>	<b>54.8</b>	<b>300</b>	<b>190</b>	<b>544.8</b>	<b>Variance</b>	-240	115	125	0			
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<p><b>Botanical Gardens Education Centre</b></p> <p>The Botanical Gardens Trust has approached the Council to offer funds to replace the existing wooden building with a new purpose built sustainable structure. The replacement</p>	Addition	636	Waiver for the Design element. Full competitive tender for the																																																																											

Appendix 5.1

<p>building will offer a much improved environment in which children can study nature. Future running costs are estimated to be no more than today because of the improved energy efficiency of the new building. The outline design has already been commissioned by the Trust. The project will be wholly funded by the donation from the Trust and contained within the gift by value engineering if tenders are above the approved sum. The building is expected to open in mid to late 2016.</p>			building works
<p><b>OLP Infrastructure</b> The Council has committed to providing a site for the Don Valley University Technical Centre (UTC) which has all the necessary utilities. This is in line with the Department of Education guidelines for providing a new school site. The work will be undertaken by the UTC's building contractor, BAM and capped at the lower of £303k or the actual cost. Funding will be from the Corporate Resource Pool.</p>	Addition	293.5	Waiver to engage the UTC Contractor
<p><b>OLP Infrastructure Public Realm</b> The OLP site is now remediated and ready for new developments which will include the Advanced Well Being and Research Centre, school, UTC and other sports related facilities. These individual buildings will be linked by a public realm (roads and footways) and require the provision of utility services. It is more cost effective to provide this in one building project rather than constructing this in a piecemeal way. The cost of the works is estimated at £4m and this scheme will prepare a feasibility analysis for potential designs. The project will be funded in the first instance by the Corporate Resource Pool.</p>	Addition	125.5	Waiver and in-house design

Appendix 5.2

Grant Awarding Body	Name of the Grant	Project to be funded by the Grant	Conditions and Obligations	Value £000
Forestry Commission	English Woodlands Grant Scheme (EWGS)	Peak Park Woodland Estate – Lady Canning’s Plantation	<p><b>Main Conditions</b>            The Forestry Commission grant is £29,589. Works must be completed and claimed by 30 Sept 15. If we stop occupying the land and the work is not successful for the remainder of the contract period (30 years) we are liable to repay any grant received together with interest set by HM Treasury.            Changes to the approved work must be agreed in advance, in writing or by e-mail.            Any promotional material must acknowledge the grant aid received from the Forestry Commission.            The award may be terminated if we do not keep to any of the conditions of the contract.</p> <p><b>Claw back</b>            If we do not carry out the work to the standards and timescales set out in the grant Terms &amp; Conditions, the funder may withhold payment of grant or ask us to repay the grant, with interest.</p> <p><b>Risks</b>            The Terms &amp; Conditions state that works must be completed and claimed in advance of 30 Sept 15. The funder has indicated that this may be extended to 31 Dec 15 but SCC is still awaiting formal confirmation of this position.</p>	30

Appendix 5.2

			<p>Current timber prices have been used to calculate the revenue to be generated from timber sales. Any reduction would create a revenue risk for 16/17. To mitigate this risk, it is proposed that more thinning would be carried out to cover the shortfall.</p> <p>The thinning can't begin until Autumn 2016 therefore the payment from timber sales is not expected to be received until Dec 16. There is a risk that if the thinning schedule slips the income may not be received in 16/17.</p> <p>If the Forestry Commission grant is not forthcoming the Service have agreed to absorb the resultant revenue pressure.</p>	
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<p>England Athletics – HM Exchequer as part of the Department of Culture, Media &amp; Sport investment</p>	<p>England Athletics WSP Capital Fund</p>	<p>Move More Running Routes</p>	<p><b><u>England Athletics: Funding Analysis</u></b></p> <p>SHU £15,000</p> <p>England Athletics <u>£12,000</u></p> <p><b>Total: Grant paid to Partners £27,000</b></p> <p>SCC : Capital (Yr 1): £44,583</p> <p>SCC : Capital (Yr 2): <u>£60,040</u></p> <p><b>Total: Grant paid to SCC <u>104,623</u></b></p> <p><b>Total : England Athletics Grant £131,623</b></p> <p>Add: Capital Match <u>£18,715</u> (SCC in kind)</p> <p>Total: Project Funding <b><u>£150,338</u></b></p> <p><b><u>Main Conditions</u></b></p> <ul style="list-style-type: none"> <li>• SCC has 28 days from receiving the Award Offer Letter (Year 1) to accept the grant.</li> <li>• The funding for year one must be spent on works complete before 31<sup>st</sup> March 2016.</li> <li>• Project must start on site within six months of the date of</li> </ul>	<p>105</p>
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			<p>the Award Offer &amp; be completed within 18 months of the date of the Award Offer Letter.</p> <ul style="list-style-type: none"> <li>• The award cannot be used to pay for any commitments made before date of the Award Agreement (1<sup>st</sup> October 2015).</li> <li>• The Award may be terminated if SCC does not keep to any of the conditions of the contract/award.</li> <li>• The £18,715 of in kind match funding is for SCC Officer time and will need to be evidenced.</li> </ul> <p><b><u>Claw back</u></b> If the terms &amp; conditions are not met SCC may have to pay back all or part of the Award.</p> <p><b><u>Risks</u></b> The Terms &amp; Conditions state the funding must be spent on works complete before 31.03.16.</p> <p><b><u>Revenue Implications</u></b> No additional revenue budget funding has currently been identified to fund the longer term maintenance costs. Economies of scale via the purchase of equipment in advance are anticipated to contribute to the longer term maintenance costs. A detailed analysis of the savings from this source will</p>
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**Appendix 5.2**

	<p>need to be provided by the Portfolio and reviewed by Finance. In addition existing park and countryside site staff will monitor conditions as part of their routine half yearly checks. The extent to which this will contribute to additional maintenance costs and the impact on the revenue position remains to be determined.</p>	
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## CORPORATE RISK REGISTER

This Appendix provides a brief overview of the main financial risks facing the Council in 2015/16. A more detailed schedule of these risks will be monitored by the Executive Management Team to ensure that the risks are mitigated.

### Corporate Risks

#### 2015/16 Budget Savings & Emerging Pressures

1. There will need to be robust monitoring in order to ensure that the level of savings required for a balanced budget in 2015/16 are achieved, especially given the cumulative impact of £300m of savings over the last five years (2011-16), and furthermore the backdrop of continuing reductions in Government grant from 2016/17 onwards.
2. Whilst preparing the budget 2015/16, officers identified numerous pressures which, if left unchecked, could lead to significant overspends in 2015/16 and beyond. The following pressures have been highlighted because they present the highest degree of uncertainty.

#### Capital financing costs

3. Corporate savings of £3.4m from capital financing costs have been offered up to help balance the 2015/16 budget, on the assumption that market conditions will not be materially different to those assumed in the approved Treasury Management Strategy.
4. The Council currently maintains a substantial but prudent under borrowed position to help support the revenue budget and mitigate residual counterparty default risk on cash investments. In operating with an under borrowed position the Council exposes itself to interest-rate risk. Recognising this, Treasury maintain a regular dialogue with the Director of Finance and the Executive Director of Resources to monitoring the risk and review mitigation opportunities.

#### Business Rates

5. Following the advent of the Government's Business Rates Retention Scheme in April 2013, a substantial proportion of risk has been transferred to local government, particularly in relation to appeals, charitable relief, tax avoidance, hardship relief and negative growth. The issue of appeals dating as far back as the 2005 rating list is the greatest risk causing concern across all authorities.

6. As at 30<sup>th</sup> June 2015, there were properties with a rateable value of approximately £175m under appeal in Sheffield. On the 30<sup>th</sup> September 2015 new government legislation was introduced to cut off any further backdated appeals prior to the 31st March 2015. The impact of this announcement resulted in 1140 new claims being made in March 2015. In addition, a significant national appeal is under investigation for Virgin Media which would have a significant impact for Sheffield.
7. Due to the uncertainty around these factors a prudent provision was taken during 2014/15 to mitigate the loss of income as a result of successful appeals. Actual trends on appeals will be monitored in year, with any revised estimates of the impact of appeals forming part of the 2016/17 budget process. The risk from appeals will be significantly lower in future years once the backdated element has been finalised.

#### Implementation of savings proposals

8. The risk of delivering savings in 2015/16 in specific areas such as adult social care and waste management is considerable, given that the Communities and Place portfolios overspent by £2.0m and £967k respectively in 2014/15. To mitigate this, officers are working on the safe and legal implementation of budget proposals by:
  - Ensuring that there is a thorough understanding of the impact of proposals on different groups and communities, including undertaking Equality Impact Assessments for budget proposals and discussed with Cabinet Members
  - Carrying out appropriate, meaningful consultation activity with affected communities and stakeholders, and ensuring that where the proposal affects a supplier or provider, that they undertake appropriate consultation and equalities work with service users.
  - Discussing budget proposals with affected members of staff in advance of them being made public, and putting in place MER processes where required, in consultation with HR.

#### One-off funding

9. There is a significant risk about the high level of one-off funding and reserves to balance the budget, particularly with regard to the Better Care Fund. At £9.3m, this is the highest level of one-off funding that the Council has had to use in recent years. However, officers will continue to work with colleagues at the CCG to find more sustainable ways to generate the required level of savings or income, by the end of this financial year and throughout next year so that real savings are identified to replace the one-off use of resources.

## **Medium Term Financial Position**

10. The Finance Settlement for local authorities for 2016/17 and beyond will be affected by the outcome of the Spending Review in November 2015. The recently published and revised Medium Term Financial Strategy 2016-21 identified that the current indicative savings target for 2016/17 to be £5.4m, but is still subject to review. Within this target is an assumption of an RSG reduction in the order of 20% per annum.
11. The Council's financial position is significantly determined by the level of Business Rates and Council Tax income. Each of these may be subject to considerable volatility and will require close monitoring and a focus on delivering economic growth to increase our income and on delivering outcomes jointly with other public sector bodies and partners.

## **Pension Fund**

12. Bodies whose Pension liability is backed by the Council are likely to find the cost of the scheme a significant burden in the current economic context. If they become insolvent the resulting liability may involve significant cost to the Council.
13. As at March 2013 the triennial review for pensions highlighted the total liability underwritten by the Council for external bodies was £9.3m. However more up to date information from the pension fund seems to suggest that these liabilities may have increased as a result of universally low bond yields in the fund. The full liability will not be known until March 2016 when the next triennial review is complete.

## **Economic Climate**

14. There is potential for current adverse economic conditions to result in increased costs (e.g. increased homelessness cases) or reduced revenues.
15. The Council seeks to maintain adequate financial reserves to mitigate the impact of unforeseen circumstances.

## **External Funding**

16. The Council utilises many different grant regimes, for example central government and EU. Delivering projects that are grant funded involves an element of risk of grant claw back where agreed terms and conditions are not stringently adhered to and evidenced by portfolios. In order to minimise risk strong project management skills and sound financial

controls are required by Project Managers along with adherence to the Leader's Scheme of Delegation to approve external funding bids.

17. As SCC funding reduces, portfolios are increasingly seeking out new sources of external funding, both capital and revenue. EU funding contracts have more complex conditions, require greater evidence to substantiate expenditure claims and are less flexible on timescales and output delivery targets. This increases the inherent risk in projects which are EU funded. Furthermore as the Council reduces its staff resources a combination of fewer staff and less experienced staff increases the risk of non-compliance with the funding contract conditions and exposes the authority to potential financial claw back.
18. Moreover, the pressure on the General Fund means that Service Managers are forced to seek more external funding such that the general level of risk associated with grants is increasing because of the additional workload this creates amongst reduced and potentially inexperienced staff.

### **Treasury Management**

19. The Council has been proactively managing counter-party risk since the credit crunch of 2008. Counterparty risk arises where we have cash exposure to bank and financial institutions who may default on their obligations to repay to us sums invested. Counterparty risk has somewhat diminished over the last financial year as banks have been obliged to improve their capital funding positions to mitigate against future financial shocks. The Council is continuing to mitigate counterparty risk through a prudent investment strategy, placing the majority of surplus cash in AAA highly liquid and diversified funds.
20. As part of the 2015/16 budget process, we have developed the Treasury Management and Investment Strategies; which was based on discussions with members and senior officers about our risk appetite. This will include a review of our counter-party risk to ensure it is reflective of the relative risks present in the economy without being unduly conservative for the improving UK economic position.
21. The Council is also actively managing its longer term need for cash. Cash flow requirements show that the Council will require new borrowing in the coming years to finance capital investment. With interest-rates expected to rise from their current historic lows the Council is remaining vigilant to interest-rate risk, and will draw down loans in a timely manner to mitigate against borrowing costs rising above our target rates.

22. Over the final quarter of 2014/15 we successfully move to Barclays Bank following the withdrawal of Co-op Bank from the Local Authority banking market. Our relationship with the Co-op effectively ended at the end of March 2015, except for a specific contract to take payments over counters at Post Offices and Pay Point outlets.
23. PCI DSS Compliance is a mandatory requirement of all organisations taking payments via Debit & Credit cards and is aimed at ensuring security of customer card data. We are currently non-compliant and as well as incurring circa £3-4k in additional transaction charges we potentially face unlimited fines in the event of a security breach. Officers are urgently pursuing actions to improve compliance.

### **Welfare Reforms**

24. In April 2013, the government began to introduce changes to the Welfare system, which have had and will continue to have a profound effect on Sheffield residents including council taxpayers and council house tenants. The cumulative impact of these changes is significant. They include:

- **The Abolition of Council Tax Benefit:** replaced with a local scheme of local Council Tax Support from April 2013. The Council approved the replacement scheme, based on the reduced funding available from Government, and set up a hardship fund in January 2013, but there are risks to council tax collection levels and pressures on the hardship fund which are being closely monitored.
- **Housing Benefit Changes:** The Government has introduced various changes to the Housing Benefit System since 2013. These changes aim to reduce the level of benefit paid and hence potentially impact on recipient's ability to pay rent and council tax. Consequently there may be an adverse impact in the level of arrears.
- **Introduction of Universal Credit:** The planned roll out for new single claimants in Sheffield is to take place in early 2016. The timeline for existing claimants move to UC is still uncertain. The biggest potential impact is on HRA and collection of rent. Support towards housing costs is currently paid through housing benefit direct to the HRA; in future this will be paid through UC direct to individuals. This will potentially increase the cost of collection and rent arrears. There will also be an impact on the current contract with Capita and internal client teams. Recent reports also suggest the UC IT system has stability issues which may add to the risks already identified.

## **Children, Young People and Families Risks**

### **Education Funding**

25. In 2015/16 it is currently anticipated that 9 of the Council's maintained schools could become independent academies (9 primary). However, the Government has recently announced new legislation on academy conversion and this could increase this number. Schools are entitled to receive a proportion of the Council's DSG which schools forum have decided can be de-delegated back to CYPF to fund central services. Academies can on conversion choose whether to buy into those services thus creating a potential funding gap. Based on academy conversions to date:

- up to £5m has now been deducted from the Council's DCLG funding, under the new Education Services Grant (ESG), and given to academies. Currently around £3.3m is still at risk if all schools choose to convert with the council retaining only £1.1m for retained duties only.
- Up to £500k could be at risk to centrally funded services should Academies choose not to buy back those services funded from de-delegated DSG from the local authority.

26. If an academy is a sponsored conversion then the Council will have to bear the cost of any closing deficit balance that remains in the Council's accounts. In 2015/16 this cost to the Council is estimated at around £300k and remains a risk for any future conversions.

### **Communities Risks**

#### **NHS Funding Issues 2015/16**

27. The Better Care Fund became fully operational on 1 April 2015, bringing together health and social care expenditure across Sheffield. The programme aims to shift pressures and resources from hospital and social care nursing and residential homes to community settings over the medium to longer term. This is supported by a couple of joint initiatives that will help keep people well within the community, first of all the additional £1.0m funding made available through the Transformation Challenge Award. Secondly the re-tendering for the Integrated Community Equipment Service resulted in a contract being awarded to the British Red Cross, which commenced on 1 July 2015. This contract pools around £2.9m of budgets for community equipment.



28. In 2014/15 monitoring of a shadow budget took place to determine the amounts expended both within the Sheffield Clinical Commissioning Group (CCG) and the Council. The 2015/16 Better Care Fund for Sheffield has an agreed baseline of £270.5m, of which the contribution by the Council is £105.0m, after pressures and savings. This takes into account of CCG funding of £12.4m, provided to support integration. Additionally there is a further £3.5m of capital expenditure available within the Better Care Fund.
29. The Fund is underpinned by a Section 75 agreement signed by both parties, which sets out how the agreement will operate. This agreement sets out the level of funding to be provided in the first year by each party. It also sets out how any under or over spends are to be handled for each section within the overall Fund.
30. As part of the overall requirement to balance the Council's budget for 2015/16, we assumed that £9.3m would be made available through a combination of additional BCF savings and/or funding transfers from the NHS, to be used to reduce the Council's overall budget gap. There is however a significant risk in relation to this and discussions with CCG continue to be ongoing. It is assumed at this stage that the Council will secure £5m of funding from the NHS. A key recommendation of the EMT Report was to match this assumed £5m contribution from the NHS with £4.3m of one-off funding principally from the Council's reserves. This would, on a one off basis, mean that Adult Social care is held at cash standstill in 2015-16 after savings and pressures have been taking into account.
31. A 2-year plan is required, however, to ensure that these one-off funds can be replaced by more sustainable proposals from the Better Care Fund or Health: this £9.3m is not sustainable within the SCC budget. There will have to be a re-assessment of options once the 2016-17 funding cuts from Government are known.

## **Place**

### **2015/16 Revenue Budget savings**

32. The Portfolio intends to achieve its target savings in 2015/16 and 2016/17 by reducing the cost of the Streets Ahead Programme and waste management contracts as well as seeking savings in the South Yorkshire Passenger Transport Levy. The portfolio faces a significant

challenge in re-negotiating the contract payments which if not achieved will require compensating savings in other services.

### **Electric Works**

33. The running costs of the business centre are not covered by rental and other income streams. The approved business plan set-aside contingency monies to cover potential deficits in its early years of operation which has now been fully utilised. From 2015/16 onwards, responsibility for Electric Works is being transferred to the Place portfolio. The risk of covering any potential deficit for 2015/16 has been addressed as part of Place's business planning process to the value of 200k. The forecasted deficit is lower than the budgeted deficit.

### **Housing Revenue Account Risks**

#### **Housing Revenue Account (HRA)**

34. There are a number of future risks and uncertainties that could impact on the 30 year HRA business plan. As well as the introduction of Universal Credit, outlined elsewhere in the report the Government has recently announced a number of further changes in the July 2015 Summer Budget Statement and Welfare Reform and Work bill. These include a revision to social housing rent policy, which will reduce rents for the next four years. This will have a considerable impact on the resources available to the HRA Business Plan. In addition, the Governments "Pay to Stay" policy announcement and other changes to Housing benefits will impact on both tenants and the HRA business plan. Work is currently underway to assess the financial impact of these. Other identified risks to the HRA are:

- **Interest rates:** fluctuations in the future levels of interest rates have always been recognised as a risk to the HRA.
- **Repairs and Maintenance:** existing and emerging risks within the revenue repairs budget include unexpected increased demand (for example due to adverse weather conditions).

### **Capital Programme Risks**

#### **Capital Receipts and Capital Programme**

35. Failure to meet significant year on year capital receipts targets due to reduced land values reflecting the depressed market and the impact of

the Affordable Housing policy. This could result in over-programming / delay / cancellation of capital schemes.

### **Housing Regeneration**

36. There is a risk to delivering the full scope of major schemes such as Parkhill because of the severe downturn in the housing market. This could result in schemes 'stalling', leading to increased costs of holding the sites involved.

### **Olympic Legacy Park**

37. The Council supports the development of the Olympic Legacy Park to regenerate the Lower Don valley. Some parts of the infrastructure need private party or external funding to realise the vision. There is a very tight timescale to meet in order that the educational facilities can be operational in time for the academic year. If the funding cannot be put in place in time, the Council may have to step in with funding which will place additional strain on the funding of the programme.

### **Bus Rapid Transit (BRT) North**

38. The project is significantly over budget and a year behind schedule due to the discovery of asbestos on land which was previously thought to have been decontaminated, and, an unchartered sewer which has had to be relocated. The latest estimate of the unfunded spend is £6.5m. A number of options are being pursued, including applying for additional grant funding, litigation against those at fault and allocation of anticipated future planning related development fees.

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